

EXHIBIT IV-C.3

HUD 8 STEP PROCESS

Decision Making Process Under 24 Cfr 55.20 And Executive Order 11988

Project Name: Red Rock Square II _____

Project/Contract #: MWF Red Rock Square II

Grantee/Jurisdiction/Agency: Washington County CDA/Washington County MN

Preparer's Name: Angie Shuppert

Preparer's Phone Number: 651-379-9551

Date Completed: 9/22/2023

STEP 1—Determine if the proposed action/project is located in a 100-year floodplain/wetland.

Attach the FEMA Flood Insurance Rate Map (FIRM) and complete the following:

Map Panel and Date of Map Panel: 0319E / February 3, 2010 _____

Flood Zone for Proposed Project Site: Zone X _____

Executive Order 11988 requires the project sponsor to evaluate all available options prior to deciding to put federally funded assets into an at-risk flood zone. If the proposed project is located in a regulated floodplain area, provide the necessary documentation which shows that development in a floodplain is the only viable option.

STEP 2—Involve the public in the decision-making process.

Publish the Early Public Notice

(See "Sample Early Notice" below)

The Early Public Notice is a notice of the proposal to consider an action in a floodplain/wetland. The notice must be published in a newspaper of widest circulation. A required minimum 15-day comment period begins the day after publication. Indicate if any comments were received. If the Responsible Entity (RE) receives any written comments, the RE must respond in writing, resolve any issues, and attach copies.

Attach a copy of the notice and affidavit of publication to this form.

Name of Newspaper: Stillwater Gazette

Date of Publication: 8/4/2023-8/21/2023

Were any comments received in writing? Yes No

(If Yes, attach all correspondence.)

STEP 3—Evaluate alternatives to locating the proposed action in a floodplain.

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Explain in detail each of the following to determine if the floodplain and/or wetland can be avoided:

a. Identify and explain if alternative sites suitable for the project exist outside the floodplain/wetland:

The project team significantly altered the project's design to avoid any adverse impacts to the wetlands. Instead of two separate buildings, there will now only be one building located as far away from the wetlands as is feasible. The parking lot was also re-oriented to avoid impacting the wetlands. The result of these changes is a site design that will not adversely impact the wetlands and will meet the wetland buffering requirements set-forth by the South Washington Watershed District.

(Include other sites and/or buildings and the No Action Alternative.)

b. Identify and explain if feasible alternative actions/methods may be used to fulfill the identical project objective:

The project team significantly revised the project's design to avoid adversely impacting the wetlands. HUD reviewed the civil drawings and recommended changes which were incorporated.

(Can different or modified actions with less chance for impact be used to fulfill the same project?)

c. Identify and explain if threats to lives and property and/or adverse impacts to the floodplain/wetland outweigh the benefits of the proposed project:

The proposed project will not pose any threats to lives or property and will not adversely impact the wetlands.

(Explain if impacts are too severe to human and natural environments to complete the project.)

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STEP 4—Identify indirect and direct impacts associated with occupying or modifying the floodplain/wetland.

If the RE determines the practicable alternative for the project/action is occupying or modifying the floodplain/wetland, then impacts to lives and properties and impacts to floodplains and/or wetlands must be identified.

If the RE determines an alternative site for the project exists out of the floodplain/wetland, project activities may still have an impact on the nearby floodplain/wetland and must also be identified to determine ways to minimize harm.

Explain in detail how the project/activity will affect the floodplain/wetland regarding the following types of impacts:

a. Positive or beneficial impacts to the floodplain/wetland, both direct and indirect, short-term and long-term:

The project-site contains small amounts of contaminated soils that will be properly excavated and removed from the project-site following the MPCA's best management practices. Removing these contaminants has the ability of improving the surface water run-off of the site which thereby could improve the quality of the waters and wetlands in the surrounding areas.

b. Negative or harmful impacts to the floodplain/wetland, both direct and indirect, short-term and long-term:

The project team does not foresee any negative or harmful impacts to the nearby wetlands. The project was redesigned to avoid any adverse impacts to the wetlands. The project will meet the rules and regulations set forth by the South Washington Watershed District.

c. Explain if the project encourages development in the floodplain wetland:

The project does not encourage development in the floodplain wetland.

STEP 5—Identify mitigation measures to minimize impacts to and preserve benefits of the floodplain/wetland.

a. Explain how actions will be designed and/or modified to minimize harm to, or within, the floodplain/wetland:

The original project design contained two separate buildings, one of which was completely within the newly discovered wetland. Rather than significantly impacting the wetland, the project team decided to alter the project's design to avoid the wetland altogether. The redesigned project removed the building that was within the wetland and altered the footprint and parking of the remaining building to avoid any adverse impacts to the wetland. The new design maintains a minimum 25ft buffer and average 50ft buffer between the wetlands and the improvements. This buffering meets the rules and regulations set forth by the South Washington Watershed District. The new design will not adversely impact the wetlands.

b. Explain how actions will be designed and/or modified to restore and/or preserve as much of the natural and beneficial floodplain/wetland values as possible:

See answer to 5a above. The project was redesigned to preserve all the wetlands.

STEP 6—Re-evaluate alternatives identified in Step 3. Take into account all identified impacts and mitigation measures.

a. Explain whether it is possible to modify or relocate the project activity and why:

See answer to 5a above. The project was redesigned to avoid any adverse impacts to the surrounding wetlands. So, yes, it was possible to modify the project and the project team did modify the project.

b. If there are no alternatives, explain why the project/activity should occur. Consider impacts determined in Step 4 and minimization efforts identified in Step 5.

N/A – alternative project design was undertaken by the project team.

STEP 7—If re-evaluation results in no practicable alternative to relocate the project out of the floodplain/wetland, the decision must be made public.

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Publish the Notice of Explanation

(See "Sample Final Notice" below)

The notice must be published in a newspaper of widest circulation. A required minimum 7-day comment period begins the day after publication. Indicate if any comments were received. If the RE receives any written comments, the RE must respond in writing, resolve any issues, and attach copies.

Attach a copy of the notice and affidavit of publication to this form.

Name of Newspaper: Stillwater Gazette

Date of Publication: September 29, 2023

Were any comments received in writing? Yes No

(If Yes, attach all correspondence.)

STEP 8—Implement the Project with the appropriate mitigation.

Project implementation can only proceed provided compliance has been demonstrated with respect to all of the prior steps and provided the project has been approved by the State in accordance with HUD regulation 24 CFR 58.

The RE has a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented. Mitigation measures must be incorporated, as appropriate, in project contracts and all related agreement documents.

Additional Information/Explanations:

Attachments: Civil drawings and South Washington County Watershed Approval