TIER I ENVIRONMENTAL REVIEW RECORD
BERTIE COUNTY HOUSING RECOVERY PROGRAM

PREPARED FOR:
NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT

PREPARED BY:
IEM

AND
TETRA TECH, INC.

AUGUST 2018
TIER I ENVIRONMENTAL REVIEW RECORD:
BERTIE COUNTY HOUSING RECOVERY PROGRAM

<table>
<thead>
<tr>
<th>Responsible Entity</th>
<th>North Carolina Department of Commerce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certifying Officer</td>
<td>George Sherrill</td>
</tr>
<tr>
<td>Program Name</td>
<td>Rebuild NC: Bertie County Single Family Housing Recovery Program (1-4 Units)</td>
</tr>
<tr>
<td>Federal Agency</td>
<td>U.S. Department of Housing and Urban Development (HUD)</td>
</tr>
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<td>Project Locations</td>
<td>Scattered locations throughout Bertie County</td>
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<tr>
<td>Estimated Total Program Cost</td>
<td>$725,000 estimated for allocation to Bertie County</td>
</tr>
<tr>
<td>Grant Recipient</td>
<td>State of North Carolina</td>
</tr>
<tr>
<td>Recipient Address</td>
<td>4346 Mail Service Center, Raleigh, NC 27699-4346</td>
</tr>
<tr>
<td>Program Representative</td>
<td>Iris Payne, Program Director</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>919-814-4663</td>
</tr>
<tr>
<td>Conditions for Approval</td>
<td>See Attachment 1 following and Section 4.0</td>
</tr>
</tbody>
</table>

FINDING [58.40(g)]

☒ Finding of No Significant Impact
(The project will not result in a significant impact on the quality of the human environment)

☐ Finding of Significant Impact
(The project may significantly affect the quality of the human environment)

Preparer Signature

Name/Company
John Bock/Tetra Tech, Inc.

RE Certifying Officer Signature

Name/Agency
George Sherrill / North Carolina Department of Commerce Chief of Staff

Publication Date
August 6, 2018
The following mitigation measures are required as conditions for approval of the project, as applicable:

**General**
1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. Contractors will be required to prepare and implement health and safety plans, and to monitor during construction to protect the health and safety of site workers and the public.
3. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

**Historic Preservation**
4. All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement between the North Carolina Department of Commerce, North Carolina Department of Public Safety, and State Historic Preservation Officer (SHPO), as signed onto by the North Carolina Department of Commerce.
5. If archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted, and the applicant shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform the State of North Carolina (the State) immediately and consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the NHPA.

**Floodplain Management and Flood Insurance**
6. All proposed reconstruction, repair, elevation and mitigation of substantially damaged structures in the 100-year floodplain will adhere to the most recent elevation requirements in accordance with local codes and Base Flood Elevation requirements where they exceed the federal standards.
7. All structures funded by the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC), if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, will be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. All areas within Bertie County are participating with the National Flood Insurance Program (NFIP).
8. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

9. Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 USC 4012a). Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example, construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from 5 to 15 years as deemed feasible. HUD will accept any period within that range that appears reasonable.

10. Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non-Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

11. Proof of Purchase. The standard documentation for compliance with Section102 (a) is the Policy Declarations form issued by the NFIP or issued by any property insurance company offering coverage under the NFIP. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted Special Flood Hazard Area (SFHA) building lacking a current Policy Declarations form is in Noncompliance.

12. Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify
any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Wind
13. Bertie County is in the 110-mile-per-hour Basic Wind Speed for 50-year mean recurrence interval. As such, all reconstruction or new construction must meet the requirements of the North Carolina Construction Code, Building Planning and Construction for wind design.

Wetlands Protection and Water Quality
14. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters, and to prevent erosion in on-site and off-site wetlands and waters.
15. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

Noise
16. Outfit all equipment with operating mufflers.
17. Comply with applicable local noise ordinances.

Air Quality
18. Use water or chemical dust suppressant in exposed areas to control dust.
19. Cover the load compartments of trucks hauling dust-generating materials.
20. Wash heavy trucks and construction vehicles before they leave the site.
21. Employ air pollution control measures on all vehicles and equipment, as required.

Hazardous Materials
22. All activities must comply with applicable federal, state and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
   - North Carolina Environmental Policy Act and Rules at 01 NCAC (North Carolina Administrative Code) 25
   - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
   - North Carolina Asbestos Hazard Management Program, NC General Statutes (GS) Section 130A-444 through 452 – Asbestos Hazard Management
23. Applicant or contractor must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g., asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).
24. All activities must comply with applicable federal, state and local laws and regulations regarding lead-based paint including, but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35.
25. All residential structures must be treated for mold attributable to Hurricane Matthew in accordance with federal, state or local guidelines.

Wild and Scenic Rivers
26. Comply with any conditions specified by the National Park Service (NPS) for protection of the Cashie River in Bertie County. NPS identified that “best practices” would be used—specifically, “All construction activities occurring on or adjacent to a federally designated Wild and Scenic River or on a river listed on the Nationwide Rivers Inventory should take care to avoid any unnecessary clearing of native riparian vegetation such that local scenery remains intact. Further, for all projects where construction derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences.” (See Appendix C, Exhibit 6). The North Carolina Division of Parks and Recreation recommended the use of erosion and sedimentation controls during construction and after completion of the work at project sites where vegetation removal and/or land disturbance is planned within 100 feet of the bank for the protected section of the Lumber River.
# TABLE OF CONTENTS

Preface ................................................................................................................................. i  
Conditions of Approval ....................................................................................................... ii  
List of Appendices ............................................................................................................... vi  
Acronyms and Abbreviations ............................................................................................. viii  

## 1.0 Project Description ..................................................................................................... 1  
1.1 Background and Statement of Purpose ......................................................................... 1  
1.2 Project Location ............................................................................................................ 1  
1.3 Project Description ....................................................................................................... 2  
1.4 Existing and Future Need .............................................................................................. 3  
1.4.1 Estimation of Overall Housing Damage .................................................................. 3  
1.5 Summary of Findings and Conclusions ....................................................................... 4  
1.6 Evaluation of the Effects ............................................................................................. 6  
1.7 Finding ......................................................................................................................... 7  

## 2.0 Tiering Plan for Environmental Review ...................................................................... 8  
2.1 Tier I Environmental Review Record ........................................................................... 9  
2.2 Tier II ERR or Site-Specific Environmental Review Record ........................................ 10  

## 3.0 Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities .................... 12  

## 4.0 Applicable Mitigation Measures ................................................................................ 29
LIST OF APPENDICES

Appendix A – Figures and Tables

Appendix B – Tier II Site-Specific Checklist

Appendix C – Agency Consultations and Correspondence

Appendix D – Programmatic Compliance Process

Appendix E – Official Forms and Public Comments

Appendix F – Programmatic Agreement for Section 106 Review

Appendix G – Sample Tier II Environmental Review Record
# ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Meaning</th>
</tr>
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<tbody>
<tr>
<td>ABFE</td>
<td>Advisory base flood elevation</td>
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<tr>
<td>ADA</td>
<td>Americans with Disability Act</td>
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<tr>
<td>ASD</td>
<td>Acceptable Separation Distance</td>
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<td>AST</td>
<td>Aboveground storage tank</td>
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<tr>
<td>BFE</td>
<td>Base flood elevation</td>
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<tr>
<td>CBRA</td>
<td>Coastal Barrier Resource Act</td>
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<tr>
<td>CBRS</td>
<td>Coastal Barrier Resources System</td>
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<td>CDBG</td>
<td>Community Development Block Grant</td>
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<td>CDBG-DR</td>
<td>Community Development Block Grant – Disaster Recovery</td>
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<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
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<tr>
<td>CPD</td>
<td>Community Planning and Development</td>
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<td>CZMA</td>
<td>Coastal Zone Management Act / Area</td>
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<td>EA</td>
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<td>EO</td>
<td>Executive Order</td>
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<td>FIRM</td>
<td>Flood Insurance Rate Map</td>
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<td>FONSI</td>
<td>Finding of No Significant Impact</td>
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<td>FPPA</td>
<td>Farmland Protection Policy Act</td>
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<td>LMI</td>
<td>Low to Moderate Income</td>
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<td>NCWRC</td>
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<td>NEP</td>
<td>Nonessential experimental population</td>
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<td>National Flood Insurance Program</td>
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<td>NLEB</td>
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<td>National Oceanic and Atmospheric Administration</td>
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<td>NPIAS</td>
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<td>National Priorities List</td>
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<td>PA</td>
<td>Programmatic Agreement</td>
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<td>RCW</td>
<td>Red Cockaded Woodpecker</td>
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<tr>
<td>Acronym</td>
<td>Meaning</td>
</tr>
<tr>
<td>---------</td>
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<td>RFO</td>
<td>Raleigh Field Office</td>
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<td>SCS</td>
<td>Soil Conservation Service</td>
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<td>SFHA</td>
<td>Special Flood Hazard Area</td>
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<td>SHPO</td>
<td>State Historic Preservation Office</td>
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<tr>
<td>T&amp;E</td>
<td>Threatened and Endangered Species</td>
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<td>URA</td>
<td>Uniform Relocation Act</td>
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<td>US</td>
<td>United States</td>
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<td>USACE</td>
<td>United States Army Corps of Engineers</td>
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<td>USC</td>
<td>United States Code</td>
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<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>UST</td>
<td>Underground storage tank</td>
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1.0 PROJECT DESCRIPTION

1.1 Background and Statement of Purpose

Hurricane Matthew began as a Category 5 storm in the Caribbean eventually moving up the Atlantic Seaboard. By the time it hit the coast of North Carolina on October 8, 2016, it had been downgraded to a Category 1 storm. The greatest impact on Bertie County (Appendix A, Bertie County Map) during this storm was severe rains over several days, causing rivers and tributaries to swell and overflow into adjacent communities. During the storm, the Cashie River basin (in Bertie County) received more than 12 inches of rain (Appendix A, Bertie County Hurricane Matthew Rainfall Map). This was on top of the severe storms in late September that had already swelled the Cashie River. On October 8 and 9, 2016, Bertie County received up to 12 inches of rain from Hurricane Matthew. The Cashie River crested at 16.67 feet on October 9th—8.67 feet above flood stage. Most damage to homes and businesses was attributed to flooding caused by the severe rain from Hurricane Matthew.

On October 10, 2016, 50 counties in North Carolina were declared a Major Disaster Area (DR-4285, Appendix A, Declared Disaster Areas Map). The State of North Carolina was included in the US Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program pursuant to the Disaster Relief Appropriations Act of 2016 (Pub. L. 114-113, approved December 18, 2015). HUD appropriated $198,553,000 in CDBG-DR funding to the state of North Carolina. Due to the nature of the damage, 80 percent of funding is targeted toward the four most-impacted counties. An estimated $725,000 would be allocated to Bertie County.

The purpose of the proposed action is to assist residents in Bertie County whose single-family dwellings and small rental properties (1 to 4 units) were damaged or destroyed by Hurricane Matthew. The project is needed to help provide adequate housing and support for these residents by repairing and /or reconstructing existing homes, relocating homeowners to a new location or constructing new structures in less flood prone areas. Additionally, rental properties damaged by Hurricane Matthew will be eligible for repair / reconstruction in this program.

1.2 Project Location

Proposed projects actions under this Tiered Environmental Review Record will be limited to Bertie County including all municipalities and rural areas therein. While the number of persons who will apply to the program is not known, more than 1,000 houses in Bertie County were damaged to some extent. Federal Emergency Management Agency (FEMA) individual assistance applications are shown in Appendix A, Bertie County Individual Assistance Applications map.
1.3 Project Description

The North Carolina Division of Emergency Management (NCEM) working with its partners, the North Carolina Department of Commerce, has initiated housing programs for Bertie County to provide financial assistance to homeowners, renters, landlords and developers building affordable small rental housing. The programs and assistance to be provided by each are presented below:

- **Homeowner Recovery Program** – focused on owner-occupied single-family dwellings (structures and mobile homes) that underwent major to severe damage. Eligible activities include:
  
  - Single-family homeowner rehabilitation
  - Single-family homeowner reconstruction
  - Single-family homeowner repair reimbursement
  - Single-family homeowner new construction or relocation
  - Manufactured home repair
  - Manufactured home replacement or relocation
  - Home buyout
  - Homeowner’s assistance
  - Temporary rental assistance
  - Home insurance assistance
  - Relocation
  - Elevation of applicant homes

- **Small Rental Repair Program** – funding activities necessary to restore storm-damaged homes, including rehabilitation, reconstruction, elevation, and/or other mitigation activities within the disturbed area of the previous parcel.

Structures that are in a 100-year floodplain and were substantially damaged (greater than or equal to 50 percent) will require elevation. Any new construction (as opposed to reconstruction) of structures will not be allowed in a floodplain, unless a site-specific 24 CFR 55.20 decision is approved and permitted (if required) by the Wilmington District Corps of Engineers. All applicants with proposed actions in a floodplain will be required to obtain and maintain flood insurance, for the ownership life of the property, as part of this program.

Homeowners will also be eligible for reimbursement of repairs already done to the owned structure. In accordance with the HUD guidance for pre-award costs issued on September 15, 2015 (Source: CPD 15-07), reimbursement for repairs or replacement costs paid for by private homeowner funds will only be eligible up to 1 year from the date of the disaster. The time allowed for reimbursement of expenses is from the time of the storm (October 8, 2016) to October 8, 2017, unless the applicant applies for an exemption from HUD on a case-by-case basis. Expenses after the 1-year timeframe are not eligible for reimbursement as part of this program.
Project activities would not remove trees and would minimize the removal or other disturbance of vegetation. All activities would be largely limited to the disturbed area of the previously developed lot, but elevation and reconstruction would disturb the ground surface to install pier and beam foundations and accommodate required utilities. Rehabilitation activities would be completed in the same footprint of the damaged structure. Reconstruction would be largely limited to replacing a damaged structure at another location in the disturbed area of the previously developed lot.

The above project activities apply to the overall project. The State of North Carolina (the State), as the Responsible Entity, determined that the project will be reviewed in a tiered environmental assessment. The specific addresses of homes and other properties to be rehabilitated, reconstructed, newly constructed, or elevated are not known now because the owner identification process is ongoing. So, under 24 CFR 58.15 (Tiering) and 24 CFR 58.32 (Project Aggregation), the State will use a tiered approach in combining similar work into geographic as well as functional packages for the environmental review.

1.4 Existing and Future Need

Approximately 81 properties within Bertie County sustained major to severe damage from Hurricane Matthew. Many homeowners, small rental tenants and landlords, and other potential applicants do not have the resources to repair, reconstruct, newly construct, or elevate their properties. In the absence of the proposed program, the damaged properties would continue to deteriorate, doing further harm to the communities there.

1.4.1 Estimation of Overall Housing Damage

The State of North Carolina has taken multiple steps to estimate unmet housing needs resulting from Hurricane Matthew. These steps included field inspections of damaged homes; analyses of and updates to FEMA individual assistance claims data, Small Business Administration loan information, and insurance information; county-led planning efforts; and surveys of Public Housing Authorities and other housing providers to determine financial needs required to restore homes and neighborhoods.

The State of North Carolina conducted and published an Unmet Needs Assessment in the spring of 2017 as part of its initial State of North Carolina CDBG-DR Action Plan. An updated Unmet Needs Assessment, prepared as part of the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, presented damage estimates and recovery needs as of October 15, 2017, approximately 1 year after the flooding. The assessment found (1) numerous unmet needs that remain to be resolved before homeowners can return homes under safe and sanitary conditions, and (2) unmet needs of homeowners who want to sell their homes and relocate to higher and safer ground.
As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, a top priority of the State for this funding is to address single-family housing recovery needs in Bertie County affected by Hurricane Matthew. An estimated $725,000 would be allocated to Bertie County.

According to FEMA Individual Assistance claims as of February 11, 2017, approximately 1,025 registrations have been received for Individual Assistance in Bertie County due to Hurricane Matthew. In addition to the flooded areas, several areas include Homes At-Risk of Future Flooding. In Bertie County, significant development has occurred in the floodplain. Since Hurricane Matthew, the best data available from the Hazard Mitigation Grant Program indicates 81 applications for home acquisition and elevation in Bertie County. Communities at the most risk of continued flooding are:

- Colerain and properties within proximity of the Chinkapin Swamp
- Windsor (The Cashie River flows to the east of the main downtown and through the southern part of town.)
- Kelford west of the Cashie River
- Lewistown-Woodville east of the Roanoke River and west of the Cashie River
- Askewville and properties in proximity of the Whiteoak Swamp
- Properties in proximity of the Eastmost Swamp along the eastern profile of Bertie County
- Powelsville and properties in proximity of the Quioccosin and Barbeque Swamps.

### 1.5 Summary of Findings and Conclusions

Based on completion of this environmental assessment, environmental review of the proposed project indicates there will be no significant impacts on existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969. These subject areas require additional site-specific analysis before it can be concluded that a specific proposed project activity would have no significant environmental impacts on an individual site (these authorities are referenced under HUD’s regulations at 24 CFR 58.5):

- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR 55, Executive Order 11988, 42 USC 4001-4128, 42 USC 5154a)
- Wetlands Protection (24 CFR 55, Executive Order 11990)
- Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]
- Endangered Species Act (50 CFR 402)
- Farmland Protection (7 CFR 658)
• Noise Abatement and Control (24 CFR 51 B).
• Siting of HUD-Assisted Projects Near Hazardous Operations (24 CFR 51C);
• Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2))

Alternatives to the Proposed Action

No Action: The “No-Action” alternative would mean that homeowners would not receive funding to provide for reimbursement, new, rehabilitated, or reconstructed housing under the Rebuild NC program. As a result, these homeowners may not be able to recover and have affordable housing. The homeowners would not be provided financial assistance to repair their properties, so their properties would remain unsafe, unsanitary, and more vulnerable to adverse weather conditions. The No-Action alternative would address neither the shortage of safe housing nor the increase in unoccupied, unsafe homes in the project area.

Relocating the Homeowner Outside the Floodplains or Wetlands: This alternative was considered and is a viable option provided to all applicants through the Homeowner Relocation Option that allows, under certain conditions, the applicant to relocate from their current property (if the applicant meets conditions of eligibility for the program) to another property to reduce their exposure to these conditions. Participation in the program is strictly voluntary. Assuming all grant eligibility criteria can be met, including the need for any gap financing, the homeowner may be approved where the original location is in the 100-year floodplain and the new location is not. It is not currently known how many applications would meet this scenario. Most applicants are expected to remain on their current parcels. The economic feasibility of mass relocations would likely not be practical given funding restrictions. So, this alternative is not the most practicable for all the applicants affected by Hurricane Matthew.

Infrastructure Action or Other Flood Protection Measures: There are potential actions that have been used historically to protect housing in a floodplain, including drainage, flood protection structures, levees, and the like. These mitigation measures have proven to be effective in protecting communities from flooding; however, these actions do not address the housing needs for the homeowners and, in general, are not feasible based on the limited size of most home sites and are far less effective when implemented on individual scattered sites. While community or larger scale levees and flood protection structures are eligible for CDBG-DR funding, levees and flood control structures are prohibitively expensive on a home-by-home, or small-scale, basis. For these reasons, this alternative is not practicable.

Proposed Action: The Bertie County Single Family Housing Recovery Program will provide financial assistance to single-family homeowners and owners of small rental properties (1 to
4 units) to address unmet needs remaining from Hurricane Matthew. This assistance will allow applicants to repair/rehabilitate, elevate, reconstruct/replace, or relocate their storm-damaged homes; prepare for acquisitions of their storm-damaged homes via buyout or for redevelopment as single-family housing; or seek reimbursement for similar activities implemented by the homeowner within 1 year of the storm. This alternative will allow the program to meet the State’s goal of achieving safe and compliant housing that meets minimum property standards through rehabilitation, elevation, reconstruction/replacement, relocation, and mitigation in damaged communities.

**Conclusion:** The No-Action alternative, the Relocating the Homeowner Outside the Floodplains or Wetlands alternative, and the Infrastructure Action or Other Flood Protection Measures alternative are either impractical, prohibitively expensive, and/or would not meet the State’s goal of achieving safe and compliant housing that meets minimum property standards through rehabilitation, elevation, reconstruction/replacement, relocation, and mitigation in damaged communities. For these reasons, the Proposed Action is the Preferred Alternative.

### 1.6 Evaluation of the Effects

Individual actions undertaken by the described Rebuild NC program will provide a safe and secure environment for a substantial number of its low, moderate, and middle-income households recovering from Hurricane Matthew. The CDBG-DR funds will provide a positive financial impact on these households, their damaged neighborhoods, and extended communities.

As proposed, the described program activities will improve or replace residential structures on scattered properties throughout damaged neighborhoods. The addresses will remain unknown until applicant eligibility is determined. The desire of the State is to prepare a Tiered Environmental Assessment per HUD regulation at 24 CFR Part 58.40 Subpart E. This tiered review will be combined with a site-specific review to be prepared for each construction site as described in **Section 2.0**, Tiering Plan for Environmental Review. This includes a review of the provisions outlined under Parts 58.5 and 58.6.
Finding

Finding of No Significant Impact (FONSI)
(The project will not result in a significant impact on the quality of the human environment.)

Finding of Significant Impact
(The project may significantly affect the quality of the human environment.)

Rebuild NC: Single Family Housing Recovery Program (1-4 Units) Funding: An estimated $725,000 would be allocated to Bertie County.

Environmental Review Preparer’s Information

Environmental Preparer’s name, title, and organization (printed or typed):

John Bock, Senior Environmental Scientist, Tetra Tech, Inc.

Environmental Preparer’s Signature:

Date: August 6, 2018

Responsible Entity, Representative’s Information / Certification

Responsible Entity, Representative’s name, title, and organization (printed or typed):

George Sherrill, Chief of Staff, North Carolina Department of Commerce

Responsible Entity, Representative’s Signature:

Date: August 6, 2018
2.0 TIERING PLAN FOR ENVIRONMENTAL REVIEW

The Proposed Actions under this program will be evaluated under an Environmental Assessment (EA) (24 CFR 58.36). The environmental “Statutory Checklist” contains compliance components related to 24 CFR 58.5, 24 CFR 58.6 and HUD environmental standards in addition to the Environmental Assessment Checklist, intended to compliment findings in the Statutory Checklist, which would also be part of the Environmental Review Record (ERR). The State of North Carolina (the State) will be the Responsible Entity for all environmental work. The EA, as prepared for the State, is essentially a two-step, tiered process, per 24 CFR 58.15.

The following EA serves as the Tier I environmental compliance document for the proposed CDBG-DR program for Bertie County. Applying the tiering rule gives the State the ability to aggregate work on individual project sites into categories of activities having similar geographic or functional environmental attributes. Documentation of site-specific environmental issues requiring individual evaluation or additional agency consultation will be compiled separately. Site-specific review is also referred to as “Tier II Review.” No reconstruction, rehabilitation, elevation, new construction, or mitigation work on properties will begin until both the broad and site-specific levels of environmental review are completed, and the proposed work found compliant.

Compliance with 24 CFR 58.5
The Statutory Checklist in Section 3.0 lists each of the Federal laws and authorities in HUD’s regulations listed at 24 CFR 58.5. It addresses the specific environmental factors for which compliance has been documented regardless of specific site locations in the subject counties.

A Site-Specific Checklist, to be completed for each site, was developed to assess all environmental statutes, authorities, and regulations for which the compliance review has not been completed using the Statutory Checklist. The Site-Specific Checklist in Appendix B will document how those requirements have been met.

Compliance with 24 CFR 58.6
In addition to the duties under the laws and authorities specified in 24 CFR 58.5 for assumption by the State, under the laws cited in Section 58.1(b), the State must comply with the requirements at 24 CFR 58.6. The information needed for compliance with 24 CFR 58.6 will be included in Section 3.0 and in the Tier II site-specific reviews in Appendix B for those proposed actions that require compliance with both 24 CFR 58.5 and 58.6.

Compliance with 24 CFR 58.36
In addition to the duties under the laws and authorities specified in 24 CFR Part 58.5 and 58.6 for assumption by the State, under the laws cited in Section 58.1(b), the State must comply with the
requirements listed at 24 CFR 58.36 (Environmental Assessment) and the Environmental Assessment Checklist (24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27). All EA requirements are addressed in Section 3.0 of the Tier I ERR and further addressed, as necessary, in the Tier II Site-Specific Review in Appendix B.

2.1 Tier I Environmental Review Record

This Tier I ERR describes the action area targeted by the State’s Rebuild NC program. It provides a basic profile of the proposed rehabilitation, reconstruction, reimbursement, new construction, elevation and other mitigation activities relative to required compliance factors, as presented in the Statutory Checklist, Other Requirements (24 CFR 58.6) and the Environmental Assessment Checklist (Section 3.0). This level of review evaluates impacts of the proposed housing activities in an aggregated way as determined by the potential for impacts relative to the protected or regulated resources and HUD Environmental Standards. Where possible, this level of review resulted in a finding for certain compliance factors that further review at the site-specific level (Appendix B) is not necessary. The State identified the potential for environmental impacts for several compliance factors that must be evaluated during the Tier II process before individual projects can be environmentally cleared to proceed. Tables and figures prepared to support the Tier I analysis of environmental compliance factors are in appendices (Appendix C).

As part of this Tier I ERR, the process for decision making under 24 CFR 55.20 (also known as the eight-step process) is presented as a Programmatic Compliance Process in Appendix D.

The Tier I ERR aids the State in understanding the scope of applicable mitigation measures that may be selected for projects (Section 4.0) and includes a Compliance Documentation Checklist per 24 CFR 58.6 and other requirements that were developed as presented in Section 3.0. This evaluates the Rebuild NC (Bertie County) compliance relative to the Flood Disaster Protection Act, the National Flood Insurance Reform Act, the Coastal Barrier Improvement Act, and Runway Clear Zones and Accident Potential Zones. The Tier I ERR findings for this program are summarized in the Statutory and Environmental Assessment Checklists in Section 3.0 that identify impact categories, the type and degree of impacts anticipated, and whether proposed housing activities should be evaluated at the site-specific level to determine conditions and what appropriate mitigation or modification measures might be required.

Appendix E has the combined FONSI and Notice of Intent to Request Release of Funds (NOI/RROF). All public notices, the circulars to which they were published, any comments, and responses to those comments will be included in Appendices D and E. Publishing the FONSI and the NOI/RROF together on the same date should expedite the periods for public comment on these notices and for objections to be received by HUD. The actual FONSI and NOI/RROF and HUD’s
Authority to Use Grant Funds, used to formally authorize the use of CDBG-DR grant funds, will be incorporated into Appendix E, once approved by HUD.

Appendix F has the Programmatic Agreement for Section 106 of the National Historic Preservation Act of 1966 between the North Carolina Historic Preservation Office, any participating tribal communities and the North Carolina Department of Commerce. This agreement will be used to address the effects of this program on historic properties and archaeological resources.

2.2 Tier II ERR or Site-Specific Environmental Review Record

Conclusive adverse impact findings cannot be made for all factors in the Tier I ERR, so the Rebuild NC program (Bertie County) compliance cannot be fully achieved at the programmatic level. The Tier II site-specific ERR for the Rebuild NC program (Bertie County) will be carried out for each proposed activity to address those environmental compliance factors and HUD standards that remained unresolved by the programmatic level Tier I analysis. A site-specific documentation checklist has been developed for the Rebuild NC program (Bertie County), and is in Appendix B. These factors require a site-specific analysis in order to determine the Tier II compliance:

- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR 55, Executive Order 11988, 42 USC 4001-4128, 42 USC 5154a)
- Wetlands Protection (24 CFR 55, Executive Order 11990)
- Endangered Species Act (50 CFR 402)
- Wild and Scenic Rivers (36 CFR 297)
- Farmland Protection (Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658)
- Noise Abatement and Control (24 CFR 51 B)
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2))

Site-specific reviews will include evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will include direct field observation with photographs, measurements, and notes for the file, and possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, the proposed project activity planned for a residential site will proceed without further notice to the public. If impacts cannot be identified and mitigated during the site-specific reviews, that site may be subject to further studies, treated as a separate project, subject to agency consultations, and the ERR process may require the publishing or posting of notices for
that individual site. In some isolated cases, the proposed project activity may not be eligible for funding, based on a specific mitigation or environmental issue.

Each completed site-specific checklist and supporting documents will be submitted to the State for review and approval before individual activity site work or construction begins. A notice of environmental clearance will be issued for each project. All steps of the ERR process will be completely documented at the site-specific level before the construction activity proceeds.

The Responsible Entity (RE) for this program is State of North Carolina. The Certifying Officer (CO) is George Sherrill, Chief of Staff, North Carolina Department of Commerce.

Written inquiries regarding this Tier I document can be submitted to:

George Sherrill
Chief of Staff
North Carolina Department of Commerce
4346 Mail Service Center
Raleigh, NC 27699-4346
### Compliance Factors

<table>
<thead>
<tr>
<th>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>COMPLIANCE FINDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Historic Preservation [36 CFR 800]</td>
<td>Yes</td>
<td>No</td>
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</table>

#### Regulatory Agency and Source Review

See Appendix F for a copy of the PA.

Consultation for Tier II, if Required

North Carolina SHPO

Refer to the Tier II: Site-specific Project Review form for each individual property for compliance determination.

| Floodplain Management [24 CFR 55, Executive Order 11988] | Yes | No | For those residential properties in flood zones in Bertie County (Exhibit 1 Figure 1-1), the County made the decision that there is no practicable alternative to providing CDBG-DR assistance to homeowners and owners of rental or support properties for the reconstruction, rehabilitation, reimbursement, and elevation of their properties in these zones. Prior to making this decision, the State completed an eight-step analysis of the long- and short-term adverse impacts associated with the continued occupancy of the floodplain and considered if there were any practicable alternatives to providing CDBG-DR assistance in the |
Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6
Are formal compliance steps or mitigation required?

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<thead>
<tr>
<th>COMPLIANCE FINDING</th>
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<td>floodplain (refer to Appendix D, Programmatic Compliance Process).</td>
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</table>
| As a condition of receiving CDBG-DR assistance, property owners who rebuild will have to build to the highest available Local, State, or FEMA elevation level. All proposed reconstruction and improvement or repair of substantially damaged structures [as defined in 44 CFR 59.1 and 24 CFR 55.2(b)(8), “substantial improvement”] in the floodplain must adhere to the federally required minimum of 2 feet above the advisory base flood elevation (ABFE) or local building code, if higher (Exhibit 1 Table 1-1). There will be no new construction or relocation in the floodplain unless a site-specific decision is made in accordance with 24 CFR 55.20 and permitted, if required, by the Wilmington District of the United States Army Corps of Engineers (USACE).

Bertie County’s Flood Damage Prevention Ordinance establishes standards for floor elevations for buildings constructed and fill placed in the floodplain. In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data have been provided, as set forth in Article 3, Section B, or Article 5, Section D, the following provisions, in addition to the provisions of Article 5, Section A, are required:

- New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A or AE Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B (3), along with the operational and maintenance plans.
- New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.

All areas within Bertie County are participating in the National Flood Insurance Program
Regulatory Agency and Source Review
<table>
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<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>COMPLIANCE FINDING</th>
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</thead>
<tbody>
<tr>
<td>See Appendix C Exhibit 1. Consultation for Tier II, if Required</td>
<td>Traci White, Bertie County Floodplain Coordinator <a href="mailto:traci.white@bertie.nc.gov">traci.white@bertie.nc.gov</a> or (252) 794-5336</td>
<td>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance assessment.</td>
</tr>
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</table>

**Wetlands Protection [24 CFR 55, Executive Order 11990]**

- Yes
- No

Because project activities involving repair, reconstruction, or elevation of single-family homes and properties would take place in the disturbed area of the previously developed parcel, these activities are not expected to result in any permanent direct or indirect impacts to wetlands. Bertie County wetlands are shown in Exhibit 2 Figure 2-1. In the Tier II process, available information will be evaluated and, if warranted, a site inspection will be done by a trained wetland professional to ensure that wetlands are not impacted by the proposed action. Any activity that would adversely affect freshwater wetlands would not be eligible for funding unless a permit was acquired on behalf of the homeowner. If any impacts on wetlands are expected, a site-specific eight-step analysis of the long- and short-term adverse impacts must be done to determine if there are any practicable alternatives to providing CDBG-DR assistance in the wetland. During construction, best management practices for erosion and sediment control will be implemented (see **Conditions for Approval**). Repair, reconstruction, or elevation of structures located over waters of the United States require a USACE permit under the Rivers and Harbors Appropriation Act of 1899, regardless of whether the project results in discharge of fill to the water. Any project not consistent with the Rivers and Harbors Appropriation Act of 1899 would not be funded.

**Regulatory Agency and Source Review**

- See Appendix C, Exhibit 2. Consultation for Tier II, if Required
- US Army Corps of Engineers, Wilmington District
- Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.

**Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]**

- Yes
- No

The North Carolina Coastal Resources Commission has designated 20 counties in North Carolina as covered by the Coastal Area Management Act (Exhibit 3 Table 3-1). Bertie County is on this list of identified counties and is identified on the Coastal Zone Management Act / Area (CZMA) map (Exhibit 3 Figure 3-1). Projects that lie near (within 75 feet) of Normal Water Level (NWL) adjacent to coastal or joint waters, or within 30 feet of NWL of inland waters, will be further reviewed through the Tier II process to determine whether a permit or exemption
<table>
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<td></td>
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<td>from the North Carolina Division of Coastal Management (DCM) is needed. Regulatory Agency and Source Review See Appendix C, Exhibit 3. Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.</td>
</tr>
<tr>
<td>Sole Source Aquifers [40 CFR 149]</td>
<td>Yes No</td>
<td>According to the US Environmental Protection Agency’s Source Water Protection, Sole Source Aquifer Protection Program, there are no Sole Source Aquifers in Bertie County (Exhibit 4 Figure 4-1). Regulatory Agency and Source Review See Appendix C Exhibit 4. Review regarding Sole Source Aquifers is complete.</td>
</tr>
<tr>
<td>Endangered Species [50 CFR 402]</td>
<td>Yes No</td>
<td>The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&amp;E) species and ensure that any action they authorize, fund, or implement is not likely to jeopardize the continued existence of a T&amp;E species in the wild or destroy or adversely modify its critical habitat. The environmental review must consider potential impacts of the HUD-assisted project activities on T&amp;E species and on animals’ critical habitats. The review must evaluate potential impacts not only to any listed, but also to any proposed or candidate, endangered or threatened species and critical habitats. Project activities that affect T&amp;E species or critical habitats require consultation with the Department of the Interior, US Fish and Wildlife Service (USFWS) or the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service/National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA and with the North Carolina Wildlife Resources Commission. The bald eagle (Haliaeetus leucacephalus), though no longer listed under the ESA, continues to be protected by the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act (16 USC 703 et seq.). The North Carolina Wildlife Resources Commission (NCWRC) lists state-protected species pursuant to GS 113-331 to 113-337, North Carolina Endangered and Threatened Wildlife and Wildlife Species of Special Concern. The North Carolina Department of Cultural and Natural Resources, Natural Heritage Program (NCNHP), as part of its mission to preserve the biological diversity of North Carolina, maintains an inventory of all known occurrences/locations of rare taxa and is the state's data source of locality information of rare and federal- and state-listed animal and plant species, including species proposed for or are candidates for federal listing.</td>
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</table>
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

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<tr>
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The NCNHP Data Explorer (http://ncnhp.org/data/species-community-search) was accessed on July 12, 2018, as a first step in identifying federal- and state-listed T&E species previously found in Bertie County as a starting point for consultations with the USFWS Raleigh Field Office (USFWS-RFO) and the NMFS for federal-listed T&E species, the NCWRC for state-listed T&E animal species, and the North Carolina Department of Agriculture and Consumer Services/Plant Conservation Program (NCPCP) for state-listed T&E plant species. The species identified by the USFWS-RFO and the NCWRC for site-specific review are discussed below along with the review approach to be used for each species.

Eight National Wildlife Refuges/National Fish Hatcheries or critical habitats are in Bertie County:

- Town Swamp
- Broadneck Swamp
- Company Swamp
- Askew Tract
- Conine Island
- Hampton Swamp
- Great Island
- Goodman Island.

The NCPCP does not have regulatory authority to advise on, or issue, effect determinations, or conduct consultations as described under Section 7 of the ESA. The following regulations guide the NCPCP:

- GS 106-202.19 Unlawful Acts. ...the incidental disturbance of protected plants during agricultural, forestry or development operation is not illegal so long as the plants are not collected for sale or commercial use.
- North Carolina Administrative Code 48F Section .0400 states that you only need to apply for a protected plant permit to authorize collection, movement and possession of any protected plant or their propagules for scientific research, conservation purposes, or for propagation and sale.

Because CDBG-DR funds are not being used for purchase or sale, propagation, or research of plants, the regulations governing the NCPCP are not applicable to the proposed actions under the CDBG-DR Program.

**Listed T&E Species**

Three federally listed T&E species are potentially of concern for Bertie County:

- Bald Eagle – of concern statewide. If tall cypress or pine trees are to be removed, they should be visually checked for nests, as they may be nesting spots for Bald Eagles.
- Red-cockaded Woodpecker (RCW) – of concern in Bertie County. The RCW needs open stands of pine trees 60 to 120 years old, depending on...
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<td>the species of pine. The RCW needs live, large older pines in which to excavate their cavities. If any of these types of pines are to be removed or if construction activity is to take place around these types of tree stands, a determination of RCW cavities should be undertaken. If the determination indicates presence of RCW, consultation with the USFWS-RFO and the North Carolina Wildlife Resources Commission is required. Northern Long-eared Bat (NLEB) – Currently, Bertie County is located inside the White-nose Syndrome zone (Exhibit 5 Figure 5-2) (White-nose Syndrome Zone Per Northern Long-Eared Bat Final 4(d) Rule); therefore, incidental take of NLEBs is prohibited at this time. Regulatory Agency and Source Review See Appendix C Exhibit 5. Consultation for Tier II, if Required US Fish and Wildlife Service, Raleigh Field Office North Carolina Wildlife Resources Commission North Carolina Natural Heritage Program Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</td>
</tr>
<tr>
<td>Wild and Scenic Rivers [36 CFR 297] North Carolina Natural and Scenic Rivers Act of 1971 National Rivers Inventory, Presidential Directive 1979</td>
<td>Yes No</td>
<td>The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System in 1968 to protect selected rivers in a free-flowing condition and to recognize their importance to our cultural and natural heritage (16 USC 1271). The Act prohibits federal support for activities such as construction of dams or other on-stream activities that could harm a designated river’s free-flowing condition, water quality or outstanding resource values. Activities require review by the National Park Service only if they would disturb the bed or bank of a designated river. No river in Bertie County is designated as a National Wild and Scenic River or as a State Natural and Scenic River under the North Carolina Natural and Scenic Rivers Act of 1971 (Exhibit 6 Figure 6-1) The Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the United States believed to possess one or more “outstanding remarkable” natural or cultural value. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments. Bertie County hosts two rivers on the NRI (the Cashie and the Chowan Rivers) (Exhibit 6 Figure 6-1). Proposed program activities will not involve water resource projects or any work on or directly affecting any Federal Wild and Scenic River, State Natural or Scenic River, or river segment on the NRI. The proposed activities will be confined to residential lots and activities that will not disturb the beds or banks of these rivers. Any activities adjacent</td>
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<td>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</td>
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<td>to such rivers or river segments will be subject to “Conditions of Approval” number 26. Regulatory Agency and Source Review See Appendix C Exhibit 6. Consultation for Tier II, if Required National Park Service North Carolina Department of Parks and Recreation Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</td>
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<tr>
<td>Air Quality [40 CFR parts 6, 51, 61, 93] Yes No</td>
<td>The proposed program for Bertie County is in compliance. Emissions associated with the proposed actions are limited to use of residential and small construction equipment and are estimated to be well below the threshold when compared to the federal General Conformity Rule de minimis thresholds. Bertie County also is not among the counties or areas in North Carolina that fail to meet the National Ambient Air Quality Standards (NAAQS) in one or more of the following areas: ozone (1-hour and 8-hour standards), carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, and particulate matter (2.5 micron and 10-micron standards). Source: deq.nc.gov/about/divisions/air-quality/air-quality-planning/attainment (Exhibit 7 Figure 7-1) Emission Methodology As Bertie County is not listed as a Non-attainment area, a determination of emissions as they compare to NAAQS is not required. Also, Bertie County is listed as Zone 3 – Low Potential for Radon (Exhibit 7 Figure 7-2) Regulatory Agency and Source Review See Appendix C Exhibit 7. Review regarding Air Quality is complete.</td>
<td></td>
</tr>
<tr>
<td>Farmland Protection [7 CFR 658] Yes No</td>
<td>The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to non-agricultural uses. The purpose of the Act, as regulated in 7 CFR 658, is “to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.” “Farmland”, in accordance with 7 CFR 658.2(a), is defined as “prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate … government agency … to be farmland of statewide or local importance.” The definition further explains that farmland does not include land already in or committed to urban development or water storage, and that farmland already in urban development includes all land with a density of 30 structures per 40-acre area.</td>
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<tr>
<td>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</td>
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<td>The United States Department of Agriculture Natural Resources Conservation Service (NRCS) makes determinations of prime and unique farmlands in North Carolina, and consultation with the NRCS is required if farmland that is protected under the FPPA is to be converted to nonagricultural uses. Sites that encompass 3 acres or less do not require impact determinations from the NRCS. The NRCS uses Form AD-1006 (“Farmland Conversion Impact Rating”) to make determinations regarding the relative value of land that is deemed farmland. Form AD-1006 involves scoring of the relative value of the site for preservation and would be completed by both Bertie County and the NRCS. Total scores below 160 require no further analysis. Scores between 160 and 200 may have potential impacts and require further consideration of alternatives that would avoid this loss.</td>
</tr>
</tbody>
</table>

**Regulatory Agency and Source Review**

See Appendix C Exhibit 8.

Consultation for Tier II, if required

US Department of Agriculture, Natural Resources Conservation Service
North Carolina Department of Agriculture

Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.

<table>
<thead>
<tr>
<th>Environmental Justice [Executive Order 12898]</th>
<th>Yes No</th>
<th>The proposed activities would encourage people in the areas most affected by Hurricane Matthew to continue living where they live now. In general, those areas have proven vulnerable to flooding. Other pre-existing environmental conditions would continue under the proposed program. However, the primary effects of the proposed program would be to improve the condition of the housing, making it more durable, energy-efficient, safe from mold, asbestos, lead based paint, and other health and safety impacts. The program would also enhance health and safety by making many homes less vulnerable to flooding by elevating them above base flood elevations. Low- to moderate-income (LMI) households would receive significant benefits from this program. No environmental issue associated with this Program would disproportionately affect LMI and/or minority populations. Therefore, the proposed project would comply with Executive Order 12898.</th>
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<td>See Appendix C Exhibit 9.</td>
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<td><strong>Review regarding Environmental Justice is complete.</strong></td>
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<thead>
<tr>
<th>HUD Environmental Standards 24 CFR Part 51</th>
<th>Summary of consultations, supporting documentation, determinations and mitigation measures</th>
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</thead>
<tbody>
<tr>
<td>Noise Abatement and Control [24 CFR 51B]</td>
<td>Yes No</td>
</tr>
</tbody>
</table>
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

<table>
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### COMPLIANCE FINDING

Increases in noise levels will be mitigated by complying with local noise ordinances.

The State considered noise criteria and standards according to the provision at 24 CFR 51.101(a)(2) which states that, “responsible entities under 24 CFR part 58 must take into consideration the noise criteria and standards in the environmental review process and consider ameliorative actions when noise sensitive land development is proposed in noise exposed areas.” The provision at 24 CFR 51.101(a)(3) addresses new construction (not to be confused with rehabilitation or reconstruction) and states that, “HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure.”

This provision addresses reconstruction, rehabilitation, elevation and mitigation that meets the exclusion for this regulation. The regulation at 24 CFR 51.101(a)(3) states that HUD noise policy does not apply to “assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The proposed housing activities of reconstruction, rehabilitation, reimbursement, elevation and mitigation without substantially increasing the existing footprint would restore housing substantially as it existed prior to Hurricane Matthew. So, these activities would be exempt from this section. (Refer to e-mail correspondence from Danielle Schopp in Appendix C, Exhibit 10, Attachment 10-1).

The provision at 24 CFR 51.101(a)(5) addresses rehabilitation (including reconstruction) and states for major or substantial rehabilitation projects in the Normally Unacceptable and Unacceptable noise zones, HUD actively shall seek project sponsors to incorporate noise attenuation features, given the extent and nature of the rehabilitation being undertaken and the level of exterior noise exposure. Where possible, proposed activities in these areas will be reviewed for inclusion of noise attenuation features. New construction or relocation in these Normally Unacceptable and Unacceptable areas will not be allowable.

### Regulatory Agency and Source Review
See Appendix C Exhibit 10.

Consultation for Tier II, if Required

HUD, Region IV

**Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.**

### Siting of HUD-Assisted Projects Near Hazardous Operations [24 CFR 51C]

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

The definition of “HUD-assisted project” at 24 CFR 51.201 is predicated on whether the project increases the number of people exposed to hazardous operations. Therefore, the environmental review for activities to reconstruct, rehabilitate, elevate, or reimburse for housing that existed prior to the disaster is not required to apply the
**Compliance Factors:**
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

**Are formal compliance steps or mitigation required?**

<table>
<thead>
<tr>
<th>Compliance Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>acceptable separation distance (ASD) standards in 24 CFR 51C where the number of dwelling units is not increased and the activities are limited to the general area of the pre-existing footprint (refer to e-mail correspondence from Danielle Schopp in Appendix C, Exhibit 11, Attachment 11-1). An ASD analysis is required if the number of dwelling units increases or the building footprint changes substantially, potentially bringing the structure (and number of residents) closer to an aboveground tank containing a flammable or explosive substance. Therefore, new construction will require a site-specific review.</td>
</tr>
</tbody>
</table>

**Regulatory Agency and Source Review**
See Appendix C, Exhibit 11.

Consultation for Tier II, if Required
HUD, Region IV
Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.

**Airport Hazards**
(Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
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</table>

The restrictions on construction and major rehabilitation of structures in runway protection zones (formerly called runway clear zones) apply to civil airports (24 CFR 51.303). Civil airports are defined as commercial service airports designated in the Federal Aviation Administration’s National Plan of Integrated Airport Systems (NPIAS) (24 CFR 51.301(c)). No civil airport runway protection zone is in Bertie County.

HUD regulations include restrictions on construction and major rehabilitation in clear zones and accident potential zones associated with runways at military airfields (24 CFR 51.303). No military clear zones or accident potential zones are in Bertie County.

**Regulatory Agency and Review Parties**
See Appendix C, Exhibit 12.

Review regarding Airport Hazards is complete.

**Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances** [24 CFR 58.5(i)(2)]

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>☒</td>
<td>☑</td>
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</tbody>
</table>

**Hazardous Materials**

HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended use of the property. The properties subject to proposed reconstruction, rehabilitation, elevation, or reimbursement may be near enough to sites of concern to experience related health and safety effects.

To identify sites near the proposed project location with hazardous materials, contamination, toxic chemicals, gases and radioactive substances as specified in 24 CFR 58.5(i), a review of web-based data information will be done for each site, including EPA’s Geographic Information System (GIS) database. The review includes an examination of EPA’s Superfund List, National Priorities List (NPL), Toxics Release Inventory, Brownfields, Air Facility Systems, and
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

Are formal compliance steps or mitigation required?

<table>
<thead>
<tr>
<th>COMPLIANCE FINDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous Waste (RCRA) databases, including NEPAssist. We will review information from the North Carolina Department of Environmental Quality (NCDEQ). Based upon these reviews, the State will determine whether the homeowner’s property lies within 3,000 feet of a facility that handles or otherwise disposes of a hazardous material or toxic substance.</td>
</tr>
</tbody>
</table>

**Radon**

This sub-topic is addressed in response to Air Quality; however, as indicated there, Bertie County is in a Zone 3 – Low Potential for Radon.

**Asbestos, Lead-Based Paint, and Mold**

It is HUD policy that all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect the health of the occupants. Structures to be reconstructed or rehabilitated in the Rebuild NC program (Bertie County) may include lead-based paint and materials containing asbestos. These are hazardous materials that could affect the health of residents. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145; and

All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J. These regulations apply to housing constructed prior to January 1, 1978.

Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. Mold should not be a problem in houses that are demolished and reconstructed but could remain in rehabilitated housing if steps are not taken to eliminate mold during the rehabilitation. All residential structures funded under the Rebuild NC program (Bertie County) must be remediated for mold attributable to Hurricane Matthew in accordance with State requirements.

**Regulatory Agency and Source Review**

None

**Consultation for Tier II, if Required**

US Environmental Protection Agency, Region IV
North Carolina Department of Environmental Quality

Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.
### Compliance Factors:
**Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6**

<table>
<thead>
<tr>
<th>Are formal compliance steps or mitigation required?</th>
<th>COMPLIANCE FINDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### ADDITIONAL STATUTORY AUTHORITIES NOT LISTED IN 24 CFR 58.5

<table>
<thead>
<tr>
<th>Statute and Authority</th>
<th>Yes</th>
<th>No</th>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish and Wildlife Coordination Act [16 USC 661-666c]</td>
<td>Yes</td>
<td>No</td>
<td>The Fish and Wildlife Coordination Act applies to impounding, diverting, deepening, or otherwise controlling or modifying a stream or other body of water. The proposed activities in this program would be limited to work on residential structures. No activities are allowed for modifying any stream or body of water. Therefore, the Fish and Wildlife Coordination Act does not apply to the proposed program.</td>
</tr>
<tr>
<td>Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq.]</td>
<td>Yes</td>
<td>No</td>
<td>The Magnuson-Stevens Fishery Conservation and Management Act applies to ocean fish, including ocean fish that spawn in fresh water or in estuaries (anadromous fish). The Act requires protection of “essential fish habitat,” defined as habitat that fish need for spawning, breeding, feeding, or growth to maturity. North Carolina is on the Atlantic Ocean and contains numerous streams and estuaries used for spawning by striped bass, American shad, Hickory shad, alewife, short-nosed sturgeon, and Atlantic sturgeon. Bertie County does not have any Anadromous Fish Spawning Areas (Exhibit 14 Figure 14-1) (portal.ncdenr.org/web/mf/afsa-maps). Therefore, the Magnuson-Stevens Fishery Conservation and Management Act does not apply to the proposed program.</td>
</tr>
</tbody>
</table>

### STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6

<table>
<thead>
<tr>
<th>Statute and Authority</th>
<th>Yes</th>
<th>No</th>
<th>Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Hazards 24 CFR Part 51 Subpart D</td>
<td>Yes</td>
<td>No</td>
<td>In Bertie County, no civil airport with a runway protection zone and no military airfield with a clear zone or accident potential zone is present, as addressed in the Airport Hazards section above.</td>
</tr>
<tr>
<td>Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>Yes</td>
<td>No</td>
<td>Nine designated units of the Coastal Barrier Resource System are in North Carolina, as are seven “Otherwise Protected Areas.” However, none of these areas is in Bertie County (Exhibit 14, Figures 14-1 and 14-2). Therefore, projects for this program would exert no impact on Coastal Barrier Resources Areas (CBRA).</td>
</tr>
</tbody>
</table>
| Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] and 24 CFR 55 | Yes | No | Bertie County includes several areas in a Special Flood Hazard Area (SFHA) (100-year floodplain). Because of that, site-specific determinations must be made to determine the need for flood insurance as part of this citation. There are several items to be checked for this topic:  
• Is the project located in a Special Flood Hazard Area? |

**Review regarding Airport Hazards is complete.**

**Review regarding the Coastal Barrier Resources Act is complete.**

**See Appendix C, Exhibit 14.**
<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>COMPLIANCE FINDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• Is the community participating in the National Flood Insurance Program or has less than 1 year passed since FEMA notification of Special Flood Hazards?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Did the applicant previously receive federal assistance that was conditioned on obtaining and maintaining flood insurance?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Did the applicant obtain and maintain flood insurance?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.</td>
</tr>
</tbody>
</table>
### Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 CFR 58.40, 40 CFR 1508.8 & 1508.27)

<table>
<thead>
<tr>
<th>Land Development</th>
<th>Code</th>
<th>Summary of consultations, supporting documentation, determinations, and mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conformance with Comprehensive Plans and Zoning</td>
<td>3</td>
<td>The proposed action would demolish, repair, replace or construct homes consistent with current local plans and zoning ordinances. If it is determined that permits are needed, the contractor will obtain them from the appropriate department prior to construction activities (see Conditions for Approval).</td>
</tr>
<tr>
<td>Land Use Compatibility and Urban Impact</td>
<td>2</td>
<td>The proposed action sites would maintain current land use, so they would be compatible with surrounding and existing land uses. Most of the proposed actions will consist of replacement or reconstruction of an existing home. Though there is an option for new construction, the number of applicants who will choose this proposed action is not anticipated to increase urban sprawl.</td>
</tr>
<tr>
<td>Slope and Erosion</td>
<td>2</td>
<td>Most of the proposed actions under the Rebuild NC program (Bertie County) will be repair or reconstruction of homes on previously disturbed parcels where erosion controls are expected to have been put in place during the initial establishment of the home site. For these actions, the placement of fill or creation of bare soil will be minimized and so will not cause significant erosion. On sites adjacent to wetlands, best management practices will be implemented to protect wetlands from sedimentation from erosion. For proposed activities including new construction or elevation, the parcel will be evaluated prior to those activities, and best management practices will be implemented to reduce possible erosion impacts where slope conditions may exist.</td>
</tr>
<tr>
<td>Soil Suitability</td>
<td>2</td>
<td>Unsuitable soils are not expected to affect the proposed projects. Any soil issues that may have posed issues on previously disturbed parcels should have been addressed during initial construction activities. In the instance where the proposed action includes new construction, soil suitability will be assessed prior to construction and will be addressed during local permitting processes.</td>
</tr>
<tr>
<td>Hazards and Nuisances and Site Safety</td>
<td>3</td>
<td>The rehabilitation of the impacted residences would be typical of home remodeling activities. Contractors will be required to provide health and safety plans and monitoring during construction (see Conditions for Approval).</td>
</tr>
<tr>
<td>Energy Consumption</td>
<td>1</td>
<td>Though some energy will be consumed over the short-term implementing the program, changes in existing long-term energy consumption due to the project activities will be minimal as the program is not anticipated to significantly expand the housing stock. Rehabilitated and reconstructed homes would be more energy-efficient because of the program, due to incorporation of updated energy efficient building materials and practices. All proposed actions will be in accordance with HUD standards and local codes.</td>
</tr>
<tr>
<td>Noise – Contribution to community noise levels</td>
<td>3</td>
<td>The proposed activities would cause temporary increases in noise levels at nearby residences. Noise impacts would be mitigated to the extent feasible. The proposed project actions themselves will not impact long-term ambient noise levels. See Conditions for Approval.</td>
</tr>
<tr>
<td>Air Quality – Effects of ambient air quality on project and contribution to community pollution levels</td>
<td>3</td>
<td>There would be temporary, unavoidable increases in community air pollution levels during the proposed activities. Air quality impacts would be mitigated to the extent feasible (see Conditions for Approval). The completed project would not have an adverse impact on air quality in the affected communities. Existing ambient air quality would have no effect on the proposed project.</td>
</tr>
</tbody>
</table>
### Environmental Design

The proposed project would involve reconstruction, rehabilitation, and elevation and mitigation of existing damaged or recently demolished homes. The proposed work would improve visual quality relative to current conditions and would have little effect relative to conditions before the storm. The proposed project would not have significant impacts on visual coherence, diversity, or compatibility of use or scale.

#### Socioeconomic Factors

<table>
<thead>
<tr>
<th>Code</th>
<th>Summary of consultations, supporting documentation, determinations, and mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The proposed project will not significantly alter the demographic characteristics of the communities involved. Most of the proposed activities will allow for displaced community members to return to their previous residences and communities. The number of actions that include new construction would not significantly alter the demographics of chosen communities and would allow for a better quality of life for the families involved. Residential, commercial or industrial uses will not be altered because of the project as proposed activities will be carried out on parcels that have already been designated for residential use. There is no potential to destroy or harm community institutions. Proposed actions that include demolition will involve homes that have previously been inhabited or managed by program applicants.</td>
</tr>
<tr>
<td>2</td>
<td>The proposed project involves the rehabilitation or reconstruction of damaged homes. Homeowners currently living in homes may be displaced for a period during construction activities but would be able to move back into their homes immediately following construction. Persons participating in the program that have been displaced due to hurricane damage will be able to return home after construction is complete, leading to a decrease in displaced citizens due to the proposed project.</td>
</tr>
</tbody>
</table>

#### Demographic Character Changes

<table>
<thead>
<tr>
<th>Code</th>
<th>Summary of consultations, supporting documentation, determinations, and mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>The proposed action would allow previous residents to return to their homes. Local educational facilities could accommodate student levels prior to Hurricane Matthew and should be able to accommodate returning students. The number of applicants moving to new areas through new construction is not expected to be substantial and would not cause a need for additional facilities.</td>
</tr>
<tr>
<td>2</td>
<td>The proposed action would allow previous residents to return to their homes. This would increase the demand for local commercial services. Though local retail services will be available, the increase in demand may lead to shorter supplies for some businesses while the commercial sector adjusts to the returned homeowners. The number of applicants moving to new areas through the new construction program is not expected to be substantial and would not cause a need for additional commercial facilities.</td>
</tr>
<tr>
<td>2</td>
<td>The return of residents to their homes would increase the demand for health care services in the affected neighborhoods, and there may be a period of</td>
</tr>
</tbody>
</table>
adjustment when the demand for some health care services in some neighborhoods exceeds the supply. The proposed project would have little effect on regional health care facilities that should be able to return to providing services at the same level as before Hurricane Matthew. The number of applicants moving to new areas through the new construction program is not expected to be substantial and would therefore not cause a need for additional health care facilities.

<table>
<thead>
<tr>
<th>Social Services</th>
<th>2</th>
</tr>
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<tbody>
<tr>
<td>Social services in Bertie County are provided by city-level, county-level, or state-level organizations. The proposed project would facilitate a return to pre-Matthew population levels in certain neighborhoods in the County, but this would not cause a significant increase in the demand for social services at the city or state level.</td>
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<table>
<thead>
<tr>
<th>Solid Waste</th>
<th>2</th>
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<tbody>
<tr>
<td>The proposed action would result in generation of substantial quantities of remodeling, demolition and construction wastes. All solid waste must be properly segregated and disposed of in accordance with applicable regulations. These activities may cause increases in short-term generation of municipal solid wastes. It is not anticipated that the project will overload design capacities of local facilities.</td>
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</table>

<table>
<thead>
<tr>
<th>Waste Water</th>
<th>2</th>
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</thead>
<tbody>
<tr>
<td>The returning homeowners will cause increases in the number of households generating wastewater in the target area; however, the number of homes contributing to wastewater will be approximately the same as those that existed before Hurricane Matthew. The existing or planned waste water systems are believed to be adequate and available to service the proposed project.</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Storm Water</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing storm water disposal and treatment systems are anticipated to adequately service the proposed projects. Best management practices will be implemented during construction activities to prevent erosion and sedimentation at sites, especially those near wetlands. Best management practices would be implemented to prevent erosion and sedimentation at sites near wetlands (see Conditions for Approval).</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Water Supply</th>
<th>2</th>
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<tbody>
<tr>
<td>The returning homeowners will cause increases in the demand for water in the target area; however, the number of homes contributing to water supply demand will be approximately the same as those that existed before Hurricane Matthew. The existing or planned municipal water utility or supplies are therefore believed to be adequate and available to service the proposed project.</td>
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</table>

<table>
<thead>
<tr>
<th>Public Safety - Police</th>
<th>2</th>
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<tbody>
<tr>
<td>Most of the homes included in the program are currently occupied, and the residents are receiving local police services. Though the returning homeowners will also receive those services, it is not anticipated that the increase in community members will cause a strain on the effectiveness of these services.</td>
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<table>
<thead>
<tr>
<th>Public Safety - Fire</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed project activities would replace, repair, elevate, mitigate, or provide for new construction of damaged homes. Unrepaired structures pose a potential fire risk, and the program would assist in removing the potential hazards.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Safety - Emergency Medical</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most of the proposed actions will be rehabilitation or reconstruction of currently occupied homes where the residents are currently able to obtain emergency medical services. Though the return of residents to currently unoccupied homes will cause some increases in the population eligible to receive medical services in certain areas, this impact is not anticipated to overload the current emergency medical services available.</td>
<td></td>
</tr>
<tr>
<td><strong>Open Space, Recreation, and Cultural Facilities</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Transportation</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Natural Features</strong></td>
<td>Code</td>
</tr>
<tr>
<td><strong>Water Resources</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Unique and Natural Features and Agricultural Lands</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Vegetation and Wildlife</strong></td>
<td>2</td>
</tr>
</tbody>
</table>

**Determination** – Because some topics in the Statutory Checklist require Site-Specific Reviews including further consultation, mitigation, and potential permit requirements or approvals, the project activities cannot convert to Exempt per 24 CFR 58.34 (a) (12). Complete pertinent compliance requirements, publish a combined FONSI and NOI/RROF, request release of funds, and obtain HUD’s Authority to Use Grant Funds per §58.70 and §58.71 before committing funds for any project activities.
4.0 APPLICABLE MITIGATION MEASURES

As detailed in Appendix B, the Tier II ERR employs a site-specific checklist to assess several NEPA compliance factors in accordance with 24 CFR 58.36 and HUD Environmental Standards. This assessment helps determine whether environmental mitigation measures would be required for the proposed housing activity to achieve NEPA compliance on a specific construction site.

Conditions encountered during the site inspection and environmental screening of a proposed construction site will typically determine whether mitigation measures will be required. Following a review of the property inspection report and photographs, a Tier II site-specific checklist will be completed and will describe both the project and required mitigation measures. This assessment will be packaged with supporting documentation into a site-specific file for the State’s review. After the State issues environmental clearance for the proposed construction project, thus receiving authority to use grant funds, the file becomes available for the assigned construction contractor to review in support of site planning activities, in the Rebuild NC program (Bertie County) system of record, and in the ERR maintained by the State.

This Tier I ER for the program indicates that environmental mitigation measures may be required for several compliance factors, including:

- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR 55, Executive Order 11988, 42 USC 4001-4128, 42 USC 5154a)
- Wetlands Protection (24 CFR 55, Executive Order 11990)
- Endangered Species Act (50 CFR 402)
- Wild and Scenic Rivers (36 CFR 297)
- Farmland Protection (Farmland Protection Policy Act of 1981 Sections 1504(b) and 1541, 7 CFR 658)
- Noise Abatement and Control (24 CFR 51 B)
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2))

While specific mitigation measures cannot be fully defined upon Tier I ERR publication, they are summarized below. These will support Tier II site-specific standard environmental analysis procedures approved by the State to help define the measures applicable to most sites. The construction contractors will note what the specific mitigation measures are required for the assigned project by the Tier II checklist and incorporate these into their construction plans and document how compliance was achieved.
These are conditions for mitigation for environmental items that need additional actions before or during the proposed project activities:

**General**

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. Contractors will be required to prepare and implement health and safety plans, and to monitor during construction to protect the health and safety of site workers and the public.
3. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

**Historic Preservation**

4. All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement between the North Carolina Department of Commerce, North Carolina Department of Public Safety, and State Historic Preservation Officer (SHPO), as signed onto by the North Carolina Department of Commerce.
5. If archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted, and the applicant shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform the State of North Carolina (the State) immediately and consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the NHPA.

**Floodplain Management and Flood Insurance**

6. All proposed reconstruction, repair, elevation and mitigation of substantially damaged structures in the 100-year floodplain will adhere to the most recent elevation requirements in accordance with local codes and Base Flood Elevation requirements where they exceed the federal standards.
7. All structures funded by the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC), if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, will be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. All areas within Bertie County are participating with the National Flood Insurance Program (NFIP).
8. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

9. Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 USC 4012a). Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example, construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from 5 to 15 years as deemed feasible. HUD will accept any period within that range that appears reasonable.

10. Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non-Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

11. Proof of Purchase. The standard documentation for compliance with Section102 (a) is the Policy Declarations form issued by the NFIP or issued by any property insurance company offering coverage under the NFIP. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted Special Flood Hazard Area (SFHA) building lacking a current Policy Declarations form is in Noncompliance.

12. Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify
any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Wind
13. Bertie County is in the 110-mph Basic Wind Speed for 50-year mean recurrence interval. As such, all reconstruction or new construction must meet the requirements of the North Carolina Construction Code, Building Planning and Construction for wind design.

Wetlands Protection and Water Quality
14. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters, and to prevent erosion in on-site and off-site wetlands and waters.
15. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

Noise
16. Outfit all equipment with operating mufflers.
17. Comply with applicable local noise ordinances.

Air Quality
18. Use water or chemical dust suppressant in exposed areas to control dust.
19. Cover the load compartments of trucks hauling dust-generating materials.
20. Wash heavy trucks and construction vehicles before they leave the site.
21. Employ air pollution control measures on all vehicles and equipment, as required.

Hazardous Materials
22. All activities must comply with applicable federal, state and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
   • North Carolina Environmental Policy Act and Rules at 01 NCAC (North Carolina Administrative Code) 25
   • National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
   • North Carolina Asbestos Hazard Management Program, NC General Statutes (GS) Section 130A-444 through 452 – Asbestos Hazard Management
23. Applicant or contractor must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g., asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).
24. All activities must comply with applicable federal, state and local laws and regulations regarding lead-based paint including, but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35.
25. All residential structures must be treated for mold attributable to Hurricane Matthew in accordance with federal, state or local guidelines.

Wild and Scenic Rivers

26. Comply with any conditions specified by the National Park Service (NPS) for protection of the Cashie River in Bertie County. NPS identified that “best practices” would be used—specifically, “All construction activities occurring on or adjacent to a federally designated Wild and Scenic River or on a river listed on the Nationwide Rivers Inventory should take care to avoid any unnecessary clearing of native riparian vegetation such that local scenery remains intact. Further, for all projects where construction derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences.” (See Appendix C, Exhibit 6). Additionally, the North Carolina Division of Parks and Recreation recommended implementation of erosion and sedimentation controls during construction and after completion of work at project sites where vegetation removal and/or land disturbance is planned within 100 feet of the bank for the protected section of the Cashie River.
Appendix A

Figures

Figure 1 – Bertie County Location
Figure 2 – Rainfall Totals in Bertie County
Figure 3 – North Carolina Declared Disaster Areas
Figure 4 – Bertie County FEMA Individual Assistance Requests
Figure 1. Bertie County Location

Source: Bertie County Resilient Redevelopment Plan
Figure 2. Rainfall Totals in Bertie County

Source: National Weather Service, National Oceanic and Atmospheric Administration
Figure 3. North Carolina Declared Disaster Areas

Source: Bertie County Resilient Redevelopment Plan
Figure 4. Bertie County FEMA Individual Assist Requests

Source: Bertie County Resilient Redevelopment Plan
Project Description:

Note: Throughout this annotated form, explanatory language is in blue font and should be deleted upon completion of the form.

(Delete all that do not apply)

• For rehabilitation:
The proposed activity is rehabilitation of the (insert number)-unit residential structure at the address listed above. The structure was damaged because of Hurricane Matthew. The structure was constructed in (insert year). Renovations will include addressing storm-related damage and repairing the property to current minimum property standards and compliance with applicable Americans with Disabilities Act requirements. All activities will be limited to the disturbed area of the previously developed lot. Pre-award and pre-application activities will be limited to work completed in the same footprint of the damaged structure. A map showing the location of the property is attached.

• For elevation of an existing building:
The proposed activity is elevation of the (insert number)-unit residential structure at the address listed above. The structure was damaged because of Hurricane Matthew. The structure was constructed in (insert year). The lowest habitable floor of the structure would be elevated at least 2 feet above the advisory base flood elevation (ABFE), in accordance with federal requirements or local code, whichever is higher. All activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. Pre-award and pre-application activities will be limited to work completed in the same footprint of the damaged structure. A map showing the location of the property is attached.
The federal or local code, whichever is higher, would determine the elevation requirements. Based upon that code, “1 foot” should be changed to “X feet” based upon the code.

- For reconstruction on an existing lot:
The proposed activity involves possible demolition of an existing structure built in (insert year) and reconstruction on an existing property of same residential density with the above-listed address, where the structure received damage from Hurricane Matthew to the extent that rehabilitation was not possible. Proposed activities would include reconstruction activities in accordance with minimum property standards and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazards future flood events, and invasive species). If the home site is in the floodplain, compliance with the local floodplain ordinance will be required and include elevation of the home to 2 feet above the advisory base flood elevation (ABFE), in accordance with the effective Flood Insurance Rate Map or Preliminary Flood Insurance Rate Map published by FEMA. Activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. A map showing the location of the property is attached.

The federal or local code, whichever is higher, would determine the elevation requirements. The sentence regarding elevation above the ABFE should be removed from the description if the new structure would be entirely outside the 100-year floodplain.

- For reimbursement
The proposed activity is reimbursement of the rehabilitation repairs of the residential unit at the address listed above. The structure was damaged due to Hurricane Matthew. The structure was constructed in (insert year). All reimbursement activities are limited to work completed within the existing footprint of the damaged structure. A map showing the location of the property is attached.

- For new construction or relocation on a previously undisturbed lot:
The proposed activity is new construction of a (insert number)-unit residential structure at the address listed above. The project activity is the result of the need to build a new structure, as the homeowner’s old structure was damaged extensively due to Hurricane Matthew. Proposed activities would include construction activities in accordance with minimum property standards and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazards future flood events, of toxic and radioactive materials, explosive and flammable hazards, and invasive species). Activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. New construction is not allowed in a 100-year floodplain. A map showing the location of the property is attached.

<table>
<thead>
<tr>
<th>Finding of Tier II Review</th>
<th>Choose one of the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ The proposed activity conditionally complies with environmental requirements for funding.</td>
</tr>
<tr>
<td></td>
<td>☐ The proposed activity does not comply with environmental requirements for funding because (provide reason such as permanent impact to a wetland or within a floodway).</td>
</tr>
<tr>
<td></td>
<td>☐ A finding cannot be made without additional information or documentation (attached)</td>
</tr>
</tbody>
</table>

Site Specific Findings

1. Historic Preservation
(36 CFR Part 800)
☐ REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

A. SHPO/Tribal Review or Notification Required
The historic preservation review must be concluded for both above ground resources and archaeological resources.

Project activity is for a building built after 1968 that is not within a historic district, and the project activity will not involve reconstruction or elevation. Meets PA Allowance and Historian with Secretary of the Interior Standards approves. **Submit information to SHPO detailing findings for Round 1 SHPO review.**

- SHPO findings indicate no further consultation needed, proceed to Item 2, Floodplain Management and Flood Insurance. **(Review Concluded)**
- SHPO findings indicate further consultation required. Continue to next step for Historic Preservation.

**B. National Historic Landmark (NHL)**

- Activity meeting Programmatic Allowances involves a National Historic Landmark.
  - SHPO and National Park Service NHL Program Manager notified and provided appropriate project documentation
  - **No Adverse Effect Determination.**
    - Are project conditions required?
      - No **(Review Concluded)**
      - Yes. Attach conditions. **(Review Concluded)**
  - **Adverse Effect Determination**
    - (HPO concurrence on file)
    - Mitigation not possible. **STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.**
    - Resolution of Adverse Effect completed
      - MOA on file
    - Are project stipulations required?
      - No **(Review Concluded)**
      - Yes. Attach conditions. **(Review Concluded)**

**C. Standard Project Review: SHPO/Tribal Consultation Required**

- Proposed activity does not involve a NHL and does not meet the above programmatic allowances for both above ground and archaeological considerations and requires Section 106 review of the entire undertaking.
- List any tribes or other consulting parties who were notified or consulted for this undertaking:

________________________________________

(Proceed to boxes in both columns below until the review of both resource types is concluded)
<table>
<thead>
<tr>
<th></th>
<th>No above ground Section 106-defined historic properties in Area of Potential Effects. <strong>No Historic Properties Affected Determination.</strong> SHPO concurrence on file. <em>(Above Ground Review Concluded)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Individual historic properties or historic districts are located in the Area of Potential Effects.</td>
</tr>
<tr>
<td></td>
<td><strong>No Historic Properties Adversely Affected Determination</strong> (SHPO concurrence on file)</td>
</tr>
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<td></td>
<td>Are project conditions required?</td>
</tr>
<tr>
<td></td>
<td>No <em>(Above Ground Review Concluded)</em></td>
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<tr>
<td></td>
<td>Yes. Attach conditions. <em>(Above Ground Review Concluded)</em></td>
</tr>
<tr>
<td></td>
<td><strong>Adverse Effect Determination</strong> (SHPO concurrence on file)</td>
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<tr>
<td></td>
<td>Mitigation not possible. <strong>STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING.</strong> Inform Certifying Officer.</td>
</tr>
<tr>
<td></td>
<td>Resolution of Adverse Effect completed</td>
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<tr>
<td></td>
<td>Standard Treatment Measure(s) listed in PA applied (SHPO concurrence on file)</td>
</tr>
<tr>
<td></td>
<td>Separate MOA on file</td>
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<tr>
<td></td>
<td>Are project stipulations required?</td>
</tr>
<tr>
<td></td>
<td>No <em>(Above Ground Review Concluded)</em></td>
</tr>
<tr>
<td></td>
<td>Yes. Attach stipulations. <em>(Above Ground Review Concluded)</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Consultation conducted with SHPO and project area assessed as not having potential for eligible archaeological resources.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Project area assessed as having low potential for archaeological resources</td>
</tr>
<tr>
<td></td>
<td><strong>No Historic Properties Affected Determination</strong> (SHPO concurrence or consultation on file). <em>(Archaeological Review Concluded)</em></td>
</tr>
<tr>
<td></td>
<td>Project area has been field assessed for presence of archeological resources</td>
</tr>
<tr>
<td></td>
<td>No archaeological materials identified in Area of Potential Effects.</td>
</tr>
<tr>
<td></td>
<td><strong>No Historic Properties Affected Determination</strong> (SHPO concurrence or consultation on file). <em>(Archaeological Review Concluded)</em></td>
</tr>
<tr>
<td></td>
<td>Archaeological materials identified in Area of Potential Effects through consultation or fieldwork.</td>
</tr>
<tr>
<td></td>
<td><strong>No Historic Properties Adversely Affected Determination</strong> (SHPO concurrence on file)</td>
</tr>
<tr>
<td></td>
<td>Are project conditions required?</td>
</tr>
<tr>
<td></td>
<td>No <em>(Archaeological Review Concluded)</em></td>
</tr>
<tr>
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<td>Yes. Attach conditions. <em>(Archaeological Review Concluded)</em></td>
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<td></td>
<td>Yes. Attach stipulations. <em>(Archaeological Review Concluded)</em></td>
</tr>
</tbody>
</table>
# 2. Floodplain Management and Flood Insurance

(EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

[ ] REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

The proposed site is (check only one of the following):

[ ] Not in a 100-year floodplain (A zone). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6.) (Review Concluded)

[ ] In a 100-year floodplain (A zone) and not in a National Flood Insurance Program (NFIP) participating community. Attach appropriate floodplain map showing site location. **Does not comply** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6 because required flood insurance is not obtainable. **STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.**

[ ] In a 100-year floodplain (A zone) and in an NFIP-participating community. Are the existing structure and the proposed activity in a designated floodway area?

- [ ] Yes. Is the project activity property acquisition, buyout assistance, or relocation outside of floodway?
  - [ ] Yes. Project may continue. (Review Concluded)
  - [ ] No. Attach appropriate floodplain map showing site location. **STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.**

- [ ] No. Proceed to the following question.

  Is the project activity new construction in or relocation of a structure to the floodplain?

- [ ] Yes. Activity does not meet Programmatic Compliance eight-step process. An individual eight-step must be completed for the property and permitted, if required. **Perform individual decision-making process for this site.**

- [ ] No. If the structure is substantially damaged (damage equal to or more than 50 percent of the pre-Hurricane Matthew value of the structure), the structure may require elevation, and other mitigation, including flood insurance. A decision-making process would be required. If the structure is not substantially damaged, the structure does not require elevation but would require flood insurance. (Review Concluded)

## 3.1 Wetlands

(EO 11990 and Clean Water Act, especially Section 404)

[ ] REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

Are there coastal or freshwater wetlands on or adjacent to the site?

- [ ] No. There are no wetlands on the project site. (Review Concluded)

- [ ] Yes. Would (Did) the activity affect a wetland? Attach appropriate wetlands map.

  **Work in wetlands, including operation of equipment in wetlands, would affect the wetlands. A freshwater wetland greater than 12.4 acres and the 100-foot “adjacent area” (measured horizontally) surrounding the wetland is granted protection under the Freshwater Wetland Act of 1975. Work in state or federally protected wetlands and/or their adjacent areas constitute a direct impact to the wetland. Best management practices should prevent impact to adjacent wetlands.**

  - [ ] No. Project involves disturbance in existing disturbed area only. There is no potential to impact wetlands. **Compliance met. (Review Concluded)**

  - [ ] Yes. Possible adverse effect in wetlands.
    - [ ] Eight-step process done?
No. The 8-step decision-making process was not completed. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Yes. The 8-step decision-making process was completed.

- **Activity in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion and describe the permitting process and mitigation measures. Attach supporting documentation. (Review Concluded)

- **Activity not in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion. Attach supporting documentation. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

### 3.2 Clean Water Act
*(EO 11990 and Clean Water Act, especially Section 404)*

Are there any Waters of the United States in or within proximity of the applicant site?

- No. There are no Waters of the United States that can be affected by the project. (Review Concluded)

- Yes.
  
  Is the project work within the same footprint of the existing structure?
  
  - Yes. Construction best practices are required to prevent any construction impact. However, construction work can continue. (Review Concluded)
  
  - No. CWA-trained professional has reviewed the property conditions and conducted a site visit of the Applicant’s site.
    
    - Based on that site visit, the professional concluded that the proposed action site does not contain Waters of the United States or that the proposed action will not adversely impact the Waters of the United States. (Review Concluded)
    
    - Based on the site visit of the applicant’s site and review of the information, at least a portion of the site contains Waters of the United States that could be adversely impacted. (Mitigation requires coordination with the US Army Corps of Engineers and possible 401/404 permitting. Inform Certifying Officer)

### 4. Coastal Zone Management Act
*(Coastal Zone Management Act, Sections 307(c) and (d))*

The proposed site is (check only one of the following):

- Not in a coastal zone. Attach appropriate Coastal Zone Management Act map showing site location. (Review Concluded)

- In a coastal zone and project work is more than 75 feet from the Normal Water Level (NWL). Attach appropriate Coastal Zone Management Act map showing site location. (Review Concluded)

- In a coastal zone and project work would be within 75 feet of an NWL. Property owner must contact the North Carolina Department of Environmental Quality, Division of Coastal Management, to determine if a permit or exemption is required. (Review Concluded)

### 5. Sole Source Aquifers
*(40 CFR Part 149)*
6. Endangered Species Act
(16 USC 1531 et seq., 50 CFR Part 402)

- REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

- All proposed activities are occurring in the pre-existing disturbed area associated with the structure. There is no native tree removal in the scope of work and no potential to affect Federally or State-listed species and/or designated critical habitat, based on the limited scope of action. (Review Concluded)

- Proposed activities involve new construction or construction outside of the pre-existing disturbed area.

Are any of the Federally or State-listed species or critical habitats present or potentially present on the project site or potentially subject to disturbance from the project activities?

- No. Trained personnel have reviewed site conditions and concluded that no Federally or State-listed threatened and endangered species or designated critical habitat are present in areas affected directly by the proposed action. (Review Concluded)

- Yes. Consultation with USFWS is required and resulted in a determination that (check only one of the following):
  - The proposed activity, including appropriate measures to avoid adverse impacts, would not adversely affect threatened and endangered species. Attach supporting documentation. Activity complies. (Review Concluded) Explain how this conclusion was reached. Describe required mitigation measures.
  - The proposed activity would adversely affect threatened and endangered species. Attach supporting documentation. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer. Explain how this conclusion was reached. Attach supporting documentation.

7. Wild & Scenic Rivers Act
(Sections 7(b), (c))

Not applicable. Compliance determined in Tier I Environmental Assessment.

Is the proposed site within 100 feet of a Federally or State-designated Wild and Scenic River?

- No. Attach map. (Review Concluded)

- Yes. Contractor must use best management practices to control soil and sediment movement (assuming the work is of such nature as to impact the surrounding surface area) off the work-site during rainfall events, reduce the impact to streams and manage rainwater runoff both during construction and after completion of the work. Examples of construction best management practices are silt fences, hay bales in ditches, constructed detention basins, and other basins to hold silt-laden water on site. Document mitigation requirements. (Review Concluded)

8. Air Quality
(Clean Air Act, Sections 176 (c) & (d), & 40 CFR Part 6, 51, & 93)

Not applicable. Compliance determined in Tier I Environmental Assessment.

9. Farmland Protection Policy Act
(7 CFR Part 658)

- REVIEW CONCLUDED (check this box only when completion of the subtasks listed below result in a “Review Concluded”)

Is the proposed activity new construction or relocation on a previously undisturbed parcel?
No. This activity is not subject to Farmland Protection Policy Act (FPPA). Previously, Natural Resources Conservation Service (NRCS) has specified that parcels previously converted [from farmland to nonagricultural uses], regardless of location, are not subject to FPPA because the parcels were converted when the original dwelling was constructed on the parcel. The subject activities involve no alteration of undisturbed land and repair/reconstruction of structure in-place and in the previously disturbed area. (Review Concluded)

Yes. Continue. Check one of the following.

- Area subject to disturbance is less than 3 acres. (Review Concluded)
- Site located as farmland already in urban development in accordance with 7 CFR 658.2 - not subject to FPPA. (Review Concluded)
- Site located in an area that includes a density of 30 structures per 40 acres. (Review Concluded)
- New construction activities and parcel is located outside urban development area; subject to additional review. Continue.

Information obtained documenting that the parcel was previously residentially developed land. The NRCS specified that parcels that had previously been converted [from farmland to nonagricultural uses] when the original dwelling was constructed on the parcel, regardless of location, are not subject to FPPA. (Review Concluded)

Coordination with NRCS is required.

Farmland Conversion Impact Rating, Form AD-1006, or other NRCS-approved documentation has been completed and submitted on Date:
- NRCS has replied on Date: (attach documentation)
  Are conditions required? No. Yes. Document conditions. (Review Concluded)
- NRCS has not replied within 30 days; no response is considered to be concurrence with finding of no significant adverse effect. (Review Concluded)

10. Environmental Justice (EO 12898)
Not applicable. Compliance determined in Tier I Environmental Assessment.

REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”)

Note: This review is not intended to satisfy the requirements of a Phase I Environmental Site Assessment (ESA) or other Environmental Due Diligence Process as defined by the American Society of Testing and Materials (ASTM), or any of the requirements necessary to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability. However, in the event of acquisition of property, a Phase I assessment may be required. That assessment will be done as an additional study to this Tier II.

FINDINGS FROM SITE INSPECTION
Are there any recognized environmental conditions (RECs), such as obvious signs of hazardous, toxic, or radioactive materials or substances as observed during the site visit?
- No. Attach site observation report.
Yes. Describe and attach site observation report.

**REC explanation:** Site conditions indicate that the subject property is contaminated or likely contaminated via the release of on-site or off-site hazardous substances or petroleum products.

During the site reconnaissance, the subject property and adjoining properties are visually inspected for RECs, such as:

- UST vent or fill pipes
- Corroded ASTs, drums or containers
- Pits, ponds, lagoons, pools of hazardous substances or petroleum products
- Mounds of rubble, garbage, or solid waste
- Distressed vegetation
- Surface staining
- Faulty septic systems
- Groundwater monitoring or injection wells
- Structure(s): present and former uses, such as any industrial or commercial structure that potentially used, stored or handled hazardous materials.

Note any obstacles to identification of RECs (Examples: soil piles, household debris, no access to backyard)

**FINDINGS FROM REVIEW OF REGULATORY DATABASES AND OTHER INFORMATION SOURCES**

Is the site within 3,000 feet of a listed solid or hazardous material facility, landfill, or contaminated area? Attach figure of site location with findings indicated.

☐ No. Based on the limited site observations made in support of this review and review of the listed sources of information, the project site does not appear to be impacted by hazardous, toxic, or radioactive materials or substances where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the site. *(Review Concluded)*

☐ Yes. Based on review of regulatory databases and other information sources, the project site does not appear to be located proximate (within 500 feet) to a site of environmental concern (toxic site or solid waste landfill site), and no known studies indicate an environmental concern for the location. *(Review Concluded)*

☐ The project site is listed as a known or suspected contaminated (hazardous, toxic, or radioactive materials or substances) site.

☐ More information is required, such as documentation of cleanup or remediation or “No Further Action” letter from the governing agency.

Specify additional information obtained from the governing agency:

☐ Based on the review, it does not appear that the identified hazard affects the health and safety of occupants or conflicts with the intended utilization of the project site. Note that this review does not constitute a risk assessment or definitive determination of the hazard and its potential effect on health and safety of occupants or the environmental condition of the project site. *(Review Concluded)*

☐ Based on the review, it does appear that the identified hazard affects the health and safety of occupants or conflicts with the intended utilization of the project site. The project site and/or proposed action DOES NOT clear the site-specific review process. **STOP – SITE IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.**

☐ Based on review of regulatory databases and other information sources, the project site does not appear to be located proximate (within 500 feet) to a site of environmental concern (toxic site or solid waste landfill site), and no known studies indicate an environmental concern for the location. *(Review Concluded)*
Based on review of information sources, the project site does appear to be located proximate (within 500 feet) to a site of environmental concern that could have adversely impacted the project site, and/or is known or suspected to be contaminated by toxic substances or radioactive materials. Specify additional information obtained from the governing agency.

Based on topography or distance of the project site relative to the site of environmental concern:

☐ It does not appear that the project site is likely to have been impacted by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the project site. (Review Concluded)

☐ It does appear that the project site is likely to have been impacted by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the project site. Additional regulatory file review to be done.

☐ Regulatory agency file review done for site of environmental concern. The review indicates that the project site is not suspected or known to be contaminated by the site (attach regulatory file review documentation). (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is known to be contaminated by the site of environmental concern. The project site and/or proposed action does not clear the site-specific environmental review process. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Request additional information from the Applicant. Information provided by Applicant documents that the project site is not contaminated. (Attach documentation) (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Request additional information from the Applicant. Applicant does not have documentation related to the potential for contamination of the project site. Applicant must request a letter or finding from the State stating that the project site is not contaminated or has been remediated. Information provided by Applicant documents that the project site is not contaminated. (Attach documentation) (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Request additional information from the Applicant. Applicant does not have documentation related to the potential for contamination of the project site. Applicant must request a letter or finding from the State stating that the project site is not contaminated or has been remediated. Applicant does not provide adequate documentation. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Are any of the following documented or suspected of being present at the project site? Check all that apply.

(24 CFR Part 51, Subpart C)

Would (Did) the proposed activity increase the number of dwelling units of the housing structure that existed on the project site prior to Hurricane Matthew or change the location of that structure?

☐ No. In compliance. Identify source of information. (Review Concluded)

☐ Yes.

Would the structure be (are the structures) less than the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is within 1 mile of the subject property and holds an explosive or combustible substance? Note: ASTs of 100 gallons or less that hold "common liquid fuels" such as fuel oil, kerosene, and gasoline or tanks that are ancillary to the structure are exempt from the ASD requirements and cannot cause the answer to this question to be Yes. However, this exemption does not apply to compressed fuel gases such as propane, so it is possible that a stationary compressed fuel gas tank of 100 gallons or less not ancillary to the structure could cause the answer to this question to be Yes.

Additional explanation of ASD analysis is provided below.

☐ No. In compliance. Explain finding. (Review Concluded)

☐ Yes. Describe the information used in calculating the ASD and attach a map showing the location of the tank relative to the subject property. Describe any feasible mitigation measures per 24 CFR 51.205, or other verifiable information that is pertinent to compliance with the ASD standard. If no mitigation measures are feasible, the activity is not in compliance with the applicable HUD environmental standard, 24 CFR Part 51C. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Requires use of Google Earth or like tool for desktop search for large ASTs within 1 mile plus a field reconnaissance of project site and surrounding properties.

Common liquid fuels include fuel oil, gasoline, diesel fuel, and kerosene. Other flammable or explosive substances include propane and other fuel gases. If the type of substance in a tank cannot be determined, it must be assumed to contain a flammable or explosive substance that is not a common liquid fuel.

The ASD is determined using HUD’s Acceptable Separation Distance Electronic Assessment Tool, http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm. The information required to use the tool depends on the type of tank involved. For diked tanks, it is not necessary to know the volume of the tank, but the dimensions of the diked area must be estimated. This can be done using Google Earth.

For tanks holding ordinary fuel gases such as propane, which are always pressurized, only the volume of the tank must be determined. Information at the following link can be used to determine the volume of a tank if at least one of its dimensions is known: http://www.missiongas.com/lpgastankdimensions.htm.

A tank holding a cryogenic liquid such as liquid natural gas may or may not be diked. If it is, the dimensions of the diked area must be estimated. If it is not diked, the volume of the tank must be estimated.

The ASD Electronic Assessment Tool calculates three ASDs for pressurized tanks containing ordinary fuel gas: blast overpressure, thermal radiation for people, and thermal radiation for buildings. The blast overpressure ASD is not calculated for unpressurized tanks because they are not subject to explosion. The activity must comply with all applicable ASDs.

The ASD for thermal radiation for people is the longest. Blast overpressure can be mitigated with a blast wall, but this approach is generally not feasible for thermal radiation because the maximum thermal radiation comes from a fireball well above the tank.
| 13. Coastal Barrier Resources Act/Coastal Barrier Improvement Act  
    (24 CFR 58.6(c)) | Not applicable. Compliance determined in Tier I Environmental Assessment. |
| 14. Airport Clear Zones and Accident Potential Zones  
| 15. Fish and Wildlife Coordination Act  
    (16 USC 661-666c) | Not applicable. Compliance determined in Tier I Environmental Assessment. |
| 16. Magnuson-Stevens Fishery Conservation and Management Act  
    (16 USC 1801 et seq.) | Not applicable. Compliance determined in Tier I Environmental Assessment. |
| 17. Noise Abatement and Control  
    (24 CFR Part 51, Subpart B) | REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”) |

Would (Did) the proposed activity change the facility substantially from its condition that existed prior to Hurricane Matthew, such as increasing the number of dwelling units or changing the location of the housing structure?  
☐ No. In compliance. Identify source of information. (Review Concluded)  
   The source of information will be the grant application.

Is the building within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military airfield or Federal Aviation Administration-regulated civil airfield?  
☐ No. In compliance. Identify source of information. (Review Concluded)

Is the building within an area with a calculated noise level that is Acceptable (at or below 65 DNL)?  
☐ Yes. In compliance. Identify source of information. (Review Concluded)

Is the building within an area with a calculated noise level that is Normally Unacceptable (66-75 DNL)?  
☐ Yes. Identify noise attenuation requirements that will bring the interior noise level to 45 DNL or exterior noise level to 65 DNL. (Review Concluded)

Is the building within an area with a calculated noise level that is Unacceptable (above 75 DNL)?  
☐ Yes. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Environment Assessment Factors  
[Environmental Review Guide HUD CPD 782, 24 CFR 58.4, 40 CFR 1508.8 and 1508.27]  
*For the Rebuild NC program, all Environmental Assessment Factors have been considered in the Tier I Environmental Review Record and have all been found to not have any significant adverse impacts on the environment. No Tier II site-specific review of these factors is required.*
Appendix C

Agency Consultations and Correspondence

[40 CFR 1508.9(b)] (List and attach all evidence of inquiries and responses received at all stages of consultation and analysis.)

Exhibit 1. Floodplain Management
Exhibit 2. Wetland Protection
Exhibit 3. Coastal Zone Management
Exhibit 4. Sole Source Aquifers
Exhibit 5. Endangered Species
Exhibit 6. Wild and Scenic Rivers
Exhibit 7. Air Quality
Exhibit 8. Farmland Protection
Exhibit 9. Environmental Justice
Exhibit 10. Noise Control and Abatement
Exhibit 11. Siting of HUD-Assisted Projects Near Hazardous Operations
Exhibit 12. Airport Hazards
Exhibit 13. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances
Exhibit 14. Magnuson-Stevens Fishery Conservation Act
Exhibit 15. Coastal Barrier Resources Act

Note: The Historic Preservation Programmatic Agreement is included in Appendix F.
Exhibit 1
Floodplain Management

Attachment 1-1. Check List for Building and Zoning Requirements for Bertie County
Figure 1-1. 100-year Floodplains for Bertie County
Attachment 1-1
Check List for Zoning and Building Permits

1. **Zoning Permit** – Bertie County does not have a zoning ordinance in the county therefore no permit would be required, however several of the municipalities within the County may have zoning permits specific to local ordinance.

2. **Septic Tank Approval** “Issued by the Bertie County Environmental Health Department - Form can be found at [http://www.co.bertie.nc.us/departments/pi/pi.html](http://www.co.bertie.nc.us/departments/pi/pi.html)
# Bertie County Health Department
## Environmental Health Division
### Application for Environmental Health Services

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<tr>
<th>Name</th>
<th>Mailing Address</th>
<th>Property Location</th>
<th>Phone Number</th>
<th>Tax Parcel Number</th>
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<th>Type of Environmental Service</th>
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<th>Type of Facility</th>
<th>Check</th>
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<td>House</td>
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<tr>
<td>Existing System Inspection</td>
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<td>Modular Home</td>
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<tr>
<td>Septic System Repair</td>
<td>$60.00</td>
<td>DW Mobile Home</td>
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<tr>
<td>Well Permit</td>
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<td>SW Mobile Home</td>
<td></td>
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<td>Migrant Water Sample</td>
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**Facility Specifications**

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<th>Number of Bathrooms</th>
<th>Number of Residents</th>
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<tr>
<td>New Well</td>
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</tr>
<tr>
<td>Existing Well</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Water</td>
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<td></td>
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</tr>
<tr>
<td>Well on adjacent lot</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Notes:**

---

**** Applications must now be grouped and may have a two week wait time to conserve fuel ****

---

**Size of Property**

Minimum lot size is governed by the Bertie County Subdivision Ordinance based on site and septic system criteria.

Minimum sizes range from 20,000 sqft to 35,000 sqft.

---

The Applicant shall notify the local health department upon submittal of this application if any of the following apply to the property in question. If the answer is "yes", applicant must attach supporting documentation.

- Yes No Does the site contain any jurisdictional wetlands?
- Yes No Is any wastewater going to be generated on the site other than domestic sewage?
- Yes No Is the site subject to approval by any other public agency?

---

I have read this application and certify that the information provided herein is true, complete, and correct. Authorized county and state officials are granted right of entry to conduct necessary inspections to determine compliance with applicable laws and rules.

I understand that I am solely responsible for the proper identification and labeling of all property lines and corners and making the site accessible so that a complete site evaluation can be performed. If the information in the application is falsified, changed, or the site conditions altered, then the Improvement Permit and Authorization to Construct shall become invalid.

---

**Property Owner's or Owner's Legal Representative Signature**

---

**Fee Collected**

<table>
<thead>
<tr>
<th>LHD Signature</th>
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<th>Check</th>
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<table>
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<tr>
<th>Construction Authorization Paid</th>
<th>Cash</th>
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</table>
3. DOT Driveway Permit “Issued by NC Department of Transportation”
   Is required to obtain access to the property from a state maintained right of way.
   G. S. 136-18(5) and 136-93

4. Flood Elevation Preconstruction Certification “If the home is located in the Special
   Flood Plain Hazard Area?” Provided by a NC Licensed Surveyor or Engineer.

5. Building Permits “issued by Bertie County Planning & Inspections” (see form
   below) Form can be found at http://www.co.bertie.nc.us/departments/pi/pi.html
BERTIE COUNTY
INSPECTION DEPARTMENT
252-794-5303

PERMIT APPLICATION

check type (s)
Building - Electrical - Plumbing - Mechanical - Energy - Fire - Gas Inst!

APPLICANT:
Name: ____________________________ Phone: ____________
Address: ____________________________

OWNER: (If different from Applicant)
Name: ____________________________ Phone: ____________
Address: ____________________________

Property Location: ____________________________

State Road No: ____________________________ Township: ____________________________
Tax Number: ____________________________ Septic Tank No: ____________________________

PROJECT INFORMATION

Class of Work:
___ New Structure
___ Addition to Existing Structure
___ Alteration of Existing Structure
___ Repair to Existing Structure
___ Crop Dryer
___ Original Mobile Home
___ Other

___ Chicken House
___ Hog Parlor
___ Open Shed
___ Pier/Dock
___ Moving Permit
___ Demolition Permit

___ New Mobile Home Value ____________________________
___ Used Mobile Home Value ____________________________

FLOOD ZONE: ____________________________ SETBACK: ____________________________

CAM PERMIT REQUIRED: ____________________________ ZONING REQUIRED: ____________________________

I hereby certify that I have read and examined the information in this application and attachments and know the same to be true and correct.

I certify that I fully acknowledge and understand that this permit application is merely an APPLICATION for a permit and does not authorize installation, construction or other activity to begin until the completed application has been evaluated and approved by the issuance of an appropriate permit signed by a duly authorized county official.

DATE: ____________________________ SIGNED: ____________________________
Figure 1-1
100-Year Floodplains for Bertie County
North Carolina Emergency Management

Bertie County Map

Tier 1 Area of Review
FEMA Special Flood Hazard Area
FEMA Floodway
Exhibit 2
Wetland Protection

Attachment 2-1: Consultation with U.S. Army Corps of Engineers

Figure 2-1: Bertie County National Wetlands Inventory Map
Attachment 2-1. Consultation with U.S. Army Corps of Engineers
June 8, 2018

Mr. Scott McLendon
Chief, Regulatory Division, Wilmington District
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

RE: Tiered Environmental Assessment of Single-Family Housing Projects
    Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. McLendon:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from the US Army Corps of Engineers, Wilmington District (USACE) on the need for individual USACE wetlands consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with USACE. We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require wetlands consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

For project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed. Although project types 4 through 6 may possibly impact wetlands and thus require site-specific USACE consultation, this is only the case if wetlands are potentially present. For project types 4 through 6, we suggest that only those project sites that potentially have wetlands present be submitted to USACE for consultation. Potential for presence of wetlands will be determined based on desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Visual site observation by a qualified professional will be made of each property to identify the presence of standing water or other obvious wetland conditions. Please provide your concurrence with this approach for site-specific environmental assessments or modify as appropriate.
The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera  
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience  
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager  
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
June 12, 2018

Regulatory Division

Mr. Daniel Herrera
Environmental Manager, CDBG Disaster Recovery
4218 Mail Service Center
Raleigh, NC 27699-4218

Dear Mr. Herrera:

Please reference your June 8, 2018 letter requesting the Wilmington District Corps of Engineers Regulatory Division (Division) to make comments on the proposed Tiered Environmental Assessment process of Single-Family Housing Projects funded by the Hurricane Matthew Community Development Block Grant - Disaster Recovery Program (CDBG-DR).

As stated in your letter, it is understood that the North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir and Pitt Counties in accordance with 24 CFR Part 58. You also stated that the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.

You further explained that in order to expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM is seeking input/comments from the Division on the need for individual wetlands consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.
Regulatory Division Comments:

Pursuant to Section 404 of the Clean Water Act, any discharge of excavated or fill material into waters of the United States, including streams and wetlands in conjunction with these types of projects, as well as disposal of construction debris, the construction of temporary access roads, and removal of underground utilities, requires Department of the Army (DA) permit authorization. For your information some construction activities do not normally require a Section 404 permit because they do not impact wetlands or streams. For example, 1) elevation of structures on pilings in the same footprint, 2) acquisition/demolition of a structure provided the demolition material is hauled off to an approved upland disposal site/landfill), and 3) demolition/reconstruction of a structure in the same footprint, do not normally impact wetlands or streams and therefore do not normally require DA authorization.

The Division concurs with NCEM for project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed. Project types 4 through 6 may possibly impact wetlands and thus require site-specific Division consultation if wetlands are potentially present. The Division also concurs with your proposed review and notification process for project types 4 through 6. This includes the desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Also, visual site observation by a qualified professional will be made of each property to identify the presence of standing water or other obvious wetland conditions.

When requesting the Division to do a project-specific jurisdictional determination please utilize the guidance located on our webpage at:

Division Field Office contact information is located on our webpage at:
http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/

If you have any questions or need additional information, please feel free to contact me, Henry Wicker, Deputy Chief, Regulatory Division, at (910) 251-4930.

Sincerely,

Henry Wicker
Deputy Chief, Regulatory Division
Wilmington District
Attachment 2-1

Figure 2-1
Bertie County National Wetlands Inventory Map

Source: US Fish and Wildlife Service, National Wetlands Inventory
Exhibit 3
Coastal Zone Management Act

Attachment 3-1. Consultation with North Carolina Department of Environmental Quality, Division of Coastal Management

Table 3-1. Coastal Area Management Act Counties

Figure 3-1. North Carolina Coastal Zone Management Area
June 8, 2018

Mr. Gregg Bodnar  
Assistant Major Permits Coordinator  
Division of Coastal Management  
North Carolina Department of Environmental Quality  
400 Commerce Avenue  
Morehead City, NC  28557

RE:  Tiered Environmental Assessment of Single-Family Housing Projects  
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Bodnar:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie County to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most of the proposed projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously disturbed footprints, there is the possibility of relocation of homes to previously undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie County in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from the NCDEQ Division of Division of Coastal Management (DCM) on the need for individual NCDEQ DCM consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with NCDEQ DCM and which would not. For example, for project types 1, 2, 3, and 7 listed above, site-specific consultation with NCDEQ DCM does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require NCDEQ DCM consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie County as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner – NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
June 18, 2018

Mr. Daniel Herrera
Environmental Manager
CDBG Disaster Recovery
North Carolina Department of Public Safety
4218 Mail Service Center
Raleigh, NC 27699

RE: Tiered Environmental Assessment of Single-Family Housing Projects
   Hurricane Matthew Community Development Block Grant- Disaster Recovery Program

Dear Mr. Herrera:

In deciding if an individual consultation is needed for a project we need determine if a project is located within a North Carolina Division of Coastal Management (DCM) Area of Environmental Concern and if it is considered development. Each project has differences which makes each situation unique, but if the project is within 75 feet of Normal Water Level (NWL) adjacent coastal or joint waters as defined by the Marine Fisheries Commission (75 foot AEC) or within 30 feet of NWL of inland waters as defined by the Wildlife Resources Commission (30 foot AEC), the North Carolina Division of Coastal Management (DCM) may have jurisdiction if development is occurring. Development is defined as, “any activity in a duly designated area of environmental concern involving, requiring or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading; driving of pilings; clearing or alteration of land as an adjunct of construction,” as stated in the Coastal Area Management Act. In Bertie County, development (as defined above) within this 75-foot AEC or 30-foot AEC may either be an exemption or require a permit. You have requested information if individual consultation is needed for:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously completed eligible repair activities.
If the properties are located within 75 feet of NWL the property owner should contact the DCM for situations (as described above) 1, 2, 3, 4, and 7. These situations may require permits or an exemption from DCM. Please also note that DCM defines a project as replacement if, “the cost to do the work exceeds 50 percent of the market value of an existing structure immediately prior to the time of damage or the time of the request,” (15A NCAC 07J.0210). If the project meets the above situations, it is recommended that the property owners contact DCM prior to any work. Situations (as described above) 5 and 6 are not considered development and would not require a permit from the DCM.

If you have any further questions or a list of properties you would like for me to review please feel free to contact me a 252-948-3936.

Kevin Hart
Environmental Senior Specialist
Table 3-1
North Carolina Coastal Area Management Act Counties

<table>
<thead>
<tr>
<th>Counties</th>
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<td>Tyrrell</td>
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<td>Gates</td>
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*Source: North Carolina Environmental Quality, Division of Coastal Management*
Figure 3-1
North Carolina Coastal Zone Management Area

Source: North Carolina Environmental Quality, Division of Coastal Management
Exhibit 4
Sole Source Aquifers

Figure 4-1. Sole Source Aquifers North Carolina
Figure 4-1
Sole Source Aquifers Map

Source: US Environmental Protection Agency, Sole Source Aquifers
Exhibit 5
Endangered Species

Attachment 5-1. Consultation with U.S. Fish and Wildlife Service

Attachment 5-2. Consultation with NOAA Fisheries Service

Attachment 5-3. Consultation with NC Wildlife Resources Commission

Figure 5-1. Wood Stork Rookery

Figure 5-2. Northern Long-Eared Bat Range in North Carolina
Attachment 5-1. Consultation with U.S. Fish and Wildlife Service
June 8, 2018

Mr. John Ellis  
Federal Project Endangered Species Act Reviewer  
U.S. Fish and Wildlife Service  
Raleigh Field Office  
551F Pylon Drive  
Raleigh, NC 27606

RE: Tiered Environmental Assessment of Single-Family Housing Projects  
    Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Ellis:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from the US Fish and Wildlife Service (USFWS) on the need for individual threatened and endangered (T&E) species consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with the USFWS and which would not. For example, for project types 1, 2, 3, and listed above, site-specific consultation with the USFWS does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

Additionally, NCDEQ reviewed the types of habitats for the T&E species listed in Table 1 in the Attachment. Please let us know which habitats related to these species would require site-specific consultation.

**Freshwater Fish (Bertie, Columbus, and Lenoir Counties)**

These species are found in aquatic habitats. For any construction that would occur, the State would require that appropriate erosion and sedimentation control measures be implemented and maintained during construction. We do not anticipate in-stream work to occur. If it does, we will require a site-specific consultation.

**Birds**

The Bald Eagle is of concern State-wide. Bald Eagles nest in super dominant canopy trees (i.e., trees that are much taller than surrounding trees so that the birds can see a wide area). If the project involves the removal of a large pine or Cypress near a creek or lake, there is a potential for a Bald Eagle nest. As a first screen, the NC Natural Heritage Program (NCNHP) Data Explorer should be accessed to find out if a known Bald Eagle nest is present. The next step is to visually inspect any super dominant canopy cypress or pine tree that is to be removed for evidence of a
large bird nest (important since not every nest is shown in the NCNHP Data Explorer). If there is any evidence of a large bird nest, the USFWS should be consulted.

The Red-cockaded Woodpecker has been found in Columbus County. If the project is located in Columbus County and involves the removal of a 10-inch DBH (diameter at breast height [i.e., 4.5 feet]) pine tree, further review is required. Using the NCNHP Data Explorer and visual observation (important since not every cavity tree is shown in the NCNHP Data Explorer), the reviewer should determine whether there are any Red-cockaded Woodpecker cavities within 200 feet (the immediate foraging area around the nest) of the project site. If there is evidence of a nest, the USFWS should be consulted.

The Wood Stork has been found in a small part of Columbus County. Wood storks feed in a wide variety of tidal and freshwater ecosystems including ponds, swamps, narrow tidal creeks or shallow tidal pools, and artificial wetlands including flooded ditches, impoundments, and large reservoirs. They nest in patches of medium to tall trees in standing water or on islands surrounded by open water. We do not anticipate any impacts, but for any sites involving wetland disturbance within 2 miles of previously identified wood stork habitat, as determined from the NCNHP Data Explorer, the USFWS will be consulted.

**Mammals**

The West Indian Manatee (Bertie County) is found in aquatic habitats. For any construction that would occur, the State would require that appropriate erosion and sedimentation control measures be implemented and maintained during construction. We do not anticipate in-stream work to occur. If it does, we will require a site-specific consultation.

The Northern Long-eared Bat (Bertie County) is threatened due to impacts of white-nose syndrome. Species survival depends on protecting locations where the bat hibernates and roosts, especially during the pup season. NCNHP Data explorer will be used as an initial screen with site-specific consultation required for project sites located within one mile of previously identified populations of northern long-eared bat.

**Reptiles**

Adverse impacts to the American Alligator are not anticipated because this species inhabits canals and stormwater ditches and adapts to disturbed areas. We do not anticipate work to occur in canals and/or stormwater ditches. If it does, we will require a site specific consultation.

**Vascular Plants**

Populations of Cooley's Meadowruce have been identified along a couple of roadsides in Columbus County. Cooley's meadowruce is a perennial herb that grows in circumneutral soils in grass-sedge bogs and wet pine savannahs and may also grow along fire plow lines, roadside
ditches, woodland clearings, and powerline rights-of-way. NCNHP Data explorer will be used as an initial screen with site-specific consultation required for project sites located within one mile of previously identified populations of Cooley’s Meadowruce.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU

Attachment:
Table 1 - Federal Threatened and Endangered Species; Bertie, Columbus, Lenoir, and Pitt Counties
Table 1  
**Federal Threatened and Endangered Species**  
Bertie, Columbus, Lenoir & Pitt Counties (North Carolina)  
Community Development Block Grant - Disaster Recovery  
Tiered Environmental Assessment for Single-Family Housing Programs

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<th>Count of COMMON NAME (State / Federal)</th>
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<td><strong>Bird</strong></td>
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<td>Bald Eagle (T / BGPA)</td>
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<tr>
<td>Red-cockaded Woodpecker (E / E)</td>
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<td>Wood Stork (T / T)</td>
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<tr>
<td><strong>Freshwater Fish</strong></td>
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<td>Atlantic Sturgeon (E / E)</td>
<td>1</td>
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<td>Shortnose Sturgeon (E / E)</td>
<td>1</td>
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<tr>
<td>Waccamaw Silverside (T / T)</td>
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<td><strong>Mammal</strong></td>
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<tr>
<td>Northern Long-eared Bat (T / T-4(d))</td>
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<td>West Indian Manatee (E / E)</td>
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<tr>
<td><strong>Reptile</strong></td>
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<tr>
<td>American Alligator (T / T(S/A))</td>
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<td><strong>Vascular Plant</strong></td>
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<tr>
<td>Cooley’s Meadowrue (E / E)</td>
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</table>

Source: North Carolina Department of Natural and Cultural Resources, Natural Heritage Program; Natural Heritage Data Explorer [web application] available at https://www.ncnhp.org/data/species-community-search and accessed on June 4, 2018 (County Status - Current).
July 18, 2018

Mr. Daniel Herrera
NC Department of Public Safety
Division of Emergency Management
4218 Mail Service Center
Raleigh, NC 27699-4218

Dear Mr. Herrera:

The U.S. Fish and Wildlife Service’s Raleigh Ecological Services office (Service) received your letter dated June 8, 2018 requesting comments on the Endangered Species Act consultation process for the Tiered Environmental Assessment of Single-Family Housing Projects Hurricane Matthew Community Development Block Grant – Disaster Recovery Program. Data for this Recovery action indicate that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County, sustained damage due to Hurricane Matthew and may seek funding from N.C. Division of Emergency Management (NCEM) through this program. We have reviewed the information provided and offer the following comments.

The Service recommends that NCEM utilize the methodology proposed in this email along with those developed in June 2017, by the Service and ESP Associates, Inc, acting on behalf of NCEM, to determine the need for consultation with the Service. The goal of the June measures was to facilitate the Endangered Species Act consultation process. The conditions specified the sorts of projects for which NCEM could make a determination on No Effect, thus completing consultation, and those which would require additional consultation with the Service. NCEM provided a letter on May 29, 2018 that proposed utilizing this approach for several other counties and with which we concurred. We look forward to continuing to work with NCEM in this recovery action.

If you have any questions or comments, please contact John Ellis of this office at (919) 856-4520 ext. 26.

Sincerely,

[Signature]

Pete Benjamin
Field Supervisor
June 8, 2018

Mr. David Cox
Technical Guidance Supervisor
North Carolina Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1701

RE:  Tiered Environmental Assessment of Single-Family Housing Projects
     Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Cox:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-modest income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment I, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, and 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCDEM, along with the North Carolina Department of Environmental Quality (NCDEQ) seeks input from the North Carolina Wildlife Resources Commission (NCWRC) on the need for individual State-listed threatened and endangered (T&E) species consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with the NCWRC and which would not. For example, for project types 1, 2, 3, and listed above, site-specific consultation with the NCWRC does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

Additionally, NCDEQ reviewed the types of habitats for the T&E species listed in Table 1 in the Attachment. Please let us know which habitats related to these species would require site-specific consultation.

**Amphibians (Columbus County)**

The Mabee's Salamander live in soil near bogs, ponds, and swamps with identified occurrences in Columbus County. For any sites that will disturb potentially suitable habitat, the North Carolina Natural Heritage Program (NCNHP) Data Explorer will be used to screen for the likelihood of Mabee's salamander in or near the project site. If occurrences have been identified within one mile, the NCWRC will be consulted.

**Birds (Columbus, Lenoir, and Pitt Counties)**

The NCWRC defers to the U.S. Fish and Wildlife Service regarding the need for consultations regarding the Bald Eagle and the Red-cockaded Woodpecker.

The Wood Stork has been found in a small part of Columbus County. Wood storks feed in a wide variety of tidal and freshwater ecosystems including ponds, swamps, narrow tidal creeks or shallow tidal pools, and artificial wetlands including flooded ditches, impoundments, and large
reservoirs. They nest in patches of medium to tall trees in standing water or on islands surrounded by open water. We do not anticipate any impacts, but for any sites involving wetland disturbance within 2 miles of previously identified wood stork habitat, as determined from the NCNHP Data Explorer, the NCWRC will be consulted.

Henslow’s Sparrow has been found in parts of southeastern Pitt County. It nests in wet meadows and grasslands but not marshes. In North Carolina, these habitats are largely man-created areas such as cleared non-riverine swamp maintained by mowing or burning. In winter, the Henslow’s Sparrow primary habitat includes open stands of longleaf pine with dense wiregrass that has been burned to allow for ample seeds. Some have been found in wet powerline clearings or other damp grassy fields. The NCNHP Data Explorer will be used as a screening tool, and NCWRC will be consulted if Henslow’s sparrow occurrences have been documented within two miles of the site.

**Freshwater Bivalves (Bertie, Columbus, and Pitt Counties)**

State T&E freshwater bivalve species (listed for Bertie, Columbus, and Pitt Counties in Table 1) could potentially be adversely impacted if a project involves any clearing and/or land disturbance within 100 feet (ft) of a perennial freshwater stream. In these instances, the NCNHP Data Explorer element occurrence data should be reviewed to determine if there have been any occurrences of any State T&E freshwater bivalve species within a distance of one-mile upstream or one-mile downstream within the impacted stream. If so, the NCWRC should be consulted to determine the need for species surveys and/or mitigative actions.

**Freshwater Fish**

These species are found in aquatic habitats. For any construction that would occur, the State would require that appropriate erosion and sedimentation control measures be implemented and maintained during construction. We do not anticipate in-stream work to occur. If it does, we will require a site-specific consultation.

**Freshwater or Terrestrial Gastropods (Columbus County)**

The Cape Fear Three-tooth is endemic to the extreme southeast corner of the state, including Columbus County. It lives in forested wetland and scrub-shrub wetland, particularly around longs and under litter. We do not anticipate any impacts, but for any sites involving wetland disturbance within 2 miles of previously identified Cape Fear Three-tooth habitat, as determined from the NCNHP Data Explorer, the NCWRC will be consulted.

**Mammals (Lenoir and Pitt Counties)**

The West Indian Manatee (Lenoir and Pitt Counties) is found in aquatic habitats. For any construction that would occur, the State would require that appropriate erosion and
sedimentation control measures be implemented and maintained during construction. We do not anticipate in-stream work to occur. If it does, we will require a site-specific consultation.

The Northern Long-eared Bat (Lenoir County) is threatened due to impacts of white-nose syndrome. Species survival depends on protecting locations where the bat hibernates and roosts, especially during the pup season. NCNHP Data explorer will be used as an initial screen with site-specific consultation required for project sites located within one mile of previously identified populations of northern long-eared bat.

**Reptiles (Columbus County)**

Adverse impacts to the American Alligator are not anticipated because this species inhabits canals and stormwater ditches and adapts to disturbed areas. If construction will occur in canals and/or stormwater ditches, we will require a site-specific consultation.

Eastern Diamondback Rattlesnakes can be found in sandy pine flatwoods in southeastern North Carolina, including portions of Columbus County. NCNHP Data explorer will be used as an initial screen with site-specific consultation required for project sites located within one mile of previously occurrences of the eastern diamondback rattlesnake.

**Vascular Plants (Bertie and Columbus Counties)**

There are forty-four threatened or endangered species of vascular plants in Columbus County and four such species in Bertie County. These plants have a variety of possible habitats throughout the counties, as shown in Table 2. The NCNHP Data Explorer will be used as the first screening tool to determine if site-specific consultation is required. Where the NCNHP Data Explorer shows a current element occurrence for any of the species listed in Table 2 within two miles of a project site, the project site will then be surveyed to determine if suitable habitat for that species may exist on the site. If potentially suitable habitat does exist, then a site-specific consultation with NCWRC will be initiated.
The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

[Signature]

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU

Attachment:
Table 1 - State Threatened and Endangered Species; Bertie, Columbus, Lenoir, & Pitt Counties
Table 2 - State Threatened and Endangered Species; Vascular Plants and their Habitats; Bertie, Columbus, Lenoir, & Pitt Counties
### Table 1
State Threatened and Endangered Species

Bertie, Columbus, Lenoir, & Pitt Counties (North Carolina)

Community Development Block Grant - Disaster Recovery

Tiered Environmental Assessment for Single-Family Housing Programs

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<thead>
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<th>Count of COMMON NAME (State / Federal)</th>
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<th>Columbus</th>
<th>Lenoir</th>
<th>Pitt</th>
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<td>West Indian Manatee (E / E)</td>
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<tr>
<td><strong>Reptile</strong></td>
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<td>Acid-swamp Yellow-eyed Grass (T / )</td>
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<td>Blue Water-hyssop (T / )</td>
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<td>Bog Bluets (T / )</td>
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<td>Bose’s Bluet (E / )</td>
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<td>Carolina Bogmints (E / FSC)</td>
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<td>Flaxleaf Seedbox (T / )</td>
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<td>Columbus</td>
<td>Lenoir</td>
<td>Pitt</td>
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<td>Hooded Pitcherplant (E / )</td>
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<td>Large-leaved Grass-of-Parnassus (T / FSC)</td>
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<td>Leavenworth’s Goldenrod (T / )</td>
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<td>Limestone Wild-Petunia (E / )</td>
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<td>Littleleaf Sneezeweed (E / )</td>
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<td>Mudbank Crown Grass (E / )</td>
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<td>Northeastern Bladderwort (E / )</td>
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<td>Peelbark St. John’s-wort (E / )</td>
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<td>Pineland Plantain (T / FSC)</td>
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<td>Plymouth Gentian (T / )</td>
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<td>Quillwort Arrowhead (T / _)</td>
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<td>Raven’s Seedbox (T / FSC)</td>
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<td>Savanna Indian-plantain (E / )</td>
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<tr>
<td>Savanna Indigo-bush (T / FSC)</td>
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<td>Shrubby Seedbox (T / )</td>
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<tr>
<td>Small Butterwort</td>
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<tr>
<td>Snowy Orchid (T / )</td>
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<tr>
<td>Spring Sneezeweed (E / )</td>
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<tr>
<td>Swamp Forest Beaksedge (E / )</td>
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<tr>
<td>Venus Hair Fern (T / )</td>
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<tr>
<td>Waccamaw River Spiderlily (T / FSC)</td>
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<tr>
<td>Water Dawnflower (E / )</td>
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<tr>
<td>Wireleaf Dropseed (T / FSC)</td>
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<tr>
<td>Woody Goldenrod (E / )</td>
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<td>Yellow-fruited Flax (T / )</td>
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</table>

Source: North Carolina Department of Natural and Cultural Resources, Natural Heritage Program; Natural Heritage Data Explorer [web application] available at https://www.ncnlp.org/data/species-community-search and accessed on June 4, 2018 (County Status - Current).
Table 2
State Threatened and Endangered Species
Vascular Plants and their Habitats
Bertie, Columbus, Lenoir, & Pitt Counties (North Carolina)
Community Development Block Grant - Disaster Recovery
Tiered Environmental Assessment for Single-Family Housing Programs

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>Bertie</th>
<th>Columbus</th>
<th>Lenoir</th>
<th>Pitt</th>
<th>HABITAT DESCRIPTION</th>
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<tbody>
<tr>
<td>A Silkgrass</td>
<td></td>
<td>1</td>
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<td>savannas, pine flatwoods, sandy roadsides</td>
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<tr>
<td>Acid-swamp Yellow-eyed Grass</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>savannas</td>
</tr>
<tr>
<td>Baldwin’s Nutrush</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>wet savannas</td>
</tr>
<tr>
<td>Big Shellbark Hickory</td>
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<td></td>
<td></td>
<td>brownwater river levees</td>
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<tr>
<td>Blue Water-hyssop</td>
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<td>1</td>
<td></td>
<td></td>
<td>shallow ponds, marshes, natural lakes, and tidal creeks</td>
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<tr>
<td>Bog Bluestem</td>
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<td>1</td>
<td></td>
<td></td>
<td>wet savannas</td>
</tr>
<tr>
<td>Bosc’s Bluet</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>clay based carolina bays</td>
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<tr>
<td>Carolina Bogmint</td>
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<td>1</td>
<td></td>
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<td>blackwater swamps, savanna/pocosin ecotones, ditches</td>
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<td></td>
<td></td>
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</tr>
<tr>
<td>Chapman’s Arrowhead</td>
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<td>1</td>
<td></td>
<td></td>
<td>limesink ponds</td>
</tr>
<tr>
<td>Chapman’s Three-awn</td>
<td></td>
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<td></td>
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<td>Dwarf Stinging Nettle</td>
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<td></td>
<td>rich blackwater and brownwater levee forests</td>
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<td></td>
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<td>limesink ponds</td>
</tr>
<tr>
<td>Florida Sunflower</td>
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<td>1</td>
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<td></td>
<td>savannas and pocosins</td>
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<td>Florida Yellow-eyed-grass</td>
<td></td>
<td>1</td>
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<td>savannas</td>
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<tr>
<td>Globe-fruit Seedbox</td>
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<td>1</td>
<td></td>
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<td>bogs, pools, and lake shores</td>
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<td>Green Fly Orchid</td>
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<td>Harper’s Pimply</td>
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<td>drawdown zones of blackwater rivers</td>
</tr>
<tr>
<td>Hooded Pitcherplant</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td>savannas</td>
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<tr>
<td>Horned Bladderwort</td>
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<td>limesink ponds</td>
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<tr>
<td>COMMON NAME</td>
<td>Bertie</td>
<td>Columbus</td>
<td>Lenoir</td>
<td>Pitt</td>
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<td>low woods over marl</td>
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<td>natural lakes</td>
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<td>beaver ponds, low pinelands, pools</td>
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<tr>
<td>Plymouth Gentian</td>
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<td>drawdown zones on banks of blackwater rivers</td>
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<td>limesink ponds, clay-based Carolina bays, beaver ponds, natural lakes</td>
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<td>Savanna Indigo-bush</td>
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<tr>
<td>Shrubby Seedbox</td>
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<td>limesink ponds, clay-based Carolina bays</td>
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<tr>
<td>Spring Sneezeweed</td>
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<td></td>
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<td>savannas and adjacent ditches</td>
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<td>Water Dawnflower</td>
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<td></td>
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<td>clay-based Carolina bays, pineland pools</td>
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<tr>
<td>Wireleaf Dropseed</td>
<td>1</td>
<td></td>
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<td>wet savannas</td>
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</tr>
<tr>
<td>Woody Goldenrod</td>
<td>1</td>
<td></td>
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<td>riverine sand ridges and xeric pine-oak scrub</td>
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<td>Yellow-fruited Flax</td>
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<td>pine savannas</td>
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</table>

Source: North Carolina Department of Natural and Cultural Resources, Natural Heritage Program; Natural Heritage Data Explorer [web application] available at https://www.ncnhp.org/data/species-community-search and accessed on June 5, 2018 (County Status - Current).
MEMORANDUM

TO: Daniel Herrera, Environmental Manager, CDBG Disaster Recovery
   NC Department of Public Safety, Emergency Management

FROM: Gabriela Garrison
       Eastern Piedmont Coordinator
       Habitat Conservation

DATE: July 10, 2018

SUBJECT: Request for Comments for the Tiered Environmental Assessment of Single-family
         Housing Projects for the Hurricane Matthew Community Development Block Grant –
         Disaster Recovery Program; Bertie, Columbus, Lenoir and Pitt Counties.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject
document. Comments are provided with provisions of the Fish and Wildlife Coordination
113A-1 through 113A-10; 1 NCAC 25) and North Carolina General Statutes (G.S. 113-131 et seq.).

The State of North Carolina received funding from the US Department of Housing and Urban
Development through a Community Development Block Grant, Disaster Recovery (CDBG-DR), to assist
with Hurricane Matthew recovery efforts in the eastern portion of the State. Funding will be allocated for
single-family, housing-related activities in Bertie, Columbus, Lenoir and Pitt Counties for those who
experienced damage from Hurricane Matthew. Program work will include the following activities:
repair/rehabilitation; elevation; reconstruction; relocation; acquisition for buyout; acquisition for
redevelopment; and reimbursement for eligible repairs. Most projects will likely involve work within the
previously disturbed footprints, however it is possible that homes may be relocated on previously
undisturbed land.

In accordance with the amended State of North Carolina CDBG-DR Action Plan, best available data
indicates the following number of homes experienced damage during Hurricane Matthew: 81 homes in
Bertie County; 274 homes in Columbus County; 243 homes in Lenoir County; and 117 homes in Pitt
County. As such, property owners from these residences may seek funding through the program. These
are the following types of single-family housing unit projects:

1. Repair/rehabilitate with no substantial change in footprint on the same parcel.
2. Elevate with no substantial change in footprint on the same parcel.
3. Reconstruct/replace with no substantial change in footprint on the same parcel.
4. Relocate on previously undisturbed land.
5. Acquire for buyout.
6. Acquire for redevelopment as single-family housing.
7. Reimburse to homeowners for previously completed eligible repair activities.

The primary action requiring potential consultation with NCWRC is Project Activity 4: relocation on previously undisturbed land. Based on the species information in the attached tables (Tables 1-4), the NCWRC should be consulted if the NC Natural Heritage Program, Data Explorer element occurrence data indicates potential presence of state-listed terrestrial species within one-half mile of proposed construction on previously undisturbed lands. If state-listed aquatic species are located within one mile (upstream or downstream) of clearing or disturbance near a freshwater stream, the following actions should be taken:

1. Maintain a minimum 100-foot undisturbed, native, forested buffer along perennial streams, and a minimum 50-foot buffer along intermittent streams and wetlands. Maintaining undisturbed, forested buffers along these areas will minimize impacts to aquatic and terrestrial wildlife resources, water quality, and aquatic habitat both within and downstream of the project area. Also, wide riparian buffers are helpful in maintaining stability of stream banks and for treatment of pollutants associated with urban stormwater.

2. Erosion and sediment control measures should conform to the High Quality Water Zones standards stipulated in the NC Department of Environmental Quality Erosion and Sediment Control Plan (https://deq.nc.gov/about/divisions/energy-mineral-land-resources/energy-mineral-land-permit-guidance/erosion-sediment-control-planning-design-manual). Sediment and erosion control measures should use advanced methods and installed prior to any land-disturbing activity. The use of biodegradable and wildlife-friendly sediment and erosion control devices is strongly recommended. Silt fencing, fiber rolls and/or other products should have loose-weave netting that is made of natural fiber materials with movable joints between the vertical and horizontal twines. Silt fencing that has been reinforced with plastic or metal mesh should be avoided as it impedes the movement of terrestrial wildlife species. Excessive silt and sediment loads can have detrimental effects on aquatic resources including destruction of spawning habitat, suffocation of eggs, and clogging of gills.

If a (minimum) 100-foot, riparian buffer is maintained and erosion and sediment control devices are installed outside of this buffer, consultation with NCWRC for state-listed aquatic species is no longer required. Please see the following general recommendations to minimize impacts to aquatic and terrestrial species:

1. The project footprint should be surveyed for wetlands and streams to ensure there are no impacts to surface waters. In addition to providing wildlife habitat, wetland areas and streams aid in flood control and water quality protection. United States Army Corps of Engineers Section 404 Permits and NC Division of Water Resources Section 401 Certifications are required for any impacts to jurisdictional streams or wetlands.

2. Stormwater runoff to receiving surface waters can be minimized by reducing impervious surfaces and increasing infiltration on site using Low Impact Development (LID) techniques. LID techniques appropriate for this project may include permeable pavement and bioretention areas that can collect stormwater from impervious areas. Additional alternatives include narrow driveways, swales versus curbs/gutters and permeable surfaces such as turf stone, brick and cobblestone.

3. Re-seed disturbed areas with seed mixtures that are beneficial to wildlife. Avoid fescue-based mixtures as fescue is invasive and provides little benefit to wildlife. A list of wildlife-friendly plants is available upon request. In addition, the use of non-invasive, native species is recommended. Using native species instead of ornamentals should reduce the need for water, fertilizers and pesticides.
4. Insecticides and herbicides should not be used within 100 feet of perennial streams and 50 feet of intermittent streams, or within floodplains and wetlands associated with these streams.

The NCWRC does not have jurisdiction over vascular plants. If plant species are listed as federally endangered, threatened or species of concern, please contact the US Fish & Wildlife Service (USFWS). If plant species are listed as state-endangered, threatened or special concern, please contact the NC Department of Agriculture and Consumer Services, Plant Conservation Program.

Thank you for the opportunity to review and comment on this project. If I can be of further assistance, please contact me at (910) 409-7350 or gabriela.garrison@ncwildlife.org.
TABLE 1. State-listed Species in Bertie County*

<table>
<thead>
<tr>
<th>Category</th>
<th>Species Name</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrestrial</td>
<td>Henslow’s sparrow (Ammodramus henslowii)</td>
<td>E</td>
</tr>
<tr>
<td>Terrestrial</td>
<td>Rafinesque’s big-eared bat (Corynorhinus rafinesquii macrotis)</td>
<td>SC</td>
</tr>
<tr>
<td>Terrestrial</td>
<td>timber rattlesnake (Crotalus horridus)</td>
<td>SC</td>
</tr>
<tr>
<td>Terrestrial</td>
<td>southeastern bat (Myotis austroriparius)</td>
<td>SC</td>
</tr>
<tr>
<td>Terrestrial</td>
<td>cerulean warbler (Setophaga cerulean)</td>
<td>SC</td>
</tr>
<tr>
<td>Aquatic</td>
<td>alewife floater (Anodonta implicata)</td>
<td>T</td>
</tr>
<tr>
<td>Aquatic</td>
<td>eastern lampmussel (Lampsilis radiata)</td>
<td>T</td>
</tr>
<tr>
<td>Aquatic</td>
<td>tidewater mucket (Leptodea ochracea)</td>
<td>T</td>
</tr>
<tr>
<td>Aquatic</td>
<td>eastern pondmussel (Ligumia nasuta)</td>
<td>T</td>
</tr>
<tr>
<td>Aquatic</td>
<td>Chowanoke crayfish (Orconectes virginiensis)</td>
<td>SC</td>
</tr>
<tr>
<td></td>
<td><strong>Shortnose sturgeon</strong> (Acipenser brevisrostrum)</td>
<td>Federally listed species, defer to National Marine Fisheries Service (NMFS)</td>
</tr>
<tr>
<td></td>
<td><strong>Atlantic sturgeon</strong> (Acipenser oxyrinchus oxyrinchus)</td>
<td>Federally listed species, defer to NMFS</td>
</tr>
<tr>
<td></td>
<td><strong>Bald eagle</strong> (Haliaeetus leucocephalus)</td>
<td>Federally listed species, defer to USFWS</td>
</tr>
<tr>
<td></td>
<td><strong>Northern long-eared bat</strong> (Myotis septentrionalis)</td>
<td>Federally listed species, defer to USFWS</td>
</tr>
<tr>
<td></td>
<td><strong>Red-cockaded woodpecker</strong> (Picoides borealis)</td>
<td>Federally listed species, defer to USFWS</td>
</tr>
</tbody>
</table>

*E: Endangered, T: Threatened, SC: Special Concern
**TABLE 2. State-listed Species in Columbus County**

Terrestrial: Mabee’s salamander (*Ambystoma mabeei*): T
Terrestrial: star-nosed mole (*Condylura cristata* pop. I, Coastal Plain population): SC
Terrestrial: eastern diamondback rattlesnake (*Crotalus adamanteus*): E
Terrestrial: timber rattlesnake (*Crotalus horridus*): SC
Terrestrial: eastern chicken turtle (*Deirochelys reticularia reticularia*): SC
Terrestrial: little blue heron (*Egretta caerulea*): SC
Terrestrial: snowy egret (*Egretta thula*): SC
Terrestrial: dwarf salamander (*Eurycea quadridigitata*): SC
Terrestrial: wood stork (*Mycteria americana*): T
Terrestrial: southeastern bat (*Myotis austroriparius*): SC
Aquatic: thinlip chub (*Cyprinella sp. 1*): SC
Aquatic: Carolina pygmy sunfish (*Elassoma boehlkei*): T
Aquatic: pod lance (*Elliptio folliculata*): SC
Aquatic: Waccamaw spike (*Elliptio waccamawensis*): T
Aquatic: Waccamaw darter (* Ethostoma perlongum*): T
Aquatic: Waccamaw killifish (*Fundulus waccamensis*): SC
Aquatic: yellow lampmussel (*Lampsilis cariosa*): E
Aquatic: Waccamaw fatmucket (*Lampsilis fullerkati*): T
Aquatic: eastern lampmussel (*Lampsilis radiata*): E
Aquatic: tidewater mucket (*Leptodea ochracea*): T
Aquatic: Waccamaw silverside (*Menidia extensa*): T
Aquatic: broadtail madtom (*Noturus sp.2*): SC
Aquatic: Waccamaw crayfish (*Procambarus braswelli*): SC
Aquatic: Savannah lilliput (*Toxolasma pullus*): E

**Shortnose sturgeon** (*Acipenser brevirostrum*) **Federally listed species, defer to NMFS
**American alligator** (*Alligator mississippiensis*) **Federally listed due to similarity of appearance, defer to USFWS
**Bald eagle** (*Haliaeetus leucocephalus*) **Federally listed species, defer to USFWS
**Red-cockaded woodpecker** (*Picoides borealis*) **Federally listed species, defer to USFWS
TABLE 3. State-listed Species in Lenoir County

| Terrestrial: timber rattlesnake (*Crotalus horridus*): SC |
| Terrestrial: loggerhead shrike (*Lanius ludovicianus*): SC |
| Aquatic: Roanoke slabshell (*Elliptio roanokensis* (*syn. Elliptio judithae*)): SC |
| Aquatic: least brook lamprey (*Lamproptera aepyptera*): T |
| Aquatic: Neuse River waterdog (*Necturus lewisi*): SC |
| Aquatic: mimic shiner (*Notropis furiosus*): T |
| Aquatic: North Carolina spiny crayfish (*Orconectes carolinensis*): SC |

**American alligator** (*Alligator mississippiensis*) **Federally listed due to similarity of appearance, defer to USFWS**

**Bald eagle** (*Haliaeetus leucocephalus*) **Federally listed species, defer to USFWS**

**Red-cockaded woodpecker** (*Picoides borealis*) **Federally listed species, defer to USFWS**

**West Indian manatee** (*Trichechus manatus*) **Federally listed species, defer to USFWS**
TABLE 4. State-listed Species in Pitt County

| Terrestrial: mole salamander (*Ambystoma talpoideum*): SC |
| Terrestrial: Henslow’s sparrow (*Ammodyramus henslowii*): E |
| Terrestrial: star-nosed mole (*Condylura cristata* pop.1, Coastal Plain population): SC |
| Terrestrial: timber rattlesnake (*Crotalus horridus*): SC |
| Terrestrial: southern hognose snake (*Heterodon simus*): T |
| Terrestrial: loggerhead shrike (*Lanius ludovicianus*): SC |
| Terrestrial: Carolina pigmy rattlesnake (*Sistrurus miliarius miliarius*): SC |
| Aquatic: triangle floater (*Alasmidonta undulata*): T |
| Aquatic: Cape Fear spike (*Elliptio marsupiobesa*): SC |
| Aquatic: Roanoke slabshell (*Elliptio roanokensis* (syn. *Elliptio judithae*)): SC |
| Aquatic: least brook lamprey (*Lampetra aepyptera*): T |
| Aquatic: yellow lampmussel (*Lampsilis cariosa*): E |
| Aquatic: eastern lampmussel (*Lampsilis radiata*): T |
| Aquatic: green floater (*Lasmigona subviridis*): E |
| Aquatic: tidewater mucket (*Leptodea ochracea*): T |
| Aquatic: eastern pondmussel (*Ligumia nasuta*): T |
| Aquatic: Neuse River waterdog (*Necturus lewisi*): SC |
| Aquatic: mimic shiner (*Notropis volucellus*): T |
| Aquatic: Carolina madtom (*Noturus furiosus*): T |
| Aquatic: NC spiny crayfish (*Orconectes carolinensis*): SC |
| Aquatic: creeper (*Strophitus undulatus*): T |

**Shortnose sturgeon** (*Acipenser brevirostrum*) **Federally listed species, defer to NMFS**

**Atlantic sturgeon** (*Acipenser oxyrinchus oxyrinchus*) **Federally listed species, defer to NMFS**

**American alligator** (*Alligator mississippiensis*) **Federally listed due to similarity of appearance, defer to USFWS**

**Tar River spinymussel** (*Elliptio steinstansana*) **Federally listed species, defer to USFWS**

**Bald eagle** (*Haliaeetus leucocephalus*) **Federally listed species, defer to USFWS**

**Red-cockaded woodpecker** (*Picoides borealis*) **Federally listed species, defer to USFWS**

**West Indian manatee** (*Trichechus manatus*) **Federally listed species, defer to USFWS**
Attachment 5-3. Consultation with NOAA National Marine Fisheries Service
June 8, 2018

Mr. Noah Silverman
NEPA Coordinator
NOAA Fisheries
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Silverman:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie County to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie County in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment I, the best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from NOAA Fisheries on the need for individual NOAA Fisheries consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with NOAA Fisheries and which would not. For example, for project types 1, 2, 3, and 7 listed above, site-specific consultation with NOAA Fisheries does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require NOAA Fisheries consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie County as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
Hello,

Based on the list in your attached letter, and without any additional information regarding the potential impacts from these activities, I would say that only activity #4 - "Relocation on previously undisturbed land" has any potential to necessitate consultation with NMFS.

As a rule of thumb, if your individual project has no potential to directly, indirectly or cumulatively impact waters of the US, than it is highly unlikely that you would need to consult with NMFS.

Please feel free to reach out to me directly (contact info below) if you have any questions about the need to consult with NMFS for a specific project.

Thank you,
-Noah

On Fri, Jun 8, 2018 at 10:49 AM, Haynie, Jennifer <jennifer.haynie@ncdenr.gov> wrote:

Dear Mr. Silverman,

On behalf of the North Carolina Division of Emergency Management, the North Carolina Department of Environmental Quality (NCDEQ) is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at the information below.

All the best,
Figure 5-1
Wood Stork Rookery

Source: Online Resource for County of Bertie, NC (ROKMAPS)
Figure 5-2
Northern Long-Eared Bat Range in North Carolina

Source: US Fish and Wildlife Service
Exhibit 6
Wild and Scenic Rivers

Attachment 6-1. Consultation with National Park Service

Attachment 6-2. Consultation with NC Division of Parks and Recreation

Figure 6-1. Wild and Scenic Rivers – North Carolina

Table 6-1. Wild and Scenic Rivers, Bertie County, North Carolina
Attachment 6-1. Consultation with the National Park Service
June 8, 2018

Mr. Jeffrey R. Duncan, PhD
National Park Service, Southeast Region
100 West Martin Luther King, Jr. Blvd., Suite 215
Chattanooga, TN 37402

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Duncan:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from the National Park Service (NPS) on the need for individual designated river consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

The Lumber River, portions of which are designated as Wild and Scenic, borders the western edge of Columbus County. Bertie, Columbus, and Lenoir Counties contain at least one river on the Nationwide Rivers Inventory (NRI).

It is our understanding that activities require review by the NPS only if they would disturb the bed or bank of a designated river. The single-family housing project types listed above will not involve water resource projects or any work on or directly affecting any river on the NRI, nor will they result in significant adverse impacts to the values for which the listed rivers were designated. It is unlikely that single-family housing projects receiving CDBG-DR funding will disturb the bed or banks of any river on the NRI. Therefore, we do not believe that NPS coordination or consultation is required for the site-specific environmental reviews for project locations in these counties.

If you agree with the conclusion that NPS consultation is not required for site-specific environmental reviews for project locations in Bertie, Columbus, Lenoir, and Pitt Counties, please provide your concurrence. If you envision situations associated with certain types of single-family housing projects listed above that might warrant NPS consultation (or coordination) with regard to Wild and Scenic Rivers or rivers on the NRI, please identify the specific project activities and/or conditions that would trigger the need for such consultation.

Avoidance of unnecessary clearing of native riparian vegetation such that the local scenery remains intact and implementation of erosion/sediment control measures where construction-derived runoff has the potential to enter the waterway, also known as Best Management Practices (BMPs), will be established as conditions for CDBG-DR project approvals for project sites that will involve construction activities adjacent to a Wild and Scenic River or river listed on the
NRI. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences. If NPS recommends additional mitigation measures be considered or implemented, please identify them.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

[Signature]

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
Jennifer--

My apologies for the slow response. Both of your previous email came in while I was on leave. That said, I concur with your conclusion that given the nature of these project, no further consultation with the NPS is necessary. Please feel free to reach back out if you have additional questions or concerns.

Best, Jeff

Jeffrey R. Duncan, PhD
National Park Service-Southeast Region
Science and Natural Resources Division
Fisheries and Aquatic Resources

100 West Martin Luther King, Jr. Blvd
Suite 215
Chattanooga, TN 37402
423-987-6127

On Tue, Jul 17, 2018 at 4:34 PM, Haynie, Jennifer <jennifer.haynie@ncdenr.gov> wrote:

Dear Mr. Duncan,

Good afternoon! I hope you are doing well. I wanted to inquire about the status of your response related to the attached document and the e-mails below. The counties mentioned in the letter are in a time crunch to complete their Tier I environmental assessments so that CDBG-DR funds can flow to people who badly need their housing to be reconstructed or renovated. I wanted to make sure that the National Park Service had an opportunity to comment on the project. If you could reply with any comments you have related to the attached, I would greatly appreciate it. Please contact me at the information at the bottom of this e-mail if you have any questions.

Thanks!
Jennifer

From: Haynie, Jennifer
Sent: Friday, June 22, 2018 14:00
To: 'jeff_duncan@nps.gov' <jeff_duncan@nps.gov>
Cc: Dan Herrera (daniel.herrera@ncdps.gov) <daniel.herrera@ncdps.gov>; Kubacki, Susan <susan.kubacki@ncdenr.gov>; Gagner, Mike (NCEM) <Michael.Gagner@ncdps.gov>
Subject: FW: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program

Dear Mr. Duncan,

Good afternoon! I hope this e-mail finds you doing well. I wanted to inquire about the status of your response related to the attachment and the e-mail referenced below. The EAs for the counties mentioned within the letter are under a time crunch to be completed for public review by the end of
July, and if at all possible, a response before July 11 would be appreciated. If you have any questions, please contact me at the information below.

All the best,
Jennifer

From: Haynie, Jennifer
Sent: Friday, June 08, 2018 10:36
To: 'jeff_duncan@nps.gov' <jeff_duncan@nps.gov>
Cc: Dan Herrera (daniel.herrera@ncdps.gov) <daniel.herrera@ncdps.gov>; Gagner, Mike (NCEM) <Michael.Gagner@ncdps.gov>; Kubacki, Susan <susan.kubacki@ncdenr.gov>
Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew CDBG-DR Program

Dear Mr. Duncan,

On behalf of the North Carolina Division of Emergency Management, the North Carolina Department of Environmental Quality (NCDEQ) is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at the information below.

All the best,

Jennifer

Jennifer M. Haynie
Supervisor, Environment and Special Projects Unit
Division of Water Infrastructure
Department of Environmental Quality

919 707 9173  office
jennifer.haynie@ncdenr.gov

Mailing Address - 1633 Mail Service Center, Raleigh, North Carolina, 27699-1633
Street Address - 512 N. Salisbury St, Raleigh, North Carolina, 27604
Attachment 6-2. Consultation with NC Division of Parks and Recreation
June 8, 2018

Mr. Justin Williamson
Environmental Review Coordinator
North Carolina Division of Parks & Recreation
1615 Mail Service Center
Raleigh, NC 27699-1615

RE: Tiered Environmental Assessment of Single-Family Housing Projects
   Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Williamson:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously disturbed footprints, there is the possibility of relocation of homes to previously undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best currently available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCDEM, along with the North Carolina Department of Environmental Quality (NCDEQ) seeks input from the North Carolina Division of Parks & Recreation (NC State Parks) on the need for individual consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously completed eligible repair activities.

There are no State Natural and Scenic Rivers in Bertie or Lenoir counties. Columbus County does include portions of the Lumber River State Park and portions of the Lumber River that are designated as a State Natural and Scenic River. The single-family housing project types listed above will not involve any water resources projects nor is any work likely to adversely affect the designated river or state park; therefore, we do not believe that NC State Parks coordination or consultation is required for the site-specific environmental reviews for project locations in these counties. If you agree, please provide your concurrence with this conclusion. If you envision situations that might warrant NC State Parks consultation (or coordination), please identify the specific conditions that would trigger the need for such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCDEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
Division of Parks and Recreation  
NC Department of Natural and Cultural Resources

Governor Roy Cooper

Secretary Susi H. Hamilton  

June 12, 2018

Daniel Herrera  
Environmental Manager  
CDBG Disaster Recovery  
4218 Mail Service Center  
Raleigh, NC 27699-4218

Dear Mr. Herrera:

I am responding to your request for information regarding the CDBG-DR environmental assessment efforts in Bertie, Columbus, Lenoir and Pitt counties. Based on the information in your letter concerning the different types of single-family housing unit projects, the North Carolina Division of Parks and Recreation (DPR) concurs that site-specific consultation will not be required for these projects. However, it is important to note that while DPR does not believe any impacts to State Park Land or Management Areas will be affected by this project, DPR does manage several properties within these counties, including State Parks, State Natural Area and State Trails and if potential impacts were to occur we would require further consultation.

If you need further information please let me know.

Sincerely,

Justin Williamson  
Environmental Review Coordinator  
North Carolina Division of Parks and Recreation  
(919) 707-9329 / justin.williamson@ncparks.gov
Figure 6-1
Wild and Scenic Rivers / Nationwide Rivers Inventory – Bertie County

Source: US Department of the Interior, National Park Service, Nationwide Rivers Inventory
North Carolina State Parks, State Rivers
### Table 6-1
Description of Wild and Scenic Rivers, Bertie County

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<tr>
<td>Chowan River</td>
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</tbody>
</table>

*Source: US Department of the Interior, National Park Service, Nationwide Rivers Inventory North Carolina State Parks, State Rivers*
Exhibit 7
Air Quality

Attachment 7-1. Correspondence with U.S. Environmental Protection Agency

Figure 7-1. National Ambient Air Quality Standards

Figure 7-2. Radon Concentration Map – North Carolina
Attachment 7-1. Consultation with U.S. Environmental Protection Agency
Correspondence to U.S. Environmental Protection Agency
June 8, 2018

Mr. Christopher A. Miltischer  
Chief, NEPA Program Office  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, SW  
Atlanta, GA 30303

RE: Tiered Environmental Assessment of Single-Family Housing Projects  
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Miltischer:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the U.S. Environmental Protection Agency, Region 4 (USEPA) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

We plan to conduct site-specific contamination and toxic substances reviews for all project activities listed above.

A desktop review will supplement a site-specific inspection. The following public databases will be used to conduct the supplemental site-specific desktop reviews for contaminated and toxic sites on or within 3,000 feet of the project location as specified in 24 CFR 58.5(i):

- North Carolina Department of Environmental Quality (NCDEQ) Waste Management GIS Data and Maps – Includes Brownfield Sites, Hazardous Waste Sites (a subset of the many sites available through RCRAInfo), Inactive Hazardous Sites (which includes Manufactured Gas Plants), Active Permitted Landfills, Pre-Reg Landfills, Regional UST Sites, Registered USTs, Drycleaner and DSCA Sites, UST Incident Maps, Federal Remediation Sites. URL: https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/waste-management-gis-maps

- NCDEQ Division of Waste Management On-line Document Management (Laserfiche) System – This is NCDEQ’s database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information regarding individual contaminant site concerns in order to assess impacts on project sites. URL: https://edocs.deq.nc.gov/WasteManagement/Search.aspx?cr=1

- Formerly Used Defense Sites – Identifies contaminated sites under investigation by the US Army Corps of Engineers. URL: http://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/FUDS-GIS/
- NEPAssist – Includes the US Environmental Protection Agency’s Superfund List (Superfund Enterprise Management System [SEMS], which replaced CERCLIS), National Priorities List (NPL), Toxics Release Inventory, Brownfields, Air Facility Systems, Hazardous Waste (RCRAInfo), Water Dischargers (NPDES), Brownfields (ACRES), RADInfo, and Toxic Substances Control Act (TSCA). URL: https://www.epa.gov/nepa/nepassist

If there are additional data resources that USEPA would recommend be used for the site-specific contamination and toxic substances reviews, please identify them along with a URL.

Data obtained from these public databases will be used by a qualified environmental professional to evaluate the potential for the suspected or known contaminated site to be located on or to have adversely impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

Although site-specific consultation with regulatory agencies is generally not required for this environmental review topic, please identify any specific conditions that would trigger the need for USEPA consultation (or coordination) with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
     Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
     Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
From: Militscher, Chris <Militscher.Chris@epa.gov>
Sent: Wednesday, June 27, 2018 9:53 AM
To: wainwright.david@ncdenr.gov; Corson, Kristie; Ware, Bonnie; Haynie, Jennifer
Subject: [External] Hurricane Matthew CDBG Notices

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.

David/Kristie/Bonnie/Jennifer: The U.S. Environmental Protection Agency (EPA) Region 4’s NEPA Program Office has received the subject notices for the following NC counties:

Bertie
Columbus
Pitt
Lenoir

The EPA’s only technical recommendation is that any solid (or hazardous) wastes generated from the repairs/rehabilitation to the single family homes be disposed of in accordance with local, State and Federal requirements. Opportunities for solid waste minimization measures (recycling, re-purposing) should be encouraged to reduce volumes for disposal at landfills.

Thank you for the opportunity to comment.

Christopher A. Militscher
Chief, NEPA Program Office
USEPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9512
Figure 7-1
National Ambient Air Quality Standards for North Carolina

Source: US Environmental Protection Agency, National Ambient Air Quality Standards
Figure 7-2
Radon Concentration Map – North Carolina

Source: US Environmental Protection Agency, EPA Radon Zones, United States
Exhibit 8
Farmlands

No Tier I consultation deemed necessary. Site-specific consultation may be required with the US Department of Agriculture or the North Carolina Department of Agriculture and Consumer Services for new construction or relocation activities.

Source: 7 CFR 658, Form AD-1006
Attachment 9-1. Demographic Information for Bertie County

Consultation for Tier I with agencies not deemed necessary.
Sources: US Census Bureau 2010 Survey, Bertie County
US Census Bureau 2016 American Community Survey

Population:
The population of Bertie County is 21,282.

Population Change (2010 to 2016):
The population increased by 7.6%. In comparison, North Carolina increased by 19%.

Age:
The median age is 45, below the median age of North Carolina median of 42.

Race and Ethnicity:

<table>
<thead>
<tr>
<th>Location</th>
<th>White</th>
<th>Black or African American</th>
<th>American Indian and Alaska Native</th>
<th>Other Races</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bertie County</td>
<td>36%</td>
<td>62%</td>
<td>1%</td>
<td>1%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>70%</td>
<td>22%</td>
<td>1%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Poverty:
In Bertie County, 22% of the population is below the poverty level compared to 17% in the population of North Carolina.

Low and Moderate-Income Individuals:
In Bertie County, based upon HUD’s definition, 48% of the population is classified as low and moderate-income individuals compared to 39% of the population of North Carolina.

Median Household Income:
The median household income of the population of Bertie County (25 to 64 years old) is $34,127 compared to the median income of $53,000 for North Carolina.
Exhibit 10
Noise Control and Abatement

As per https://www.hudexchange.info/faqs/1523/do-hud-regulations-require-a-noise-analysis-for-reconstruction/, noise control and abatement does not have to be addressed in rehab / reconstruction / reimbursement.
Exhibit 11
Siting of HUD-Assisted Projects near Hazardous Operations

Attachment 11-1. Correspondence from Danielle Schopp on Siting of HUD-Assisted Projects

As per Attachment 11-1, Correspondence from Danielle Schopp, JD, MPA, Director, Office of Environment and Energy, Department of Housing and Urban Development – Headquarters.

“All new construction or relocation must meet the requirements of 24 CFR 51 Subpart C. However, all other types of project activities are exempt from this requirement.”
E-Mail from Danielle Schopp, JD, MPA  
Director, Office of Environment and Energy  
Department of Housing and Urban Development – Headquarters  

On March 18, 2013  

...ASD requirements do not apply because the definition for HUD assisted projects at 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations; therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased is not required to apply 24 CFR Part 51 Subpart C.  

Synopsis: All new construction or relocation must meet the requirements of 24 CFR 51 Subpart C. However, all other types of project activities are exempt from this requirement.
Figure 12-1. Distance to Nearest Runway Clear Zones for Civilian Airports

Consultation for Tier I not deemed necessary. A review of all sites in the various databases from EPA, such as NEPAssist, and state databases will be required as part of each Tier II ERR determination. Depending upon the findings, coordination may be required with the US EPA, Region IV and the North Carolina Department of Environmental Quality. Any correspondence and / or documentation regarding those findings will be included in the Tier II ERR.
Attachment 13-1. Consultation with U.S. Environmental Protection Agency
June 8, 2018

Mr. Christopher A. Miltitscher
Chief, NEPA Program Office
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Miltitscher:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie, Columbus, Lenoir, and Pitt Counties to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs.

Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie, Columbus, Lenoir, and Pitt Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County, 274 homes in Columbus County, 243 homes in Lenoir County, and 117 homes in Pitt County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the U.S. Environmental Protection Agency, Region 4 (USEPA) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
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5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

We plan to conduct site-specific contamination and toxic substances reviews for all project activities listed above.

A desktop review will supplement a site-specific inspection. The following public databases will be used to conduct the supplemental site-specific desktop reviews for contaminated and toxic sites on or within 3,000 feet of the project location as specified in 24 CFR 58.5(i):

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If there are additional data resources that USEPA would recommend be used for the site-specific contamination and toxic substances reviews, please identify them along with a URL.

Data obtained from these public databases will be used by a qualified environmental professional to evaluate the potential for the suspected or known contaminated site to be located on or to have adversely impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

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The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie, Columbus, Lenoir, and Pitt Counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
From: Militscher, Chris <Militscher.Chris@epa.gov>
Sent: Wednesday, June 27, 2018 9:53 AM
To: wainwright.david@ncdenr.gov; Corson, Kristie; Ware, Bonnie; Haynie, Jennifer
Subject: [External] Hurricane Matthew CDBG Notices

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David/Kristie/Bonnie/Jennifer: The U.S. Environmental Protection Agency (EPA) Region 4’s NEPA Program Office has received the subject notices for the following NC counties:

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Columbus
Pitt
Lenoir

The EPA’s only technical recommendation is that any solid (or hazardous) wastes generated from the repairs/rehabilitation to the single family homes be disposed of in accordance with local, State and Federal requirements. Opportunities for solid waste minimization measures (recycling, re-purposing) should be encouraged to reduce volumes for disposal at landfills.

Thank you for the opportunity to comment.

Christopher A. Militscher
Chief, NEPA Program Office
USEPA Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
404-562-9512
Exhibit 14
Magnuson-Stevens Fishery Conservation and Management Act

Attachment 14-1. Consultation with National Marine Fisheries Service

Figure 14-1. Anadromous Fish Spawning Areas in North Carolina
Attachment 14-1. Consultation with National Marine Fisheries Service
June 8, 2018

Mr. Noah Silverman  
NEPA Coordinator  
NOAA Fisheries  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL  33701

RE: Tiered Environmental Assessment of Single-Family Housing Projects  
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Silverman:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie County to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously-disturbed footprints, there is the possibility of relocation of homes to previously-undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie County in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from NOAA Fisheries on the need for individual NOAA Fisheries consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously-completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with NOAA Fisheries and which would not. For example, for project types 1, 2, 3, and 7 listed above, site-specific consultation with NOAA Fisheries does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require NOAA Fisheries consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie County as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner - NCEM, Deputy Chief of Resilience
    Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
    Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
Hello,

Based on the list in your attached letter, and without any additional information regarding the potential impacts from these activities, I would say that only activity #4 - "Relocation on previously undisturbed land" has any potential to necessitate consultation with NMFS.

As a rule of thumb, if your individual project has no potential to directly, indirectly or cumulatively impact waters of the US, than it is highly unlikely that you would need to consult with NMFS.

Please feel free to reach out to me directly (contact info below) if you have any questions about the need to consult with NMFS for a specific project.

Thank you,
-Noah

On Fri, Jun 8, 2018 at 10:49 AM, Haynie, Jennifer <jennifer.haynie@ncdenr.gov> wrote:

Dear Mr. Silverman,

On behalf of the North Carolina Division of Emergency Management, the North Carolina Department of Environmental Quality (NCDEQ) is preparing a Tiered environmental assessment for Hurricane Matthew disaster recovery single-family housing projects under a Community Development Block Grant - Disaster Recovery program funded by the US Department of Housing and Urban Development. Please see the attached letter containing the project information and requesting your input regarding Tier II consultations.

Should you require additional information or have any questions, please feel free to contact me at the information below.

All the best,
Figure 14-1
Anadromous Fish Spawning Areas

Source: North Carolina Marine Fisheries Commission
Exhibit 15
Coastal Barrier Resources Act

Attachment 15-1. Consultation with North Carolina Department of Environmental Quality, Division of Coastal Management

Figure 15-1. John H. Chafee Coastal Barrier Resources System – North Carolina

Figure 15-2. North Carolina Coastal Barrier Resources Program Area
Attachment 15-1. Consultation with NC Department of Environmental Quality, Division of Coastal Management
June 8, 2018

Mr. Gregg Bodnar  
Assistant Major Permits Coordinator  
Division of Coastal Management  
North Carolina Department of Environmental Quality  
400 Commerce Avenue  
Morehead City, NC  28557

RE: Tiered Environmental Assessment of Single-Family Housing Projects  
Hurricane Matthew Community Development Block Grant - Disaster Recovery Program

Dear Mr. Bodnar:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in Bertie County to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most of the proposed projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously disturbed footprints, there is the possibility of relocation of homes to previously undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in Bertie County in accordance with 24 CFR Part 58. As specified in the State of North Carolina CDBG-DR Action Plan as amended by the State of North Carolina CDBG-DR Action Plan Substantial Amendment 1, the best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through this program.
To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM, along with the North Carolina Department of Environmental Quality (NCDEQ), seeks input from the NCDEQ Division of Division of Coastal Management (DCM) on the need for individual NCDEQ DCM consultation concerning the following types of single-family housing unit projects:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously completed eligible repair activities.

Please let us know which of these types of projects may require site-by-site consultation with NCDEQ DCM and which would not. For example, for project types 1, 2, 3, and 7 listed above, site-specific consultation with NCDEQ DCM does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed.

We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, for types of projects that may require NCDEQ DCM consultation, please identify the specific conditions that would trigger the need for consultation with the goal of limiting the number of required consultations to the situations that warrant such consultation.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Bertie County as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact Jennifer Haynie at (919) 707-9173 (jennifer.haynie@ncdenr.gov) or Susan Kubacki at (919) 707-9181 (susan.kubacki@ncdenr.gov).

Sincerely,

Daniel Herrera
Environmental Manager, CDBG Disaster Recovery

cc: Michael Gagner – NCEM, Deputy Chief of Resilience
Susan Kubacki – NCDEQ, Division of Water Infrastructure, Environmental Program Manager
Jennifer Haynie – NCDEQ, Division of Water Infrastructure, Supervisor, ESPU
June 18, 2018

Mr. Daniel Herrera
Environmental Manager
CDBG Disaster Recovery
North Carolina Department of Public Safety
4218 Mail Service Center
Raleigh, NC 27699

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricane Matthew Community Development Block Grant- Disaster Recovery Program

Dear Mr. Herrera:

In deciding if an individual consultation is needed for a project we need determine if a project is located within a North Carolina Division of Coastal Management (DCM) Area of Environmental Concern and if it is considered development. Each project has differences which makes each situation unique, but if the project is within 75 feet of Normal Water Level (NWL) adjacent coastal or joint waters as defined by the Marine Fisheries Commission (75 foot AEC) or within 30 feet of NWL of inland waters as defined by the Wildlife Resources Commission (30 foot AEC), the North Carolina Division of Coastal Management (DCM) may have jurisdiction if development is occurring. Development is defined as, “any activity in a duly designated area of environmental concern involving, requiring or consisting of the construction or enlargement of a structure; excavation; dredging; filling; dumping; removal of clay, silt, sand, gravel or minerals; bulkheading; driving of pilings; clearing or alteration of land as an adjunct of construction,” as stated in the Coastal Area Management Act. In Bertie County, development (as defined above) within this 75-foot AEC or 30-foot AEC may either be an exemption or require a permit. You have requested information if individual consultation is needed for:

1. Repair/rehabilitation with no substantial change in footprint on the same parcel;
2. Elevation with no substantial change in footprint on the same parcel;
3. Reconstruction/replacement with no substantial change in footprint on the same parcel;
4. Relocation on previously-undisturbed land;
5. Acquisition for buyout;
6. Acquisition for redevelopment as single-family housing; and
7. Reimbursement to homeowners for previously completed eligible repair activities.
If the properties are located within 75 feet of NWL the property owner should contact the DCM for situations (as described above) 1, 2, 3, 4, and 7. These situations may require permits or an exemption from DCM. Please also note that DCM defines a project as replacement if, “the cost to do the work exceeds 50 percent of the market value of an existing structure immediately prior to the time of damage or the time of the request,” (15A NCAC 07J.0210). If the project meets the above situations, it is recommended that the property owners contact DCM prior to any work. Situations (as described above) 5 and 6 are not considered development and would not require a permit from the DCM.

If you have any further questions or a list of properties you would like for me to review please feel free to contact me a 252-948-3936.

Kevin Hart
Environmental Senior Specialist
Figure 15-1
John H. Chafee Coastal Barrier Resources System

Source: US Fish and Wildlife Service, Coastal Barrier Resources System
Figure 15-2
North Carolina Coastal Barrier Resources Program Area

Source: North Carolina Environmental Quality, Coastal Resources Commission
Appendix D

Programmatic Compliance Process
[24 CFR 55.20]
Programmatic Compliance Process  
(24 CFR 55, Executive Order 11988)

HUD regulations in 24 CFR Part 55 implement Executive Order 11988, Floodplain Management. The purpose of EO 11988 is “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

**Background**

Sites located within a 100-year floodplain are subject to EO 11988 and any actions outside the 100-year floodplain that directly or indirectly impact the floodplain are subject to EO 11988. The relevant data source for the 100-year floodplain is the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps (FIRMs).

**24 CFR 55.1(c)**

No HUD financial assistance may be approved for the following:

- Any action, other than a functionally dependent use, located in a floodway (except for this program specifically for buyout, acquisition or relocation outside of the floodway);
- Any critical action (refers to hospitals, nursing homes, Emergency Operation Centers, power-generating facilities, etc.) located in a coastal high hazard area (V-zone); or
- Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area (V-zone compliant) or is a functionally dependent use.  
  *(Bertie County is not within a Coastal High Hazard Area; therefore, V-zone items are not considered herein.)*

**Approach**

In applying EO 11988 and 24 CFR Part 55, the State’s approach is to avoid adverse impacts to the floodplain because of the Proposed Actions to the extent possible.

Bertie County building codes for elevation require new, reconstructed and substantially damaged buildings in the floodplain to be elevated in accordance with the best available flood mapping. A structure is considered substantially damaged if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage. The building codes required elevation of at least the Base Flood Elevation for the County plus freeboard. Depending upon the municipality, the building code could vary as to the amount of freeboard above Base Flood Elevation.

**Exceptions to this Programmatic Compliance Process Document**
Any proposed action that would qualify as new construction or relocation of a structure to within a previously undisturbed area within a floodplain is not eligible for this Programmatic Compliance Document process. If those proposed actions are to occur within a floodplain, an individual 8-step process, in accordance with 24 CFR 55.20, will be required.

_site-specific review determination process_

The proposed approach to document compliance with EO 11988 is:

- Document the source of information on the Site-Specific Checklist.
- Proposed sites located within the Special Flood Hazard Area as identified by FEMA maps have been addressed in the attached Programmatic Compliance Process document, a large-scale 8-Step Process prepared according to 24 CFR Part 55.20.

a. The State will review the property locations to identify any within a FEMA-delineated floodway. Any located within a FEMA-delineated floodway are not eligible for assistance under the Rebuild NC program (Bertie County), except for buyout, acquisition or relocation activities.

b. The State will identify applicable measures to mitigate impacts to the floodplain if the structure is located within the 100-year floodplain.
PROGRAMMATIC COMPLIANCE PROCESS

Executive Order 11988 – Floodplain Management

Bertie County, North Carolina

Effective Date: September 2018

Community Development Block Grant – Disaster Recovery Housing Program

TABLE OF CONTENTS

Programmatic Compliance 8-Step Process

Step ONE: Determine if a Proposed Action Is in the 100-year Floodplain

Step TWO: Early Public Review

Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base 100-year Floodplain

Step FOUR: Identify the Impacts of the Proposed Actions

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values

Step SIX: Re-evaluate Alternatives

Step SEVEN: Issue Findings and a Public Explanation

Step EIGHT: Implement the Action

Attachment D-1. Early Public Review Notice

Attachment D-2. Sample Letter to Interested Parties

Attachment D-3. Comments and Responses Related to Step Two Notice

Attachment D-3. Issue Findings, Public Notice

Attachment D-4. Comments and Responses Related to Findings and Public Notice for Step Seven
PROGRAMMATIC COMPLIANCE PROCESS

Executive Order 11988 – Floodplain Management – Bertie County

U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery

Background

HUD regulation 24 CFR Part 55 implements Executive Order 11988, “Floodplain Management.” The purpose of EO 11988 is “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modifications of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.”

Project sites located within a special flood hazard area (SFHA) are subject to EO 11988 and any actions outside the SFHA that directly or indirectly impact the floodplain are subject to EO 11988. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps (FIRMs).

24 CFR Part 55.1 (c)

No HUD financial assistance may be approved for the following:

- Any action, other than a functionally dependent use, located in a floodway;
- Any critical action (refers to hospitals, nursing homes, Emergency Operation Centers, power-generating facilities, etc.) located in a coastal high hazard area (V-zone); or
- Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area (V-zone compliant) or is a functionally dependent use.

Any proposed actions within the V zone must comply with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

NCEM Approach

In applying EO 11988 and 24 CFR Part 55, the North Carolina Department of Commerce’s approach is to avoid adverse impacts to the floodplain as a result of the Proposed Actions to the extent possible.

ABFEs

Property owners who have to rebuild because their property is substantially damaged will have to build to the highest available State or FEMA elevation level. In most cases this will be the HUD standard plus 2 feet ABFE unless local regulations are higher. A structure is considered substantially damaged if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage.
Staff will use the most recent FIRMs to indicate base flood elevations.

**Zone A and Zone V**

There are no V-zones present in Bertie County because it is a non-coastal county.

In reference to the requirements listed in 24 CFR Part 55.1 (c), none of the residential structures and properties included in the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC) would be considered a functionally dependent use. Compliance with the standard for addressing a V-zone compliant design will be documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance program.

**Site-Specific Review Determination Process**

The proposed approach to document compliance with EO 11988 is:

- Document the source of information on the Site-Specific Checklist.
- Project sites located within the Special Flood Hazard Area (Zones A or V) as identified by FEMA maps have been addressed in the attached Programmatic Compliance Process document, a large-scale 8-Step Process prepared according to 24 CFR Part 55.20.
- The Responsible Entity will review the property locations to identify any within a FEMA-delineated floodway. Any located within a FEMA-delineated floodway are not eligible for the program.
- The Responsible Entity will identify applicable measures to mitigate impacts to the floodplain if the parcel is located within the 100-year floodplain.
DOCUMENTATION FOR

Programmatic Compliance Process

Executive Order 11988 – Floodplain Management

Bertie County

Effective Date: September 2018

Rebuild NC: Bertie County Single Family Housing Recovery Program (1-4 Units)

TABLE OF CONTENTS

(A) Programmatic Compliance Process (8 – Step Process)

Step ONE: Determine if a Proposed Action is in the 100-Year Floodplain

Step TWO: Early Public Review

Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base 100-year Floodplain

Step FOUR: Identify the Impacts of the Proposed Actions

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values, Restore and Preserve Natural and Beneficial Floodplain Values.

Step SIX: Re-evaluate Alternatives

Step SEVEN: Issue Findings and a Public Explanation

Step EIGHT: Implement the Action
Rebuild NC: Bertie County Single Family Housing Recovery Program (1-4 Units)

September 2018

The Rebuild NC Program is in response to severe flooding damage caused by Hurricane Matthew and is addressing the State’s need for housing, especially safe, decent, and affordable housing. The proposed action is to provide funding for homeowners within Bertie County, (a disaster-declared county) whose homes were substantially damaged, as determined by North Carolina Division of Emergency Management (NCEM) personnel. The program will fund activities necessary to restore their storm damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities within the disturbed area of the previously developed parcel.

This Programmatic Compliance Process document addresses the requirements of Executive Order 11988, “Floodplain Management” and has been completed in anticipation of numerous unspecified housing properties (1-4 units) participating in the Rebuild NC Program. This document pertains to the applicants who are proposing an activity in the Significant Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

This program is funded by Housing and Urban Development (HUD), administered by NCEM, and was established as a grant award to provide financial assistance to homeowners in Bertie County whose primary residences were substantially damaged.

**Step ONE: Determine if a Proposed Action is in the 100-Year Floodplain Rehabilitation, Reconstruction, Elevation and Mitigation (RREM) Program**

NCEM requires that all residential property owners located in floodplains and all property owners whose homes are determined to be “substantially damaged” by damage inspectors must rebuild with the first floor is at least two feet above the highest available local or FEMA flood elevation. A structure is considered substantially damaged if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage.
Currently, the exact locations of properties in Bertie County that would participate in the home owner assistance program are unspecified. However, eligible applicants are homeowners whose primary residence was damaged by the storm. Bertie County has approximately 139,392 acres of floodplains, so it is likely that some portion of the Bertie County applicant’s homes are in the floodplain (FEMA Zones A or AE).

Once an Applicant applies for the grant award, the NCEM will determine if the Applicant’s project parcel is located in the floodplain.

**Step TWO: Provide Early Public Review**
A 15-day “Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain” was published on June 26, 2018 in the Roanoke-Chowan News Herald, an Ahoskie, NC publication with distribution in rural North Carolina communities of Bertie, Hertford, Northampton and Gates counties, including the towns of Ahoskie, Murfreesboro and Windsor. The 15-day period expired on July 12, 2018.

The notice was also sent to the following Federal and State agencies on June 26, 2018: U.S Fish and Wildlife Service; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; FEMA Region IV, NCEM, North Carolina Department of Environmental Quality (Division of Water Resources and Department of Environmental Assistance and Customer Service), the State Historic Preservation Office at the Department of Natural and Cultural Resources, the Tribal Historic Preservation Office of the Catawba Nation, and the County Manager of Bertie County (See Exhibits 1 and 2 for the advertisements and email to Federal and State agencies).

See EXHIBIT4 for the list of comments received by NCEM and NCEM’s response to those comments.

**Step THREE: Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in the Base Floodplain**
The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs proposes to provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Bertie County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within 1 year of the storm. The best available data suggest 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

There were three (3) identified alternatives to the proposed action that were considered for this program:

1. No action
2. Relocate the homeowner outside of the floodplain or wetland
3. Infrastructure action or other flood protection measures

**Alternative 1. No Action:** The “No Action” alternative would not provide financial assistance for needed repairs/rehabilitation, elevation, or reconstruction to residential property owners with homes located in the floodplain substantially damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew, and would not implement comprehensive building standards that incorporate flood mitigation measures. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Bertie County would not recover as fully or quickly from the impacts of Hurricane Matthew, and would have less long-term resiliency to minimize impacts from future storms. The “No Action” alternative would not address the county’s need for safe, disaster resistant, and affordable housing, and would not contribute to the long-term recovery and economic revitalization of the county.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within 1 year of Hurricane Matthew. Lack of reimbursement assistance would negatively affect individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain. Because of this, the alternative was not considered viable.

**Alternative 2. Relocating the Homeowner Outside the Floodplains (Home Buyout):**

This alternative would involve the purchase of all properties in the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be relocated to newly-constructed homes at new sites outside the floodplain, or sellers could use sale proceeds to purchase pre-existing homes outside the floodplain. This alternative would cause social and financial ruin of many of the communities in Bertie County because there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the county as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This might result in a large number of residents moving out of Bertie County, which would adversely impact the stability of the county’s economy.
Additionally, this alternative may turn otherwise eligible property owners away as they would not be willing to sell their homes and/or leave their communities. Their damaged homes would remain unrepaired (often in unsafe conditions) and not elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although this alternative returns the floodplain to its natural state and is most protective to the individual because it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs. Given the funding available to the program, the economic feasibility of mass relocations, this alternative is not the most practicable for all the applicants affected by Hurricane Matthew.

The economic feasibility of mass relocations would likely not be practical given funding restrictions. So, this alternative is not the most practicable for all the applicants affected by Hurricane Matthew.

**Alternative 3. Evaluate Infrastructure Action or Other Flood Protection Measures:** There are potential actions that have been used historically to protect housing in a floodplain, including drainage, flood protection structures, levees, and the like. These mitigation measures have proven to be variably effective in protecting communities from flooding; however, these actions do not address the housing needs for the homeowners and, in general, are not feasible based on the limited size of most home sites and are far less effective when implemented on individual scattered sites. While community or larger scale levees and flood protection structures are eligible for CDBG-DR funding, levees and flood control structures are prohibitively expensive on a home-by-home, or small-scale, basis. For these reasons, this alternative is not practicable.

**Step FOUR: Identify the Impacts of the Proposed Actions**

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs would provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Bertie County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within 1 year of Hurricane Matthew.

The best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain. These homes would have to be elevated to 2 feet
above ABFE or the local standard, whichever is higher. The only exceptions to this requirement are historic structures that are eligible or potentially eligible for the National Register of Historic Places, and have elevation height requirements considered on a case-by-case basis.

All Applicants would also be required to maintain flood insurance up to the total project cost for their project activity or the maximum coverage limit of the National Flood Insurance Program (NFIP), whichever is less. As this program is grant-funded, the maintenance of flood insurance is required for the economic life of the structure, regardless of ownership. HUD’s regulations limit any construction in the floodway.

The Rebuild NC Program would not increase floodplain occupancy, as it would enable people to return to their homes, but would not expand the housing stock relative to conditions prior to Hurricane Matthew. As a result of the proposed activity, there will be no increase in density or change in land use because all work will be conducted within existing building footprints.

Elevations of structures represents no change from current conditions except reducing future damages to the structure from flooding. Changing the structure elevation would have no direct or indirect impacts on the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Bertie County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Bertie County.

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance, will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures to ensure a minimal adverse impact to the floodplain.

The program will benefit homeowners, whose primary residences sustained “substantial damage” from Hurricane Matthew in Bertie County. Many of these homeowners likely will be required to
elevate their homes. Without financial support, the added costs of elevating these houses will likely be overly burdensome for the majority of homeowners.

**Step SIX: Reevaluate Alternatives**
The NCEM has determined that the most practicable alternative on a programmatic level for Bertie County is the Proposed Action. This alternative best meets the requirement of the Rebuild NC Program, which include providing safe housing for applicants while allowing them to remain in their communities, and mitigating, to the extent practicable, future hazards from flooding. This alternative also best addresses the State’s need for safe, decent, and affordable housing. Furthermore, adverse impacts will be mitigated by elevating substantially damaged structures, in accordance with FR Vol. 82 No. 11 IV.1.c, and requiring maintenance of flood insurance for the life of each assisted structure through placement of a notice and restriction on the deed.

Alternative 1, No Action, was not selected because it would not provide homeowners with financial assistance and, thus, their properties would remain unsafe, unsanitary, and more vulnerable to adverse weather conditions. The “No Action” alternative would not address the county’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the county.

Alternative 2 was not selected because it would likely not allow homeowners to remain in their communities, schools and churches, nor meet the objective to rebuild the communities and homes affected by Hurricane Matthew. Furthermore, though it is not currently known how many applications would apply for this program, nor how many fall outside the 100-year floodplain; it is anticipated based upon that most applicants would want to remain on their current parcels and would not apply to a relocation program. Also, the economic feasibility of mass relocations would likely not be practical given funding restrictions. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricane Matthew.

Alternative 3, was not selected because flood control measures implemented in Bertie County have had mixed results, especially as they age. While community or larger scale levees and flood protection structures are eligible for CDBG-DR funding, levees and flood control structures are prohibitively expensive on a home-by-home, or small-scale, basis. As the program focuses on homes on individual scattered sites, this alternative would not be practicable.

Alternatives 2 and 3 are also both costly and would severely limit the number of applicants served and, from an implementation standpoint, would take significant time.

**Step SEVEN: Issue Findings and a Public Explanation**
It is our determination that there is no practicable alternative to the proposed action to provide financial assistance to the property owner to rebuild in the floodplain. This is due to:
1. The need to provide safe, decent and affordable housing;
2. The desire to not displace residents; and
3. The ability to mitigate and minimize impacts on human health, public property and floodplain values.

A “Notice of Policy Determination” will be published in accordance with 24 CFR 55, for a 7-day comment period. The notice stated the reasons why the project must be in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

All comments received will be considered.

**Step EIGHT: Implement the Action**
Step eight is implementation of the proposed action. The NCEM will ensure adherence to all mitigation measures prescribed in the steps above.
Attachment D-1
Step TWO
Early Public Review Notice and Comments

Notice for Early Public Review
Of A Proposal to Support Activity in the
100-Year Floodplain
Insert Copies of Notices
[Insert PDF copy of agency e-mail and letter to Catawba nation.]
Attachment D-3. Comments and Responses Related to Step Two Notice
[Insert PDF of comments (and responses if any) from Step Two notice period.]
Attachment D-3
Step SEVEN
Notice of Policy Determination for Bertie County CDBG-DR Program

Notice of Policy Determination for Bertie County Community Development Block Grant – Disaster Recovery Program (STEP SEVEN):

Note: Final Floodplain Notice (Step Seven) is combined with the Finding of No Significant Impact (Appendix E)
[Insert PDF copy of English/Spanish notices for Step Seven and affidavits of publication.]

Note: Final Floodplain Notice (Step Seven) is combined with the Finding of No Significant Impact (Appendix E)
Attachment D-4. Comments and Responses Related to Findings and Public Notice for Step Seven

Note: Final Floodplain Notice (Step Seven) is combined with the Finding of No Significant Impact (Appendix E)
Note: Final Floodplain Notice (Step Seven) is combined with the Finding of No Significant Impact (Appendix E)
Appendix E

Official Forms and Public Comments

Attachment E-1 - Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

Attachment E-2 - Comments and Objections to the FONSI and Notice of Intent to Request for Release of Funds

Attachment E-3 - Request for Release of Funds

Attachment E-4 - Authority to Use Grant Funds
Attachment E-1. Combine Notice of Finding of NO Significant Impact and Notice of Intent to Request Release of Funds
These notices shall satisfy separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

**REQUEST FOR RELEASE OF FUNDS**

On or about August 23, 2018, or 15 days after the publishing of this notice, whichever is later, the North Carolina Department of Commerce (NCDOC) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as Rebuild NC: Bertie County Single-Family Homeowner Recovery and Rental Programs for the purpose of providing assistance for single-family homeowners and owners of single-family rental properties in Bertie County with unmet needs as a result of damage to their properties due to Hurricane Matthew in October 2016. The State of North Carolina has directed approximately $14,500,000 from its total allocation of CDBG-DR funds to counties affected by Hurricane Matthew for recovery efforts.

**OBJECTIONS TO RELEASE OF FUNDS**

HUD will accept objections to its release of funds and the NCDOC’s certification for a period of 15 days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NCDOC; (b) the NCDOC has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Tenille Smith Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD, 451 7th Street SW, Room 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

**FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Assessment (EA) for the Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations...
at 24 CFR Part 58. The NCDOC has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the NCEM office located at 4105 Reedy Creek Road, Raleigh, NC 27607, and may be examined or copied weekdays from 9:00 AM to 5:00 PM. A copy of the Finding of No Significant Impact may be found at https://www.rebuild.nc.gov/recovery/cdbg-dr/environmental-review.

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

This is to give notice that the North Carolina Division of Emergency Management (NCEM) on behalf of the Responsible Entity, the NCDOC, has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management, to determine the potential affect that its proposed activities in the 100-year floodplain (hereinafter referred to as the floodplain) for Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs under Title I of the Housing and Community Development Act of 1974 (PL 93-383) will have on the human environment.

In accordance with that process, the state has made a final determination that locating the proposed activity in the floodplain is the best alternative as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision-making process.

Proposed Activity in the Floodplain

Proposed activities for single-family housing under the Homeowner Recovery and Rental Programs include repair/rehabilitation, elevation, reconstruction, and reimbursement of repair costs incurred by homeowners within one-year of Hurricane Matthew. All homes reconstructed within a floodplain will be constructed on the same footprint and elevated.

While the process of confirming house locations within Bertie County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 139,392 acres of Federal Emergency Management Agency (FEMA) mapped floodplain within Bertie County based on the current Flood Insurance Rate Maps (FIRMs) available at http://fris.nc.gov/fris/.

Reasons Why the Activity Must be Located in the Floodplain

The Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs will provide funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Bertie County. In addition, these programs will reimburse property owners for costs incurred for repair of their homes within one year of Hurricane Matthew. The best available data suggest that 81 homes in Bertie County sustained damage due to Hurricane Matthew and may seek funding through these programs. Some of the potential applications are anticipated to be located within the floodplain.

As a result of the proposed activity, there will be no increase in density or change in land use
because all work will be conducted within existing building footprints. Homes will be elevated, thereby improving the functionality of the floodplain. Elevation of homes, implementation of flood mitigation measures, and the requirement to maintain flood insurance on the property into perpetuity will serve to minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Bertie County as a whole. These actions will provide safe, disaster resistant, and affordable housing for residents impacted by Hurricane Matthew that is crucial to the long-term safety and stability of Bertie County.

**Other Alternatives Considered**

Two alternatives to locating the proposed activity in the floodplain were considered: “No Action” and “Home Buyout.”

**No Action**

The “No Action” alternative would mean that residential property owners whose homes are located in the floodplain, and were substantially damaged (i.e., repair costs exceed 50 percent of the structure’s pre-disaster market value) as a result of Hurricane Matthew, would not receive financial assistance for needed repairs/rehabilitation, elevation, or reconstruction and comprehensive building standards that incorporate flood mitigation measures would not be implemented. Without financial assistance, the cost of these activities will likely be overly burdensome for the majority of property owners, and these property owners may not be able to recover and have safe, disaster resistant, and affordable housing. Without financial assistance to elevate their homes, their homes would be more vulnerable to future storms and floods with continued risk to both life and property, and their property’s functionality as a floodplain would not be improved. Furthermore, Bertie County would not recover from the impacts of Hurricane Matthew, and the county would lack the long-term resiliency needed to minimize impacts from future storms. The “No Action” alternative would not address the county’s need for safe, disaster resistant, and affordable housing; and it would not contribute to the long-term recovery and economic revitalization of the county.

The “No Action” alternative would not provide reimbursement assistance to property owners who incurred costs to implement emergency and necessary repairs to their homes within one year of Hurricane Matthew. Lack of reimbursement assistance would result in a negative effect on the individuals and the local economy. Homeowners in future storm events may be dissuaded and financially incapable of making immediate and necessary repairs to their homes and property, and homes would be allowed to deteriorate. Additionally, these property owners may not have elevated their homes or implemented flood mitigation measures as part of the implemented repairs due to the significant expense of these additional activities. Without financial assistance, these homes would not be adequately protected against the impacts of future storms and flooding, and there would be no improvements to the floodplain. Because of this, the alternative was not considered viable.

**Home Buyout**

The “Home Buyout” alternative would involve the purchase of all properties inside the floodplain that were substantially-damaged by Hurricane Matthew. Once acquired for buyout, the single-family homes would be demolished, and the vacant land would revert to its natural state. Sellers would be moved to newly-constructed homes at new sites outside the floodplain, or sellers would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. The “Home Buyout”
alternative would result in the social and financial ruin of many of the communities in Bertie County because there is currently an inadequate supply of safe, decent, and affordable housing in those communities and in the county as a whole to accommodate the vast number of property owners that would be looking for pre-existing homes or new home sites outside the floodplain to which they could relocate. This would result in a large number of residents moving out of Bertie County, which would adversely impact the stability of the county’s economy. Many property owners would not be willing to sell their homes because they do not want to leave their communities. Their damaged homes would remain unreppaired (often in conditions that are unsafe) and would not be elevated or modified to incorporate flood mitigation measures; therefore, the potential for adverse impacts associated with future storms and floods would not be adequately mitigated.

Although the “Home Buyout” alternative returns the floodplain to its natural state and is most protective to the individual because it results in them being relocated outside the floodplain, these benefits come at additional cost. Savings avoided by not elevating the homes, implementing flood mitigation measures, and paying for flood insurance would be more than offset by costs associated with demolition and removal of debris, the purchase price of the old home, possible buyout incentives, gap assistance between the price at which the state acquired the old home and the cost of the new home outside the floodplain, and administrative costs. Given the funding available to the program, this alternative was not considered viable for all properties.

Mitigation Measures to Minimize Adverse Impacts and Preserve Natural and Beneficial Values

Floodplains are areas of land adjacent to rivers, ponds, and lakes that flood periodically at different points in time. Under Executive Order 11988, management of floodplains is encouraged to achieve reduction in the risk of flood loss, minimization of flood impacts on human safety, health and welfare, and restoration and preservation of the natural and beneficial floodplain values.

Under the Hurricane Matthew CDBG-DR Homeowner Recovery and Rental Programs, all single-family homes that were substantially damaged by Hurricane Matthew, are located in the floodplain, and receive financial assistance will be elevated and will include flood mitigation measures to avoid future flood damage. Elevation of homes within the floodplain will serve to minimize the threat to life and property, minimize losses from flooding events, benefit floodplain values, and promote long-term resiliency. Fund recipients will be required to maintain flood insurance on the property in accordance with the National Flood Insurance Program into perpetuity to minimize adverse impacts to life and property as a result of future storm events. All activities will be conducted in compliance with state and local floodplain protection procedures.

Conclusion

The state has reevaluated the alternatives to building in the floodplain and has determined that it has no practicable alternative. Documentation of compliance with steps 3 through 6 of Executive Order 11988 are on file at the North Carolina Division of Emergency Management’s (NCEM, administering this grant on behalf of the NCDOC) office located at 4105 Reedy Creek Road, Raleigh, NC 27607 and may be examined or copied weekdays from 9:00 AM to 5:00 PM.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should
be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance Federal efforts to reduce the risks and impacts associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the NCEM on behalf of the NCDOC. NCEM will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: John Ebbighausen, Deputy Chief of Resilience, NCEM, Attention: Disaster Recovery Comments, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternatively, comments may be emailed to CDBGDR.Environment@ncdps.gov with “Attention: Disaster Recovery Comments: Bertie County” in the subject line. All comments received by August 23, 2018, will be considered by the NCDOC prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The NCDOC certifies to HUD that Mr. George Sherrill in his capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use Program funds.

George Sherrill  
Certifying Officer  
August 7, 2018
[Insert PDF copy of NOI-RROF/NOI-FONSI and affidavit of publication.]
[Insert PDF copy of comments and responses from NOI-RROF/NOI-FONSL]
Appendix F

Programmatic Agreement for Section 106 Review
(appended by reference)
Appendix G
Sample Tier II Environmental Review Record

Attachment 1 – Figures
Attachment 2 – Site Inspection Form
Attachment 3 – Consultation, as required
**Tier II Environmental Review Record**

**Community Development Block Grant – Disaster Recovery**

**Rebuild NC: Bertie County Single Family Housing Recovery Program (1-4 Units)**

### Project Information

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**Project Description:** A Tier I Environmental Assessment (EA) was completed for the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC). [Rehabilitation, Elevation, Reconstruction, Reimbursement, New Construction]

A map showing the location of the property is attached.
Environmental Review Determination:
Property Address:

1. Is project in compliance with applicable laws and regulations?  ☐ Yes  ☐ No

2. Is an Environmental Impact Statement required?  ☐ Yes  ☐ No

3. Finding of No Significant Impact (FONSI) can be made. Project will not significantly affect the quality of the environment.  ☐ Yes  ☐ No

Are mitigation measures required for this project?  ☐ Yes  ☐ No

If “Yes,” provide the mitigation measures on the form following checklists.

Signatory Information and Approval

PREPARER

Prepared By:

Title:

Signature and Date:_________________________________________________________

CERTIFYING OFFICER

Approved By:

Title:

Signature and Date:_________________________________________________________
### Project Information

**HUD Grant Number 17-R-3004**

**Project Description:**

Note: Throughout this annotated form, explanatory language is in blue font and should be deleted upon completion of the form.

(Delete all that do not apply)

- **For rehabilitation:**

  The proposed activity is rehabilitation of the (insert number)-unit residential structure at the address listed above. The structure was damaged because of Hurricane Matthew. The structure was constructed in (insert year). Renovations will include addressing storm-related damage and repairing the property to current minimum property standards and compliance with applicable Americans with Disabilities Act requirements. All activities will be limited to the disturbed area of the previously developed lot. Pre-award and pre-application activities will be limited to work completed in the same footprint of the damaged structure. A map showing the location of the property is attached.

- **For elevation of an existing building:**

  The proposed activity is elevation of the (insert number)-unit residential structure at the address listed above. The structure was damaged because of Hurricane Matthew. The structure was constructed in (insert year). The lowest habitable floor of the structure would be elevated at least 2 feet above the advisory base flood elevation (ABFE), in accordance with federal requirements or local code, whichever is higher. All activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. Pre-award and pre-application activities will be limited to work completed in the same footprint of the damaged structure. A map showing the location of the property is attached.

  The federal or local code, whichever is higher, would determine the elevation requirements. Based upon that code, “1 foot” should be changed to “X feet” based upon the code.

- **For reconstruction on an existing lot:**

  The proposed activity involves possible demolition of an existing structure built in (insert year) and reconstruction on an existing property of same residential density with the above-listed address, where the structure received damage from Hurricane Matthew to the extent that rehabilitation was not possible. Proposed activities would include reconstruction activities in accordance with minimum property standards and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazards future flood events, and invasive species). If the home site is in the floodplain, compliance with the local floodplain ordinance will be required and include elevation of the home to 2 feet above the advisory base flood elevation (ABFE), in accordance with the effective Flood Insurance Rate Map or Preliminary Flood Insurance Rate Map published by FEMA. Activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. A map showing the location of the property is attached.

  The federal or local code, whichever is higher, would determine the elevation requirements. The sentence regarding elevation above the ABFE should be removed from the description if the new structure would be entirely outside the 100-year floodplain.
**For reimbursement**

The proposed activity is reimbursement of the rehabilitation repairs of the residential unit at the address listed above. The structure was damaged due to Hurricane Matthew. The structure was constructed in (insert year). All reimbursement activities are limited to work completed within the existing footprint of the damaged structure. A map showing the location of the property is attached.

**For new construction or relocation on a previously undisturbed lot:**

The proposed activity is new construction of a (insert number)-unit residential structure at the address listed above. The project activity is the result of the need to build a new structure, as the homeowner's old structure was damaged extensively due to Hurricane Matthew. Proposed activities would include construction activities in accordance with minimum property standards and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazards future flood events, of toxic and radioactive materials, explosive and flammable hazards, and invasive species). Activities will be limited to the disturbed area of the previously developed lot or activities will largely be limited to the disturbed area of the previously developed residential site but would disturb the ground surface to install pier and beam foundation and accommodate required utilities. New construction is not allowed in a 100-year floodplain. A map showing the location of the property is attached.

### Finding of Tier II Review (for Internal Purposes)

**Choose one of the following:**

- The proposed activity conditionally complies with environmental requirements for funding.
- The proposed activity does not comply with environmental requirements for funding because (provide reason such as permanent impact to a wetland or within a floodway).
- A finding cannot be made without additional information or documentation (attached)

### Site Specific Findings

1. **Historic Preservation**

   *(36 CFR Part 800)*

   - REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

   **D. SHPO/Tribal Review or Notification Required**

   *The historic preservation review must be concluded for both above ground resources and archaeological resources*

   Project activity is for a building built after 1968 that is not within a historic district, and the project activity will not involve reconstruction or elevation. Meets PA Allowance and Historian with Secretary of the Interior Standards approves. *Submit information to SHPO detailing findings for Round 1 SHPO review.*

   - SHPO findings indicate no further consultation needed, proceed to Item 2, Floodplain Management and Flood Insurance. *(Review Concluded)*
   - SHPO findings indicate further consultation required. Continue to next step for Historic Preservation.

2. **National Historic Landmark (NHL)**

   - Activity meeting Programmatic Allowances involves a National Historic Landmark.
     - SHPO and National Park Service NHL Program Manager notified and provided appropriate project documentation
     - **No Adverse Effect Determination.**
       - Are project conditions required?
         - No *(Review Concluded)*
         - Yes. Attach conditions. *(Review Concluded)*
Adverse Effect Determination
(HPO concurrence on file)

☐ Mitigation not possible. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

☐ Resolution of Adverse Effect completed
  ☐ MOA on file

Are project stipulations required?

☐ No (Review Concluded)

☐ Yes. Attach conditions. (Review Concluded)

F. Standard Project Review: SHPO/Tribal Consultation Required

☐ Proposed activity does not involve a NHL and does not meet the above programmatic allowances for both above ground and archaeological considerations and requires Section 106 review of the entire undertaking.

☐ List any tribes or other consulting parties who were notified or consulted for this undertaking:

__________________________________________________________________________

(Proceed to boxes in both columns below until the review of both resource types is concluded)
No above ground Section 106-defined historic properties in Area of Potential Effects. No Historic Properties Affected Determination. SHPO concurrence on file. (Above Ground Review Concluded)

Individual historic properties or historic districts are located in the Area of Potential Effects.

☐ No Historic Properties Adversely Affected Determination (SHPO concurrence on file)

Are project conditions required?

☐ No (Above Ground Review Concluded)

☐ Yes. Attach conditions. (Above Ground Review Concluded)

☐ Adverse Effect Determination (SHPO concurrence on file)

☐ Mitigation not possible. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

☐ Resolution of Adverse Effect completed

☐ Standard Treatment Measure(s) listed in PA applied (SHPO concurrence on file)

☐ Separate MOA on file

Are project stipulations required?

☐ No (Above Ground Review Concluded)

☐ Yes. Attach stipulations. (Above Ground Review Concluded)

Consultation conducted with SHPO and project area assessed as not having potential for eligible archaeological resources.

☐ Project area assessed as having low potential for archaeoological resources

☐ No Historic Properties Affected Determination (SHPO concurrence or consultation on file). (Archaeological Review Concluded)

☐ Project area has been field assessed for presence of archeological resources

☐ No archaeological materials identified in Area of Potential Effects.

☐ No Historic Properties Affected Determination (SHPO concurrence or consultation on file). (Archaeological Review Concluded)

☐ Archaeological materials identified in Area of Potential Effects through consultation or fieldwork.

☐ No Historic Properties Adversely Affected Determination (SHPO concurrence on file)

Are project conditions required?

☐ No (Archaeological Review Concluded)

☐ Yes. Attach conditions. (Archaeological Review Concluded)

☐ Adverse Effect Determination (SHPO concurrence on file)

☐ Mitigation not possible. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

☐ Resolution of Adverse Effect completed

☐ Standard Treatment Measure(s) listed in PA applied. (SHPO concurrence on file.)

☐ Separate MOA on file

Are project stipulations required?

☐ No (Archaeological Review Concluded)

☐ Yes. Attach stipulations. (Archaeological Review Concluded)
2. Floodplain Management and Flood Insurance
(EO 11988, 24 CFR Part 55, and 24 CFR 58.6)

REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

The proposed site is (check only one of the following):

- Not in a 100-year floodplain (A zone). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6.) (Review Concluded)

- In a 100-year floodplain (A zone) and not in a National Flood Insurance Program (NFIP) participating community. Attach appropriate floodplain map showing site location. Does not comply with EO 11988, 24 CFR Part 55, and 24 CFR 58.6 because required flood insurance is not obtainable. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

- In a 100-year floodplain (A zone) and in an NFIP-participating community. Are the existing structure and the proposed activity in a designated floodway area?
  - Yes. Is the project activity property acquisition, buyout assistance, or relocation outside of floodway?
    - Yes. Project may continue. (Review Concluded)
    - No. Attach appropriate floodplain map showing site location. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.
  - No. Proceed to the following question.

Is the project activity new construction in or relocation of a structure to the floodplain?

- Yes. Activity does not meet Programmatic Compliance eight-step process. An individual eight-step must be completed for the property and permitted, if required. Perform individual decision-making process for this site.
  - No. If the structure is substantially damaged (damage equal to or more than 50 percent of the pre-Hurricane Matthew value of the structure), the structure may require elevation, and other mitigation, including flood insurance. A decision-making process would be required. If the structure is not substantially damaged, the structure does not require elevation but would require flood insurance. (Review Concluded)

3.1 Wetlands
(EO 11990 and Clean Water Act, especially Section 404)

REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

Are there coastal or freshwater wetlands on or adjacent to the site?

- No. There are no wetlands on the project site. (Review Concluded)
  - Yes. Would (Did) the activity affect a wetland? Attach appropriate wetlands map.
    - Work in wetlands, including operation of equipment in wetlands, would affect the wetlands. A freshwater wetland greater than 12.4 acres and the 100-foot "adjacent area" (measured horizontally) surrounding the wetland is granted protection under the Freshwater Wetland Act of 1975. Work in state or federally protected wetlands and/or their adjacent areas constitute a direct impact to the wetland. Best management practices should prevent impact to adjacent wetlands.
    - No. Project involves disturbance in existing disturbed area only. There is no potential to impact wetlands. Compliance met. (Review Concluded)
  - Yes. Possible adverse effect in wetlands.
    - Eight-step process done?
| 3.2 Clean Water Act  
(EO 11990 and Clean Water Act, especially Section 404) |
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Are there any Waters of the United States in or within proximity of the applicant site?

- No. There are no Waters of the United States that can be affected by the project. (Review Concluded)
- Yes.

  Is the project work within the same footprint of the existing structure?
  - Yes. Construction best practices are required to prevent any construction impact. However, construction work can continue. (Review Concluded)
  - No. CWA-trained professional has reviewed the property conditions and conducted a site visit of the Applicant’s site.
    - Based on that site visit, the professional concluded that the proposed action site does not contain Waters of the United States or that the proposed action will not adversely impact the Waters of the United States. (Review Concluded)
    - Based on the site visit of the applicant’s site and review of the information, at least a portion of the site contains Waters of the United States that could be adversely impacted. (Mitigation requires coordination with the US Army Corps of Engineers and possible 401/404 permitting. Inform Certifying Officer)

4. Coastal Zone Management Act  
(Coastal Zone Management Act, Sections 307(c) and (d))

REVIEW CONCLUDED (check this box only when completion of the subtasks below results in a “Review Concluded”)

The proposed site is (check only one of the following):

- Not in a coastal zone. Attach appropriate Coastal Zone Management Act map showing site location. (Review Concluded)
- In a coastal zone and project work is more than 75 feet from the Normal Water Level (NWL). Attach appropriate Coastal Zone Management Act map showing site location. (Review Concluded)
- In a coastal zone and project work would be within 75 feet of an NWL. Property owner must contact the North Carolina Department of Environmental Quality, Division of Coastal Management, to determine if a permit or exemption is required. (Review Concluded)

5. Sole Source Aquifers  
(40 CFR Part 149)

- No. The 8-step decision-making process was not completed. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.
- Yes. The 8-step decision-making process was completed.
  - **Activity in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion and describe the permitting process and mitigation measures. Attach supporting documentation. (Review Concluded)
  - **Activity not in compliance** with EO 11990 and the Clean Water Act. Explain basis for conclusion. Attach supporting documentation. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.
### 6. Endangered Species Act

**(16 USC 1531 et seq., 50 CFR Part 402)**

- **REVIEW CONCLUDED** (check this box only when completion of the subtasks below results in a "Review Concluded")

- All proposed activities are occurring in the pre-existing disturbed area associated with the structure. There is no native tree removal in the scope of work and no potential to affect Federally or State-listed species and/or designated critical habitat, based on the limited scope of action. **(Review Concluded)**

- Proposed activities involve new construction or construction outside of the pre-existing disturbed area. Are any of the Federally or State-listed species or critical habitats present or potentially present on the project site or potentially subject to disturbance from the project activities?
  - **No.** Trained personnel have reviewed site conditions and concluded that no Federally or State-listed threatened and endangered species or designated critical habitat are present in areas affected directly by the proposed action. **(Review Concluded)**
  - **Yes.** Consultation with USFWS is required and resulted in a determination that (check only one of the following):
    - The proposed activity, including appropriate measures to avoid adverse impacts, would not adversely affect threatened and endangered species. Attach supporting documentation. Activity complies. **(Review Concluded)** Explain how this conclusion was reached. Describe required mitigation measures.
    - The proposed activity would adversely affect threatened and endangered species. Attach supporting documentation. **STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.** Explain how this conclusion was reached. Attach supporting documentation.

### 7. Wild & Scenic Rivers Act

**(Sections 7(b), (c))**

Not applicable. Compliance determined in Tier I Environmental Assessment.

- Is the proposed site within 100 feet of a Federally or State-designated Wild and Scenic River?
  - **No.** Attach map. **(Review Concluded)**
  - **Yes.** Contractor must use best management practices to control soil and sediment movement (assuming the work is of such nature as to impact the surrounding surface area) off the work-site during rainfall events, reduce the impact to streams and manage rainwater runoff both during construction and after completion of the work. Examples of construction best management practices are silt fences, hay bales in ditches, constructed detention basins, and other basins to hold silt-laden water on site. Document mitigation requirements. **(Review Concluded)**

### 8. Air Quality

**(Clean Air Act, Sections 176 (c) & (d), & 40 CFR Part 6, 51, & 93)**

Not applicable. Compliance determined in Tier I Environmental Assessment.

### 9. Farmland Protection Policy Act

**(7 CFR Part 658)**

- **REVIEW CONCLUDED** (check this box only when completion of the subtasks listed below result in a "Review Concluded")

- Is the proposed activity new construction or relocation on a previously undisturbed parcel?
No. This activity is not subject to Farmland Protection Policy Act (FPPA). Previously, Natural Resources Conservation Service (NRCS) has specified that parcels previously converted [from farmland to nonagricultural uses], regardless of location, are not subject to FPPA because the parcels were converted when the original dwelling was constructed on the parcel. The subject activities involve no alteration of undisturbed land and repair/reconstruction of structure in-place and in the previously disturbed area. (Review Concluded)

Yes. Continue. Check one of the following.

☐ Area subject to disturbance is less than 3 acres. (Review Concluded)

☐ Site located as farmland already in urban development in accordance with 7 CFR 658.2 - not subject to FPPA. (Review Concluded)

☐ Site located in an area that includes a density of 30 structures per 40 acres. (Review Concluded)

☐ New construction activities and parcel is located outside urban development area; subject to additional review. Continue.

☐ Information obtained documenting that the parcel was previously residentially developed land. The NRCS specified that parcels that had previously been converted [from farmland to nonagricultural uses] when the original dwelling was constructed on the parcel, regardless of location, are not subject to FPPA. (Review Concluded)

☐ Coordination with NRCS is required.

☐ Farmland Conversion Impact Rating, Form AD-1006, or other NRCS-approved documentation has been completed and submitted on Date:
  ☐ NRCS has replied on Date: (attach documentation)
  Are conditions required?  ☐ No. ☐ Yes. Document conditions. (Review Concluded)
  ☐ NRCS has not replied within 30 days; no response is considered to be concurrence with finding of no significant adverse effect. (Review Concluded)

10. Environmental Justice
(EO 12898)
Not applicable. Compliance determined in Tier I Environmental Assessment.

11. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances
(24 CFR Part 58.5(i)(2))
☐ REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”)

Note: This review is not intended to satisfy the requirements of a Phase I Environmental Site Assessment (ESA) or other Environmental Due Diligence Process as defined by the American Society of Testing and Materials (ASTM), or any of the requirements necessary to qualify for the innocent landowner, contiguous property owner, or bona fide prospective purchaser limitations on CERCLA liability. However, in the event of acquisition of property, a Phase I assessment may be required. That assessment will be done as an additional study to this Tier II.

FINDINGS FROM SITE INSPECTION
Are there any recognized environmental conditions (RECs), such as obvious signs of hazardous, toxic, or radioactive materials or substances as observed during the site visit?

☐ No. Attach site observation report.
Yes. Describe and attach site observation report.

**REC explanation:** Site conditions indicate that the subject property is contaminated or likely contaminated via the release of on-site or off-site hazardous substances or petroleum products.

During the site reconnaissance, the subject property and adjoining properties are visually inspected for RECs, such as:

- UST vent or fill pipes
- Corroded ASTs, drums or containers
- Pits, ponds, lagoons, pools of hazardous substances or petroleum products
- Mounds of rubble, garbage, or solid waste
- Distressed vegetation
- Surface staining
- Faulty septic systems
- Groundwater monitoring or injection wells
- Structure(s): present and former uses, such as any industrial or commercial structure that potentially used, stored or handled hazardous materials.

Note any obstacles to identification of RECs (Examples: soil piles, household debris, no access to backyard)

**FINDINGS FROM REVIEW OF REGULATORY DATABASES AND OTHER INFORMATION SOURCES**

Is the site within 3,000 feet of a listed solid or hazardous material facility, landfill, or contaminated area? Attach figure of site location with findings indicated.

- No. Based on the limited site observations made in support of this review and review of the listed sources of information, the project site does not appear to be impacted by hazardous, toxic, or radioactive materials or substances where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the site. (Review Concluded)

- Yes.

  - The project site is listed as a known or suspected contaminated (hazardous, toxic, or radioactive materials or substances) site.

    - More information is required, such as documentation of cleanup or remediation or "No Further Action" letter from the governing agency.

    Specify additional information obtained from the governing agency:

    - Based on the review, it does not appear that the identified hazard affects the health and safety of occupants or conflicts with the intended utilization of the project site. Note that this review does not constitute a risk assessment or definitive determination of the hazard and its potential effect on health and safety of occupants or the environmental condition of the project site. (Review Concluded)

    - Based on the review, it does appear that the identified hazard affects the health and safety of occupants or conflicts with the intended utilization of the project site. The project site and/or proposed action DOES NOT clear the site-specific review process. **STOP – SITE IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.**

  - Based on review of regulatory databases and other information sources, the project site does not appear to be located proximate (within 500 feet) to a site of environmental concern (toxic site or solid waste landfill site), and no known studies indicate an environmental concern for the location. (Review Concluded)
Based on review of information sources, the project site does appear to be located proximate (within 500 feet) to a site of environmental concern that could have adversely impacted the project site, and/or is known or suspected to be contaminated by toxic substances or radioactive materials.

Specify additional information obtained from the governing agency.

Based on topography or distance of the project site relative to the site of environmental concern:

☐ It does not appear that the project site is likely to have been impacted by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the project site. (Review Concluded)

☐ It does appear that the project site is likely to have been impacted by the site of environmental concern to a degree where the hazard could affect the health and safety of occupants or conflict with the intended utilization of the project site. Additional regulatory file review to be done.

☐ Regulatory agency file review done for site of environmental concern. The review indicates that the project site is not suspected or known to be contaminated by the site (attach regulatory file review documentation). (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is known to be contaminated by the site of environmental concern. The project site and/or proposed action does not clear the site-specific environmental review process. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Request additional information from the Applicant. Information provided by Applicant documents that the project site is not contaminated. (Attach documentation) (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Applicant does not have documentation related to the potential for contamination of the project site. Applicant must request a letter or finding from the State stating that the project site is not contaminated or has been remediated. Information provided by Applicant documents that the project site is not contaminated. (Attach documentation) (Review Concluded)

☐ Regulatory agency file review done for site of environmental concern. Results of regulatory agency file review indicate that the project site is suspected to be contaminated by the site of environmental concern. Applicant does not have documentation related to the potential for contamination of the project site. Applicant must request a letter or finding from the State stating that the project site is not contaminated or has been remediated. Applicant does not provide adequate documentation. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Are any of the following documented or suspected of being present at the project site? Check all that apply.
If any of the above is checked, document site-specific hazards and mitigation requirements. If determination is unknown, document and include mitigation requirements.

### 12. Siting of HUD-Assisted Projects Near Hazardous Operations

(24 CFR Part 51, Subpart C)

[ ] REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”)

Would (Did) the proposed activity increase the number of dwelling units of the housing structure that existed on the project site prior to Hurricane Matthew or change the location of that structure?

[ ] No. In compliance. Identify source of information. *(Review Concluded)*

The source of information will be the grant application.

[ ] Yes.

Would the structure be (are the structures) less than the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is within 1 mile of the subject property and holds an explosive or combustible substance? Note: ASTs of 100 gallons or less that hold "common liquid fuels" such as fuel oil, kerosene, and gasoline or tanks that are ancillary to the structure are exempt from the ASD requirements and cannot cause the answer to this question to be Yes. However, this exemption does not apply to compressed fuel gases such as propane, so it is possible that a stationary compressed fuel gas tank of 100 gallons or less not ancillary to the structure could cause the answer to this question to be Yes.

**Additional explanation of ASD analysis is provided below.**

[ ] No. In compliance. Explain finding. *(Review Concluded)*

[ ] Yes. Describe the information used in calculating the ASD and attach a map showing the location of the tank relative to the subject property. Describe any feasible mitigation measures per 24 CFR 51.205, or other verifiable information that is pertinent to compliance with the ASD standard. If no mitigation measures are feasible, the activity is not in compliance with the applicable HUD environmental standard, 24 CFR Part 51C. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Requires use of Google Earth or like tool for desktop search for large ASTs within 1 mile plus a field reconnaissance of project site and surrounding properties.

Common liquid fuels include fuel oil, gasoline, diesel fuel, and kerosene. Other flammable or explosive substances include propane and other fuel gases. If the type of substance in a tank cannot be determined, it must be assumed to contain a flammable or explosive substance that is not a common liquid fuel.

The ASD is determined using HUD’s Acceptable Separation Distance Electronic Assessment Tool, [http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm](http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm). The information required to use the tool depends on the type of tank involved. For diked tanks, it is not necessary to know the volume of the tank, but the dimensions of the diked area must be estimated. This can be done using Google Earth.

For tanks holding ordinary fuel gases such as propane, which are always pressurized, only the volume of the tank must be determined. Information at the following link can be used to determine the volume of a tank if at least one of its dimensions is known: [http://www.missiongas.com/lpgastankdimensions.htm](http://www.missiongas.com/lpgastankdimensions.htm).

A tank holding a cryogenic liquid such as liquid natural gas may or may not be diked. If it is, the dimensions of the diked area must be estimated. If it is not diked, the volume of the tank must be estimated.

The ASD Electronic Assessment Tool calculates three ASDs for pressurized tanks containing ordinary fuel gas: blast overpressure, thermal radiation for people, and thermal radiation for buildings. The blast overpressure ASD is not calculated for unpressurized tanks because they are not subject to explosion. The activity must comply with all applicable ASDs.

The ASD for thermal radiation for people is the longest. Blast overpressure can be mitigated with a blast wall, but this approach is generally not feasible for thermal radiation because the maximum thermal radiation comes from a fireball well above the tank.
| 13. Coastal Barrier Resources Act/Coastal Barrier Improvement Act  
(24 CFR 58.6(c))  
REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”) |
<table>
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<tbody>
<tr>
<td>Is the project located in a designated unit of the Coastal Barrier Resource System?</td>
</tr>
<tr>
<td>☐ No. Attach appropriate map showing site location. <strong>(Review Concluded)</strong></td>
</tr>
<tr>
<td>☐ Yes. Attach appropriate map showing site location. <strong>STOP - APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.</strong></td>
</tr>
</tbody>
</table>
| 14. Airport Clear Zones and Accident Potential Zones  
(24 CFR Part 51, Subpart D)  
Not applicable. Compliance determined in Tier I Environmental Assessment. |
| Is the project located within 2,500 feet of a civil airport or within 15,000 feet of a military airfield? |
| ☐ No. **In compliance.** Attach appropriate map. **(Review Concluded)** |
| ☐ Yes. Is the project located within a civil airport runway protection zone or a clear zone or accident potential zone associated with a military airfield? |
| ☐ No. **In compliance.** Attach appropriate map. **(Review Concluded)** |
| ☐ Yes. Under 24 CFR 51.302 and 24 CFR 51.303(b), activities of the type proposed are fundable. Provide explanation and documentation. **(Review Concluded)** |
| ☐ Under 24 CFR 51.302 and 24 CFR 51.303(b), activities of the type proposed are not fundable. **STOP - APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.** |
| 15. Fish and Wildlife Coordination Act  
(16 USC 661-666c)  
Not applicable. Compliance determined in Tier I Environmental Assessment. |
| Would (Did) the proposed activity occur in an Anadromous Fish Spawning Area? |
| ☐ No. **In compliance.** Identify source of information. **(Review Concluded)** |
| ☐ Yes. Is the project compliant with the required conditions/mitigations to ensure that the project does not adversely affect the fish spawning area? |
| ☐ Yes. **In compliance.** Identify source of information. **(Review Concluded)** |
| ☐ No. **STOP - APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.** |
| 16. Magnuson-Stevens Fishery Conservation and Management Act  
(16 USC 1801 et seq.)  
REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”) |
| 17. Noise Abatement and Control  
(24 CFR Part 51, Subpart B)  
REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”) |
Would (Did) the proposed activity change the facility substantially from its condition that existed prior to Hurricane Matthew, such as increasing the number of dwelling units or changing the location of the housing structure?

☐ No. In compliance. Identify source of information. (Review Concluded)

The source of information will be the grant application.

Is the building within 1,000 feet of a major roadway, 3,000 feet of a railroad, or 15 miles of a military airfield or Federal Aviation Administration-regulated civil airfield?

☐ No. In compliance. Identify source of information. (Review Concluded)

Is the building within an area with a calculated noise level that is Acceptable (at or below 65 DNL)?

☐ Yes. In compliance. Identify source of information. (Review Concluded)

Is the building within an area with a calculated noise level that is Normally Unacceptable (66-75 DNL)?

☐ Yes. Identify noise attenuation requirements that will bring the interior noise level to 45 DNL or exterior noise level to 65 DNL. (Review Concluded)

Is the building within an area with a calculated noise level that is Unacceptable (above 75 DNL)?

☐ Yes. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.

Environment Assessment Factors

[Environmental Review Guide HUD CPD 782, 24 CFR 58.4, 40 CFR 1508.8 and 1508.27]

For the Rebuild NC program, all Environmental Assessment Factors have been considered in the Tier I Environmental Review Record and have all been found to not have any significant adverse impacts on the environment. No Tier II site-specific review of these factors is required.

Conditions for Approval

The following mitigation measures are required as conditions for approval of the project, as applicable:

General

1. Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.
2. Contractors will be required to prepare and implement health and safety plans and conduct monitoring during construction to protect the health and safety of site workers and the public.
3. Contractors must use best management practices to control soil and sediment movement (assuming the work is of such nature as to impact the surrounding surface area) off the work-site during rainfall events, reduce the impact to streams and manage rainwater runoff both during construction and after completion of the work. Examples of construction best management practices are silt fences, hay bales in ditches, constructed detention basins, and other basins to hold silt-laden water on site.
4. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for re-evaluation under the National Environmental Policy Act.

**Historic Preservation**

5. All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the Programmatic Agreement between the North Carolina Department of Commerce, North Carolina Department of Public Safety, and State Historic Preservation Officer (SHPO), as signed onto by the North Carolina Department of Commerce.

6. If archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted, and the applicant shall stop all work immediately near the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform the State of North Carolina (the State) immediately and consult with SHPO. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project complies with the NHPA.

**Floodplain Management and Flood Insurance**

7. All proposed reconstruction, repair, elevation and mitigation of substantially damaged structures in the 100-year floodplain will adhere to the most recent elevation requirements in accordance with local codes and Base Flood Elevation requirements where they exceed the federal standards.

8. All structures funded by the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC), if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps, will be covered by flood insurance and the flood insurance must be maintained for the economic life of the structure [24 CFR 58.6(a)(1)].

9. No funding will be provided to any person who previously received federal flood disaster assistance conditioned on obtaining and maintaining flood insurance but failed to obtain and maintain the insurance [24 CFR 58.6(b)].

10. Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 USC 4012a). Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example,
construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from 5 to 15 years as deemed feasible. HUD will accept any period within that range that appears reasonable.

11. Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non-Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

12. Proof of Purchase. The standard documentation for compliance with Section102 (a) is the Policy Declarations form issued by the NFIP or issued by any property insurance company offering coverage under the NFIP. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted Special Flood Hazard Area (SFHA) building lacking a current Policy Declarations form is in Noncompliance.

13. Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Wetlands Protection and Water Quality
14. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters and to prevent erosion in on-site and off-site wetlands and waters.
15. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

Noise
16. Outfit all equipment with operating mufflers.
17. Comply with applicable local noise ordinances.
Air Quality
18. Use water or chemical dust suppressant in exposed areas to control dust.
19. Cover the load compartments of trucks hauling dust-generating materials.
20. Wash heavy trucks and construction vehicles before they leave the site.
21. Employ air pollution control measures on all vehicles and equipment, as required.

Hazardous Materials
22. All activities must comply with applicable federal, state and local laws and regulations regarding environmental protection and asbestos, including but not limited to the following:
   • North Carolina Environmental Policy Act and Rules at 01 NCAC (North Carolina Administrative Code) 25
   • National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
   • North Carolina Asbestos Hazard Management Program, NC General Statutes (GS) Section 130A-444 through 452 – Asbestos Hazard Management
23. Applicant or contractor must comply with all laws and regulations concerning the proper handling, removal and disposal of hazardous materials (e.g., asbestos, lead-based paint) or household waste (e.g., construction and demolition debris, pesticides/herbicides, white goods).
24. All activities must comply with applicable federal, state and local laws and regulations regarding lead-based paint including, but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35.
25. All residential structures must be treated for mold attributable to Hurricane Matthew in accordance with federal, state or local guidelines.

Wild and Scenic Rivers
26. Comply with any conditions specified by the National Park Service (NPS) for protection of federally designated Wild and Scenic Rivers, Study Rivers, and Nationwide Rivers Inventory segments. The NPS identified that “best practices” would be used, specifically “All construction activities occurring on or adjacent to a federally designated Wild and Scenic River or on a river listed on the Nationwide Rivers Inventory should take care to avoid any unnecessary clearing of native riparian vegetation such that local scenery remains intact. Further, for all projects where construction derived runoff has the potential to enter the waterway, appropriate sediment control measures should be required. Sediment control measures can include, but are not limited to, the use of straw bales and silt fences.” The North Carolina Division of Parks and Recreation recommended the use of erosion and sedimentation controls during construction and after completion of the work at project sites where vegetation removal and/or land disturbance is planned within 100 feet of the bank for the protected section of the Lumber River,
which is the only state-protected river in the North Carolina declared disaster area counties.

**Project-Specific Conditions**

1. Text