TIER I ENVIRONMENTAL REVIEW RECORD
DARE 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:
## Dare County Housing Recovery Program

<table>
<thead>
<tr>
<th>Responsible Entity</th>
<th>North Carolina Department of Commerce</th>
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<tr>
<td>Certifying Officer</td>
<td>George Sherrill</td>
</tr>
<tr>
<td>Program Name</td>
<td>Rebuild NC: Dare County Single Family Housing Recovery Program (1-4 Units)</td>
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<tr>
<td>Federal Agency</td>
<td>U.S. Department of Housing and Urban Development (HUD)</td>
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<td>Project Locations</td>
<td>Scattered locations throughout Dare County</td>
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<td>Estimated Total Program Cost</td>
<td>$290,000 estimated for allocation to Dare County</td>
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<td>Grant Recipient</td>
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</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>
<tr>
<td>FINDING [58.40(g)]</td>
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<td>(The project will not result in a significant impact on the quality of the human environment)</td>
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<tr>
<td></td>
<td>☐ Finding of Significant Impact</td>
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<td></td>
<td>(The project may significantly affect the quality of the human environment)</td>
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<tr>
<th>Preparer Signature</th>
<th>John Bock/Tetra Tech, Inc.</th>
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</thead>
<tbody>
<tr>
<td>RE Certifying Officer Signature</td>
<td>George Sherrill/NC Department of Commerce Chief of Staff</td>
</tr>
<tr>
<td>Name/Agency</td>
<td>George Sherrill/NC Department of Commerce Chief of Staff</td>
</tr>
<tr>
<td>Publication Date</td>
<td>August 25, 2018</td>
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Attachment 1
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 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 Dare 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. Dare County is in the 95- to 105-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.
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<td>Advisory base flood elevation</td>
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<td>Acceptable Separation Distance</td>
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<td>BFE</td>
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<td>CBRA</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 Dare County (Appendix A, Dare County Map) during this storm was severe rain over several days, causing rivers and tributaries to swell and overflow into adjacent communities. During the storm, some western portions of Dare County received more than 7 inches of rain (Appendix A, Dare County Hurricane Matthew Rainfall Map). A storm surge of 7.4 feet was recorded at the Lighthouse View Motel gauge. During Hurricane Matthew, sound side impacts were seen in Hatteras Village, Frisco, Buxton, Salvo, and Manteo. Many residential, commercial, and government-owned structures that had never undergone flooding were inundated. Three volunteer fire stations and one emergency medical service facility were flooded, the Cape Hatteras Secondary School in Buxton was encroached by floodwater, and two lift stations in Manteo lost power and were unable to operate during and after 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 $290,000 would be allocated to Dare County.

The purpose of the proposed action is to assist residents in Dare 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. Rental properties damaged by Hurricane Matthew will be eligible for repair or reconstruction in this program.

1.2 Project Location

Proposed projects actions under this Tiered Environmental Review Record will be limited to Dare County including all municipalities and rural areas therein. While it is not specifically known how many persons will apply to the program, about 3 percent of the housing stock in Dare County was damaged to some extent. Federal Emergency Management Agency (FEMA) individual assistance applications are shown in Appendix A, Dare 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, initiated housing programs for Dare 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:

- **Homeowner Recovery Program** – focused on owner-occupied single-family dwellings (structures and mobile homes) that experienced 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 1,121 properties in Dare 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. Without
the proposed program, the damaged properties will continue to deteriorate doing further harm to
the communities where they are located.

1.4.1 Estimation of Overall Housing Damage
The State of North Carolina has taken multiple steps to estimate the unmet housing needs resulting
from Hurricane Matthew—including 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 spring 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 remain
to be resolved before homeowners can return homes under safe and sanitary conditions, and (2)
unmet needs for 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 for the State for this funding is to address single-family housing recovery needs in Dare County stemming from Hurricane Matthew. Based on applications received to date pertaining to Dare County, an estimated $290,000 would be allocated to Dare County.

Best available data suggest that 1,121 homes in Dare County sustained damage from Hurricane Matthew and may seek funding through these programs. The initial Unmet Needs Assessment examined what types of owner-occupied homes underwent major to severe damage. Approximately two-thirds were single-family structures, while the remaining one-third were mobile homes.

### 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 expected 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);
- Endangered Species Act (50 CFR 402);
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2));
- Siting of HUD-Assisted Projects Near Hazardous Operations (24 CFR 51C);
- Farmland Protection (7 CFR 658);
- Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq.];
- Noise Abatement and Control (24 CFR 51 B).

**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 Dare 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; have their storm-damaged homes acquired for buyout or 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.
1.7 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) (Dare County)
Funding: An estimated $290,000 would be allocated to Dare County.

Environmental Review Preparer's Information

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

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

Environmental Preparer's Signature:

[Signature]

Date: August 25, 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:

[Signature]

Date: August 25, 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 Dare 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 (Dare 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 (Dare County) compliance cannot be fully achieved at the programmatic level. The Tier II site-specific ERR for the Rebuild NC program (Dare 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 (Dare County), and is in Appendix B. These factors require 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);
- 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);
- Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq.];
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2));
- Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

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 the 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
### 3.0 COMPLIANCE WITH 24 CFR 50.4, 58.5, AND 58.6 LAWS AND AUTHORITIES

**Project Name:** Rebuild NC: Dare County Single Family Housing Recovery Program (1-4 Units) (Rebuild NC), administered under the HUD CDBG-DR Program for Unspecified Sites in Dare County, North Carolina.

The State of North Carolina (the State) is the Responsible Entity (RE) for the required environmental review as indicated in 24 CFR 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and will oversee completion of environmental and historic preservation reviews of each applicant’s proposed project activity in accordance with HUD regulations and guidance.

A “Yes” answer below means further steps are needed and a Tier II site-specific review is required. A “No” answer indicates that compliance is met at the programmatic level.

<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>
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<tbody>
<tr>
<td>Historic Preservation [36 CFR 800]</td>
<td>Yes   No</td>
<td>The North Carolina Department of Commerce has signed on to the Programmatic Agreement (PA) with the SHPO and North Carolina Department of Public Safety. The PA provides an exemption from further review for proposed activities on buildings or structures less than 50 years old, provided the proposed activities substantially conform to the original footprint or are done in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district. Proposed activities that do not qualify for an exemption will be subject to historic preservation review in accordance with the PA.</td>
</tr>
<tr>
<td>Floodplain Management [24 CFR 55, Executive Order 11988]</td>
<td>Yes   No</td>
<td>For those residential properties in flood zones in Dare County (Appendix C, Exhibit 1, Dare County 100-Year Floodplain Map), 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</td>
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### Compliance Summary

- **Historic Preservation**
  - Yes
  - No
  - The North Carolina Department of Commerce has signed on to the Programmatic Agreement (PA) with the SHPO and North Carolina Department of Public Safety. The PA provides an exemption from further review for proposed activities on buildings or structures less than 50 years old, provided the proposed activities substantially conform to the original footprint or are done in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district. Proposed activities that do not qualify for an exemption will be subject to historic preservation review in accordance with the PA.

- **Floodplain Management**
  - Yes
  - No
  - For those residential properties in flood zones in Dare County (Appendix C, Exhibit 1, Dare County 100-Year Floodplain Map), 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:

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<th>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</th>
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<tr>
<td><strong>COMPLIANCE FINDING</strong></td>
<td><strong>Wetlands Protection [24 CFR 55, Executive Order 11990]</strong></td>
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</table>
| floodplain (refer to Appendix D, Programmatic Compliance Process). 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 (Appendix C, 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). Dare County establishes standards for floor elevations for buildings constructed and fill placed in the floodplain through its local codes:  
- Title XV Land Usage, Chapter 151, Flood Damage Prevention, Section 151.32, outlines floodplain development application, and permit and certification requirements.  
- Title XV Land Usage, Chapter 151, Flood Damage Prevention, Sections §151.50 through §151.56, outline the range of standards and provisions for flood hazard reduction.  
(Source: Dare County, Code of Ordinances, https://www.darenc.com/departments/planning/code-of-ordinances)  
All areas within Dare County are participating in the National Flood Insurance Program (Source: FEMA Community Status Book Report, North Carolina, Communities Participating in the National Flood Program, https://www.fema.gov/national-flood-insurance-program-community-status-book).  
**Regulatory Agency and Source Review**  
**See Appendix C, Exhibit 1.**  
Consultation for Tier II, if Required  
Dare County Floodplain Coordinator  
**Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.**  
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. Dare County wetlands are shown in Appendix C, Exhibit 2, Dare County National Wetlands Inventory Map.  
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 | Yes | No |
<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>
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<td>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.</td>
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<td>If any impacts to wetlands are expected, a site-specific eight-step analysis of the long- and short-term adverse impacts must be performed 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 <strong>Conditions for Approval</strong>). 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.</td>
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<tr>
<td>Regulatory Agency and Source Review</td>
<td>See <strong>Appendix C, Exhibit 2.</strong></td>
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<tr>
<td>Consultation for Tier II, if Required</td>
<td>US Army Corps of Engineers, Wilmington District</td>
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<tr>
<td>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.</td>
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<tr>
<td>Coastal Zone Management [Coastal Zone Management Act sections 307(c) &amp; (d)]</td>
<td>Yes</td>
<td>No</td>
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<td>The North Carolina Coastal Resources Commission designated 20 counties in North Carolina as covered by the Coastal Area Management Act (<strong>Appendix C, Exhibit 3, Table 3-1</strong>). Dare County is one of these 20 counties. 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 from the North Carolina Division of Coastal Management (DCM) is needed.</td>
<td></td>
</tr>
<tr>
<td>Regulatory Agency and Source Review</td>
<td>See <strong>Appendix C, Exhibit 3.</strong> Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.</td>
<td></td>
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<tr>
<td>Sole Source Aquifers [40 CFR 149]</td>
<td>Yes</td>
<td>No</td>
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<td>According to the US Environmental Protection Agency’s Source Water Protection, Sole Source Aquifer Protection Program, there are no Sole Source Aquifers in Dare County (<strong>Appendix C, Exhibit 4, Sole Source Aquifers map</strong>).</td>
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</tr>
<tr>
<td>Regulatory Agency and Source Review</td>
<td>See <strong>Appendix C, Exhibit 4.</strong> Review regarding Sole Source Aquifers is complete.</td>
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</tbody>
</table>
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

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<td>Yes</td>
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#### Endangered Species [50 CFR 402]

The Endangered Species Act (ESA), as amended, and its implementing regulations provide federal agencies with a mandate to conserve threatened and endangered (T&E) species and ensure that any action they authorize, fund, or implement is not likely to jeopardize the continued existence of a T&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&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&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.

A USFWS Official Species List for Dare County was generated through the Information for Planning and Consultation (IPaC) website on July 11, 2018. The NCNHP Data Explorer (http://ncnhp.org/data/species-community-search) was accessed on July 11, 2018, as another step in identifying federal- and state-listed T&E species previously found in Dare County for consultations with the USFWS Raleigh Field Office (USFWS-RFO) and the NMFS for federally listed T&E species and with the NCWRC for state-listed T&E 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.

There are no National Fish Hatcheries in Dare County. Dare County includes the following National Wildlife Refuges and critical habitats:

- Alligator River National Wildlife Refuge
- Pea Island National Wildlife Refuge
### Compliance Factors:
Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6

<table>
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<tr>
<th>Are formal compliance steps or mitigation required?</th>
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| - Mattamuskeet National Wildlife Refuge<br>- Critical habitat for the piping plover (*Charadrius melodus*).<br>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:<br>- 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.<br>- 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.<br>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.<br>**Listed T&E Species**
There are 14 federally listed T&E species potentially of concern, and one critical habitat in Dare County.

**Animals**
- Northern long-eared bat (*Myotis septentrionalis*) roosts in hollow trees and buildings in warmer months and in caves and mines during winter, mainly in the mountains. As of July 2, 2018, Dare County is located wholly outside the white-nose syndrome zone according to the White-nose Syndrome Zone Per Northern Long-Eared Bat Final 4(d) Rule (Appendix C, Exhibit 5, Northern Long-Eared Bat White Nose Syndrome Zones map); therefore, incidental take is not prohibited at this time. However, the zone may expand into Dare County in the future and should be checked during the site-specific review.<br>- Red wolf (*Canis rufus*) – Dare County is considered the current range where the nonessential experimental population (NEP) of red wolves in northeastern North Carolina are known or believed to occur. The Alligator River National Wildlife Refuge and the Dare County Bombing Range are considered the NEP management area. Red wolves outside this area would still be considered part of the NEP, but would have no-take prohibitions. On June 28, 2018, the USFWS proposed replacing the regulations for the NEP of red wolves in northeastern North Carolina.<br>- West Indian manatee (*Trichechus manatus*) – Dare County is outside the final critical habitat for the West Indian manatee. This species is also protected by the Marine Mammal Protection Act.<br>- Piping plover – Dare County has critical habitat for this species.<br>- Red knot (*Calidris canutus rufa*) |
<table>
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</table>
| • Red-cockaded woodpecker (*Picoides borealis*)  
• Roseate tern (*Sternula dougallii dougallii*)  
• American alligator (*Alligator mississippiensis*)  
• Green sea turtle (*Chelonia mydas*)  
• Hawksbill sea turtle (*Eretmochelys imbricata*) – Dare County is outside the final critical habitat for this species.  
• Kemp’s ridley sea turtle (*Lepidochelys kempii*)  
• Leatherback sea turtle (*Dermochelys coriacea*) – Dare County is outside the final critical habitat for this species.  
• Loggerhead sea turtle (*Caretta caretta*) – Dare County is outside the final critical habitat for this species. |  | • Red-cockaded woodpecker (*Picoides borealis*)  
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• Loggerhead sea turtle (*Caretta caretta*) – Dare County is outside the final critical habitat for this species. |
| Plants  
• Seabeach amaranth (*Amaranthus pumilus*) |  |  |

**Critical Habitat**

- Piping plover – The Atlantic Coast population of this species is known to, or is believed to occur in Dare County. This species is known to occur at the Pea Island National Wildlife Refuge. Dare County is critical habitat for the wintering population of this species (*Source: Revised Designation of Critical Habitat for the Wintering Population of the Piping Plover (*Charadrius melodus*) in North Carolina, Final Rule, 73 FR 62816 62841 https://www.gpo.gov/fdsys/pkg/FR-2008-10-21/pdf/E8-23206.pdf#page=2*).

Because of the habitat preferences and the nature of the activities proposed for the single-family housing properties, most of the federally listed T&E species are not expected to be affected.

**Regulatory Agency and Source Review**

See Appendix C, Exhibit 5.

**Consultation for Tier II, if Required**

- US Fish and Wildlife Service, Raleigh Field Office  
- National Marine Fisheries Service  
- North Carolina Wildlife Resources Commission

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

---

**Wild and Scenic Rivers**  
[36 CFR 297]  
North Carolina Natural and Scenic Rivers Act of 1971  
National Rivers Inventory, Presidential Directive 1979

| Wild and Scenic Rivers  
[36 CFR 297]  
North Carolina Natural and Scenic Rivers Act of 1971  
National Rivers Inventory, Presidential Directive 1979 | Yes | No |
<table>
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<td>☒</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.</td>
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</tr>
<tr>
<td>Dare County does not have any federally designated National Wild and Scenic Rivers, or State Natural and Scenic Rivers as designated under the North Carolina Natural and Scenic Rivers Act of 1971 (<a href="#">Appendix C, Exhibit 6, Wild and Scenic Rivers map</a>). The Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the US 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 of the NRI segments. Dare County does not have any rivers listed on the NRI (<a href="#">Appendix C, Exhibit 6, Wild and Scenic Rivers map</a>). The 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.</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**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

*Review regarding Wild and Scenic Rivers is complete.*

---

<table>
<thead>
<tr>
<th>Air Quality [40 CFR parts 6, 51, 61, 93]</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed program for Dare 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. Dare County 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). (<a href="https://deq.nc.gov/about/divisions/air-quality/air-quality-planning/attainment">Source: https://deq.nc.gov/about/divisions/air-quality/air-quality-planning/attainment</a>) (<a href="#">Appendix C, Exhibit 7, Nonattainment Areas map</a>)</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

**Emission Methodology**

As Dare County is not listed as a Non-attainment area, a determination of emissions as they compare to NAAQS is not required.

Dare County is listed as Zone 3 – Low Potential for Radon ([Appendix C, Exhibit 7, EPA Radon Zones map](#)).

**Regulatory Agency and Source Review**

See [Appendix C, Exhibit 7](#).

*Review regarding Air Quality is complete.*

---

<table>
<thead>
<tr>
<th>Farmland Protection [7 CFR 658]</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
**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>
</table>
| ☒ ☐                                              | 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.

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.

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 Dare 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.

**Environmental Justice**
[Executive Order 12898]

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

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, and 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. Because there are no environmental issues for this Program that would disproportionately affect LMI and/or...
<table>
<thead>
<tr>
<th>Compliance Factors:</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>COMPLIANCE FINDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6</td>
<td></td>
<td>minority populations, the proposed project would comply with Executive Order 12898. Regulatory Agency and Source Review See Appendix C, Exhibit 9. Review regarding Environmental Justice is complete.</td>
</tr>
<tr>
<td><strong>HUD Environmental Standards</strong> 24 CFR Part 51</td>
<td><strong>Summary of consultations, supporting documentation, determinations and mitigation measures</strong></td>
<td></td>
</tr>
</tbody>
</table>
| Noise Abatement and Control [24 CFR 51B] | Yes  No | The reconstruction or rehabilitation of 1- to 4-unit residential properties would cause temporary increases in noise levels. Long-term noise levels would be the same as pre-Hurricane Matthew levels. Temporary 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) that 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 |
<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>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>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 determination.</td>
</tr>
<tr>
<td>Siting of HUD-Assisted Projects Near Hazardous Operations [24 CFR 51C]</td>
<td>Yes No</td>
<td>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 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. 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.</td>
</tr>
<tr>
<td>Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]</td>
<td>Yes No</td>
<td>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)). There are no civil airport runway protection zones in Dare 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). There are no military clear zones or accident potential zones in Dare County. Regulatory Agency and Review Parties See Appendix C, Exhibit 12. Review regarding Airport Hazards is complete.</td>
</tr>
<tr>
<td>Toxic Chemicals and Gases, Hazardous Materials,</td>
<td>Yes No</td>
<td>Hazardous Materials HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and</td>
</tr>
<tr>
<td>Compliance Factors:</td>
<td>Are formal compliance steps or mitigation required?</td>
<td>COMPLIANCE FINDING</td>
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</tbody>
</table>
| Contamination, and Radioactive Substances [24 CFR 58.5(i)(2)] | 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 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. | **Radon**

This sub-topic is addressed under Air Quality; however, as indicated there, Dare 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 (Dare 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 (Dare County) must be remediated for mold.
### 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>
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<tbody>
<tr>
<td></td>
<td>attributable to Hurricane Matthew in accordance with State requirements.</td>
</tr>
</tbody>
</table>

#### 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.

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

<table>
<thead>
<tr>
<th>Statute and Act</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fish and Wildlife Coordination Act [16 USC 661-666c]</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

- 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.

<table>
<thead>
<tr>
<th>Statute and Act</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq.]</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

- 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.

Dare County has Anadromous Fish Spawning Areas, including the Alligator River, Milltail Creek, Whipping Creek, Whipping Creek Lake, Swan Creek, Tom Mann Creek, Peter Mashoes, Creek, East Lake, Spencer Creek, and Callaghan Creek ([Appendix C, Exhibit 13, Anadromous Fish Spawning Areas map](http://portal.ncdenr.org/web/mf/afsa-maps)). So, the Magnuson-Stevens Fishery Conservation and Management Act applies to the proposed program in Dare County.

#### Regulatory Agency and Source Review

See Appendix C, Exhibit 13.

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

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

<table>
<thead>
<tr>
<th>Statute and Act</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Hazards 24 CFR Part 51 Subpart D</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

- In Dare County, there are no civil airports with runway protection zones in Dare County, and no military airfields with clear zones or accident potential zones, as addressed in the Airport Hazards section above.

Review regarding Airport Hazards is complete.
<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>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>The John H. Chafee Coastal Barrier Resources System (CBRS) was established in 1982 and is administered by the U.S. Fish and Wildlife Service. In accordance with 24 CFR 58.6(c), HUD assistance may not be used for most activities proposed in the CBRS or otherwise protected areas. Nine designated units of the CBRS and seven “Otherwise Protected Areas” are in North Carolina. Four designated units of the Coastal Barrier Resource System are in Dare County: Pine Island Bay, Nags Head, Cape Hatteras, and Hatteras Island.</td>
</tr>
<tr>
<td>Yes</td>
<td>No</td>
<td>Regulatory Agency and Source Review See Appendix C, Exhibit 14. Refer to Tier II: Site-Specific Project Review form for each individual property for compliance determination.</td>
</tr>
<tr>
<td>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</td>
<td>Yes</td>
<td>Dare County has several areas that are 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:</td>
</tr>
<tr>
<td>No</td>
<td></td>
<td>• Is the project located in a Special Flood Hazard Area?</td>
</tr>
<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 (Dare 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</td>
<td>2</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>
<tr>
<td>Land Development</td>
<td>Code</td>
<td>Summary of consultations, supporting documentation, determinations, and mitigation measures</td>
</tr>
<tr>
<td>--------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>community pollution levels</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Environmental Design</strong> – Visual quality – coherence, diversity, compatible use &amp; scale</td>
<td>1</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Socioeconomic Factors</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demographic Character Changes</td>
<td>2</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>Displacement</td>
<td>1</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>
<tr>
<td>Employment and Income Patterns</td>
<td>1</td>
<td>The proposed project will aid in restoring homeowners to their previous communities, employment and income patterns, thus leading to favorable developments to commercial, industrial and institutional operations in the project area. The proposed program would help to alleviate some of the financial burden from homeowners for the repair or reconstruction of their home.</td>
</tr>
<tr>
<td>Community Facilities and Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Facilities</td>
<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>Commercial Facilities</td>
<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</td>
</tr>
<tr>
<td>Land Development</td>
<td>Code</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Health Care</td>
<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 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.</td>
</tr>
<tr>
<td>Social Services</td>
<td>2</td>
<td>Social services in Dare 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>
</tr>
<tr>
<td>Solid Waste</td>
<td>2</td>
<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>
</tr>
<tr>
<td>Waste Water</td>
<td>2</td>
<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>
</tr>
<tr>
<td>Storm Water</td>
<td>2</td>
<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 <strong>Conditions for Approval</strong>).</td>
</tr>
<tr>
<td>Water Supply</td>
<td>2</td>
<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>
</tr>
<tr>
<td>Public Safety - Police</td>
<td>2</td>
<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>
</tr>
<tr>
<td>Public Safety - Fire</td>
<td>1</td>
<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>
</tr>
<tr>
<td>Public Safety</td>
<td>2</td>
<td>Most of the proposed actions will be rehabilitation or reconstruction of currently occupied homes where the residents are currently able to obtain</td>
</tr>
<tr>
<td>Land Development</td>
<td>Code</td>
<td>Summary of consultations, supporting documentation, determinations, and mitigation measures</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>- Emergency Medical</td>
<td></td>
<td>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>
</tr>
<tr>
<td>Open Space, Recreation, and Cultural Facilities</td>
<td>2</td>
<td>The proposed project activities take place on previously developed properties. These activities would have no impact on open space or recreational facilities. The project activities would also have no impact on cultural facilities.</td>
</tr>
<tr>
<td>Transportation</td>
<td>2</td>
<td>The proposed project would help people return to their homes and would therefore cause a slight increase in traffic levels and demand for public transportation services relative to current conditions, but would not increase levels or demand relative to conditions prior to Hurricane Matthew. Proposed projects that include the option of new construction are anticipated to be minimal and would not cause a significant impact to the availability of transportation facilities and services in the project area.</td>
</tr>
<tr>
<td>Natural Features</td>
<td></td>
<td>Summary of consultations, supporting documentation, determinations, and mitigation measures</td>
</tr>
<tr>
<td>Water Resources</td>
<td>2</td>
<td>The proposed project is not anticipated to cause water quality issues in or around construction sites. Construction activities will implement best management practices and will not involve discharge or sewage effluent into surface water bodies.</td>
</tr>
<tr>
<td>Unique and Natural Features and Agricultural Lands</td>
<td>2</td>
<td>Construction activities will occur primarily on previously developed parcels where homes currently reside. The projects that include new construction will be on parcels designated for residential use. Therefore, unique and natural features are not anticipated to be impacted or cause impacts to the proposed project.</td>
</tr>
<tr>
<td>Vegetation and Wildlife</td>
<td>2</td>
<td>Construction activities will occur primarily on previously developed parcels where there are currently homes. It is not anticipated that trees, vegetation, or native plant community habitats will be negatively affected by projects that include new construction on parcels designated for residential use.</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 (Dare County) system of record, and in the ERR maintained by the State.

This Tier I ERR 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);
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2));
- Siting of HUD-Assisted Projects Near Hazardous Operations (24 CFR 51C);
- Farmland Protection (7 CFR 658);
- Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq.];
- Noise Abatement and Control (24 CFR 51 B).

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 Dare 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.
13. Dare County is in the 95- to 105-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.
Appendix A

Figures

Dare County Map
Dare County Rainfall Map
Declared Disaster Areas
Dare County Individual Assistance Applications
Legend

- Tier 1 Area of Review
Appendix B
Tier II Site-Specific Checklist
## Tier II: Site-Specific Review for Environmental
Dare County, North Carolina

### Project Information

<table>
<thead>
<tr>
<th>Submittal Date:</th>
<th>Application ID #:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Address:</td>
<td></td>
</tr>
<tr>
<td>GPS Coordinates:</td>
<td>Census Tract:</td>
</tr>
<tr>
<td>Parcel No:</td>
<td>Tax ID:</td>
</tr>
<tr>
<td>Date of Field Inspection:</td>
<td>Date of Review:</td>
</tr>
<tr>
<td>Inspector Name:</td>
<td>Reviewer Name:</td>
</tr>
</tbody>
</table>

### Attachments:

### Funding Information

Estimated Total HUD Funded Amount: [For the Proposed Activity, if known]

### 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

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”)

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.
  - [ ] No (Review Concluded)
  - [ ] Yes. Attach conditions. (Review Concluded)
  - [ ] Adverse Effect Determination
    - [ ] 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)
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 archaeological resources
  
  - **No Historic Properties Affected Determination** (SHPO concurrence or consultation on file). *(Archaeological Review Concluded)*

  Project area has been field assessed for presence of archaeological 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)*

  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?
| 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))**

| 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)**
Not applicable. Compliance determined in Tier I Environmental Assessment.

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.

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.

- Lead-based paint
- Asbestos
- Mold

If any of the above is checked, document site-specific hazards and mitigation requirements. If determination is unknown, document and include mitigation requirements.


(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. 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))

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

Is the project located in a designated unit of the Coastal Barrier Resource System?

☐ No. Attach appropriate map showing site location. (Review Concluded)

☐ Yes. Attach appropriate map showing site location. STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.
14. Airport Clear Zones and Accident Potential Zones  
**((24 CFR Part 51, Subpart D))**  
Not applicable. Compliance determined in Tier I Environmental Assessment.

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.))**  

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

17. Noise Abatement and Control  
**((24 CFR Part 51, Subpart B))**  

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<th>REVIEW CONCLUDED. (check this box only when completion of the subtasks listed below result in a “Review Concluded”)</th>
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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 Abatement and Control
Exhibit 11.  Siting of HUD-Assisted Projects Near Hazardous Operations
Exhibit 12.  Airport Hazards
Exhibit 13.  Magnuson-Stevens Fishery Conservation Act
Exhibit 14.  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 Dare County

Dare County 100-year Floodplain Map

Note: The 8-Step Floodplain Analysis, public notices, and public comments are presented in Appendix D.
Attachment 1-1

Check List for Zoning and Building Permits

1. **Zoning Permit** “Issued by Dare County Planning Office”
   a. Contact the Dare County Planning Office at 252.475.5870.

2. **Septic Tank Approval** “Issued by the Dare County Health Department”
   1. Fill out an application
   2. Improvement Permit — A survey of the property showing all planned improvements drawn to scale must be submitted to the Dare County Health Department for an Improvement Permit
   3. Construction Permit — Proof of an approved water source (i.e., an approved well or a copy of your receipt from the water department) and the improvement permit with 2 sets of house plans must be submitted.
   4. Operations Permit — An Environmental Health Specialist will do a final site inspection. The following items must be completed:
      - An approved and properly installed septic tank
      - A sealed sewer line from house to tank
      - A constructed driveway
      - An approved and functional water supply
      - The house as built conforms to submitted house plans

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 the Dare County Planning Office”
   The permit must be obtained from the appropriate inspection office for the geographical location of the construction project: Manteo, Frisco, or Kill Devil Hills.

Three (3) complete sets of construction drawings is required prior to any permit to build will be issued. Listed below is the information that is required for the issuance of a building permit:

   a. A blue-line survey of the subject property prepared by a registered North Carolina land surveyor.
   b. Water tap authorization and receipt for hook-up fees are required if the site is served by central water.
   c. A septic permit issued by the Dare County Health Department
d. Floor plans which must be reviewed and approved by the Dare County Health Department  
e. If the project is located on the oceanfront, a sound, or a canal, it may require a Coastal Area Management Act (CAMA) permit.  
f. Each respective contractor and subcontractor must possess a valid license issued by the State of North Carolina to perform his or her particular task(s).  

Permits required:  
Note: The construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of any building may be commenced or proceeded without first securing each permit required by the NC Building Code. G.S. 153A-357 and 160A-417  

a. Building  
b. Electrical  
c. Plumbing  
d. Mechanical  
e. Insulation  

Permits required may be obtained by the owner, providing the owner qualifies and successfully executes the Owner’s Exception Form as required. If not issued to the owner, a state qualified licensed individual in their appurtenant trade must apply for the permits.
Exhibit 2
Wetland Protection

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

Dare County National Wetlands Inventory Map
Attachment 2-1. Consultation with U.S. Army Corps of Engineers
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

Coastal Zone Management Areas map
Attachment 3-1. Consultation with North Carolina Department of Environmental Quality, Division of Coastal Management
Morning Mr. Bock,

Upon consultation with DCM staff I believe we provided a letter on 6/18/18 that can assist with NCDCM consultation as it pertains to the Coastal Area Management Act. I have attached the email above that contains our consultation letter. If there is anything else you need please let me know.

Regards,

Gregg

---

**Gregg Bodnar**  
Assistant Major Permits Coordinator  
Division of Coastal Management  
Department of Environmental Quality  

252 808 2808 ext 215  
Gregg.Bodnar@ncdenr.gov

400 Commerce Ave  
Morehead City, NC 28557

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*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*
Mr. Bodnar, we would like to confirm that you received the consultation letter and ask if you have an estimated timeframe for your response. Thank you.

From: Bock, John  
Sent: Tuesday, July 17, 2018 7:20 PM  
To: 'gregg.bodnar@ncdenr.gov' <gregg.bodnar@ncdenr.gov>  
Cc: 'Herrera, Daniel' <Daniel.Herrera@ncdps.gov>; 'Bahlinger, Lauren' <Lauren.Bahlinger@iem.com>  
Subject: Programmatic Consultation for Single-Family Housing Projects (18 Counties)

Mr. Bodnar, on behalf of Dan Herrera, please find attached a programmatic consultation letter that addresses single-family housing projects proposed for Community Development Block Grant – Disaster Recovery funding in 18 North Carolina counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson). Thank you.
<table>
<thead>
<tr>
<th>Counties</th>
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<tr>
<td>Beaufort</td>
<td>Hertford</td>
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<td>Bertie</td>
<td>Hyde</td>
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<td>Brunswick</td>
<td>New Hanover</td>
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<td>Camden</td>
<td>Onslow</td>
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<td>Carteret</td>
<td>Pamlico</td>
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<td>Chowan</td>
<td>Pasquotank</td>
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<td>Craven</td>
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<td>Currituck</td>
<td>Perquimans</td>
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<tr>
<td>Dare</td>
<td>Tyrrell</td>
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<tr>
<td>Gates</td>
<td>Washington</td>
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</tbody>
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Source: North Carolina Environmental Quality, Division of Coastal Management
Legend

- **Declared Disaster Area Counties**
- **North Carolina Counties**
- **Columbia and Yorktown-Eastover Multi-aquifer System**
Exhibit 5
Endangered Species

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

Attachment 5-2. Consultation with National Marine Fisheries Service

Attachment 5-3. Consultation with North Carolina Wildlife Resources Commission

Northern Long-Eared Bat White Nose Syndrome Zones map
Attachment 5-1. Consultation with U.S. Fish and Wildlife Service
Memorandum to File

August 10, 2018

Subject: Tiered Environmental Assessment of Single-Family Housing Projects, Hurricane Matthew Community Development Block Grant - Disaster Recovery Program, USFWS Consultation Requirements

Per communication with the USFWS (Attachment 1), Mr. John Ellis directed us to follow the methodology developed during the consultation for the first four counties (i.e., Cumberland, Edgecombe, and Wayne Counties).

In a letter to the NCEM in July 2018 (Attachment 2), the USFWS stated that the site-specific conditions which would trigger the need for consultation with the goal of facilitating the Endangered Species Act consultation process outlined in the May 29, 2018 letter from NCEM to USFWS (Attachment 3) letter correctly captures the USFWS approved approach.

That approach focused on the types of projects that may require site-specific consultation with the USFWS and specifically the conditions that would trigger the need for such consultation with the goal of limiting the number of required consultations to the situations that so warrant.

In the May 29, 2018 letter, the USFWS identified a list of species and activities of most interest to them for the site-specific environmental review consultations. The USFWS primary interest, triggering the potential need for consultation, is the removal of trees. Project activities would result in no effect on federally-listed threatened and endangered species unless the project activity required the removal of a tree. If the removal of a tree is necessary, site-specific environmental review would be required.

Additional species-specific considerations are included below:

**Mammals**

The northern long-eared bat (NLEB) (Beaufort, Bladen, Camden, Craven, Dare, Hyde, Jones, New Hanover, Pasquotank, Pender, and Washington Counties) 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. The following link identifies counties in eastern North Carolina where USFWS records indicate the presence of the Northern Long-eared Bat (NLEB): [https://www.fws.gov/raleigh/NLEB RFO.html](https://www.fws.gov/raleigh/NLEB RFO.html). Roosting sites for the NLEB are identified as red areas on the map that can be downloaded at [https://www.sciencebase.gov/catalog/item/5851849ee4b0f99207c4f10e](https://www.sciencebase.gov/catalog/item/5851849ee4b0f99207c4f10e). These maps should be
checked once a month for updates as bat survey work is ongoing in North Carolina. USFWS consultation is required for any project site located within a known roosting area.

Based on these maps, the NLEB has been observed in Dare, Hyde, Craven, Pender, Bladen, Pasquotank and Camden Counties and there are known NLEB roost trees in portions of Bladen, Pasquotank and Camden Counties. For project sites within areas of known NLEB roost trees, there is no incidental take and these project sites are subject to restrictions for the NLEB and site-specific consultation with the USFWS is required.

For projects outside of known NLEB roosting areas, barring new data to the contrary, project sites in these counties are not subject to restrictions for the NLEB. If project activity involves tree cutting or removal (any size), percussive activities (e.g. blasting, pile driving) or removal of bats from structures, then effects on the NLEB must be assessed. Tree removal activities are covered by the Programmatic Biological Opinion for the final 4(d) rule, and consultation with the USFWS should not be required; unless tree removal actives result in removing a known occupied maternity roost tree, is within 150 feet of a known occupied maternity roost tree from June 1 through July 31 or within 0.25 mile of a hibernaculum at any time.

**Birds**

The wood stork has been found in a small part of Bladen 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 two miles of previously identified wood stork habitat, as determined using the NCNHP Data Explorer, or within 0.5 miles of N 34.4199, W -78.33108 (Bladen County, nearest town Zara), the USFWS will be consulted.

Attachments:
Attachment 1 – Email Correspondence with USFWS
Attachment 2 – July 12, 2018 Letter to NCEM
Attachment 3 – May 29, 2018 Letter to USFWS
John,

Have you seen the methodology that a consultant for DEM and the Service developed in June 2017 to determine when consultation would be needed? Below is a string of emails which describe it. The first few are bat specific but if you read down you'll get to one that lays it out for other species too. The one correction to it is that Robeson Co should be included in the red cockaded woodpecker list of counties.

John

---------- Forwarded message ----------
From: Nora Zirps <nzirps@espassociates.com>
Date: Thu, Jun 15, 2017 at 11:18 AM
Subject: RE: CDBG-DR Tiered Environmental Review for Housing Programs
To: "Matthews, Kathryn" <kathryn_matthews@fws.gov>, "Ellis, John" <john_ellis@fws.gov>
Cc: John Hammond <john_hammond@fws.gov>, Leigh Mann <leigh_mann@fws.gov>

Thank you, Kathryn.

From: Matthews, Kathryn [mailto:kathryn_matthews@fws.gov]
Sent: Thursday, June 15, 2017 11:11 AM
To: Ellis, John
Cc: Nora Zirps; John Hammond; Leigh Mann
Subject: Re: CDBG-DR Tiered Environmental Review for Housing Programs

I would recommend that you go to the following USFWS web page for information on the 4(d) rule:

https://www.fws.gov/Midwest/endangered/mammals/nleb/index.html

There's a lot of information there - also scroll down and click on "Northern long-eared Bat Archives" for another page that has links to FAQs and other info on the 4(d) rule.

Good luck.
Here are my comments on your communication record.

As far as a short write up on the 4(d) rule. It'll be after I return before I can get that for you or you can very likely find something by searching for it on the internet for something like "Northern Long-earred Bat final 4(d) rule" then sorting through them until you find one you like.

If you could take a quick look at my summary and just hand mark anything that doesn’t look quite right, I would appreciate it especially since you will be on vacation. I just sent you an email in that regard.

Is that good or do you want me to edit the notes you sent?

I'm heading out at lunch today on vacation until June 26 or 27 so not sure if I'd be able to get it today.

Thank you for your summary and additional information provided below.

I will be in touch should questions arise during preparation of the Tier 2 Environmental Review strategy.

I appreciate your quick response and assistance!
From: Ellis, John [mailto:john_ellis@fws.gov]
Sent: Thursday, June 15, 2017 9:32 AM
To: Nora Zirps; Kathryn Matthews; John Hammond; Leigh Mann
Subject: Re: CDBG-DR Tiered Environmental Review for Housing Programs

Nora,

Thanks for the call today. I'll try to sum up the items we discussed. Feel free to contact me if you have questions or if I didn't capture them correctly. The comments focus around restoration actions that would require removal of trees and certain species of animals. The Asheville Field Office has given the Raleigh Field Office (RFO) permission to handle any counties in their work area so you'll only have to deal with one FWS office.

In regards to the Actions, I would not envision Actions 1, 2, 9 and 10 requiring the removal of trees however if they would, the same measures for other actions would apply to them.

Northern Long-eared Bat

If trees are being removed within the areas of counties listed as containing known roost trees, utilize the shapefiles at https://www.fws.gov/raleigh/NLEB_RFO.html to determine if the property is within the area of concern. If it is, contact the RFO with the location of the property and the proposed work to be done. Tree removal in other areas is covered by the Programmatic Biological Opinion for the Service's Final 4 (d) rule, and you should not need to consult any further with our office.

Wood Stork

If trees are to be removed within 0.5 miles of these points, please contact the RFO with the location of the property and the proposed work to be done.

N 33.9696, W -78.65391 (Columbus County, nearest town Pireway)
N 34.1598, W -78.70387 (Columbus County, nearest town Clarendon)
N 34.4199, W -78.33108  (Bladen County, nearest town Zara)
N 34.5669, W-78.9197 (Robeson County, nearest town Lumberton)

Bald Eagle
Since the vast majority of these sites will be located near a water feature, bald eagle nests may occur on or near them. If super-canopy (those taller than the surrounding trees) cypress or pine trees are to be removed, they should be checked for large bird nests. If a large nest is identified, contact the RFO with the location of the property, the proposed work to be done, and a photograph of the nest.

Red-cockaded Woodpecker

If pine trees 10 inches or greater diameter at breast height (dbh, 4.5 feet above the ground) are to be removed in the counties listed below, that tree and other pine trees of that size within 200 feet of the tree should be surveyed for red-cockaded woodpecker cavities. Those Counties are: Bladen; Brunswick; Carteret; Craven; Cumberland; Harnett; Hoke; Montgomery; Moore; New Hanover; Onslow; Pender; Richmond; and Scotland. If cavity trees are found, contact the RFO with the location of the property, the proposed work to be done, and a photograph of the cavity.

I do not envision any Actions occurring on National Wildlife Refuges or Edenton National Fish Hatchery. Should any arise, please contact the RFO with the location of the property and the proposed work to be done.

We are open to further communication on how to better expedite the process while protecting listed species.

John

On Tue, Jun 6, 2017 at 11:23 AM, Nora Zirps <nzirps@espassociates.com> wrote:

Mr. Ellis,

Thank you for your time yesterday. As discussed, ESP is providing technical support to NCEM and NCDOC by preparing County-specific Tier 1 Environmental Review Records and Tier 2 Environmental Review Strategies for CDBG-DR housing programs. The list of proposed actions that are included in the Tiered Environmental Review process are identified in the attached file titled “List of Proposed Actions for Tiered Environmental Review - CDBG-DR Housing Programs”. The majority of the projects will involve single-family dwellings (1-4 units), and several thousand applications for CDBG-DR funding are anticipated. The multi-family dwelling projects included in the Tiered Environment Review process will be limited to rehabilitation projects that involve repairs costing less than 75% of the replacement cost.

The attached file titled “T&E Species - CDBG-DR 50 Counties - Federal Species” provides both a list of the 50 counties impacted by Hurricane Matthew for which CDBG-DR funding is available, and a comprehensive list of Federal threatened and endangered (T&E) species (including candidate species and Bald and Golden Eagles) that have been observed within the 50-county footprint based on information available in the NC Natural Heritage Program’s (NCNHP’s) Data Explorer.
The third attached file titled “National Fisheries and Wildlife Refuges - CDBG-DR 50 Counties” lists the national fisheries and wildlife refuges in the 50-county footprint.

Please review these materials first considering whether any of the proposed actions will have an effect on any of the Federal T&E species identified, or if a blanket “no effect” determination might be appropriate for one or more of the species. Also, please consider whether the proposed actions would have any effect on the national fisheries and wildlife refuges.

If any of the proposed actions could potentially cause adverse effects to one or more of the T&E species, I would like to discuss them with you further with the goal of developing an approach for conducting Tier 2 environmental reviews for those actions and species that would limit the number of required USFWS consultations.

Are you available for a follow-on call this Thursday morning to continue our discussions?

Regards,

Nora

Nora A. Zirps, PE
ESP Associates, P.A.
7011 Albert Pick Rd., Suite E
Greensboro, NC 27409
336-334-7724, ext.324 (Office)
336-232-5213 (Direct)
336-420-6979 (Mobile)
nzirps@espassociates.com
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Kathy Matthews
Fish and Wildlife Biologist
Raleigh Ecological Services
U.S. Fish and Wildlife Service
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Raleigh, NC  27636-3726
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Attachment 5-2. Consultation with National Marine Fisheries Service
North Carolina Environmental Reviews
Telecon Record

Meeting Date: August 2, 2018

Location: Teleconference

Subject: Programmatic Consultation for Single-Family Housing Projects (18 Counties)

Meeting Attendees:

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Role or Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noah Silverman</td>
<td>NEPA Coordinator, Southeast Region, National Marine Fisheries Service</td>
<td>727-824-5353</td>
<td><a href="mailto:Noah.silverman@noaa.gov">Noah.silverman@noaa.gov</a></td>
</tr>
</tbody>
</table>

Tetra Tech

<table>
<thead>
<tr>
<th>Name</th>
<th>Project Role or Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cliff Jarman</td>
<td>EIAP</td>
<td>512-244-2192</td>
<td><a href="mailto:clifford.jarman@tetratech.com">clifford.jarman@tetratech.com</a></td>
</tr>
</tbody>
</table>

Noah Silverman had responded to the request for a programmatic consultation for the single-family housing projects proposed for Community Development Block Grant – Disaster Recovery funding 18 counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson), with a voicemail requesting further conversation.

He followed up the voicemail with an email stating that “unless your project has a potential to impact aquatic species or habitat connected to water resources, you do not need to interact with us at all.”

Cliff Jarman and Mr. Silverman discussed how the Tier 1 and Tier 2 process would evaluate each property in the program. Mr. Silverman stated that the NMFS was interested in potential for impacts, and could not set quantifiable parameters like set distances.

He advised that further coordination would be needed for projects involving repair or replacement in the existing footprint.

For projects involving new construction, the project should be reviewed to see if a water of the US or water resource dependent species would be impacted. If there would be impacts then his office should be consulted.

To help with the Tier 2 desktop review process, the following steps were developed.

1) If there are no waters near the project site (A Subject Matter Expert (SME) might set a distance) then there would be no issue and review would be complete

2) If there are waters nearby, then the Tier II review should be forwarded to the SME for their opinion.
3) If the SME determines that construction details and conditions of approval/mitigations would prevent impacts to the waters and habitat, then no consultation is needed and the review is complete.

4) If the SME says there would be impacts, then consultation with NOAA would be required.

When asked if NOAA could document its agreement with these steps, Mr. Silverman stated to use the email he sent to Tetra Tech (see attached) and reference our conversation for extra detail.
Hi Mr. Bock,

I left you a VM..... please give me a call when you have time. I want to make sure I fully understand your request.

But I will offer this, as a general "rule of thumb" regarding the need to coordinate with NOAA Fisheries Service. Unless your project has a potential to impact aquatic species or habitat connected to water resources, you do not need to interact with us at all.

Thank you,
-Noah

On Fri, Jul 27, 2018 at 4:59 PM, Bock, John <John.Bock@tetratech.com> wrote:

Mr. Silverman, we would like to confirm that you received the consultation letter and ask if you have an estimated timeframe for your response. Thank you.

Mr. Silverman, on behalf of Dan Herrera, please find attached a programmatic consultation letter that addresses single-family housing projects proposed for Community Development Block Grant – Disaster Recovery funding in 18 North Carolina counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson).
Thank you.
Attachment 5-3. Consultation with North Carolina Wildlife Resources Commission
MEMORANDUM

TO: Clifford Jarman  
Tetratech

FROM: Maria T. Dunn, Coastal Coordinator  
Habitat Conservation Division

DATE: August 9, 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; Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson Counties, North Carolina.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject document. Comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667e), North Carolina Environmental Policy Act (G.S. 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 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 numerous residences in the subject counties experienced damage during Hurricane Matthew. 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. 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 (252) 948-3916 or maria.dunn@ncwildlife.org
Exhibit 6
Wild and Scenic Rivers

Attachment 6-1. Consultation with National Park Service

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

Wild and Scenic Rivers map
Attachment 6-1. Consultation with the National Park Service
Mr. Bock--

Thanks for reaching out. I have reviewed the letter, and I concur with the conclusion that no further coordination nor formal consultation with the NPS is required. Should the setting or extent of any of these projects change, such that they would affect a federal Wild and Scenic River or an NRI river segment, please don't hesitate to reach back out.

Best regards,
Jeff Duncan

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 10:20 PM, Bock, John <John.Bock@tetratech.com> wrote:

Mr. Duncan, on behalf of Dan Herrera, please find attached a programmatic consultation letter that addresses single-family housing projects proposed for Community Development Block Grant – Disaster Recovery funding in 18 North Carolina counties (Beaufort, Bladen, Camden, Craven, Dare,Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson). Thank you.
PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.
Attachment 6-2. Consultation with North Carolina Division of Parks and Recreation
Legend

- **Green**: Designated Wild and Scenic Rivers
- **Blue**: National Rivers Index
- **Red**: Declared Disaster Area Counties
- **White**: North Carolina Counties

Source: National Wild and Scenic Rivers System (Rivers.gov) and the National Park Service
Exhibit 7
Air Quality

Attachment 7-1. Consultation with North Carolina Department of Environmental Quality, Division of Air Quality

Nonattainment Areas map

EPA Radon Zones map
Attachment 7-1. Consultation with North Carolina Department of Environmental Quality, Division of Air Quality
Exhibit 8
Farmland Protection

Attachment 8-1. Consultation with Natural Resources Conservation Service
July 23, 2018

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

Subject: Programmatic Consultation for Single-Family Housing Projects (18 Counties)

Dear Mr. Herrera:

The following guidance is provided for your information.

Projects are subject to the Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to non-agricultural use and are completed by a federal agency or with assistance from a federal agency. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the FPPA or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary of Agriculture to be farmland of statewide local importance.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland, or other land, but not water or urban built-up land.

Farmland does not include land already in or committed to urban development or water storage. Farmland already in urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as urbanized area (UA) on the Census Bureau Map, or as urban area mapped with a tint overprint on the United States Geological Survey (USGS) topographical maps, or as urban-built-up on the United States Department of Agriculture (USDA) Important Farmland Maps.

For projects 4, 5 and 6 the areas may meet one or more of the above criteria for Farmland. Farmland area may be affected or converted. The agency that will fund the project needs to initiate an AD-1006, Farmland Conversion Impact Rating Form according to the 7 Code of Federal Regulations (CFR) 658 - Farmland Protection Policy Act. The AD-1006 Form can be found at the
For corridor type projects (e.g. roads, power lines, water distribution lines, etc.) use the CPA-106 Form that can be found at the following link:


The Natural Resources Conservation Service (NRCS) will complete PARTS II, IV and V and will return the form to be completed by the federal agency who will provide the assistance. A soils map needs to be included, with your review request, showing the exact area that will be affected. Soil maps can be prepared from the Web Soil Survey website at http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm.

Also, we need a soil map unit inventory and the amount of acres by soil map unit that will be affected directly or indirectly.

If you have any questions, please contact Milton Cortes, Acting State Soil Scientist at 919-873-2171 or by email: milton.cortes@nc.usda.gov.

Again, thank you for inquiry. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Milton Cortes
Acting State Soil Scientist

Cc John Bock, Senior Environmental Scientist, Tetra Tech Inc.
Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary of Agriculture to be farmland of statewide or local importance.

To request Farmland Impact Evaluations the customer needs to provide the following documents:

1. Brief description of the intended project(s)

2. AD1006 (CPA106 for corridors) with PART I & PART III completed. We will complete PART II, PART IV and PART V and return the form to the customer. Customer will take the form to be completed by the Federal Agency providing the support for the project. Once the form is completed, customer will send the final copy back to me by email.

3. Soils map of the proposed area to be impacted. Can be created using any GIS software but we prefer the customer to use the Web Soil Survey site since it offers the latest version of the soils data and maps. Copy and paste the following link:

   http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

   NOTE: If you have a GIS shape file, you can submit a project boundary polygon instead. I would generate the soils map and information I need that would be requested in the next step. If you submit the boundary polygon you won’t need to complete the next step.

4. Mapunit inventory included in the area. Customer needs to provide the total acres by mapunit in the same table. Please exclude existing right of ways. You should include new right of ways. Areas that will be impacted temporarily but will be reverted to the previous state should be excluded as well

   Example of a map and the mapunit inventory printed form the Web Soil Survey Site:
Projects and Activities Subject to FPPA

Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans.
- Managing property.
- Providing technical assistance

Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

Activities not subject to FPPA include: The evaluation to exempt part of a project, or the entire project, from filing an AD1006 (CPA106) needs to be determined by our office.

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.
Exhibit 9
Environmental Justice

Attachment 9-1. Demographic Information for Dare County
Attachment 9-1
Demographic Information for Dare County

Sources: US Census Bureau 2010 Census, Dare County
US Census Bureau 2016 American Community Survey (ACS)

Population (2016 ACS):
The population of Dare County is 35,187.

Population Change (from 2010 U.S. Census to 2016 ACS):
The population increased by 3.7%. In comparison, North Carolina increased by 4.3%.

Age (2016 ACS):
The median age is 45, above the median age of North Carolina median of 38.

Race and Ethnicity (2016 ACS):

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<th>Location</th>
<th>White</th>
<th>Black or African American</th>
<th>American Indian and Alaska Native</th>
<th>Other Races*</th>
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<tbody>
<tr>
<td>Dare County</td>
<td>91.1%</td>
<td>2.0%</td>
<td>0.3%</td>
<td>6.6%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>69.2%</td>
<td>21.5%</td>
<td>1.2%</td>
<td>8.1%</td>
</tr>
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</table>

* Other Races includes Asian, Native Hawaiian and Other Pacific Islands, Some Other Race, and Two or more races. The U.S. Census does not consider Hispanic and Latino as a race but rather as an ethnicity. Of the Dare County population, 6.9% identified as Hispanic and Latino (of any race).

Poverty (2016 ACS):
In Dare County, 8.2% of the population is below the poverty level compared to 16.8% in the population of North Carolina.

Low and Moderate-Income Individuals (Rebuild NC Dare County Plan)
In Dare County, based upon HUD’s definition, 40% of the population is classified as low and moderate-income individuals compared to 39% of the population of North Carolina.

Median Household Income (2016 ACS):
The median household income of the population of Dare County (25 to 64 years old) is $54,787 compared to the median income of $48,256 for North Carolina.
Exhibit 10
Noise Control and Abatement

Attachment 10-1. Correspondence from Danielle Schopp on Noise Applicability
Neil,
As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3).

In addition, 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.

Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,
Danielle

Danielle Schopp, JD, MPA
Director, Office of Environment and Energy
Department of Housing and Urban Development
451 7th Street SW, Room 7250
Washington, DC 20410

phone (202) 402-4442
fax (202) 708-3363
http://portal.hud.gov/portal/page/portal/HUD/topics/environment

Please consider the environment before printing this e-mail

Danielle, 
Just to follow up on our call on Thursday, NJ DEP requested that I e-mail you and confirm that there is no need to conduct a noise analysis for rehab and reconstruction projects (as defined by HUD) for 1-4 unit homes (the subject of NJ’s first Tier 1 EA). Your comment that the analysis is unnecessary is based on the citation below at 24 CFR Part 51.101(a)(3). Can you please confirm that NJ can just cite the highlighted text below and avoid doing noise and AST analysis for both rehab and reconstruction projects?

Thanks
Neil
HUD support for new construction. 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. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.
Exhibit 11
Siting of HUD-Assisted Projects near Hazardous Operations

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

As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3).

In addition, 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.

Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,
Danielle

Danielle Schopp, JD, MPA
Director, Office of Environment and Energy
Department of Housing and Urban Development
451 7th Street SW, Room 7250
Washington, DC 20410

phone (202) 402-4442
fax (202) 708-3363
http://portal.hud.gov/portal/page/portal/HUD/topics/environment

Neil,

Just to follow up on our call on Thursday, NJ DEP requested that I e-mail you and confirm that there is no need to conduct a noise analysis for rehab and reconstruction projects (as defined by HUD) for 1-4 unit homes (the subject of NJ’s first Tier 1 EA). Your comment that the analysis is unnecessary is based on the citation below at 24 CFR Part 51.101(a)(3). Can you please confirm that NJ can just cite the highlighted text below and avoid doing noise and AST analysis for both rehab and reconstruction projects?

Thanks
Neil
HUD support for new construction. 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. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.
Exhibit 12
Airport Hazards

Attachment 12-1. Consultation with North Carolina Department of Transportation
Attachment 12-1. Consultation with North Carolina Department of Transportation
August 16, 2018

Daniel Herrera  
Environmental Manager, CDBG Disaster Recovery  
North Carolina Division of Emergency Management  
4218 Mail Service Center  
Raleigh, NC 27699

RE: NCDOT – Division of Aviation response to Tiered Environmental Assessment of Single-Family Housing Projects Hurricane Matthew Community Development Block Grant – Disaster Recovery Program

Dear Mr. Herrera,

The NC Department of Transportation – Division of Aviation is in receipt of your letter dated July 17, 2018 regarding tiered environmental assessments of single-family housing projects associated with the Hurricane Matthew Community Development Block Grant. In order to ensure that airport interests within Runway Protection Zones/Clear Zones are protected concerning repairs and/or modifications to homes within those zones, the Division of Aviation would like to be consulted on decisions regarding any housing units that may fall within those limits. Ideally, homes should not be present within Runway Protection Zones/Clear Zones as they are considered an incompatible land use.

Given the scope of this effort relative to airports as we understand it, we feel that this will be a reasonable approach given that only two North Carolina airports meet the definition of Commercial Service airports within the 18 subject counties. The airports that meet the definition are:

- Craven County: Coastal Carolina Regional Airport in New Bern
- New Hanover County: Wilmington International Airport in Wilmington

If you have any questions or need to reach our Division for Please contact Todd Meyer (tmeyer@ncdot.gov) or Jonathan Arnold (jonarnold@ncdot.gov) at 919-814-0550.
Sincerely,

Jonathan L. Arnold, PE
Deputy Director, Manager of Airport Development
NCDOT – Division of Aviation

Cc: Bobby Walston – NCDOT – Division of Aviation
Mr. Arnold stated that civil airports in the regulation are defined as commercial airports. There are only two airports that are categorized as commercial aviation (Coastal Carolina and Wilmington) and need to have clear zones addressed in the environmental reviews.

The NCDOT priority is to get homes out of the clear zones. It is a State priority to own the land in the clear zones. Acquisition would be preferred by the NCDOT over rebuilding/repair of properties within the clear zones. NCDOT would like to be part of the conversation, for any such properties.

Mr. Arnold stated that the clear zone and noise data for the airports had been given to the NC DEM last year. He asked if Tetra Tech had the data from the last request.

Data will be needed in GIS shapefiles. Mr. Arnold will pulse the airports for the data.

Mr. Arnold will prepare an official response from his office.
Anadromous Fish Spawning Areas map
In the Albemarle Sound Area, Anadromous Fish Spawning Areas are located in the following counties:

- Berte
- Hyde
- Camden
- Pasquotank
- Chowan
- Perquimans
- Currituck
- Tyrrell
- Dare
- Washington

Legend

- Anadromous Fish Spawning Areas (AFSA)
  - Latitude/longitude point
  - Boundary line
  - Coastal AFSA waters (MFC)
  - Joint AFSA waters (MFC + WRC)
  - Inland AFSA waters (WRC)

This map was produced by the Geographic Information Systems (GIS) Program. Informational data used to create this map were collected from federal, state, county and private organizations. This map is a general guide to assist the public and is for illustrative purposes only. While every effort is made to keep this map up-to-date, it is not intended to replace any official source. Under no circumstances shall the state of North Carolina be liable for any actions taken or omissions made from reliance on any information contained herein from whatever source nor shall the State be liable for any other consequences from any such action.
Exhibit 14
Coastal Barrier Resources Act

Attachment 14-1. Consultation with North Carolina Department of Environmental Quality, Division of Coastal Management

John H. Chafee Coastal Barrier Resources System map

Coastal Barrier Resources map
Attachment 14-1. Consultation with NC Department of Environmental Quality, Division of Coastal Management
Morning Mr. Boc,

Upon consultation with DCM staff I believe we provided a letter on 6/18/18 that can assist with NCDCM consultation as it pertains to the Coastal Area Management Act. I have attached the email above that contains our consultation letter. If there is anything else you need please let me know.

Regards,

Gregg

---

**Gregg Bodnar**  
Assistant Major Permits Coordinator  
Division of Coastal Management  
Department of Environmental Quality

252 808 2808 ext 215 office  
Gregg.Bodnar@ncdenr.gov

400 Commerce Ave  
Morehead City, NC 28557

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*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

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**From:** Bock, John [mailto:John.Bock@tetratech.com]  
**Sent:** Friday, July 27, 2018 4:58 PM  
**To:** Bodnar, Gregg <gregg.bodnar@ncdenr.gov>  
**Cc:** Herrera, David (NCEM) <daniel.herrera@ncdps.gov>; Bahlinger, Lauren <Lauren.Bahlinger@iem.com>; Jarman, Clifford <Clifford.Jarman@tetratech.com>  
**Subject:** [External] RE: Programmatic Consultation for Single-Family Housing Projects (18 Counties)

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**CAUTION:** External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to Report Spam.
Mr. Bodnar, we would like to confirm that you received the consultation letter and ask if you have an estimated timeframe for your response. Thank you.

From: Bock, John  
Sent: Tuesday, July 17, 2018 7:20 PM  
To: 'gregg.bodnar@ncdenr.gov' <gregg.bodnar@ncdenr.gov>  
Cc: 'Herrera, Daniel' <Daniel.Herrera@ncdps.gov>; 'Bahlinger, Lauren' <Lauren.Bahlinger@iem.com>  
Subject: Programmatic Consultation for Single-Family Housing Projects (18 Counties)

Mr. Bodnar, on behalf of Dan Herrera, please find attached a programmatic consultation letter that addresses single-family housing projects proposed for Community Development Block Grant – Disaster Recovery funding in 18 North Carolina counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson). Thank you.

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This map has been produced by the U.S. Fish and Wildlife Service as authorized by Section 4(c) of the Coastal Barrier Resources Act (CBRA) of 1982 (Pub. L. 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591). The CBRA requires the Secretary of the Interior to revise the maps of the Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS units as are necessary solely to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces.

The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The sand-sharing system of coastal barriers is normally defined by the 30-ft bathymetric contour. In large coastal embayments and the Great Lakes, the sand-sharing system is defined by the 20-ft bathymetric contour or a line approximately one mile seaward of the shoreline, whichever is nearer the coastal barrier.

For additional information about the CBRA or CBRS, please visit [www.fws.gov/cbra](http://www.fws.gov/cbra).

Imagery Date(s): 2010 and 2012
Imagery Source(s): State of North Carolina and United States Department of Agriculture National Agriculture Imagery Program

Map 37-003A August 1, 2014
For additional information about the CBRA or CBRS, please visit www.fws.gov/cbra.
This map has been produced by the U.S. Fish and Wildlife Service as authorized by Section 4(c) of the Coastal Barrier Resources Act (CBRA) of 1982 (Pub. L. 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591). The CBRA requires the Secretary of the Interior to review the maps of the Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS units as are necessary solely to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces.

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For additional information about the CBRA or CBRS, please visit www.fws.gov/cbra.
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For additional information about the CBRA or CBRS, please visit www.fws.gov/cbra.

Imagery Date(s): 2010 and 2012
Imagery Source(s): State of North Carolina and United States Department of Agriculture National Agriculture Imagery Program

Map 37-008A August 1, 2014
 imap Hatteras Island National Seashore  

The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The sand-sharing system of coastal barriers is normally defined by the 30-ft bathymetric contour. In large coastal embayments and the Great Lakes, the sand-sharing system is defined by the 20-ft bathymetric contour or a line approximately one mile seaward of the shoreline, whichever is nearer the coastal barrier.

For additional information about the CBRA or CBRS, please visit www.fws.gov/cbra.
This map has been produced by the U.S. Fish and Wildlife Service as authorized by Section 4(c) of the Coastal Barrier Resources Act (CBRA) of 1982 (Pub. L. 97-348), as amended by the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-351). The CBRA requires the Secretary of the Interior to review the maps of the Coastal Barrier Resources System (CBRS) at least once every 5 years and make any minor and technical modifications to the boundaries of the CBRS units as are necessary solely to reflect changes that have occurred in the size or location of any CBRS unit as a result of natural forces.

The seaward side of the CBRS unit includes the entire sand-sharing system, including the beach and nearshore area. The sand-sharing system of coastal barriers is normally defined by the 30-ft bathymetric contour. In large coastal embayments and the Great Lakes, the sand-sharing system is defined by the 20-ft bathymetric contour or a line approximately one mile seaward of the shoreline, whichever is nearer the coastal barrier.

For additional information about the CBRA or CBRS, please visit www.fws.gov/cbra.
Appendix D

Programmatic Compliance Process
Floodplain Management

(24 CFR 55, Executive Order 11988)

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 (ABFEs)) 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

Both the A zone and the V zone lie within FEMA’s 100-year floodplain. Zone V applies only in tidal floodplains and denotes hazards associated with storm-induced waves of at least three feet in
height. Construction standards in the V-zone are more stringent in order to account for the increased risk of damage from storm surges.

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: Dare County 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.
Programmatic Compliance Process

Executive Order 11988 – Floodplain Management

Dare County

Effective Date: September 2018

Rebuild NC: Dare County Single Family Housing Recovery Program (1-4 Units)
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- **Step ONE:** Determine if a Proposed Action is in the 100-Year Floodplain Rehabilitation, Reconstruction, Elevation and Mitigation (RREM) Program
- **Step TWO:** Provide Early Public Review
- **Step THREE:** Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in the Base 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: Dare 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 safe, decent, and affordable housing. The proposed action is to provide funding for homeowners within Dare 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 Dare 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 all residential property owners in floodplains whose homes are determined to be “substantially damaged” by damage inspectors, must rebuild with the first floor at least 2 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 Dare County that would participate in the homeowner assistance program are unspecified. However, eligible applicants are homeowners whose primary residence was damaged by the storm. Dare County has approximately 29,045 acres of floodplains, so it is likely that some portion of the Dare 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 August 5, 2018 in the Coastland Times, a Manteo, NC twice-weekly publication with distribution in North Carolina’s Outer Banks. The ad targeted local residents, including those in the floodplain. The 15-day period expired on August 20, 2018.

The notice was also sent to the following Federal and State agencies on August 3, 2018: U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; FEMA Region IV, 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, and the Tribal Historic Preservation Office of the Catawba Nation (See Exhibits 1 and 2 for the advertisements and email to Federal and State agencies).

NCEM did not receive any public comments on this notice (Exhibit 3).

Step THREE: Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in the Base Floodplain

The Hurricane Matthew Community Development Block Grant Disaster Recovery (CDBG-DR) Homeowner Recovery and Rental Programs proposes providing funding to repair/rehabilitate, elevate, and reconstruct single-family housing (1 to 4 residential units, including mobile homes) affected by Hurricane Matthew in Dare 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 26 homes in Dare 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 alternatives to the proposed action 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, Dare 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 would be free to utilize the sale proceeds to purchase pre-existing homes outside the floodplain. This alternative would result in the social and financial ruin of many of the communities in Dare 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 Dare 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 unrepai red (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 debris removal, 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.

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:**

Historically, infrastructure mitigation actions have been used to protect housing in a floodplain including drainage, flood protection structures, and levees. These mitigation measures have proven 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 Dare County. In addition, the programs will reimburse property owners for costs incurred for repair of their homes within 1 year of Hurricane Matthew.

The best available data suggest 26 homes in Dare 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 represent 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 minimize the threat to life and property from future storms and flooding, thereby providing resiliency to individuals and Dare County. 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 Dare 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 Dare 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 many homeowners.

**Step SIX: Re-evaluate Alternatives**

The NCEM has determined the most practicable alternative on a programmatic level for Dare 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 the applicants affected by Hurricane Matthew.

Alternative 3, was not selected because previous flood control measures implemented in Dare 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 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

Exhibit 1

Early Public Review Notice (Step TWO)

Notices for Early Public Review
Of A Proposal to Support Activity in the
100-Year Floodplain
Affidavit of Publication
EARLY NOTICE AND PUBLIC REVIEW  
OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN  

August 5, 2018

This is to give notice that the State of North Carolina has conducted an evaluation as required by Executive Order 11988, in accordance with U.S. Department of Housing and Urban Development (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 Community Development Block Grant - Disaster Recovery (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.

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 State has directed approximately $14,500,000 from its total allocation of funds to the affected counties for Hurricane Matthew recovery efforts. Dare County has been allocated $290,000. The State’s priority for this funding is to address single-family housing recovery needs in municipalities in Dare County that were affected by Hurricane Matthew. The best available data suggest that 26 homes in Dare County sustained damage due to Hurricane Matthew and may seek funding through this program.

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 Dare County is currently in progress, some of the potential applications are anticipated to be located within the floodplain. There are approximately 29,045 acres of Federal Emergency Management Agency (FEMA)-mapped floodplain within the unincorporated portions of Dare County. Flood Insurance Rate Maps (FIRMs) may be viewed at http://fris.nc.gov/fris/. Land areas that are at high risk for flooding in Dare County are called special flood hazard areas (SFHAs), or 100-year floodplains. SFHAs in Dare County are designated on the FIRMs as Zones AE, A, AO, AH, AR, and A99.

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.

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. Commenters are encouraged to offer alternative methods to serve the same project purpose, and methods to minimize and mitigate impacts. Second, an adequate public notice program can be an important public education tool. The dissemination of information about floodplains can facilitate
and enhance Federal efforts to reduce the risks 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.

This notice with request for comment has also been mailed to Dare County, FEMA, U.S. Army Corps of Engineers, Wilmington District, the US Environmental Protection Agency, the North Carolina Department of Environmental Quality, the North Carolina State Historic Preservation Office, and the Catawba Indian Nation.

All interested persons, groups, and agencies are invited to submit written comments regarding the proposed use of federal funds to support the proposed activity in a floodplain. Acting on behalf of the North Carolina Department of Commerce (NCDOC), which is the Responsible Entity for the proposed activity, the North Carolina Division of Emergency Management (NCEM) will accept written comments during the hours of 9:00 AM to 5:00 PM delivered to: John Ebbighausen, Assistant Director of Resiliency, 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: Dare County” in the subject line. The minimum 15-calendar-day comment period will begin the day after publication and end on the 16th day after publication. All comments must be received on or before August 20, 2018 to receive consideration. Further information can be found at the program website https://rebuild.nc.gov/ or by contacting NCEM at 919-825-2500.
AVISO ANTICIPADO Y REVISIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN LA LLANURA DE INUNDACIÓN A 100-AÑOS

Agosto 5, 2018

Mediante éste documento se da aviso de que el Estado de North Carolina ha ejecutado una evaluación requerida bajo la Orden Ejecutiva 11988, de acuerdo con las regulaciones 24 CFR 55.20 sub-parte C, Procedimientos para Tomar Determinaciones en el Gerenciamiento de Llanuras de Inundación, del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD, por sus siglas en inglés), para determinar la afectación potencial que sus actividades propuestas en la llanura de inundación a 100-años (en lo sucesivo referido como llanura de inundación) para la concesión del bloque de Desarrollo Comunitario – Recuperación de Desastres (CDBG-DR, por sus siglas en inglés), Programas de Renta y Recuperación de Propietarios de Inmuebles bajo el Título I de la Ley de Desarrollo Comunitario y Vivienda de 1974 (PL 93-383), tendría sobre el ambiente humano.

De acuerdo con lo especificado en el Plan de Acción CDBG-DR del Estado de North Carolina como en la Enmienda Sustancial CDBG-DR Número 1 del Estado de North Carolina, el Estado ha dirigido una suma de aproximadamente $14,500,000 de la asignación total de fondos para los esfuerzos de recuperación de los condados afectados por el Huracán Matthew. Al Condado de Dare se le ha asignado la suma de $290,000. La prioridad del Estado para este fondo es dirigir sus esfuerzos para las necesidades de recuperación de viviendas unifamiliares afectadas por el Huracán Matthew dentro de las municipalidades del Condado de Dare. La mejor información disponible sugiere que 26 casas fueron dañadas debido al Huracán Matthew y tienen la posibilidad de buscar fondos a través de este programa.

Las actividades propuestas para viviendas unifamiliares bajo los Programas de Renta y Recuperación de Propietarios de Inmuebles incluyen reparación/rehabilitación, elevación, reconstrucción y reembolso de los costos de reparación incurridos por los propietarios de inmuebles durante el primer año después del paso del Huracán Matthew. Todas las casas reconstruidas dentro de una llanura de inundación serán edificadas en el mismo lugar y serán elevadas.

Mientras que el proceso de confirmación de la ubicación de las casas dentro del Condado de Dare está actualmente en progreso, se anticipa que algunas de las facilidades potenciales estarán localizadas dentro de la llanura de inundación. Al interior de las áreas no incorporadas del Condado de Dare hay aproximadamente 29,045 hectáreas mapeadas dentro de la llanura de inundación por la Agencia Federal de Gerenciamiento de Emergencias (FEMA, por sus siglas en inglés). Los Mapas de Tasas de Seguro Contra Inundaciones (FIRMs, por sus siglas en inglés), pueden ser vistos en la página web http://fris.nc.gov/fris/. Tierras con alto riesgo de inundación en el Condado de Dare son llamadas áreas especiales de riesgo de inundación (SFHAs, por sus siglas en inglés), o llanuras de inundación a 100-años. SFHAs en el Condado de Dare son designados en los FIRMs como zonas AE, A, AO, AH, AR y A99.
Llanuras de inundación son áreas de tierra adyacentes a los ríos, estanques y lagos que se inundan periódicamente en diferentes épocas de tiempo. Bajo la Orden Ejecutiva 11988, el gerenciamiento de llanuras de inundación pretende lograr reducir el riesgo de perdidas por inundaciones, minimizar los impactos generados por inundaciones en la seguridad humana, salud y bienestar, y restaurar y preservar los valores naturales y beneficiosos de las llanuras de inundación.

Existen tres propósitos principales en este anuncio. Primero, personas que puedan ser afectadas por las actividades en estas llanuras de inundación y aquellos que tengan algún interés en la protección de ambientes naturales tendrán la oportunidad de expresar sus preocupaciones y proveer información acerca de estas áreas. Aquellos que comenten serán alentados a ofrecer métodos alternativos que sirvan al mismo propósito del proyecto, al igual que métodos para minimizar y mitigar impactos. Segundo, un anuncio público adecuado del programa, puede ser una importante herramienta de educación pública. La diseminación de información acerca de las llanuras de inundación puede facilitar y mejorar esfuerzos federales para reducir los riesgos asociados con la ocupación y modificación de estas áreas especiales. Tercero, como una cuestión de equidad, cuando el gobierno federal determina que éste podrá participar en acciones que se realicen en estas llanuras de inundación, éste deberá informar a aquellos que puedan estar expuestos a continuo o mayor riesgo.

Este aviso con solicitud para comentarios ha sido también enviado al Condado de Dare, FEMA, Cuerpo de Ingenieros de la Armada Estadounidense, Distrito de Wilmington, la Agencia de Protección Ambiental de los Estados Unidos, el Departamento de Calidad Ambiental de North Carolina, La Oficina de Preservación Histórica del Estado de North Carolina y la Nación Indígena Catawba.

Todas las personas, grupos y agencias interesadas están invitadas a enviar comentarios escritos acerca de la propuesta de usar fondos federales para apoyar la actividad propuesta en la llanura de inundación. Actuando en nombre del Departamento de Comercio de North Carolina (NCDOC, por sus siglas en inglés), quien es la entidad responsable de la actividad propuesta, la División de Gerenciamiento de Emergencias de North Carolina (NCEM, por sus siglas en inglés), aceptará comentarios escritos durante las horas de las 9:00 AM hasta las 5:00 PM dirigidas a: John Ebbighausen, Assistant Director of Resiliency, NCEM, Atención: Comentarios para la recuperación de desastres, 4238 Mail Service Center, Raleigh, NC 27699-4238. Alternativamente, los comentarios pueden ser enviados a través del correo electrónico CDBGDREnvironment@ncdps.gov con el encabezado “Disaster Recovery Comments: Dare County”. El mínimo período para comentarios, 15 días calendario, comenzará el día después de la publicación y terminará en el día dieciseisavo (16) después de la publicación. Para ser considerados, todos los comentarios deberán ser recibidos antes o hasta el 20 de agosto, 2018. Más información puede ser encontrada en la página web del programa https://rebuild.nc.gov/ o contactando NCEM al número telefónico 919-825-2500.
Attachment D-2

Exhibit 2

Sample Letters (Emails) to Interested Parties (Step TWO)

NCDEM Letter (Emails) to Agencies

Letter to Catawba Indian Nations

Letter of Distribution
Hello,

Please find attached pdfs of the early floodplain notices that will be published on August 5 for Dare County (in the Coastland Times), Moore County (in the Pilot), and Pasquotank County (in the Daily Advance). Please let us know if you have any questions or desire any additional information.

Thank you,

Kathy Monks, MS, MBA, PG | Lead Project Manager | Sr. Hydrogeologist
Direct: 530.470.0498 | Cell: 505.934.0715 | Fax: 530.470.0499
21845 One Fine Pl | Colfax, CA 95713
kathy.monks@tetratech.com

Tetra Tech | Complex World, Clear Solutions | www.tetratech.com
Attachment D-3. Comments and Responses Related to Early Floodplain Notice

Exhibit 3

Note: No comments were received regarding the Early Floodplain Notice
Attachment D-4. Comments and Responses Related to Findings and Final Public Notice for Step Seven

Exhibit 4

Note: Notice of Final Public Review is being published in combination with the Draft 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 Finding of No Significant Impact 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. Combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds
Attachment E-2. Comments and Responses Related to Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds
Attachment E-4. Authority to Use Grant Funds
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
Project Information

<table>
<thead>
<tr>
<th>Submittal date:</th>
<th>Application ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property address:</td>
<td></td>
</tr>
<tr>
<td>GPS coordinates:</td>
<td>Census tract:</td>
</tr>
<tr>
<td>Lot:</td>
<td>Tax ID:</td>
</tr>
<tr>
<td>Date of field inspection:</td>
<td>Date of review:</td>
</tr>
<tr>
<td>Inspector name:</td>
<td>QA/QC name:</td>
</tr>
</tbody>
</table>

**Project Description:** A Tier I Environmental Assessment (EA) was completed for the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC).

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.

<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 <em>(provide reason such as permanent impact to a wetland or within a floodway)</em>.</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)*
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 archaeological 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)

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.** *(Review Concluded)*
    - [ ] 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)

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)**

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

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)**
Not applicable. Compliance determined in Tier I Environmental Assessment.

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. Additional information to be requested and documentation provided by Applicant.

☐ 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>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the project located in a designated unit of the Coastal Barrier Resource System?</td>
<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>
<td></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.

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the project located within 2,500 feet of a civil airport or within 15,000 feet of a military airfield?</td>
<td>No. In compliance. Attach appropriate map. <strong>(Review Concluded)</strong></td>
</tr>
<tr>
<td>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?</td>
<td>No. In compliance. Attach appropriate map. <strong>(Review Concluded)</strong></td>
</tr>
<tr>
<td>Yes. Under 24 CFR 51.302 and 24 CFR 51.303(b), activities of the type proposed are fundable. Provide explanation and documentation. <strong>(Review Concluded)</strong></td>
<td></td>
</tr>
<tr>
<td>Under 24 CFR 51.302 and 24 CFR 51.303(b), activities of the type proposed are not fundable. <strong>STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.</strong></td>
<td></td>
</tr>
</tbody>
</table>

### 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.)

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

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Would (Did) the proposed activity occur in an Anadromous Fish Spawning Area?</td>
<td>No. In compliance. Identify source of information. <strong>(Review Concluded)</strong></td>
</tr>
<tr>
<td>Yes. Is the project compliant with the required conditions/mitigations to ensure that the project does not adversely affect the fish spawning area?</td>
<td>Yes. In compliance. Identify source of information. <strong>(Review Concluded)</strong></td>
</tr>
<tr>
<td>No. <strong>STOP – APPLICATION IS NOT ELIGIBLE FOR FUNDING. Inform Certifying Officer.</strong></td>
<td></td>
</tr>
</tbody>
</table>

### 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