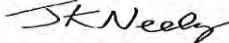



**Tier I Environmental Review Record:
ReBuild NC – Durham County**

Responsible Entity [24 CFR 58.2(a)(7)]	The State of North Carolina, Department of Public Safety, Office of Recovery and Resiliency
Certifying Officer [24 CFR 58.2(a)(2)]	Laura Hogshead, Chief Operating Officer, Office of Recovery and Resiliency
Program Name	Rebuild NC
Federal Agency	U.S. Department of Housing and Urban Development (HUD), Community Development Block Grant - Disaster Recovery (CDBG-DR)
Project Locations	Scattered locations throughout Durham County
Estimated Total Program Cost	\$2,161,225.94
Grant Recipient	State of North Carolina
Recipient Address	P.O. Box 110465, Durham, NC 27709
Program Representative	Laura Hogshead, Chief Operating Officer, Office of Recovery and Resiliency
Telephone Number	984-833-5350
Conditions for Approval	See Attachment 1 following and Section 4.0
FINDING [58.40(g)]	<input checked="" type="checkbox"/> Finding of No Significant Impact (The project will not result in a significant impact on the quality of the human environment) <input type="checkbox"/> Finding of Significant Impact (The project may significantly affect the quality of the human environment)
Preparer Signature	
Name/Company	Justin Neely, Environmental Manager, HORNE LLP
RE Certifying Officer Signature	
Name/Agency	Laura Hogshead, Chief Operating Officer, Office of Recovery and Resiliency
Date	9/15/2021

Attachment 1 Conditions for Approval

[24 CFR 58.40(d), 40 CFR 1505.2(c)]

(List all mitigation measures adopted by the responsible entity to eliminate or minimize adverse environmental impacts. These conditions must be included in the project contracts or other relevant documents as requirements.)

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. 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

3. All activities must comply with Section 106 of the National Historic Preservation Act 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 Public Safety, Office of Recovery and Resiliency, North Carolina Department of Natural and Cultural Resources – State Historic Preservation Officer (SHPO), and tribal councils, as signed onto by the North Carolina Office of Recovery and Resiliency (NCORR).
4. 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 NCORR immediately and NCORR will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).

Floodplain Management and Flood Insurance

5. 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. The federal minimum is two feet above base flood elevation.
6. All structures funded by the 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 Durham County are currently participating with the NFIP. If this changes in the future, projects which fall within the municipal boundaries of these communities, which also fall within the 100-year floodplain, will be considered ineligible.

7. 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)].
8. 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 5154a). 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 five to fifteen years as deemed feasible. HUD will accept any period within that range that appears reasonable.
9. 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.
10. Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. 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 SFHA building lacking a current Policy Declarations form is in Noncompliance.

11. 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

12. Per FEMA P-85: Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide, Second Edition/November 2009, Durham County falls into Zone 1 for both FEMA and HUD wind zone classifications. All construction must meet the requirements of the appropriate Durham County codes.

Wetlands Protection and Water Quality

13. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
14. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.

Noise

15. Outfit all equipment with operating mufflers.
16. Comply will applicable local noise ordinance.

Air Quality

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

Hazardous Materials

21. 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:
 - National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
 - North Carolina Environmental Policy Act and Rules at 01 NCAC 25
 - NC Asbestos Hazard Management Program, NC GS Section 130A-444 through 452 – Asbestos Hazard Management
22. 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). Identification and handling of asbestos or lead based paint waste, will be

performed to the standards of and, when necessary, in coordination with the North Carolina Department of Health and Human Services, Division of Public Health, Epidemiology Section's Health Hazards Control Unit.

23. 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.
24. All residential structures must be treated for mold attributable to Hurricane Florence in accordance with federal, state or local guidelines.
25. During project implementation, every effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of these projects where suitable. Any waste generated by project implementation, that cannot be beneficially reused or recycled, must be disposed of at a facility approved by the North Carolina Division of Waste Management to manage the specific waste type.
26. If the amount of non-household hazardous waste (HHW) generated due to project implementation is greater than or equal to 220-pounds in a calendar month, or greater than 2.2 pounds of acute hazardous waste in a calendar month, contractors must coordinate with the North Carolina Division of Waste Management's Hazardous Waste Section. Generating non-HHW in excess of these amounts, in a calendar month, will also necessitate the generator to obtain a site Environmental Protection Agency (EPA) Identification Number and comply with all applicable hazardous waste management regulations.

Wild and Scenic Rivers

27. Comply with conditions specified by the National Park Service for protection of any Wild and Scenic River or NRI Segment. 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.*" (See **Appendix C, Exhibit 6**). Additionally, 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 any Wild and Scenic River or NRI Segment.

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Appendix G – Sample Tier II Environmental Questionnaire

Acronyms and Abbreviations

Acronym	Meaning
ASD	Acceptable Separation Distance
CBRA	Coastal Barrier Resource Act
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant – Disaster Recovery
CDBG-MIT	Community Development Block Grant – Mitigation
CFR	Code of Federal Regulations
CPD	Community Planning and Development
CZMA	Coastal Zone Management Act
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
ERR	Environmental Review Record
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
GIS	Geographical Information System
GS	General Statutes
HRP	Homeowner Recovery Program
HUD	United States Department of Housing and Urban Development
LMI	Low to Moderate Income
NAAQS	National Ambient Air Quality Standards
NCDEQ	North Carolina Department of Environmental Quality
NCDPSS	North Carolina Department of Public Safety
NCEM	North Carolina Division of Emergency Management
NCNHP	North Carolina Natural Heritage Program
NCORR	North Carolina Office of Recovery and Resiliency
NCPCP	North Carolina Plant Conservation Program
NCWRC	North Carolina Wildlife Resources Commission
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NLEB	Northern Long Eared Bat
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPIAS	National Plan of Integrated Airport Systems
NPL	National Priorities List
NPS	National Park Service
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NRI	Nationwide Rivers Inventory
PA	Programmatic Agreement
ReBuild NC	ReBuild NC – Umbrella term for HRP, SBP and SRRP
RCRA	Resource Conservation and Recovery Act
RCW	Red Cockaded Woodpecker
RE	Responsible Entity
RFO	Raleigh Field Office
RROF	Request for Release of Funds
SBP	Strategic Buyout Program
SCS	Soil Conservation Service
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office

SRRP	Small Rental Recovery Program
T&E	Threatened and Endangered Species
THPO	Tribal Historic Preservation Office
URA	Uniform Relocation Act
US	United States
USACE	United States Army Corps of Engineers
USC	United States Code
USFWS	United States Fish and Wildlife Service

1.0 PROJECT DESCRIPTION

1.1 Background and Statement of Purpose [40 CFR 1508.9(b)]

Hurricane Florence

Hurricane Florence made landfall near Wrightsville Beach, North Carolina on September 14, 2018, heavily disrupting efforts to recover from Hurricane Matthew, which caused significant damage to homes across North Carolina in October of 2016. Combined, the two storms impacted over half of the counties in the State. Many recovering homeowners, local jurisdictions, and other stakeholders currently face obstacles recovering from repeated storm impacts after two historic events.

To better address the storm recovery, the North Carolina General Assembly created the North Carolina Office of Recovery and Resiliency (NCORR) through Session Law 2018-136, less than a month after Hurricane Florence made landfall. Since the creation of NCORR, the State has made tremendous strides in disaster recovery through the administration of \$236,529,000 in Community Development Block Grant – Disaster Recovery (CDBG-DR) funds provided by the U.S. Department of Housing and Urban Development (HUD) to deliver programs to those recovering from the impacts of Hurricane Matthew. With the receipt of \$542,644,000 in CDBG-DR funds to provide Hurricane Florence-specific recovery programs, NCORR seeks to continue to build on the successes of the existing programs for Hurricane Matthew recovery. Currently, the allocation for Durham County is approximately \$2,161,225.94.

Mitigation Activities

Mitigation activities are a key component of the Rebuild NC housing recovery effort. The mitigation program is comprised of the state's activities aimed at increasing resilience and reducing future loss of life and property in storm and flood prone areas. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by Hurricane Florence. In addition, funds have been allocated to replace affordable housing and for planning activities to increase resiliency efforts at the local level.

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

1.2 Project Location

Proposed projects actions under this Tiered Environmental Review Record will be limited to Durham County including all municipalities and rural areas therein. While it is not specifically known as to the number of persons that will apply to the program, at least 125 homes have been inspected by FEMA for Hurricane Florence damage.

1.3 Project Description

(Include all contemplated actions which logically are either geographically or functionally a composite part of the project, regardless of the source of funding. [24 CFR 58.32, 40 CFR 1508.25])

The North Carolina Division of Emergency Management (NCEM) working with its partners, the North Carolina Department of Commerce, and now North Carolina Office of Recovery and Resiliency have initiated housing programs for Durham County to provide financial assistance to homeowners, renters, landlords and developers building affordable small rental housing. In the wake of Hurricane Florence, North Carolina General Assembly established the North Carolina Office of Recovery and Resiliency (NCORR) to lead the state's recovery efforts. Per the Delegation of Authority, dated July 5, 2019, NCORR became the Responsible Entity for the State's CDBG-DR Program grants. The programs and assistance to be provided by each are presented below:

- Homeowner Recovery Program – focused on owner-occupied single-family dwellings (structures and mobile homes) that 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
 - Homeowner's assistance
 - Temporary rental assistance
 - Home insurance assistance
 - Relocation
 - Elevation of applicant homes

- Strategic Buyout Program – provides eligible property owners located in areas that are prone to repeated flooding the opportunity to sell their property and relocate to safer land. The Strategic Buyout Program has worked with local governments to identify areas with the greatest risk of damage from future hurricanes and floods. These areas are known as Disaster Risk Reduction Areas or Buyout Zones.

- Small Rental Recovery 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 within a 100-year floodplain and were substantially damaged (greater than or equal to 50%) will require elevation. Any new construction (as opposed to reconstruction) of structures will not be allowed within a floodplain, unless a site-specific 24 CFR 55.20 decision is approved and permitted (if required) by the Wilmington District Corps of Engineers. Additionally, all applicants with proposed actions within 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 effected 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 one year from the date of the disaster. The time allowed for reimbursement of expenses is from the time of the storm (September 14, 2018) to September 14, 2019, unless the applicant applies for an exemption from HUD on a by-case basis. NCORR has received a waiver from HUD that allows a longer timeframe. Work done to repair Hurricane Florence damage prior to an applicant applying to the program or before September 14, 2020, whichever is earlier, may be eligible (see **Appendix E Figure 5**). Expenses after the two-year timeframe are not eligible for reimbursement as part of this program.

The above project activities apply to the overall project. The State of North Carolina (the State), as the Responsible Entity, has 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 at this time because the owner identification process is ongoing.

1.4 Existing and Future Need

(Describe the existing conditions of the project area and its surroundings, and trends likely to continue in the absence of the project. [24 CFR 58.40(a)])

Hurricane Florence did have impacts within Durham County, however, these impacts were far fewer in number and degree than those experienced by many neighboring counties in the state. Nevertheless, impacted homeowners, small rental tenants and landlords in Durham County may not have the resources to repair, reconstruct, newly construct, or elevate their properties. In the absence of the proposed program, the damaged properties will continue to deteriorate doing further harm to the communities in which the properties are located.

1.4.1 Estimation of Overall Housing Damage

According to the FEMA Fact Sheet for Durham County (R4 DR-4393-NC FS 083), as of December 6, 2018, there were 48 flood insurance claims filed and 125 Individual Assistance home inspections conducted in Durham County due to Hurricane Florence. At the time this fact sheet was developed, FEMA estimated approximately 94% of home inspections in Durham County had been completed.

1.5 Summary of Findings and Conclusions

Based upon completion of this environmental assessment, environmental review of the proposed project indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act of 1969. The following 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 58.5(b) and 24 CFR 58.6)
- Wetland Protection [24 CFR 55, Executive Order 11990]
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2)(i))

Alternatives to the Proposed Action

[24 CFR 58.40(e), 40 CFR 1508.9] (Identify and discuss all reasonable alternative courses of action that were considered and were not selected, such as alternative sites, designs, or other uses of the subject site(s). Describe the benefits and adverse impacts to the human environment of each alternative, in terms of environmental, economic, and design contexts, and the reasons for rejecting each alternative. Also, finally discuss the merits of the alternative selected.)

'No Action' Alternative: This alternative would mean that homeowners would not receive funding to provide for rehabilitated or reconstructed housing under the Program. As a result, these property owners may not be able to recover from the storm. Furthermore, the applicants would not be provided financial assistance to elevate or rehabilitate their homes and thus their properties would still be vulnerable to future storm conditions. Thus, the No-Action alternative would not meet Durham County's need for safe, decent and affordable housing, nor would it address the need for homes within the floodplain to be elevated to the highest standard for flood protection. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricane Florence.

Relocating the Homeowner Outside the Floodplain Alternative: This alternative would require homeowners with structures in the 100-year floodplain that were substantially damaged by Hurricane Florence relocating outside of the floodplain. The single-family homes would be demolished, and the vacant land would revert to its natural state. Homeowners would be relocated

to newly constructed homes at new sites outside the floodplain. Because this alternative would involve mandatory relocation of homeowners, it could result in the social and financial distress of many of the communities in Durham 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 many residents moving out of Durham County, which would adversely impact the stability of the county's economy.

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, 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 Florence.

Infrastructure Actions or Protection Measures Alternative: 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.

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 Florence. 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 but for which addresses will remain unknown until applicant eligibility is determined. The desire of the State is to perform 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 and will be prepared for each construction site as described in **Section 2.0**, the Tiering Plan for ERR. This includes a review of the provisions outlined under Parts 58.5 and 58.6.

1.7 Additional Studies Performed

(Summarize and attach all special studies performed to support the environmental assessment analysis.)

None

1.8 Finding

[24 CFR 58.40(g)]

Finding of No Significant Impact (FONSI)

(The project will not result in a significant impact on the quality of the human environment.)

Finding of Significant Impact

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

Rebuild NC: Single Family Housing Recovery Program (1-4 Units) Funding: \$2,161,225.94

Environmental Review Preparer's Information

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

Justin Neely, Environmental Manager, Government Services, HORNELLP

Environmental Preparer's Signature:



Date: 7/28/2021

Responsible Entity, Representative's Information / Certification

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

NC Office of Recovery and Resiliency, Laura Hogshead, Chief Operating Officer, NCORR

Responsible Entity, Representative's Signature:



Date: 09/15/2021

2.0 TIERING PLAN FOR ENVIRONMENTAL REVIEW

The Proposed Actions under this program will be evaluated under an Environmental Assessment (24 CFR 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 (EA) checklist, intended to compliment findings in the statutory checklist, which would also be part of the 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 Tier I EA Level of Review serves as the Tier I environmental compliance document for the proposed CDBG-DR Program for Durham County. Applying the tiering rule gives the State the ability to aggregate work on individual project sites into categories of activities having similar geographic and/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 EA 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 have been completed and the proposed work has been found compliant.

Compliance with 24 CFR 58.5

The Statutory Worksheet in **Section 3.0** lists each of the Federal laws and authorities found 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 within the subject counties.

A Site-Specific Checklist, to be completed for each site, has been developed to assess all environmental statutes, authorities and regulations for which the compliance review has not been completed using the Statutory Worksheet. 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 listed 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 EA 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 Environmental Review Record (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. After consultation with the appropriate agencies, it was determined that Program activities would not impact or be impacted by the resources governed by certain compliance factors and therefore these factors would not need site-specific reviews as identified in **Appendix B**. The State has also identified the potential for environmental impacts for several compliance factors evaluated during the Tier II Site-specific Environmental Assessment and must be completed before individual projects can be environmentally cleared to proceed. Tables and figures prepared to support the Tier I analysis of environmental compliance factors are presented in Appendices following. A list of sources, figures, Agencies, and Persons consulted in support of the Tier I analysis are presented in **Appendix C**.

Also, as part of this Tier I ERR, the process for decision making at 24 CFR 55.20 (also known as the Eight (8)-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 to potentially be selected for projects (**Section 4.0**) and includes a Compliance Documentation Checklist per 24 CFR 58.5 and 24 CFR 58.6 and has been developed as presented in **Section 3.0**. This evaluates the Rebuild NC (Durham County) compliance relative to various regulations and review topics such as the Flood Disaster Protection Act, the National Flood Insurance Reform Act, the Protection of Wetlands Executive Order, and Runway Clear Zones and Accident Potential Zones. The Tier I ERR of the program is summarized in the Statutory and Environmental Assessment Checklist presented in **Section 3.0** and identifies impact categories, as well as 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 need to be required.

Appendix E presents 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 serve to expedite the periods for public comment on these notices and for objections to be received by HUD. The actual Notice of Intent and HUD's Authority to Use Grant Funds, which is used to formally authorize the use of CDBG-DR grant funds, will be incorporated into **Appendix E**, once approved by HUD.

Appendix F presents 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 Public Safety. This agreement will address the effects of this Program on historic properties and archaeological findings.

2.2 Tier II ERR or Site-Specific Environmental Review Record

No Adverse impact findings cannot be made for all factors in the Tier I ERR, so the Rebuild NC program (Durham County) compliance cannot be fully achieved at the programmatic level. The Tier II site-specific ERR for the Rebuild NC program (Durham 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 compliance documentation checklist has been developed for the Rebuild NC program, and is presented in **Appendix B**. The following compliance factors will be analyzed for each site-specific activity:

- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR 58.5(b) and 24 CFR 58.6)
- Wetland Protection [24 CFR 55, Executive Order 11990]
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2)(i))

Site-specific reviews will include evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will also include direct field observation with photographs, measurements, and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then 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, then 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 up a specific mitigation or environmental issue.

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

The Responsible Entity (RE) for this program is State of North Carolina. The Certifying Officer (CO) is Laura Hogshead, Chief Operating Officer, North Carolina Office of Recovery and Resiliency.

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

Laura Hogshead
Chief Operating Officer
NC Office of Recovery & Resiliency
P.O. Box 110465,
Durham, NC 27709

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

Project Name: This is the Rebuild NC: Single Family Housing Recovery Program (1-4 Units) (Rebuild NC) which is being administered under the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG-DR) Program for Unspecified Sites in Durham 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.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and .6	Are formal compliance steps or mitigation required?	COMPLIANCE FINDING
Historic Preservation [36 CFR 800]	Yes No <input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The North Carolina Office of Recovery and Resiliency has signed on to the Programmatic Agreement (PA) with the North Carolina Historic Preservation Office. The PA exempts from further historic preservation review repairs to buildings constructed less than 45 years of age that are not National Register of Historic Places (NRHP) listed and where there are no ground disturbances or archaeological resources. The PA also provides an exemption from further review for the proposed activities related to elevation, demolition, or reconstruction of buildings or structures less than 45 years of age that are not NRHP listed, provided the proposed activities substantially conform to the original footprint or are performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district. Additionally, the PA provides a detailed list of allowed activities related to the repair of the buildings and structures, regardless of age and National Register status, where consultation will not be required if the activities conform to the provided list of approved work.</p> <p>Consultation with the North Carolina State Historic Preservation Office (SHPO) will be required for properties that were built prior to 1976 where the repair activities do not conform to the provided list of allowances, or where proposed activities require disturbance of previously undisturbed soil. Additionally, any properties in an Historic District or Individually Historical will require consultation with the SHPO and local Historic District commissions. The consultation process for these properties is set forth in the PA, as well as the process for</p>

		<p>resolving Adverse Effects. In addition to utilizing Memorandums of Agreement and Programmatic Agreements, the PA provides for the use of Standard Treatment Measures to resolve adverse effects without execution of a project-specific Memorandum of Agreement.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 16 for SHPO and Tribal Historic Preservation Office (THPO) correspondence</p> <p>See Appendix F for Programmatic Agreement between interested parties including List of Agencies contacted.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>North Carolina Historic Preservation Office</p> <p>Refer to the Tier II: Site-specific Project Review for each individual property for compliance determination.</p>
<p>Floodplain Management [24 CFR 55, Executive Order 11988]</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>For those residential properties located in flood zones in Durham County (Appendix C, Exhibit 1 Figure 1-1), NCORR has made the decision 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.</p> <p>Prior to making this decision, a Programmatic Compliance process (8-step) was completed for Durham County, which analyzed the long- and short-term adverse impacts associated with the continued occupancy of the floodplain and considered whether there were any practicable alternatives to providing CDBG-DR assistance in the floodplain (refer to Appendix D – Programmatic Compliance Process).</p> <p>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 most recent elevation requirements in accordance with building codes in Durham County (Appendix C, Exhibit 1 Attachment 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 Corps of Engineers.</p> <p>Application for a floodplain development permit shall be made to the Floodplain Administrator, or designee, prior to any development activities proposed to be located within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas. The following items/information shall be required as part of the application for a floodplain development permit:</p> <ol style="list-style-type: none"> 1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development: <ol style="list-style-type: none"> a. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials,

		<p>storage areas, drainage facilities, and other proposed development;</p> <ul style="list-style-type: none"> b. the boundary of the Special Flood Hazard Area or Future Conditions Flood Hazard Areas as delineated on the FIRM or other flood map as determined in paragraph 8.4.2, Applicability, or a statement that the entire lot is within the Special Flood Hazard Area or Future Conditions Flood Hazard Areas; c. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in paragraph 8.4.2, Applicability; d. the boundary of the floodway(s) or non-encroachment area(s) as determined in paragraph 8.4.2, Applicability; e. the Base Flood Elevation (BFE) or future conditions flood elevation where provided as set forth in paragraph 8.4.2, Applicability; paragraph 3.21.2B (11 and 12), Duties and Responsibilities; or paragraph 8.4.3, Standards; f. the old and new location of any watercourse that will be altered or relocated as a result of proposed development; and g. preparation of the plot plan by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. <p>2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area or Future Conditions Flood Hazard Area including but not limited to:</p> <ul style="list-style-type: none"> a. elevation in relation to mean sea level of the proposed reference level (including basement) of all structures; b. elevation in relation to mean sea level to which any non-residential structure in Zone AE, A, AO, or X (Future) will be flood-proofed; and c. elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed. <p>3. If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential flood-proofed development will meet the flood-proofing criteria in paragraph 8.4.3, Standards.</p> <p>4. A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:</p> <ul style="list-style-type: none"> a. Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers); and b. Should solid foundation perimeter walls be used in Zones AE and Zone X (Future), details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with paragraph 8.4.3, Standards. <p>5. Usage details of any enclosed space below the regulatory flood protection elevation;</p>
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<p>Wetland Protection [24 CFR 55, Executive Order 11990]</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>Project activities involving repair, reconstruction, and / or elevation of single-family homes and properties in the disturbed area of the previously developed parcel are not expected to result in any permanent direct or indirect impacts to wetlands. Durham County wetlands are shown in Appendix C, Exhibit 2, Figure 2-1.</p> <p>In the Tier II process, available information will be evaluated and, if warranted, a site inspection will be conducted by a trained wetland professional to ensure that wetlands are not impacted by the proposed action. Any activity that would adversely affect freshwater wetlands would not be eligible for funding unless a permit was acquired on behalf of the homeowner.</p> <p>The United States Army Corps of Engineers (USACE) has concurred that site-specific consultation would not be warranted for certain activities including repair/rehabilitation with no substantial change in footprint on the same parcel; elevation with no substantial change in footprint on the same parcel; reconstruction/replacement with no substantial change in footprint on the same parcel; and reimbursement to homeowners for previously completed eligible repair activities. For other types of activities, if temporary disturbance to wetlands is expected, an 8-step analysis of the long- and short-term adverse impacts must be performed to determine whether there are any practicable alternatives to providing CDBG-DR assistance in the wetland. Additionally, site-specific USACE consultation would be required.</p> <p>During construction, best management practices for erosion and sediment control will be implemented (see Conditions for Approval). Repair, reconstruction and/or elevation of structures located over waters of the United States require a United States Army Corps of Engineers 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 that is not consistent with the Rivers and Harbors Appropriation Act of 1899 would not be funded.</p>

		<p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 2.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Army Corps of Engineers, Wilmington District</p> <p>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</p>
Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The North Carolina Coastal Resources Commission has designated 20 counties in North Carolina as covered by the Coastal Area Management Act (Exhibit 3 Table 3-1). However, Durham County is not in this list of counties nor is identified on the CZMA map (Exhibit 3 Figure 3-1). Therefore, proposed activities for this program would have no impact on the Coastal Zone Management Area.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 3.</p> <p>Review regarding Coastal Zone Management Act is complete.</p>
Sole Source Aquifers [40 CFR 149]	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>According to the US Environmental Protection Agency’s Source Water Protection, Sole Source Aquifer Protection Program, there are no Sole Source Aquifers in Durham County, or anywhere else in North Carolina (Exhibit 4 Figure 4-1).</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 4.</p> <p>Review regarding Sole Source Aquifers is complete.</p>
Endangered Species [50 CFR 402]	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>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.</p> <p>The environmental review must consider potential impacts of the HUD-assisted project activities to T&E species and, for 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 NOAA Fisheries Service/National Marine Fisheries Service (NMFS), in compliance with the procedure of Section 7 of the ESA and the North Carolina Wildlife Resources Commission.</p> <p>The Bald Eagle (<i>Haliaeetus leucacephalus</i>), 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.).</p> <p>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.</p> <p>The North Carolina Department of Agriculture and Consumer Services / Plant Conservation Program (NCPCP) does not have regulatory</p>

	<p>authority to advise on or issue effect determinations or conduct consultations as described under Section 7 ESA. The following regulations guide the NCPCP:</p> <ul style="list-style-type: none"> • GS 106 - 202.19 Unlawful Acts. ...the incidental disturbance of protected plants during agricultural, forestry or development operation is not illegal so long as the plants are not collected for sale or commercial use. • North Carolina Administrative Code 48F Section .0400) states that you only need to apply for a protected plant permit to authorize collection, movement and possession of any protected plant or their propagules for scientific research, conservation purposes, or for propagation and sale. <p>Since CDBG-DR funds are not being used for purchase/sale, propagation, or research of plants, the regulations governing the NCPCP are not applicable to the proposed actions under the CDBG-DR Program.</p> <p>The USFWS Information for Planning and Consultation website (IPaC) was accessed on March 28, 2021, as a first step in identifying federal- and state-listed T&E species previously found in Durham County as a starting point for consultations with the USFWS Raleigh Field Office (USFWS-RFO) for federal-listed T&E species, and the NCWRC for state-listed T&E animal 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. As the proposed project is not expected to impact aquatic resources, NOAA NMFS was not consulted.</p> <p><u>Listed T&E Species</u></p> <p><i>Bald Eagle – of concern statewide. If project activities would involve removal of a large Pine or Cyprus tree near a creek or lake, there is potential for Bald Eagle nests to be impacted. For these projects, NC Natural Heritage Program (NCNHP) Data Explorer will be accessed to determine the presence of Bald Eagle nests. Additionally, visual inspection of super dominant canopy trees being removed will occur. If there is evidence of a large bird nest, site specific consultation with USFWS would be required.</i></p> <p>There are eight (8) federally-listed T&E species that are potentially of concern for Durham County.</p> <p><i>Red-cockaded Woodpecker – of concern in Durham County. If project activities involve removal of a 10-inch diameter at breast height (DBH) Pine tree, further review is required. Using the NCNHP Data Explorer, reviewers would determine whether there are Red-cockaded Woodpecker cavities within 200 feet of the project site. Visual inspection surrounding the project site would also occur. If there is evidence of a nest, site specific consultation with USFWS would be required.</i></p> <p><i>Neuse River Waterdog – Adverse impacts to this species are not anticipated because it inhabits aquatic habitats. In-water work is not anticipated. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that</i></p>
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		<p><i>appropriate erosion and sedimentation control measures be implemented and maintained during construction.</i></p> <p><i>Freshwater Fish and Clams – Adverse impacts to freshwater fish and clams including the Carolina Madtom, the Dwarf Wedgemussel, and the Atlantic Pigtoe are not expected. These species are found in aquatic habitats. In-water work is not anticipated. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.</i></p> <p><i>Flowering Plants - Adverse impacts to flowering plants including Harperella, Michaux’s Sumac, and the Smooth Coneflower are not expected for projects which occur within a pre-existing disturbed area. For all other projects, site-specific screening for these species would be required, and if identified, consultation with USFWS would occur.</i></p> <p>Most of the project activities associated with this program would not trigger a site-specific review for endangered species. However, the project activity associated with “New Construction on a Previously Undisturbed Parcel” has the potential for adverse impacts. Prior to site-specific review, sites which involve new construction on a previously undisturbed parcel would undergo an initial screening for impacts to T&E species. If potential impacts are identified, or if the project activity would trigger consultation as identified in the analysis above, the project activity would not be allowable under Rebuild NC. Therefore, the proposed project would comply with this regulation.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>NCWRC identified several additional consultation requirements and project conditions for activities which involve relocation on previously undisturbed land. See Appendix C Exhibit 5.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Fish and Wildlife Service, Raleigh Field Office North Carolina Wildlife Resources Commission North Carolina Natural Heritage Program</p> <p><i>Review regarding Endangered Species is complete.</i></p>
<p>Wild and Scenic Rivers [36 CFR 297]</p> <p>North Carolina Natural and Scenic Rivers Act of 1971</p> <p>National Rivers Inventory, Presidential Directive 1979</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>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.</p> <p>Within Durham County, there are no rivers designated as a State Natural and Scenic River under the North Carolina Natural and Scenic Rivers Act of 1971 (Exhibit 6 Figure 6-1)</p> <p>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</p>

		<p>NRI. The proposed activities will be confined to residential lots and activities that will not disturb the beds or banks of these rivers. Any activities located adjacent to such rivers or river segments will be subject to “Conditions of Approval.”</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 6.</p> <p><i>Review regarding Wild and Scenic Rivers is complete.</i></p>
<p>Air Quality [40 CFR parts 6, 51,61, 93]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed program for Durham 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. Durham County also is not among the counties or areas in North Carolina that fail to meet the National Ambient Air Quality Standards (NAAQS) in one or more of the following areas: ozone (1-hour and 8-hour standards), carbon monoxide, lead, nitrogen dioxide, sulfur dioxide, and particulate matter (2.5 micron and 10-micron standards) (Exhibit 7 Figure 7-1).</p> <p><u>Emission Methodology</u> - Durham County is not listed as a Non-attainment area, however, it is listed as a maintenance area for the 1997 ozone NAAQS. Therefore, the North Carolina Department of Environmental Quality (NCDEQ) Division of Air Quality (DAQ) conducted an analysis, based upon projected annual construction costs, to determine whether construction related emissions in Durham County would comply with Federal General Conformity requirements. The analysis concluded that the proposed project conforms with these requirements.</p> <p>Also, Durham County is listed as Zone 3 – Low Potential for Radon (Exhibit 7 Figure 7-2)</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 7.</p> <p><i>Review regarding Air Quality is complete.</i></p>
<p>Farmland Protection [7 CFR 658]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to non-agricultural uses. The purpose of the Act, as regulated in 7 CFR 658, is “to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.”</p> <p>“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.</p> <p>The 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.</p>

		<p>The NRCS uses Form AD-1006 (“Farmland Conversion Impact Rating”) to make determinations regarding the relative value of land deemed as farmland. Form AD-1006 involves scoring of the relative value of the site for preservation. 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.</p> <p>Most of the project activities associated with this program would not trigger a Tier II review for farmlands. However, the project activity associated with “New Construction on a Previously Undisturbed Parcel” has the potential for adverse impacts; if the parcel is located on prime or unique farmlands; or farmlands of statewide or local importance; and not already in or committed to urban development or water storage. Prior to site-specific review, sites which involve new construction on a previously undisturbed parcel would undergo an initial screening for regulated farmlands. Conversion of farmland is not an allowable activity under Rebuild NC. Therefore, the proposed project would comply with this regulation.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 8.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Department of Agriculture, Natural Resources Conservation Service North Carolina Department of Agriculture</p> <p><i>Review regarding Farmland Protection is complete.</i></p>
<p>Environmental Justice [Executive Order 12898]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed activities would encourage people in the areas most affected by Hurricane Florence to continue living where they live now. In general, those areas have proven vulnerable to flooding. Other pre-existing environmental conditions would continue under the proposed program. However, the primary effects of the proposed program would be to improve the condition of the housing, making it more durable, energy-efficient, safe from mold, asbestos, lead based paint, and other health and safety impacts. The program would also enhance health and safety by making many homes less vulnerable to flooding by elevating them above base flood elevations.</p> <p>Low- to moderate-income (LMI) households would receive significant benefits from this program. There are no environmental issues for this Program that would disproportionately affect LMI and/or minority populations. Therefore, the proposed project would comply with Executive Order 12898.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 9.</p> <p><i>Review regarding Environmental Justice is complete.</i></p>
<p>HUD Environmental Standards 24 CFR Part 51</p>		<p>Summary of consultations, supporting documentation, determinations and mitigation measures</p>
<p>Noise Control and Abatement [24 CFR 51B]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The State has considered noise criteria and standards according to the provision at 24 CFR 51.101(A)(2), which states that “responsible entities under 24 CFR 58 must take into consideration the noise criteria and standards in the environmental review process and consider</p>

		<p>ameliorative actions when noise sensitive land development is proposed in noise exposed areas.”</p> <p>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.”</p> <p>This provision also addresses reconstruction, rehabilitation, elevation and mitigation that meets the exclusion for this regulation. The regulation 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 Florence. Therefore, these activities would be exempt from this section. (Exhibit 10)</p> <p>However, 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.</p> <p>The project activity associated with “New Construction on a Previously Undisturbed Parcel” does not meet the exclusion criteria for this regulation, however. Sites which would include this project activity would undergo an initial screening, prior to site-specific review, to ensure they are located in an Acceptable noise zone, an area where the day-night average sound level does not exceed 65 decibels. Sites located in Normally Unacceptable and Unacceptable noise zones would not be eligible for this project activity. Therefore, the proposed project would comply with this regulation.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 10.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>HUD, Region IV</p> <p><i>Review regarding Noise Control and Abatement is complete.</i></p>
<p>Explosive and Flammable Hazards [24 CFR 51C]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>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 Part 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 Exhibit 11 Attachment 11-1).</p>

		<p>However, the project activity associated with “New Construction on a Previously Undisturbed Parcel” has the potential for adverse impacts. An ASD analysis is required if the number of dwelling units increases and / 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. Projects which involve new construction on undeveloped land will undergo an initial screening, prior to site-specific review. If this screening determines that the project area would intersect an ASD, the activity would not be allowable in that location. Therefore, the proposed project would comply with this regulation.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 11.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>HUD, Region IV</p> <p><i>Review regarding Explosive and Flammable Hazards is complete.</i></p>
<p>Airport Hazards (Runway Protection Zones and Clear Zones/Accident Potential Zones) [24 CFR 51D]</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>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)).</p> <p>There are no airports of concern in Durham County as identified by the NPIAS (Appendix C, Exhibit 12 Figure 12-1). The closest Civil airport is the Raleigh-Durham International Airport, approximately 1 mile from the southeastern tip of Durham County.</p> <p>HUD regulations also 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 Durham County. The closest military airport is Pope Army Airfield in Cumberland County. This airport lies approximately 47 miles to the south of Durham County.</p> <p><u>Regulatory Agency and Review Parties</u></p> <p>See Appendix C Exhibit 12.</p> <p><i>Review regarding Airport Hazards is complete.</i></p>
<p>Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances [24 CFR 58.5(i)(2)]</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p><u>Hazardous Materials</u></p> <p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property or conflict with the intended utilization of the property. To identify sites near the proposed project location that have 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 conducted 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 NEPAassist. We will also review information from the North Carolina Department of</p>

		<p>Environmental Quality (NCDEQ). Based upon these reviews, the State will determine as to whether the homeowner’s property lies within a distance (3,000 feet) of a facility that handles or otherwise disposes of a hazardous material or toxic substance.</p> <p><u>Radon</u></p> <p>This sub-topic is addressed in response to Air Quality; however, as indicated there, Durham County is in a Zone 3 – Low Potential for Radon.</p> <p><u>Asbestos, Lead-Based Paint, and Mold</u></p> <p>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 (Durham 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 the following:</p> <ul style="list-style-type: none"> • National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145; • National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150; <p>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.</p> <p>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 (Durham County) must be remediated for mold attributable to Hurricane Florence in accordance with State requirements.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 13.</p> <p><u>Consultation for Tier II, if Required</u></p> <p>US Environmental Protection Agency, Region IV North Carolina Department of Environmental Quality</p> <p>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</p>
ADDITIONAL STATUTORY AUTHORITIES NOT LISTED IN 24 CFR 58.5		
Fish and Wildlife Coordination Act [16 USC 661-666c]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	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.
Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>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 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.</p> <p>Durham County does not, however, have any Anadromous Fish Spawning Areas (Exhibit 14 Figure 14-1) (portal.ncdenr.org/web/mf/afsa-maps). Therefore, the Magnuson-Stevens Fishery Conservation and Management Act does not apply to the proposed program.</p> <p><u>Regulatory Agency and Source Review</u></p> <p>See Appendix C Exhibit 14.</p> <p><i>Review regarding Magnuson-Stevens Act is complete.</i></p>
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>There are no Civil Airports with runway protection zones or Military Airfields with clear zones or accident protection zones in Durham County. The closest airports /airfields are approximately 1 mile from the southeastern tip of Durham County, as shown in the Airport Hazards section above. Therefore, the program complies with this topic.</p> <p><i>Review regarding Airports for 24 CFR 58.6 is complete.</i></p>
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p>There are nine (9) designated units of the Coastal Barrier Resource System in North Carolina and seven (7) “Otherwise Protected Areas.” However, none of the areas are in Durham County (Exhibit 15 Figures 15-1 and 15-2). Therefore, projects for this program would have no impact on the Coastal Barrier Resources Areas (CBRA).</p> <p>See Appendix C Exhibit 15.</p> <p><i>Review regarding Coastal Barrier Resources is complete.</i></p>
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a] and 24 CFR 55	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p>Durham 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:</p> <ul style="list-style-type: none"> • Is the project located within a Special Flood Hazard Area? • Is the community participating in the National Flood Insurance Program or has less than one year passed since FEMA notification of Special Flood Hazards? • Did the applicant previously receive federal assistance that was conditioned on obtaining and maintaining flood insurance? • Did the applicant obtain and maintain flood insurance? <p>Refer to Tier II: Site-Specific Project Review form for each individual property for compliance documentation.</p>

Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 CFR 58.40, 40 CFR 1508.8 & 1508.27)

(Evaluate the significance of the effects of the proposal on the character, features, and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact. Impact Codes: (1) – Minor beneficial impact; (2) No impact anticipated; (3) Minor impact anticipated – may require mitigation; (4) – Significant or potentially significant impact anticipated. Note names, dates of contact, telephone numbers, and page references. Attach additional materials as needed.)

Land Development	Code	Summary of consultations, supporting documentation, determinations, and mitigation measures
Conformance with Comprehensive Plans and Zoning	2	The proposed action would demolish, repair, replace and/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.
Land Use Compatibility and Urban Impact	2	The proposed action sites would maintain current land use and would therefore be compatible with surrounding and existing land uses. Most of the proposed actions will consist of replacement or reconstruction of an existing home.
Slope and Erosion	2	Most of the proposed actions under the Rebuild NC program (Durham 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 therefore will not cause significant erosion. Furthermore, on sites adjacent to wetlands, best management practices will be implemented to protect wetlands from sedimentation caused by erosion. For proposed activities that include new construction or elevation, the parcel will be evaluated prior to construction activities and best management practices will be implemented to reduce possible erosion impacts where slope conditions may exist.
Soil Suitability	2	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.
Hazards and Nuisances and Site Safety	3	Hazards, nuisances and site safety will be assessed on a site-by-site basis during the Rebuild NC program (Durham County). Contractors will be required to provide health and safety plans and monitoring during construction.
Energy Consumption	2	Though some energy will be consumed in implementing the program, additional energy consumption due to the project activities will be minimal as the program is not anticipated to significantly expand the housing stock. All proposed actions will be carried out in accordance with HUD standards and local codes.
Noise – Contribution to community noise levels	3	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 noise levels. See Conditions for Approval.
Air Quality – Effects of ambient air quality on project and contribution to	3	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

community pollution levels		not have an adverse impact on air quality in the affected communities. Existing ambient air quality would have no effect on the proposed project.
Environmental Design – Visual quality – coherence, diversity, compatible use & scale	1	The proposed project would provide reconstruction, rehabilitation, and elevation and mitigation of existing or recently demolished homes. The proposed work would improve visual quality relative to current conditions and would have little effect relative to conditions before the storm. The proposed project would not have significant impacts on visual coherence, diversity, or compatibility of use or scale.
Socioeconomic Factors	Code	Summary of consultations, supporting documentation, determinations, and mitigation measures
Demographic Character Changes	2	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.
Displacement	1	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 will be allowed to move back into their homes immediately following construction. Furthermore, 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.
Employment and Income Patterns	1	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. Additionally, the proposed program would help to alleviate some of the financial burden from homeowners for the repair / reconstruction of their home.
Community Facilities and Services	Code	Summary of consultations, supporting documentation, determinations, and mitigation measures
Educational Facilities	2	The proposed action would allow previous residents to return to their homes. Local educational facilities were able to accommodate student levels prior to Hurricane Florence and should therefore be able to accommodate returning students. The number of applicants moving to new areas via new construction is not expected to be substantial and would therefore not cause a need for additional facilities.
Commercial Facilities	2	The proposed action would allow previous residents to return to their homes which would in turn 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 via

		the new construction program is not expected to be substantial and would therefore not cause a need for additional commercial facilities.
Health Care	2	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 during which the demand for some health care services in some neighborhoods exceed the supply. The proposed project would have little effect on regional health care facilities, which should be able to return to providing services at the same level as before Hurricane Florence. The number of applicants moving to new areas via the new construction program is not expected to be substantial and would therefore not cause a need for additional health care facilities.
Social Services	2	Social services in Durham County are provided by city-level, county-level, or state-level organizations. The proposed project would facilitate a return to pre-hurricane 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.
Solid Waste	2	The proposed action would result in generation of substantial quantities of remodeling, demolition and construction wastes. These activities may cause increases in short-term generation of municipal solid wastes; however, it is not anticipated that the project will overload design capacities of local facilities.
Waste Water	2	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 those that existed before hurricane Florence. The existing or planned wastewater systems are believed to be adequate and available to service the proposed project.
Storm Water	2	Existing storm water disposal and treatment systems are anticipated to adequately service the proposed projects. Best management practices will be implemented during construction activities to prevent erosion and sedimentation at sites, especially those near wetlands. Best management practices would be implemented to prevent erosion and sedimentation at sites near wetlands (see Conditions of Approval). Proximity of wetlands would be determined on a site-by-site basis.
Water Supply	2	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 similar to those that existed before hurricane Florence. The existing or planned municipal water utility or supplies are therefore believed to be adequate and available to service the proposed project.
Public Safety - Police	2	Most of the homes included in the program are currently occupied and the residents are receiving local police services as needed. Though the returning homeowners will also receive the services described above, it is not anticipated that the increase in community members will cause a strain on the effectiveness of these local services.
Public Safety - Fire	1	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.
Public Safety - Emergency Medical	2	Most of the proposed actions will be rehabilitation or reconstruction of currently occupied homes where the residents are currently able to obtain emergency medical services. Though rehabilitation of unoccupied homes and new construction on previously undeveloped parcels 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.
Open Space, Recreation, and Cultural Facilities	2	The proposed project activities take place on properties that previously contained housing structures. These activities would have no impact on open space or recreational facilities. The project activities would also have no impact on cultural facilities.
Transportation	2	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 Florence. Proposed projects which 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.
Natural Features	Code	Summary of consultations, supporting documentation, determinations, and mitigation measures
Water Resources	2	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.
Unique and Natural Features and Agricultural Lands	2	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.
Vegetation and Wildlife	2	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, and it is not anticipated that trees, vegetation, or native plant community habitats will be negatively affected.

Determination – the Statutory Checklist requires Site-Specific Reviews including further consultation, mitigation, and potential permit requirements or approvals and cannot revert to Exempt per 24 CFR 58.34 (a) (12). Complete pertinent compliance requirement(s), 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 presented in **Appendix B**, the Tier II ERR employs a site-specific checklist to assess several NEPA compliance factors in accordance with 24 CFR Part 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 Environmental Assessment 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 (Durham County) system of record and in the ERR maintained by the State.

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

- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR 58.5(b) and 24 CFR 58.6)
- Wetland Protection [24 CFR 55, Executive Order 11990]
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR 58.5(i)(2)(i))

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 assessment procedures approved by the State to help define the measures applicable to most sites. The construction contractor 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.

Conditions for Mitigation

The following are conditions for mitigation for environmental items that need additional actions either prior 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. 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

3. 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 signatories, as signed onto by the North Carolina Office of Recovery and Resiliency (NCORR).
4. 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 NCORR immediately and NCORR will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).

Floodplain Management and Flood Insurance

5. 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. The federal minimum is two feet above base flood elevation.
6. All structures funded by the 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 Durham County are currently participating with the NFIP. If this changes in the future, projects which fall within the municipal boundaries of these communities, which also fall within the 100-year floodplain, will be considered ineligible.
7. 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)].
8. 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 5154a). 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 five to fifteen years as deemed feasible. HUD will accept any period within that range that appears reasonable.

9. 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.
10. Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. 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 SFHA building lacking a current Policy Declarations form is in Noncompliance.
11. 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

12. Per FEMA P-85: Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide, Second Edition/November 2009, Durham County falls into Zone 1 for both FEMA and HUD wind zone classifications. All construction must meet the requirements of the appropriate Durham County codes.

Wetlands Protection and Water Quality

13. Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters.
14. Minimize soil compaction by minimizing project activities in vegetated areas, including lawns.

Noise

15. Outfit all equipment with operating mufflers.
16. Comply will applicable local noise ordinance.

Air Quality

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

Hazardous Materials

21. All activities must comply with applicable federal, state and local laws and regulations regarding asbestos, including but not limited to the following:
 - a. North Carolina Environmental Policy Act and Rules at 01 NCAC 25
 - b. National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145 and 150
 - c. NC Asbestos Hazard Management Program, NC GS Section 130A-444 through 452 – Asbestos Hazard Management
22. Applicant or contractor must comply will 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). Identification and handling of asbestos or lead based paint waste, those efforts be performed in coordination with the North Carolina Department of Health and Human Services, Division of Public Health, Epidemiology Section's Health Hazards Control Unit.
23. 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.
24. All residential structures must be treated for mold attributable to Hurricane Florence in accordance with federal, state or local guidelines.

25. During project implementation, every effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of these projects where suitable. Any waste generated by project implementation, that cannot be beneficially reused or recycled, must be disposed of at a facility approved by the North Carolina Division of Waste Management to manage the specific waste type.
26. If the amount of non-household hazardous waste (HHW) generated due to project implementation is greater than or equal to 220-pounds in a calendar month, or greater than 2.2 pounds of acute hazardous waste in a calendar month, contractors must coordinate with the North Carolina Division of Waste Management's Hazardous Waste Section. Generating non-HHW in excess of these amounts, in a calendar month, will also necessitate the generator to obtain a site Environmental Protection Agency (EPA) Identification Number and comply with all applicable hazardous waste management regulations.

Wild and Scenic Rivers

27. Comply with conditions specified by the National Park Service for protection of any Wild and Scenic River or NRI Segment. 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.*" Additionally, 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 any Wild and Scenic River or NRI Segment.

Appendix A

Figures

Figure 1 – Durham County Overview

Figure 2 – Rainfall Totals in Durham County

Figure 3 – North Carolina Declared Disaster Areas – Florence

Figure 1. Durham County Overview

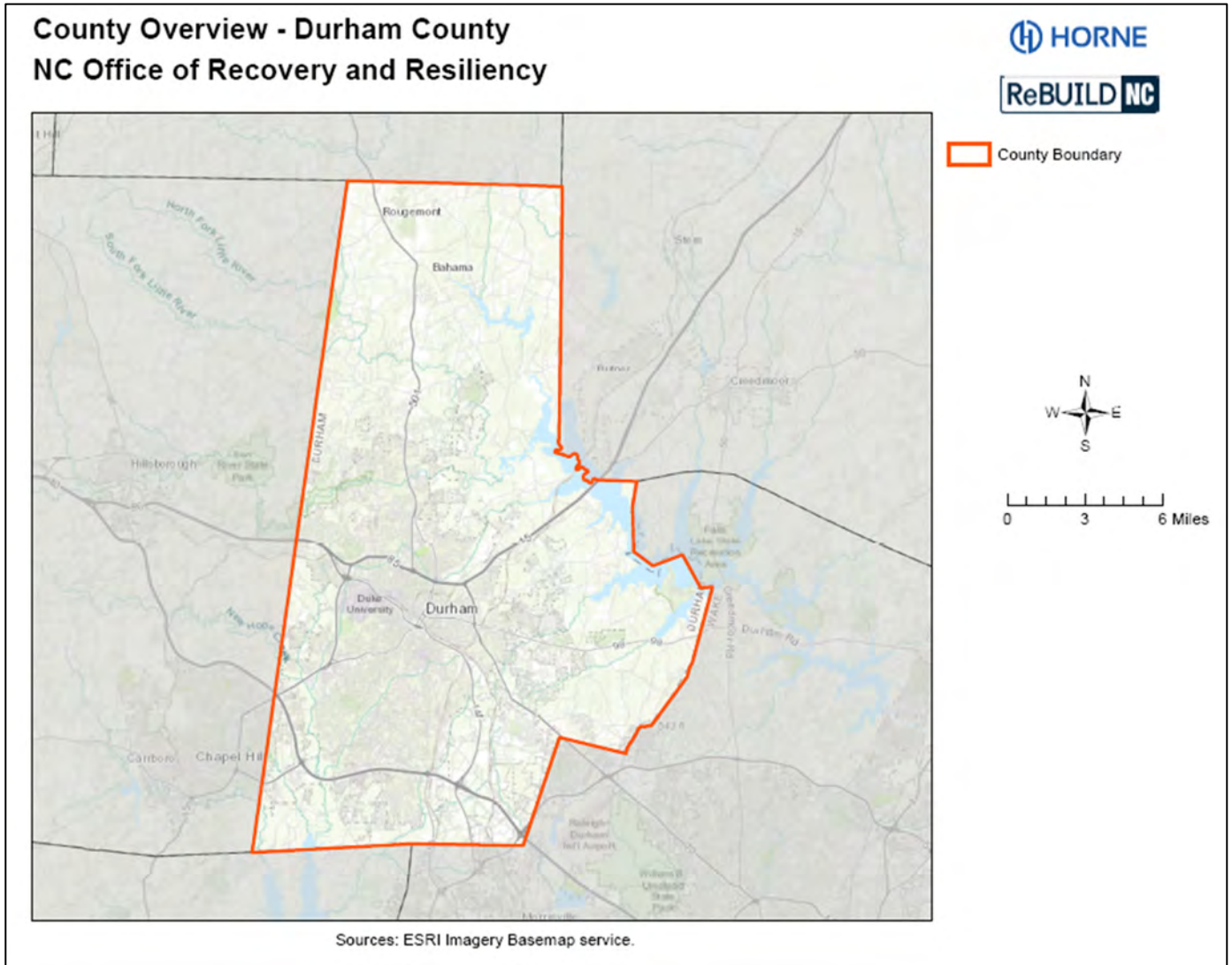
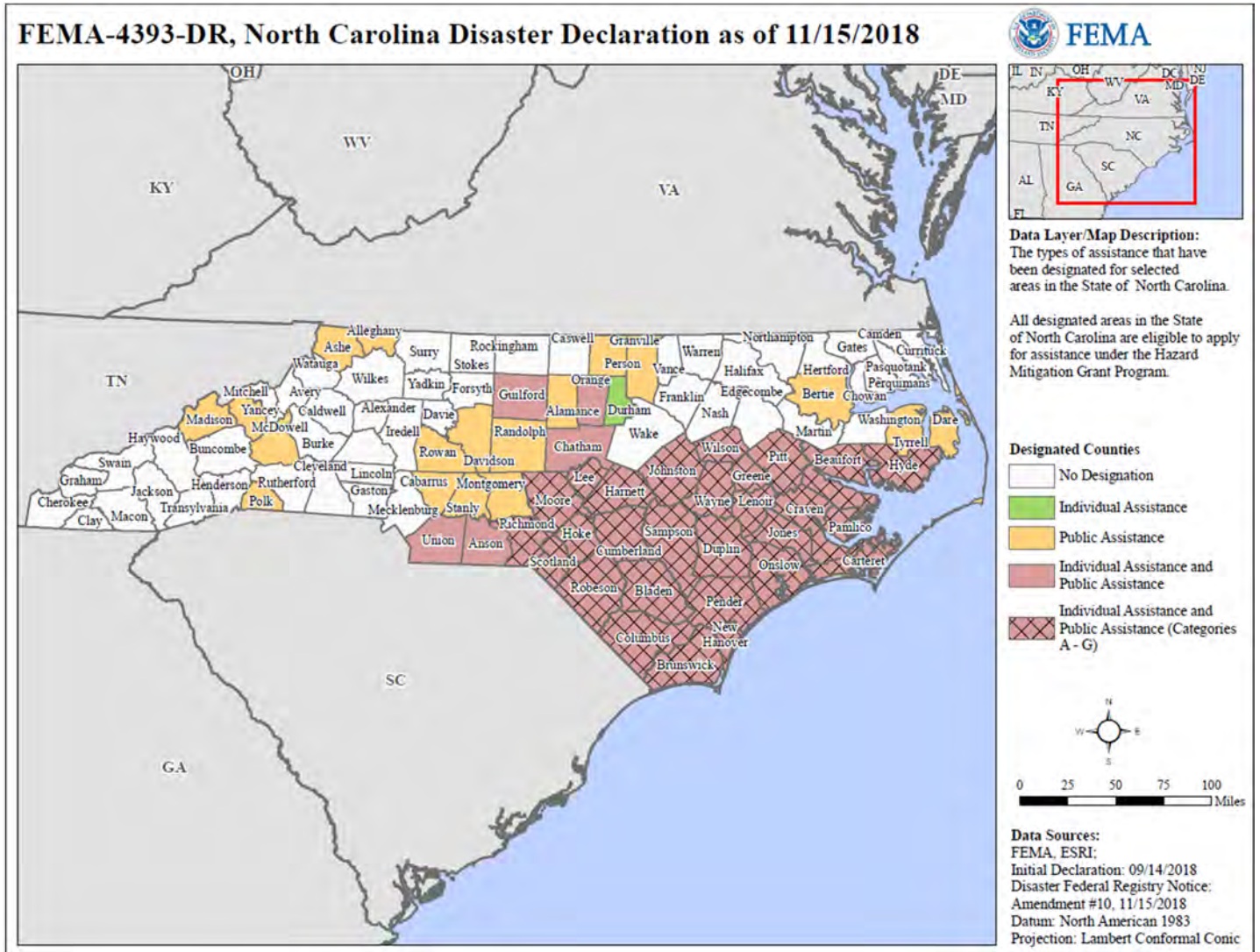


Figure 2. North Carolina Declared Disaster Areas - Florence



Source: FEMA

Appendix B
Tier II Site-Specific Checklist

Tier II: Site-Specific Review for Environmental

ReBuild NC: Choose an item. County

Project Information	
HUD Grant Number: Choose an item.	
Applicant Name:	Application ID Number:
Damaged Property Address:	
Year of Construction:	Type of Structure:
Project Type: <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Reconstruction <input type="checkbox"/> Reimbursement <input type="checkbox"/> Relocation <input type="checkbox"/> Rehab/Reimbursement <input type="checkbox"/> Elevation <input type="checkbox"/> Mobile Home Replacement	
Estimated Cost:	Tax Parcel ID:
GPS Coordinates:	Inspection Date: Click or tap to enter a date.
Date of Review: Click or tap to enter a date.	Reviewer Name: Choose an item.
QA Reviewer Name: Choose an item.	Initial Review: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Project Description (describe the work being done on this project in specific terms):	

The following information and documentation are attached to, and are a part of, this ERR:

- Site Field Observation Report
- Project Intent
- Site Environmental Inspection Photographs
- Tier II figures, including location
- Documentation and/or Consultation to and from Agencies
- General and Site-specific mitigation measures are included, unless otherwise noted

Application ID:
 ReBuild NC is a program of the North Carolina Office of Recovery and Resiliency

Environmental Review Level Determination under NEPA:

Is project in compliance with applicable laws, regulations, and requirements? Yes No

If No, provide explanation:

National Environmental Protection Act (NEPA; 24 CFR §58.4, §58.10, §58.13, §58.34) in accordance with combination of Tier I and Tier II review records

- Exempt - Applies to activities listed at 24 CFR 58.34(a)
- Categorically Excluded Not Subject to §58.5 (CENST) - Applies to activities listed at 24 CFR 58.35(b)
- Categorically Excluded Subject to §58.5 (CEST) - Applies to activities listed at 24 CFR 58.35(a)
- Environmental Assessment (EA) - All other projects not Exempt or Categorically Excluded under §§ 58.34 and 58.35.
- Environmental Impact Statement (EIS) - Required when an environmental assessment concludes in a Finding of Significant Impact OR when extraordinary circumstances exist and elevates the level of review.

If an Environmental Assessment was required and completed:

Is an Environmental Impact Statement required? Yes No

All requirements for the NEPA Environmental Assessment Checklist (ref.: Environmental Review Guide HUD CPD 782, 24 CFR 58.40, 40 CFR 1508.8 & 1508.27) have been identified and reviewed within the Tier I and Tier II Environmental Review Record and actions taken, if warranted.

General mitigation measures are attached.

Are site-specific mitigation measures required for this project? Yes No

If Yes, identify the site-specific mitigation measures in the checklist attached.

Preparer

Prepared by: Choose an item.

Title: Environmental Reviewer

Signature:

Date: Click or tap to enter a date.

Environmental Approval

Approved by: Moneka Jani

Title: Chief Recovery Officer, NC Office of Recovery and Resiliency

Signature:

Date: Click or tap to enter a date.

Site-specific Conditions

Enter site-specific conditions:



General Guidance

General

1. Acquire all required federal, North Carolina, and local permits prior to commencement of construction and comply with all permit conditions.
2. All construction shall comply with the standards of the Guidelines for Areas of Environmental Concern, North Carolina Building Code, the National Flood Insurance Program, and local construction codes. 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. If the scope of work of a project 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 project activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is outlined in 36 CFR 800 and will employ mechanisms within a Programmatic Agreement between NCORR and the NC State Historic Preservation Officer (NC SHPO).
5. If archeological deposits, including any stone tools, bones, or human remains, are uncovered, the project activity shall be halted and the contractor 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 contractor will immediately inform the North Carolina Office of State Archaeologist immediately. Work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project activity complies with the National Historic Preservation Act (NHPA).
6. If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The applicant will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The applicant's contractor shall contact the Office of State Archaeology and NCORR within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until NCORR has completed consultation with SHPO, Tribes, and other consulting parties, as necessary. If unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with NC General Statutes Chapter 70, Article 3 and § 70-32.
7. Any changes to the approved scope of work will require submission to, and evaluation and approval by, NCORR and NC SHPO, prior to initiation of any work, for compliance with Section 106.

Wind

8. All reconstruction or new construction must meet the requirements of the North Carolina Construction Code, Building Planning and Construction for wind design.

Noise

9. Outfit all equipment with operating mufflers.
10. Comply will applicable local noise ordinance.
11. Rehabilitation and reconstruction / new construction shall comply with prevailing building code standards including the use of materials and construction techniques that incorporate noise attenuation features.

Air Quality

12. Use water or chemical dust suppressant in exposed areas to control dust.
13. Cover the load compartments of trucks hauling dust-generating materials.
14. Wash heavy trucks and construction vehicles before they leave the site.
15. Employ air pollution control measures on all vehicles and equipment.

Hazardous Materials

16. 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 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 Section 130A-444 through 452 – Asbestos Hazard Management
17. Applicant or contractor must comply will all laws and regulations concerning the proper handling, removal, and disposal of hazardous materials (e.g. asbestos, lead-based paint) or other waste (e.g. construction and demolition debris, pesticides / herbicides, white goods). Regulated debris must be handled by licensed contractors (if required) and disposed in certified landfills (or by applicable methods) licensed to accept or dispose of the materials in question.
18. All project 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.

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19. Demolition and construction debris must be properly handled by licensed contractors (if required) and disposed in certified sanitary landfills licensed for each type of debris in accordance with State and local requirements. Demolition and construction should be recycled to the extent practicable.
20. All renovation or demolition debris must be inspected by a North Carolina accredited asbestos inspector for potential ACM before beginning any actions that generate renovation or demolition debris. The NC Department of Health and Human Services must be notified at least 10-work days prior to beginning demolition, even if no ACM is present.
21. Applicant must demonstrate that the septic system, if present, has been inspected by a certified septic system inspector in accordance with G.S. 130A-333 et seq., and recommended repairs must be made in accordance with the inspector's report.
22. Contractor, if required, must use clean fill free of contaminants and cultural material from a commercial supplier. 'Fill' refers to material placed on land for the purpose of filling low areas, changing the contours of an area, stabilizing existing grades, and/or raising the grade of an area. Fill consists of soils, sands, and clays. Fill must be from an acceptable commercial source. Unacceptable fill includes any materials containing debris (wood, metals, plastics, wire, wall board, roofing materials, insulation, carpets or padding, trash, etc.) mixed in with soils and non-decomposable, inert solids. Debris-laden fill is regulated as solid waste and cannot be used as fill. In addition, soil and fill materials determined to have concentrations of one or more hazardous contaminants cannot be used as fill.

Check all that apply. Additional information regarding mitigation measures should be included in Attachment. Additionally, mitigation measures for a site are included in Salesforce.

Floodplain Management

Program policy now requires structures located within the 100-year floodplain that are damaged and not yet elevated 2 ft. above base flood elevation (BFE) or 2 ft. above the high-water mark to be elevated. The following counties have the more restrictive requirement of four (4) feet above the BFE: Beaufort, Carteret, Craven, Currituck, Dare, Duplin, Hyde, Jones, Lenoir, Martin, Onslow, Pamlico, Pender, Pitt, Tyrrell, Washington, and Wake (after November 30, 2020). Home elevation must also comply with the practices specified in North Carolina EO 123.

Rehabilitation, reconstruction, replacement, or relocation (to another location in the SFHA) of substantially damaged homes (including mobile homes) in the SFHA must implement flood resistant construction requirements in accordance with 44 CFR 60.3 and North Carolina EO 123 Section 9 as follows:

- **Shall be designed (or modified) and anchored as to prevent flotation, collapse, or lateral movement of the structure (including mobile homes)**
- **Shall be constructed with materials and utility equipment resistant to flood damage**
- **Shall be constructed by methods and practices that minimize flood damage**
- **Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flooding**
- **Replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system**
- **Replacement sanitary sewer systems shall be located and constructed to minimize infiltration of floodwaters into the systems and discharges from the systems into the floodwaters.**

Flood Insurance

All structures funded by the ReBuild NC Homeowner Recovery Program (1-4 Units), if in, or partially in, the 100-year floodplain shown on the latest FEMA flood maps (FIRM, not PFIRM), must be covered by flood insurance and the flood insurance maintained for the economic life of the structure [24 CFR 58.6(a)(1)]. This means no funding can be provided in municipalities not participating in or suspended from participation in the National Flood Insurance Program.

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)].

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For grant programs, such as ReBuild NC, 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 5154a).

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Dollar Amount of Flood Insurance Coverage. 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, whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing, or improving the building.

Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. 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 building in a floodplain lacking a current Policy Declarations form is in Noncompliance.

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 buildings in a floodplain. 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.

- Coastal High Hazard Area
In the case of existing construction (including any minor improvements), the design standards must have met FEMA elevation and construction standards applicable at the time for the original structure or the earliest FEMA standards for construction if no standards existed at the time of construction. If the existing construction met with applicable standards, minor improvements will be allowed in the Program. No substantial improvements in the V zone will be funded by this Program.
- Section 106 Historic Preservation
See mitigation requirements attached.
- Wetlands Protection and Water Quality
Implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters and to prevent erosion in onsite and offsite wetlands and waters. Minimize soil compaction by minimizing activities in vegetated areas, including lawns.
- Endangered Species/Critical Habitat
See mitigation requirements attached.
- Wild and Scenic Rivers and Nationwide Rivers Inventory Segments
Comply with any conditions specified by the National Park Service for protection of potentially affected Wild and Scenic Rivers or State Natural and Scenic Rivers. Avoid any unnecessary clearing of native riparian vegetation such that local scenery remains intact. Use erosion and sedimentation controls during construction to prevent sediment being introduced into the waterway.
- Anadromous Fish Spawning Areas
Comply with any conditions specified by the North Carolina Department of Environmental Quality – Marine Fisheries Division for protection of Anadromous Fish Spawning Areas. Avoid clearing of vegetation within 50 feet of the buffer zone. Use natural erosion and sedimentation controls (no nets) during construction to prevent sediment being introduced into the Spawning Area.
- Asbestos for Demolition Debris
Required for abatement or disposal in accordance with 24 CFR 35 or disposal of construction debris associated with demolition of a structure. A negative test for asbestos allows disposal in a certified landfill that is licensed for the appropriate construction debris. A positive test for asbestos will require disposal at a certified landfill licensed to receive the construction debris. Test results should be kept in file with copies presented to the landfill manager. See General Mitigation Conditions for more information.
- Mold
The residential structure must be treated, if applicable, for mold attributable to Hurricanes Matthew and/or Florence in accordance with federal, state, or local guidelines.
- Lead-based Paint
All activities must comply with applicable federal, state and local laws and regulations regarding Lead-based paint including, but not limited to, EPA Repair, Renovation and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD's lead-based paint regulations at 24 CFR Part 35 Subparts A, B, J and R, and HUD "Guidelines for the Evaluation and Control of Lead-Based Hazards in Housing." Lead-based paint materials must be disposed in a certified landfill licensed to receive the construction debris.

- Asbestos not associated with demolition
All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos removal. Asbestos Materials must be disposed in a certified landfill licensed to receive ACM debris.
- Coastal Zone Permitting
Activities in a coastal zone requires consultation with the North Carolina Coastal Resources Commission and may require permitting. If a permit is required, contractors must adhere to all associated permit conditions.
- Planning and Zoning
Include the need for approval or permitting from Building Officials and Zoning Commission, if required.
- Slope and Erosion (if disturbed site is one (1) acre or greater)
**Contact EPA for NPDES Stormwater permit.
Contact NCDEQ for Control and Erosion Sediment Permit.**
- Other Mitigation Measures, including Environmental Justice
Attach any other site-specific mitigation measures.

1. Floodplain Management and Flood Insurance (EO 11988, 24 CFR Part 55, and 24 CFR 58.6) <i>(Finding at end of section). The 100-Year Floodplain is also known as the Special Flood Hazard Area (SFHA).</i>	
FIRM Flood Zone: Choose an item.	FIRM Panel Number:
FIRM Panel Effective Date: Click or tap to enter a date.	
<p>Have Preliminary FIRMs (PFIRM) been developed for the project area? <input type="checkbox"/> Yes <input type="checkbox"/> No (If No, leave following blank)</p> <p>PFIRM Flood Zone: Choose an item. PFIRM Panel Number: PFIRM Effective Date: Click or tap to enter a date.</p> <p><i>If Preliminary FIRMs (PFIRM) have been developed for the project area, decisions regarding floodplain management should be undertaken in accordance with the most restrictive flood zone determination (FIRM or PFIRM).</i></p>	
<input type="checkbox"/> Not in a 100-year floodplain (A/V or AE/VE zone). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6.) <i>(Review Concluded)</i>	
<input type="checkbox"/> In a 100-year floodplain (A/V or AE/VE 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. <i>(Ineligible for funding. Application CANNOT Proceed).</i>	
<input type="checkbox"/> In a 100-year floodplain (A/V or AE/VE zone) and in an NFIP-participating community Attach appropriate floodplain map showing site location. <i>Proceed to the next question.</i> <p>Is the existing structure and/or the proposed activity in a designated floodway area?</p> <p><input type="checkbox"/> Yes. (Ineligible for funding. Application CANNOT proceed.) Attach appropriate floodplain map showing site location.</p> <p><input type="checkbox"/> No. The structure is not in a Designated Floodway. <i>Proceed to the next question.</i></p> <p>Is the structure or activity in a Coastal High Hazard / Wave Action zone (V/VE zone)?</p> <p><input type="checkbox"/> Yes.</p> <p>Do the proposed activities involve an existing structure, an improvement of an existing structure or reconstruction following a disaster in accordance with 24 CFR 55.1(c)(3)(i)?</p> <p><input type="checkbox"/> Yes. Refer to 55.1(c)(3)(i) and (ii) for construction requirements for projects permitted in coastal high hazard areas. The activity must be in general compliance with Programmatic Decision-Making Process of 24 CFR 55.20. <i>Continue with next question.</i></p> <p><input type="checkbox"/> No. Structure is not eligible for this program. <i>(Ineligible for funding. Application CANNOT proceed.)</i></p> <p><input type="checkbox"/> No. <i>Proceed to the next question</i></p>	

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Does the site meet the requirements to be included under the Programmatic 8-step Process developed for this Program?

- Yes. *Proceed to the next question.*
- No. Stop work on this application and prepare an individual 8-step Decision Making Process in accordance with 24 CFR 55.20.
 - The individual 8-Step allows for the project activity at this location. Proceed to the next question.
 - The individual 8-Step DOES NOT allow for the project activity at this location. *(Ineligible for funding. Application CANNOT proceed.)*

Does the structure require substantial improvement (damage equal to or more than 50% of the appraised pre-disaster market value of the structure)?

Substantial Improvement Percentage:
Damage Assessment Value: \$
Appraised Value: \$

- No. However, program policy now requires structures located within the 100-year floodplain that are damaged and not yet elevated 2 ft. above base flood elevation (BFE) or 2 ft. above the high-water mark to be elevated. The structure will also require flood insurance. The activity is in general compliance with the Programmatic Decision-Making Process. Proceed to the next question.
- Yes. The structure is required to comply with the applicable policies under the NFIP including elevation in accordance with local building codes (at least 2 feet above the applicable BFE), and other mitigation measures to avoid to the extent possible the long and short-term impacts associated with the occupancy and modification of floodplains. The structure will also require flood insurance. The activity is in general compliance with the Programmatic Decision-Making Process. Proceed to the next question.

Is the structure within one of the following counties: Beaufort, Carteret, Craven, Currituck, Dare, Duplin, Hyde, Jones, Lenoir, Martin, Onslow, Pamlico, Pender, Pitt, Tyrrell, Washington, and Wake (after November 30, 2020)?

- Yes. The structure is required to comply with the applicable policies under the NFIP including elevation in accordance with local building codes (at least 4 feet above the applicable BFE), and other mitigation measures to avoid to the extent possible the long and short-term impacts associated with the occupancy and modification of floodplains. The structure will also require flood insurance. The activity is in general compliance with the Programmatic Decision-Making Process. *(Review Concluded)*
- No. The structure is required to comply with the applicable policies under the NFIP including elevation in accordance with local building codes (at least 2 feet above the applicable BFE), and other mitigation measures to avoid to the extent possible the long and short-term impacts associated with the occupancy and modification of floodplains. The structure will also require flood insurance. The activity is in general compliance with the Programmatic Decision-Making Process. *(Review Concluded)*

Floodplain Management

Finding: Choose an item. Choose an item.

Is mitigation required for this topic, including the need for flood insurance?

- Yes. Include mitigation requirements in attachment.
- No

Documentation, if required, is attached.

2. Historic Preservation (36 CFR Part 800)
(Finding at end of section).

Space for site-specific text and other relevant info, such as programmatic allowances



A. State Historic Preservation Office/Tribal review

Not type of activity with potential to affect historic properties. *(Review concluded)*.

Historic Buildings and Structures

Repair or Replacement of MHU (Mobile Home Unit) - On Oct 19, 2020 the NC SHPO executed a Memorandum for the Exemption of MHU's from Section 106 Review for use of CDBG-DR and CDBG-MIT funds, Multi-Counties. **(Review Concluded)** *(See attachment 3 Agency Correspondence to reference the Memorandum that documents NCORR Compliance Factor Determination and Finding)*

Is any new ground disturbance associated with this project, such as installation of utilities or new footings for elevation? Check appropriate box in Archeological Resources section below

- No properties in the project area are 45 years or older or listed on the National Register. *(Review Concluded)*
- Building or structure 45 years or older or listed on the National Register in project area and activity not exempt from review.

Determination of No Historic Properties Affected (NCORR finding; SHPO/THPO concurrence attached)

Are project conditions required?

Yes (attached) No *(Review Concluded)*

Determination of Historic Properties Affected

Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments

Determination of No Adverse Effect to Historic Properties (NCORR finding; SHPO/THPO concurrence attached).

Are project conditions required?

Yes (attached) No *(Review Concluded)*

Determination of Adverse Effect to Historic Properties (NCORR finding; SHPO/THPO concurrence attached)

Resolution of Adverse Effect completed. (MOA on file)

Are project conditions required?

Yes (attached) No *(Review Concluded)*

Archeological Resources

Project affects only previously disturbed ground. *(Review Concluded)*

Project affects undisturbed ground.

Project area has no potential for presence of archeological resources

Determination of *No Historic Properties Affected* (NCORR finding; SHPO/THPO concurrence or consultation attached). *(Review Concluded)*

Project area has potential for presence of archeological resources

Determination of *No Historic Properties Affected* (NCORR finding; SHPO/THPO concurrence attached)

Are project conditions required?

Yes (attached) No *(Review Concluded)*

Determination of historic properties affected

NR eligible resources not present (NCORR finding; SHPO/THPO concurrence attached).

Are project conditions required?

Yes (attached) No *(Review Concluded)*

NR eligible resources present in project area. (NCORR finding; SHPO/THPO concurrence attached)

Determination of *No Adverse Effect to Historic Properties* (NCORR finding; SHPO/THPO concurrence attached).

Are project conditions required?

Yes (attached) No *(Review Concluded)*

Determination of *Adverse Effect to Historic Properties* (NCORR finding; SHPO/THPO concurrence attached)

Resolution of Adverse Effect completed. (MOA on file)

Are project conditions required?

Yes (attached) No *(Review Concluded)*

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Historic Preservation

Finding: Choose an item.

SHPO Consultation Finding:

Is mitigation required for this topic?

Yes. Include mitigation requirements in attachment.

No

Documentation, if required, is attached.

3.1 Wetlands (EO 11990)
(Finding at end of section).

Is the project activity rehabilitation to an existing structure with all work occurring within the previously disturbed area?

Yes. Project will not affect a wetland. Attach appropriate wetland map. *(Review Concluded)*

No. The project activity is Reconstruction, New Construction or Replacement. *Continue.*

Are there wetlands in or within proximity (100 feet) of the project activity area?

No. There are no wetlands on or within 100 feet of the project activity area. Attach appropriate wetland map. *(Review Concluded)*

Yes. Wetlands are not in the project activity area but are located within 100 feet. Attach appropriate wetland map. Mitigation measures are required to ensure that wetlands are not impacted by construction activities. *(Review Concluded)*

Yes. There are wetlands within the project activity area of the site. *Continue to the next question.*

Would the activity affect a wetland?

No. A trained wetland professional has conducted a site inspection and determined that the project area is comprised entirely of dry land or that activities are within the previously developed area. Attach appropriate wetland map and site inspection report. Measures may be required to ensure that wetlands in the vicinity are not inadvertently impacted by construction activities. *(Review Concluded)*

No. Based on a correspondence from the USACE dated [Click or tap to enter a date.](#), a determination has been made that the project activity area is not within a wetland, or the activity would not adversely affect a wetland. Attach appropriate wetland map and correspondence. Measures may be required to ensure that wetlands in the vicinity are not inadvertently impacted by construction activities. *(Review Concluded)*

Yes. Possible adverse effect associated with construction activities in wetlands. 8-step Decision Making Process required.

8-step decision-making process for wetlands complete?

No. The 8-step decision-making process was not completed. *(Application CANNOT proceed until an individual 8-step Decision Making Process has been completed)*

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

Activity in compliance with EO 11990 and the Clean Water Act. Explain basis for conclusion. [Click or tap here to enter text.](#). Attach supporting documentation describing the permitting process and mitigation measures. *(Review Concluded)*

Activity not in compliance with EO 11990 and the Clean Water Act. Explain basis for conclusion. [Click or tap here to enter text.](#). Attach supporting documentation. *(Ineligible for funding. Application CANNOT proceed.)*

Wetlands

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?

Yes. Include mitigation requirements in attachment.

No

Documentation, if required, is attached.



3.2 Clean Water Act (Clean Water Act, especially Section 404)
(Finding at end of section).

Are there any Waters of the United States in the proximity of project activity?
 No. There are no Waters of the United States that can be affected by the project activity. Attach appropriate map. (Wetlands map may be used to identify waters of the United States or lack thereof.) *(Review Concluded)*
 Yes. Include map showing specific Waters of the United States.

Will construction activities occur in the Nation's waters, including wetlands?
 No. Construction best practices may be required to prevent any construction impact. However, construction work can continue. *(Review Concluded)*
 Yes. CWA-trained professional has reviewed the property conditions and conducted a site visit.
 Based upon that site visit, the professional concluded that the project activity will not occur in or adversely impact Waters of the United States. Include report. *(Review Concluded)*
 Based on the site visit and a review of project information, at least a portion of the site contains Waters of the United States that could be adversely impacted. *(Stop all work. Mitigation requires coordination with the US Corps of Engineers and possible 401/404 permitting.)*

Clean Water Act

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?
 Yes. Include mitigation requirements in attachment.
 No

Documentation, if required, is attached.

4. Coastal Zone Management Act (Coastal Zone Management Act, Sections 307(c) and (d))
(Finding at end of section).

Is the project site located in a Coastal Area Management Act (CAMA) county as designated by the Coastal Resources Commission? The CAMA counties are Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell, and Washington.
 No. *(Review Concluded)*. Compliance determined in Tier I Environmental Assessment.
 Yes. The project activity is in Choose an item. county which is a CAMA-designated county. *Continue to next question.*

Does the project activity lie within 75 feet of the Normal Water Level (NWL) adjacent to coastal or joint waters or within 30 feet of NWL of inland waters?
 No. Attach map. *(Review Concluded)*
 Yes. Attach map.

Based on further review of the Area of Environmental Concern, it has been determined that:
 The project is exempt from permitting. Document findings in Attachment. *(Review Concluded)*
 A permit is required prior to execution of project activities. *(Review Concluded – Permit Required)*
 The Division of Coastal Management has determined that the project activity is not allowable at the location indicated. Attach supporting documentation. *(Ineligible for funding. Application CANNOT proceed.)*

Coastal Zone Management Act

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?
 Yes. Include mitigation requirements in attachment.
 No

Documentation, if required, is attached.



5. Sole Source Aquifers (40 CFR Part 149)
(Finding at end of section).

Is the project within a sole source aquifer areal extent?
 No. *(Review Concluded).*
 Yes. Consultation required.

Sole Source Aquifers

Finding: In compliance. There are no Sole Source Aquifers in North Carolina.

6. Endangered Species Act (16 USC 1531 et seq., 50 CFR Part 402)
(Finding at end of section).

Are proposed activities within a pre-existing disturbed area?
 Yes. All project activities are occurring within a pre-existing disturbed area. Disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasture lands or locations where structures stand or stood prior to the disaster. There is no native tree or habitat removal and/or activity identified in the scope of work with a potential to affect Federally or State listed species and/or designated critical habitats, based on the limited scope of action. *(Review Concluded)*
 No. Proposed activities involve new construction or construction activities outside of previously disturbed area. Refer to the information regarding threatened and endangered species (from the Tier I ERR) in North Carolina and, specifically, the county identified for this application. *Continue to the next question.*

Is the project within 0.5 miles of coordinates N 34.5669 W -78.9197 in Robeson County?
 No. The Wood Stork nesting location will not be affected. *Continue.*
 Yes. Consultation with the USFWS and/or NCWRC is required for this topic. *Continue below.*

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. A review of site conditions has led to a conclusion that NO Federally or State-listed threatened and endangered species and/or designated Protected Natural Areas and/or Critical Habitats are present in areas affected directly by the project activity. Attach supporting documentation (map and species list incorporating a one-mile radius of project location). *(Review Concluded)*
 Yes. Threatened and endangered species or Protected Natural Areas or Critical Habitats may be affected by the proposed activity. Consultation with the USFWS and/or NCWRC is required.

Consultation with USFWS/NCWRC resulted in the following determination:
 The project activity, including appropriate measures to avoid adverse impacts, [Choose an item.](#) threatened and endangered species. [Click or tap here to enter text.](#) Attach supporting consultation (include map and species list). *(Review Concluded)*
 The project activity would adversely affect the threatened and endangered species. [Click or tap here to enter text.](#) Attach supporting documentation. *(Ineligible for funding. Application CANNOT proceed.)*

Endangered Species Act

Finding: [Choose an item.](#) [Choose an item.](#)

Is mitigation required for this topic?
 Yes. Include mitigation requirements in attachment. (this includes storage of materials)
 No

Documentation, if required, is attached.

7. Wild & Scenic Rivers Act (Sections 7(b), (c))
(Finding at end of section). Not all counties have a Wild and Scenic River or National Rivers Inventory segment.

Is the project in one of the counties that DOES NOT have an NRI segment or Wild and Scenic River? These counties are Beaufort, Camden, Currituck, Dare, Greene, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Tyrell, Washington, and Wilson.
 Yes. *Review Concluded).* Compliance determined in Tier I Environmental Assessment.
 No. *Continue to the next question.*



Is the project site within 100 feet of a Wild and Scenic River or Designated Nationwide Rivers Inventory segment?

No. Project location is not within 100 feet of a regulated waterway. Attach map. *(Review Concluded)*

Yes. Contractor must use best management practices to control soil and sediment movement (assuming the work if 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 to hold silt-laden water on site. *(Review Concluded)*

Wild & Scenic Rivers Act

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?

Yes. Include mitigation requirements in attachment.

No

Documentation, if required, is attached.

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

Will the project result in a violation of air quality regulations; for example, will burning of vegetative debris be conducted as part of the project?

No. *(Review Concluded).*

Yes. Consultation and permitting are required.

Air Quality

Finding: In compliance. A determination has been made (Air Quality Review) in the Tier I that actions associated with home repair, reconstruction, replacement, elevation, or other activities associated with the Rebuild NC:

9. Farmland Protection Policy Act (7 CFR Part 658)
(Finding at end of section).

Is the project activity Rehabilitation, New or Reconstruction on a previously developed parcel?

Yes. This project activity is not subject to Farmland Protection Policy Act (FPPA) review. Natural Resources Conservation Service (NRCS) has specified that parcels previously converted (from farmland to nonagricultural uses), regardless of location, are not subject to FPPA review because the parcels were converted when the original dwelling was constructed on the parcel. If parcel is currently vacant, include documentation that the parcel was previously residentially developed. *(Review Concluded)*

No. The project activity is New Construction on previously undeveloped land. *Check one of the following:*

- Site does not include prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland of statewide or local importance. *(Review Concluded)*
- Site is listed as farmland already in or committed to urban development (land with a density of 30 structures per 40-acres, "urbanized area" (UA) on the Census Bureau Map, or as "urban-built-up" on the USDA Important Farmland Maps) in accordance with 7 CFR 658.2. *(Review Concluded)*
- Site contains prime or unique farmlands with new construction activities on an undeveloped parcel. Coordination with NRCS is required.
 - Farmland Conversion Impact Rating, Form AD-1006, or other NRCS-approved documentation was submitted on [Click or tap to enter a date.](#)
 - NRCS replied on [Click or tap to enter a date.](#) with a score of 160 or less based on the land evaluation and site assessment criteria (Include documentation). *(Review Concluded)*
 - NRCS replied on [Click or tap to enter a date.](#) with a score above 160. Evaluation of at least one alternative site is required. Coordination with NRCS to minimize the impact of the project on protected farmland resulted in the following decision:
 - Project can proceed at current location. (Include documentation). *(Review Concluded)*
 - Project CANNOT proceed at current location. (Include documentation). *(Ineligible for funding. Application CANNOT proceed.)*



Farmland Protection Policy Act

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?

Yes. Include mitigation requirements in attachment.

No

Documentation, if required, is attached.

10. Noise Control and Abatement (24 CFR 51B)
(Finding at end of section).

Is the proposed project activity reimbursement, rehabilitation, reconstruction or replacement on the applicant's site?

Yes. This project activity has the effect of restoring a facility substantially as it existed prior to the disaster in accordance with 24 CFR 51.101(a)(3). *(Review Concluded)*

No. The project activity is construction or replacement on a new site. (Attach map identifying distance to potential noise sources.)

Is the site within 1,000 feet of a major road, 3,000 feet of a railroad or 15 miles of an airport?

No. Attach map showing noise sources and distances. *(Review Concluded)*

Yes. Attach map showing noise sources and distances.

Determine Noise Assessment Level and include calculations as documentation.

The noise level has been determined to be 'Acceptable' (less than or equal to 65 decibels). DNL for the site is [Click or tap here to enter text.](#) decibels. *(Review Concluded)*

The noise level has been determined to be "Normally Unacceptable" (66-75 decibels). DNL for the site is [Click or tap here to enter text.](#) decibels. Noise attenuation is required to bring the interior noise to 45 DNL and/or exterior noise level to 65 DNL.

Are mitigation measures able to reduce the DNL (interior or exterior) to acceptable levels?

Yes. New Construction or Replacement at this site is allowable. *(Review Concluded)*. Attach site-specific mitigation measures.

No. New Construction or Replacement at this site is NOT allowable. *(Ineligible for funding. Application CANNOT proceed.)*

The noise level has been determined to be "Unacceptable" (above 75 decibels). DNL for the site is [Click or tap here to enter text.](#) decibels. New Construction or Replacement at this site is not allowable. *(Ineligible for funding. Application CANNOT proceed.)*

Noise Control and Abatement

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?

Yes. Include mitigation requirements verifying that they meet acceptable noise levels as identified in 24 CFR 51B.

No

Documentation, if required, is attached.

11. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR Part 58.5(i)(2))
(Finding at end of section). 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.

I. Finding From Site Inspection

Are there any potential adverse environmental conditions (AEC), such as obvious signs of hazardous, toxic, or radioactive materials or substances as observed on the site during the site visit (by the inspector performing the visit in accordance with an Environmental Questionnaire) that could adversely impact the project activity where the specified AEC could affect the health and safety of occupants or conflict with the intended utilization of the site?



- No. (Proceed to Section II) Note any obstacles to identification of AEC (snow / ground cover, soil piles, household debris, inaccessible property): [Click or tap here to enter text.](#)
- Yes. If Yes, attach documentation and photos and continue to the next question. Application may require additional investigation. Describe identified AEC: [Click or tap here to enter text.](#)

Can mitigation resolve the impact of the AEC?

- Yes. Describe mitigation. (Proceed to Section II). [Click or tap here to enter text.](#)
- No. (Ineligible for funding. Application CANNOT proceed.)

II. Findings From Review Of Regulatory Databases And Other Information Sources

Attach regulated facilities figures.

I. Is the project site within Bladen, Cumberland, or Robeson County?

- No. Site does not require Chemours Fayetteville Plant review. (Proceed to Question 2)
- Yes. Continue.

Is the project site within 10 miles of the Chemours Fayetteville Plant?

- No. (Proceed to Question 2)
- Yes. Continue.

Is the project site connected to the municipal or county water system?

- Yes. Site is not affected by the Chemours Fayetteville Plant. (Proceed to Question 2)
- No. Continue.

Has the project site been identified to be impacted by the Chemours Fayetteville Plant? This includes the requirements for 7 to 10 miles distant, 5 to 7 miles distant or less than 5 miles distant.

- No. (Proceed to Question 2) [Click or tap here to enter text.](#)
- Yes. Continue

Are there specific actions for compliance or can the factors be mitigated such that the area of concern does not affect the health and safety of occupants or conflict with the intended utilization of the property?

- Yes. Coordination with the Regulatory Agency has determined specific actions needed for compliance. Mitigation measures and/or specific actions needed for compliance will allow use of the project site. Document coordination. (Proceed to Question 2)
- No. Environmental concern cannot be mitigated. Project activity cannot proceed at this time. (Ineligible for funding. Application CANNOT proceed.)

II. Is the site within 3,000 feet of a listed Solid or Hazardous Material facility, landfill or potentially contaminated area (including Swine Operating Facility) ?

- No. Based on limited site observations made in support of this ERR and review of the listed sources of information, the applicant 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. (Proceed to Section III)
- Yes. There are sites of environmental concern identified within 3,000 feet. Describe the sites in the table below.

Facility Name	Facility Type	Regulatory ID	Compliance Status	Distance and Gradient if <500'

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- The project activity site is not within 500 feet of the sites of concern.** Based on review of regulatory databases and other information sources, the applicant site DOES NOT appear to be located proximate (within 500 feet) to a site(s) of environmental concern or within 10 miles of the Chemours Fayetteville Plant or have any identified environmental concerns that could impact the site. This conclusion is based [Click or tap here to enter text.](#) *(Proceed to Section III)*
- The environmental site(s) of concern is within 500 feet of the project activity with no discernable effect.** Based on topography and/or distance (or other factors), it DOES NOT appear that the applicant site is likely to have been impacted by the site(s) 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 property. This conclusion is based upon [Click or tap here to enter text.](#) *(Proceed to Section III)*
- The applicant site is near environmental concern site(s) with potential adverse effect.** Based upon the location of the applicant site and the site(s) of environmental concern, it **DOES** appear likely that there has been or could be an impact by the site(s) 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 property. *Continue to the next question.*

Can the area of environmental concern be mitigated, or specific actions placed such that the area of concern does not affect the health and safety of occupants or conflict with the intended utilization of the property?

- Yes. Coordination with the Regulatory Agency has determined specific actions needed for compliance. Mitigation measures and/or specific actions needed for compliance will allow use of the project site. Document coordination. *(Proceed to Section III)*
- No. Environmental concern cannot be mitigated. Project activity cannot proceed at this time. *(Ineligible for funding. Application CANNOT proceed.)*

III. Mold Review

Was mold identified in the structure during the site inspection? Answer “No” for new construction.

- No. No additional requirements for mold. *(Mold Review Concluded. Proceed to Section IV)*
- Yes. *Continue to the next question.*

Is the structure to be demolished and/or reconstructed or replaced?

- Yes. No additional requirements for mold. *(Mold Review Concluded. Proceed to Section IV)*
- No. Mold must be treated in accordance with state guidance. *(Mold Review Concluded. Proceed to Section IV)*

IV. Lead-Based Paint Review

Structure Built Year (or Unknown): [Click or tap here to enter text.](#)

Is the structure exempt from LBP testing (structure built after January 1, 1978 or other exemptions in accordance with 24 CFR 35.115)?

- Yes. Note exemption: [Click or tap here to enter text.](#) No additional requirements for LBP. *(LBP Review Concluded. Proceed to Section V)*
- Built before January 1, 1978 or Unknown Age. Structure is not exempt. LBP testing is required.

Did the structure test positive for determined or potential LBP hazards?

- No. No additional requirements for LBP. Document the findings in Attachment. *(LBP Review Concluded. Proceed to Section V)*
- Yes. The Homeowner Recovery and Rental Programs require assessments for LBP on structures that are not exempt and adherence to the requirements of the Lead Safe Housing Rule (24 CFR 35). Specific LBP stabilization, clearance, abatement, and other related tasks on housing and associated structures that are not exempt are subject to the requirements of the North Carolina Division of Public Health, Health and Human Services. *(LBP Mitigation required. Proceed to Section V)*

V. Asbestos Review

Asbestos testing is required prior to start of construction for rehabilitation. In accordance with the North Carolina Department of Health and Human Services (NCDHHS), Division of Public Health regulations all buildings must be thoroughly inspected by a North Carolina-accredited asbestos inspector for potential Asbestos-Containing Materials before beginning any demolition or renovation activity. Additionally, NCDHHS must be notified at least 10-workdays prior to beginning demolition, even if no ACM is present in the building.

Did the structure test positive for determined or potential asbestos hazards?

- No. No additional requirements for asbestos. Document the findings in Attachment. *(Asbestos Review Concluded. Proceed to Section VI)*

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Yes. All activities must comply with applicable federal, state, and local laws and regulations regarding asbestos removal. Asbestos Materials must be disposed in a certified landfill licensed to receive ACM debris. *(Asbestos Mitigation or Abatement required. Proceed to Section VI)*

VI. RCRA and NC State Hazardous Waste
Is there debris associated with this project activity (rehabilitation debris, demolition debris, etc.)

No. There is no generation of debris associated with this activity. *(Review Concluded)*

Yes. Demolition/Construction debris associated with project; conditions attached. *(Review Concluded)*

Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR Part 58.5(i)(2))
 A site inspection of the project activity location is required to determine if there are potential adverse environmental conditions (AEC) on the site. Location of other areas of potential impact should be determined by search of pertinent databases (such as NEPAassist) or other means.

Finding for Toxics: Choose an item. Choose an item. Choose an item. Choose an item.

Finding for Mold: Visible mold was detected throughout the structure during the site visit. Appropriate mitigation measures are required to eradicate the mold during construction. See mitigation measures (page 5).

Finding for the Review of Lead-Based Paint: Choose an item.

Finding for the Review of Asbestos: Choose an item.

Finding for the Review of RCRA and NC State Hazardous Waste: Choose an item.

Is mitigation required for this topic?

Yes. Include mitigation requirements in attachment.

No

Note for Asbestos: In accordance with the North Carolina Department of Health and Human Services, Division of Public Health regulations, all buildings must be inspected by a North Carolina-accredited asbestos inspector for potential Asbestos-Containing Materials (ACM) before initiating any demolition activity. If asbestos is present, all work and disposal must be performed in accordance with NC requirements.

Documentation, if required, is attached.

12. Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR Part 51, Subpart C)
(Finding at end of section).

Note: Aboveground Storage Tanks (AST) of 100 gallons or less that hold "common liquid fuels" such as fuel oil, kerosene, and gasoline are exempt from the ASD requirements and this regulation. 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 could be applicable to this topic. ASTs that are ancillary to the structure are not considered applicable.

Would the project activity increase the number of residents and/or dwelling units (population density) of the housing structure that existed on the site prior to the disaster or change the location of that structure?

No. Project activity involves rehabilitation, reconstruction, replacement, or reimbursement with no increase in population density. *(Review Concluded)*

Yes. *Continue with next question.*

Are there ASTs that contain explosive or combustible substances within one (1) mile of the project activity?

No, there are no ASTs within one (1) mile of the project activity. Include map of the project site with buffer distance of (1) one mile with no ASTs noted. *(Review Concluded)*

Yes, there are ASTs within one (1) mile of the project activity. Describe ASTs and identify contents: [Click or tap here to enter text.](#) Include map of the project site and ASTs with distance noted.

Is the structure less than the acceptable separation distance (ASD) from a stationary AST that is within 1 mile of the project activity and holds an explosive or combustible substance?

No. Explain finding: [Click or tap here to enter text.](#) Include ASD calculations and map noting the ASD and project activity site. *(Review Concluded)*



Yes. Structure is less than the acceptable separation distance (ASD) from a stationary AST that is within 1 mile of the project activity and holds an explosive or combustible substance. Include ASD calculations and map showing the ASD and project activity site.

Are measures feasible to mitigate the potential effects of the AST on the project activity?

- Yes. A licensed Professional Engineer has determined that a barrier (natural or man-made) is sufficient to mitigate the potential effects of the AST on the project. Explain finding: [Click or tap here to enter text.](#) Include documentation of the barrier that would serve as mitigation, including correspondence with a licensed Professional Engineer, ASD calculations and AST map. *(Review Concluded)*
- No. Mitigation measures are not feasible; therefore, the activity is not in compliance with the applicable HUD environmental standard, 24 CFR Part 51C. *(Ineligible for funding. Application CANNOT proceed.)*

Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR Part 51, Subpart C)

Finding [Choose an item.](#) [Choose an item.](#)

Is mitigation required for this topic?

- Yes. Include mitigation requirements in attachment.
- No

Documentation, if required, is attached.

13. Airport Clear Zones and Accident Potential Zones (24 CFR Part 51, Subpart D)

(Finding at end of section). Not all counties are impacted by Airport Hazards.

Is the project site within a county that HAS A POTENTIAL for Airport Hazards as determined in the Tier I Environmental Assessment? These counties are Camden, Carteret, Craven, Cumberland, Guilford, Harnett, Hoke, Lee, Moore, New Hanover, Onslow, Pender, Pitt, Richmond, Scotland, Wake and Wayne.

- No. *(Review Concluded).* Compliance determined in Tier I Environmental Assessment.
- Yes. *Continue to Section I.*

I. Clear Zone / Runway Protection Zone

Is the project activity within 2,500 feet of a Civil Airport (does not include General Aviation airfields) or Military Airfield? Attach map.

- No. The Project is located [Click or tap here to enter text.](#) from [Click or tap here to enter text.](#). *(Continue to Section II)*
- Yes. The project site is located within 2,500 feet of [Click or tap here to enter text.](#)

Is the project activity located within a Runway Protection Zone or Clear Zone?

- No. Attach map with location of zone and structure shown. *(Continue to Section II)*
- Yes. Attach map with location of zone and structure shown. *Continue to the next item.*

Choose one (% damage is Estimate to Repair divided by Pre-Disaster Structure Appraisal):

- Minor Rehabilitation or Reimbursement (<75%) on Applicant's Site: Application can continue. Include documentation of written notice to the homeowner informing them of the potential hazards from aircraft accidents as well as the potential for the property to be purchased as part of an airport expansion project (in accordance with 24 CFR 51.303(a)(3)). *(Continue to Section II)*
- New Construction, Substantial Rehabilitation or Reimbursement (≥ 75%), Reconstruction or Replacement: HUD assistance may not be used at this location if the project activity involves activities that would significantly prolong the physical or economic life of the existing structure that will be frequently occupied by people. *(Ineligible for funding. Application CANNOT proceed.)*

II. Accident Potential Zone (APZ) Review

Is the project activity located within 15,000 feet of a Military Airfield? Attach map. The project site may be in a different county than the Military Airfield.

- No. The project activity is located [Click or tap here to enter text.](#) from [Click or tap here to enter text.](#) *(Review Concluded)*
- Yes. The project is located [Click or tap here to enter text.](#) from [Click or tap here to enter text.](#). Include location of site with respect to the APZ on the map.

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Is the project activity located within the Accident Potential Zone?
 No. *(Review Concluded)*
 Yes.

Is the project activity in conformance with DOD guidelines for Accident Potential Zones?
 Yes. Provide documentation. *(Review Concluded)*
 No. *(Ineligible for funding. Application CANNOT proceed.)*

Airport Clear Zones and Accident Potential Zones

Finding Choose an item. Choose an item.

Is mitigation required for this topic?
 Yes. Include mitigation requirements in attachment.
 No

Documentation, if required, is attached.

14. Magnuson-Stevens Fishery Conservation and Management Act (16 USC 1801 et seq.)
(Finding at end of section). Not all counties will have Anadromous Fish Spawning Areas.

Is the project site in a county that DOES NOT contain Anadromous Fish Spawning Areas as determined in the Tier I Environmental Assessment? These counties are Anson, Chatham, Duplin, Franklin, Guilford, Hoke, Lee, Montgomery, Moore, Richmond, Robeson, Scotland, Union, Warren, and Wilson?
 Yes. *(Review Concluded). Compliance determined in Tier I Environmental Assessment.*
 No. *Continue to the next question.*

Would the proposed activity occur in an Anadromous Fish Spawning Area?
 No. The activity will occur outside of an Anadromous Fish Spawning Area. Include map or identify source of information: [Click or tap here to enter text.](#) *(Review Concluded)*
 Yes. *Continue to next question.*

Is the proposed activity rehabilitation and/or reimbursement?
 Yes. There will be no impact to an Anadromous Fish Spawning Area. *(Review Concluded)*
 No. *Continue to the next question.*

Is the project activity 75 feet from the buffer zone as identified by the State as an Area of Concern?
 Yes. Include map showing location and the Area of Concern. *(Review Concluded)*
 No. *Continue to the next question.*

Is the project activity compliant with the required conditions to ensure that the activity does not adversely affect the spawning area?
 Yes. Identify source of information: [Click or tap here to enter text.](#) *(Review Concluded)*
 No. Identify source of information: [Click or tap here to enter text.](#) *(Ineligible for funding. Application CANNOT proceed.)*

Magnuson-Stevens Fishery Conservation and Management Act

Finding The proposed project activity is in compliance. Choose an item.

Is mitigation required for this topic?
 Yes. Include mitigation requirements in attachment.
 No

Documentation, if required, is attached.

15. Environmental Justice (EO 12898)
(Finding at end of section).

Were any adverse environmental impacts identified in any other compliance review portion of this project activity's environmental review?

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- No. There were no adverse environmental impacts that were disproportionately high for low-income and/or minority communities. *(Review Concluded)*
- Yes. The adverse environmental impacts were disproportionately high for low-income and/or minority communities.

Is the adverse environmental impact mitigatable to the extent that the impact is no longer adverse?

- Yes. Mitigation is required and should be identified in the Mitigation attachment. *(Review Concluded)*
- No. Mitigation is not possible. *(Ineligible for funding. Application CANNOT proceed.)*

Environmental Justice

Finding: Choose an item. Choose an item.

Is mitigation required for this topic?

- Yes. Include mitigation requirements in attachment.
- No

Documentation, if required, is attached.

Other Requirements

24 CFR 58.6 Other Requirements

Applicability of the following requirements does not trigger the certification and release of funds procedure under this part. However, the RE remains responsible for addressing the following requirements in its Environmental Record Review and meeting those requirements, where applicable, regardless of whether the activity is exempt under Section 58.34, categorically excluded under Section 58.35(a) or (b), or the subject of an Environmental Assessment under Section 58.36. (Finding at end of section)

§58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

- a. Is the project located in a FEMA identified 100-year floodplain as identified on the FIRM (PFIRM, if present, is not to be used to determine Flood Insurance requirements)?**
 - No. Compliance with §58.6(a) is complete. *(Continue with §58.6(b))*
 - Yes. *Continue with next question.*

Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

- Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the life of the structure, irrespective of transfer of ownership and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file. *(Continue with §58.6(b))*
- No. Federal assistance may not be used in the Special Flood Hazards Area. *(Ineligible for funding. Application CANNOT proceed.)*

- b. Did applicant previously receive federal assistance that was conditioned on obtaining and maintaining Flood Insurance?**

- No or N/A *(Applicant is not within 100-year floodplain).* Compliance with §58.6(b) is complete. *(Continue with §58.6(c))*
- Yes. *Continue with the next question.*

Did applicant obtain and maintain flood insurance?

- Yes. Compliance with §58.6(b) is complete. Provide supporting documentation *(Continue with §58.6(c))*
- No. *(Ineligible for funding. Application CANNOT proceed.)*

§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 USC 3501)

Is the project site located in a county that HAS A Coastal Barrier Resource System Unit as determined in the Tier I Environmental Assessment? These counties are Brunswick, Carteret, Currituck, Dare, Hyde, New Hanover, Onslow, and Pender.

- No. *(Review Concluded).* Compliance determined in Tier I Environmental Assessment. *(Continue with §58.6(d))*
- Yes. *Continue to the next question.*

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Is the project located in a Coastal Barrier Resource System Unit? Include map.
 No. In compliance. *(Continue with §58.6(d))*
 Yes. *(Ineligible for funding. Application CANNOT proceed)*

§58.6(d) Runway Clear Zones and Clear Zones Disclosure [24 CFR §51.303(a) (3)]

Is the project site within a county that HAS A POTENTIAL for Airport Hazards as determined in the Tier I Environmental Assessment? These counties are Camden, Carteret, Craven, Cumberland, Guilford, Harnett, Hoke, Lee, Moore, New Hanover, Onslow, Pender, Pitt, Richmond, Scotland, Wake and Wayne.
 No. *(Review Concluded). Compliance determined in Tier I Environmental Assessment.*
 Yes. *Continue to next question.*

Is the project within a Runway Protection Zone or Clear Zone?
 No. *(Review Concluded)*
 Yes. For acquisition or sale of an existing property that will be frequently used or occupied by people, written notice must be provided to the buyer (in this case, an applicant relocating to an existing structure in this area) to inform them of the potential hazards from aircraft accidents as well as the potential for the property to be purchased as part of an airport expansion. *(Review Concluded)*

24 CFR 58.6 Other Requirements

Finding for 58.6 (a) and (b): Choose an item. Choose an item.

Finding for 58.6 (c): Choose an item. Choose an item.

Finding for 58.6 (d): Choose an item. Choose an item.

Is mitigation required for this topic?
 Yes. Include mitigation requirements.
 No

Documentation, if required, is attached.

Environmental Assessment Factors

[Environmental Review Guide HUD CPD 782, 24 CFR 58.4, 40 CFR 1508.8 and 1508.27]
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. While the below factors are not considered to have a significant impact on the environment, they have been included in the Tier II for worker protection information, potential need for Zoning Commission approval and permitting requirements.

Hazards and Nuisances and Site Safety

Were any site-specific hazards that could impact worker safety identified at this location? Note: the presence of mold, lead-based paint, and/or asbestos (while a potential site-specific hazard) are addressed elsewhere in this ERR and are not considered as part of this specific topic.
 No. *(Review Concluded)*
 Yes. Document site-specific hazards and include Mitigation Measures in Attachment. See mitigation measures (page 2). *(Review Concluded)*

Conformance with Comprehensive Plans and Zoning

Does the project activity require a specialized permit or special approval from Building Officials and Zoning Commission?
 No. *(Review Concluded)*
 Yes. Document permit requirements in Mitigation Measures in Attachment. *(Review Concluded)*

Permitting

Is the project activity rehabilitation or reimbursement?
 Yes. *(Review Concluded)*
 No. The project activity is reconstruction, new construction, or replacement.

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Does the project activity involve the disturbance of one (1) acre or more of area?

No. *(Review Concluded)*

Yes. Contractor will be required to obtain NPDES and/or Control and Erosion Sediment Permits from EPA and NCDEQ for the project site. Document the requirement in Mitigation Measures. *(Review Concluded)*

Appendix C

Agency Consultations and Correspondence

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

- Exhibit 1. Floodplain Management**
- Exhibit 2. Wetland Protection**
- Exhibit 3. Coastal Zone Management**
- Exhibit 4. Sole Source Aquifers**
- Exhibit 5. Endangered Species**
- Exhibit 6. Wild and Scenic Rivers**
- Exhibit 7. Air Quality**
- Exhibit 8. Farmland Protection**
- Exhibit 9. Environmental Justice**
- Exhibit 10. Noise Control and Abatement**
- Exhibit 11. Siting of HUD-Assisted Projects Near Hazardous Operations**
- Exhibit 12. Airport Hazards**
- Exhibit 13. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances**
- Exhibit 14. Magnuson-Stevens Fishery Conservation Act**
- Exhibit 15. Coastal Barrier Resources Act**
- Exhibit 16. Historic Preservation**

Note: The Historic Preservation Programmatic Agreement is included in Appendix F.

Exhibit 1
Floodplain Management

Attachment 1-1. Durham County Elevation Requirements
Figure 1-1. 100-year Floodplains for Durham County

Attachment 1-1 Durham County Elevation Requirements

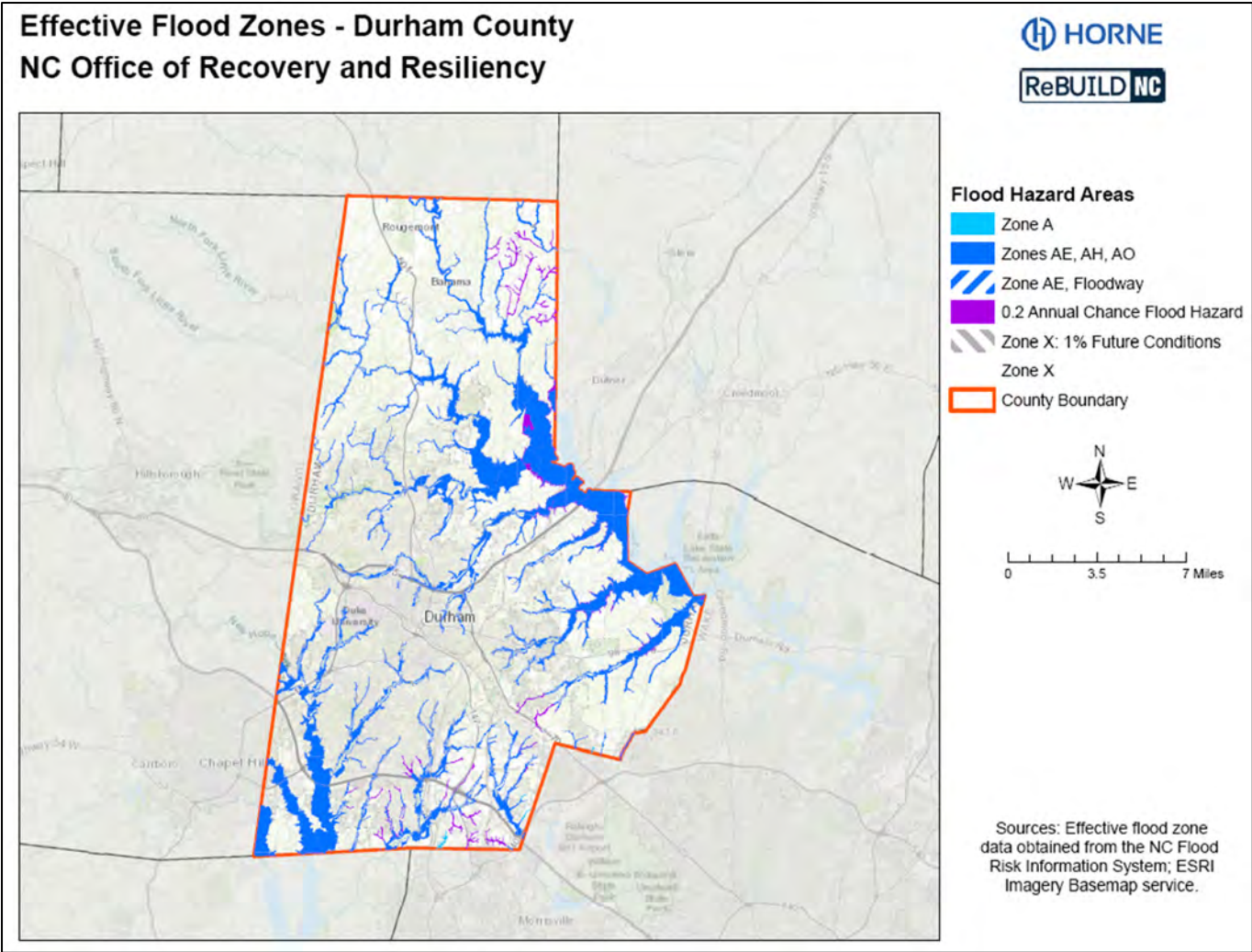
Floodplain development requirements for activities in the Special Flood Hazard Areas (SFHAs) and Future Conditions Flood Hazard Areas in Durham County can be found in the Unified Development Ordinance (Sec. 3.21).

A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas. Regulatory Flood Protection Elevations are outlined in this ordinance as follows:

1. In Special Flood Hazard Areas where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two feet of freeboard.
2. In Special Flood Hazard Areas where no BFE has been established, this elevation shall be at least five feet above the highest adjacent grade.
3. In Future Conditions Flood Hazard Areas this elevation shall be the Future Conditions Flood Elevation plus two feet of freeboard.

Source: <https://durham.municipal.codes/UDO/3.21.4>

**Figure 1-1
100-Year Floodplains for Durham County**



Source: North Carolina Flood Risk Information System

**Exhibit 2
Wetland Protection**

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

Attachment 2-2: NCDEQ Division of Water Resources

Figure 2-1: Durham County National Wetlands Inventory Map

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

From: Smith, Ronnie D CIV USARMY CESAW (USA) <Ronnie.D.Smith@usace.army.mil>
Sent: Wednesday, April 7, 2021 11:33 AM
To: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>
Cc: Jani, Moneka <moneka.jani@ncdps.gov>
Subject: [External] RE: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ms. Richardson,

You may apply our previous comments to the activities in the 3 additional counties. If you have any questions please feel free to contact me. Thank you.

Ronnie Smith
Acting Deputy Chief, Regulatory Division
US Army Corps of Engineers
Wilmington Regulatory Division Office
69 Darlington Avenue
Wilmington, North Carolina 28403-1343
Phone: (910) 251-4829
Cell: (910) 580-4061
Email: ronnie.d.smith@usace.army.mil

We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at:

<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Thank you for taking the time to visit this site and complete the survey.

From: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>
Sent: Wednesday, April 7, 2021 10:49 AM
To: Smith, Ronnie D CIV USARMY CESAW (USA) <Ronnie.D.Smith@usace.army.mil>
Cc: Jani, Moneka <moneka.jani@ncdps.gov>
Subject: [Non-DoD Source] Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

Greetings Mr. Smith,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson
Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency
P.O. Box 110465, Durham, NC 27709
833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Ronnie Smith
Acting Deputy Regulatory Chief
US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant – Mitigation

Dear Mr. Smith:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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An Equal Opportunity

The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks further input from the US Army Corps of Engineers, Wilmington District (USACE) on the need for individual USACE wetlands consultation concerning the following types of single-family housing unit projects:

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

For project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted since the disturbed footprint of the single-family home will not be substantially changed. Although project types 4 through 6 may possibly impact wetlands and thus require site-specific USACE consultation, this is only the case if wetlands are potentially present. For project types 4 through 6, we suggest that only those project sites that potentially have wetlands present be submitted to USACE for consultation. Potential for presence of wetlands will be determined based on desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetland Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Visual site observation by a qualified professional will be made of each property to identify the presence of standing water or other obvious wetland conditions.

Previous correspondence has occurred with your office, most recently on August 27, 2020, regarding Rebuild NC projects in other North Carolina counties, for Hurricanes Matthew and Florence. Please let us know if these comments may be extended to the aforementioned counties and activities. If applicable, please let us know which of these types of listed projects may require site-by-site consultation with USACE. We would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment.

Please provide your concurrence with this approach for site-specific environmental assessments or modify as appropriate. NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from

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receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

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DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
68 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403

July 27, 2018

Regulatory Division

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

Dear Mr. Herrera:

Please reference your July 17, 2018 letter requesting the Wilmington District Corps of Engineers Regulatory Division (Division) to make comments on the proposed Tiered Environmental Assessment process of Single-Family Housing Projects funded by the Hurricane Matthew Community Development Block Grant - Disaster Recovery Program (CDBG-DR).

As stated in your letter, it is understood that the North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in 18 counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson) in accordance with 24 CFR Part 58. You also stated that the best available data suggest that 833 homes in these counties sustained damage due to Hurricane Matthew and may seek funding through this program.

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

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

Regulatory Division Comments:

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

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

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

http://saw-reg.usace.army.mil/JD/OBTAINING_A_JD_17-07.pdf

Division Field Office contact information is located on our webpage at:

<http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/>

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

Sincerely,



Henry Wicker
Deputy Chief, Regulatory Division
Wilmington District



North Carolina Department of Public Safety
Emergency Management

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director

July 17, 2018

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

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

Dear Mr. McLendon:

The State of North Carolina has received an allocation through a Community Development Block Grant - Disaster Recovery (CDBG-DR) from the U.S. Department of Housing and Urban Development to help fund Hurricane Matthew recovery efforts. Under the CDBG-DR funding umbrella, the State of North Carolina has established Homeowner Recovery, Small Rental Repair, and Buyout/Acquisition Programs that include actions to address unmet housing needs in areas impacted by Hurricane Matthew. As part of these programs, funding will be allocated for single-family (between 1 and 4 units, including mobile homes) housing-related activities in 18 counties (Beaufort, Bladen, Camden, Craven, Dare, Duplin, Greene, Hyde, Johnston, Jones, Moore, Nash, New Hanover, Pasquotank, Pender, Sampson, Washington, and Wilson) to assist low-to-moderate income homeowners who experienced damage to their homes from Hurricane Matthew and have remaining unmet needs. Program activities will include repair/rehabilitation, elevation, reconstruction, relocation, acquisition for buyout, acquisition for redevelopment, and reimbursement for eligible repairs. Although most projects are expected to involve repair/rehabilitation or reconstruction of homes within the previously disturbed footprints, there is the possibility of relocation of homes to previously undisturbed land.

The North Carolina Department of Public Safety, Division of Emergency Management (NCEM) is facilitating the federally-required environmental reviews for the CDBG-DR single-family housing programs in these 18 counties in accordance with 24 CFR Part 58. As specified in the *State of North Carolina CDBG-DR Action Plan* as amended by the *State of North Carolina CDBG-DR Action Plan Substantial Amendment 1*, the best available data suggest that 833 homes in these counties sustained damage due to Hurricane Matthew and may seek funding through this program.

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Fax: (919) 715-0408

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCEM seeks input from the US Army Corps of Engineers, Wilmington District (USACE) on the need for individual USACE wetlands consultation concerning the following types of single-family housing unit projects:

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

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

For project types 1, 2, 3, and 7 listed above, site-specific consultation for wetlands does not appear to be warranted because the disturbed footprint of the single-family home will not be substantially changed. Although project types 4 through 6 may possibly impact wetlands and thus require site-specific USACE consultation, this is only the case if wetlands are potentially present. For project types 4 through 6, we suggest that only those project sites that potentially have wetlands present be submitted to USACE for consultation. Potential for presence of wetlands will be determined based on desktop research and visual site observation to determine if any of the technical criteria relating to soils, vegetation, and hydrology are present to support a wetlands determination or if non-wetland waters such as streams or ponds are present. Desktop research will include, as warranted, review of available mapping information from the US Fish and Wildlife Service National Wetlands Inventory and the National Resource Conservation Service soil survey, topographic maps from the US Geologic Survey, and aerial photographs. Visual site observation will be made of each property to identify the presence of standing water or other obvious wetland conditions. Please provide your concurrence with this approach for site-specific environmental assessments or modify as appropriate.

The State of North Carolina is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in the 18 subject counties as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact John Bock at (510) 302-6249 (john.bock@tetrattech.com) or Cliff Jarman at (512) 244-2192 (clifford.jarman@tetrattech.com).

Sincerely,



Daniel Herrera
Environmental Manager, CDBG Disaster Recovery
North Carolina Division of Emergency Management

cc: Michael Gagner – NCEM, Deputy Chief of Resilience
Michael A. Sprayberry – NCEM, Director/Deputy Homeland Security Advisor

Attachment 2-2: Consultation with NCDEQ Division of Water Resources

From: [Richardson, Wilhelmina Stephanie](#)
To: [Wojoski, Paul A](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:36:37 AM
Attachments: [20210407 Update Florence DR Counties DWR.pdf](#)

Greetings Mr. Wojoski,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Paul Wojoski
Supervisor, 401 & Buffer Permitting Branch
Division of Water Resources
North Carolina Department of Environmental Quality
1617 Mail Service Center
Raleigh, NC 27699-1617

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery Program
Community Development Block Grant - Mitigation

Dear Mr. Wojoski:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks further input from the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Resources (DWR) on the need for individual NCDEQ DWR consultation concerning the following types of single-family housing unit projects:

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

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

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

NCORR is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew in Anson, Durham, and Lee counties as quickly as possible. Due to the urgency of this matter we ask that you please respond no later than 30 days from receipt of this letter.

Sincerely,



W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

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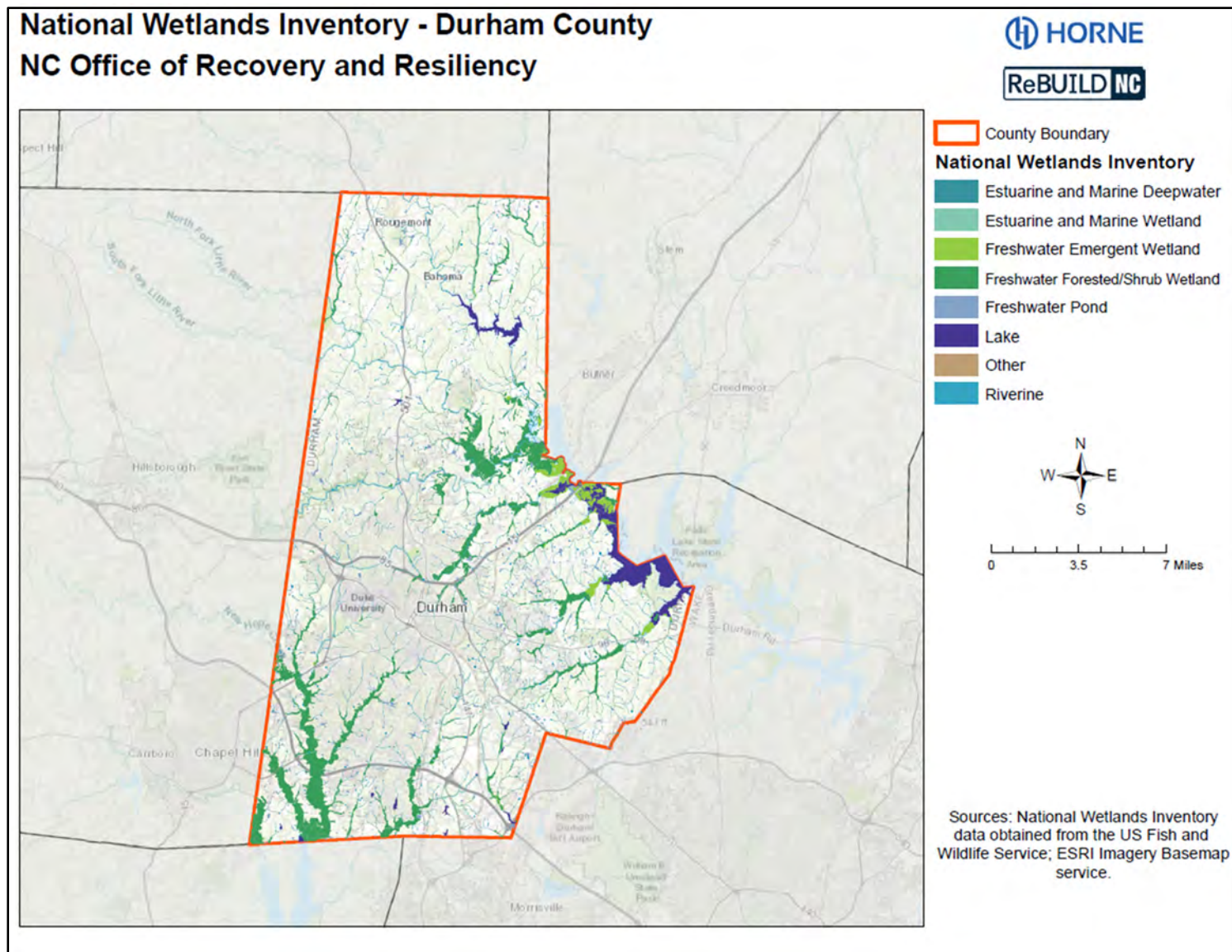


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Attachment 2-1

Figure 2-1
Durham County National Wetlands Inventory Map



Source: US Fish and Wildlife Service, National Wetlands Inventory

Exhibit 3
Coastal Zone Management Act

Table 3-1. Coastal Area Management Act Counties

Figure 3-1. North Carolina Coastal Zone Management Area

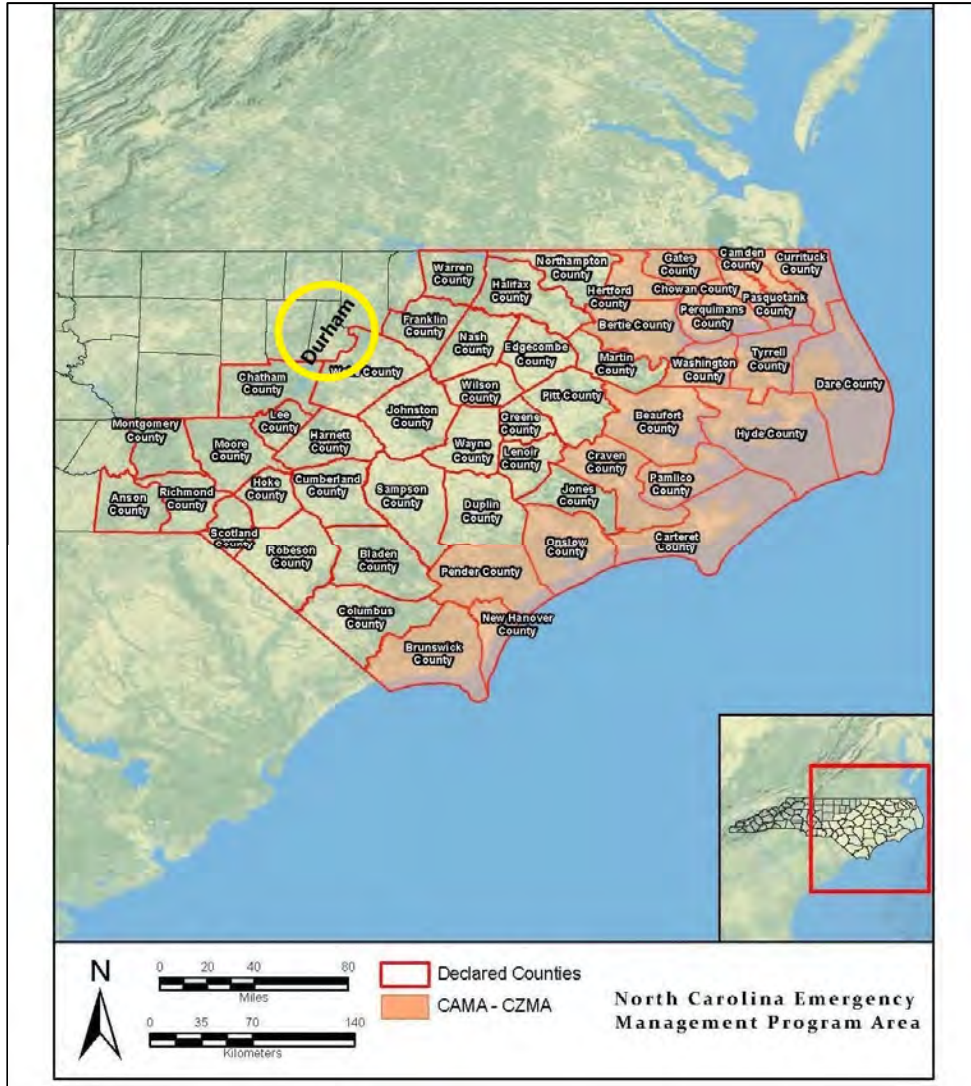
Table 3-1
North Carolina Coastal Area Management Act Counties

Counties	
Beaufort	Hertford
Bertie	Hyde
Brunswick	New Hanover
Camden	Onslow
Carteret	Pamlico
Chowan	Pasquotank
Craven	Pender
Currituck	Perquimans
Dare	Tyrrell
Gates	Washington

No inclusion of Durham County.

Source: North Carolina Environmental Quality, Division of Coastal Management

Figure 3-1
North Carolina Coastal Zone Management Area



Source: North Carolina Environmental Quality, Division of Coastal Management

Exhibit 4
Sole Source Aquifers

Figure 4-1. Sole Source Aquifers North Carolina

Figure 4-1
Sole Source Aquifers Map



Source: US Environmental Protection Agency, Sole Source Aquifers

**Exhibit 5
Endangered Species**

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

Attachment 5-2. Consultation with NC Wildlife Resources Commission

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

From: [Richardson, Wilhelmina Stephanie](#)
To: [Ellis, John](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:15:14 AM
Attachments: [20210407 Update Florence DR Counties USFWS.pdf](#)
[Anson County iPaC.pdf](#)
[Durham County iPaC.pdf](#)
[Lee County iPaC.pdf](#)

Greetings Mr. Ellis,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson
Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency
P.O. Box 110465, Durham, NC 27709
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North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

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

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Ellis:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments, while complying with Part 58 and other applicable laws and regulations, NCORR seeks input from the US Fish and Wildlife Service (USFWS) on the need for individual threatened and endangered species consultation concerning the following types of single-family housing projects:

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

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

Amphibians

Adverse impacts to the Neuse River Waterdog, found in Durham County, are not anticipated because this species inhabits aquatic habitats. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

Birds

The Bald Eagle is of concern State-wide. Bald Eagles nest in super dominant canopy trees (i.e. trees that are much taller than surrounding trees). If project activities would involve removal of a large Pine or Cypress tree near a creek or lake, there is potential for Bald Eagle nests to be impacted. For these projects, NC Natural Heritage Program (NCNHP) Data Explorer will be accessed to determine the presence of Bald Eagle nests. Additionally, visual inspection of super dominant canopy trees being removed will occur. If there is evidence of a large bird nest, site specific consultation with USFWS would be required.

Presence of the Red-cockaded Woodpecker is indicated in all three counties. If project activities in these counties involve removal of a 10-inch diameter at breast height (DBH) Pine tree, further review is required. Using the NCNHP Data Explorer, reviewers would determine whether there are Red-cockaded Woodpecker cavities within 200 feet of the project site. Visual inspection surrounding the project site would also occur. If there is evidence of a nest, site specific consultation with USFWS would be required.

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Flowering Plants

Adverse impacts to flowering plants including Canby's Dropwort, Harperella, Michaux's Sumac, Rough-leaved Loosestrife, Schweinitz's Sunflower, and Smooth Coneflower are not expected for project types 1, 2, 3, and 7 listed above, since the disturbed footprint of the single-family home will not be substantially changed. For all other projects, site-specific screening for these species would be required, and if identified, consultation with USFWS would occur.

Freshwater Fish and Clams

These species are found in aquatic habitats. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

Mammals

The Northern Long-eared Bat is threatened due to impacts of white-nose syndrome. Species survival depends on protecting locations where the bat hibernates and roosts, especially during pup season. IPaC documentation indicates the presence of Northern Long-eared Bats within Anson county. Projects which involve tree removal, or activities which occur outside of a pre-disturbed area (disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasture lands or locations where structures stand or stood prior to Hurricanes Matthew and Florence) would require screening to determine whether they fall within one mile of previously identified populations of Northern Long-eared Bats. Projects which fall in these areas would require site-specific consultation.

Reptiles

Adverse impacts to the American Alligator, found in Lee County, are not anticipated because this species inhabits canals and stormwater ditches and adapts to disturbed areas. We do not anticipate work to occur in canals or stormwater ditches. If this occurs, site-specific consultation would be required.

Critical Habitats

Critical habitats are listed in Durham and Lee counties. Proposed project activities would not occur in these habitats, as they are confined to aquatic areas. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

It is our understanding that communications with USFWS occurred in June of 2017 concerning the potential impacts of proposed CDBG-DR single-family housing projects on listed species. These discussions pertained to Hurricane Matthew recovery activities in other North Carolina counties. During these previous communications, the USFWS identified a list of species and activities of most interest for site-specific review consultation. Of primary interest was the removal of trees. The previous paragraphs summarize our understanding of the conclusions of this previous correspondence, as it relates to Anson, Durham and Lee counties.

We request that if applicable, USFWS provide concurrence regarding the approach described in this letter, and with our interpretation of conditions under which a No Effect determination can be made, for proposed project activities in Anson, Durham, and Lee counties.

Mailing Address:
Post Office Box
110465
Durham, NC 27709



Telephone:
984.833.5350
www.ncdps.gov
www.rebuildnc.gov

NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

Enclosures: IPaC Resource Lists for Anson, Durham, and Lee counties

Mailing Address:
Post Office Box
110465
Durham, NC 27709



Telephone:
984.833.5350
www.ncdps.gov
www.rebuildnc.gov

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

North Carolina



Local office

Raleigh Ecological Services Field Office

☎ (919) 856-4520

📠 (919) 856-4556

MAILING ADDRESS

Post Office Box 33726

Raleigh, NC 27636-3726

PHYSICAL ADDRESS

551 Pylon Drive, Suite F

Raleigh, NC 27606-1487

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7614	Endangered

Amphibians

NAME	STATUS
Neuse River Waterdog <i>Necturus lewisi</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6772	Proposed Threatened

Fishes

NAME	STATUS
Carolina Madtom <i>Noturus furiosus</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/528	Proposed Endangered

Clams

NAME	STATUS
Atlantic Pigtoe <i>Fusconaia masoni</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5164	Proposed Threatened
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/784	Endangered

Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3739	Endangered

Michaux's Sumac *Rhus michauxii* Endangered
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/5217>

Smooth Coneflower *Echinacea laevigata* Endangered
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/3473>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Atlantic Pigtoe <i>Fusconaia masoni</i> https://ecos.fws.gov/ecp/species/5164#crithab	Proposed
Carolina Madtom <i>Noturus furiosus</i> https://ecos.fws.gov/ecp/species/528#critbab	Proposed
Neuse River Waterdog <i>Necturus lewisi</i> https://ecos.fws.gov/ecp/species/6772#crithab	Proposed

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

- Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
------	--

Bald Eagle *Haliaeetus leucocephalus*

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Breeds Sep 1 to Jul 31

Blue-winged Warbler *Vermivora pinus*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds May 1 to Jun 30

<p>Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974</p>	Breeds Apr 28 to Jul 20
<p>Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 20 to Aug 20
<p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 1 to Jul 31
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p>Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

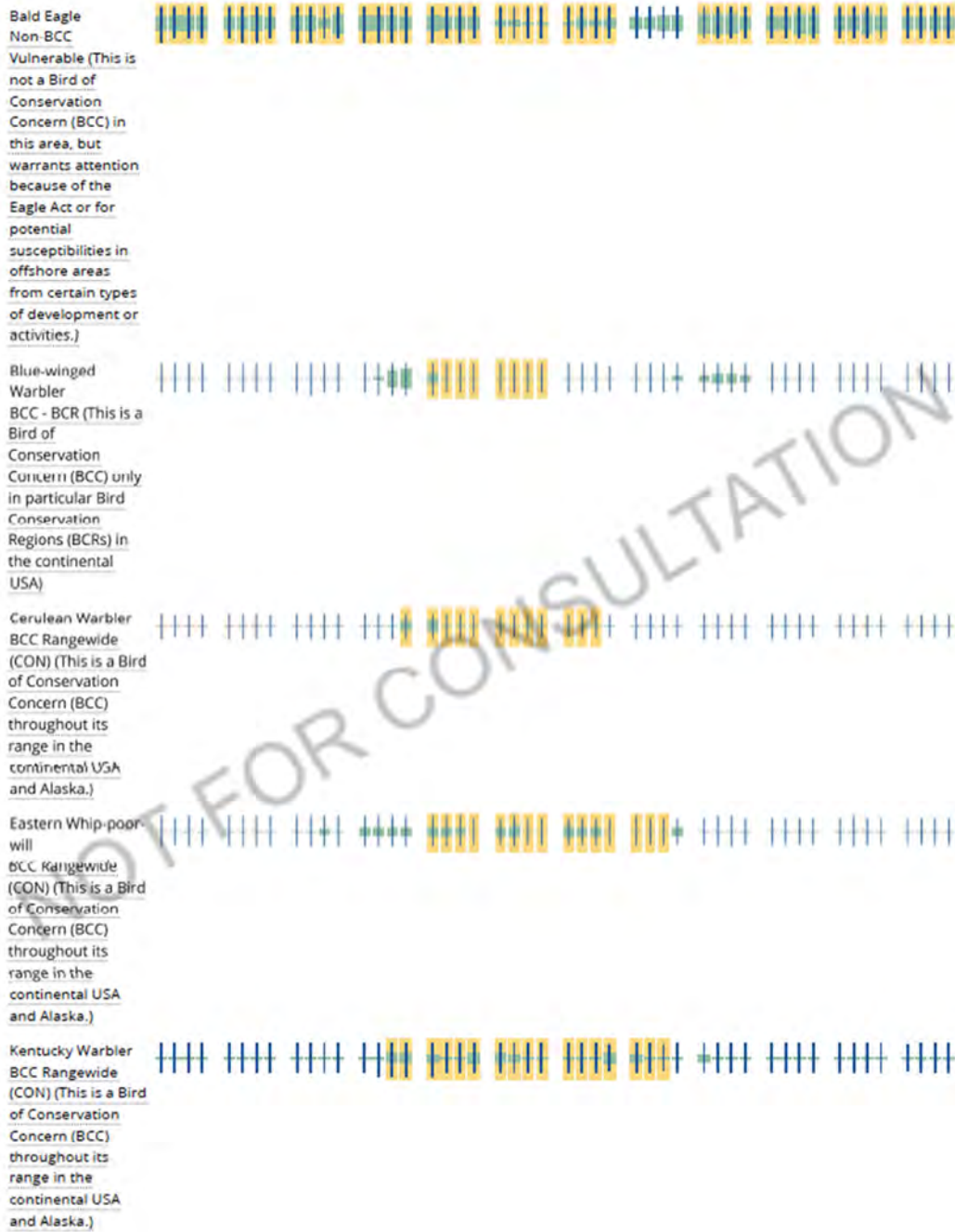
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort — no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC





Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern \(BCC\)](#) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

The area of this project is too large for IPaC to load all NWI wetlands in the area. The list below may be incomplete. Please contact the local U.S. Fish and Wildlife Service office or visit the [NWI map](#) for a full list.

FRESHWATER EMERGENT WETLAND

[PEM1Ch](#)
[PEM1Ah](#)
[PEM1C](#)
[PEM1A](#)
[PEM1E](#)
[PEM1Fh](#)
[PEM1Ad](#)
[PEM1Cx](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)
[PFO1Ch](#)
[PFO1Ah](#)
[PFO1C](#)
[PSS1A](#)
[PFO1/4A](#)
[PFO1Fh](#)
[PFO1/3B](#)
[PSS1E](#)
[PSS1C](#)
[PSS1Fh](#)
[PSS1Ch](#)
[PSS1/3B](#)
[PFO1/4Ah](#)
[PFO1E](#)
[PSS1Ah](#)

[PFO5Hh](#)
[PFO1Ad](#)
[PSS3A](#)
[PFO4/1A](#)
[PSS1/EM2F](#)
[PFO4A](#)
[PSS1Ad](#)
[PSS3/1Ad](#)
[PFO5Gb](#)
[PFO4Ah](#)
[PSS1Cd](#)
[PSS1/3A](#)
[PFO4/1Ah](#)
[PSS1Ax](#)
[PSS1Cx](#)

FRESHWATER POND

[PUB3Hh](#)
[PUBHh](#)
[PABHh](#)
[PUBH](#)
[PUB3Kr](#)
[PUB3Hx](#)
[PAB4Hh](#)
[PUBGh](#)
[PUB3H](#)
[PUB3Fh](#)

LAKE

[L2EM2Fh](#)
[L2EM2Gh](#)
[L1UBHh](#)
[L1UBH](#)
[L1UB3Hh](#)
[L1UBHx](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment 5-2. Consultation with North Carolina Wildlife Resources Commission

From: Garrison, Gabriela

Sent: Friday, May 7, 2021 12:20 PM

To: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>

Subject: RE: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

I have attached comments.

Thanks again for your patience.

Have a great weekend!

Gabriela

Gabriela Garrison

Eastern Piedmont Habitat Conservation Coordinator

NC Wildlife Resources Commission

Sandhills Depot, P.O. Box 149

Hoffman, NC 28347

Office and Cell: 910-409-7350

gabriela.garrison@ncwildlife.org

www.ncwildlife.org



From: [Richardson, Wilhelmina Stephanie](#)
To: [Cox, David R.](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:11:28 AM
Attachments: [20210407 Update Florence DR Counties NCWRC.pdf](#)
[Anson County iPaC.pdf](#)
[Durham County iPaC.pdf](#)
[Lee County iPaC.pdf](#)

Greetings Mr. Cox,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

333-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



☒ NORTH CAROLINA WILDLIFE RESOURCES COMMISSION ☒

Cameron Ingram, Executive Director

MEMORANDUM

TO: W. Stephanie Richardson
NC Office of Recovery and Resiliency

FROM: Gabriela Garrison
Eastern Piedmont Coordinator
Habitat Conservation *Gabriela Garrison*

DATE: May 7, 2021

SUBJECT: Request for Comments for the Tiered Environmental Assessment of Single-family Housing Projects for Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery Program; Anson, Durham, and Lee Counties.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the subject document. Comments are provided in accordance with provisions of the 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 Hurricanes Matthew and Florence recovery efforts in the central portion of the State. Funding will be allocated for single-family, housing-related activities in Anson, Durham, and Lee Counties for those who experienced damage from Hurricanes Matthew and/or Florence. 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 to 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 Hurricanes Matthew and/or Florence. 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.

May 7, 2021

Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery

The primary action requiring potential consultation with NCWRC is Project Activity 4: relocation on previously undisturbed land. Based on the species information in the attached tables (Tables 1-3), 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 consider 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 these projects 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.

May 7, 2021

Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery

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 at-risk, please contact the US Fish & Wildlife Service. If plant species are listed as state-endangered, threatened, or special concern, please contact the NC Department of Agriculture and Consumer Services, Plant Conservation Program.

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

May 7, 2021

Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery

TABLE 2. State-listed Species in Durham County

Terrestrial: timber rattlesnake (*Crotalus horridus*): SC

Terrestrial: bald eagle (*Haliaeetus leucocephalus*): T, Federally protected – Bald and Golden Eagle Protection Act, defer to USFWS

Terrestrial: four-toed salamander (*Hemidactylium scutatum*): SC

Aquatic: triangle floater (*Alasmidonta undulata*): T

Aquatic: Roanoke slabshell (*Elliptio roanokensis*): SC

Aquatic: Atlantic pigtoe (*Fusconaia masoni*): E, Federal at-risk species, defer to USFWS

Aquatic: yellow lampmussel (*Lampsilis cariosa*): E

Aquatic: eastern lampmussel (*Lampsilis radiata*): T

Aquatic: green floater (*Lasmigona subviridis*): E, Federal at-risk species, defer to USFWS

Aquatic: Neuse River waterdog (*Necturus lewisi*): SC, Federal at-risk species, defer to USFWS

Aquatic: creeper (*Strophitus undulatus*): T

Aquatic: notched rainbow (*Villosa constricta*): T



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

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

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Cox:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated to replace affordable housing and for planning activities to increase resiliency efforts at the local level.

Mailing Address:
Post Office Box
110465
Durham, NC 27709



Telephone:
984.833.5350
www.ncdps.gov
www.rebuildnc.gov

The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by NCORR, so that you may review and provide feedback on the proposed process.

Specifically, the proposed project actions include:

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

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

Amphibians

Adverse impacts to the Neuse River Waterdog, found in Durham County, are not anticipated because this species inhabits aquatic habitats. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

Birds

The Bald Eagle is of concern State-wide. Bald Eagles nest in super dominant canopy trees (i.e. trees that are much taller than surrounding trees). If project activities would involve removal of a large Pine or Cypress tree near a creek or lake, there is potential for Bald Eagle nests to be impacted. For these projects, NC Natural Heritage Program (NCNHP) Data Explorer will be accessed to determine the presence of Bald Eagle nests. Additionally, visual inspection of super dominant canopy trees being removed will occur. If there is evidence of a large bird nest, site specific consultation would be required.

Presence of the Red-cockaded Woodpecker is indicated in all three counties. If project activities in these counties involve removal of a 10-inch diameter at breast height (DBH) Pine tree, further review is required. Using the NCNHP Data Explorer, reviewers would determine whether there are Red-cockaded Woodpecker cavities within 200 feet of the project site. Visual inspection surrounding the project site would also occur. If there is evidence of a nest, site specific consultation would be required.

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Flowering Plants

Adverse impacts to flowering plants including Canby's Dropwort, Harperella, Michaux's Sumac, Rough-leaved Loosestrife, Schweinitz's Sunflower, and Smooth Coneflower are not expected for project types 1, 2, 3, and 7 listed above, since the disturbed footprint of the single-family home will not be substantially changed. For all other projects, site-specific screening for these species would be required, and if identified, consultation would occur.

Freshwater Fish and Clams

These species are found in aquatic habitats. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

Mammals

The Northern Long-eared Bat is threatened due to impacts of white-nose syndrome. Species survival depends on protecting locations where the bat hibernates and roosts, especially during pup season. IPaC documentation indicates the presence of Northern Long-eared Bats within Anson county. Projects which involve tree removal, or activities which occur outside of a pre-disturbed area (disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, pasture lands or locations where structures stand or stood prior to Hurricanes Matthew and Florence) would require screening to determine whether they fall within one mile of previously identified populations of Northern Long-eared Bats. Projects which fall in these areas would require site-specific consultation.

Reptiles

Adverse impacts to the American Alligator, found in Lee County, are not anticipated because this species inhabits canals and stormwater ditches and adapts to disturbed areas. We do not anticipate work to occur in canals or stormwater ditches. If this occurs, site-specific consultation would be required.

Critical Habitats

Critical habitats are listed in Durham and Lee counties. Proposed project activities would not occur in these habitats, as they are confined to aquatic areas. We do not anticipate in-water work to occur. If proposed projects include in-water activities, site-specific consultation would be required. For projects which are adjacent to aquatic habitats, project conditions would include a requirement that appropriate erosion and sedimentation control measures be implemented and maintained during construction.

Although it is not expected that the proposed project would adversely affect rivers, or other bodies of water, the Pee Dee River does intersect Anson County. This river is listed as a segment on the National Park Service Nationwide Rivers Inventory (NRI) and is an important habitat for several fish species in North Carolina. No project activities would occur directly within the Pee Dee River. Further, projects which are adjacent to an NRI segment would refrain from unnecessary clearing of native riparian vegetation such that local scenery remains intact. Sediment control measures would be implemented to avoid construction derived runoff including, but not limited to the use of straw bales and silt fences.

We appreciate your feedback or concurrence with the proposed approach as outlined above. Please let us know if additional measures are recommended or if permits would be required for the proposed activities. NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If

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you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

Enclosures: IPaC Resource Lists for Anson, Durham, and Lee Counties

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IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

North Carolina



Local office

Raleigh Ecological Services Field Office

☎ (919) 856-4520

📠 (919) 856-4556

MAILING ADDRESS

Post Office Box 33726

Raleigh, NC 27636-3726

PHYSICAL ADDRESS

551 Pylon Drive, Suite F

Raleigh, NC 27606-1487

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Red-cockaded Woodpecker <i>Picoides borealis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7614	Endangered

Amphibians

NAME	STATUS
Neuse River Waterdog <i>Necturus lewisi</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/6772	Proposed Threatened

Fishes

NAME	STATUS
Carolina Madtom <i>Noturus furiosus</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/528	Proposed Endangered

Clams

NAME	STATUS
Atlantic Pigtoe <i>Fusconaia masoni</i> Wherever found There is proposed critical habitat for this species. Your location overlaps the critical habitat. https://ecos.fws.gov/ecp/species/5164	Proposed Threatened
Dwarf Wedgemussel <i>Alasmodonta heterodon</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/784	Endangered

Flowering Plants

NAME	STATUS
Harperella <i>Ptilimnium nodosum</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/3739	Endangered

Michaux's Sumac *Rhus michauxii* Endangered
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/5217>

Smooth Coneflower *Echinacea laevigata* Endangered
 Wherever found
 No critical habitat has been designated for this species.
<https://ecos.fws.gov/ecp/species/3473>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

This location overlaps the critical habitat for the following species:

NAME	TYPE
Atlantic Pigtoe <i>Fusconaia masoni</i> https://ecos.fws.gov/ecp/species/5164#crithab	Proposed
Carolina Madtom <i>Noturus furiosus</i> https://ecos.fws.gov/ecp/species/528#crithab	Proposed
Neuse River Waterdog <i>Necturus lewisi</i> https://ecos.fws.gov/ecp/species/6772#crithab	Proposed

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>

- Measures for avoiding and minimizing impacts to birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds
<http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Jul 31
Blue-winged Warbler <i>Vermivora pinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds May 1 to Jun 30

<p>Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974</p>	Breeds Apr 28 to Jul 20
<p>Eastern Whip-poor-will <i>Antrostomus vociferus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 20
<p>Kentucky Warbler <i>Oporornis formosus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 20 to Aug 20
<p>Prairie Warbler <i>Dendroica discolor</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Jul 31
<p>Prothonotary Warbler <i>Protonotaria citrea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 1 to Jul 31
<p>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Sep 10
<p>Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Wood Thrush <i>Hyllocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 10 to Aug 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

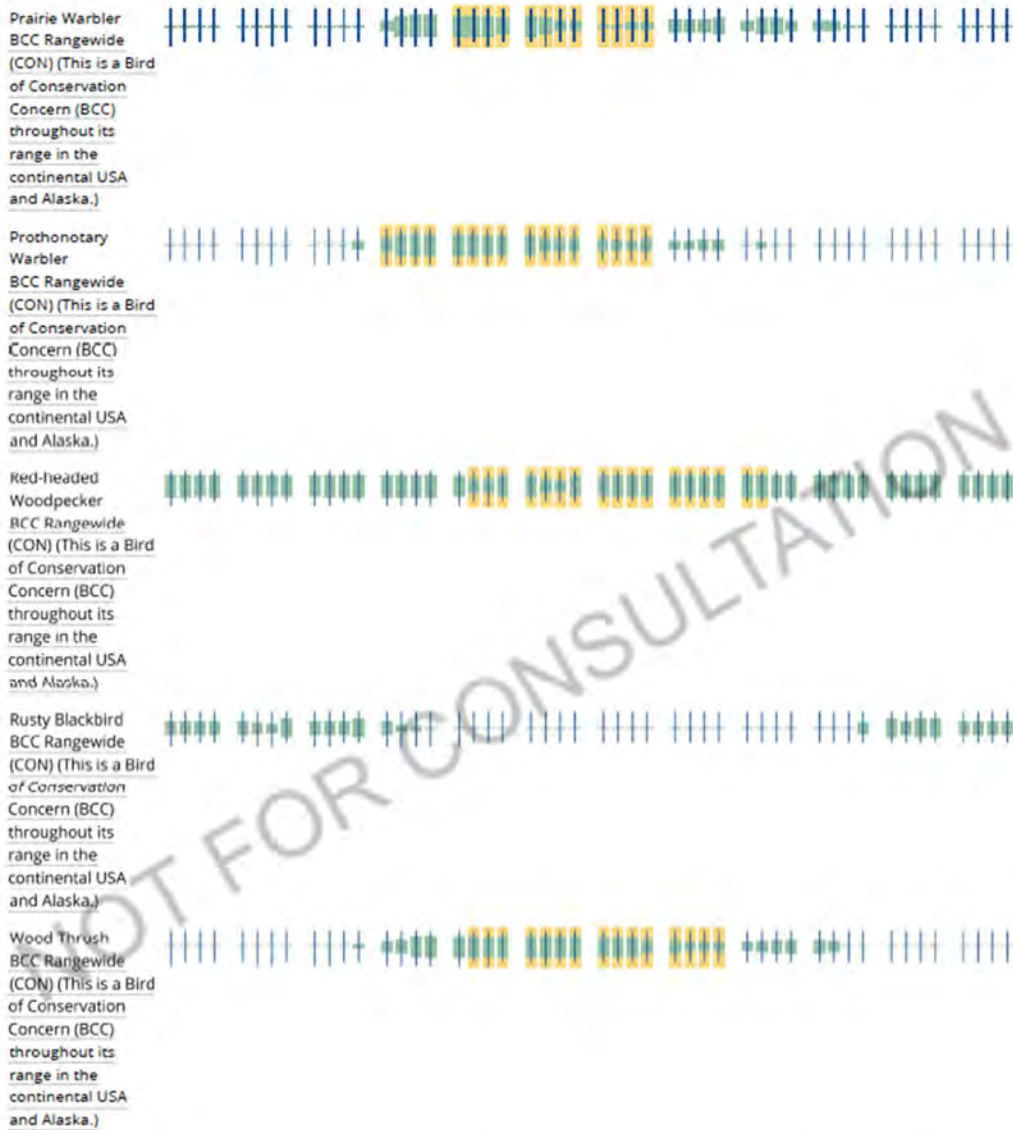
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC

<p>Bald Eagle Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)</p>	
<p>Blue-winged Warbler BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)</p>	
<p>Cerulean Warbler BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Eastern Whip-poor-will BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	
<p>Kentucky Warbler BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)</p>	



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

The area of this project is too large for IPaC to load all NWI wetlands in the area. The list below may be incomplete. Please contact the local U.S. Fish and Wildlife Service office or visit the [NWI map](#) for a full list.

FRESHWATER EMERGENT WETLAND

[PEM1Ch](#)
[PEM1Ah](#)
[PEM1C](#)
[PEM1A](#)
[PEM1F](#)
[PEM1Fh](#)
[PEM1Ad](#)
[PEM1Cx](#)

FRESHWATER FORESTED/SHRUB WETLAND

[PFO1A](#)
[PFO1Ch](#)
[PFO1Ah](#)
[PFO1C](#)
[PSS1A](#)
[PFO1/4A](#)
[PFO1Fh](#)
[PFO1/3B](#)
[PSS1F](#)
[PSS1C](#)
[PSS1Fh](#)
[PSS1Ch](#)
[PSS1/3B](#)
[PFO1/4Ah](#)
[PFO1F](#)
[PSS1Ah](#)

[PFO5Hh](#)
[PFO1Ad](#)
[PSS3A](#)
[PFO4/1A](#)
[PSS1/EM2E](#)
[PFO4A](#)
[PSS1Ad](#)
[PSS3/1Ad](#)
[PFO5Gb](#)
[PFO4Ah](#)
[PSS1Cd](#)
[PSS1/3A](#)
[PFO4/1Ah](#)
[PSS1Ax](#)
[PSS1Cx](#)

FRESHWATER POND

[PUB3Hh](#)
[PUBHh](#)
[PABHh](#)
[PUBH](#)
[PUB3Kr](#)
[PUB3Hx](#)
[PAB4Hh](#)
[PUBGh](#)
[PUB3H](#)
[PUB3Fh](#)

LAKE

[L2EM2Fh](#)
[L2EM2Gh](#)
[L1UBHh](#)
[L1UBH](#)
[L1UB3Hh](#)
[L1UBHX](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

**Exhibit 6
Wild and Scenic Rivers**

Attachment 6-1. Consultation with National Park Service

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

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

Table 6-1. Wild and Scenic Rivers, Durham County, North Carolina

Attachment 6-1. Consultation with the National Park Service

From: [Richardson, Wilhelmina Stephanie](#)
To: jeff_duncan@nps.gov
Cc: [Jani, Moneka](#)
Subject: Continuation of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:12:31 AM
Attachments: [20210407 Update Florence DR Counties NPS.pdf](#)

Greetings Mr. Duncan,

Please see the attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

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

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Duncan:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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www.rebuildnc.gov

The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks input from the National Park Service (NPS) on the need for individual designated river consultation concerning the following types of single-family housing unit projects:

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

No Federal or State listed Wild and Scenic Rivers are present in Anson, Durham, or Lee counties. However, these counties contain several rivers which are listed on the National Park Service Nationwide Rivers Inventory (NRI). It is our understanding that activities which do not disturb the bed or bank of a designated river would not require review by the National Park Service (NPS). The proposed project types listed above will not involve water resource projects or any work on or directly affecting any river on the NRI, nor are they expected to result in significant adverse impacts to the values for which the listed rivers were designated. It is unlikely that the proposed project types would disturb the bed or banks of a river on the NRI. Therefore, we do not believe that NPS consultation is required for the proposed projects in these counties.

Avoidance of unnecessary clearing of native riparian vegetation such that the local scenery remains intact, and implementation of erosion / sedimentation control measures where construction-derived runoff has the potential to enter the waterway, also known as Best Management Practices (BMPs), will be established as conditions for approval for project activities which are adjacent to a river listed on the NRI. Sediment control measures may include, but are not limited to, the use of straw bales and silt fences. If NPS recommends additional mitigation measures, please let us know.

We appreciate your feedback or concurrence with the proposed approach as outlined above. NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

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Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

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

From: [Richardson, Wilhelmina Stephanie](#)
To: [Gears, Christine E](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 3:31:28 PM
Attachments: [20210407 Update Florence DR Counties DPR.pdf](#)

Greetings Ms. Gears,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Christine Gears
Environmental Review Coordinator
North Carolina Division of Parks and Recreation
1615 Mail Service Center
Raleigh, NC 27699-1615

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery Program
Community Development Block Grant - Mitigation

Dear Ms. Gears:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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An Equal Opportunity

The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks input from the North Carolina Division of Parks and Recreation (NC State Parks) on the need for individual consultation concerning the following types of single-family housing unit projects:

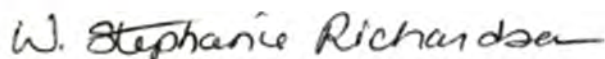
Specifically, the proposed project actions include:

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

Since there are no State Natural and Scenic Rivers in Anson, Durham, or Lee counties, we do not believe that NC State Parks coordination or consultation will be required for the site-specific environmental reviews for project locations in these counties. If you agree, please provide your concurrence with this conclusion. If you envision situations that might warrant NC State Parks consultation (or coordination), please identify specific conditions that would trigger the need for such consultation.

NCORR is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew and Florence in Anson, Durham, and Lee counties as quickly as possible. Due to the urgency of this matter we ask that you please respond no later than 30 days from receipt of this letter.

Sincerely,



W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

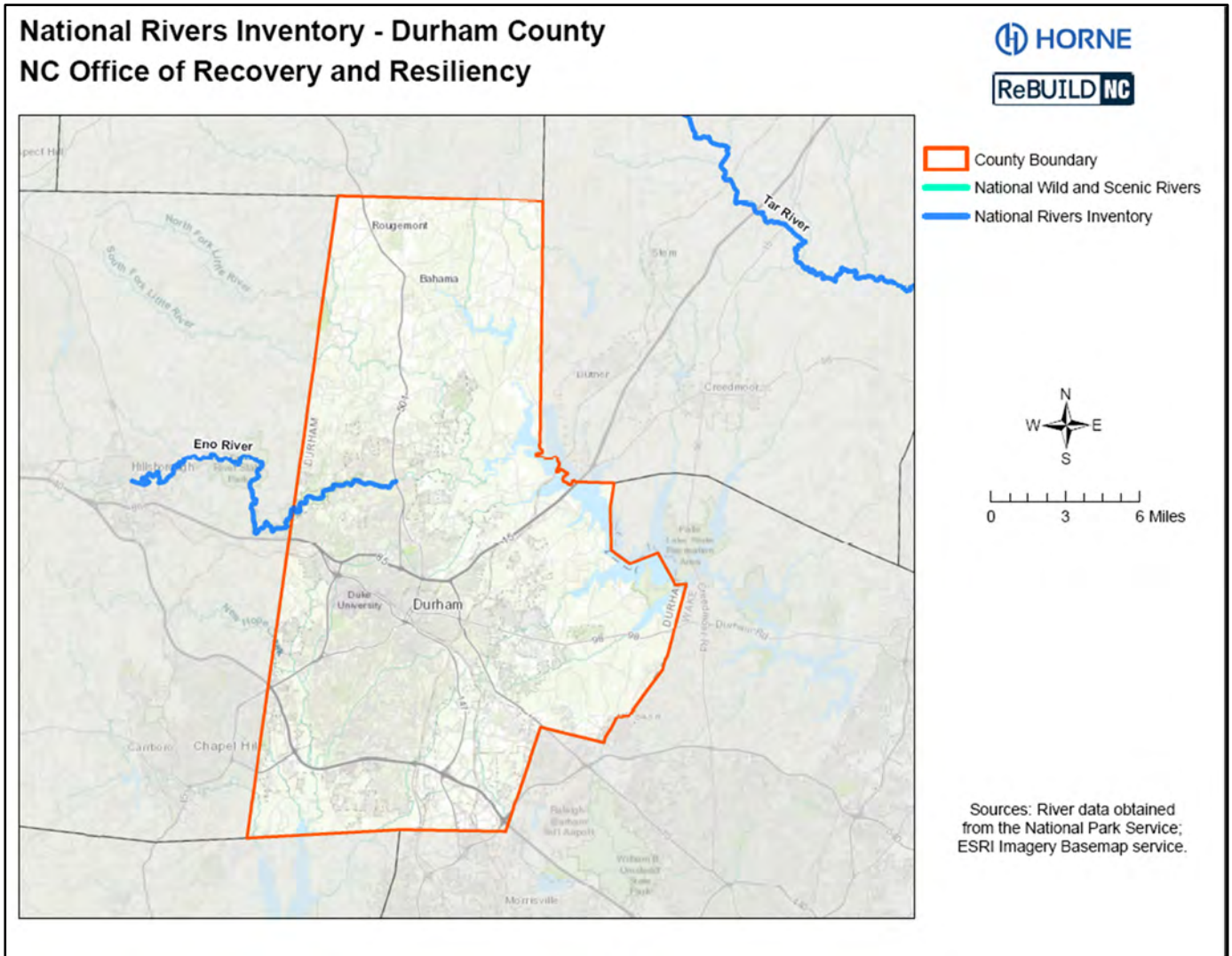
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An Equal Opportunity

Figure 6-1
Wild and Scenic Rivers / Nationwide Rivers Inventory – Durham County



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

Table 6-1
Description of Wild and Scenic Rivers, Durham County

River	Reach
Federal Wild and Scenic River	
NA	NA
North Carolina Natural and Scenic River	
NA	NA
Nationwide Rivers Inventory	
Eno River	Churton Street in Hillsborough to Roxboro Road (US 501)

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

**Exhibit 7
Air Quality**

Attachment 7-1. Correspondence with N.C. Department of Environmental Quality

Figure 7-1. Triangle and Rocky Mount 1997 8-Hour Ozone Maintenance Areas

Figure 7-2. Radon Concentration Map – North Carolina

Attachment 7-1. Consultation with N.C. Department of Environmental Quality

From: [Bollman, Andrew D](#)
To: [Richardson, Wilhelmina Stephanie](#)
Cc: [Manning, Tammy](#); [Abraczinskas, Michael](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding
Date: Thursday, April 8, 2021 9:45:11 AM

Good Morning Ms. Richardson,

I am responding to your consultation request, which was forwarded to me by Mike Abraczinskas. Because Durham County is a maintenance area for the 1997 ozone National Ambient Air Quality Standards (NAAQS), the NC Division of Air Quality (DAQ) will need to have an emissions analysis developed for the construction projects in that county. The purpose of this analysis is to determine whether the construction-related emissions from these projects will comply with Federal General Conformity requirements. To facilitate the quickest possible Conformity determination, we suggest that DAQ perform a screening-type emissions estimation approach. This approach estimates emissions based on the total annual dollars of construction for the Durham County projects, and requires that the DAQ be provided with the dollars of construction activity in the County for each project year (see the table below for the information that we need in order for DAQ to estimate the emissions for these projects).

Durham County Construction Costs by Year (million \$)

2022	2023	2024
\$12.9	\$14.4	\$13.2

It is our hope that the results of this approach will result in our determination of Conformity. It may be necessary for a more robust emissions estimation approach be implemented if the screening analysis suggests relatively high emissions.

Please let me know if you have any follow-up questions.

Thanks,
Andy



Andy Bollman
Environmental Program Consultant, Division of Air Quality
North Carolina Department of Environmental Quality
919.707.8499 (Office)
919.797.6312 (Mobile)
Andrew.Bollman@ncdenr.gov

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

From: [Richardson, Wilhelmina Stephanie](#)
To: [Abraczinskas, Michael](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:40:43 AM
Attachments: [20210407 Update Florence DR Counties NCDAQ.pdf](#)

Greetings Mr. Abraczinskas,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

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North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Michael Abraczinskas
Director
Division of Air Quality
North Carolina Department of Environmental Quality
1641 Mail Service Center
Raleigh, NC 27699-1641

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Abraczinskas:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks to provide the NCDEQ Division of Air Quality with notice of the program and to obtain written confirmation that the proposed activities will be in compliance with Federal and North Carolina air quality standards for the following types of single-family housing unit projects:

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

NCORR anticipates that the actions of the program will conform to the State Implementation Plan because they are not anticipated to:

1. Cause or contribute to a new violation of any existing standard in any area;
2. Increase the frequency or severity of any existing violation of any standard in any area; or
3. Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area.

Mitigation measures such as dust suppression, covering haul loads, washing vehicles, street sweeping, vehicle idling reduction, and spill mitigation measures, among others, are examples of best management practices that may be implemented during program activities. NCORR anticipates a Finding of No Significant Impact (FONSI) for these actions.

NCORR would also appreciate any suggestions on how our environmental review could be conducted in the most efficient manner consistent with protection of the environment. For example, please identify any other standard practices that would help avoid triggering the need for additional review by the Division of Air Quality.

NCORR is requesting a comprehensive response letter addressing all seven project types for all three counties to document completion of coordination with the Division of Air Quality and compliance with Federal and State air quality standards.

NCORR is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew and Florence in Anson, Durham, and Lee counties as quickly as possible. Due to the urgency of this matter we ask that you please respond no later than 30 days from receipt

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www.ncdps.gov
www.rebuildnc.gov

of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

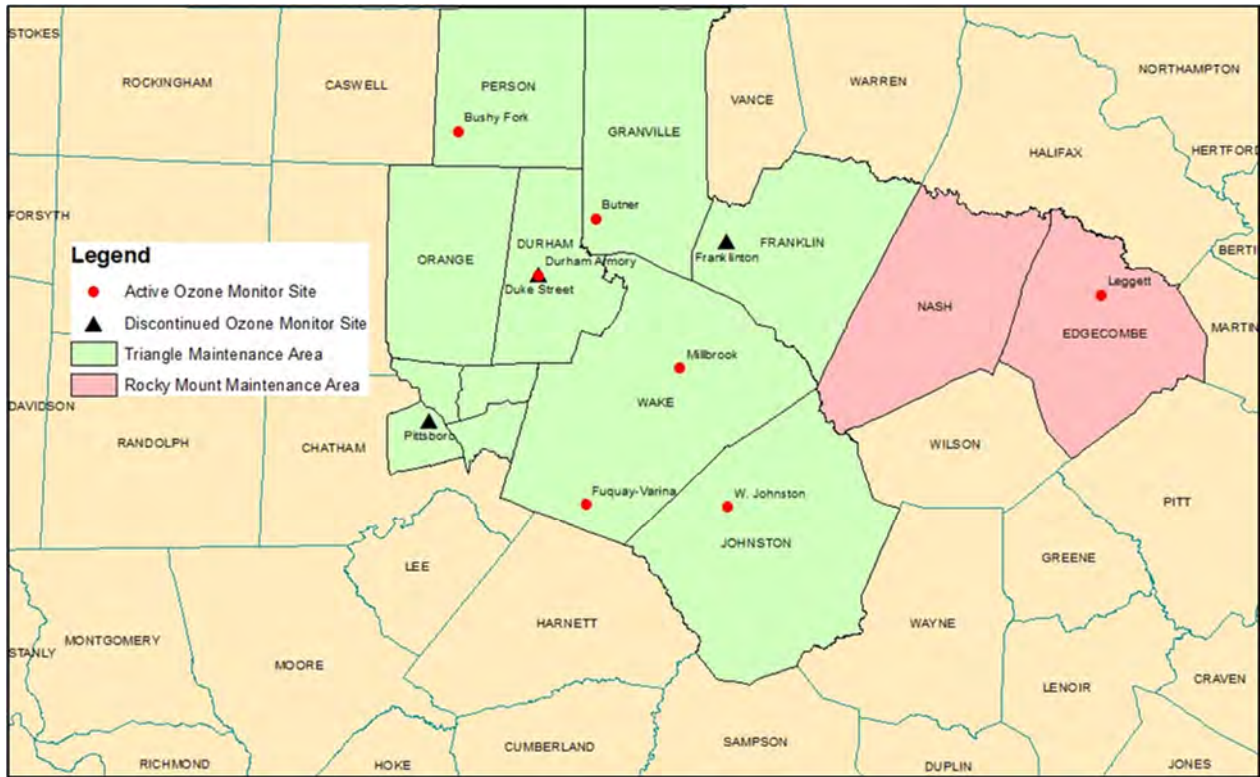
W. Stephanie Richardson
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Environmental Manager
PO Box 110465
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984-232-1958

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Durham, NC 27709



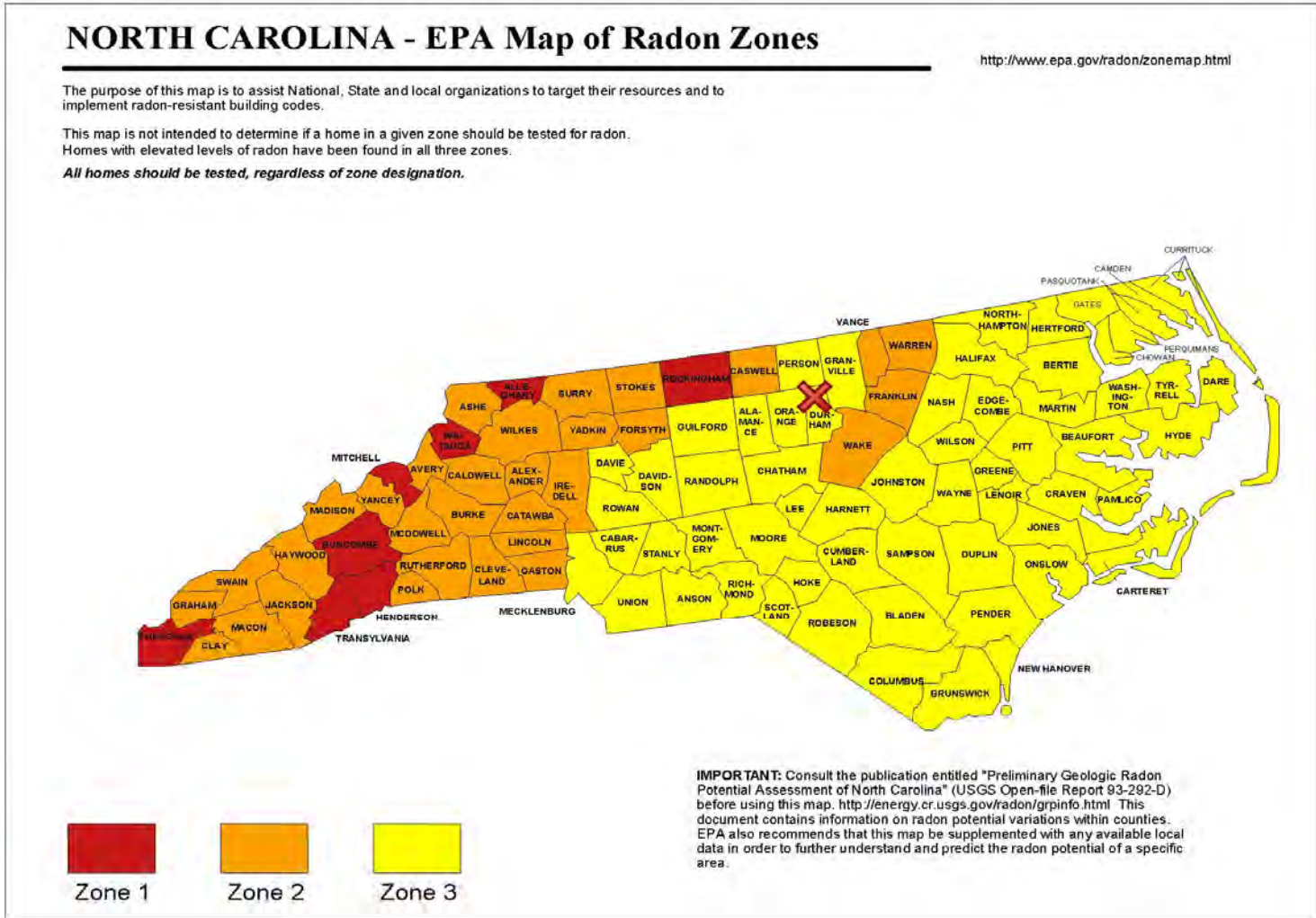
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www.rebuildnc.gov

Figure 7-1
Triangle and Rocky Mount 1997 8-Hour Ozone Maintenance Areas



Source: US Environmental Protection Agency, National Ambient Air Quality Standards
[Air Quality Greenbook](#)

Figure 7-2
Radon Concentration Map – North Carolina



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

Exhibit 8
Farmlands

From: [Richardson, Wilhelmina Stephanie](#)
To: timothy.beard@nc.usda.gov
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:52:21 AM
Attachments: [20210407 Update Florence DR Counties NRCS.pdf](#)

Greetings Mr. Beard,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov

Attachment 8-1. Consultation with USDA Natural Resources Conservation Service



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Timothy Beard
State Conservationist
USDA Natural Resources Conservation Service
4407 Bland Rd, Suite 117
Raleigh, NC 27609

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery Program
Community Development Block Grant - Mitigation

Dear Mr. Beard:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

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To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCCORR seeks input from the Natural Resources Conservation Service (NRCS) on documenting program-wide, county-by-county, or individual project site compliance with the Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.). The program would include the following types of single-family housing using projects:

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

Please let us know which of these types of projects may require site-by-site consultation with NRCS and which would not. For example, for project types 1, 2, 3, and 7 listed above, the individual project sites in the program would be within the footprint of the existing residence and would not convert farmland to nonagricultural purposes. The majority of the sites for project types 4, 5, and 6 would be less than 3 acres in size. Those projects greater than 3 acres in size would be evaluated for the presence of soil types that are considered Prime Farmland and Farmland of Statewide Importance.

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

NCCORR is dedicated to providing disaster assistance to people in need of single-family housing as a result of the impacts of Hurricane Matthew and Florence in Anson, Durham, and Lee counties as quickly as possible. Due to the urgency of this matter we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
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984-232-1958

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Exhibit 9
Environmental Justice

Attachment 9-1. Demographic Information for Durham County

Consultation for Tier I with agencies not deemed necessary.

Attachment 9-1
Demographic Information for Durham County

Sources: US Census Bureau 2010 Survey, Durham County
US Census Bureau 2015-2019 American Community Survey

Population:

The population of Durham County is 321,488.

Population Change (2010 to 2019):

The population increased by 19.1 %. In comparison, North Carolina increased by 10%.

Age:

The median age is 35, below the median age of North Carolina median of 42.

Race and Ethnicity:

Location	White	Black or African American	American Indian and Alaska Native	Other Races
Durham County	54%	36.9%	0.9%	19.3%
North Carolina	70.6%	22.2%	1.6%	13.1%

Poverty:

In Durham County, 14% of the population is below the poverty level compared to 13.6% in the population of North Carolina.

Low and Moderate-Income Individuals

In Durham County, based upon HUD's definition, 49% of the population is classified as low and moderate-income individuals compared to 39% of the population of North Carolina.

Median Household Income

The median household income of the population of Durham County is \$60,958 compared to the median income of \$54,602 for North Carolina.

Exhibit 10
Noise Control and Abatement

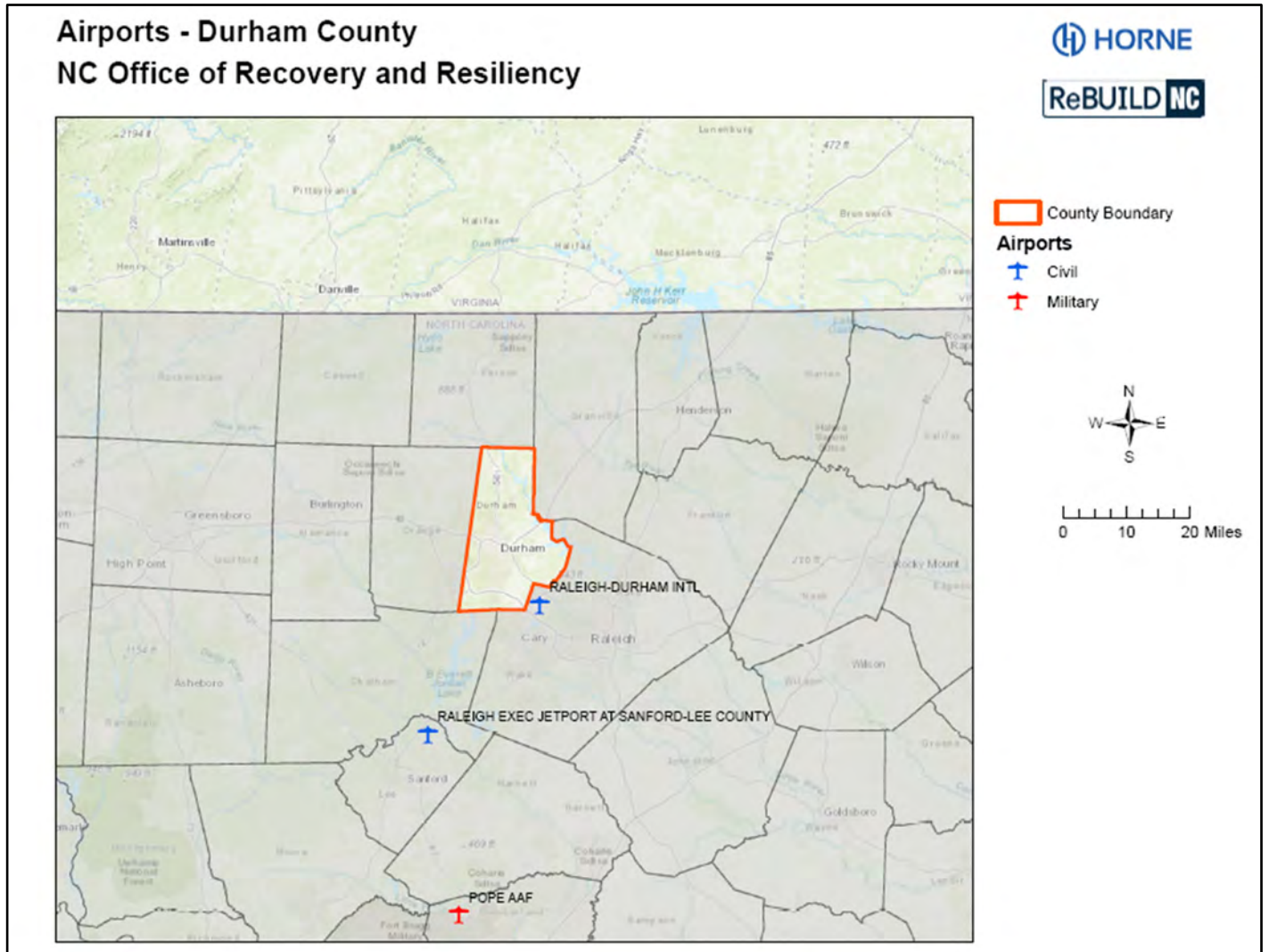
As per <https://www.hudexchange.info/faqs/1523/do-hud-regulations-require-a-noise-analysis-for-reconstruction/>, noise control and abatement does not have to be addressed in rehab / reconstruction / reimbursement.

Exhibit 11
Siting of HUD-Assisted Projects near Hazardous Operations

As per <https://www.govinfo.gov/content/pkg/FR-2013-03-05/pdf/2013-05170.pdf> 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 Part 51C where the number of dwelling units is not increased, and the activities are limited to the general area of the pre-existing footprint.

Exhibit 12 Airport Hazards

Figure 12-1. Distance to Nearest Runway Clear Zones for Civilian Airports



Source: https://www.faa.gov/airports/planning_capacity/npias/current/media/NPIAS-2021-2025-Appendix-B.pdf

Exhibit 13
Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive
Substances

A review of all sites in the various databases from EPA, such as NEPAssist, and state databases will be required as part of each Tier II ERR determination. Depending upon the findings, coordination may be required with the US EPA, Region IV and the North Carolina Department of Environmental Quality. Any correspondence and / or documentation regarding those findings will be included in the Tier II ERR.

Attachment 13-1. Consultation with U.S. Environmental Protection Agency

Attachment 13-2. Consultation with NCDEQ Division of Waste Management

Attachment 13-1. Consultation with U.S Environmental Protection Agency

From: [Richardson, Wilhelmina Stephanie](#)
To: [Christopher Posey](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 10:44:31 AM
Attachments: [20210407 Update Florence DR Counties EPA.pdf](#)

Greetings Mr. Militscher,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 07, 2021

Christopher Militscher, Chief NEPA Program Officer
US Environmental Protection Agency Region IV
NEPA Program Office
61 Forsyth Street, Mail Code 9T25
Atlanta, GA 30303

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Militscher:

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR seeks input from the U.S. Environmental Protection Agency, Region 4 (USEPA) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects.

Specifically, the proposed project actions include:

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

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

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

- North Carolina Department of Environmental Quality (NCDEQ) facility data – Includes Brownfields sites, Hazardous Waste sites, Hazardous Spill and Disposal sites, Landfills, Dry Cleaners, Federal Remediation Sites (NPL), Manufactured Gas Plants, Active UST sites, RUST incidents, and AST incidents.
- NCDEQ Division of Waste Management online document management (Laserfiche) system – This is NCDEQ's database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information.
- US Environmental Protection Agency (USEPA) facility data – Includes Superfund sites, Hazardous Waste sites, Toxic Substances Control Act (TSCA) sites, and Brownfields sites.

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

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

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

NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
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984-232-1958

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Attachment 13-2. Consultation with NCDEQ Division of Waste Management

From: Watkins, Jason
Sent: Wednesday, April 21, 2021 4:16 PM
To: Richardson, Wilhelmina Stephanie <stephanie.richardson@ncdps.gov>
Cc: Scott, Michael <michael.scott@ncdenr.gov>
Subject: RE: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

Stephanie,

Thanks again for the additional clarification on formatting and detail for this request. Attached is the Division of Waste Management's response.

Please let us know if you need anything else.

Jason



Jason M. Watkins, CPM
Field Operations Branch Head
Division of Waste Management – Solid Waste Section
North Carolina Department of Environmental Quality
336.776.9674 (Office)
919.208.0765 (Mobile)

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

From: Scott, Michael <michael.scott@ncdenr.gov>

Sent: Wednesday, April 7, 2021 2:19 PM

To: Woosley, Julie <julie.woosley@ncdenr.gov>; Burch, Brent <brent.burch@ncdenr.gov>; Mussler, Ed <ed.mussler@ncdenr.gov>; Watkins, Jason <jason.watkins@ncdenr.gov>; Bateson, James <james.bateson@ncdenr.gov>

Cc: Lorscheider, Ellen <ellen.lorscheider@ncdenr.gov>

Subject: FW: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

All,

Please share your thoughts on our response to this letter.

Thanks

Michael

Sent from [Mail](#) for Windows 10

From: [Richardson, Wilhelmina Stephanie](#)

Sent: Wednesday, April 7, 2021 11:25 AM

To: [Scott, Michael](#)

Cc: [Jani, Moneka](#)

Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation

Greetings Mr. Scott,

Please see attached consultation request.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov

ROY COOPER

Governor

DIONNE DELLI-GATTI

Secretary

MICHAEL SCOTT

Director



NORTH CAROLINA
Environmental Quality

April 21, 2021

Sent via email: stephanie.richardson@ncdps.gov

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster
Recovery Program
Community Development Block Grant – Mitigation

Ms. Richardson,

The Division of Waste Management (Division) has completed our review of the environmental assessment letter dated April 7, 2021 for the Community Development Block Grants -Disaster Recovery (CDBG-DR) and Mitigation (CDBG-MIT) projects as part of NCORR's on-going recovery efforts from Hurricanes Matthew and Florence, and offers the following comments:

1. In instances where site investigations involve the identification of or handling of asbestos or lead based paint waste, those efforts should be coordinated through the Department of Health and Human Services, Division of Public Health, Epidemiology Section's [Health Hazards Control Unit](#).
2. During the project, every feasible effort should be made to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of these projects where suitable. Any waste generated by these projects that cannot be beneficially reused or recycled must be disposed of at a Division approved waste management facility approved to manage the respective waste type. The Division strongly recommends that any contractors are required to provide proof of proper disposal for all waste generated as part of the project.
3. If the amount of non-household hazardous waste (HHW) generated from construction, operation, maintenance, etc., is greater than or equal to 220-pounds in a calendar month, or greater than 2.2 pounds of acute hazardous waste in a calendar month, contractors will need to contact the Division's [Hazardous Waste Section](#). Generating non-HHW in excess of these amounts, in a calendar month, requires the generator to obtain a site EPA Identification Number and comply with all applicable hazardous waste management regulations.



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200

4. The Division encourages the use of its [Site Locator Tool](#), which provides easy access to currently available information about the sites that DWM manages, permits, and inventories, including links to the electronic files available for the respective sites.

While not required, the Division appreciates the opportunity to provide feedback on the proposed projects to help ensure the proper management of waste. Please feel free to reach out to me directly at (336) 776-9674 or jason.watkins@ncdenr.gov.

Sincerely,

Jason M. Watkins
Solid Waste Section
Division of Waste Management

Copies: Michael Scott, Division Director



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Michael Scott
Director, Division of Waste Management
North Carolina Department of Environmental Quality
1646 Mail Service Center
Raleigh, NC 27699-1646

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Mr. Scott

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

Additionally, HUD has allocated Community Development Block Grant – Mitigation (CDBG-MIT) funding to the State of North Carolina. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

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The North Carolina Office of Recovery and Resiliency (NCORR) is facilitating the federally required environmental reviews for the Rebuild NC programs in Anson, Durham and Lee Counties in accordance with 24 CFR Part 58. As specified in the State of North Carolina Hurricane Florence CDBG-DR Action Plan, the best available data suggest that at least 47 homes within these counties sustained damage and may seek funding through this program.

To expedite environmental assessments while complying with Part 58 and other applicable laws and regulations, NCORR, seeks input from the NCDEQ Division of Waste Management (DWM) on the need for individual contamination and toxic substances consultation concerning the following types of single-family housing unit projects:

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

These activities are likely to temporarily increase disposal of materials in the aforementioned counties to NCDEQ facilities, including, but not limited to construction and demolition debris, waste, and hazardous materials (asbestos, lead-based paint, pesticides / herbicides and white goods).

Site-specific contamination and toxic substances reviews will be conducted for all project activities listed above. The following data will be reviewed to conduct site-specific desktop reviews for contaminated and toxic sites on or within 3,000 feet of the project location as specified in 24 CFR 58.5(i):

- North Carolina Department of Environmental Quality (NCDEQ) facility data – Includes Brownfields sites, Hazardous Waste sites, Hazardous Spill and Disposal sites, Landfills, Dry Cleaners, Federal Remediation Sites (NPL), Manufactured Gas Plants, Active UST sites, RUST incidents, and AST incidents.
- NCDEQ Division of Waste Management online document management (Laserfiche) system – This is NCDEQ's database of technical documentation regarding contaminated sites that may be accessed to obtain more detailed information.
- US Environmental Protection Agency (USEPA) facility data – Includes Superfund sites, Hazardous Waste sites, Toxic Substances Control Act (TSCA) sites, and Brownfields sites.

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

Data obtained from these public databases will be used by a qualified environmental professional to evaluate the potential for the suspected or known contaminated site to be located on or to have adversely

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impacted the project site, where the specified hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.

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

NCORR is dedicated to providing disaster assistance to people in need as quickly as possible. Due to the urgency of this matter, we ask that you please respond no later than 30 days from receipt of this letter. If you have any questions, please contact me at stephanie.richardson@ncdps.gov or by phone at 984-232-1958. Thank you very much for your assistance with this request. We look forward to your response.

Sincerely,

W. Stephanie Richardson

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
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984-232-1958

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Durham, NC 27709

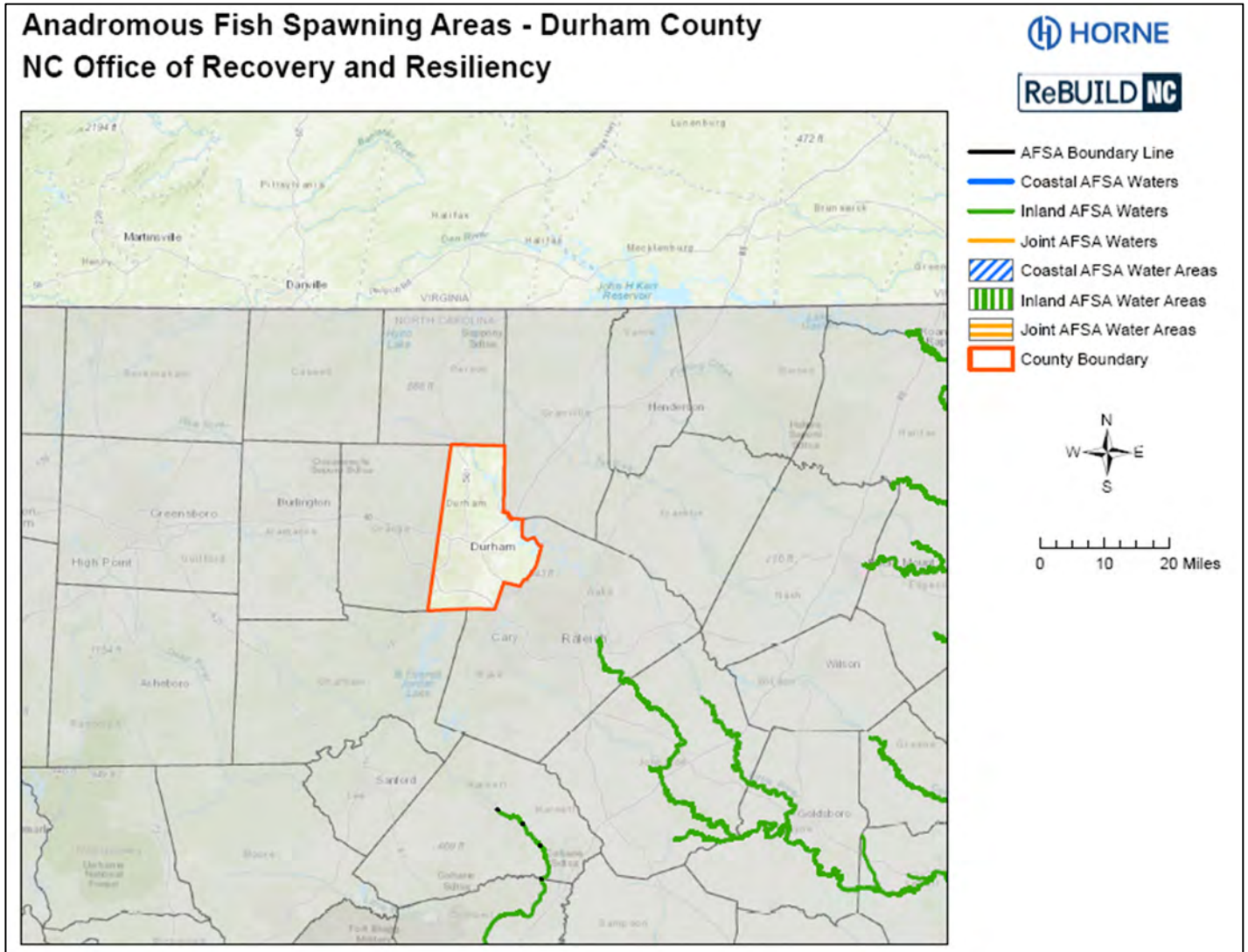


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Exhibit 14
Magnuson-Stevens Fishery Conservation and Management Act

Figure 14-1. Anadromous Fish Spawning Areas in North Carolina

Figure 14-1
Anadromous Fish Spawning Areas



Source: North Carolina Marine Fisheries Commission

Exhibit 15
Coastal Barrier Resources Act

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

Figure 15-2. North Carolina Coastal Barrier Resources Program Area

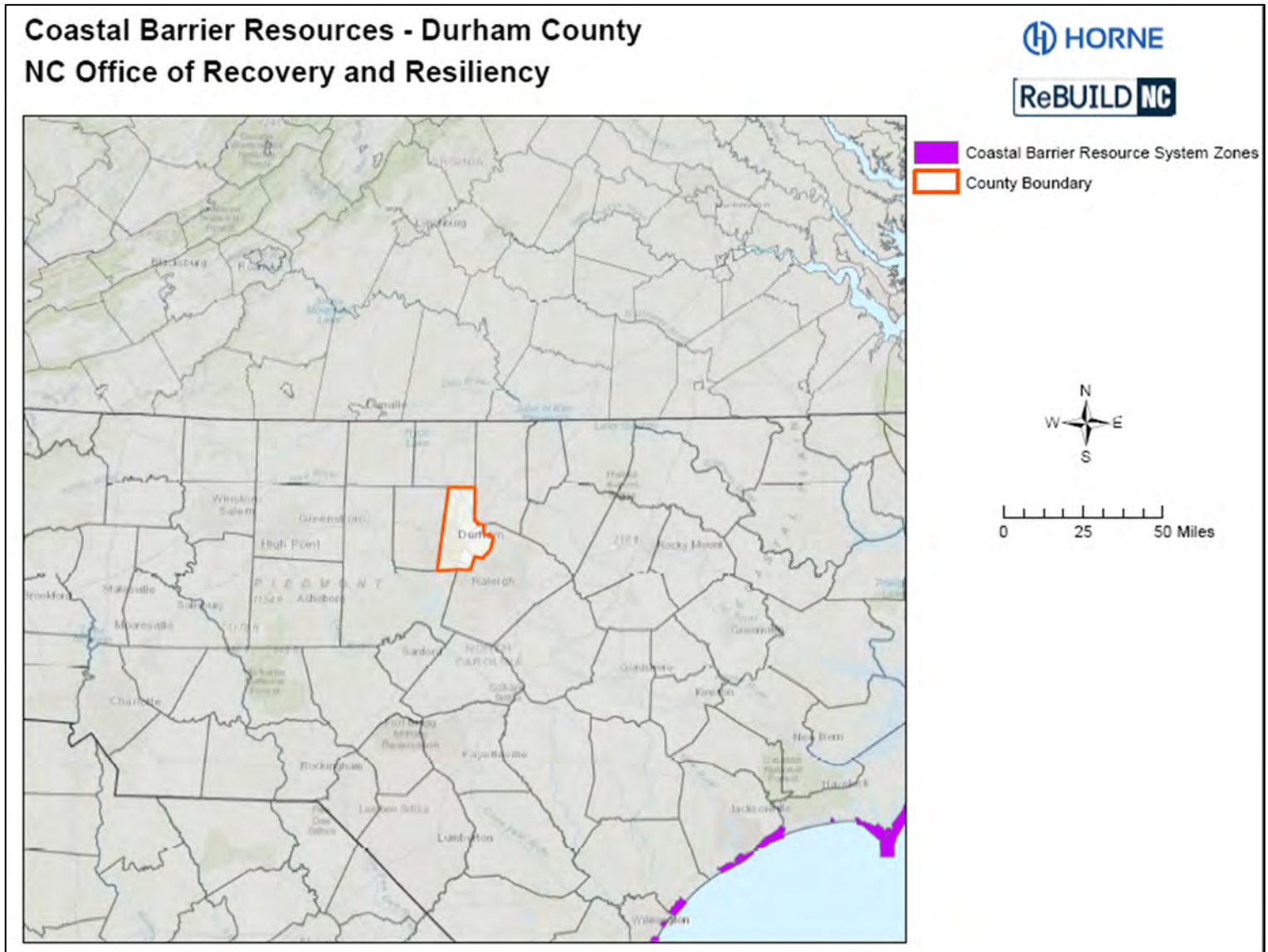
Figure 15-1
 John H. Chafee Coastal Barrier Resources System



Durham County is located Northwest of Wake County.

Source: US Fish and Wildlife Service, Coastal Barrier Resources System

Figure 15-2
North Carolina Coastal Barrier Resources Program Area



Source: North Carolina Environmental Quality, Coastal Resources Commission

Exhibit 16
Historic Preservation

Attachment 16-1. Consultation with NC Department of Natural and Cultural Resources

Attachment 16-2. Consultation with Catawba Indian Nation

Attachment 16-1. Consultation with NC Department of Natural and Cultural Resources

From: [Richardson, Wilhelmina Stephanie](#)
To: [Bartos, Ramona](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 11:05:28 AM
Attachments: [20210407 Update Florence DR Counties SHPO.pdf](#)

Greeting Ms. Bartos,

Please see attached notification.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

833-ASK-RBNC | Direct: 984-232-1958 | Stephanie.Richardson@ncdps.gov



North Carolina Department of Public Safety

Office of Recovery and Resiliency

Roy Cooper, Governor
Erik A. Hooks, Secretary

Michael A. Sprayberry, Director
Laura H. Hogshead, Chief Operating Officer

Ramona Bartos
State Historic Preservation Officer
NC Department of Natural and Cultural Resources
4617 Mail Service Center
Raleigh NC 27699-4617

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery
Program
Community Development Block Grant - Mitigation

Dear Ms. Bartos:

The North Carolina Office of Recovery and Resiliency (NCORR) would like to notify your office that it is expanding its disaster recovery efforts to include Anson, Durham and Lee Counties for the Presidentially declared disasters Hurricane Matthew and Florence. Under HUD regulation 24 CFR 58.4, NCORR has assumed HUD's environmental review responsibilities for the Community Development Block Grant – Disaster Recovery Program for Hurricanes Matthew and Florence, including CDBG-Mitigation funding. These environmental responsibilities include SHPO consultation related to historic properties.

NCORR plans to conduct reviews of projects to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. As projects are identified that may impact historic resources, that are not covered under the Programmatic Agreement, we will consult with all appropriate parties.

If you have any questions, please feel free to contact me at (984) 232-1958 or stephanie.richardson@ncdps.gov. Thank you very much. We value your participation and look forward to consulting further if there are historic properties that may be affected by these Programs.

Respectfully,

W. Stephanie Richardson
North Carolina Office of Recovery and Resiliency
Environmental Manager
PO Box 110465
Durham, North Carolina 27709
984-232-1958

Mailing Address:
Post Office Box
110465
Durham, NC 27709



Telephone:
984.833.5350
www.ncdps.gov
www.rebuildnc.gov

An Equal Opportunity

Attachment 16-2. Consultation with Catawba Indian Nation

From: [Richardson, Wilhelmina Stephanie](#)
To: [Wenonah Haire](#)
Cc: [Jani, Moneka](#)
Subject: Expansion of Disaster Recovery Efforts for CDBR-DR funding for Matthew, Florence and Mitigation
Date: Wednesday, April 7, 2021 11:07:56 AM
Attachments: [20210407 Update Florence DR Counties Catawba.pdf](#)

Greeting Dr. Haire,

Please see attached notification.

Thank you,

W. Stephanie Richardson

Program Management Office | Environmental Manager

ReBuild NC

N.C. Office of Recovery & Resiliency

P.O. Box 110465, Durham, NC 27709

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Laura H. Hogshead, Chief Operating Officer

April 7, 2021

Dr. Wenonah G. Haire
THPO and Cultural Center Executive Director
Catawba Indian Nation
1536 Tom Steven Road
Rock Hill, SC 29730

RE: Tiered Environmental Assessment of Single-Family Housing Projects
Hurricanes Matthew and Florence Community Development Block Grant – Disaster Recovery Program
Community Development Block Grant – Mitigation

Dear Ms. Haire:

The North Carolina Office of Recovery and Resiliency (NCORR) would like to notify you that it is expanding its disaster recovery efforts to include Anson, Durham and Lee Counties for the Presidentially declared disasters Hurricane Matthew and Florence. Under HUD regulation 24 CFR 58.4, NCORR has assumed HUD's environmental review responsibilities for the Community Development Block Grant – Disaster Recovery Program for Hurricanes Matthew and Florence, including CDBG-Mitigation funding. These environmental responsibilities include tribal consultation related to historic properties. In this context, historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

NCORR plans to conduct reviews of projects to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. As projects are identified that may impact areas of tribal interest, that are not covered under the Programmatic Agreement, we will consult with all appropriate parties.

If you have any questions, please feel free to contact me at (984) 232-1958 or stephanie.richardson@ncdps.gov. Thank you very much. We value your participation and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by these Programs.

Respectfully,

Mailing Address:
Post Office Box
110465
Durham, NC 27709



Telephone:
984.833.5350
www.ncdps.gov
www.rebuildnc.gov

An Equal Opportunity

Appendix D

Programmatic Compliance Process

[24 CFR 55.20]

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

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

Background

Sites located within a 100-year floodplain are subject to EO 11988 and any actions outside the 100-year floodplain that directly or indirectly impact the floodplain are subject to EO 11988. The best available data for the 100-year floodplain is the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps (FIRMs). Additionally, project activities in Durham County are subject to the Unified Development Ordinance (Sec. 3.21).

24 CFR 55.1(c)

No HUD financial assistance may be approved for the following:

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

Approach

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

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

Site-Specific Review Determination Process

The proposed approach to document compliance with EO 11988 is:

- Document the source of information on the Site-Specific Checklist.
- Proposed sites located within the Special Flood Hazard Area as identified by FEMA maps have been addressed in the attached Programmatic Compliance Process document, a large-scale 8-Step Process prepared according to 24 CFR Part 55.20.
 - a. The State will review the property locations to identify any within a FEMA-delineated floodway. Any located within a FEMA-delineated floodway are not eligible for assistance under the ReBuild NC Homeowner Recovery Program (Durham County), except for some buyout, acquisition or relocation activities.
 - b. The State will identify applicable measures to mitigate impacts to the floodplain if the structure is located within the 100-year floodplain.

PROGRAMMATIC COMPLIANCE PROCESS

Executive Order 11988 – Floodplain Management

Durham County, North Carolina

Effective Date: May 17, 2021

Community Development Block Grant – Disaster Recovery Housing Program

Programmatic Compliance 8-Step Process

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

The Rebuild NC Program is in response to severe flooding and storm damage caused by Hurricane Florence and addresses Durham County’s need for housing, especially safe, decent, and affordable housing. The Rebuild NC Program will provide funding for those who suffered damage from the aforementioned named storm within Durham County. The program will provide funding to homeowners whose homes were substantially damaged and activities necessary to restore their storm damaged homes, including rehabilitation, reconstruction, and elevation within the disturbed areas of the previously developed parcel. NCORR requires that all property owners located in a floodplain whose homes are required to be “substantially improved” must rebuild so that the lowest floor is at least two feet above the highest available FEMA flood elevation or higher. A structure requires substantial improvement if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage.

Step TWO: Initiate Public Notice A 15-day “Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain” was published in The Herald Sun – Durham and Que Pasa newspapers. The notice targeted residents in the affected areas of the county, including those in the floodplain. No comments on this notice were received.

Attachment D-1 Early Public Notice (Step TWO)

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

The Rebuild NC Program will provide assistance to eligible homeowners and small rental properties to rehabilitate and reconstruct housing and provide relocation options for those not eligible for reconstruction. The program is designed to recover affordable housing that may have been destroyed by Hurricane Florence.

New construction or relocation in a floodplain is not covered by this document. At this point, it is not known how many applicants for the program will have homes in the floodplain. As part of this document, programmatic alternatives are discussed that can be applied to properties in the floodplain. As a secondary determination to ensure that a residential structure (single-family, 1 to 4 units) meets the requirements of this document, each site will be reviewed during the site-specific environmental review to determine its location as described in Step One. This document will also determine if it requires substantial improvement and the project activity to be carried out upon the property.

There were four courses of action considered for this program:

1. No Action
2. Rehabilitation, Reconstruction or Elevation in the Floodplain
3. Relocate the Homeowner Outside of the Floodplain
4. Infrastructure Actions or Protection Measures

Alternative 1. No Action: This alternative would mean that homeowners would not receive funding to provide for rehabilitated or reconstructed housing under the Program. As a result, these property owners may not be able to recover from the storms. Furthermore, the applicants would not be provided financial assistance to elevate or rehabilitate their homes and thus their properties would still be vulnerable to future storm conditions. Thus, the No-Action alternative would not meet Durham County's need for safe, decent and affordable housing, nor would it address the need for homes within the floodplain to be elevated to the highest standard for flood protection. Therefore, this alternative is not the most practicable for all the applicants affected by Hurricane Florence.

Alternative 2. Rehabilitation, Reconstruction or Elevation in the Floodplain: This course of action will provide financial assistance to rehabilitate, reconstruct, or elevate housing structures on the same area in which the structure resides. This action is designed to recover the affordable housing and structures that may have been destroyed or damaged due to Hurricane Florence. Because there is a substantial area within Durham County that is situated in a floodplain, this action will continue to provide housing in these areas but do so in a manner that will not adversely impact the floodplain and will reduce the potential vulnerability of houses served. Overall, this course of action does not have an undue adverse impact on the floodplain. While there may be activities in the 100-year floodplain, the purpose of the Rebuild NC Program is to reduce future damages from flooding since all substantially damaged structures located in the 100-year floodplain will be elevated at least two feet above the most current BFE, in accordance with Federal Register Vol. 81 No. 224 Paragraph B.28.c, provided the structure does not meet the historic property exemption outlined in Step 4. Applicants who choose to repair or reconstruct in the floodplain must adhere, at least, to the applicable elevation requirements (as described above).

Alternative 3. Relocating the Homeowner Outside the Floodplains: This alternative would require homeowners with structures in the 100-year floodplain that were substantially damaged by Hurricane Florence to relocate outside of the floodplain. The single-family homes would be demolished, and the vacant land would revert to its natural state. Homeowners would be relocated outside the floodplain. Because this alternative would involve mandatory relocation of homeowners, it could have a significant social and financial impact on communities in Durham 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 many residents moving out of Durham County, which would adversely impact the stability of the county's economy.

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, and administrative costs.

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

Alternative 4. Infrastructure Actions or 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 floodplains in Durham County include Riverine Floodplains. They have several beneficial functions including floodwater conveyance, habitat for flora and fauna, and are used for recreational (hunting) and scientific purposes (primarily the study of said flora and fauna). The potential impacts of the Proposed Actions on the floodplain are detailed below.

None of the alternatives considered under this analysis are expected to increase occupancy or density within the floodplain. Additionally, these alternatives would not contribute to direct or indirect impacts from modification of the floodplain, as new construction (as opposed to in-place replacement) would not be allowed within the 100-year floodplain. Alternative 3 (Relocating the Homeowner Outside the Floodplains) would have a beneficial impact on floodplain values, as it would allow storm damaged parcels to revert to their natural state. However, this alternative is not feasible, due to the social and economic costs. Alternative 2 (Rehabilitation, Reconstruction or Elevation in the Floodplain) would not adversely impact floodplain values, and will also preserve economic and social conditions of communities in Durham County.

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

NCORR will require elevation of all substantially damaged properties in the SFHA to at least two feet above the BFE. The regulations, in part, affecting these ordinances are found at 44 CFR Part 60.3 and further specified in Federal Register Vol. 81 No. 224 Paragraph B.28.c (Housing and Related Floodplain Issues). When followed, these regulations will reduce the threat of flooding damage to the structures located in the floodplain. The new elevation levels represent the best available data and are assumed to advance floodplain management efforts in the affected areas.

Property owners participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

1. All proposed activities (as required) in the SFHA must adhere to the latest (most recent elevation requirements found at FR Vol. 81 No. 224 Paragraph B.28.c, which indicates that substantially damaged properties must have the elevation of the lowest floor at least two (2) feet above the base flood elevation or any local codes if they are stricter.
2. All participants in the Program, whose property is in the SFHA, must carry flood insurance on the subject structure for its economic life, as this will be a grant to the applicant. Enforcement of this will be placement of a notice and restriction on the deed.

Therefore, the requirements of the Program will help preserve life (elevation above the normal flood water anticipated levels), ensure a minimal adverse impact to the floodplain and preserve natural and beneficial floodplain values.

Step SIX: Re-evaluate Alternatives

NCORR has determined that the most practicable alternative on a programmatic level is **Alternative 2 (Rehabilitation, Reconstruction or Elevation in the Floodplain)**. This course of action 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 course of action also best addresses Durham County's need for safe, decent, and affordable housing. Furthermore, adverse impacts will be mitigated by elevating substantially damaged structures, in accordance with FR Vol. 81 No. 224 Paragraph B.28.c and requiring maintenance of flood insurance for the life of each assisted structure through placement of a notice and restriction on the deed.

This selection of this Course of Action is made considering exposure to flood hazards in the floodplain and aggravation of the current hazards to other floodplains. For rebuilding, impacts to the floodplain would be minimized by requirements for elevation of substantially damaged structures two feet above the base flood elevations as required by HUD policies.

Alternative 1 (No Action) was not selected as this action would not provide homeowners with financial assistance and, thus, their properties would remain unsafe, unsanitary, and more vulnerable to adverse weather conditions. As a result, these owners may not be able to recover and have affordable housing. Furthermore, this alternative would neither address the shortage of safe housing or the increase in unoccupied, unsafe homes in the project area.

Alternative 3 (Relocation Outside the Floodplain) was not selected as it would require mandatory relocation for homeowners within the 100-year floodplain. This would not allow homeowners to remain in their communities, schools and churches, nor meet the objective to rebuild the communities and homes affected by Hurricanes Florence.

Alternative 4 (Infrastructure Actions or Protection Measures) was not selected as levees and flood control structures are prohibitively expensive on a home-by-home, or small-scale, basis.

Step SEVEN: Issue Findings and a Public Explanation

It is NCORR's determination that there is no practicable alternative to **Rehabilitation, Reconstruction or Elevation 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 Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain will be published in accordance with 24 CFR 55, for a 7-day comment period. The notice will state the reasons why the project must be in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

Attachment D-2 Final Public Notice (Step SEVEN)

Attachment D-3 List of comments to this notice are attached here.

Attachment D-4 E-Mail Correspondence to Interested Parties and Agencies Notice of Policy Determination

Step EIGHT: Implement the Action

This step is implementation of the proposed alternative. NCORR will verify that all mitigation measures prescribed in the steps above will be followed.

Attachment D-1

Step TWO

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

To: All Interested Agencies, Groups and Individuals

This is to give notice that North Carolina Office of Recovery and Resiliency (NCORR) 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 activity in the 100-year floodplain (hereafter referred to as the floodplain) will have on the human environment for the ReBuild NC Homeowner Recovery Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The best available data suggests numerous homes in Durham County sustained major or severe damage due to Hurricanes Matthew and Florence and may seek funding through the ReBuild NC Homeowner Recovery Program to repair or rebuild. Though the confirmation of site locations is currently in progress, the proposed projects will be within Durham County with structures damaged by Hurricanes Matthew or Florence. Approximately 27,931 acres in Durham County are within the 100-year floodplain (Zones A, AE, and AO). The floodplains in the area can be found at the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>.

Homeowner Assistance

The ReBuild NC Homeowner Recovery Program will assist households which were damaged by Hurricanes Matthew and Florence. Eligible homeowner assistance activities include rehabilitation, reconstruction, relocation, elevation and reimbursement for repairs which were incurred within two years of being damaged by Hurricanes Matthew or Florence. This notice is for homeowners already in the floodplain. There will be no new construction on previously undisturbed areas addressed by this notice.

Mitigation

Mitigation activities are a key component of the ReBuild NC Homeowner Recovery Program housing recovery effort. The mitigation program is comprised of the state's activities aimed at increasing resilience and reducing future loss of life and property in storm and flood prone areas. CDBG-MIT funds provide the resources necessary for the ReBuild NC Homeowner Recovery Program to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated to replace affordable housing and for planning activities to increase resiliency efforts at the local level.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information 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.

Written comments must be received by NCORR on or before May 10, 2021 [a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication]. NCORR encourages electronic submittal of comments to the following email address: CDBGDR.Environment@ncdps.gov. Alternately, comments may be submitted on paper to: NCORR, P.O. Box 110465, Durham, NC 27709 Attention: Stephanie Richardson, NCORR Environmental Manager, during the hours of 9:00 AM to 5:00 PM.

Date: April 23, 2021

This is to give notice that North Carolina Office of Recovery and Resiliency (NCORR) 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 activity in the 100-year floodplain (hereafter referred to as the floodplain) will have on the human environment for the ReBuild NC Homeowner Recovery Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

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Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
48502	48571	Print Legal Ad - IPL0019756		\$416.00	2	6.31

Attention: Mr. Jackson Stubbs
 Horne LLP
 200 Park Offices Drive, Suite 100
 Durham, North Carolina 27713

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

To: All Interested Agencies, Groups and Individuals

This is to give notice that North Carolina Office of Recovery and Resiliency (NCORR) 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 activity in the 100-year floodplain (hereafter referred to as the floodplain) will have on the human environment for Community Development Block Grant - Disaster Recovery (CDBG-DR) and Community Development Block Grant - Mitigation (CDBG-MIT) Rebuild NC (1 - 4 Units) under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The best available data suggests numerous homes in Durham County sustained major or severe damage due to Hurricane Florence and may seek funding through the Rebuild NC program to repair or rebuild. Though the confirmation of site locations is currently in progress, the proposed projects will be within Durham County with structures damaged by Hurricane Florence. Approximately 27,931 acres in Durham County are within the 100-year floodplain (Zones A, AE, and AO). The floodplains in the area can be found at the FEMA Flood Map Service Center at <https://msc.fema.gov/portal/home>.

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Mitigation

Mitigation activities are a key component of the Rebuild NC housing recovery effort. Mitigation activities are a key component of the Rebuild NC housing recovery effort. CDBG-MIT funds provide the resources necessary for Rebuild NC to expand its Strategic Buyout Program to targeted areas located in counties impacted by either Hurricane Florence or Hurricane Matthew. In addition, funds have been allocated for planning activities to increase resiliency efforts at the local level.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information 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.

Written comments must be received by NCORR on or before May 10, 2021 (a minimum 15 calendar day comment period will begin the day after the publication and end on the 16th day after the publication). NCORR encourages electronic submittal of comments to the following email address: CDBGDR.Environment@ncdps.gov. Alternately, comments may be submitted on paper to: NCORR, P.O. Box 110465, Durham, NC 27709 Attention: Stephanie Richardson, NCORR Environmental Manager, during the hours of 9:00 AM to 5:00 PM.

Date: April 23, 2021
 IPL0019756
 Apr 23 2021

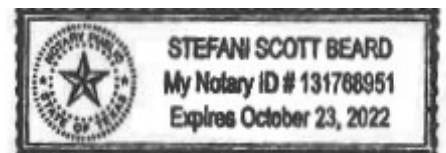
**STATE OF NORTH CAROLINA
 COUNTY OF WAKE**

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Crystal Trunick, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The Durham Herald-Sun, Durham and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for Horne LLP was inserted in the aforesaid newspaper on dates as follows:

No. of Insertions: 1
 Beginning Issue of: 04/23/2021
 Ending Issue of: 04/23/2021

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

Advertising Affidavit

Customer N° HORN03

QUE PASA
LATINO COMMUNICATIOS, INC.
PO. BOX 12876
WINSTON SALEM, NC 27117

Date: 04 / 22 / 2021

HORNE
200 Park Offices Drive Suite 100
Durham, NC 27713

QUE PASA
LATINO COMMUNICATIOS, INC.
PO. BOX 12876
WINSTON SALEM, NC 27117



COMUNICADO

Notificación temprana y revisión pública de una actividad propuesta en una llanura aluvial de 100 años

Para: Todos los organismos, grupos e individuos interesados

Por lo presente se notifica que la Oficina de Recreación y Recreación de Currituck del Norte (NCROR) ha llevado a cabo una evaluación del y como tal el Orden Ejecutivo 2382, de conformidad con la normativa del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) en 20 CFR 65.20 Subparte C. Procedimientos para tomar decisiones sobre la gestión de terrenos aluviales, para determinar el alcance potencial que su actividad propuesta en la llanura aluvial de 100 años en la zona de la llanura aluvial local en el terreno humano para la Subvención en línea para el desarrollo comunitario - Migración (CDBG-MIT) Rebuild NC (CDBG-MIT) y la Subvención en línea para el desarrollo comunitario - Migración (CDBG-MIT) Rebuild NC (CDBG-MIT) en virtud del Título I de la Ley de Vivienda y Desarrollo Comunitario de 1984 (PL 98-268).

Los mejores datos disponibles sugieren que numerosas viviendas en el condado de Durham sufrieron daños importantes o graves debido a los huracanes Matthew y Florence, y pueden buscar financiación a través del programa Rebuild NC para repararlas e reconstruirlas. Aunque aún no se han confirmado las ubicaciones de los sitios, los proyectos propuestos estarán dentro del condado de Durham con estructuras dañadas por los huracanes Matthew o Florence. Aproximadamente 27,000 acres en el condado de Durham están dentro de la llanura aluvial de 100 años (zonas A y AE). Los mapas aluviales del área pueden consultarse en el Centro de servicios de mapas de inundaciones de la FEMA en <https://www.fema.gov/prepare>.

Publicación para los propietarios de viviendas

El Programa Rebuild NC ayuda a los hogares dañados por los huracanes Matthew y Florence. Las actividades de notificación para los propietarios de viviendas incluyen la notificación, la reconstrucción, la demolición, la demolición y el control de las reparaciones que se hayan realizado dentro de los dos años siguientes a los daños causados por los huracanes Matthew o Florence. Esta notificación es para los propietarios de viviendas que ya no residen en la llanura aluvial. No se realizarán nuevas construcciones en las áreas predominantemente aluviales o las que se reúnen esta notificación.

Noticias

Las actividades de mitigación son un componente clave del esfuerzo de recuperación de viviendas de Rebuild NC. Las actividades de mitigación son un componente clave del esfuerzo de recuperación de viviendas de Rebuild NC. Los fondos de CDBG-MIT proporcionan los recursos necesarios para que Rebuild NC ayude al Programa de Compra Total Estratégica a los áreas específicas aluviales en los condados afectados por el huracán Florence o el huracán Matthew. Además, se han asignado fondos para actividades de planificación destinadas a aumentar los esfuerzos de mitigación a nivel local.

Esta notificación tiene tres objetivos principales. En primer lugar, las personas que pueden verse afectadas por las actividades en las llanuras aluviales y a las que les interesa la protección del entorno natural deben tener la oportunidad de expresar sus inquietudes y proporcionar información sobre estas áreas. En segundo lugar, un programa de índices públicos adecuados puede ser una importante herramienta de educación pública. La difusión de información sobre las llanuras aluviales puede facilitar y mejorar los esfuerzos locales para reducir los riesgos asociados a la migración y modificación de estas áreas especiales. En tercer lugar, por una cuestión de equidad, cuando el gobierno federal determina que va a participar en acciones que se lleven a cabo en las llanuras aluviales, debe informar a quienes pueden estar en riesgo mejor o peor.

Los comentarios por escrito deben enviarse a NCROR antes del 10 de mayo de 2021 (un período máximo de comentarios de 15 días calendario comienza el día después de la publicación y termina el 10 día después de la publicación). NCROR recomienda enviar los comentarios por vía electrónica a la siguiente dirección de correo electrónico: CDBG-MIT@nc.gov. Alternativamente, los comentarios pueden presentarse en papel a NCROR, P.O. Box 10405, Durham, NC 27703. Attn: Stephanie Richardson, NCROR Environmental Planner. Durante el horario de oficina de 9:00 a.m. a 5:00 p.m.
Fecha: 23 de abril de 2021

Before the undersigned, a Notary Public of Forsyth County, North Carolina, duly commissioned, qualified, and authorized to make this affidavit and sworn statement, that the notice or other legal advertisement, a copy of which is attached hereto, was published in the QUE PASA Newspaper on the following dates:

04/22/2021

And that the said newspaper in which such notice, or legal advertisement was published, was a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina

Publication Fee \$ 260.00

Invoice No N212148

Elysa Hernández
Billing Department

04/22/2021
Date

Newspaper Reference:

Sworn to and subscribed before me, this 22 day of April 2021

Notary Public

My Commission expires: Sept 3, 2024



THIS IS NOT A BILL, PLEASE PAY FROM INVOICE, THANK YOU

Attachment D-2
Step SEVEN
Final Notice of a Proposed Activity in a 100-Year Floodplain

To: All interested Agencies, Groups and Individuals

This is to give notice that the North Carolina Office of Recovery and Resiliency (NCORR) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, to determine the potential effect that its activity in the floodplain will have on the human environment for the ReBuild NC Homeowner Recovery Program under Title I of the Housing and Community Development Act of 1974 (PL 93 -383).

In accordance with that process, NCORR has made a final determination that there is no practicable alternative to locating the proposed project in the floodplain as summarized in this notice. This notice satisfies 24 CFR Part 55.20 (g), Step 7 of the eight-step decision process.

Reasons why the Proposal Must be Located in the Floodplain

The ReBuild NC Homeowner Recovery Program will provide funding to repair or rebuild storm damaged structures on previously developed parcels that may be in a 100-year floodplain or Special Flood Hazard Area. The program is designed to recover the primary residences and structures that were substantially damaged by Hurricane Florence. The State has identified numerous structures in Durham County that could be considered as “substantially damaged,” in which repair costs equal to or exceed 50% of the structure’s pre-disaster market value. At least 125 homes have been inspected by FEMA for Hurricane Florence damage, many of which may be in a floodplain. This figure is preliminary and could increase significantly as verification of housing damages continues. Many of these homeowners and landlords likely will be required to elevate their homes. Without financial support, the added costs of elevating these houses will likely be overly burdensome for most applicants.

List of the Alternatives Considered

Alternative 1 (No Action) was not selected as this action would not provide homeowners with financial assistance and, thus, their properties would remain unsafe, unsanitary, and more vulnerable to adverse weather conditions. As a result, these owners may not be able to recover and have affordable housing. Furthermore, this alternative would neither address the shortage of safe housing or the increase in unoccupied, unsafe homes in the project area.

Alternative 3 (Relocation Outside the Floodplain) was not selected as it would require mandatory relocation for homeowners within the 100-year floodplain. This would not allow homeowners to remain in their communities, schools and churches, nor meet the objective to rebuild the communities and homes affected by Hurricane Florence.

Alternative 4 (Infrastructure Actions or Protection Measures) was not selected as levees and flood control structures are prohibitively expensive on a home-by-home, or small-scale, basis.

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

The ReBuild NC Homeowner Recovery Program requires elevation of all substantially damaged structures in the floodplain. When followed, these regulations will reduce the threat of flooding damage. The elevation levels, to

which applicants are required to adhere when considering reconstruction of their substantially damaged home, represent the best available data and will advance floodplain management efforts in Durham County. In summary, applicants participating in this program would be required to adhere to the following conditions to minimize the threat to life and property, minimize losses from flooding events, and benefit floodplain values:

1. All proposed reconstruction and repair of substantially damage structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with the higher of the Advisory Base Flood Elevation (BFE), the effective BFE, or the design flood elevation as set in Durham County and
2. All participants in the ReBuild NC Homeowner Recovery Program must carry flood insurance on the subject structure, when mandated, in perpetuity.

Written comments must be received by NCORR on or before August 5, 2021 [a minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication]. NCORR encourages electronic submittal of comments to the following email address: CDBGDR.Environment@ncdps.gov. Alternately, comments may be submitted on paper to: NCORR, P.O. Box 110465, Durham, NC 27709 Attention: Stephanie Richardson, NCORR Environmental Manager, during the hours of 9:00 AM to 5:00 PM.

Date: July 28, 2021

[Insert PDF copy of English/Spanish notices for Step Seven and affidavits of publication.]

**Attachment D-3. Comments and Responses Related to Findings and Public Notice for Step
Seven**

[Insert PDF copy of comments and responses related to the notice for Step 7.]

Attachment D-4. E-Mail Correspondence to Interested Parties and Agencies Notice of Floodplain Determination

Email Distribution:

david.cox@ncwildlife.org

jeff_duncan@nps.gov

john_ellis@fws.gov

christine.gears@ncparks.gov

paul.wojoski@ncdenr.gov

michael.abraczinkas@ncdenr.gov

michael.scott@ncdenr.gov

militscher.chris@epa.gov

ramona.bartos@ncdcr.gov

ronnie.d.smith@usace.army.mil

timothy.beard@nc.usda.gov

wenonah.haire@catawba.com

bprintup@hetf.org

cc:

Heath.Wright@Rebuild.nc.gov

Shayne.Davis@rebuild.nc.gov

stephanie.richardson@ncdps.gov

jeffrey.royal@ncdps.gov

cerrisa.green@ncdps.gov

moneka.jani@ncdps.gov

Separate Email Submittal:

FEMA-R4EHP@fema.dhs.gov

Subject Line: Review Request: 11988 / NEPA

Appendix E

Official Forms and Public Comments

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

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

Attachment E-3 - Request for Release of Funds

Attachment E-4 - Authority to Use Grant Funds

Attachment E-5 - HUD Waiver

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

Combined Public Notice for the ReBuild NC Homeowner Recovery Program

Notice of Intent to Request Release of Funds (NOI RROF)

Notice of Finding of No Significant Impact (FONSI)

To: All Interested Agencies, Groups, and Individuals:

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the State of North Carolina.

REQUEST FOR RELEASE OF FUNDS

On or about August 13, 2021, or 16 days after the publishing of this notice, whichever is later, the North Carolina Office of Recovery and Resiliency (NCORR) will submit a request to the U.S. Department of Housing and Urban Development (HUD) for the release of Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under Title I of the Housing and Community Development Act of 1974 (PL 93-383), to undertake a project known as the ReBuild NC Homeowner Recovery Program, for the purpose of providing assistance for residents in Durham County whose single-family dwellings and small rental properties (1 to 4 units) were damaged or destroyed by Hurricane Florence. The State of North Carolina has directed approximately \$2,161,225.94 from its total allocation of CDBG-DR funds for ReBuild NC Homeowner Recovery Program efforts in Durham County.

FINDING OF NO SIGNIFICANT IMPACT

NCORR has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR). The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to: **NCORR, P.O. Box 110465, Durham, NC 27709, Attention: Stephanie Richardson, NCORR Environmental Manager** or by email to CDBGDR.Environment@ncdps.gov, per the Consultation, Review and Comment on the Environmental Review Record in Response to COVID-19, dated March 2020. (<https://www.hudexchange.info/resource/6094/consultation-review-and-comment-on-the-environmental-review-record-in-response-to-covid19/>) The ERR can be accessed online at the following website: <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments during the hours of 9:00 AM to 5:00 PM delivered to: NCORR, P.O. Box 110465, Durham, NC 27709 Attention: Stephanie Richardson, NCORR Environmental Manager, during the hours of 9:00 AM to 5:00 PM. Alternatively, NCORR encourages electronic submittal of comments to the following email address: **CDBGDR.Environment@ncdps.gov**. All comments received by August 12, 2021, will be considered prior to authorizing submission of a request for release of funds. Comments should specify which part of this Notice is being addressed.

ENVIRONMENTAL CERTIFICATION

NCORR certifies to HUD that Ms. Laura Hogshead in her capacity as Certifying Official consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to

the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the State of North Carolina to use CDBG-DR Program funds.

OBJECTIONS TO RELEASE OF FUNDS

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

Date: July 28, 2021

[Insert PDF copy of comments and responses from NOI-RROF/NOI-FONSI.]

Attachment E-3. Request for Release of Funds

[Insert PDF copy of RROF.]

Attachment E-4. Authority to Use Grant Funds

[Insert PDF copy of AUGF.]

Attachment E-5 - HUD Waiver



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

Ms. Laura H. Hogshead
Chief Operating Officer
Department of Public Safety
Office of Recovery and Resiliency
State of North Carolina
P.O. Box 110465
Durham, NC 27709

Dear Ms. Hogshead:

Thank you for your letter of January 31, 2020, regarding the State of North Carolina's request to extend the reimbursement period that allows the use of Community Development Block Grant disaster recovery (CDBG-DR) funds on eligible pre-application costs beyond one year from the date of the disaster event. The reimbursement period is established in HUD's Community Planning and Development (CPD) Notice 13-05 (*Guidance for Charging Pre-Award Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants*). This CPD Notice was subsequently revised with the publication of CPD Notice 15-07 (*Guidance for Charging Pre-Application Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants*) (the CPD Notice).

The Department awarded CDBG-DR funds to the State of North Carolina for long-term recovery efforts following Hurricane Florence under the Supplemental Appropriations for Disaster Relief Act, 2018 (Public Law 115-254) approved October 5, 2018, and the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Public Law 116-20) approved June 6, 2019. As a reminder, funds allocated under Public Laws 115-254 and 116-20 are subject to the requirements set forth in the *Federal Register* notice (85 FR 4681) published on January 27, 2020.

Grantees receiving an allocation under P.L. 115-254 and P.L. 116-20 are required, per the January 27, 2020, *Federal Register* notice to comply with the CPD Notice, as amended, which states that grantees may... "charge to CDBG-DR grants eligible pre-award and pre-application costs of individuals and private entities related to single- and multi-family residential structures and non-residential structures, only if the person or private entity incurred the expenses within one year after the date of the disaster and before the date on which the person or entity applies for CDBG-DR assistance. HUD, at the request of a grantee, may provide that grantee with a written extension to this one-year limitation, for an amount of time established by HUD. Extensions will be provided on a case-by-case basis after the Department has made a determination of good cause based on its examination of the reason for the request."

On October 15, 2018, the Department approved an extension of the reimbursement of eligible pre-application costs to September 14, 2018, in response to Hurricane Matthew. Now, North Carolina asks the Department to consider the same waiver in response to Hurricane Florence. The letter received by HUD requested an additional 12-month extension of the one-year reimbursement limitation for the Hurricane Florence.

Within the reimbursement request, the State explains that the extension of the one-year reimbursement limitation is necessary for long-term recovery as it allows homeowners who are returning to employment to continue to rebuild while they wait for an opportunity to receive program funding. Furthermore, the State asserts that disaster recovery efforts have proven to take longer than one year in previous disasters and the one-year limitation restricts the applicants from benefiting from the best possible award of CDBG-DR funds. The extension will allow North Carolina to serve the impacted populations with the maximum benefit of CDBG-DR funding.

Accordingly, to ensure this one-year limitation does not impede long-term recovery, and pursuant to the provision of the CPD Notice that authorizes HUD to make exceptions to the "one year" limitation on a case-by-case basis, HUD is extending the date by which applicants may incur expenses that are eligible for reimbursement. The State may only reimburse program-eligible expenses incurred by eligible applicants between the date of the disaster and the date of application to HUD-approved programs (not to exceed September 14, 2020). Should the program application(s) be submitted prior to the reimbursement deadline of September 14, 2020, the reimbursement limitation would be from the date of the initial disaster to the date of application to North Carolina's program(s).

As a part of the approval of this waiver, HUD reminds the State that it is required to consult with the State Historic Preservation Officer, Fish and Wildlife Service, and National Marine Fisheries Service, to obtain formal agreements for compliance with section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) when designing a reimbursement program. Grantees may not use CDBG-DR funds to provide compensation to beneficiaries meaning that funds may not be provided to a beneficiary based on the estimated or actual amount of loss from the declared disaster. Grantees may, however, reimburse beneficiaries for preapplication costs incurred by the beneficiary for completing an eligible activity, not for the amount of loss incurred by the beneficiary. Grantees are also required to ensure that all costs charged to the CDBG-DR grant are necessary expenses related to recovery.

If you or any members of your staff have any questions concerning this matter, please contact Tennille S. Parker, Director, Disaster Recovery and Special Issues Division, at 202-402-4649.

Sincerely,



Digitally signed
by JOHN GIBBS
Date: 2020.04.23
16:07:08 -04'00'

John Gibbs
Acting Assistant Secretary
for Community Planning and Development

Appendix F
Programmatic Agreement for Section 106 Review

**PROGRAMMATIC AGREEMENT
BETWEEN THE
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF RECOVERY AND RESILIENCY, AND
THE STATE HISTORIC PRESERVATION OFFICER
FOR
THE USE OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY AND
COMMUNITY DEVELOPMENT BLOCK GRANT – MITIGATION FUNDS**

WHEREAS, The U.S. Department of Housing and Urban Development (“HUD”) has allocated Community Development Block Grant – Disaster Recovery funds (“CDBG-DR”) to the State of North Carolina (the “State”) under the Continuing Appropriations Acts of 2017 (Public Law 114-254) to assist recovery from Hurricane Matthew (FEMA DR-4285-NC), and

WHEREAS, HUD has allocated Community Development Block Grant – Mitigation funds (“CDBG-MIT”) to the State under the Further Additional Supplement Appropriations for Disaster Relief Requirements Act of 2018 (Public Law 115-123) to assist recovery, and

WHEREAS, HUD has allocated CDBG-DR funds to the State under the Supplemental Appropriations for Disaster Relief Act of 2018 (Public Law 115-254) to assist recovery from Hurricane Florence (FEMA DR-4393-NC), and

WHEREAS, HUD has unique statutory authority to delegate its environmental compliance responsibilities promulgated under 24 C.F.R. § 58 to state, local, and tribal governments including obligations under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, "Protection of Historic Properties" 36 C.F.R. § 800, as amended (August 5, 2004); and

WHEREAS, the North Carolina Office of Recovery and Resiliency (“NCORR”) has assumed the role of Responsible Entity (“RE”) for the State and will make assistance, including CDBG-DR funds for Homeowner Recovery, Small Rental, Supportive Housing and Services, Public Housing Restoration, Small Business Recovery, Economic Development, Infrastructure, Resiliency, Public Facilities, Community Recovery, Strategic Buyout, and Resilient Affordable Housing Development (the “Programs”), available to the Counties, its citizens, federally recognized tribes and other entities in accordance with the State’s Approved Action Plan and Updates for Hurricane Matthew and for Hurricane Florence; and

WHEREAS, NCORR has determined that implementation of the Programs will result in Undertakings [as defined in 36 C.F.R. § 800.16(y)] that may affect historic properties listed in or eligible for listing in the National Register of Historic Places (“NRHP”) and has consulted with the North Carolina State Historic Preservation Office (SHPO) and the Advisory Council on Historic Preservation (ACHP) in accordance with 36 C.F.R. § 800.14(b) of the regulations implementing Section 106 of the NHPA; and

WHEREAS, NCORR has invited the following federally recognized Indian tribes with Tribal lands in North Carolina and/or that may attach religious and cultural significance to properties in North Carolina to consult on this Agreement and has requested their comments; these being the Catawba Indian Nation, Eastern Band of Cherokee Indians, Monacan Indian Nation, Muscogee (Creek) Nation, Nansmond Indian Tribe, Cherokee Nation, United Keetoowah Band of the Cherokee Indians, and Tuscarora Nation; and

WHEREAS, the following federally recognized Indian tribes have participated in consultation on this Agreement, and NCORR has taken any comments received into account; these being the Catawba Indian Nation and the Muscogee (Creek) Nation; and

WHEREAS, NCORR acknowledge that Indian tribes possess special expertise in assessing the NRHP eligibility of properties with tribal religious and cultural significance pursuant to 36 C.F.R. § 800.4(c)(1); and

WHEREAS, NCORR will continue to conduct outreach and will actively seek and request the comments and participation of Indian tribes that attach religious and cultural significance to historic properties that may be affected by undertakings reviewed under the terms of this Agreement; and

WHEREAS, for any undertaking involving tribal lands as defined in 36 C.F.R. § 800.16(x), or any undertaking that may affect a property identified by a federally recognized Indian tribe as possessing traditional religious and cultural significance, NCORR shall conduct government-to-government consultation with such tribes for the undertaking; and

WHEREAS, given the magnitude of North Carolina's recovery efforts and the immediate need for governmental assistance, NCORR and SHPO have decided to utilize this Programmatic Agreement ("PA" or "Agreement") to cover assistance provided by NCORR under the grants for Hurricanes Matthew and Florence; and

WHEREAS, in accordance with 36 C.F.R. § 800.14(b), NCORR has notified the ACHP and invited the ACHP to participate in the development of this Agreement and the ACHP has decided not to participate and sign this Agreement; and

WHEREAS, in a letter dated October 21, 2020, the ACHP stated that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of their regulations does not apply to this undertaking. They further stated that the consultation will likely raise questions that would benefit from ACHP's technical assistance and requested to be included in all future communications and correspondence for this Agreement; and

NOW THEREFORE, NCORR and SHPO, collectively referred to as signatories, agree that Undertakings funded by the CDBG-DR and CDBG-MIT programs shall be implemented in accordance with the following stipulations to consider the effects of the Undertakings on historic properties.

STIPULATIONS

To the extent of its legal authority, and in coordination with other Signatories, NCORR shall ensure that the following measures are implemented:

I. Roles and Responsibilities of the Signatories

A. North Carolina Office of Recovery and Resiliency (NCORR)

1. NCORR shall use State, Tribal, Subrecipient, or contractor staff whose qualifications meet the Secretary of the Interior's *Professional Qualifications Standards* (*Secretary's Professional Qualifications*) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (*Qualified Staff*), in applying Tier II Programmatic Allowances listed in Appendix B, completing identification and evaluation of historic properties, and making determinations of effects. NCORR shall review any NRHP eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO and consulting Tribe(s) and or other consulting parties.

NCORR acknowledges that Tribes possess special expertise in assessing the NRHP eligibility of properties with religious and cultural significance to them. Tribal leaders, and as appropriate, their representatives, shall decide who meets qualifications/standards as defined by their Tribes for review of Undertakings affecting properties with religious and cultural significance to them.

NCORR alone shall conduct all Section 106 consultation with Tribe(s). In accordance with 36 C.F.R. § 800.2(c)(4), NCORR may authorize the Recipient(s), or a Subrecipient through the Recipient(s), to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but NCORR shall remain responsible for determinations of NRHP eligibility and findings of effect recommended by the authorized party. NCORR shall follow the process set forth in Stipulation I.A.1, NCORR Roles and Responsibilities, and notify the SHPO in writing when a Recipient has been authorized to initiate consultation on NCORR's behalf.

2. When authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, NCORR shall inform the Recipient(s) of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to any Subrecipient. NCORR shall work in partnership with the Recipient(s) to provide Subrecipients with guidance on in-kind repair pursuant to *The Secretary of the Interior's Standards for the Treatment of Historic Properties 2017* (*Secretary's Treatment Standards*), 36 C.F.R. § 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.

3. NCORR shall provide the other Signatories with an annual report for the previous calendar year by June 30th of each year that this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
4. NCORR shall confer annually and as necessary with the other Signatories within sixty (60) days after issuance of the annual report, to review the report or discuss issues and concerns in greater detail. NCORR will provide a 30-day comment and discussion period within this 60-day timeframe.
5. NCORR shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement is consistent with applicable SHPO and Tribal guidelines and the confidentiality provisions of 54 U.S.C. § 307103 and 36 C.F.R. § 800.11(c) and N.C.G.S. § 70-18.
6. NCORR shall ensure that their Recipients understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
7. NCORR shall ensure that their Recipients understand that failure to comply with any project-specific conditions that have been placed on their grants could jeopardize NCORR funding and potentially result in the recovery of grant funds.
8. NCORR, when notified of any proposed change to the approved scope of work, shall direct their Recipient not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
9. NCORR shall ensure that its Recipients are made aware that in the event of an unexpected discovery involving an Undertaking that has affected previously unidentified historic property or human remains, or affected a known historic property in an unanticipated manner, the Recipient will comply with Stipulation VI. Unanticipated Discoveries and Treatment of Human Remains.
10. NCORR shall ensure that in its agreements, any scope of work involving ground disturbance, and resultant contracts to execute said work, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to historic properties and human remains.

B. State Historic Preservation Officer (SHPO)

1. SHPO shall review NCORR's determination of the Areas of Potential Effects (APE), NRHP eligibility determinations, and NCORR's effect findings and respond within thirty (30) days of receipt.

2. Upon request, the SHPO shall provide NCORR with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern, FEMA DOEs and Section 106 reviews). Such data sharing may be memorialized in a separate agreement. Only *Qualified Staff* or designee(s) shall be afforded access to protected historic property information.
3. The NCORR if needed may identify staff or consultants to assist SHPO staff with their CDBG-DR Section 106 responsibilities, and identify, in coordination with SHPO, those activities within the Section 106 review process that NCORR may perform for specific Undertakings as agreed in writing with SHPO.
4. As requested, SHPO staff shall be reasonably available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation with SHPO has occurred verbally, NCORR shall provide a written summary via e-mail or regular mail to SHPO, including any decisions that were reached. Only written communication by SHPO or other consulting parties will be considered as an official response to consultations and are subject to the 30-day response timeframe set forth in 36 C.F.R. § 800.3(c)(4).
5. The SHPO may assist NCORR or local jurisdictions in the State of North Carolina with advance planning efforts to consider historic properties in the context of homeland security considerations, including disaster preparedness, response, recovery, and mitigation programs for which NCORR funding may be requested.
6. The SHPO shall coordinate with NCORR, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
7. The SHPO shall participate in the 30-day comment and discussion period subsequent to the issuance of the annual report; this period will be convened by NCORR to review the effectiveness of this Agreement in accordance with Stipulation I.A.4.

C. Tribal Historic Preservation Officer (THPO)

1. For a federally-recognized tribe that has assumed the responsibilities of the SHPO for Section 106 on tribal lands under section 101(d)(2), the THPO appointed or designated in accordance with the act is the official representative for the purposes of Section 106. NCORR shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.
2. Stipulations for roles and responsibilities in regards to consultation with the THPO will follow those listed in Stipulations Section I.B.

II. Initial Review

A. Programmatic Allowances

1. NCORR staff shall determine if an Undertaking conforms to one or more allowances in Appendix A of this Agreement. NCORR staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, while only staff meeting the applicable Secretary of the Interior (SOI) Professional Qualifications Standards (*Qualified Staff*) may apply Second Tier allowances. It is noted that aforementioned environmental staff applying the Tier I allowances will be working in concert with and under the supervision of *Qualified Staff*. NCORR shall complete the Section 106 review process by documenting in the project file the determination that a project meets either Tier I or Tier II allowances without SHPO review, notification, and/or concurrence.
2. If NCORR *Qualified Staff* determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix A, NCORR *Qualified Staff* shall conduct standard Section 106 review, for the entire Undertaking in accordance with Stipulation II.B, Standard Project Review and following the appropriate submission process.
3. NCORR can revise allowances and new allowances may be added for any of the CDBG DR programs listed in this Agreement in accordance with Stipulation VIII, Amendments.

B. Standard Project Review

For Undertakings not exempt from further Section 106 review due to the use of a Programmatic Allowance, NCORR shall ensure that the following standard Section 106 project review steps are implemented. In the interest of streamlining, NCORR may combine some or all of these steps during consultation in accordance with 36 C.F.R. § 800.3(g).

1. Consulting Parties: NCORR shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO and consulting Tribe(s) to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 process. NCORR may invite others to participate as consulting parties as the Section 106 consultation proceeds; these parties may include State-recognized Tribes designated by the North Carolina Commission of Indian Affairs when relevant to the specific undertaking. NCORR shall invite any individual or organization that will assume a specific role or responsibility outlined in a Memorandum of Agreement (MOA) or Programmatic Agreement to participate as an invited Signatory to the agreement.
 - a. NCORR will submit a consultation letter to all relevant consulting parties in accordance with this Agreement.

b. Consulting parties will have thirty (30) calendar days to respond.

2. Area of Potential Effects:

a. For standing structures not adjacent to or located within the boundaries of a NRHP listed or eligible district, the Area of Potential Effects (“APE”) includes the individual structure and its components when the proposed Undertaking is limited to its repair, rehabilitation, restoration, replacement, or reconstruction as defined in 36 C.F.R. § 68.2.

b. For all other Undertakings, *Qualified Staff* shall determine the APE, make a determination, and initiate consultation with the SHPO and consulting Tribe(s). NCORR may consider information provided by other parties, such as local governments and the public, when establishing the APE.

3. Identification and Evaluation: *Qualified Staff* shall determine if the APE contains historic properties, including properties of religious and cultural significance to Tribe(s), and subsequently make a determination in regard to the undertaking’s effects on any identified historic properties. This assessment of the APE may include the review of documentation provided by the Recipient(s) or Subrecipient in coordination with the SHPO and consulting Tribe(s). Identification and Evaluation of archaeological resources shall be carried out in accord with “Identification and Evaluation Process for Archaeological Resources” Appendix C.

a. Level of Effort: NCORR shall make a reasonable and good faith effort to identify historic properties in accordance with 36 C.F.R. § 800.4(b)(1). NCORR may consult with the SHPO to determine the level of effort and methodology necessary to identify and evaluate a variety of historic property types.

For properties of religious and cultural significance to federally recognized Tribe(s), NCORR shall consult with the appropriate Tribe(s) to determine geographical areas containing the properties that may be affected by an Undertaking and determine the necessary level of effort to identify and evaluate or avoid effects to such historic properties. NCORR will initiate consultation with affected federally-recognized Tribes, and if deemed appropriate notify and work with State-recognized tribes, per Stipulation Section II.B.1 of this Agreement.

b. National Historic Landmarks: When NCORR identifies an Undertaking with the potential to affect an NHL, NCORR shall contact the NHL Program Manager of the NPS Southeast Regional Office in addition to the SHPO, consulting Tribe(s), and other consulting parties as previously outlined in section I.A.2 of this Agreement. The purpose of this notification is to ensure early coordination for the Undertaking.

c. Determinations of Eligibility: NCORR shall review or determine NRHP eligibility based on identification and evaluation efforts, and consult with the SHPO and

consulting Tribe(s) regarding these determinations as defined in 36 C.F.R. § 800.4(c). Should the SHPO or consulting Tribe(s) disagree with the determination of eligibility, NCORR shall either:

- i. Elect to consult further with the objecting party until the objection is resolved; or
 - ii. Treat the property as eligible for the NRHP; or
 - iii. Obtain a determination of eligibility from the Keeper of the NRHP in accordance with 36 C.F.R. § 63.2(d)-(e) and 36 C.F.R. § 800.4(c)(2).
 - iv. Forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to paragraphs (d)(1)(iv)(A) through (d)(1)(iv)(C) of section 36 C.F.R. § 800.4.
4. Findings of No Historic Properties Affected: NCORR shall make a finding of “no historic properties affected” under the following circumstances:
- a. If no historic properties are present in the APE; or
 - b. The Undertaking is designed to avoid effects to historic properties, including NRHP-listed or eligible properties of religious and cultural significance to consulting Tribe(s).
 - c. NCORR shall notify the SHPO, consulting Tribe(s), and any other consulting parties of this finding and provide supporting documentation in accordance with 36 C.F.R. § 800.11(d). Unless the SHPO or consulting Tribe(s), objects to the finding within the applicable timeframe outlined in Stipulation I.B.1., the Section 106 review of the Undertaking will have concluded.
 - d. If the SHPO, consulting Tribe(s), objects to a finding of “no historic properties affected,” NCORR shall consult with the objecting party to resolve the disagreement.
 - i. If the objection is resolved, NCORR may either proceed with the Undertaking in accordance with the resolution or reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.B.5, Application of the Criteria of Adverse Effect, below.
 - ii. If NCORR is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review NCORR’s finding in accordance with 36 C.F.R. § 800.4(d)(1)(iv)(A) through 36 C.F.R. § 800.4(d)(1)(iv)(C). NCORR shall consider the ACHP’s recommendation in making its final determination. If NCORR’s final determination is to reaffirm its “no historic properties affected” finding, the

Section 106 review of the Undertaking will have concluded. Otherwise, NCORR will proceed to Stipulation II.B.5, below.

5. Application of the Criteria of Adverse Effect: If NCORR finds an Undertaking may affect historic properties in the APE, including those of religious and cultural significance to Tribe(s), NCORR shall apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and the public concerning effects in accordance with 36 C.F.R. § 800.5(a).
 - a. If NCORR determines that an Undertaking does not meet the adverse effect criteria, NCORR shall propose a finding of “no adverse effect” in accordance with 36 C.F.R. § 800.5(b).
 - i. NCORR shall notify the SHPO, consulting Tribe(s), and all other consulting parties of its finding and provide supporting documentation pursuant to 36 C.F.R. § 800.11(e).
 - ii. Unless a consulting party objects within the thirty (30) day timeframe outlined in Stipulation I.B.1, NCORR will proceed with its “no adverse effect” determination and conclude the Section 106 review.
 - iii. If a consulting party objects to a finding of “no adverse effect,” NCORR will consult with the objecting party to resolve the disagreement.
 - 1) If the objection is resolved, NCORR shall proceed with the Undertaking in accordance with the resolution, or,
 - 2) If the objection cannot be resolved, NCORR shall request that the ACHP review the findings in accordance with 36 C.F.R. § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. NCORR shall consider the ACHP’s comments in making its final determination.
 - b. If NCORR finds the Undertaking may adversely affect historic properties, NCORR shall request through the Recipient(s) that the Subrecipient revise the scope of work to substantially conform to the Secretary of the Interior’s *Standards and Guidelines for Rehabilitation* for standing structures, or avoid or minimize adverse effects for NRHP-listed or eligible archaeological properties.
 - i. If the Subrecipient modifies the scope of work to avoid the adverse effect(s), NCORR shall notify the SHPO, consulting Tribe(s), and all other consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection in accordance with the applicable timeframe outlined in Stipulation VI.A. Dispute Resolution, NCORR shall proceed with its “no adverse effect” determination, including any conditions, and conclude the Section 106 review.

- ii. If an Undertaking is not modified to avoid the adverse effect(s), NCORR shall initiate consultation to resolve the adverse effect(s) in accordance with Stipulation I.B.6., Resolution of Adverse Effects.
6. Resolution of Adverse Effects: If NCORR determines that an Undertaking may adversely affect a historic property, it shall resolve the effects of the Undertaking in consultation with the SHPO; Recipient(s); Subrecipient; consulting Tribe(s); the ACHP, if participating; and other consulting parties, by one of the following methods depending upon the severity of the adverse effect(s) as well as determination of the historic property's significance on a local, state, or national level.
- a. Memorandum of Agreement: NCORR shall provide the ACHP with an adverse effect notice in accordance with 36 C.F.R. § 800.6(a)(1) if it has not already provided such. In consultation with the SHPO, consulting Tribe(s), and other consulting parties, including the ACHP, if participating, NCORR shall develop an MOA, in accordance with 36 C.F.R. § 800.6(c) to agree upon treatment measures to avoid, minimize, or mitigate adverse effects on historic properties. The MOA may also include treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of the Treatment Measures listed in Appendix B.
 - b. Programmatic Agreement: Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or where other circumstances warrant, NCORR, shall consult with the SHPO, consulting Tribe(s), the ACHP, if participating, and any other consulting parties, to develop a Programmatic Agreement in accordance with 36 C.F.R. § 800.14(b). NCORR shall consult with the above-referenced parties to identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings proposed by a single Subrecipient.
 - c. NCORR, in consultation with SHPO; the ACHP, if participating; consulting Tribe(s); and other consulting parties may identify a specific Treatment Measure, or combination of Treatment Measures outlined in Appendix B, with the intent of expediting resolution of adverse effects.
 - d. When NCORR determines an Undertaking will adversely affect an NHL, NCORR shall notify and invite the Secretary of the Interior and ACHP to participate in consultation in accordance with 36 C.F.R. § 800.10.
 - e. If an adverse effect cannot be avoided, NCORR's *Qualified Staff* will consult with SHPO, the project applicant and any consulting parties for the undertaking to resolve the adverse effect, pursuant to 36 C.F.R. § 800.6.

- i. The agency official shall notify the ACHP of the adverse effect finding by providing the documentation specified in § 800.11(e).
 - ii. If implementation of one or more of the Standard Treatment Measures found in Appendix B will resolve the adverse effect, an MOA will be developed among the parties for implementation of those measures.
 - iii. If none of the Standard Treatment Measures found in Appendix B will resolve the adverse effect, the parties shall consult to develop Alternative Mitigation Measures and develop an MOA that incorporates those measures for resolving the adverse effect
7. NCORR's Qualified Staff; SHPO; the ACHP, if participating; and the consulting parties, including Indian tribes under 36 C.F.R. § 800.2(c)(3), will seek ways to avoid, minimize, or mitigate the adverse effects through establishment of an MOA pursuant to 36 C.F.R. § 800.6(b)(2). NCORR shall assist, to the extent agreed upon in the MOA, with implementation of the mitigation measures, including monitoring and documentation of the completion of the agreed upon measures.
8. Objections: Should any Signatory or consulting party object within the timeframes established by this Agreement to any plans, specifications, or actions taken pursuant to resolving an adverse effect, NCORR shall consult further with the objecting party to seek resolution. If NCORR determines the objection cannot be resolved, NCORR shall address the objection in accordance with Stipulation VI. Dispute Resolution.

III. Consultation with Tribes

- A. NCORR shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with federally recognized Tribes. Notwithstanding any other provision of this stipulation, NCORR shall honor the request of any Tribe to coordinate and advise regarding an undertaking covered by this Agreement.
- B. In accordance with 36 C.F.R. § 800.3(f)(2), any federally recognized Tribes that might attach religious and cultural significance to historic properties in the APE shall be identified and invited by NCORR to be consulting parties.
- C. NCORR shall ensure that consultation with Tribes is initiated early in the project planning process to identify cultural, confidentiality, or other concerns and to allow adequate time for consideration.
- D. NCORR shall ensure that consultation continues with Tribes throughout the Section 106 review process prescribed by this Agreement whenever such Tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking.
- E. NCORR will make every effort to consult with federally recognized Tribes that have expressed an interest in the APE of an NCORR Undertaking when appropriate. Additionally, NCORR will notify State-recognized Tribes that have expressed an interest in the APE of an NCORR Undertaking when appropriate.

IV. Consultation with Certified Local Governments and Public Involvement

- A.** In the event a county or local government within the designated Counties is a Certified Local Government (CLG) with a local preservation commission, NCORR shall confer with the CLG's commission. In working to resolve adverse effects under Stipulation Section II.B.6 of this Agreement, NCORR's *Qualified Staff* may consult with a CLG and SHPO to explore how a project might be revised to avoid any impacts per 36 C.F.R. § 800.
- B.** NCORR's Qualified Staff will consult with SHPO and the County or local government within the process outlined at 36 C.F.R. § 800.6 to resolve any adverse effects to historic properties within the CLG's jurisdiction.
- C.** In the event an adverse effect to an historic property cannot be avoided, NCORR shall make information available to the public, including the documentation specified in 36 C.F.R. § 800.11(e), subject to the confidentiality provisions of 36 C.F.R. § 800.11(c). NCORR shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. NCORR will use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. However, if a Tribe requests information not to be released to the public, NCORR will abide by this request under 36 C. F. R. § 800.6(a)(5).

V. Timeframe and Communication

- A.** All time designations shall be in calendar days unless otherwise stipulated. If any Signatory does not object to NCORR's finding or determination related to an Undertaking within the agreed upon timeframe, NCORR may complete the Section 106 review and document in the project file.

VI. Dispute Resolution

Should any signatory or consulting party to this Agreement or member of the public object at any time to any actions proposed for resolving adverse effects, or the manner in which the terms of this Agreement are implemented, NCORR shall consult with such party to resolve the objection. If NCORR determines that such objection cannot be resolved, NCORR will:

- A.** Forward all documentation relevant to the dispute, including the NCORR's proposed resolution, to ACHP. The ACHP shall provide NCORR with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NCORR shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, signatories, and consulting parties, and provide them with a copy of this written response. NCORR will then proceed according to its final decision.

- B.** If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, NCORR may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NCORR shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and consulting parties to the Agreement and provide them and ACHP with a copy of such written response.
- C.** NCORR's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.
- D.** Any member of the public, any agency or organization may request the ACHP review of Section 106 compliance for an individual undertaking in accordance with 36 C.F.R. § 800.9(a).

VII. Unanticipated Discoveries and Treatment of Human Remains

If, during implementation of any Undertakings carried out by NCORR, its Recipients or Subrecipients and covered by this PA, a previously unidentified historic property is encountered, or a previously identified historic property is affected in an unanticipated manner, NCORR will consult with the other parties to this PA. NCORR will ensure that all work shall cease in the discovery area until the previously unidentified historic property or unanticipated effect can be evaluated, and an appropriate treatment plan developed. If human remains are discovered, consultation shall proceed as outlined in Stipulation VII.A below.

A. Treatment of Human Remains and Funerary Objects

1. NCORR shall immediately notify local law enforcement, the county medical examiner, and the North Carolina State Archaeologist (State Archaeologist) should any human remains and/or associated funerary objects be encountered by any activity covered by this PA. In the event of such discovery, the medical examiner will determine whether the remains are subject to the provisions of North Carolina General Statute 130A-383 and will contact the State Archaeologist if they are not. Work in the area will not resume without authorization of either the county medical examiner or the State Archaeologist.
2. NCORR, in consultation with the SHPO and State Archaeologist, shall ensure that the treatment of any discovered human remains and associated funerary objects complies with all applicable state and federal laws, particularly North Carolina General Statute 70, Article 3 ("The Unmarked Human Burial and Human Skeletal Remains Protection Act"). Should human remains be encountered during historic property investigations or construction activities, all ground disturbing activities within 25 feet of the discovery shall cease immediately. The remains will be treated with respect to the deceased, and be protected from the time of discovery from further construction activities, pending consultation to resolve treatment of such remains.
3. NCORR, in consultation with the other parties to this PA, shall ensure that those remains and artifacts are treated in a manner consistent with the Advisory Council

on Historic Preservation's "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (2007). When feasible, human remains shall be preserved in place without further investigation. In determining what is "feasible," weight shall be given to preservation in place.

4. The State Archaeologist shall consult with the Executive Director of the North Carolina Commission of Indian Affairs regarding the treatment and disposition of the remains, as required by the Unmarked Human Burial and Human Skeletal Remains Protection Act.
5. The discovery and treatment of human remains and graves, other than those reasonably identified as Native American, shall require application of North Carolina General Statute 70-33.

VIII. Amendments

1. Any of the signatories of this Agreement may request that it be amended, whereupon the parties will consult to consider such an amendment. An amendment to the Agreement will go into effect upon the written concurrence of the NCORR and SHPO.
2. Any forms developed to implement this Agreement may be revised with the written concurrence of the Parties to this Agreement, which may result in an amendment if agreed to by all Parties.
3. If a party invited to concur in this Agreement has not accepted by the time the Agreement is filed with the ACHP, that party may become a concurring party for the duration of this Agreement upon the written concurrence of the signatories. Such action can be accomplished through signature of the Agreement and will not require an amendment to this Agreement.

IX. Termination

Any signatory to this Agreement may terminate it by providing 30 calendar days notice in writing to the other signatories, provided that the signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

If any signatory to this Agreement determines that a term will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories.

In the event of termination, NCORR will comply with 36 C.F.R. § 800.3 through 36 C.F.R. § 800.6 regarding individual undertakings.

X. Duration

This Agreement shall continue in full force and effect until November 1, 2025. During the six (6) month period prior that event, the signatories will consult to consider an extension or amendment of the Agreement. No extension or amendment will be effective unless the signatories to this Agreement concur in writing.

Execution and implementation of this Agreement evidences that, NCORR, in cooperation with SHPO, has satisfied its responsibilities under Section I06 of NHPA for all Undertakings under this Agreement.

AGREED:

North Carolina Department of Public Safety, Office of Recovery and Resiliency

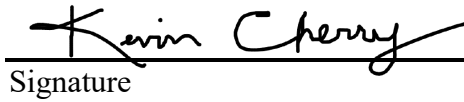

Signature

Ryan Flynn
Printed Name

Chief of Staff
Title

11/24/20
Date

North Carolina State Historic Preservation Officer


Signature

Kevin Cherry
Printed Name

North Carolina State Historic Preservation Officer
Title

11-25-2020
Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF
RECOVERY AND RESILIENCY
AND
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Catawba Indian Nation

Dr. Wenonah G. Haire, Tribal Historic Preservation Officer

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
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FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
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IN THE STATE OF NORTH CAROLINA**

Cherokee Nation

Elizabeth Toombs, Tribal Historic Preservation Officer

Date

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SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Eastern Band of Cherokee Indians

Russell Townsend, Tribal Historic Preservation Officer

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
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FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Monacan Indian Nation

Kenneth Branham, Chief

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
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SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Muscogee (Creek) Nation

Corain Lowe-Zepada, Tribal Historic Preservation Officer

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
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FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Nansemond Indian Tribe

Samuel M. Bass, Chief

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY,
OFFICE OF RECOVERY AND RESILIENCY
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THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

Tuscarora Nation

Leo Henry, Chief

Date

**TRIBES PARTICIPATING IN THE PROGRAMMATIC AGREEMENT BETWEEN
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OFFICE OF RECOVERY AND RESILIENCY
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THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR THE REVIEW OF HUD-FUNDED ACTIVITIES
SUBJECT TO 24 C.F.R. PARTS 50 & 58
IN THE STATE OF NORTH CAROLINA**

United Keetoowah Band of Cherokee Indians

Whitney Warrior, Tribal Historic Preservation Director

Date

Appendices

Appendix A – Activities Categorically Excluded from Review – Programmatic Allowances

Appendix B – Standard Treatment Measures

Appendix C – Identification and Evaluation Process for Archaeological Resources

APPENDIX A

Activities Categorically Excluded from Review “Programmatic Allowances”

This list of Programmatic Allowances enumerates NCORR-funded activities that based on NCORR’s experience, have no or minimal effect on historic properties and will not require review by the SHPO.

The Programmatic Allowances consist of two tiers: First Tier and Second Tier. Staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, this aforementioned staff working in concert with SOI qualified. However, only staff meeting the applicable Secretary of the Interior (SOI) Professional Qualifications Standards (*Qualified Staff*) may apply Second Tier allowances.

When referenced in the Programmatic Allowances, the phrase “in-kind” shall mean the repair work being performed is of the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. The “in-kind repair” provided for in both First and Second Tier allowances should be limited to existing architectural features and physical components of buildings and structures.

When referenced in the Programmatic Allowances, the phrase “within the existing footprint” refers to any location in three-dimensional space. This includes depth considerations, which the original structure, feature, facility, utility, etc. occupied.

When referenced in the Programmatic Allowances, the phrase “previously disturbed soils” refers to soils that are not likely to possess intact and distinct soil horizons and, therefore, have the reduced likelihood of possessing historic properties located within their original depositional contexts in the area and depth to be excavated. *Qualified Staff* will assess if previously disturbed soils exist in cooperation with the Office of State Archaeology (OSA).

I. First Tier Allowances

- A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when proposed activities described below substantially conform to the existing footprint (surface area and depth of disturbance will be largely within the same location), including the area where the activity is staged.

1. Debris Removal

- a. Debris removal and collection, which includes the removal of uprooted trees, limbs, and branches from public rights of way and public areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. These activities also include the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts). However, the creation of new or temporary access roads is

excluded from this allowance.

- b. Removal of debris from private property, provided buildings are not affected, ground disturbance is minimal, and in-ground elements such as driveways, walkways, or swimming pools are left in place.
 - c. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
 - d. Sediment removal from man-made drainage facilities (e.g., retention/detention basins, ponds, ditches, and canals) to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site. This allowance does not apply to historic canals or canal structures.
 - e. Dewatering flooded developed areas by pumping.
 - f. Removal of automobiles, trucks, aircraft, motorized agricultural/construction equipment, or other motorized vehicles designed for transport.
2. Temporary Structures and Housing (Individual Assistance Program)
- a. Installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue and medical care. Additionally, temporary housing for disaster personnel and survivors is included at the following types of locations:
 - i. Single units on private residential sites, provided all utilities are installed above ground and tie into pre-existing utility lines.
 - ii. Existing RV/ mobile home parks and campgrounds with pre-existing utility hookups.
 - iii. Paved areas, such as parking lots and paved areas located at such facilities as conference centers, shopping malls, airports, industrial port facilities, business parks, and military bases provided all utilities are installed above-ground and tie into existing utility lines.
 - iv. Sites previously cleared and prepared for planned construction (e.g. land being developed for public housing, office buildings, city parks, ball fields, schools, etc.), provided all utilities are installed above-ground and tie into pre-existing utility lines.
 - v. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.
3. Temporary removable barrier/bollards
- a. Installation of temporary removable barrier/bollards.

- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers.
- 4. Borrow Material
 - a. Borrow material if taken from a commercial source; alternatively, a stock tank, berm, dug-outs, or reclaimed ditch provided the original ground is not impacted by the removal method.

B. BUILDINGS AND STRUCTURES

1. Repair or retrofit of buildings and structures less than 45 years old, that are not NRHP listed.
2. Repair or replacement of building contents including furniture, movable partition, computers, cabinetry, supplies equipment, and any other moveable items within buildings less than 45 years old.
3. Removal of water, muck, mud, sand, sewage, or debris by physical or mechanical means within buildings and structures less than 45 years old, that are not NRHP listed.
4. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.
5. For mobile homes, also referenced as Manufactured Housing Units (MHUs), regardless of age, undertakings (removal and replacement, rehabilitation, and/or elevation) involving these structures will not require SHPO consultation and/or concurrence if no ground disturbance is associated with the undertaking. These undertakings will be documented and provided to SHPO as part of the annual report. However, the relocation of, or the new construction of foundations for, MHUs will be considered to involve ground disturbance and will be subject to consultation with SHPO and other pertinent consulting parties.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the existing footprint, including any staging areas.

1. Roads and Roadways
 - a. Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials; features include shoulders, medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
 - b. Repairs or replacements of metal and concrete culverts, no greater than 42" in diameter with no headwalls, or concrete headwalls when culverts are returned to pre-disaster size and location. This allowance does not allow for upgrades.

- c. Repairs to road slips and landslides that do not require grading of soils on the up-hill side of the slip.
 - d. Re-establishment, armoring or upgrading of existing roadway ditches within public rights-of-way.
 - e. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, and traffic surveillance systems.
 - f. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
 - g. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is permitted.
2. Airports
- a. In-kind repair or replacement of existing runway surfaces and features (e.g., asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g., lighting bars, beacons, signage and weather sensors).
3. Rail Systems
- a. In-kind repair or replacement of safety components.
 - b. In-kind repair or replacement of existing track system and passenger loading areas.

II. Second Tier Allowances

A. GROUND DISTURBING ACTIVITIES AND SITE WORK, when proposed activities described below substantially conform within the existing footprint (surface area and depth of disturbance will be largely within the same location) or are performed in previously disturbed soils; also including the area where the activity is staged.

- 1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems
 - a. In-kind repair, replacement, or reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., rip-rap, gabion baskets, crib walls, soldier pile, and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
 - b. Installation of perimeter drainage (e.g., French drains) in previously disturbed soils.
- 2. Recreation and Landscaping

- a. In-kind repair, replacement, or minor upgrades within existing footprint of recreational facilities and features (e.g. constructed playground areas, fire pits, gazebos, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, and simple wooden/wire stream crossings).
 - b. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, and steps), within the existing footprint of previously disturbed soils.
3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers
 - a. In-kind repair, replacement or minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers within the existing footprint of previously disturbed soils.
 4. Cemeteries
 - a. Removal of woody debris such as branches and limbs, from cemeteries, provided heavy equipment and other machinery are not operated or staged on areas containing marked or unmarked human remains.
 - b. In-kind repair of historic gravestones, monuments, fences, and other associated cemetery components.
 5. Rootballs
 - a. Replacing a rootball into the cavity, with addition of culturally-sterile fill dirt if needed, and grinding the stump in place, unless in or within 25 feet of a cemetery, historic district, historic battleground, or previously recoded archaeological site or archaeologically sensitive area.

B. BUILDINGS AND STRUCTURES

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim
 - a. In-kind repair or replacement of floors, walls, stairs, ceilings, or trim. The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster or any other character defining interior feature of a NRHP-listed or eligible resource that may require highly specialized study or skills for the purpose of repair or replacement.
 - b. Interior painting of previously painted, non-decorative surfaces as described above.

- c. Interior cleaning of surfaces for mold remediation and mold removal, which include the use of a weak solution of household bleach and water, and carpet cleaning. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
 - d. Non-destructive or concealed testing for hazardous materials (e.g., lead paint and asbestos) or for the assessment of hidden damages.
 - e. Replacement of damaged vinyl composition tile (VCT) flooring (including floor tile containing asbestos) with contemporary VCT flooring of a similar dimension and thickness, and a similar texture or pattern.
 - f. Replacement of commercial-grade carpet with VCT in basements or lowest stories, except where carpet covered wooden flooring.
 - g. Use of portable dehumidification systems for mold remediation provided no changes are made to character-defining features.
 - h. Abatement of lead and asbestos in unfinished basements or historically unfinished upper floors and attics.
2. Building Contents
- a. Repair or replacement of building contents including furniture, movable partitions, computers, cabinetry, supplies, and equipment and any other moveable items which are not character-defining features of a historic property.
3. Utilities and Mechanical, Electrical, and Security Systems
- a. In-kind repair, replacement, or limited upgrading of interior utility systems, including mechanical (e.g., heating, ventilation, and air conditioning), electrical, and plumbing systems. This allowance does not provide for the installation of new exposed ductwork.
 - b. Elevation of heating, ventilation, air conditioning system (HVAC), or mechanical equipment, provided it is placed or located where it is not visible from the public right-of-way.
 - c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface-mounted wiring, conduits, piping, etc., unless previously existing. Additionally, the installation of the system hardware shall not damage or cause the removal of character-defining architectural features and shall be easily removed. New fire detection systems with exposed electric conduit are allowed in unfinished basements and historically-unfinished upper floors, and attics.

- d. Installation of communication and surveillance security systems, (e.g. cameras, closed-circuit television, alarm systems, or public address systems) provided the installation of the system hardware does not damage or cause the removal of character-defining architectural features, can be easily removed, and is installed so that it has minimal impact on historic character. New wiring should be run sub-surface to the greatest extent possible or where exposed, should be enclosed in conduit that is painted to match the existing surface.
 - e. Installation of building access security devices (e.g. card readers, enhanced locks, door alarms, or security scanners such as metal detectors), provided the device (s) does not damage or cause the removal of character-defining architectural features and can be removed without impacts to significant architectural features. New wiring should be run sub-surface to the greatest extent possible or where exposed, should be enclosed in conduit that is painted to match the existing surface.
 - f. New exposed ductwork, air handler units, or electric conduit in unfinished basements, historically-unfinished upper floors, or attics.
 - g. In-kind repair, replacement, or limited upgrading of escalators, elevators, or other mechanical conveyance systems.
 - h. Installation of exterior security features and early warning devices on exiting light poles or other permanent utilities. New wiring should be run sub-surface to the greatest extent possible or, where exposed, should be enclosed in conduit that is painted to match the existing surface.
 - i. In-kind repair, replacement, or limited upgrading of small-scale electronic equipment attached to, or situated near, a structure such as antennas, dishes, speakers, lighting, control boxes, etc. New wiring should be run sub-surface to the greatest extent possible or, where exposed, should be enclosed in conduit that is painted to match the existing surface.
4. Windows and Doors
- a. In-kind repair of damaged or severely deteriorated windows and window frames, shutters, storm shutters, doors and door frames, and associated hardware, such that the profiles, elevations, details and materials match those of the originals. Whenever possible original materials should be retained for future information, repair or reuse.
 - b. In-kind replacement of window panes. Clear plate, double, laminated, or triple insulating glazing can be used, provided it does not alter the existing window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of decorative glass.

- c. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non-character-defining spaces with metal blast resistant doors and frames.
 - d. Installation of security bars over windows on rear elevations.
 - e. Installation or application of safety or security window film on window panes, provided it does not result in altering the existing tint or appearance of the pane. This allowance does not apply to the application of film on decorative glass.
5. Exterior Walls, Cornices, Porches, and Foundations
- a. In-kind repainting of surfaces, provided destructive surface preparation treatments are not used (e.g. water blasting, sandblasting, power sanding or chemical cleaning).
 - b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, or their ancillary components. In-kind replacement of severely deteriorated, missing or lost features, provided the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
 - c. In-kind repair or replacement of signs or awnings.
 - d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
 - e. Anchoring of walls to floor systems; provided the anchors are embedded and concealed from exterior view.
 - f. In-kind repair of concrete or masonry walls, columns, parapets, chimneys, or cornices. Limited, in-kind replacement of damaged components including comparable brick and mortar that matches the color, strength, content, rake, and joint width.
 - g. Bracing or reinforcing of walls, chimneys, or fireplaces, provided the bracing or reinforcing are concealed from exterior view or reversible.
 - h. Strengthening of foundations or the addition of foundation bolts, provided the visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.
 - i. Repairs to or in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

6. Roofing

- a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character-defining features.
- b. In-kind repair, replacement, or strengthening of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
- c. Repairs to flat-roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.

7. Weatherproofing and Insulation

- a. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
- b. In-kind repair or replacement of insulation systems, provided the existing interior plaster, woodwork, exterior siding, or exterior architectural detail is unaltered.

8. Structural Retrofits

- a. The installation of the following retrofits/upgrades, provided such upgrades are not visible on the exterior: attic bracing; cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping or anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first-floor joists, above top-floor ceiling rafters, or on roofs; and automatic gas shut off valves. In masonry structures, bolts will be required to be installed through the mortar and not the stone or brick, as applicable.
- b. Replacement, repair, or installation of lightning rods.
- c. Earthquake bracing used on portable equipment and shelving in schools and other public facilities.
- d. Activities related to flood proofing and minor upgrades on secondary facades. A secondary façade does not face a public thoroughfare, mews or court and does not possess historically significant architectural features. Minor upgrades include replacement of exterior utilitarian, non-character-defining doors or windows with new doors or windows, the addition of new elements (e.g. storm panels or flood panels) to exterior doors or windows, or the installation of metal grating at basement window wells.

9. Americans with Disabilities Act (ADA) Compliance

- a. Installation of grab bars or other minor interior modifications.

10. Safe Rooms

- a. Installation of individual safe rooms within the property limits of a residence where installation occurs within the existing building or structure or in previously disturbed soils.

11. Elevation, Demolition, and Reconstruction

- a. Activities related to the elevation, demolition, or reconstruction of buildings or structures less than forty-five (45) years of age. The proposed activities shall substantially conform to the existing footprint or are performed in previously disturbed soils, including any staging area. The buildings or structures shall not be located within or adjacent to a NRHP-listed or eligible historic district.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the existing footprint or are performed in previously disturbed soils, including the area where the activity is staged.

1. Roads and Roadways

- a. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards. This allowance permits hazard mitigation measures, such as those designed to harden exposed surfaces, which includes the application of gravel armoring to side slopes and ditches.
- b. In-kind repair to historic paving materials for roads or walkways.
- c. In-kind repair, replacement, or minor upgrade of culvert systems, arches beneath roads or within associated drainage systems. This allowance includes the provision of headwalls, riprap, and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided the work substantially conforms to the existing footprint. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair where the masonry construction matches the color, content, strength, rake, and joint width where occurring.
- d. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
- e. In-kind repair or replacement of road appurtenances (e.g. curbs, berms, fences, parking lots, storm drains, catch basins, fire hydrants, sidewalks, traffic signs, and parking meters).

- f. Installation of speed bumps or enhanced curbs. This allowance does not apply to any work in historic districts listed or eligible for listing in the NRHP.
- g. Stabilization of hazardous slopes within transportation rights-of-way. Stabilization methods include the installation of retaining walls and systems (e.g. gabion baskets, crib walls, soldier pile and lag walls). Work will not exceed the limits of the previously disturbed rights-of-way and will not take place within the APE of any historic property listed or eligible for listing in the NRHP.
- h. Temporary emergency repairs of existing roads that do not require grading and are confined within the existing public rights-of-way.

2. Bridges

- a. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders) in previously disturbed soils.

D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the existing footprint or are performed in previously disturbed soils, including the area where the activity is staged.

1. General

- a. In-kind repair, replacement, minor upgrading, small-scale realignment, or elevation of utilities, associated features and structures within previously disturbed soils of rights-of-way or utility corridors.
- b. Installation of new utilities or associated features within existing rights-of-way except when in close proximity to previously recorded archaeological sites or within view sheds of historic districts eligible for or listed in the NRHP.
- c. Directional boring of new/replacement service line and related appurtenances involving boring or slit trenches within previously disturbed soils of rights-of-way or utility corridors.
- d. In-kind repair, replacement, or minor upgrade of water towers provided activities occur within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.

- e. Temporary storage of supplies and equipment (e.g. poles, cable spools, pedestals, etc.) where no ground disturbance will occur. This allowance does not include the construction of temporary access routes.

2. Generators and Utilities

- a. In-kind repair, replacement, minor upgrades, elevation, or installation of generators, HVAC systems, and similar equipment provided activities occur within previously disturbed soils and any roof mounted equipment is not visible from the ground level.
- b. In-kind repair of metal, wooden, cement, brick, or concrete masonry utilitarian structures to house or protect utilities (e.g. pump house and electrical transformer houses) and related elements (e.g. oil tanks and exposed pipelines), except when located within a historic district.
- c. Underground cable replacements of any length when the replacement cable is placed within three feet of the same trench as an existing or failed cable.
- d. Replacement of power poles in existing locations is allowed including increase in the pole diameter. Relocation or construction of new poles are allowed in: (1) urban or suburban settings between the edge of roadway and the sidewalk, (2) rural settings along roadway shoulders, and (3) in off-road alignment settings in the existing utility right-of-way.
- e. New construction of a single pole overhead line is permissible when the auguring, pole placement, and line placement is conducted from within the previously disturbed public or private right-of-way.
- f. Replacement or relocation of previously installed solar panels on the roofs of building less than 45 years of age.
- g. Directional boring for replacement lines and related appurtenances within the existing footprint, where ground disturbance would involve less than 10 square foot excavation units for placement of directional boring equipment. These units would be placed in areas for directional drill to begin and end or where needed to complete boring.

3. Communication Equipment/Systems and Towers

- a. Acquisition, installation, or operation of communication or security equipment/systems that use existing distribution systems, facilities, or existing infrastructure rights-of-way.

- b. The collocation of communication and security equipment on existing towers and buildings/structures less than forty-five (45) years in age, provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- c. Enhancement, repair, or replacement of existing communication towers and antenna structures, provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- d. Installation of new temporary (not to exceed twelve (12) months) communications towers and antenna structures, provided the work does not require modification of buildings/structures forty-five (45) years of age or older, and occurs within previously disturbed soils.
- e. Installation of new communication towers, less than two-hundred (200) feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures forty-five (45) years of age or older, occurs within previously disturbed soils, and is not within one-thousand (1,000) feet of the boundaries of a historic property.

E. WATER RESOURCE MANAGEMENT AND CONTROLS, when proposed activities substantially conform to the existing footprint or performed in previously disturbed soils, including the area where the activity is staged.

1. Canal Systems

- a. In-kind repair or replacement to canal systems and associated elements. This allowance does not apply to historic canals or canal structures.

2. Dams, Levees, Locks, and Floodwalls

- a. In-kind repair of dams, levees, locks, floodwalls and related features (e.g. spillways, tide gates, and fuse plugs) provided the work occurs in previously disturbed soils.

3. Bulkheads, Breakwaters, Seawalls, Revetments, and Berms

- a. In-kind repair or replacement of breakwaters, seawalls, bulkheads, berms, jetties, sand dunes, and revetments, provided the work occurs within the existing footprint.

4. Fish Hatcheries

- a. In-kind repair or replacement of fish hatcheries and fish ladders.

5. Waste-Water Treatment Lagoon Systems

- a. In-kind repair, replacement, or minor upgrades of waste-water treatment lagoon systems.

6. Outfall Systems

- a. In-kind repair, replacement, or minor upgrades to outfall pipes along beaches or inland waterways.

APPENDIX B

Standard Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects for historic properties:

If Undertakings may or will result in adverse effects, NCORR, SHPO, the Recipient/Subrecipient, consulting Tribe(s), and ACHP (Council), if participating, may develop a mitigation plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects. This Appendix may be amended in accordance with Stipulation VIII. A of this Agreement, Amendments.

- A. Recordation: NCORR will consult with the SHPO to determine the level and format of recordation required for the affected property(s). NCORR shall ensure that the recordation is submitted to the SHPO for review and approval prior to project implementation. This recordation may include, but is not is not necessarily limited to, one or more of the following components:

1. Digital Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a digital photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The digital photography package will meet the standards cited in the SHPO policy and guidelines provided in the North Carolina Department of Natural and Cultural Resources *Digital Photography Policy* **or subsequent revisions, accessible online at: <https://www.ncdcr.gov/about/history/division-historical-resources/state-historic-preservation-office/architectural-20>**.

The digital photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.

- a. The digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *SHPO Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.

- b. The designated responsible party shall submit the digital photography package to the SHPO and consulting Tribe(s) if applicable, for review and approval. Once approved by the SHPO, and consulting Tribe(s) if applicable, the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, or library for permanent retention.
2. Large Format Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a large format photography package prepared by staff or contractors meeting the Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The large format photography package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. However, interior photographs will only be subject to this if a request for access is approved by the property owner or lessee. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The large format film photography package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit the large format film photography package to the SHPO and consulting Tribe(s) for review and approval. Once approved by the SHPO, and consulting Tribe(s), the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, or library for permanent retention.

B. Public Interpretation

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, consulting Tribe(s) and ACHP, if participating, to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO, and consulting Tribe(s) if applicable, and the designated responsible party shall continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

C. Historical Context Statements and Narratives

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, consulting Tribe(s), and ACHP, if participating, to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO and consulting Tribe(s) through the drafting of the document and delivery of a final product. The designated responsible party shall use staff or contractors that meet the *Secretary of the Interior's Professional Qualifications (Secretary's Professional Qualifications)* for the appropriate discipline.

D. Oral History Documentation

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, consulting Tribe(s), and ACHP, if participating, to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO, and consulting Tribe(s), through the data collection, drafting of the document, and delivery of a final product. The designated responsible party shall use staff or contractors that meet the *Secretary's Professional Qualifications* for the appropriate discipline.

E. Historic Property Inventory

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, consulting Tribe(s), and ACHP, if participating, to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO, and consulting Tribe(s), through the data collection process. The designated responsible party shall use SHPO, and consulting Tribe(s), standards for the survey of historic properties and SHPO, and consulting Tribe(s), forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO, and consulting Tribe(s), templates and guidelines, and work with the SHPO, and consulting Tribe(s), until a final property inventory is approved. The designated responsible party shall use staff or contractors that meet the *Secretary's Professional Qualifications* for the appropriate discipline.

F. National Register of Historic Places and National Historic Landmark Nominations

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, and consulting Tribe(s), and ACHP, if participating, to identify the individual properties that would benefit from a completed NRHP or NHL nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate

with the SHPO, and consulting Tribe(s) through the drafting of the nomination form. SHPO, and consulting Tribe(s), shall provide adequate guidance to the designated responsible party during the preparation of the nomination form. The designated responsible party shall follow the procedures outlined in *Practical Advice for Preparing National Register Nominations in North Carolina* accessed online at: <https://www.ncdcr.gov/about/history/division-historical-resources/state-historic-preservation-office/architectural-7>. The designated responsible party shall use staff or contractors that meet the *Secretary's Professional Qualifications* for the appropriate discipline.

G. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, NCORR and the Subrecipient shall work with the SHPO, consulting Tribe(s), and ACHP, if participating, to identify the historic maps or aerial photographs for scanning and geo-referencing. Once a list of maps or aerial photographs has been agreed upon, the designated responsible party shall continue to coordinate with the SHPO or consulting Tribes through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO, and consulting Tribe(s), for review. The SHPO, and consulting Tribe(s), shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable produced by the designated responsible party shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.

H. Data Recovery for Archaeological Resources

If Undertakings will result in adverse effects to archaeological resources, NCORR, OSA, NDPS, the Subrecipient, consulting Tribe(s), and ACHP, if participating, may develop a treatment measure plan that includes a research design for a Phase III Data Recovery/Mitigation or Treatment Reports. Given the individual nature of each archaeological site, data recovery methodology and reporting requirements will depend on the nature of historic properties affected and the severity of adverse effects. All work will conform to the North Carolina Office of State Archaeology's "*Archaeological Investigation Standards and Guidelines*" accessed online at: <https://archaeology.ncdcr.gov/programs/forms>.

APPENDIX C

Identification and Evaluation Process for Archaeological Resources

This Appendix may be amended in accordance with Stipulation VIII. A of this Agreement.

- A. **Qualifications:** Individuals seeking to do background research at an OSA facility must meet or be under the supervision of an individual who meets the *Secretary of the Interior's Professional Qualification Standards for Archaeology* as described in 36 C.F.R. § 61.
- B. **Area of Potential Effects:** According to 36 C.F.R. § 800.16(d), the APE for a project is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties.” In the case of archaeological sites, the APE is often the maximum area of potential ground disturbing activities associated with a project. The APE as originally defined for a project may change if it is re-designed.
- C. **Background Research:** Prior to the fieldwork phase of a project, background research is to be conducted in consultation with the OSA. Access to archaeological site files, reports, and related documents is provided to qualified professional archaeologists and authorized representatives of federal, state, or local agencies and institutions whose purpose is to effect planning decisions regarding archaeological resources. Persons having access to site files will be expected to maintain the confidentiality of site location information in accordance with North Carolina General Statute 70-18.
- D. **Fieldwork Activities:** Fieldwork, if necessary, will be limited to monitoring, reconnaissance survey, and identification and assessment survey (Phase I), as defined in the North Carolina Office of State Archaeology’s “*Archaeological Investigation Standards and Guidelines*”. When a site’s NRHP eligibility cannot be fully assessed at the survey level, the site may need to be further evaluated with test unit excavations (Phase II).
- E. **Undertakings in Cemeteries and Grave Sites:** According to North Carolina General Statute 65, Article 12, a cemetery is “a tract of land used for burial of multiple graves.” Cemeteries containing interments greater than 50 years of age should receive a trinomial site number. If the cemetery is associated with other historic site elements, or is located within a prehistoric site, both a completed OSA Site Form and a Cemetery Form should be submitted. Otherwise only a cemetery form is necessary. Given the possibility for unmarked graves in historic cemeteries, even burial locations with a single above-ground marker should be recorded as cemeteries.
- F. **Inadvertent Discovery of Human Remains:**
 - 1. If human skeletal remains are encountered during archaeological investigations, the provisions of North Carolina General Statute Chapter 70, Article 3 apply. The State Archaeologist should be contacted immediately. Investigations can resume after contact has been made and the consultation process has been initiated. The Principal Investigator shall notify the State Archaeologist as to the cultural and biological

characteristics of the remains as soon as such determination has been made. Consultation between the State Archaeologist and the Principal Investigator will determine where the remains will be held after excavation.

2. If the skeletal remains are determined to be Native American, consultation will be undertaken between the State Archaeologist and the Executive Director of the North Carolina Commission of Indian Affairs. If the skeletal remains are not Native American, the State Archaeologist will publish notice of the discovery in an effort to determine next of kin.

G. Curation: If occurring, curation will follow OSA guidelines as described in the North Carolina Office of State Archaeology's "*Archaeological Investigation Standards and Guidelines*", with all materials – including artifacts, floral and faunal remains, and sediment samples, along with related documentation such as original field notes, maps, photographs, artifact inventory lists, and analysis forms – being permanently curated in an approved archaeological repository, preferably in the state of North Carolina. If artifacts are curated with the Office of State Archaeology Research Center (OSARC), a deed of gift form should be signed by the property owner on which the archaeological investigation is undertaken at the time of the fieldwork. If no curation is to occur, it should be noted that the artifacts were returned at the request of the landowner.

H. Reports: Reports will follow OSA guidelines as described in the *North Carolina Office of State Archaeology's Archaeological Investigation Standards and Guidelines*.

Appendix G

Sample Tier II Environmental Questionnaire

Attachment 1 – Environmental Questionnaire



Environmental Report



**Environmental Questionnaire
 Homeowner Recovery Program
 (Version 1.0, March 2020)**

(For use in performing site inspections of owner-occupied single-family residential buildings in accordance with 24 CFR Part 58.5(i)(2))

Application ID	
Applicant Name	
Property Address	
GPS Coordinate or Longitude / Latitude	
Inspector Name	
Inspection Date	
Is there evidence of damage from the 2016 or 2018 Event?	
Description:	
Number of Buildings	
Is the unit occupied:	
Are the utilities connected?	
Number of Units	
Foundation Type (slab on grade, pier and beam, crawl space, basement)	
Building Type (single-family, mobile home, multi-family)	
Number of Stories	
Year Built (and source)	
Type of Construction:	
Window Style:	
Roof Type:	
General Condition:	
Accurate Application Location	
Location Comments	

Location	
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ENVIRONMENTAL OBSERVATIONS RESPONSE	COMMENTS
1. Are there signs of poor housekeeping on site? (mounds of rubble, garbage, or solid waste or improperly stored household quantities of petroleum products, pesticides, paints, thinners, cleaning fluids, automotive batteries, damaged, abandoned, and/or dangerous vehicles or other motorized equipment; pits, pools, lagoons, or ponds of hazardous substances or petroleum products located on the site)	
2. Are there any 55-gallon drums or containers visible on site? (specify contents in comments, if known)	
2a. If 55-gallon drums are present, are the signs of leaking? (soil staining, chemically distressed vegetation)	
3. Are there any (or signs of any) underground petroleum storage tanks on the parcel? (specify contents and size/volume in comments, if known)	
4. Are there signs of ASTs on the parcel or immediately adjacent visible sites? (specify contents and size/volume in comments, if known)	
4a. If ASTs are present, is there any soil staining in the vicinity of the tank?	

5. Are there any groundwater monitoring or injection wells on the site or adjacent parcel?

6. Is there evidence of a **faulty septic system** on the site?

7. Is there any permanent standing water, such as a pond or stream, or wetlands located on or adjacent to the site (do not include run-off or ponding from recent weather events)?

8. Does the subject lot have **water frontage**?

9. Is there any visible indication of **mold**?

10. Is there any visible evidence of asbestos, lead-based paint, or hazardous materials present in the structure?

11. Are there other unusual conditions on site? Explain in attached supporting material. Please take photographs, if possible.

12. Is the structure 45 years or older?

13. Is the applicant aware of any significant historical events of persons associated with the structure or does the home have a historic marker?

Inspector Signature:

5.0 BY SIGNING THIS DOCUMENT, I AGREE THAT I PERFORMED OR THAT I AM FAMILIAR WITH, THE SITE INSPECTION(S) THAT ARE DESCRIBED ABOVE AND CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE, THE INFORMATION IS TRUE AND CORRECT.

Printed Name:
Title:

Environmental Inspector

Signature:

Date Entered: