

# MARLBORO COUNTY TIERED ENVIRONMENTAL BROAD REVIEW

for the  
HURRICANE FLORENCE  
SINGLE-FAMILY HOUSING  
PROGRAM

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March 2021

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SOUTH CAROLINA DISASTER RECOVERY OFFICE  
a division of the OFFICE OF RESILIENCE



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## NEPA Compliance Document

An environmental review is the process of reviewing a project and its potential environmental impacts to determine whether it complies with the National Environmental Policy Act (NEPA) and related laws and authorities. All HUD-assisted projects are required to undergo an environmental review to evaluate environmental impacts. The analysis includes both how the project can affect the environment and how the environment can affect the project, site, and end users.

Under HUD regulation 24 CFR 58.4, the South Carolina Disaster Recovery Office (SCDRO) has assumed HUD’s environmental review responsibilities. The environmental review procedures for entities assuming HUD’s environmental responsibilities implementing regulations are contained in 24 CFR 58. This Tiered Environmental Broad Review contains a Broad Review, written strategy, and site-specific review which will be used to determine environmental conditions at each project site. All relevant parts of the Environmental Review Record (ERR) will be completed before committing funds to any one project site (24 CFR 58.22).

For any questions or concerns related to this project  
or the environmental review, please contact:

**Eric Fosmire, Legal Director**  
**South Carolina Disaster Recovery Office**  
**632 Rosewood Drive, Columbia, SC 29201**  
**or by email at [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov)**

***“one team, one mission”***

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## Change Log for Tiered Environmental Review

Date	Tier I Section	Summary

# Delegation of Authority



HENRY McMASTER  
GOVERNOR

To: All Interested U.S. Dept. of Housing and Urban Development (HUD) Parties:

From: Governor Henry Dargan McMaster

Re: Delegation of Environmental Certifying Officer Authority for HUD Community Development Block Grant – Disaster Recovery (CDBG-DR), HUD Community Development Block Grant - Mitigation (CDBG-MIT), and other HUD Disaster Recovery Environmental Documents

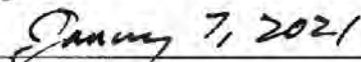
Date: 7 January 2021

Benjamin I Duncan, II, Program Management Director of the South Carolina Disaster Recovery Office (SCDRO) of the South Carolina Office of Resilience, is designated as the Environmental Certifying Officer for South Carolina's CDBG-DR, CDBG-MIT, and any other HUD disaster recovery program. In addition, due to the volume of the environmental documents that require a signature by the Certifying Officer for the State of South Carolina's CDBG-DR, CDBG-MIT, or other HUD disaster recovery programs, I also designate Eric G. Fosmire, SCDRO Legal Director, as a second certifying officer. Director Duncan and Mr. Fosmire may sign any environmental review record associated with HUD CDBG-DR grant numbers B-16-DH-45-0001, B-16-DL-45-0001, B-19-DV-45-001, B-19-DV-45-002, and HUD CDBG-MIT grant number B-18-DP-06-0002. Director Duncan and Mr. Fosmire may also serve as Certifying Officers for environmental review records for any future HUD CDBG-DR, CDBG-MIT, or other HUD disaster recovery grants the State of South Carolina may receive. Mr. Fosmire will represent the responsible entity and will be subject to the jurisdiction of the Federal courts as specified in 24 C.F.R Part 58, Section 58.13.

**Responsible Entity, Representative's Information/Certification:**

Responsible Entity, representative's name, title, and organization (printed or typed):  
Hon. Henry Dargan McMaster, Governor, South Carolina

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

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# Tiered Environmental Review

## Environmental Review Record Classification and Tiering Plan

SCDRO 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 the completion of environmental compliance reviews of each individual proposed project in accordance with HUD regulations and guidance.

In consultation with HUD, SCDRO has classified the Hurricane Florence Single-Family Housing Program’s activities as requiring an Environmental Assessment (24 CFR 58.36(e)) subject to laws and authorities at 24 CFR 58.5, 24 CFR 58.6, and NEPA analysis. This Environmental Review Record (ERR) is tiered in accordance with HUD regulations at 24 CFR 58.15. The tiered approach allows environmental review and analysis to be streamlined by evaluating impacts of functionally and geographically aggregated activities for the proposed action area at a broad, or County-wide, level. In general, the Environmental Broad Review defines a Program’s action area, describes the proposed activities, and helps identify potential environmental effects of these activities as defined by NEPA compliance factors, Executive Orders, HUD environmental standards, and to identify County-wide issues of concern.

In accordance with required regulatory compliance factors, this Broad Review outlines key characteristics relative to the proposed single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyout activities proposed in the Housing Program. It also identifies and eliminates the unnecessary and repetitive evaluation of compliance factors that will not occur at the site-specific project level due to their absence County-wide, or because the program parameters include systematic general conditions that adequately address them.

Since individual project locations have not yet been identified at this level of review, all potential environmental effects at the site-specific level cannot be evaluated. Nonetheless, the broad analysis can generally describe the environmental conditions and factors that must be considered during execution of a Program. Where compliance cannot be determined, the broad-level review must define a protocol for how compliance will be achieved at the site-specific level. This protocol should not merely state that the factor will be addressed in the site-specific review; rather, the Broad Review must define a strategy including procedures to be followed to determine compliance, mitigate impacts where possible, and dismiss sites that cannot be made compliant.

When the exact location of an individual project is identified, a site-specific review will be completed prior to committing HUD CDBG-DR funds to the project. The site-specific review will concentrate on the issues that were not resolved in the broad-level review as described in the HUD Tiered Environmental Review guidance. Using the protocols established at the broad level review, the site-specific review will determine and document the project’s adherence to all established protocols and remaining requirements and dismiss projects that cannot be made compliant. Site-specific reviews may also include direct field observation and coordination with resource agencies as necessary to determine compliance. If there are no impacts or impacts will be effectively mitigated through site-specific project conditions, then that project will proceed without further notice to the public.

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## Tier I: EA Determinations and Compliance Findings

# Environmental Assessment Determinations and Compliance Findings for HUD-assisted Projects 24 CFR Part 58

### Project Information

**Project Name:** Hurricane Florence Single-Family Housing Program

**Responsible Entity:** The South Carolina Office of Resilience, Disaster Recover Office (SCDRO)

**Grant Recipient** (if different than Responsible Entity): State of South Carolina

**State/Local Identifier:** B-19-DV-45-0001, B-19-DV-45-0002

**Preparer:** Karyn Desselle, HORNE, LLP

**Certifying Officer Name and Title:** Eric Fosmire, Legal Director, SCDRO

**Consultant** (if applicable): HORNE, LLP

Direct Comments to: Eric Fosmire, Legal Director  
632 Rosewood Drive  
Columbia, SC 29201  
[Eric.Fosmire@admin.sc.gov](mailto:Eric.Fosmire@admin.sc.gov)


### Project Location

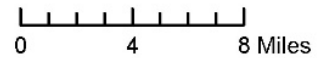
The geographic scope for the Hurricane Florence Single-Family Housing activities described herein, is the jurisdictional area of Marlboro County, South Carolina. Located in northeastern South Carolina, Marlboro County is bordered by North Carolina to the north, Chesterfield and Darlington Counties to the west, Florence County to the south, and North Carolina and Dillon County to the east (see County Overview Map below). According to the United States Census Bureau, American Community Survey (ACS) 2013-2017, Marlboro County is home to an estimated 27,505 residents. Marlboro County has a total area of 485.46 square miles (1,257 km<sup>2</sup>), of which 479.87 square miles (1,243 km<sup>2</sup>) is land and 5.59 square miles (14.5 km<sup>2</sup>) (1.2%) is water.

# County Overview - Marlboro County

## Hurricane Florence Single-Family Housing Program



 County Boundary



Sources: County boundaries obtained from US Census Bureau. ESRI Imagery Basemap service.



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## **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**

The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

The State's Action Plan has outlined the following as eligible housing program activities:

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

During the execution of these activities, as needed and appropriate, identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activities) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: 'Rehabilitation'** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: 'Rehabilitation and Elevation'** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: 'MHU Replacement'** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: 'MHU Replacement and Elevation'** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: 'Stick-Built Reconstruction'** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new

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structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

South Carolina will implement construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and replacement will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters.

Where feasible, the State will follow best practices such as those provided by the U.S. Department of Energy's Guidelines for Home Energy Professionals. For all new construction or for substantially rehabilitated structures, the State will require construction to meet ENERGY STAR certification standards.

To the most practical extent feasible, the State will follow the HUD CPD Green Building Retrofit Checklist guidelines and apply them to rehabilitation work undertaken to include the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of rehabilitation work, the State will use products and appliances with ENERGY STAR labels, Water Sense labels or Federal Energy Management Program (FEMP) designations.

South Carolina will also monitor construction results to ensure the safety of residents and the quality of homes assisted through the program. All single family, rental and mobile homes repaired must comply with the current HUD Housing Quality Standards (HQS). In addition, SCDRO has coordinated with DHEC to ensure applicants are aware of the risks associated with mold and take steps to limit the impact of any mold issues that may arise.

Furthermore , SCDRO will implement resilient practices to ensure the viability, durability, and accessibility of replacement mobile homes.

- Although some local building codes allow installation of Wind Zone I rated mobile homes, SCDRO will only utilize mobile homes with a minimum wind rating of HUD Wind Zone II or higher (able to withstand winds up to 100 MPH).
- SCDRO will adopt the 5’7” rule, prohibiting the installation of mobile homes elevated 5’7” above grade without appropriate structural reinforcement.

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## **Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]**

In 2015, South Carolina incurred catastrophic flooding due to storm systems from Hurricane Joaquin. In 2016, Hurricane Matthew made landfall as a Category 1 hurricane. With it came extreme rainfall and significant flooding. In September 2018, the state was impacted by hurricane storm surge, high winds, tornados, and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The Housing Program's goal is to provide housing that is safe, sanitary, and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outline in the South Carolina Hurricane Florence Action Plan.

## **Existing Conditions and Trends [24 CFR 58.40(a)]**

With recovery efforts still underway from extensive flooding during both Hurricane Joaquin and Hurricane Matthew, the impacts to housing from Hurricane Florence and subsequent flooding were widespread. Single-family homeowners in stick-built homes, single family homeowners in mobile homes, and renters in various types of housing stock were affected. More than 16,000 applicants filed for FEMA (IA) Individual Assistance statewide as a result of Hurricane Florence. Of those who specified housing unit type, about 76% are homeowners, including single family homes, duplex units, mobile homes and other housing types. The remaining 24% are renters, including renters of single-family homes, mobile homes, apartment units and other housing types (Hurricane Florence Action Plan). Of the 385,402 housing units in the entire impacted area (most of which are owner-occupied units), more than 75% of all housing units and an estimated 84% of rental units, were built before 1999. With much of the housing stock in the 30-year range, key systems such as electrical, roofing, water heaters and furnaces may have already cycled through a replacement lifespan in many homes. Mobile homes also contribute significantly to the housing fabric of South Carolina. Of the FEMA IA applicants in the state-assessed areas, approximately 3,847 of them reside in mobile home units. However, wind, rain, and

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flooding damage to mobile homes is often difficult to repair, due to the integrated nature of the building components. The unmet needs assessment also identified that mobile homes and damage to these vulnerable structures was concentrated in rural, non-urban areas. Mobile homes damaged in Horry, Dillon and Marion Counties combine to account for nearly 65% of the total mobile homes damaged across the state.

Furthermore, when looking at the FEMA IA applicant population, many of the applicants either reside in high vulnerability areas, as defined by High social vulnerability scores, or Medium-High social vulnerability areas. Of these residents, there are subsets of populations over the age of 65, and additionally, who are over 65 and have access and functional needs (AFN). These applicants, and those who are low-income, often have the fewest means of assistance available to them. Considering these factors, it is not surprising that many of the property owners do not have sufficient means to repair the damages caused by Hurricane Florence. Addressing the housing needs of these impacted residents is a priority to ensure housing stock is maintained and housing quality is improved. This will in turn create the foundation for livable, resilient communities.

### **Funding Information**

Grant Number	HUD Program	Funding Amount
B-19-DV-45-0001, B-19-DV-45-0002	Community Development Block Grant – Disaster Recovery (CDBG-DR)	\$72,075,000 (across entire 8 county program area)

Estimated Total HUD Funded Amount: \$2,883,000 (Marlboro County)

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: \$2,883,000 (Marlboro County)

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities**

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

In the table below, a “Yes” response below indicates that further steps are needed at the Tier II site-specific environmental review level. A “No” response indicates that the project is in compliance at the Tier I level.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	<b>Are formal compliance steps or mitigation required?</b>	<b>Compliance Determinations</b>
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>Compliance achieved at the Tier I Broad Review level, as described below.</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). The term Civil Airport means “an existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.” ‘Commercial service airports’ are publicly owned airports with at least 2,500 annual enplanements (passenger boardings) and scheduled air carrier service (§47102(7)). 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). The FAA Southern Region Airports Division was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit A-1). An email was received on January 26, 2021 forwarding the letter to the new Director as well as an acknowledgment of receipt (see Exhibit A-2); however, no substantive response was received.</p>

		<p>There are six (6) civil airports, and five (5) military airfields in South Carolina, one of which is joint use (civil and military) (see Table A-1). Additionally, there are 3 civil airports and 1 military airfield in neighboring areas of North Carolina (see Table A-2). None of the civil airports are within 2,500 feet of, nor are the military airfields within 15,000 feet of, any area of Marlboro County (see Map A-1). Therefore, projects located within Marlboro County will not require site-specific review.</p>
<p><b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review level, as described below.</p> <p>The John H. Chaffee Coastal Barrier Resources System (CBRS) was established in 1982 and is administered by the U.S. Fish and Wildlife Service (USFWS). In accordance with 24 CFR 58.6(c), HUD assistance may not be used for project activities proposed in the CBRS. The Coastal Barrier Resources Act (CBRA) prohibits new federal expenditures or financial assistance within System units of the CBRS. No HUD funding will be used in a Coastal Barrier Resources Area. USFWS’s Division of Habitat and Resource Conservation Coastal Barriers Coordinator was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit B-1). No response was received.</p> <p>South Carolina’s coastline includes twenty-three CBRS Units (16 System Units and 7 Otherwise Protected Areas) (see Table B-1); however, there are no Coastal Barrier Resource Units or Otherwise Protected Areas within Marlboro County (see Maps B-1 and B-2); therefore, projects located within Marlboro County will have no effect on any Coastal Barrier Resources.</p>
<p><b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Within Marlboro County, approximately 63,591 acres of land (20.4% of the county’s land area) are within the 100-year floodplain (see Map C-1). Although specific project sites have not yet been identified, it is anticipated that, once identified, some of the proposed project sites may be located in the 100-year floodplain.</p>

		<p>All proposed projects located in the 100-year floodplain are required to comply with the Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994. Applicants will be screened prior to environmental review to determine if the property previously received federal flood disaster assistance conditioned upon obtaining and maintaining insurance and will only be allowed to proceed after providing proof of having met this requirement.</p> <p>Additionally, the Program require all assisted properties to obtain and maintain flood insurance in perpetuity; therefore, SCDRO will only provide assistance to properties in the 100-year floodplain, where the community is participating in the National Flood Program and in good standing. There are currently two towns in Marlboro County that are not participating in the National Flood Program. Properties in the 100-year floodplain, in both the Town of Blenheim and the Town of McColl will not be eligible to receive assistance.</p> <p>The FEMA Regional Environmental Officer (federal), the South Carolina Department of Natural Resources State Floodplain Coordinator (state), and the Marlboro County Floodplain Administrator (county) were contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibits C-4, C-5, and C-6 respectively). No responses were received.</p>
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**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5**

<p><b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP). There are currently two areas of the state, Cherokee County and the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC nonattainment area, that are designated as ‘maintenance’ (see Map D-1). The proposed project area does not include Cherokee County or York County. Therefore, conformance with the SIP is not required.</p> <p>The Bureau of Air Quality, Air Initiatives and Mobile Sources Section was contacted on May 8, 2018 regarding project</p>
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		<p>compliance for activities related to Hurricane Matthew (see Exhibit D-1). In a response dated May 18, 2018, the Bureau indicated there were two criteria pollutants of concern in South Carolina (Ozone and Particulate Matter 2.5) and offered suggestions for reducing emissions from diesel equipment, as a way to help the state stay in compliance with NAAQS (see Exhibit D-2). These suggestions were incorporated into the Mitigation Measures section to be applied to all project activities. On January 26, 2021, the South Carolina Department of Health and Environmental Control Bureau of Air Quality, Division of Compliance Management was contacted for comment regarding project compliance for activities related to Hurricane Florence (see Exhibits D-3). No response was received.</p> <p>EPA's federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from an action be below the de minimis levels. Proposed project activities include rehabilitation, reconstruction, and replacement of single family (1-4 unit) properties at scattered sites throughout the project area. Emissions associated with the proposed actions are limited to the 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, and therefore, in compliance with the Clean Air Act.</p> <p>Radon gas has been identified by the EPA as an indoor and outdoor air quality issue. The entire 8-county program area, including Marlboro County, is designated as a Zone 3, EPA's lowest potential rating, and is therefore not anticipated to pose an indoor air quality issue (see Maps D-2 and D-3).</p>
<p><b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>The South Carolina Coastal Management Program was established under the guidelines of the national Coastal Zone Management Act (1972) as a state-federal partnership to comprehensively manage coastal resources. The South Carolina Coastal Zone Management Act was authorized in 1977 under SC's Coastal Tidelands and Wetlands Act (CTWA) with the goal of achieving a balance between the appropriate use, development,</p>



		<p>and conservation of coastal resources in the best interest of all citizens of the state. DHEC's Office of Ocean and Coastal Resource Management is the designated state coastal management agency and is responsible for the implementation of the state's Coastal Management Program. A letter was sent to the SC Department of Health and Environmental Control, Coastal Zone Consistency Section of Ocean &amp; Coastal Resource Management on May 8, 2018 regarding housing program activities related to Hurricane Matthew (see Exhibit E-1). On June 26, 2018, the Department responded indicating that while the project activities described were not likely to affect coastal resources, a Coastal Zone Consistency Determination pursuant to 15 CFR 930, Subpart F – Consistency for Federal Assistance to State and Local Governments, would be needed for projects subject to regulation under the SC Coastal Zone Management Program (see Exhibit E-2). The Coastal Zone Consistency Section was contacted again for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit E-3). No response was received.</p> <p>The South Carolina Coastal Zone is defined in Section 3(B) of the South Carolina Coastal Management Act of 1977 as: All coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkley, Charleston, Colleton, Dorchester, Horry, Jasper, and Georgetown. The critical areas are defined in Section 3(J) as: coastal waters, tide-lands, beaches and primary ocean-front sand dunes.</p> <p>Marlboro County is not within the South Carolina Coastal Zone; therefore, it is not subject to the Coastal Zone Plan (see Map E-1).</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</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.</p>

Once individual project locations are identified, a site investigation by a trained / qualified environmental professional (or professionals) using current techniques to assess for contamination is required pursuant to 24 CFR §58.5(i)(2)(iv) to assess the site for hazards and potential contamination. The EPA Envirofacts database will be queried to identify facilities near the proposed project location that have hazardous materials, contamination, toxic chemicals, gases, and radioactive substances as specified in 24 CFR 58.5(i), and all identified facilities will be reviewed for determine if the hazard poses a threat to the health or safety of the occupants or restricts property usage.

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

It is HUD policy that all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect the health of the occupants. Structures to be reconstructed or rehabilitated may include lead-based paint and materials containing asbestos. These are hazardous materials that could affect the health of residents.

All activities on housing constructed prior to 1982 must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to:

- National Emission Standard for Asbestos, standard for demolition and renovation, 40 CFR 61.145
- National Emission Standard for Asbestos, standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations, 40 CFR 61.150
- SC Regulation 61-86.1 - Standards of Performance for Asbestos Projects

All rehabilitation activities on housing constructed prior to January 1, 1978, must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to:

- EPA's Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80(e))
- HUD's lead-based paint regulations in 24 CFR 35(a)(b)(h)(j)(r)

		<ul style="list-style-type: none"> <li>• HUD’s “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing”</li> </ul> <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 mitigate and eliminate mold during the rehabilitation. All residential structures undergoing rehabilitation must be remediated for mold attributable to the disaster event in accordance with EPA requirements.</p> <p>The DHEC Bureau of Land and Waste Management’s Division of Compliance and Enforcement was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit F-1). No response was received.</p>
<p><b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>The Endangered Species Act (ESA) and its implementing regulations provide Federal agencies with a mandate to conserve State- and Federally listed, threatened and endangered (T&amp;E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species in the wild, or destroy or adversely modify its critical habitat. The Ecological Services Program of the U.S. Fish and Wildlife Service works collaboratively with other federal agencies, industries, and other stakeholders to achieve infrastructure development goals in ways that are sustainable and compatible with the conservation of fish, wildlife, and their habitats.</p> <p>The Service’s South Carolina Ecological Services Field Office (SCESFO) developed blanket authorizations for activities that routinely have minimal or no effect upon trust resources, including certain projects undertaken by the Department of Housing and Urban Development (HUD). The “U.S. Fish and Wildlife Service Clearance to Proceed with U.S. Department of Commerce, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture Projects” blanket authorization letter updated May 30, 2019 (see Exhibit</p>

G-1 and Map G-1), states “If the project description falls in one of the categories and the Federal agency, or their designee, determines there is no effect or impact to federally protected species or designated critical habitat, no further action is required under Section 7 of the ESA.” The ‘Description of DOC, HUD, and USDA Projects Covered’ under the blanket authorization letter includes:

3. Construct, expand, maintain, remove, replace, or rehabilitate structures on developed or otherwise disturbed areas. Examples of developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, and pasturelands. Undeveloped areas are those sites where natural vegetation dominates.

The letter also provides guidance on the nationwide programmatic biological opinion (PBO) and the final 4(d) rule for the northern long-eared bat (*Myotis septentrionalis*, NLEB). Under the PBO and 4(d) rule, all incidental take of the NLEB is exempted from the ESA's take prohibitions under certain conditions. However, incidental take is prohibited within one quarter mile from known hibernacula and winter roost, or within 150 feet from a known maternity roost tree during the months of June and July. There are two (2) known hibernacula and one (1) known maternity roost in South Carolina (see Table G-1); however, all of them are more than 0.25 miles outside of the project area.

The proposed project activities fall under category 3 of the blanket authorization letter. Additionally, regarding NLEB considerations, the three known hibernacula and maternity roost locations are more than 0.25 miles outside of the project area (see Map G-2). Therefore, SCDRO has determined that the proposed project activities will have no effect or impact to federally protected species or designated critical habitat. As stated in the letter, these projects have been evaluated by the Service in accordance with ESA and NEPA, and no further action is required under section 7 of the ESA. In an e-mail correspondence dated January 25, 2021, the SCESFO noted that the Service is not aware of any new NLEB hibernacula in South Carolina (see Exhibit G-2).

		<p>The SCESFO was sent a letter dated January 26, 2021 for comment regarding project compliance for activities related to Hurricane Florence (see Exhibit G-3). In a response dated January 28, 2021, the SCESFO concurred that the use of the blanket letter is appropriate for the intended program provided all requirements of the blanket letter are followed (see Exhibit G-4). Any deviation from the requirements may require additional consultation with their office.</p>
<p><b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Hud’s regulations at 24 CFR Part 51 Subpart C, require “HUD-assisted projects” to be separated from these facilities by a distance that is based on the contents and volume of the aboveground storage tank, or to implement mitigation measures. 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, activities to reconstruct, rehabilitate, or replace housing that existed prior to the disaster, where the number of dwelling units is not increased, and the activities are limited to the general area of the pre-existing footprint, are not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C. 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.</p> <p>As verified by NFPA Code Finder, with the exception of a single reference by IFGC in the City of Columbia (which is not in the project area) to NFPA (2014), the entire State of South Carolina, including the project area, has adopted and is in compliance with NFPA 58 (2017) (see Map H-1).</p> <p>Projects involving reconstruction, rehabilitation, or replacement of housing that existed prior to the disaster, where the number of dwelling units is not increased and the activities are limited to the general area of the pre-existing footprint, will not require further review for above ground storage tanks. However, projects involving a relocation of an MHU to a new location on the same property or to a different previously developed</p>

		property will require further review and analysis of all ASTs identified within 1 mile of the project site.
<p><b>Farmland Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>Pursuant to 7 CFR § 658.3(c) the Farmland Protection Policy Act (FPPA) does not apply to the purchase, maintenance, renovation or replacement of existing structures and sites converted prior to application for HUD funding, including actions related to the construction of minor new ancillary structures, such as garages or sheds.</p> <p>Hence, the regulations to protect Farmlands do not apply to projects involving rehabilitation, reconstruction, acquisition/buyout (demolition of an existing structure), replacement of existing homes, and relocation of replacement MHUs onto previously developed lots where all existing utility connections and systems are in place, as these properties were previously converted to non-agricultural use when the initial development occurred (see Map I-1).</p> <p>Additionally, the SC NRCS was contacted on May 8, 2018 regarding Hurricane Matthew housing program activities (see Exhibit I-1). A response was received on June 1, 2018 stating that, "The project [...] is in an area already in urban development or is in existing right-of-ways. There is no significant impact on Prime or Statewide Important Farmlands,"(see Exhibit I-2). The SC NRCS was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit I-3). In a response dated February 11, 2021, NRCS stated, "The proposed site may involve areas of Prime Farmland; however, we consider the location to be 'land committed to urban development' due to it's previous development as residential areas. Due to this reason, this project is exempt from provisions of FPPA and no further consideration from protection is required. However, the Natural Resource Conservation Service (NRCS) strongly encourages the use of acceptable erosion control methods during the construction of this project." (see Exhibit I-4) Erosion control measures have been incorporated into the mitigation measures applicable to all project types and no significant impacts to</p>

		Prime, Unique or Statewide Important Farmlands are anticipated.
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Executive Order 11988: Floodplain Management requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. HUD’s regulations in 24 CFR Part 55 outline HUD’s procedures for complying with EO 11988. Part 55 applies to all HUD actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program.</p> <p>In Marlboro, approximately 63,591 acres of land (20.4% of the county’s land area) are within the 100-year floodplain (see Map C-1). Although specific project sites have not yet been identified, the Program will repair, reconstruct, or replace single-family housing, some of which, may be located in the 100-year floodplain. Additionally, under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity.</p> <p>For activities that occur outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required. Additionally, acquisition / buyout activities are exempt under 24 CFR §55.12(c)(3) “financial assistance restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if: (i) The property is cleared of all existing structures and related improvements; (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development.”</p> <p>HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port</p>

facilities) or a floodplain function restoration activity. Therefore, proposed project sites located in Floodways are only eligible for acquisition / buyout assistance, through which the property will be converted to greenspace in perpetuity.

In accordance with 24 CFR 55.20, the 8-Step Decision Making Process for Marlboro County was completed in March 2021, in consideration of housing program activities related to Hurricanes Matthew and Florence, specifically, rehabilitation, reconstruction, replacement, relocation, and acquisition / buyout of homes located in the 100-year floodplain (see Exhibit C-1). The Early and Final Floodplain Notices were published in the Morning News on January 27, 2021 and March 3, 2021, respectively, and provided to FEMA and other interested agencies and stakeholders (see Exhibits C-2 and C-3 respectively). Once the required public comment periods have been met, all substantive comments will be responded to and documented herein prior to the request or obligation of funds for any construction activities.

Additionally, the FEMA Regional Environmental Officer (federal), the South Carolina Department of Natural Resources State Floodplain Coordinator (state), and the Marlboro County Floodplain Administrator (county) were contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibits C-4, C-5, and C-6 respectively). No responses were received.

All projects located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones. Projects involving new construction (reconstruction or replacement), repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and in the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), the applicant must adhere to



		<p>construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3). When followed, these regulations will reduce the threat of flood damage to the homes located in the floodplain. The new elevation levels, which applicants are required to adhere to when considering reconstruction or rehabilitation of their substantially damaged properties, represent the best available data and are assumed to advance floodplain management efforts in the impacted counties.</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires the lead federal agency with jurisdiction over a federally funded or federally licensed activity to consider impacts to historic properties before approving a project. South Carolina has more than 1,400 listings in the National Register of Historic Places, including more than 160 historic districts (see Map J-1).</p> <p>The HUD Addendum to the South Carolina Programmatic Agreement (PA) among the Federal Emergency Management Agency, The South Carolina State Historic Preservation Officer, The South Carolina Emergency Management Division, and Tribes Participating as Invited Signatories to include the South Carolina Disaster Recovery Office and Participating South Carolina Units of General Local Government, was executed on November 16, 2016. The PA guides the review and consultation process for compliance with Section 106 of the NHPA (see Exhibit J-6).</p> <p>The South Carolina Department of Archives and History was contacted for comment regarding project compliance for activities related to Hurricane Matthew in a letter dated October 11, 2016 (see Exhibit J-1). In an email dated October 18, 2016, the following clarifications and guidance was provided (see Exhibit J-2), "Rehabilitation and Reconstruction of Single-Family Homes: Rehabs of buildings less than 45 years old would be excluded per I.B.1 of the FEMA PA. Otherwise, other specific rehab activities can be excluded primarily under Tier Two Allowances, regardless of building age. Demolition and/or Reconstruction to buildings less than 45 years old would be excluded per II.B.11. If a building is well over 45 years old and its</p>

		<p>activities (rehab, demolition and/or reconstruction) are not excluded from review per the Allowances then standard Section 106 consultation is recommended.”</p> <p>“Replacement of MHU’s: These would also be addressed by the above citations. However, while the FEMA PA does not specifically address MHU’s (i.e. mobile homes), our office has no concerns with repairs to, or demolition or replacement of any MHU, regardless of age. Consultation with our office for MHU projects is not necessary.”</p> <p>Follow-up letters seeking additional comments regarding project compliance for activities related to Hurricane Florence were sent to both the South Carolina Department of Archives and History, State Historic Preservation Officer (SHPO) and the Catawba Indian Nation, Tribal Historic Preservation Officer (THPO) on January 26, 2021 (see Exhibits J-3 and J-5 respectively). The SHPO responded on February 8, 2021 concurring with the consultation approach outline in the January 26, 2021 letter (see Exhibits J-4).</p> <p>All properties will be reviewed under Section 106 of the National Historic Preservation Act on a site-specific basis. If the proposed project activities do not meet one of the above exceptions or fall within any of the first- or second-tier allowances in the PA, consultation with the SHPO will be required.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>HUD’s noise standards may be found in 24 CFR Part 51, Subpart B. Consideration of noise applies to the acquisition of undeveloped land and existing development as well. For proposed new construction in high noise areas, the project must incorporate noise mitigation features.</p> <p>Acquisition / buyout (Proposed Action 7) involves demolition and conversion to greenspace in perpetuity, which will not result in a noise sensitive land use.</p> <p>Construction activities may cause temporary noise level increases. These will be mitigated by complying with local noise ordinances. HUD has determined that noise abatement and control is not applicable to a disaster recovery program which</p>

		<p>meets the definition under 24 CFR 51.101(a)(3): “The policy does not apply to...any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” Rehabilitation, reconstruction, and replacement (Proposed Actions 1 – 6) fit this definition and will not require further review.</p> <p>Although a relocated replacement MHU may be in a ‘new’ location, per program requirements, the home must be placed on an existing residentially developed MHU lot –thus the ‘new’ location is actually a previously existing noise-sensitive (residential) land use, and also fits the definition above.</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>Compliance is met. There are no Sole Source Aquifers or aquifer recharge zones in the State of South Carolina. The nearest aquifers are the Volusia-Floridan Aquifer in Florida and the Columbia and Yorktown-Eastover Multi-Aquifer System in the northeast (see Map L-1). Therefore, project activities will have no impact on these resources and no further review is required.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Executive Order 11990: Protection of Wetlands requires Federal activities to avoid adverse impacts to wetlands where practicable. Based on a review of the National Wetlands Inventory data, there are wetlands throughout the program area, and it is assumed that at least some of the proposed project sites will intersect with NWI-mapped wetlands (see Maps M-1 and M-2). All projects that involve new construction (as defined in Executive Order 11990), expansion of a building’s footprint, or ground disturbance will be evaluated to determine if the project site is located in or adjacent to a wetland (per NWI and verified by site reconnaissance and the presence of wetland indicators) are required to obtain any necessary permits as required by the Corps and are subject to processing under 24 CFR 55.20 (unless an exemption applies). If approved by the</p>

		<p>USACE, the project will proceed and will be required to comply with permit and mitigation requirements.</p> <p>Letters were sent to the U.S. Army Corps of Engineers Charleston District Office, the Charleston Ecological Services Field Office and the South Carolina Department of Health and Environmental Control Bureau of Water, Division of Water Quality on January 26, 2021, seeking comments regarding project compliance for activities related to Hurricanes Matthew and Florence (see Exhibits M-1, M-2 and M-3, respectively). The director of the Water Quality Division acknowledged receipt of the letter (see Exhibit M-4), forwarding it to the individual responsible for handling such requests for the agency; however, no substantive responses were received.</p>
<p><b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Compliance achieved at the Tier I Broad Review Level, as described below.</p> <p>The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System (NWSRS) 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 NWSRS includes designated Wild and Scenic Rivers, Study Rivers and the National Rivers Inventory. 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. Boundaries for protected rivers generally extend one-quarter mile from either bank in the lower 48 states.</p> <p>South Carolina has approximately 29,898 miles of river, of which 41.9 miles are designated as wild &amp; scenic. The Chattooga River is the only river in South Carolina that is designated as wild and scenic (see Map N-1). The Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the US that are believed to possess one or more “outstanding remarkable” natural or cultural value. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more of the NRI segments. There are ten (10) NRI segments located within the program project area (see Map N-2).</p> <p>A request for comment was submitted to the National Park Service on May 8, 2018 in regard to Hurricane Matthew housing</p>

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		<p>activities (see Exhibit N-1). No response was received. A follow-up letter seeking additional comments regarding project compliance for activities related to Hurricane Florence were sent on January 26, 2021 (see Exhibit N-2). A response dated January 27, 2021 (see Exhibit N-3) was received concurring with the method of the review process detailed in the January 26, 2021 letter.</p> <p>Based on the distance and the general location of the project sites within the project area, the Program will not impact a designated Wild and Scenic River or Study River. Project activities will not include any water resources projects that require Section 404 permits (dams, water diversion projects, bridges, roadway construction or reconstruction, boat ramps, etc.). Additionally, the proposed project activities are limited to reconstruction, rehabilitation, or replacement of existing housing, and any ground disturbance would be limited to the disturbed area of the previously developed lot and therefore, are not likely to have an adverse effect on the natural, cultural, and/or recreational values of an NRI segment.</p>
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ENVIRONMENTAL JUSTICE		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p>Yes    No  <input checked="" type="checkbox"/>    <input type="checkbox"/></p>	<p>Compliance will be achieved during the site-specific review, as described below.</p> <p>Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" (2/94) requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.</p> <p>The proposed activities would encourage people in the areas most affected by Hurricane Matthew and 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. As required by HUD per the federal register notice, low- to moderate-income households will receive at least 70% of the proposed Program funding, many of which are also minorities (see Exhibit O-1). A letter requesting comment regarding project compliance for activities related to Hurricane Florence was sent to U.S. Environmental Protection Agency, Region IV on January 26, 2021 (see Exhibit O-2). No response was received.</p> <p>While the program's intent is to beneficially impact these populations, any adverse environmental impacts that may be identified during the site-specific environmental review, could result in an unintended disproportionate, adverse impact. Therefore, Environmental Justice will be analyzed at the site-specific level once all sections of the Tier II Site-Specific Environmental Checklist are completed to determine if the project may adversely impact a low-income or minority population.</p>

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1)** Minor beneficial impact
- (2)** No impact anticipated
- (3)** Minor Adverse Impact – May require mitigation
- (4)** Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	1	<p>The project would rehabilitate, reconstruct, replace, elevate existing homes (including slum or blight) to homes meeting current local plans and zoning ordinances. This will restore habitable housing to neighborhoods impacted by Hurricanes Matthew and Florence. Housing will remain in existing residential-use areas. Acquisition / buyout will be limited to properties where floodplains and floodways have resulted in repetitive flood loss, such that the land is no longer considered to be compatible with the existing residential development and the conversion to greenspace aligns with land use plans. The programs would not increase the number of homes existing from before the storm, therefore it would not have an urbanizing effect on rural zones. Contractors will obtain appropriate permits and will comply with City and County zoning ordinances as applicable.</p> <p>Project activities will involve existing residential structures and will conform to local zoning bylaws, ensuring compatibility in setbacks and scale with adjacent buildings. All rehabilitation and reconstruction of structures located in, or contributing to, existing or eligible historic districts, or which are deemed individually eligible, will be designed and constructed in a manner that maintains the historic integrity of the</p>

		structure or district, including obtaining a Certificate of Appropriateness, when required.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	<p><u>Soil Suitability:</u> Any problems involving unsuitable soils on the proposed work sites were dealt with when the homes, to be renovated or rebuilt, were originally constructed. Therefore, unsuitable soils are not expected to cause problems for the proposed project. If unsuitable soils have caused structural problems for any of the existing or previous homes on the project sites, this would generally be addressed during the local permitting process. Soils will be adequately prepared for construction activity.</p> <p><u>Slope:</u> The proposed project activities are not anticipated to have significantly alter the slope of any project site. Minor adjustment to soil slope may result for properties requiring soil amendment or preparation for stilts and associated footings. However, impacts to slope within a localized area on a property would be considered negligible.</p> <p><u>Erosion:</u> The proposed activities will occur in substantially within the same footprint or on previously developed lots, would not involve placement of significant amounts of fill or creation of significant expanses of bare soil, and therefore, would have little potential to cause significant erosion. For project sites located in close proximity to wetlands, best management practices will be implemented to protect the wetlands from sedimentation caused by erosion. Proximity of wetlands would be determined on a site-specific basis.</p> <p><u>Drainage / Storm Water Runoff:</u> Reconstruction, replacement and rehabilitation of existing single-family residential structures will not significantly alter the structure’s footprint and should have no significant impact on the direction or volume of storm water runoff or storm water collection systems. All sites will be evaluated for the need to comply with storm water permitting requirements, general permitting requirements, or local Municipal Separate Storm Sewer Systems (MS4) permits. If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.</p>
Hazards and Nuisances including Site Safety and Noise	1	Construction activities may result in temporary sidewalk closures, fugitive dust and noise, which would be addressed under existing regulations governing construction activities in South Carolina, Marlboro County, and local municipalities. Each site will be assessed during the site-specific review to determine if the site is impacted by hazards, nuisances or threats to the safety of future residents of the property. If a



		<p>site is determined to be impacted by nuisances, site safety issues or hazardous materials; these items are required to be sufficiently mitigated prior to the project being implemented in order to minimize the risks residents, construction workers and the public.</p> <p>Contractors will be required to comply with the applicable local/county noise ordinances. Construction noise impacts will be mitigated by restricting construction activities to daylight hours.</p>
Energy Consumption	1	<p>Energy consumption would occur via the use of construction equipment and the shipment of materials required for the proposed projects. Current municipal and county energy networks are sufficient to accommodate the demand, which is intended to restore residential levels to those existing prior to the disaster. However, the program would not expand the housing stock relative to conditions prior to Hurricanes Matthew &amp; Florence, potentially resulting in an increase in long-term energy consumption, and may even reduce long-term energy consumption as rehabilitated and reconstructed homes would be more energy efficient as a result of the program due to incorporation of energy efficient building materials and practices.</p>
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	<p>The proposed project would support positive employment and income patterns. In the short term, program construction activities will add temporary construction jobs to the local economy. In the long-term employment and income patterns are expected to return to pre-disaster levels as residents that are currently displaced, are able to return to their communities, restoring their ability to work at their previous employment.</p>
Demographic Character Changes, Displacement	2	<p>The proposed project activities will not alter the demographic character of the area. The occupants of disaster damaged properties will be the same occupants that resided in the area prior to disaster. While relocation of replacement MHUs to new locations has the potential to alter demographics, the impacts are anticipated to be negligible as relocations would occur within the same community. No significant impacts would occur to the demographic character of the affected counties.</p>

<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	The proposed project activities would not result in adverse effects on the public schools or cultural facilities in South Carolina. In many cases, the families displaced by Hurricanes Matthew and Florence, would be able to return to their homes and also to their local school and cultural facilities, as a result of program activities, resulting in a return to pre-disaster norms.
Commercial Facilities	1	The proposed project activities would not result in a significant direct impact on existing commercial establishments; however, returning residents would frequent commercial establishments in the neighborhood. This would be an economic benefit to all local businesses that experienced a loss in revenue since the disaster event.
Health Care and Social Services	2	The proposed project activities would not result in a significant increase in demands on social services or the health care system. The health care system load will be similar to pre-storm conditions as new residences are not being added, only existing structures are being repaired. No additional demand for health care or social services will be created by restoring housing that was previously existing in the community.
Solid Waste Disposal / Recycling	3	In the short term, project activities will generate increased quantities of solid waste from residential demolition, construction, and repair. Program contractors will be required to properly segregate and remove hazardous materials (e.g., lead-based paint and asbestos containing materials) from the property, to have dumpsters on site, and to dispose of all waste material in permitted landfill facilities, in accordance with all city, county, state and federal codes.
Wastewater / Sanitary Sewers	2	Wastewater should not be generated as a result of project activities. The reconstruction, replacement or rehabilitation of single-family residential properties would not result in increased demand on wastewater disposal/treatment services. No significant impact would occur as a result of reconstructing the residences, as the housing stock would not be increased beyond pre disaster conditions.
Water Supply	1	The proposed project will not expand the housing stock from that existing before Hurricanes Matthew and Florence. Therefore, there will not be an increased demand on potable drinking water supplies in the served communities. In rural environments individual applicants may have the option to connect to a municipal water source or to a private well on their property, but SCDRO anticipates that most program

		applicants will utilize the same water supply available to them before the storm. Reconstructed and rehabilitated homes may be fitted with water conserving fixtures and will likely consume less water than they consumed prior to the disaster.
Public Safety - Police, Fire and Emergency Medical	1	The proposed activities will help displaced residents return to their neighborhoods, stabilizing those neighborhoods and helping restore public safety. The proposed projects will serve to will rehabilitate, replace and mitigate damaged homes. Unrepaired and abandoned buildings pose increased safety and fire risk and the program would assist in removing these potential hazards. The program would not expand the housing stock relative to conditions prior to Hurricanes Matthew and Florence and therefore would not increase demand for public safety services. Upon returning home, residents living at these properties will be within the same effective distance from emergency response as they were before the disaster.
Parks, Open Space and Recreation	2	Proposed project activities will repair, reconstruct or replace storm damaged residential structures that existed prior to the disaster, allowing displaced residents to return home and continue accessing existing open community spaces, parks and recreational facilities, potentially returning the use of these facilities to pre-storm levels. The project will not create an increased demand on these resources.
Transportation and Accessibility	2	The proposed project activities will not significantly impact traffic patterns or place a significant demand on transportation systems in the area. Population density is not expected to increase from pre-disaster levels, since proposed activities will not expand the housing stock that existing before Hurricanes Matthew and Florence and traffic volume and patterns are expected to revert to pre-storm levels. There will be a short-term increase in traffic activity due to construction-related activities, but these will be scattered throughout affected communities and are not expected to be significant. Accessibility at individual homes will be achieved through site and building improvements to comply with documented resident needs per the Americans with Disabilities Act.
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	HUD defines unique natural features as "primarily geological features which are unique in the sense that their occurrence is infrequent, or they are of special social, cultural, economic, educational, aesthetic or scientific value. Development on or near those features may render them inaccessible to investigators or visitors, or otherwise limit potential

		<p>future use and appreciation of these resources. Examples of unique natural features include sand dunes, waterfalls, unique rock outcroppings, caves, canyons, and petrified forests.” The proposed project activities involve restoring privately owned, single-family housing of similar size and setback as the pre-disaster buildings; therefore, no negative impacts to unique natural features is expected.</p> <p>The project activities involve the rehabilitation, elevation or replacement of residential buildings and pose very low risk to ground water or other water resources. Through site-specific reviews, each project’s potential to affect water resources will be identified, assessed and mitigated where warranted. Grant conditions will require the applicant and the contractors to meet all identified mitigation actions and applicable regulations for Clean Water Act, Wetlands Protection, Coastal Zone Management, and Floodplain Management. BMPs will be implemented at construction sites to control runoff and erosion and prevent potential ground or surface water pollution. Grant conditions will also require the applicant and the contractors to meet all City, state and federal construction regulations to control possible pollution runoff and erosion.</p>
Vegetation, Wildlife	1	<p>Most proposed project activities will involve rehabilitation, replacement, or reconstruction in the same location as the previous storm-damaged residence; therefore, no effect to vegetation or wildlife from these projects is anticipated. Where appropriate, the program may also acquire and convert storm-damaged properties in the 100-year floodplain, to greenspace in perpetuity. The return of the properties to natural space would have beneficial impacts to vegetation and wildlife, in addition to providing increased floodplain capacity.</p>
Other Factors	N/A	None.

**Additional Studies Performed:** No additional studies were performed as part of this Tier I Re-evaluation of the Findings of Environmental Impacts.

**Field Inspection** (Date and completed by): Field inspections will be conducted at the site-specific level as individual project locations are identified and documented within the Tier II Site-Specific Environmental Review.

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**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

**Data Sources**

1. Hurricane Florence Action Plan:  
<https://admin.sc.gov/sites/default/files/DRO/South%20Carolina%20Hurricane%20Florence%20Action%20Plan.pdf>
2. Marlboro County South Carolina Tax Assessor: <https://www.qpublic.net/sc/marlboro/>
3. United States Department of Housing and Urban Development Community Development Block Grant Program (CDBG): [https://www.hud.gov/program\\_offices/comm\\_planning/communitydevelopment](https://www.hud.gov/program_offices/comm_planning/communitydevelopment)
4. United States Department of Housing and Urban Development Environmental Review Guide for CDBG Programs: [https://www.hud.gov/sites/dfiles/CPD/documents/461\\_EnvironmentalReviewGuide.pdf](https://www.hud.gov/sites/dfiles/CPD/documents/461_EnvironmentalReviewGuide.pdf)
5. United States Department of Housing and Urban Development's (HUD's) Office of Environment and Energy Environmental Review: <https://www.hudexchange.info/programs/environmental-review/>
6. State of South Carolina Documentation Sources for HUD Environmental Reviews:  
<https://www.cdbgsc.com/wp-content/uploads/2018/11/SC-Environmental-Assessment-Documentation-September-2018.pdf>
7. United States Census Bureau Data: <https://www.census.gov/quickfacts/marlborocountysouthcarolina>
8. South Carolina Press Association Newspapers: <https://scpress.org/newspapers/>
9. Federal Aviation Administration. National Plan of Integrated Airport Systems, Airport Categories:  
[https://www.faa.gov/airports/planning\\_capacity/categories/](https://www.faa.gov/airports/planning_capacity/categories/)
10. Federal Aviation Administration. National Plan of Integrated Airport Systems Data on Airports (2021-2025): [https://www.faa.gov/airports/planning\\_capacity/npias/current/](https://www.faa.gov/airports/planning_capacity/npias/current/);  
[https://www.faa.gov/airports/planning\\_capacity/npias/current/media/NPIAS-2021-2025-Appendix-A.pdf](https://www.faa.gov/airports/planning_capacity/npias/current/media/NPIAS-2021-2025-Appendix-A.pdf)
11. Federal Aviation Administration Passenger & All-Cargo Statistics:  
[https://www.faa.gov/airports/planning\\_capacity/passenger\\_allcargo\\_stats/](https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/)
12. South Carolina Department of Health and Environmental Control Air Quality:  
<https://scdhec.gov/environment/air-quality>
13. South Carolina Department of Health and Environmental Control; State Implementation Plan (SIP):  
<https://scdhec.gov/environment/your-air/most-common-air-pollutants/about-ozone/state-implementation-plan-sip>
14. United States Environmental Protection Agency Nonattainment Areas for NAAQS Criteria Pollutants (Green Book): <https://www.epa.gov/green-book>

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15. Programmatic Agreement Among the Federal Emergency Management Agency, South Carolina State Historic Preservation Officer, South Carolina Emergency Management Division, and Tribes Participating as Invited Signatories: <https://www.hudexchange.info/sites/onecpd/assets/File/SC-FEMA-2015-PA-Section-106.pdf>
  16. Addendum to the Programmatic Agreement to include the South Carolina Disaster Recovery Office and Participating South Carolina Units of General Local Government: <https://www.hudexchange.info/sites/onecpd/assets/File/SC-State-HUD-Addendum-Section-106.pdf>
  17. South Carolina Department of Archives and History, National Register Listings: <https://scdah.sc.gov/historic-preservation/programs/national-register>
  18. Catawba Indian Nation: <https://www.catawbaindian.net/the-nation/cultural-center.php>
  19. Environmental Protection Agency Envirofacts: <https://enviro.epa.gov/index.html>
  20. South Carolina Department of Health and Environmental Control Asbestos Regulations: <https://scdhec.gov/environment/your-home/asbestos-information-homeowners/asbestos-regulations>
  21. Lead Paint Regulations State Resource Locator: <https://www.envcap.org/srl/srl.php?srl=9&state=SC>
  22. National Fire Protection Association Code 58, in the 2017 edition (NFPA 58 (2017)): <https://codefinder.nfpa.org/>
  23. HUD's Acceptable Separation Distance (ASD) Electronic Assessment Tool: <https://www.hudexchange.info/environmental-review/asd-calculator/>
  24. United States Fish and Wildlife Service Coastal Barrier Resource System Mapper: <https://www.fws.gov/cbra/maps/index.html>; <https://www.fws.gov/cbra/maps/mapper.html>
  25. South Carolina Department of Health and Environmental Control Coastal Zone Plan: <https://live-scdhec.pantheonsite.io/sites/default/files/media/document/R.30-1.pdf>
  26. United States Environmental Protection Agency Designations for Sole Source Aquifers Region 4: <https://archive.epa.gov/pesticides/region4/water/groundwater/web/html/r4ssa.html>
  27. United States Environmental Protection Agency Designations for Sole Source Aquifers Mapper: <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>
  28. FEMA National Flood Hazard Layers (Preliminary, Pending, and Effective): <https://fema.maps.arcgis.com/apps/webappviewer/index.html?id=e7a7dc3ebd7f4ad39bb8e485bb64ce44>
  29. South Carolina Flood Maps, Preliminary Flood Map Availability: <https://floodfind.com/south-carolina-flood-maps/>
  30. South Carolina Department of Natural Resources Flood Mitigation Program: <https://www.dnr.sc.gov/water/flood/>

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31. FEMA National Flood Insurance Program (NFIP) Community Status Book:  
<https://www.fema.gov/cis/SC.html>
  32. United States Fish and Wildlife Service. National Wetlands Inventory Mapper:  
<https://www.fws.gov/wetlands/data/mapper.html>
  33. South Carolina Department of Natural Resources Managed Wetlands:  
<https://www.dnr.sc.gov/wildlife/wetlands/index.html>
  34. State Wetland Protection: Status, Trends, & Model Approaches (2008), State Profiles:  
[https://www.eli.org/sites/default/files/docs/core\\_states/South\\_Carolina.pdf](https://www.eli.org/sites/default/files/docs/core_states/South_Carolina.pdf)
  35. United States Fish and Wildlife Service Active Critical Habitat Report:  
<https://ecos.fws.gov/ecp/report/table/critical-habitat.html>
  36. United States Fish and Wildlife Service Ecological Service Program, Southeast:  
<https://www.fws.gov/southeast/charleston/project-planning/#section-7-consultation-section>
  37. South Carolina List of At-Risk, Candidate, Endangered, and Threatened Species:  
<https://www.fws.gov/southeast/pdf/fact-sheet/south-carolina-species-list-by-county.pdf>
  38. South Carolina Ecological Services Field Office Department of the Interior (USFWS) Including Under Review Species: [https://www.fws.gov/charleston/EndangeredSpecies\\_County.html](https://www.fws.gov/charleston/EndangeredSpecies_County.html)
  39. South Carolina Ecological Services Field Office (SCESFO) Department of Commerce, HUD, and USDA Rural Development Projects Clearance Letter: <https://www.fws.gov/southeast/pdf/letter/south-carolina-clearance-to-proceed-with-us-dept-of-commerce-us-dept-of-housing-and-urban-development-and-us-dept-of-agriculture-projects.pdf>
  40. Programmatic Biological Opinion on Final 4(d) Rule for Northern Long-Eared Bat and Activities Exempted from Take Prohibitions:  
<https://www.fws.gov/midwest/endangered/mammals/nleb/pdf/BOnlebFinal4d.pdf>
  41. South Carolina Department of Natural Resources, Natural Heritage Program:  
<https://schtportal.dnr.sc.gov/portal/apps/sites/#/natural-heritage-program>
  42. United States Department of Agriculture Natural Resources Conservation Service Web Soil Survey:  
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
  43. Bureau of Transportation Statistics: <https://www.bts.gov/maps>
  44. United States Department of Housing and Urban Development Noise Guidebook:  
<https://www.hudexchange.info/resource/313/hud-noise-guidebook/>
  45. EPA's Environmental Justice Screening and Mapping Tool (Version 2020):  
<https://ejscreen.epa.gov/mapper/index.html>

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## Agencies / Persons Consulted

The following agencies received a coordination letter with the Early Floodplain Notices as published on January 27, 2021.

RESOURCE TOPIC	CONTACT INFO
<b>AIR QUALITY</b>	Michael Shroup, Director Division of Compliance Management Bureau of Air Quality, DHEC 2600 Bull Street Columbia, SC 29201 <a href="mailto:shroupmd@dhec.sc.gov">shroupmd@dhec.sc.gov</a>
<b>AIRPORT HAZARDS</b>	Steven Hicks, Division Manager FAA Southern Region, Airports Division – Suite 540 1701 Columbia Avenue College Park, GA 30337 <a href="mailto:steven.hicks@faa.gov">steven.hicks@faa.gov</a>
<b>COASTAL BARRIERS</b>	Katie Niemi, Coastal Barriers Coordinator U.S. Fish and Wildlife Service Division of Habitat and Resource Conservation 4401 N. Fairfax Drive, Room 860 Arlington, VA 22203 <a href="mailto:katie_niemi@fws.gov">katie_niemi@fws.gov</a>
<b>COASTAL ZONE</b>	Chris Stout, Manager Coastal Zone Consistency Section Ocean & Coastal Resource Management, DHEC 1362 McMillan Avenue, Suite 400 Charleston, SC 29405 <a href="mailto:stoutcm@dhec.sc.gov">stoutcm@dhec.sc.gov</a>
<b>ENDANGERED SPECIES</b>	Mark A. Caldwell, Deputy Field Supervisor U.S. Fish and Wildlife Service South Carolina Ecological Services Field Office Department of the Interior - U.S. Fish and Wildlife Service 176 Croghan Spur Road, Suite 200 Charleston, SC 29407 <a href="mailto:charleston_regulatory@fws.gov">charleston_regulatory@fws.gov</a> ; <a href="mailto:mark_caldwell@fws.gov">mark_caldwell@fws.gov</a>
<b>ENVIRONMENTAL JUSTICE</b>	Tami Thomas-Burton U.S. Environmental Protection Agency, Region IV 61 Forsyth Street Atlanta, GA 30303 <a href="mailto:thomas-burton.tami@epa.gov">thomas-burton.tami@epa.gov</a>

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<b>FARMLAND</b>	Ann English, State Conservationist United States Department of Agriculture Strom Thurmond Federal Building 1835 Assembly Street, Room 950 Columbia, SC 29201 <a href="mailto:ann.english@sc.usda.gov">ann.english@sc.usda.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (STATE)</b>	Maria Cox, State Floodplain Coordinator SC Department of Natural Resources 1000 Assembly Street Columbia, SC 29201 <a href="mailto:CoxM@dnr.sc.gov">CoxM@dnr.sc.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (FEDERAL)</b>	Stephanie Everfield, Regional Environmental Officer Department of Homeland Security FEMA Regional Environmental Office 3003 Chamblee Tucker Road – Hollins Building Atlanta, GA 30341-4112 <a href="mailto:stephanie.everfield@dhs.gov">stephanie.everfield@dhs.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (MARLBORO CO)</b>	Donald Hamilton, Floodplain Administrator Marlboro County Building Code/Permit Department P.O. Box 419 Bennettsville, SC 29512 <a href="mailto:dhamilton@marlborocounty.sc.gov">dhamilton@marlborocounty.sc.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (CHESTERFIELD CO)</b>	Derrick Outen, Director/ Floodplain Administrator Chesterfield County Administration Building 178 Mill Street Chesterfield, SC 29709 <a href="mailto:inspouten@chesterfieldcountysc.com">inspouten@chesterfieldcountysc.com</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (DARLINGTON CO)</b>	Julie Ritz, Floodplain Administrator Darlington County Planning Department 1 Public Square, Room 303 Darlington, South Carolina 29532 <a href="mailto:planning@darlcosc.net">planning@darlcosc.net</a>
<b>HISTORIC PRESERVATION</b>	Dr. W. Eric Emerson, Ph.D., State Historic Preservation Officer South Carolina Department of Archives and History 8301 Parklane Road Columbia, South Carolina 29233 <a href="mailto:EEmerson@scdah.sc.gov">EEmerson@scdah.sc.gov</a> <a href="mailto:JSylvest@scdah.sc.gov">JSylvest@scdah.sc.gov</a> Dr. Wenonah G. Haire, Ph.D., Tribal Historic Preservation Officer Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730 <a href="mailto:wenonah.haire@catawba.com">wenonah.haire@catawba.com</a> <a href="mailto:bill.harris@catawbaindian.net">bill.harris@catawbaindian.net</a>

<b>HAZARDOUS FACILITIES, CONTAMINATED SITES, UST</b>	Van Keisler, P.G., Director Division of Compliance & Enforcement Bureau of Land and Waste Management, DHEC 2600 Bull Street Columbia, SC 29201 <a href="mailto:keislecv@dhec.sc.gov">keislecv@dhec.sc.gov</a>
<b>WATER QUALITY</b>	Heather Preston, Director Fwd: Kristy Ellenberg, Public Participation Coordinator Division of Water Quality Bureau of Water, DHEC 2600 Bull Street Columbia, SC 29201 <a href="mailto:prestohs@dhec.sc.gov">prestohs@dhec.sc.gov</a>
<b>WETLANDS</b>	CHARLESTON DISTRICT OFFICE U.S. Army Corps of Engineers 69 Haloed Avenue Charleston, SC 29403 <a href="mailto:Cesac-rd-mail@usace.army.mil">Cesac-rd-mail@usace.army.mil</a>
<b>HUD FIELD OFFICE</b>	Bradley S. Evatt, Director Community Planning and Development Disaster Recovery and Special Issues Division Strom Thurmond Federal Building 1835 Assembly Street – 13th Floor Columbia, SC 29201-2480 Via <a href="mailto:Aaron.B.Gagne@hud.gov">Aaron.B.Gagne@hud.gov</a>
<b>WETLANDS</b>	Tom McCoy, Field Supervisor Charleston Ecological Services Field Office 176 Croghan Spur Road, Suite 200 Charleston, SC 29407 <a href="mailto:thomas_mccoy@fws.gov">thomas_mccoy@fws.gov</a> ; <a href="mailto:Cesac-rd-mail@usace.army.mil">Cesac-rd-mail@usace.army.mil</a>
<b>WILD AND SCENIC RIVERS</b>	Jeffery R. Duncan, Ph.D., Southeast Regional Fishery Ecologist Wild and Scenic Rivers Coordinator National Park Service 535 Chestnut Street, Suite 207 Chattanooga, TN 37402 <a href="mailto:Jeff_Duncan@nps.gov">Jeff_Duncan@nps.gov</a>

## Record of Comments and Responses

The following comments were received in response to the agency coordination letters sent on January 26, 2021, and the Early Floodplain Notice published on January 27, 2021.

COMMENTOR	DATE / TIME	COMMENT	RESPONSE
WINSOME A. LENFERT OFFICE OF AIRPORTS FEDERAL AVIATION ADMINISTRATION	1/26/2021 7:27 PM	“Hello Fosmire I have changed positions. All coordination on matters with South Carolina should be directed to Steve Hicks, Director Airports Division Southern Region. Thank you”	Acknowledged request, provided notification letter to Mr. Hicks on 1/26/2021 7:38 PM and updated contact to Steven Hicks for future correspondence.
STEVEN E. HICKS DIRECTOR OFFICE OF AIRPORTS SOUTHERN REGION	1/26/2021 7:57 PM	“Thanks for the email. I’ll take a look at it and let you know if I have any comments.”	Acknowledged.
TOM MCCOY, FIELD SUPERVISOR CHARLESTON ECOLOGICAL SERVICES, FWS	1/28/2021 11:45 AM	“Hello. Attached is the Service's letter for the above project. If you have any questions, please let us know.” Attachment: 20210201_ltr_SCFO_SCDRO_Housing_Program_Various.pdf	Acknowledged and incorporated concurrence letter into broad review.
JOHN D. SYLVEST PROJECT REVIEW COORDINATOR STATE HISTORIC PRESERVATION OFFICE (SHPO)	2/8/2021 9:18 AM	“Good morning, Thank you for providing your review notification for the Hurricane Florence Single-Family Housing Program. Our office concurs with the consultation approach outlined in your January 26, 2021 letter. We look forward to the continuance of our positive consultation together. Regards,”	Acknowledged.
HEATHER PRESTON WATER QUALITY DIVISION DIRECTOR S.C. DEPT. OF HEALTH & ENVIRONMENTAL CONTROL	1/27/2021 7:50 AM	“Good Morning! I have forwarded you request to Kristy Ellenberg who is copied on this response. She currently handles these requests for the agency. Thanks!”	Acknowledged and updated contact to Kristy Ellenberg for future correspondence.

JEFFREY R. DUNCAN, PHD. REGIONAL AQUATIC ECOLOGIST NATIONAL PARK SERVICE	1/27/2021 7:34 AM	“I concur with the statements of your attached letter. Please feel free to contact me if you need additional assistance. Thank you for consulting with the National Park Service.”	Acknowledged.
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**List of Permits Obtained:**

All necessary permits will be obtained at the site-specific level.

**Public Outreach [24 CFR 50.23 & 58.43]:**

Agency Correspondence Letters, sent January 26, 2021

Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain, published on January 27, 2021

Final Notice and Public Explanation of a Proposed Activity in a 100-year Floodplain, published on March 3, 2021.

Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds, published on March 3, 2021.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The federal Council on Environmental Quality’s (CEQ) regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA), set forth at 40 CFR Part 1508.7, require federal agencies to consider the environmental consequences of their actions, including not only direct and indirect effects, but also cumulative effects. Cumulative impacts result from the incremental consequences of an action (the Proposed Action) when added to other past, present, and reasonably foreseeable future actions (40 CFR 1508.7).

The cumulative effects of an action may be undetectable when viewed in the individual context of direct and even indirect impacts, but nevertheless can eventually lead to a measurable environmental change. Based upon the completion of this re-evaluation of the previous environmental assessment, environmental review of the proposed project confirms that there will be no significant changes to the existing environmental conditions across the resource categories reviewed by. The proposed project is to repair/replace homes on existing residential lots. The proposed project would have no impacts on air quality, endangered species, community noise levels, coastal barriers, sole source aquifers, wild & scenic rivers, slope, soil suitability, energy consumption, community facilities and services, transportation, and unique natural features.

The project would result in beneficial impacts to Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design; Hazards and Nuisances including Site Safety and Noise; Energy Consumption; Employment and Income Patterns; Commercial Facilities; Water Supply; Public Safety - Police, Fire and Emergency Medical; Vegetation, Wildlife.

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## **Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

The following practicable alternatives to the proposed project, were identified and evaluated by SCDRO:

I. Not implementing the proposed action in the 100-year floodplain.

Not implementing the proposed action within the 100-year floodplain would significantly inhibit the program's rehabilitation and reconstruction activities given that structures in the 100-year floodplain are significantly more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionately impacted residents of South Carolina, particularly low - to moderate - income households still suffering from hurricane - related losses. Most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. Not implementing the proposed action would also prevent the program from expanding natural floodplain areas and reducing flood risks to these communities through the acquisition of damaged properties for the purpose of converting them to greenspace in perpetuity.

II. Commissioning infrastructure projects to achieve community-wide flood protection

The SCDRO also considered the alternative of commissioning flood control infrastructure projects to achieve community-wide flood protection. While these types of projects are still being considered, the SCDRO recognizes that it may take many years to study, design and implementation such projects which does not accomplish the Program's goal, and federal register directive, to primarily consider and meet the unmet housing recovery needs of these communities. Additionally, infrastructure projects can be cost-prohibitive, and typically offer only limited flood protection to a finite area and number of structures, making this an ineffective approach to flood protection given the number of projects and locations on scattered sites across an eight-county area.

III. Exclusively implement acquisition of damaged structures in the 100-year floodplain for demolition and conversion to greenspace.

In circumstances such as repetitive flood properties and structures in the floodway, acquiring damaged structures in the 100-year floodplain for the purpose of demolishing and converting the property to greenspace in perpetuity, is a highly desirable outcome from a perspective of flood risk reduction, by moving people and structures out of harm's way. Additionally, when multiple contiguous properties are converted to green space, there are several beneficial impacts including: restoring the natural value and storage capacity of the floodplain. However, to only acquire properties for greenspace conversion to the exclusion of repair, reconstruction and replacement would further reduce the availability and affordability of housing stock for the most vulnerable populations within the community. Additionally, most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. The program has opted to include this alternative within its project activities, as a means of offering assistance for properties that might otherwise not be eligible for assistance while simultaneously reducing future flood risk.

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IV. Relocating all projects outside of the 100-year floodplain.

Relocating projects outside of the 100-year floodplain is another highly desirable outcome from a perspective of flood risk reduction, by moving people and structures out of harm's way. However, acquiring land for the purpose of development and relocating housing outside of the 100-year floodplain, is exorbitantly expensive and would vastly increase the cost of each individual housing project, thereby drastically reducing the number of projects the program could potentially fund. Additionally, SCDRO has implemented multiple disaster recovery housing programs in recent years, and repeatedly witnessed the preference of most residents to repair or rebuild their home in its current location. For these residents, relocating outside of the floodplain would negatively affect their proximity to their current employment and social network, including schools, churches, local services, neighbors, and family/relatives. SCDRO does acknowledge however, that less commonly, due to circumstances beyond the applicant's control, an applicant may be unable to receive a replacement manufactured home in the same location as their damage home. Therefore, SCDRO has opted to allow the implementation of this alternative in very limited circumstances, to be considered on a case-by-case basis.

V. Implementing the proposed action in the 100-year floodplain with hazard mitigation requirements.

The SCDRO Single-Family Housing Program is proposing to repair, reconstruct, or replace single-family housing, some of which may be located in the 100-year floodplain. Under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity or allow replacement manufactured homes to be replaced outside of the 100-year floodplain. In addition to requiring all rehabilitation projects to comply with the current HUD Housing Quality Standards (HQS), South Carolina will implement construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters. The following hazard mitigation measures will be incorporated to all projects, as applicable:

- South Carolina will implement resilient home construction standards. South Carolina will follow HUD guidance to ensure all structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1-percent annual (or 100-year) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1-percent annual floodplain, must be elevated or flood proofed, in accordance with FEMA flood proofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 1-percent annual floodplain.
- The owners of all properties in the 100-year floodplain, will be required to obtain and maintain flood insurance and informed of the requirement to notify prospective future owners of the requirement to maintain flood insurance regardless of the transfer of ownership. This requirement is mandated to protect safety of residents and their property and the investment of federal dollars.

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Additionally, SCDRO will implement resilient practices to ensure the viability, durability and accessibility of replacement mobile homes.

- Although some local building codes allow installation of Wind Zone I rated mobile homes, SCDRO will only utilize mobile homes with a minimum wind rating of HUD Wind Zone II or higher (able to withstand winds up to 100 MPH).
- SCDRO will adopt the 5'7" rule, prohibiting the installation of mobile homes elevated 5'7" above grade without appropriate structural reinforcement.

**No Action Alternative [24 CFR 58.40(e)]:**

Not implementing the proposed action within the 100-year floodplain would significantly inhibit the program's rehabilitation and reconstruction activities given that structures in the 100-year floodplain are significantly more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionately impacted residents of South Carolina, particularly low- to moderate-income households still suffering from hurricane-related losses. Most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. Not implementing the proposed action would also prevent the program from expanding natural floodplain areas and reducing flood risks to these communities through the acquisition of damaged properties for the purpose of converting them to greenspace in perpetuity.

**Summary of Findings and Conclusions:**

Under this re-evaluation of the environmental assessment of the SCDRO Single-Family Housing Program, no significant changes to existing environmental conditions will result in relation to the following impact categories implemented by HUD in response to the National Environmental Policy Act (NEPA) of 1969:

- Airports Hazards
- Coastal Barrier Resources
- Clean Air
- Coastal Zone Management
- Endangered Species
- Farmlands Protection
- Noise Abatement and Control
- Sole Source Aquifers
- Wild and Scenic Rivers

The following subject areas require Site-Specific analysis before the environmental review can be concluded as causing no significant impacts to the environment:

- Flood Insurance

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- Contamination and Toxic Substances
  - Explosive and Flammable Hazards
  - Floodplain Management
  - Historic Preservation
  - Wetlands Protection
  - Environmental Justice

The Tier 2 Site-Specific Review Checklist must be completed prior to any construction activities occurring on a particular site.



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## **Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

### **GENERAL ENVIRONMENTAL GRANT CONDITIONS**

All changes to the scope of work of a proposed activity, must be revised and resubmitted for reevaluation under NEPA (24 CFR 58.47).

Acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions.

### **HISTORIC PRESERVATION**

Ensure that the work does not diminish the historic integrity of any local historic district or historic property.

Contractor must stop work and contact SCDRO if any archaeological materials are discovered during construction.

### **FLOODPLAIN MANAGEMENT AND FLOOD INSURANCE**

All proposed reconstruction, manufactured housing replacement, substantial improvements, and elevation activities in the 100-year floodplain must adhere to the minimum standard of Base Flood Elevation plus 2 feet or the local floodplain requirements, whichever is more restrictive.

All residences in, or partially in, the 100-year floodplain shown on the current effective FEMA Flood Insurance Rate Map must be covered by flood insurance and the flood insurance must be maintained per program guidelines.

Applications approved to build within the "Coastal High Hazard" areas ("V" or "VE" Zones shown on the current effective FEMA Flood Insurance Rate Map) must adhere to construction standards, methods, and techniques requiring a registered professional engineer to either develop, review, or approve, per the associated location, specific Applicant elevation plans that demonstrate the design meets the current standards for V zones in FEMA regulation 44 CFR 60.3(e) as required by HUD Regulation 24 CFR 55.1(c)(3).

### **WETLANDS / 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. This includes buffering and filtering runoff water and using BMPs to control nonpoint source runoff.

Soil compaction will be minimized by controlling project activities in vegetated areas, including lawns.

Protect existing drain inlets from debris, soil and sedimentation.

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Protect stream, wetlands, woods and other natural areas from any unnecessary construction activities or disturbance.

## **NOISE**

Outfit all heavy equipment with operating mufflers.

Comply with the applicable local noise ordinance.

## **AIR QUALITY**

Utilize alternatively fueled equipment when possible.

Utilize emission controls applicable to the equipment.

Reduce idling time on construction equipment.

Minimize dust emissions through good operating practices.

Retrofit, repower, or replace older and more polluting diesel construction equipment in order to satisfy clean air construction requirements, as necessary.

Use of energy-efficient doors, water heaters and HVAC units, as well as the incorporation of weatherization measures to the extent practicable.

Require an asbestos survey and project license as may be required prior to any demolition activities such as deconstruction of a building or removal of structures in the right-of-way of a road project.

## **HAZARDOUS MATERIALS**

Except where exempted, all activities must comply with applicable federal, state, and local laws and regulations regarding asbestos, including but not limited to the following:

- Regulation 61-86.1, Standards of Performance for Asbestos Projects,
- Occupational Safety and Health Administration (OSHA) Asbestos Standard,
- 1926.1101 and National Emissions Standards for Hazardous Air Pollutants (NESHAPs) – Asbestos.
- Applicant 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).

All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to:

- EPA's Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80(e));
- HUD's lead-based paint regulations in 24 CFR 35(a)(b)(h)(j)(r);
- HUD's "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing".
- Lead-based paint contractors must have certified personnel to supervise the proper handling of lead-based paint and proper protective equipment (respirator masks or other ventilation system) for the workers working directly with the lead-based paint.
- Post-renovation lead-specific cleaning and clearance testing are required.

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Project rehabilitation and new construction shall apply appropriate materials and construction techniques to prevent radon gas contamination (<https://www.epa.gov/radon/radon-resources-builders-and-contractors>).

Upon completion all rehabilitated residential dwellings must be free of mold attributable to the disaster event.

Comply with all laws, regulations, and industry standards applicable to aboveground and underground storage tanks.

Storage tanks installed below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.

### **COASTAL ZONE**

Septic tank repair or replacement in a coastal zone will be situated as safe distance from the shoreline to ensure proper drainage and filtering of tank effluents before they reach the water's edge with special attention given in identified erosion areas.

If major rehabilitation, replacement, or reconstruction, a permit or formal written approval must be obtained from SCDHEC OCRM prior to the start of project activities.

### **NATIONAL WILD AND SCENIC RIVERS**

Contractors are required to "take care to avoid or mitigate adverse effects on the rivers identified in the Nationwide Inventory" when present in the vicinity of construction activities.

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## Determination

- Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.
- Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

### Environmental Review Preparer:

Preparer Signature: Karyn Desselle Date: 3/1/2021  
Karyn Desselle, Environmental Manager, HORNE LLP

### Responsible Entity's Certifying Officer:

Certifying Officer Signature: Eric Fosmire Date: 03/02/2021  
Eric Fosmire, Legal Director, South Carolina Office of Resilience, Disaster Recovery Office

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).



# Request for Release of Funds

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## Cover Letter



RROF 7015.15



RROF 7015.15



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FONSI, NOI RROF Affidavit

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FONSI, NOI RROF Affidavit

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FONSI, NOI RROF Affidavit

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**Combined Final Notice and Public Explanation of a Proposed Activity  
in a 100-Year Floodplain and Finding of No Significant Impact and  
Notice of Intent to Request Release of Funds  
Marlboro County**

March 3, 2021

South Carolina Office of Resilience, Disaster Recovery Office (SCDRO)  
632 Rosewood Drive  
Columbia, South Carolina 29201

These notices shall satisfy three separate but related procedural requirements for activities to be undertaken by the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO). The proposed activities will assist Marlboro County residents affected by Hurricane Florence, a Presidentially Declared Disaster.

**REQUEST FOR RELEASE OF FUNDS**

On or about March 19, 2021, the SCDRO will submit a request to the 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 (42 U.S.C. 5301 et seq.), as amended, and appropriated by the Supplemental Appropriations for Disaster Relief Act, 2018 (Pub. L. 115–254) and the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Pub. L. 116–20), to undertake a project known as Hurricane Florence Single-Family Housing Program (HUD CDBG-DR Grants B-19-DV-45-0001 / B-19-DV-45-0002) for the purpose of repair / rehabilitation, reconstruction, replacement and acquisition/buyout of single-family housing. SCDRO has allocated an estimated \$72,075,000 in funding for the Hurricane Florence Single-Family Housing Program across an eight (8) county area. In accordance with the requirement to expend 80% (\$57,660,000) of funds within the most impacted and distressed counties (Marion, Horry and Dillon), SCDRO estimates \$2,883,000 in CDBG-DR funding will be expended on program activities in Marlboro County.

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

This is to give notice that the SCDRO 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. The activity is funded under the Hurricane Florence Single-Family Housing Program under HUD grants B-19-DV-45-0001 and B-19-DV-45-0002. The proposed project(s) are located at scattered sites that have not yet been identified in Marlboro County. The project will assist the most vulnerable families in their recovery efforts, by meeting their housing needs through the repair / rehabilitation of existing single-family (1-4 unit) housing; replacement of damaged Manufactured Housing Units (MHUs); reconstruction of disaster-damaged stick-built single-family (1-4 unit) homes; limited relocation assistance on a case-by-case basis; single-family (1-4 unit) rental repair; and acquisition / buyout. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across an eight (8) county area, including Marlboro County.

Although developed residential properties in the 100-year floodplain typically do not contribute significantly to the function and value of natural floodplains, due to the extensive development of floodplains, it is not uncommon for areas of natural floodplains to be in close proximity, or even adjacent to, developed areas. Natural

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floodplains provide flood risk reduction benefits by slowing runoff and storing and conveying flood water. They also provide other benefits of considerable economic, social, and environmental value such as fish and wildlife habitat protection, natural flood and erosion control, surface water quality maintenance, groundwater discharge or recharge, biological productivity, and higher quality recreational opportunities (fishing, bird watching, boating, etc.). According to the FEMA National Flood Hazard data, approximately 63,591 acres (20.4%) of land in Marlboro County, South Carolina lies within the 100-Year Floodplain also known as the Special Flood Hazard Area (SFHA). The proposed project activities will be limited to the previously disturbed area of the property and will occur on previously developed, scattered residential sites throughout Marlboro County, South Carolina.

SCDRO has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. Not implementing the proposed action in the 100-year floodplain. Doing so would significantly inhibit the program's rehabilitation and reconstruction activities given that structures in the 100-year floodplain are significantly more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionately impacted residents of South Carolina.
2. Commissioning infrastructure projects to achieve community-wide flood protection. It may take many years to study, design and implement such projects which does not accomplish the Program's goal to primarily consider and meet the unmet housing recovery needs of these communities. Such projects can be cost-prohibitive and typically offer only limited flood protection to a finite area and number of structures.
3. Exclusively implement acquisition of damaged structures in the 100-year floodplain for demolition and conversion to green space to the exclusion of repair, reconstruction and replacement. This would further reduce the availability and affordability of housing stock for the most vulnerable populations within the community. Most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. The program has opted to include this alternative within its project activities, as a means of offering assistance for properties that might otherwise not be eligible for assistance while simultaneously reducing future flood risk.
4. Relocating all projects outside of the 100-year floodplain. This is exorbitantly expensive and would vastly increase the cost of each individual housing project, thereby drastically reducing the number of projects the program could potentially fund. SCDRO has opted to allow this alternative in very limited circumstances, to be considered on a case-by-case basis when an applicant may be unable to receive a replacement MHU.
5. The most practicable alternative for most applicants is to implement the proposed action (repair, reconstruct, or replace single-family housing) in the 100-year floodplain with hazard mitigation requirements. This will be in compliance with state and local floodplain protection procedures. All rehabilitation projects will comply with the current HUD Housing Quality Standards (HQS). Construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance will be implemented. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters, with the implementation of home construction standards. All residential structures located in the 100-year floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1-percent annual floodplain, must be elevated or flood proofed up to at least two feet above the 1-percent annual floodplain. The owners of all properties in the 100-year floodplain, will be required to obtain and maintain flood insurance and are

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required to notify prospective future owners of the requirement to maintain flood insurance regardless of the transfer of ownership. Additionally, SCDRO will implement resilient practices to ensure the viability, durability and accessibility of replacement mobile homes.

SCDRO has reevaluated the alternatives to building in the floodplain and has determined that while alternative five is the most practicable alternative, when feasible, alternatives 3 and 4 will be offered. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the South Carolina Disaster Recovery Office, located at 632 Rosewood Drive, Columbia, SC 29201 or online at <https://admin.sc.gov/SCDRO/HUDDocs> and may be examined or copied weekdays between 9:00 A.M. and 5:00 P.M.

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

#### FINDING OF NO SIGNIFICANT IMPACT

The SCDRO has determined that the project will have no significant impact on the human or natural environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the South Carolina Disaster Recovery Office, located at 632 Rosewood Drive, Columbia, SC 29201 or online at <https://admin.sc.gov/SCDRO/HUDDocs> and may be examined or copied weekdays between 9:00 A.M. and 5:00 P.M.

#### PUBLIC COMMENTS

The proposed project will provide urgently needed safe and sanitary housing to residents impacted by Hurricane Florence, a Presidentially Declared Disaster. Therefore, as provided by federal regulations at 24 CFR 58.33(b), SCDRO is publishing the combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds prior to the submission of the RROF to HUD. Any individual, group, or agency may submit written comments on these notices or the ERR to the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO). Comments may be submitted to the attention of Eric Fosmire, Legal Director at SCDRO, 632 Rosewood Drive, Columbia, SC 29201, or by email at [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov). All comments received by March 18, 2021 will be considered by the SCDRO prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

#### ENVIRONMENTAL CERTIFICATION

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) certifies to HUD that Eric Fosmire, in his capacity as Legal Director at SCDRO, 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

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and authorities and allows the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) to use Program funds.

#### OBJECTIONS TO RELEASE OF FUNDS

The proposed project will provide urgently needed safe and sanitary housing to residents impacted by Hurricane Florence, a Presidentially Declared Disaster. Therefore, as provided by federal regulations at 24 CFR 58.33(b), SCDRO is publishing the combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds prior to the submission of the RROF to HUD. HUD will accept objections to its release of funds and the SCDRO's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the SCDRO; (b) the SCDRO has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Aaron B. Gagné, Disaster Recovery and Special Issues Division, CPD, HUD; 1835 Assembly Street, 13th Floor, Columbia, SC 29201-2460 or via email to Aaron.B.Gagne@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Certifying Officer: Eric Fosmire, Legal Director, South Carolina Office of Resilience, Disaster Recovery Office



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**Aviso Final Combinado y Explicación Pública de Actividades Propuestas para  
Proyectos Ubicados en Zonas de Inundación de 100 Años Junto con el  
Hallazgo de Ningún Impacto Significativo y Aviso de Intención de Solicitar la Liberación de Fondos  
Condado de Marlboro**

Marzo 3, 2021

Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO)  
632 Rosewood Drive  
Columbia, Carolina del Sur, 29201

Estos avisos deberán satisfacer tres requisitos de procedimientos separados pero relacionados para las actividades que realizará la Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres naturales (SCDRO). Las actividades propuestas ayudarán a los residentes del condado de Marlboro afectados por el Huracán Florence, un desastre declarado presidencialmente.

#### SOLICITUD DE LIBERACIÓN DE FONDOS

En o alrededor de Marzo 19, 2021, el SCDRO enviará una solicitud al Departamento de Vivienda y Desarrollo Urbano (HUD, por sus siglas en inglés) para la liberación de fondos de la Subvención de Desarrollo Comunitario para la recuperación en casos de desastre (CDBG-DR, por sus siglas en inglés) bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (42 USC 5301 et seq.), Según enmendada y aprobada por la Ley de Apropiaciones Suplementarias para Alivio de Desastres, 2018 (Pub. L. 115-254) y la Ley de Apropiaciones Adicionales para Alivio de Desastres, 2019 (Pub. L. 116-20), para emprender un proyecto conocido como Programa de Vivienda Unifamiliar del Huracán Florence (Subvenciones HUD CDBG-DR B-19-DV-45-0001 / B-19-DV-45-0002) con el propósito de reparación / rehabilitación, reconstrucción, reemplazo y adquisición / compra de vivienda unifamiliar. SCDRO ha asignado un estimado de \$ 72,075,000 en fondos para el Programa de Vivienda Unifamiliar del Huracán Florence en un área de ocho (8) condados. De acuerdo con el requisito de gastar el 80% (\$ 57.660.000) de los fondos en los condados más afectados y en dificultades (Marion, Horry y Dillon), SCDRO estima que se gastarán \$ 2,883,000 en fondos CDBG-DR en actividades del programa en el condado de Marlboro.

#### AVISO FINAL Y EXPLICACIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN ZONAS DE INUNDACIÓN DE 100 AÑOS

Esto es para notificar que la SCDRO ha realizado una evaluación según lo requiere la orden ejecutiva 11988, de acuerdo con las regulaciones de HUD en CFR 55.20 Subparte C Procedimientos para tomar determinaciones sobre el manejo de zonas de inundación. La actividad está financiada por el Programa de Vivienda Unifamiliar del Huracán Florence bajo las subvenciones B-19-DV-45-0001 y B-19-DV-45-0002 del HUD. Los proyectos propuestos están ubicados en sitios dispersos que aún no se han identificado en el condado de Marlboro. El proyecto ayudará a las familias más vulnerables en sus esfuerzos de recuperación, satisfaciendo sus necesidades de vivienda mediante la reparación / rehabilitación de viviendas unifamiliares existentes (1-4 unidades); reemplazo de Unidades de Vivienda Prefabricadas (MHU) dañadas; reconstrucción de viviendas unifamiliares (de 1 a 4 unidades) construidas en una infraestructura en madera y dañadas por el desastre; asistencia limitada para la reubicación caso por caso; reparación de alquiler de viviendas unifamiliares (1-4 unidades); y adquisición / compra. Si el programa se esfuerza por financiar tantos proyectos elegibles como lo permitan los fondos, las estimaciones actuales indican que el programa financiará aproximadamente 500 proyectos de reparación / reemplazo / reconstrucción de viviendas unifamiliares, 15 proyectos de reparación de alquiler y 50 adquisiciones de propietarios de viviendas en ocho (8) condados área, incluido el condado de Marlboro.

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Aunque las propiedades residenciales que han sido desarrolladas y están ubicadas en la zona de inundación de 100 años generalmente no contribuyen significativamente a la función y el valor de las zonas de inundación naturales, debido al extenso desarrollo de las zonas de inundación, no es raro que haya zonas de inundación naturales en las proximidades, o incluso adyacentes a áreas desarrolladas. Las zonas de inundación naturales brindan beneficios reduciendo el riesgo a inundaciones al disminuir la escorrentía pluvial y almacenar y transportar el agua de la inundación. Las zonas de inundación naturales también brindan otros beneficios de considerable valor económico, social y ambiental, como la protección del hábitat de los peces y la vida silvestre, el control natural de las inundaciones y la erosión, el mantenimiento de la calidad del agua superficial, la descarga o recarga del agua subterránea, la productividad biológica y oportunidades recreativas de mayor calidad (pescas, observación de aves, paseos en bote, etc.). Según los datos de peligro de inundación nacional de FEMA, aproximadamente 63,591 acres (20.4%) de tierra en el condado de Marlboro, Carolina del Sur, se encuentra dentro de la zona de inundación de 100 años también conocida como el área de peligro de inundación especial (SFHA). Las actividades del proyecto propuesto se limitarán a áreas previamente perturbadas en propiedades y ocurrirán en sitios residenciales despiertos previamente desarrollados en todo el condado de Marlboro, Carolina del Sur.

La SCDRO ha considerado las siguientes alternativas y medidas de mitigación que se deben tomar para minimizar los impactos adversos y restaurar y preservar los valores naturales:

1. No implementar las acciones propuestas en zonas de inundación de 100 años. Hacerlo inhibiría significativamente las actividades de rehabilitación y reconstrucción del programa, dado que las estructuras en las zonas de inundación de 100 años tienen muchas más probabilidades de sufrir daños por inundaciones, además de evitar que el programa aborde las necesidades de vivienda de los residentes más vulnerables y afectados de manera desproporcionada de Carolina del Sur.
2. Proponer proyectos de infraestructura para lograr protección contra inundaciones en toda la comunidad. Puede que tome muchos el estudiar, diseñar e implementar tales proyectos y no lograrían la meta del programa que es considerar y satisfacer principalmente las necesidades de recuperación de viviendas insatisfechas de estas comunidades. Dichos proyectos pueden tener un costo prohibitivo y, por lo general, solo ofrecen una protección limitada contra inundaciones en un área finita y en un número de estructuras.
3. Implementar exclusivamente la adquisición de estructuras dañadas por las zonas de inundación de 100 años para su demolición y conversión a espacios verdes con exclusión de reparación, reconstrucción y reemplazo. Esto reduciría aún más la disponibilidad y asequibilidad del parque de viviendas para las poblaciones más vulnerables dentro de la comunidad. La mayoría de estos residentes seguirían viviendo en la SFHA, en viviendas dañadas, inseguras e insalubres. El programa ha optado por incluir esta alternativa dentro de las actividades de su proyecto, como un medio de ofrecer asistencia para propiedades que de otro modo no serían elegibles para recibir asistencia y al mismo tiempo reducir el riesgo de inundaciones futuras.
4. Reubicar todos los proyectos fuera de la zona de inundación de 100 años. Esto es exorbitantemente caro y aumentaría enormemente el costo de cada proyecto de vivienda individual, reduciendo así drásticamente la cantidad de proyectos que el programa podría financiar. La SCDRO ha optado por permitir que esta alternativa en circunstancias muy limitadas se considere caso por caso cuando un solicitante no pueda recibir una MHU de reemplazo.
5. La alternativa más practicable para la mayoría de los solicitantes es implementar la acción propuesta (reparar, reconstruir o reemplazar viviendas unifamiliares) en la zona de inundación de 100 años con requisitos de mitigación de peligros. Esto cumplirá con los procedimientos de protección de llanuras de inundación estatales y locales. Todos los proyectos de rehabilitación cumplirán con los Estándares de Calidad de Vivienda (HQS, por sus siglas en inglés) actuales de HUD. Se implementarán métodos de construcción que enfatizan la calidad, durabilidad, eficiencia energética, sustentabilidad y resistencia al

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moho. Toda la rehabilitación, reconstrucción y nueva construcción se diseñará para incorporar principios de sostenibilidad, incluida la eficiencia del agua y la energía, la resiliencia y la mitigación contra el impacto de desastres futuros, con la implementación de estándares de construcción de viviendas. Todas las estructuras residenciales ubicadas en la llanura aluvial de 100 años que reciben asistencia para nuevas construcciones, reparación de daños sustanciales o mejoras sustanciales, deben elevarse con el piso más bajo, incluido el sótano, al menos dos pies por encima de la elevación anual de la llanura aluvial del 1 por ciento. Las estructuras residenciales sin unidades de vivienda y sin residentes por debajo de dos pies por encima de la llanura de inundación anual del 1 por ciento, deben estar elevadas o protegidas contra inundaciones hasta al menos dos pies por encima de la llanura de inundación anual del 1 por ciento. Los propietarios de todas las propiedades en la llanura aluvial de 100 años deberán obtener y mantener un seguro contra inundaciones y deben notificar a los futuros propietarios sobre el requisito de mantener un seguro contra inundaciones independientemente de la transferencia de propiedad. Además, SCDRO implementará prácticas resilientes para garantizar la viabilidad, durabilidad y accesibilidad de las casas móviles de reemplazo.

SCDRO ha reevaluado las alternativas a la construcción en las zonas de inundación y ha determinado que si bien la alternativa cinco es la alternativa más practicable, cuando sea factible, se ofrecerán las alternativas 3 y 4. Los archivos ambientales que documentan el cumplimiento de los pasos 3 a 6 de la Orden Ejecutiva 11988, están disponibles para inspección pública, revisión y copia a solicitud en la Oficina de Recuperación por Desastre de Carolina del Sur, ubicada en 632 Rosewood Drive, Columbia, SC 29201 o en línea en <https://admin.sc.gov/SCDRO/HUDDocs> y puede ser examinado o copiado entre semana entre las 9:00 a.m. y 5:00 P.M.

Hay tres propósitos principales para este aviso final. En primer lugar, las personas que puedan verse afectadas por las actividades en las zonas de inundación y aquellas que tengan interés en la protección del medio ambiente natural tendrán la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se anima a que personas ofrezcan sitios alternativos fuera de la zona de inundación, métodos alternativos para cumplir el mismo propósito del proyecto propuesto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios del público sobre las zonas de inundación pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de justicia, cuando el gobierno federal determina que participará en las acciones que se llevarán a cabo en zonas de inundación, deberán informar a quienes puedan correr un riesgo mayor o continuo.

#### AUSENCIA DE IMPACTO SIGNIFICATIVO

La SCDRO ha determinado que el proyecto no tendrá un impacto significativo a el medio ambiente humano o natural. Por lo tanto, no se requiere una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA). Información adicional del proyecto se encuentra en el Registro de Revisión Ambiental (ERR, por sus siglas en inglés) archivado en la Oficina de Recuperación por Desastre de Carolina del Sur, ubicada en 632 Rosewood Drive, Columbia, SC 29201 o en línea en <https://admin.sc.gov/SCDRO/HUDDocs> y puede ser examinado o copiado entre semana entre las 9:00 a.m. y 5:00 P.M.

#### COMENTARIOS PÚBLICOS

El proyecto propuesto proporcionará viviendas seguras e higiénicas que se necesitan con urgencia a los residentes afectados por el huracán Florence, un desastre declarado presidencialmente. Por lo tanto, según lo

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dispuesto por las regulaciones federales en 24 CFR 58.33 (b), El SCDRO está publicando el Hallazgo de Impacto No Significativo combinado con el Aviso de Intención de Solicitar Liberación de Fondos (RROF, por sus siglas en inglés), simultáneamente con la presentación del RROF al HUD. Cualquier individuo, grupo o agencia puede enviar comentarios por escrito sobre estos avisos o el ERR a la Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO). Los comentarios pueden enviarse a la atención de Eric Fosmire, Director Legal de SCDRO, 632 Rosewood Drive, Columbia, SC 29201, o por correo electrónico a [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov). Todos los comentarios recibidos antes de Marzo 18, 2021 serán considerados por el SCDRO antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a qué Aviso se dirigen.

#### CERTIFICACIÓN AMBIENTAL

La Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO) certifica a HUD que Eric Fosmire, en su calidad de Director Legal de SCDRO, consiente en aceptar la jurisdicción de los Tribunales Federales si se inicia una acción para hacer cumplir las responsabilidades en relación con el proceso de revisión ambiental y que se hayan cumplido estas responsabilidades. La aprobación de la certificación por parte de HUD satisface sus responsabilidades según la NEPA y las leyes y autoridades relacionadas y permite que la Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO) utilice los fondos del Programa.

#### OBJECIONES A LA LIBERACIÓN DE FONDOS

El proyecto propuesto proporcionará viviendas seguras e higiénicas que se necesitan con urgencia a los residentes afectados por el huracán Florence, un desastre declarado presidencialmente. Por lo tanto, según lo dispuesto por las regulaciones federales en 24 CFR 58.33 (b), el SCDRO está publicando el Hallazgo de Impacto No Significativo combinado y el Aviso de Intención de Solicitar Liberación de Fondos simultáneamente con la presentación del RROF al HUD. HUD aceptará objeciones a su liberación de fondos y la certificación del SCDRO por un período de quince días después de la fecha de presentación anticipada o su recepción real de la solicitud (lo que sea posterior) solo si se basan en una de las siguientes bases: (a) la certificación no fue ejecutada por el Oficial Certificador del SCDRO; (b) el SCDRO ha omitido un paso o no ha tomado una decisión o hallazgo requerido por las regulaciones de HUD en 24 CFR parte 58; (c) el beneficiario de la subvención u otros participantes en el proceso de desarrollo han comprometido fondos, incurrido en costos o realizado actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD; o (d) otra agencia federal que actúa en conformidad con el 40 CFR Parte 1504 ha presentado una conclusión por escrito de que el proyecto no es satisfactorio desde el punto de vista de la calidad ambiental. Las objeciones deben prepararse y presentarse de acuerdo con los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deben dirigirse a Aaron B. Gagné, División de Recuperación de Desastres y Asuntos Especiales, CPD, HUD; 1835 Assembly Street, 13th Floor, Columbia, SC 29201-2460 o por correo electrónico a [Aaron.B.Gagne@hud.gov](mailto:Aaron.B.Gagne@hud.gov). Los posibles objetores deben comunicarse con HUD para verificar el último día real del período de objeción.

Oficial de certificación: Eric Fosmire, Director legal, Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales.

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## Agency Distribution List

The following agencies received a letter with a combined Final Floodplain, FONSI, NOI-RROF Notice for Chesterfield and Marlboro Counties as published on March 3, 2021.

RESOURCE TOPIC	CONTACT INFO
AIR QUALITY	Michael Shroup, Director Division of Compliance Management Bureau of Air Quality, DHEC 2600 Bull Street Columbia, SC 29201 <a href="mailto:shroupmd@dhec.sc.gov">shroupmd@dhec.sc.gov</a>
AIRPORT HAZARDS	Steven Hicks, Division Manager FAA Southern Region, Airports Division – Suite 540 1701 Columbia Avenue College Park, GA 30337 <a href="mailto:steven.hicks@faa.gov">steven.hicks@faa.gov</a>
COASTAL BARRIERS	Katie Niemi, Coastal Barriers Coordinator U.S. Fish and Wildlife Service Division of Habitat and Resource Conservation 4401 N. Fairfax Drive, Room 860 Arlington, VA 22203 <a href="mailto:katie_niemi@fws.gov">katie_niemi@fws.gov</a>
COASTAL ZONE	Chris Stout, Manager Coastal Zone Consistency Section Ocean & Coastal Resource Management, DHEC 1362 McMillan Avenue, Suite 400 Charleston, SC 29405 <a href="mailto:stoutcm@dhec.sc.gov">stoutcm@dhec.sc.gov</a>
ENDANGERED SPECIES	Mark A. Caldwell, Deputy Field Supervisor U.S. Fish and Wildlife Service South Carolina Ecological Services Field Office Department of the Interior - U.S. Fish and Wildlife Service 176 Croghan Spur Road, Suite 200 Charleston, SC 29407 <a href="mailto:charleston_regulatory@fws.gov">charleston_regulatory@fws.gov</a> ; <a href="mailto:mark_caldwell@fws.gov">mark_caldwell@fws.gov</a>
EPA / ENVIRONMENTAL JUSTICE	Tami Thomas-Burton U.S. Environmental Protection Agency, Region IV 61 Forsyth Street Atlanta, GA 30303 <a href="mailto:thomas-burton.tami@epa.gov">thomas-burton.tami@epa.gov</a>

<b>FARMLAND</b>	Ann English, State Conservationist United States Department of Agriculture Strom Thurmond Federal Building 1835 Assembly Street, Room 950 Columbia, SC 29201 <a href="mailto:ann.english@sc.usda.gov">ann.english@sc.usda.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (STATE)</b>	Maria Cox, State Floodplain Coordinator SC Department of Natural Resources 1000 Assembly Street Columbia, SC 29201 <a href="mailto:CoxM@dnr.sc.gov">CoxM@dnr.sc.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (FEDERAL)</b>	Stephanie Everfield, Regional Environmental Officer Department of Homeland Security FEMA Regional Environmental Office 3003 Chamblee Tucker Road – Hollins Building Atlanta, GA 30341-4112 <a href="mailto:stephanie.everfield@dhs.gov">stephanie.everfield@dhs.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (MARLBORO CO)</b>	Donald Hamilton, Floodplain Administrator Marlboro County Building Code/Permit Department P.O. Box 419 Bennettsville, SC 29512 <a href="mailto:dhamilton@marlborocounty.sc.gov">dhamilton@marlborocounty.sc.gov</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (CHESTERFIELD CO)</b>	Derrick Outen, Director/ Floodplain Administrator 178 Mill Street Chesterfield County Administration Building Chesterfield, SC 29709 <a href="mailto:inspouten@chesterfieldcountysc.com">inspouten@chesterfieldcountysc.com</a>
<b>FLOODPLAIN MANAGEMENT &amp; INSURANCE (DARLINGTON CO)</b>	Julie Ritz, Floodplain Administrator Darlington County Planning Department 1 Public Square, Room 303 Darlington, South Carolina 29532 <a href="mailto:planning@darlcosc.net">planning@darlcosc.net</a>
<b>HISTORIC PRESERVATION</b>	Dr. W. Eric Emerson, Ph.D., State Historic Preservation Officer South Carolina Department of Archives and History 8301 Parklane Road Columbia, South Carolina 29233 <a href="mailto:Emerson@scdah.sc.gov">Emerson@scdah.sc.gov</a> ; <a href="mailto:JSylvest@scdah.sc.gov">JSylvest@scdah.sc.gov</a> Dr. Wenonah G. Haire, Ph.D., Tribal Historic Preservation Officer Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730 <a href="mailto:wenonah.haire@catawba.com">wenonah.haire@catawba.com</a> ; <a href="mailto:bill.harris@catawbaindian.net">bill.harris@catawbaindian.net</a>

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<b>HAZARDOUS FACILITIES, CONTAMINATED SITES, UST</b>	<p>Van Keisler, P.G., Director          Division of Compliance &amp; Enforcement          Bureau of Land and Waste Management, DHEC          2600 Bull Street          Columbia, SC 29201  <a href="mailto:keislecv@dhec.sc.gov">keislecv@dhec.sc.gov</a></p>
<b>HUD FIELD OFFICE</b>	<p>Bradley S. Evatt, Director          Community Planning and Development          Disaster Recovery and Special Issues Division          Strom Thurmond Federal Building          1835 Assembly Street – 13th Floor          Columbia, SC 29201-2480          Via <a href="mailto:Aaron.B.Gagne@hud.gov">Aaron.B.Gagne@hud.gov</a></p>
<b>WATER QUALITY</b>	<p>Kristy Ellenberg, Public Participation Coordinator          Division of Water Quality          Bureau of Water, DHEC          2600 Bull Street          Columbia, SC 29201  <a href="mailto:ellenbke@dhec.sc.gov">ellenbke@dhec.sc.gov</a></p>
<b>WETLANDS</b>	<p>CHARLESTON DISTRICT OFFICE          U.S. Army Corps of Engineers          69 Haloed Avenue          Charleston, SC 29403  <a href="mailto:Cesac-rd-mail@usace.army.mil">Cesac-rd-mail@usace.army.mil</a></p>
<b>WETLANDS</b>	<p>Tom McCoy, Field Supervisor          Charleston Ecological Services Field Office          176 Croghan Spur Road, Suite 200          Charleston, SC 29407  <a href="mailto:thomas_mccoy@fws.gov">thomas_mccoy@fws.gov</a>; <a href="mailto:Cesac-rd-mail@usace.army.mil">Cesac-rd-mail@usace.army.mil</a></p>
<b>WILD AND SCENIC RIVERS</b>	<p>Jeffery R. Duncan, Ph.D., Southeast Regional Fishery Ecologist          Wild and Scenic Rivers Coordinator          National Park Service          535 Chestnut Street, Suite 207          Chattanooga, TN 37402  <a href="mailto:Jeff_Duncan@nps.gov">Jeff_Duncan@nps.gov</a></p>

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### **Record of Comments and Responses**

The following comments were received in response to the Final Floodplain, FONSI, NOI-RROF Notice for Chesterfield and Marlboro Counties as published on March 3, 2021.

<b>COMMENTOR</b>	<b>DATE / TIME</b>	<b>COMMENT</b>	<b>RESPONSE</b>



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INSERT EMAIL CONFIRMATION OF COMMENTS



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Authorization to Use Grant Funds:

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## Cover Letter

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AUGF

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# Site Specific Environmental Review Strategy

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

The following sections detail the steps to be performed when assessing each required review topic. The findings are recorded in the Site-Specific Review Checklist form. The Tier II Site-Specific Review Checklist and all supporting documentation is an integral part of the project’s ERR and must be maintained in the file.

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## A. Airport Hazards

### Siting of HUD - Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields (24 CFR 51(d) and 24 CFR 58.6(d))

#### Regulatory Agencies Consulted

Federal Aviation Authority, Southern Region, Airports Division, Director

#### Regulatory Background and Broad Review Determination

Pursuant to 24 CFR 51.301 (c) [Title 24 Housing and Urban Development; Subtitle A Office of the Secretary, Department of Housing and Urban Development; Part 51 Environmental Criteria and Standards; Subpart D Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields, the term Civil Airport means “an existing commercial service airport as designated in the National Plan of Integrated Airport Systems prepared by the Federal Aviation Administration in accordance with section 504 of the Airport and Airway Improvement Act of 1982.” ‘Commercial service airports’ are publicly owned airports with at least 2,500 annual enplanements and scheduled air carrier service (§47102(7)). Primary airports are a commercial service airport with more than 10,000 annual enplanements (§47102(16)). General Aviation Airports are public-use airports that do not have scheduled service or have less than 2,500 annual passenger boardings (49 USC 47102(8)). Reliever Airports are airports designated by the FAA to relieve congestion at Commercial Service Airports and to provide improved general aviation access to the overall community and may be publicly or privately-owned. Military airports include all active, military-owned and operated airport and airfields.

HUD policies prevent incompatible development around civil airports and military airfields. Federal Aviation Administration studies have determined that potential aircraft accident problems pose a significant hazard to projects located near airports and in the immediate area of the landing and approach zones where airplane crashes are most frequent or most likely to occur. On January 6, 1984, HUD published 24 CFR 51(d) entitled, “Siting of HUD Assisted Projects in Runway Clear Zones at Civil Airports and Clear Zones and Accident Potential Zones at Military Airfields” which provides guidance on the issue. Under these regulations, HUD assistance may not be used for projects involving new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of existing facilities that will be frequently used or occupied by people. The FAA Southern Region of Airports Division was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit A-1). No response was received.

Based on a review of National Plan of Integrated Airport Systems (2021-2025) and Federal Aviation Authority data on airports, there are six (6) civil airports, and five (5) military airfields in South Carolina, one of which is joint use (civil and military) (see Table A-1). Several of the counties within the program area abut the State of North Carolina; thus, the civil and military airports in neighboring North Carolina were evaluated as well (see Table A-2). It has been determined that there are no civil or military airports in Marlboro County nor are there any civil airports within 2,500 feet, or military airfields within 15,000 feet of any area of Marlboro County; therefore, the review of airport hazards is concluded at the Tier I Broad Review level.

**Table A-1. Civil and Military Airports in South Carolina**

COUNTY	AIRPORT	TYPE
LEXINGTON	Columbia Metropolitan	Civil
FLORENCE	Florence Regional	Civil
GREENVILLE & SPARTANBURG	Greenville Spartanburg International	Civil
BEAUFORT	Hilton Head	Civil
HORRY	Myrtle Beach International	Civil
CHARLESTON	Charleston AFB/International	Joint Use
RICHLAND	McEntire Joint National Guard Base	Military
BEAUFORT	MCAS Beaufort	Military
ORANGEBURG	North Air Force Auxillary field	Military
SUMTER	Shaw Air Force Base	Military

**Table A-2. Civil and Military Airports in neighboring areas of North Carolina**

COUNTY	AIRPORT	TYPE
MECKLENBURG	Charlotte/Douglas International	Civil
FAYETTEVILLE	Fayetteville Regional	Civil
HANOVER	Wilmington International	Civil
SCOTLAND	Mackall Army Airfield	Military

**Site-Specific Review Process**

There are no civil or military airports in Marlboro County nor are there any civil airports within 2,500 feet, or military airfields within 15,000 feet of any area of Marlboro County (see Map A-1), therefore, for projects located within Marlboro County, the site-specific review checklist will document that the review was concluded at the Tier I level.

Where airports do exist, each housing project will be reviewed to determine whether it is located within 2,500 feet of a civil airport or 15,000 feet of a military airfield.

- If no portion of the project parcel lies within 2,500 feet of a civil airport or within 15,000 feet of a military airfield then this finding will be documented on the site-specific review checklist, supported by a map showing the project location relative to the airport, as necessary.
- If any portion of the project parcel lies within 2,500 feet of a civil airport or within 15,000 feet of a military airfield but through calculations, maps or written confirmation from the airport operator, the proposed action site is demonstrated to be outside all Runway Clear Zones and Accident Potential Zones, then the project may proceed by documenting the finding on the site-specific review checklist with supporting maps and/or documentation, as appropriate.
- For homes located within the RPZ/CZ or APZ, HUD assistance may not be used if the project involves new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would



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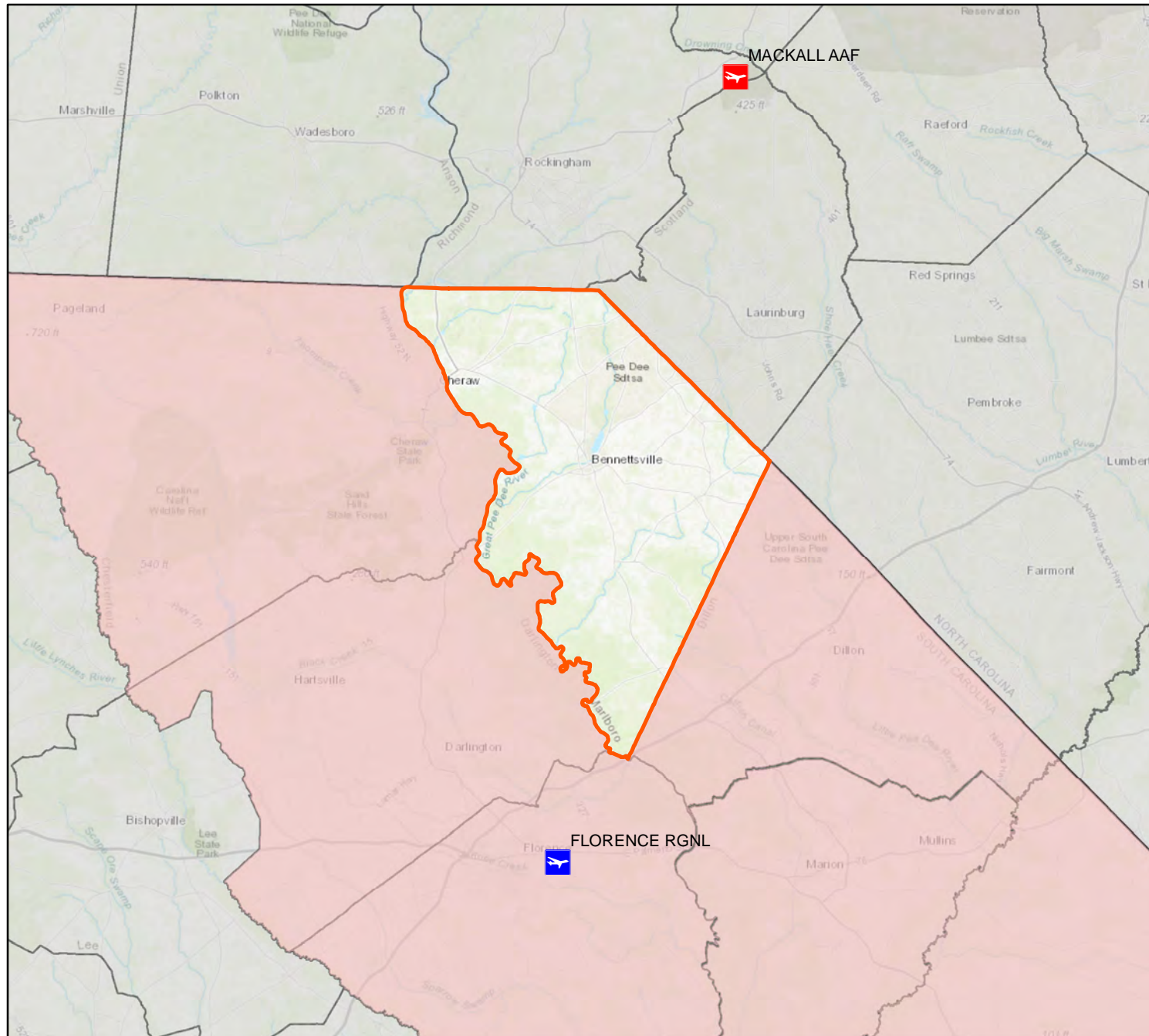
significantly prolong the physical or economic life of the existing facility if frequently used or occupied by people.






- If the project is acquisition of developed property for conversion to greenspace, written documentation is to be obtained from the airport operator assuring the project site will not be acquired or purchased in the future as part of a clear zone acquisition program. This will be documented on the site-specific review checklist with supporting documentation, as appropriate.
- If a project is minor rehabilitation in an RPZ/CZ, a written notice will be provided to owners/prospective buyers informing them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion project. This will be documented on the site-specific review checklist with supporting documentation, as appropriate.
- If the project is minor rehabilitation in an APZ, the project will be reviewed for consistency with Department of Defense (DOD) Land Use Compatibility Guidelines. Proposed projects must be a compatible land use to proceed. This determination will be documented on the site-specific review checklist with supporting documentation, as appropriate.

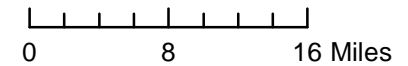
Projects that do not meet these criteria will not be eligible for assistance unless the airport operator indicates that there is no concern with the project proceeding and the Certifying Officer provides an exception per 24 CFR 51.304(a)(1). If this occurs, it will be entered into the project file and documented on the site-specific review checklist.

# Map A-1. Airports - Marlboro County

## Hurricane Florence Single-Family Housing Program



-  County Boundary
-  Study Area
- Airports**
-  Civilian
-  Joint Use
-  Military



Nearest Civilian Airport:  
Florence Regional

Distance from County Boundary:  
47844.61 ft.

Nearest Military Airport:  
Mackall Army Airfield

Distance from County Boundary:  
99722.82 ft.

## Exhibit A-1. Letter to the Federal Aviation Authority, Southern Region, Airports Division



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Steven Hicks, Division Manager  
FAA Southern Region, Airports Division – Suite 540  
1701 Columbia Avenue  
College Park, GA 30337

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Hicks:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet 24 CFR Part 51 Subpart D Airport Hazards standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

If there are no civil or military airports in or within 2,500 feet, or military airfields within 15,000 feet of a program county, the site-specific review checklist will document that the review was concluded at the Tier I level without the need to review each project site within that county. If this is not the case, each housing project site within that county will be reviewed to determine whether it is located within 2,500 feet of a civil airport or 15,000 feet of a military airfield. If no portion of the project parcel lies within 2,500 feet of a civil airport or within 15,000 feet of a military airfield then this finding will be documented on the site-specific review checklist, supported by a map

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showing the project location relative to the airport, as necessary. If any portion of the project parcel lies within 2,500 feet of a civil airport or within 15,000 feet of a military airfield but through calculations, maps or written confirmation from the airport operator, the proposed action site is demonstrated to be outside all Runway Clear Zones and Accident Potential Zones, then the project may proceed by documenting the finding on the site-specific review checklist with supporting maps and/or documentation, as appropriate. For homes located within the RPZ/CZ or APZ, HUD assistance may not be used if the project involves new construction, substantial rehabilitation, acquisition of undeveloped land, or activities that would significantly prolong the physical or economic life of the existing facility if frequently used or occupied by people. If the project is acquisition of developed property for conversion to greenspace, written documentation is to be obtained from the airport operator assuring the project site will not be acquired or purchased in the future as part of a clear zone acquisition program. This will be documented on the site-specific review checklist with supporting documentation, as appropriate. If a project is minor rehabilitation in an RPZ/CZ, a written notice will be provided to owners/prospective buyers informing them of the potential hazards from airplane accidents as well as the potential for the property to be purchased as part of an airport expansion project. This will be documented on the site-specific review checklist with supporting documentation, as appropriate. If the project is minor rehabilitation in an APZ, the project will be reviewed for consistency with Department of Defense (DOD) Land Use Compatibility Guidelines. Proposed projects must be a compatible land use to proceed. This determination will be documented on the site-specific review checklist with supporting documentation, as appropriate.

Projects that do not meet these criteria will not be eligible for assistance unless the airport operator indicates that there is no concern with the project proceeding and the Certifying Officer provides an exception per 24 CFR 51.304(a)(1). If this occurs, it will be entered into the project file and documented on the site-specific review checklist.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

## Exhibit A-2. Email from the Federal Aviation Authority, Southern Region, Airports Division

### Karyn Desselle

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**From:** Lenfert, Winsome A (FAA) <winsome.a.lenfert@faa.gov>  
**Sent:** Tuesday, January 26, 2021 7:27 PM  
**To:** Karyn Desselle  
**Cc:** Eric.Fosmire@admin.sc.gov; Ben.Duncan@admin.sc.gov; Daniel Paul; Lauren Poche; Hicks, Steven (FAA); Allison, Stan (FAA)  
**Subject:** Re: SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

Hello Fosmire

I have changed positions. All coordination on matters with South Carolina should be directed to Steve Hicks, Director Airports Division Southern Region.

Thank you  
Winsome

Winsome A. Lenfert  
Office of Airports  
Federal Aviation Administration  
202-267-9590 (o)  
404-803-3457 (c)  
Sent from my iPhone

On Jan 26, 2021, at 8:19 PM, Karyn Desselle <Karyn.Desselle@hornellp.com> wrote:

Good afternoon,

Attached please find a letter summarizing the enclosed Early Public Review Floodplain Notices, which will publish tomorrow, January 27, 2021. Please submit any responses or comments as per the process outlined within the notice(s) of interest.

Karyn Desselle on behalf of,

Eric G. Fosmire  
Legal Director | Disaster Recovery Office  
[The South Carolina Office of Resilience](#)  
<Agency Letter\_Airport\_Lenferts.pdf>

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**Karyn Desselle**

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**From:** Hicks, Steven (FAA) <Steven.Hicks@faa.gov>  
**Sent:** Tuesday, January 26, 2021 7:57 PM  
**To:** Karyn Desselle  
**Cc:** Eric.Fosmire@admin.sc.gov; Ben.Duncan@admin.sc.gov; Daniel Paul; Lauren Poche; Allison, Stan (FAA); Douglas, Maverick (FAA); Evains, Jasmine (FAA); Clark, Larry (FAA); Preston, Parks (FAA)  
**Subject:** Re: SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

Karyn,

Thanks for the email. I'll take a look at it and let you know if I have any comments.

Steve

Steven E. Hicks  
Director  
Office of Airports  
Southern Region

> On Jan 26, 2021, at 8:38 PM, Karyn Desselle <Karyn.Desselle@hornellp.com> wrote:  
>  
> Good afternoon,  
>  
> Attached please find a letter summarizing the enclosed Early Public Review Floodplain Notices, which will publish tomorrow, January 27, 2021. Please submit any responses or comments as per the process outlined within the notice(s) of interest.  
>  
> Karyn Desselle on behalf of,  
>  
> Eric G. Fosmire  
> Legal Director | Disaster Recovery Office The South Carolina Office of  
> Resilience

## B. Coastal Barrier Resources

Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]

### Regulatory Agencies Consulted

U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation

### Regulatory Background and Broad Review Determination

The John H. Chaffee Coastal Barrier Resources System (CBRS) was established in 1982 and is administered by the U.S. Fish and Wildlife Service. The CBRS consists of relatively undeveloped coastal barriers and other areas located the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRS currently includes 585 System Units, which comprise nearly 1.4 million acres of land and associated aquatic habitat. There are also 277 "Otherwise Protected Areas," a category of coastal barriers that are mostly already held for conservation and/or recreation purposes that include an additional 2.1 million acres of land and associated aquatic habitat. The CBRS units are identified and depicted on a series of maps entitled "John H. Chafee Coastal Barrier Resources System." In accordance with 24 CFR 58.6(c), HUD assistance may not be used for project activities located within a Coastal Barrier Resource Area. USFWS's Division of Habitat and Resource Conservation Coastal Barriers Coordinator was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit B-1). No response was received.

**Table B-1. South Carolina Coastal Barrier Resource System**

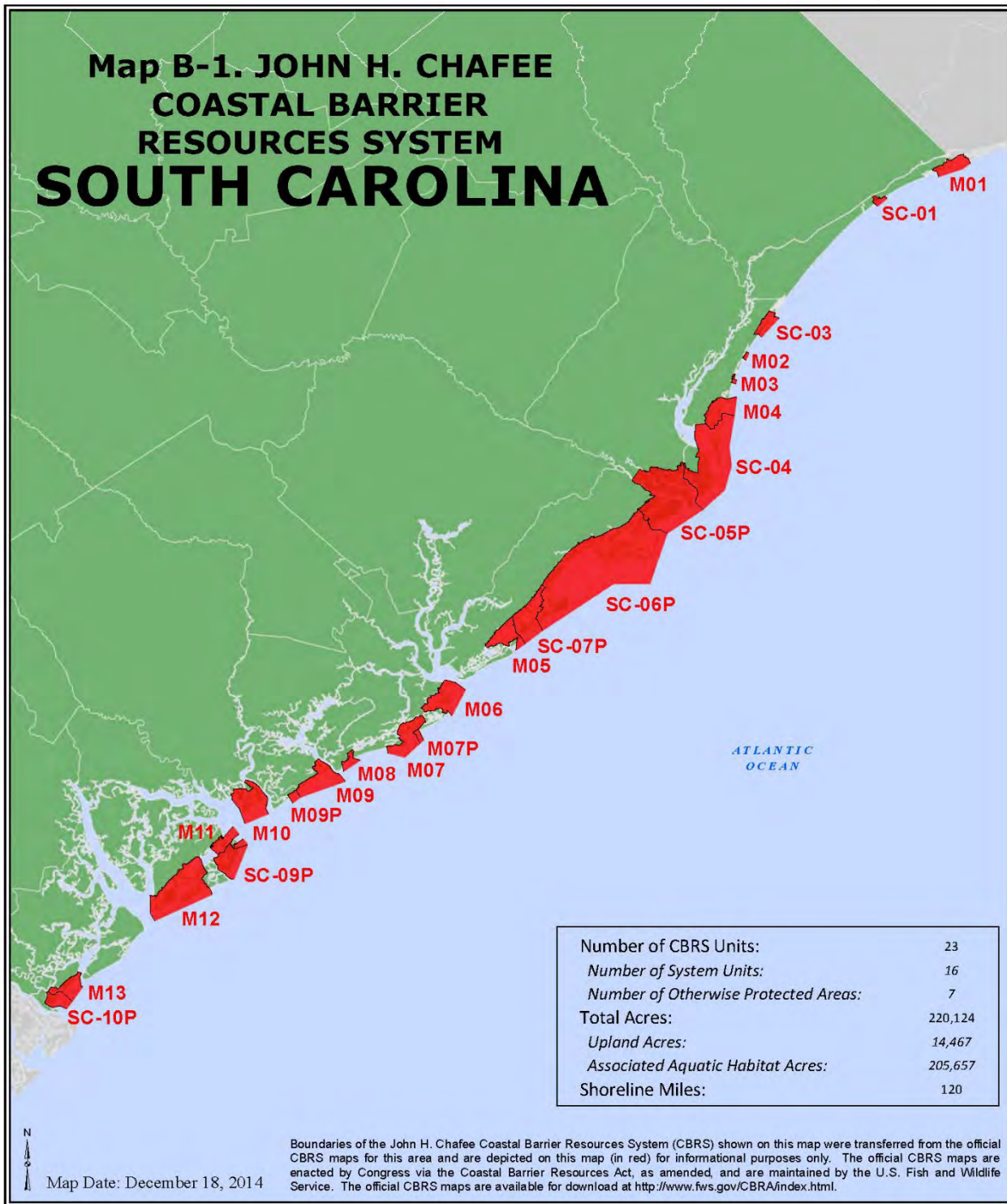
<b>NUMBER OF CBRS UNITS</b>	<b>23</b>
<i>NUMBER OF SYSTEM UNITS</i>	<i>16</i>
<i>NUMBER OF OTHERWISE PROTECTED AREAS</i>	<i>7</i>
<b>TOTAL ACRES</b>	<b>220,124</b>
<i>UPLAND ACRES</i>	<i>14,467</i>
<i>ASSOCIATED AQUATIC ACRES</i>	<i>205,657</i>
<b>SHORELINE MILES</b>	<b>120</b>

South Carolina's coastline includes twenty-three CBRS Units (16 System Units and 7 Otherwise Protected Areas) (see Table B-1); however, there are no Coastal Barrier Resource Units or Otherwise Protected Areas within Marlboro County (see Maps B-1 and B-2); therefore, projects located within Marlboro County will have no effect on any Coastal Barrier Resources. The review of Coastal Barrier Resources is concluded at the Tier I Broad Review level. Site Specific Review Process

There are no Coastal Barrier Resources in Marlboro County; therefore, for projects located within Marlboro County, the site-specific review checklist will document that the review was concluded at the Tier I level.

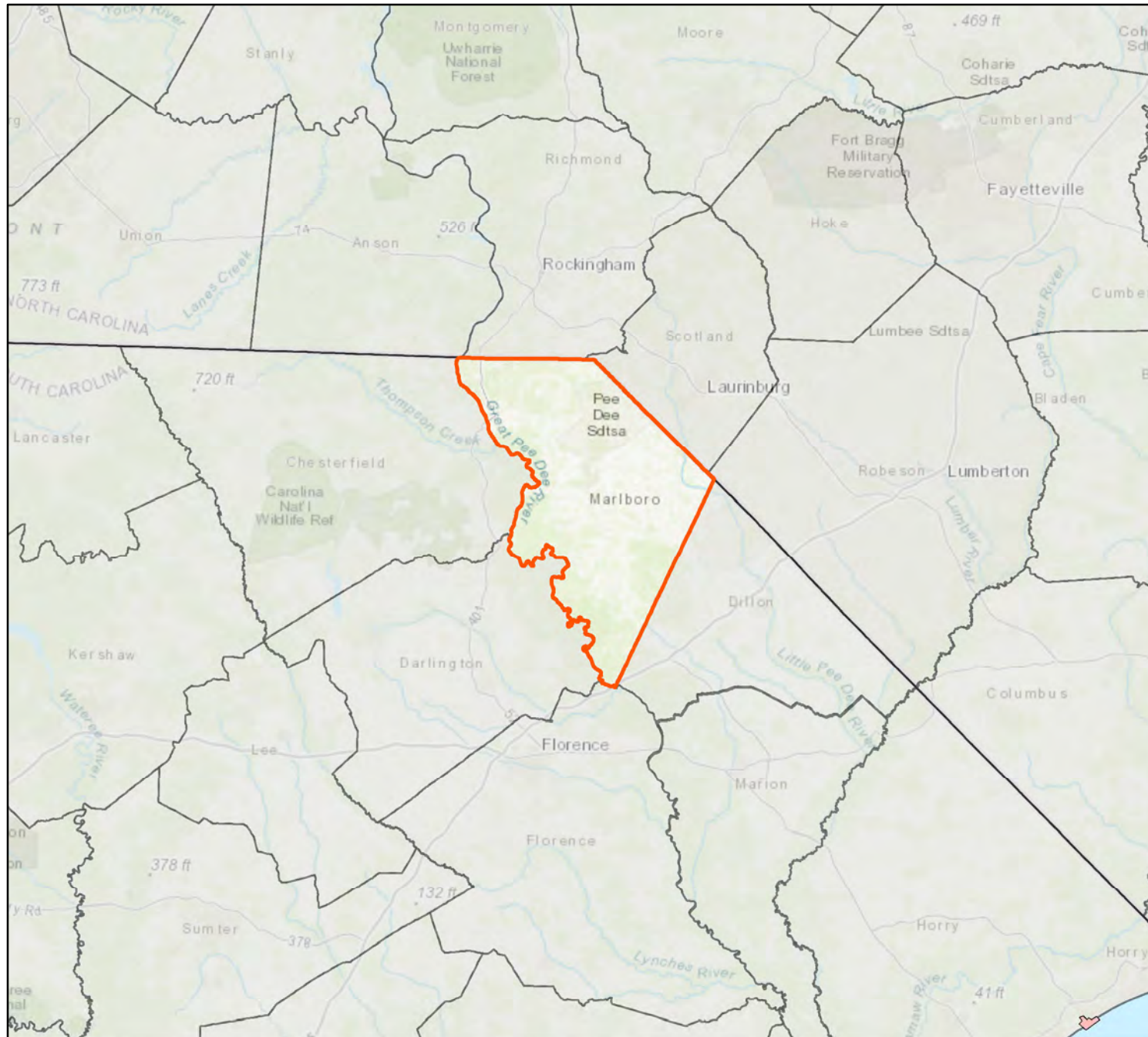


# Map B-1. JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM SOUTH CAROLINA

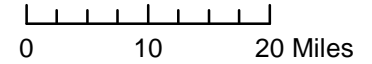


# Map B-2. Coastal Barrier Resources - Marlboro County

## Hurricane Florence Single-Family Housing Program



- County Boundary
- CBRS Units**
- Otherwise Protected Area
- System Unit



Sources: Coastal Barrier Resources data obtained from the US Fish and Wildlife Service. ESRI Imagery Basemap service.

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## Exhibit B-1. Letter to the USFWS Division of Habitat and Resource Conservation



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

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**Date:** January 26, 2021

**To:** Ms. Katie Niemi, Coastal Barriers Coordinator  
U.S. Fish and Wildlife Service  
Division of Habitat and Resource Conservation  
4401 N. Fairfax Drive, Room 860  
Arlington, VA 22203

**Re:** South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. Niemi:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet the Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501] standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro

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and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

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Review Process

The John H. Chaffee Coastal Barrier Resources System (CBRS) was established in 1982 and is administered by the U.S. Fish and Wildlife Service. In accordance with 24 CFR 58.6(c), HUD assistance may not be used for project activities proposed in the CBRS. The Coastal Barrier Resources Act (CBRA) prohibits new federal expenditures or financial assistance within System units of the CBRS. No HUD funding will be used in a Coastal Barrier Resources Area. If there are no Coastal Barrier Resource Units or Otherwise Protected Areas within a program county (Chesterfield, Darlington, Dillon, Florence, Marion, and Marlboro Counties), the housing projects in that county will have no effect on any Coastal Barrier Resource; therefore, the review of Coastal Barrier Resources is concluded at the Tier I Broad Review level. However, for Georgetown County and Horry County, each individual project site will be individually assessed to ensure all project activity will take place outside Coastal Barrier Resource Areas.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## C. Floodplain Management and Flood Insurance

(24 CFR 55, Executive Order 11988)

Flood Disaster Protection & Flood Insurance (24 CFR 58.6 (a) & (b))

### **Regulatory Agencies Consulted**

FEMA Region IV, Regional Environmental Officer  
South Carolina Dept of Natural Resources, State Floodplain Coordinator  
Marlboro County Floodplain Administrator

### **Regulatory Background and Broad Review Determination**

Executive Order 11988: Floodplain Management requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. The Federal Emergency Management Agency (FEMA) designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area (flood zone definitions). The FEMA Map Service Center provides this information in the form of Flood Insurance Rate Maps (FIRM) or Flood Hazard Maps. HUD's regulations in 24 CFR Part 55 outline HUD's procedures for complying with EO 11988. Part 55 applies to all HUD actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program. The purpose of Part 55 is not, in most cases, to prohibit actions in a floodplain, but to provide the method for HUD projects to comply with EO 11988 and avoid unnecessary impacts.

Under section 582 of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 5154a), HUD disaster assistance that is made available in a special flood hazard area may not be used [...] for repair, replacement, or restoration of damage to any personal, residential, or commercial property if the person had previously received Federal flood disaster assistance conditioned on obtaining and maintaining flood insurance; and the person failed to obtain and maintain the flood insurance. All program applicant's with properties located in the 100-year floodplain will be screened prior to environmental review to determine if they had previously received federal flood disaster assistance and will only be allowed to proceed after providing proof of having obtained and maintained flood insurance as required.

In Marlboro County, approximately 63,591 acres of land (20.4% of the county's land area) are within the 100-year floodplain (see Map C-1). Although specific project sites have not yet been identified, the Program will repair, reconstruct, or replace single-family housing, some of which, may be located in the 100-year floodplain. Additionally, under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity.

The 8-Step Decision Making Process applies to Program activities involving residential structures within the 100-year floodplain, unless exempt under 24 CFR §55.12 (b) or (c). For activities that occur outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required.

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The 8-Step Decision Making Process for Marlboro County was completed in March 2021, in consideration of housing program activities related to Hurricanes Matthew and Florence (see Exhibit C-1). In the wake of Hurricane Florence, the Program realized that the residents in the most impacted and distressed counties faced new challenges in the efforts to recover and become more resilient as a community. In response to these changing needs and new challenges, the Program made the decision to incorporate new project alternatives that had previously been seen as infeasible or undesirable due to potential environmental and socioeconomic impacts. Under the Hurricane Florence Single-Family Housing Program, SCDRO will implement the acquisition/buyout and relocation alternatives in scenarios where doing so would minimize the threat to lives and property by removing people and structures from harm's way thereby minimizing potential adverse impacts. Additionally, the acquisition/buyout alternative would restore and preserve the natural and beneficial values of floodplains in those areas further reducing future flood risk within the community. As outlined in the previously completed 8-Step, SCDRO will continue to require the elevation of all substantially damaged (as defined at 24 CFR 55.2(b)(10)), and reconstructed structures in the floodplain to a minimum of two feet above the base flood elevation. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and in the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhered to construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3). When followed, these regulations will reduce the threat of flood damage to the homes located in the floodplain. The new elevation levels, which applicants are required to adhere to when considering reconstruction or rehabilitation of their substantially damaged properties, represent the best available data and are assumed to advance floodplain management efforts in the impacted counties.

The Program criteria for acquisition/buyout mandate that acquired, damaged single-family residential properties in the 100-year floodplain be demolished and cleared, these properties will then be converted to greenspace in perpetuity through a restrictive covenant placed on the property to prevent future redevelopment of the property. The relocation alternative is considered a minor amendment to the previously approved actions. Under the Program's criteria, relocation will be limited to mobile home units (MHU) in the 100-year floodplain that have been damaged beyond repair but are not eligible for replacement in their current location. These replacement MHUs must be relocated to existing developed lots in the same community and outside of the 100-year floodplain, where an existing 'pad' and all utility connections are in place and ready to receive the home. Therefore, it has been determined that further analysis under the 8-Step Decision Making Process is not required. The Early and Final Floodplain Notices were published in The Link on January 27, 2021 and March 3, 2021, respectively, and provided to FEMA and other interested agencies and stakeholders (see Exhibits C-2 and C-3 respectively). Once the required public comment periods have been met, all substantive comments will be responded to and documented herein prior to the request or obligation of funds for any construction activities.

### **Site Specific Review Process**

Each project site will be reviewed using the best available data to determine if the project is located within the 100-year floodplain (1-percent annual chance floodplain). The 1-percent annual chance floodplain includes both A and V Flood Hazard Zones. Zone V is comprised of the area subject to high velocity wave action from

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the 1-percent annual chance flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Zone A is comprised of the area subject to inundation by 1-percent annual chance flood. These areas are not subject to high velocity wave action but are still considered high risk flooding areas.

For projects located outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required.

HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity. Therefore, proposed project sites located in Floodways are only eligible for acquisition / buyout assistance, through which the property will be converted to greenspace in perpetuity.

Additionally, if a property is located in the 100-year floodplain and in a community that is not participating in the National Flood Program or is not in good standing per the NFIP Community Status Book, federal assistance cannot be provided due to the lack of availability of flood insurance. At the time of this assessment, there are not any communities in Marlboro County listed as not participating in, or not in good standing with, the National Flood Program.

All projects located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones. Projects involving new construction (reconstruction or replacement), repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. Additionally, property owners assisted through the Program will be required to acquire and maintain flood insurance if their properties are in a 100-year floodplain; therefore, SCDRO will only provide assistance to properties in the 100-year floodplain, where the community is participating in the National Flood Program and in good standing. There are currently two towns in Marlboro County that are not participating in the National Flood Program. Properties in the 100-year floodplain, in both the Town of Blenheim and the Town of McColl will not be eligible to receive assistance.

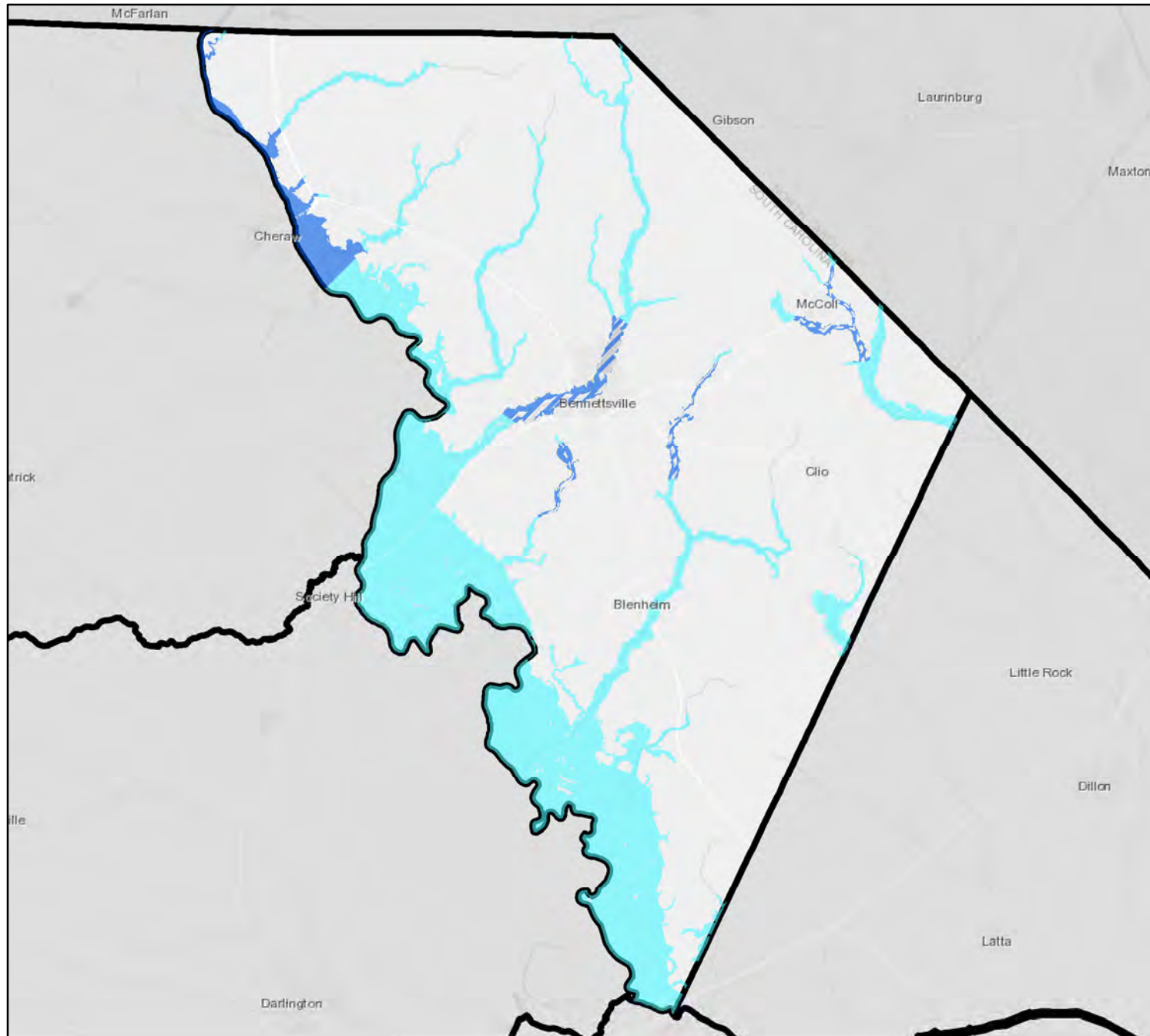
The FEMA Regional Environmental Officer (federal), the South Carolina Department of Natural Resources State Floodplain Coordinator (state), and the Marlboro County Floodplain Administrator (county) were contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibits C-4, C-5, and C-6 respectively). No responses were received.



# Map C-1. FEMA Flood Zone Coverage - Marlboro County Hurricane Florence Single-Family Housing Program

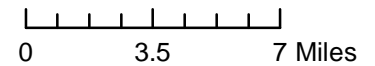


Dark Gray Canvas Reference



## FEMA Flood Zones

- Zone A
  - Zones AE, AH
  - Zone AE, Floodway
  - Zone VE
  - Open Water
  - 0.2 Annual Chance Flood Hazard
  - Zone X: Protected by Levee
  - Zone X
  - Zone D
  - Area Not Included
- Light Gray Canvas Base



Flood Zone	Acreage
100-Year	63,591.34
500-Year	243.58
Zone X	247,153.75

Sources: Effective Flood Zone Data imported from FEMA National Flood Hazard Layer; ESRI Imagery Basemap service.

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## Exhibit C-1. The 8-Step Floodplain Decision Making Process

# 8-Step Decision Making Process for Floodplains

## 24 CFR 55.20

### Marlboro County

Executive Order 11988: Floodplain Management requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. The Federal Emergency Management Agency (FEMA) designates floodplains as geographic zones subject to varying levels of flood risk. Each zone reflects the severity or type of potential flooding in the area ([flood zone definitions](#)). The [FEMA Map Service Center](#) provides this information in the form of Flood Insurance Rate Maps (FIRM) or Flood Hazard Maps.

HUD's regulations in [24 CFR Part 55](#) outline HUD's procedures for complying with EO 11988. Part 55 applies to all HUD actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program. The purpose of Part 55 is not, in most cases, to prohibit actions in a floodplain, but to provide the method for HUD projects to comply with EO 11988 and avoid unnecessary impacts.

The South Carolina Office of Resilience, Disaster Recovery (SCDRO) has reviewed the proposed actions to be undertaken by the Hurricane Florence Single-Family Housing Program (the 'Program') and determined that the 8-Step Decision Making Process is required.

**Step 1.** *Determine whether the proposed action is in a designated 100-year floodplain (or 500-year Floodplain for Critical Actions).*

In Marlboro County, approximately 63,591 acres of land (20.4% of the county's land area) are within the 100-year floodplain. Although specific project sites have not yet been identified, the Program will repair, reconstruct, or replace single-family housing, some of which, may be located in the 100-year floodplain. Additionally, under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity. While the Program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across an eight (8) county area that includes Marlboro County. No critical actions (as defined in 24 CFR 55.2(b)(2)(i)) will be undertaken by the Program; therefore, critical actions within the 100-year or 500-year floodplain, will not be addressed herein. This 8-Step Decision Making Process applies to Program activities involving residential structures within the 100-year floodplain. For activities that occur outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required.

Upon identification of eligible single-family applicants, each project site will be reviewed using the best available data to determine if the project is located within the 100-year floodplain (1-percent annual chance floodplain). The 1-percent annual chance floodplain includes both A and V Flood Hazard Zones. Zone V is comprised of the area subject to high velocity wave action from the 1-percent annual chance flood. Zone V is

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subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Zone A is comprised of the area subject to inundation by 1-percent annual chance flood. These areas are not subject to high velocity wave action but are still considered high risk flooding areas.

As these areas present significant risk of flooding and potential loss of life and property, all projects proposed for funding under the Hurricane Florence Single-Family Housing Program which are located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones.

South Carolina will implement resilient home construction standards based on sound, sustainable long-term recovery planning. South Carolina will follow HUD guidance to ensure all structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1-percent annual chance (100-year) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. Additionally, property owners assisted through the Program will be required to acquire and maintain flood insurance if their properties are in a 100-year floodplain; therefore, SCDRO will only provide assistance to properties in the 100-year floodplain, where the community is participating in the National Flood Program and in good standing per the [FEMA Community Status Book](#). This requirement is mandated to protect safety of residents and their property and the investment of federal dollars.

**Step 2.** *Notify the public of the opportunity for early review of the proposal and involve the potentially affected and interested public in the decision-making process.*

Public notices required in the 8-Step process may be combined with other project notices wherever appropriate. Notices required under this part must be published in relevant languages, if the affected public is largely non-English speaking. In addition, all notices must be published in an appropriate local printed news medium. A minimum of 15 calendar days shall be allowed for comment on the public notice.

An “Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain” (Exhibit C-2) describing the program action was published for Marlboro County in the Morning News on January 27, 2021 (English and Spanish). This notice complies with the requirements of 24 CFR 55.20(b)(2), including the 15-day minimum requirement for public comment which ended on February 11, 2021. The notice served to inform and update interested agencies, groups, and individuals of the proposed activities that may occur in floodplain, thus engaging the public in the decision-making process. Several of the agencies responded to the Early Review Notice acknowledging receipt, concurring with proposed review strategies, and informing the program of recent changes in roles and alternative contacts (see Record of Comments and Responses within Tiered Environmental Review section). No public comments were received by SCDRO from this publication.

**Step 3.** *Identify and evaluate practicable alternatives to implementing the proposed action in the 100-year floodplain.*

The following practicable alternatives to the proposed project, were identified and evaluated by SCDRO:

- I. Not implementing the proposed action in the 100-year floodplain.

Not implementing the proposed action within the 100-year floodplain would significantly inhibit the program’s rehabilitation and reconstruction activities given that structures in the 100-year floodplain are significantly

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more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionately impacted residents of South Carolina, particularly low- to moderate-income households still suffering from hurricane-related losses. Most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. Not implementing the proposed action would also prevent the program from expanding natural floodplain areas and reducing flood risks to these communities through the acquisition of damaged properties for the purpose of converting them to greenspace in perpetuity.

II. Commissioning infrastructure projects to achieve community-wide flood protection.

The SCDRO also considered the alternative of commissioning flood control infrastructure projects to achieve community-wide flood protection. While these types of projects are still being considered, the SCDRO recognizes that it may take many years to study, design and implementation such projects which does not accomplish the Program's goal, and federal register directive, to primarily consider and meet the unmet housing recovery needs of these communities. Additionally, infrastructure projects can be cost-prohibitive, and typically offer only limited flood protection to a finite area and number of structures, making this an ineffective approach to flood protection given the number of projects and locations on scattered sites across an eight-county area.

III. Exclusively implement acquisition of damaged structures in the 100-year floodplain for demolition and conversion to green space.

In circumstances such as repetitive flood properties and structures in the floodway, acquiring damaged structures in the 100-year floodplain for the purpose of demolishing and converting the property to greenspace in perpetuity, is a highly desirable outcome from a perspective of flood risk reduction, by moving people and structures out of harm's way. Additionally, when multiple contiguous properties are converted to green space, there are several beneficial impacts including: restoring the natural value and storage capacity of the floodplain. However, to only acquire properties for greenspace conversion to the exclusion of repair, reconstruction and replacement would further reduce the availability and affordability of housing stock for the most vulnerable populations within the community. Additionally, most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. These residents would be at greater risk during future flood events, particularly if the homes do not meet current elevation requirements. The program has opted to include this alternative within its project activities, as a means of offering assistance for properties that might otherwise not be eligible for assistance while simultaneously reducing future flood risk.

IV. Relocating all projects outside of the 100-year floodplain.

Relocating projects outside of the 100-year floodplain is another highly desirable outcome from a perspective of flood risk reduction, by moving people and structures out of harm's way. However, acquiring land for the purpose of development and relocating housing outside of the 100-year floodplain, is exorbitantly expensive and would vastly increase the cost of each individual housing project, thereby drastically reducing the number of projects the program could potentially fund. Additionally, SCDRO has implemented multiple disaster recovery housing programs in recent years, and repeatedly witnessed the preference of most residents to repair or rebuild their home in its current location. For these residents, relocating outside of the floodplain would negatively affect their proximity to their current employment and social network, including schools, churches, local services, neighbors, and family/relatives. SCDRO does acknowledge however, that less commonly, due to circumstances beyond the applicant's control, an applicant may be unable to receive a replacement manufactured home in the same location as their damage home. Therefore, SCDRO has opted to allow the implementation of this alternative in very limited circumstances, to be considered on a case-by-case basis.

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V. Implementing the proposed action in the 100-year floodplain with hazard mitigation requirements.

The SCDRO Single-Family Housing Program is proposing to repair, reconstruct, or replace single-family housing, some of which may be located in the 100-year floodplain. Under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity or allow replacement manufactured homes to be replaced outside of the 100-year floodplain. In addition to requiring all rehabilitation projects to comply with the current HUD Housing Quality Standards (HQS), South Carolina will implement construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters. The following hazard mitigation measures will be incorporated to all projects, as applicable:

- South Carolina will implement resilient home construction standards. South Carolina will follow HUD guidance to ensure all structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 1-percent annual (or 100-year) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1-percent annual floodplain, must be elevated or flood proofed, in accordance with FEMA flood proofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 1-percent annual floodplain.
- The owners of all properties in the 100-year floodplain, will be required to obtain and maintain flood insurance and informed of the requirement to notify prospective future owners of the requirement to maintain flood insurance regardless of the transfer of ownership. This requirement is mandated to protect safety of residents and their property and the investment of federal dollars.

Additionally, SCDRO will implement resilient practices to ensure the viability, durability and accessibility of replacement mobile homes.

- Although some local building codes allow installation of Wind Zone I rated mobile homes, SCDRO will only utilize mobile homes with a minimum wind rating of HUD Wind Zone II or higher (able to withstand winds up to 100 MPH).
- SCDRO will adopt the 5'7" rule, prohibiting the installation of mobile homes elevated 5'7" above grade without appropriate structural reinforcement.

**Step 4.** *Identify and describe potential direct and indirect impacts associated with proposed action.*

Potential Direct Impacts:

- Repairing or rehabilitating a structure in a floodplain represents no substantial change from previous conditions except that substantially damaged structures would now be elevated at least two feet above the BFE or ABFE based on the best available (most recent) floodplain mapping, thereby reducing future damages from flooding.
- Elevating, replacing, or reconstructing a residential dwelling in a SFHA could potentially disturb or alter the ecological significance and water-holding capabilities, either through construction or the fill material used. This scenario is not anticipated considering that all direct project construction will be conducted on single-family, residentially zoned parcels, on scattered sites throughout the county, and

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will involve existing residential structures being substantially repaired or reconstructed and elevated, within the disturbed area of the parcel associated with the damaged structure.

Potential Indirect Impacts:

- Any construction activity (i.e., demolition, site preparation, rehabilitation, replacement, or reconstruction) in a floodplain has the potential to indirectly disturb or alter water quality by impacting stormwater runoff. Stormwater flow across a construction site has the potential to transport debris, lead-based paint, asbestos containing material, sediment, and chemicals/residues into surface and groundwater. The program will minimize these impacts by requiring applicant contractors to use appropriate BMPs (including proper site management and soil stabilization) during construction activities.

**Step 5.** *Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the natural and beneficial values of the floodplain.*

As discussed in Step 3, SCDRO will implement the acquisition/buyout and relocation alternatives in scenarios where doing so would minimize the threat to lives and property by removing people and structures from harm's way thereby minimizing potential adverse impacts. Additionally, the acquisition/buyout alternative would restore and preserve the natural and beneficial values of floodplains in those areas further reducing future flood risk within the community.

SCDRO also requires the elevation of all substantially damaged and reconstructed structures in the floodplain a minimum of two feet above the base flood elevation. When followed, these regulations will reduce the threat of flood damage to the homes located in the floodplain. The new elevation levels, which applicants are required to adhere to when considering reconstruction or rehabilitation of their substantially damaged properties, represent the best available data and are assumed to advance floodplain management efforts in the impacted counties.

Additionally, property owners participating in the SCDRO Single-Family Housing 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 reconstruction and repair of substantially damaged structures in the floodplain must adhere to the latest (most recent) elevation.
2. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and
3. In the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhered to construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

It has been determined that through the implementation of the alternatives and requirements outlined above, SCDRO's Housing Program will minimize adverse impacts to lives and property, will have minimal or no adverse impacts within the floodplain, and in certain circumstances may even help to restore the natural and beneficial values of the floodplain.

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**Step 6. *Reevaluate the Alternatives:***

Based on the information provided in Steps 3 and 4, and the mitigation measures discussed in Step 5 (designed to further minimize adverse impacts and restore the natural and beneficial values of the floodplain when feasible), the proposed Program action is still determined to be the most practicable and when combined with the review procedures enacted at the site-specific level is not anticipated to aggravate current flood hazards or disrupt floodplain values. Alternatives I through IV, as identified in Step 3 are impracticable as sole alternatives to the proposed action, as they do not meet the Program's goal of meeting unmet housing needs by providing safe and sanitary housing to disaster-impacted property owners.

**Step 7. *Determination of No Practicable Alternative:***

It is SCDRO's determination that alternatives have been incorporated to the proposed project to the extent feasible and there is no practicable alternative to locating the proposed project in the floodplain. This is due to 1) the need to restore safe, sanitary and affordable housing within the disaster-impacted community; 2) the desire to not unduly displace residents, disconnecting them from their economic and social networks; 3) the need to enact economically viable and fiscally responsible programs within federal CDBG-DR allocation limits; and 4) the limited scope and impact of the proposed project combined with the program's ability to mitigate and minimize impacts on human health, public property and floodplain values. The SCDRO has determined that the proposed project would not result in significant adverse impacts to flood levels, flood risk, or the flow of floodwaters on the project site or surrounding areas, and in some circumstances may even reduce flood levels, flood risk, and increase the storage capacity of the floodplain within the project area. Therefore, the proposed project complies with the National Flood Insurance Program (NFIP), HUD's regulations on Floodplain Management and Protection of Wetlands (24 CFR Part 55) and Final Rule (78 FR 68719), and Executive Order 11988: Floodplain Management.

A final notice was published for Marlboro County in the Morning News on March 3, 2021 (English and Spanish), allowing a minimum of 15 calendar days additional public comment. The notice explains the reasons why the program project must be in the floodplain, provides the list of alternatives considered in Steps 3 and 6, and describes all mitigation measures (listed under Step 5) that were incorporated to minimize adverse impacts and preserve and restore natural and beneficial floodplain values. The comment period ended on March 18, 2021. An electronic copy of the notice is included as Exhibit C-3 of this document. No concerns were expressed by the public in response to this notice.

**Step 8. *Implement the Proposed Action.***

The SCDRO recognizes that there is a continuing responsibility to ensure that the practicable alternatives and mitigation measures identified above are fully integrated into program policies and construction best management practices. SCDRO has established policies and procedures to support and verify the implementation of these requirements as well as any additional design modifications or mitigation requirements that may result from the environmental review process and/or local and state permits.

Exhibit C-2. Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

**Carolina Publishing**  
 Advertising Affidavit

310 South Dargan Street  
 Florence, SC 29506  
 (843) 317-6397

Account Number  
 2274150

Date  
 January 27, 2021

HORNE LLP  
 10000 PERKINS ROWE, SUITE 610 BLDG G  
 BATON ROUGE, LA 70810

Date	Category	Description	Ad Size	Total Cost
02/02/2021	Legal Notices	Early Notice and Public Review of a Prop	3 x 110 L	1,445.40

**Publisher of the Morning News**

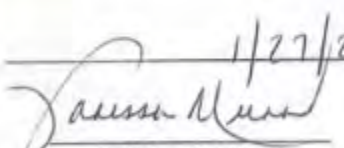
This is to certify that the attached Early Notice and Public R was published in the Morning News in the City of Florence, state of South Carolina on the following dates:

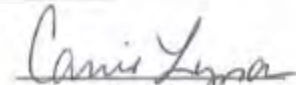
01/27/2021

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## LEGAL NOTICES

## LEGAL NOTICES

## LEGAL NOTICES

**Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain  
Marlboro County**

To: All interested Agencies, Groups and Individuals

This is to give notice that South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) has determined that the following proposed action under the Hurricane Florence Single-Family Housing Program (HUD CDBG-DR Grants B-19-DV-45-0001 / B-19-DV-45-0002), may include project sites located in the 100-year floodplain, and SCDRO will be identifying and evaluating practicable alternatives to locating the action in the floodplain and the potential impacts on the floodplain from the proposed action, 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 assist the most vulnerable families in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment to include repair / rehabilitation of existing single-family (1-4 unit) stick-built housing or Manufactured Housing Units (MHUs); replacement of damaged MHUs; reconstruction of disaster-damaged stick-built single-family (1-4 unit) homes; limited relocation assistance on a case-by-case basis; single-family (1-4 unit) rental repair of stick-built properties; and acquisition / buyout. Repair / rehabilitation activities may include, but are not limited to, repair or replacement of structural elements such as roofs, foundation work, framing, windows, doors, trim, insulation, sheetrock, flooring, plumbing and electrical fixtures, wiring and mechanical systems, and remediation asbestos, lead-based paint, and mold. Reconstruction activities will include demolition of the original storm-damaged unit, site preparation, elevation as required, and reconstruction of a single-family dwelling. MHU replacement will include demolishing the original MHU on site, hauling debris away and installing a new MHU with site preparation and elevation as required. Additionally, during the execution of these activities (as deemed necessary and appropriate), the State will implement mitigation and resilience measures, such as elevation, wind resilient structures and access ramps. The Hurricane Florence Single-Family Housing Program is a multi-year project anticipated to operate from January 2021 through December 2027, or for a period of six years from the date HUD funds are obligated. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across an eight (8) county area. Buyout assistance is limited to properties in the most impacted and distressed counties – Dillon, Horry, and Marion.

Although developed residential properties in the 100-year floodplain typically do not contribute significantly to the function and value of natural floodplains, due to the extensive development of floodplains, it is not uncommon for areas of natural floodplains to be present in close proximity, or even adjacent to, developed areas. Natural floodplains provide flood risk reduction benefits by slowing runoff and storing and conveying flood water. They also provide other benefits of considerable economic, social, and environmental value such as fish and wildlife habitat protection, natural flood and erosion control, surface water quality maintenance, groundwater discharge or recharge, biological productivity, and higher quality recreational opportunities (fishing, bird watching, boating, etc.). According to the FEMA National Flood Hazard data, approximately 63,591 acres (20.4%) of land in Marlboro County, South Carolina lies within the 100-Year Floodplain also known as the Special Flood Hazard Area (SFHA). The proposed project activities will be limited to the previously disturbed area of the property and will occur on previously developed, scattered residential sites throughout Marlboro County, South Carolina.

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

Written comments must be received by SCDRO at the following address on or before February 11, 2021: South Carolina Office of Resilience (SCDRO), 632 Rosewood Drive, Columbia, SC 29201. Attention: Eric Fosmire, Legal Director. A full description of the project may also be reviewed weekdays between 9:00 A.M. and 5:00 P.M. at the South Carolina Office of Resilience, 632 Rosewood Drive, Columbia, SC 29201. Comments may also be submitted via email to eric.fosmire@admin.sc.gov.

Published: January 27, 2021

**Pre-Avisó con Revisión Pública de Actividades Propuestas para Proyectos Ubicados en Zonas de Inundaciones de 100 Años  
Condado de Marlboro**

Para: Todas las agencias, grupos e individuos interesados

La presente es para notificar que la oficina de Resiliencia para desastres naturales de Carolina del Sur (SCDRO) ha determinado que la siguiente acción propuesta bajo el programa de Vivienda Unifamiliar del Huracán Florence (HUD CDBG-DR Grants B-19-DV-45-0001/ B-19-DV-45-0002), podrá incluir sitios donde el proyecto este ubicado en zonas de inundación de 100 años. SCDRO identificará y evaluará prácticas alternativas para ubicar la acción en la zona de inundación de la acción propuesta, según lo requiere la orden ejecutiva 11988, de acuerdo con las regulaciones de HUD (Departamento de Vivienda y Desarrollo Urbano) en 24 CFR 55.20 Subparte C- Procedimientos para tomar determinaciones sobre el manejo de las zonas de inundación. Para ayudar a las familias mas vulnerables en sus esfuerzos de recuperación, el estado ha desarrollado un programa de vivienda para satisfacer las necesidades de vivienda identificadas a través de la evaluación de necesidades insatisfechas que incluye: Reparación/ rehabilitación de viviendas unifamiliares existentes (1-4 unidades) viviendas o unidades de vivienda prefabricadas (MHU) reemplazo de MHU dañados; reconstrucción de viviendas unifamiliares (de 1 a 4 unidades) con infraestructura en madera y dañadas por el desastre; asistencia limitada para reubicaciones caso por caso; reparación de viviendas unifamiliares en alquiler con infraestructura en madera (1-4 unidades); y adquisición/ compra. Las actividades de reparación/ rehabilitación incluyen, pero no están limitadas a la reparación o reemplazo de elementos estructurales como techos, cimientos, marcos, ventanillas, puertas, molduras, aislamiento, placas de yeso, pisos, plomería, accesorios electrónicos, cables y sistemas mecánicos, y remediación de asbestos, pintura a base de plomo y moho. Las actividades de reconstrucción incluirán la demolición de la unidad original dañada por la tormenta, la elevación según sea necesario y la preparación y reconstrucción de una vivienda unifamiliar. El reemplazo de una MHU incluirá demoler la MHU original en el sitio, retirar los escombros e instalar una nueva MHU con la preparación y elevación del sitio según sea necesario. Adicionalmente, durante la ejecución de estas actividades (según se considere necesario y apropiado), el Estado implementará medidas de mitigación y resiliencia, tales como elevación, estructuras resistentes al viento y rampas de acceso. El Programa de Vivienda Unifamiliar del Huracán Florence es un proyecto de varios años que se prevé que operará desde enero de 2021 hasta diciembre de 2027, o por un periodo de seis años a partir de la fecha en que los fondos sean asignados por HUD. A pesar de que el programa se esforzará en financiar tantos proyectos elegibles como lo permitan los fondos, las estimaciones actuales indican que el programa financiará aproximadamente 500 proyectos de reparación/ reemplazo/ reconstrucción de viviendas unifamiliares, 15 proyectos de reparación de alquiler y 50 adquisiciones de propietarios de viviendas en ocho (8) condados. La asistencia de compra se limita a propiedades en los condados mas afectados y en dificultades: Dillon, Horry y Marion.

Aunque las propiedades residenciales que han sido desarrolladas y están ubicadas en la zona de inundación de 100 años generalmente no contribuyen significativamente a la función y el valor de las zonas de inundación naturales, debido al extenso desarrollo de las zonas de inundación, no es raro que haya zonas de inundación naturales en las proximidades, o incluso adyacentes a áreas desarrolladas. Las zonas de inundación naturales brindan beneficios reduciendo el riesgo a inundaciones al disminuir la escorrentía pluvial y almacenar y transportar el agua de la inundación. Las zonas de inundación naturales también brindan otros beneficios de considerable valor económico, social y ambiental, como la protección del hábitat de los peces y la vida silvestre, el control natural de las inundaciones y la erosión, el mantenimiento de la calidad del agua superficial, la descarga o recarga del agua subterránea, la productividad biológica y oportunidades recreativas de mayor calidad (pescas, observación de aves, paseos en bote, etc.). Según los datos de peligro de inundación nacional de FEMA, aproximadamente 63,591 acres (20.4%) de tierra en el condado de Marlboro, Carolina del Sur, se encuentra dentro de la zona de inundación de 100 años también conocida como el área de peligro de inundación especial (SFHA). Las actividades del proyecto propuesto se limitarán a áreas previamente perturbadas en propiedades y ocurrirán en sitios residenciales desiertos previamente desarrollados en todo el condado de Marlboro, Carolina del Sur.

Hay tres propósitos principales para este aviso. En primer lugar, las personas que puedan verse afectadas por las actividades en las zonas de inundación y aquellas que tengan interés en la protección del medio ambiente natural tendrán la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se anima a que personas ofrezcan sitios alternativos fuera de la zona de inundación, métodos alternativos para cumplir el mismo propósito del proyecto propuesto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios del público sobre las zonas de inundación pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de justicia, cuando el gobierno federal determina que participará en las acciones que se llevarán a cabo en zonas de inundación, deberán informar a quienes puedan correr un riesgo mayor o continuo.

Comentarios escritos deben ser recibidos por SCDRO a la siguiente dirección el 11 de febrero de 2021 o antes: Oficina de Resiliencia de Carolina del Sur (SCDRO), 632 Rosewood Drive, Columbia, SC 29201. Atención: Eric Fosmire, Director Legal. También se puede revisar una descripción completa del proyecto los días de la semana entre las 9:00 a.m. y 5:00 P.M. en la oficina de Resiliencia de Carolina del Sur, 632 Rosewood Drive, Columbia, SC 29201. Los comentarios también se pueden enviar por correo electrónico a eric.fosmire@admin.sc.gov.

Publicado: 27 de enero de 2021

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**Early Notice and Public Review of a  
Proposed Activity in a 100-Year Floodplain  
Marlboro County**

To: All interested Agencies, Groups and Individuals

This is to give notice that South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) has determined that the following proposed action under the Hurricane Florence Single-Family Housing Program (HUD CDBG-DR Grants B-19-DV-45-0001 / B-19-DV-45-0002), may include project sites located in the 100-year floodplain, and SCDRO will be identifying and evaluating practicable alternatives to locating the action in the floodplain and the potential impacts on the floodplain from the proposed action, 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 assist the most vulnerable families in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment to include: repair / rehabilitation of existing single-family (1-4 unit) stick-built housing or Manufactured Housing Units (MHUs); replacement of damaged MHUs; reconstruction of disaster-damaged stick-built single-family (1-4 unit) homes; limited relocation assistance on a case-by-case basis; single-family (1-4 unit) rental repair of stick-built properties; and acquisition / buyout. Repair / rehabilitation activities may include, but are not limited to, repair or replacement of structural elements such as roofs, foundation work, framing, windows, doors, trim, insulation, sheetrock, flooring, plumbing and electrical fixtures, wiring and mechanical systems, and remediation asbestos, lead-based paint, and mold. Reconstruction activities will include demolition of the original storm-damaged unit, site preparation, elevation as required, and reconstruction of a single-family dwelling. MHU replacement will include demolishing the original MHU on site, hauling debris away and installing a new MHU with site preparation and elevation as required. Additionally, during the execution of these activities (as deemed necessary and appropriate), the State will implement mitigation and resilience measures, such as elevation, wind resilient structures and access ramps. The Hurricane Florence Single-Family Housing Program is a multi-year project anticipated to operate from January 2021 through December 2027, or for a period of six years from the date HUD funds are obligated. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across an eight (8) county area. Buyout assistance is limited to properties in the most impacted and distressed counties – Dillon, Horry, and Marion.

Although developed residential properties in the 100-year floodplain typically do not contribute significantly to the function and value of natural floodplains, due to the extensive development of floodplains, it is not uncommon for areas of natural floodplains to be present in close proximity, or even adjacent to, developed areas. Natural floodplains provide flood risk reduction benefits by slowing runoff and storing and conveying flood water. They also provide other benefits of considerable economic, social, and environmental value such as fish and wildlife habitat protection, natural flood and erosion control, surface water quality maintenance, groundwater discharge or recharge, biological productivity, and higher quality recreational opportunities (fishing, bird watching, boating, etc.). According to the FEMA National Flood Hazard data, approximately 63,591 acres (20.4%) of land in Marlboro County, South Carolina lies within the 100-Year Floodplain also known as the Special Flood Hazard Area (SFHA). The proposed project activities will be limited to the previously disturbed area of the property and will occur on previously developed, scattered residential sites throughout Marlboro County, South Carolina.

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

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Written comments must be received by SCDRO at the following address on or before February 11, 2021: South Carolina Office of Resilience (SCDRO), 632 Rosewood Drive, Columbia, SC 29201. Attention: Eric Fosmire, Legal Director. A full description of the project may also be reviewed weekdays between 9:00 A.M. and 5:00 P.M. at the South Carolina Office of Resilience, 632 Rosewood Drive, Columbia, SC 29201. Comments may also be submitted via email to [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Published: January 27, 2021

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**Pre-Avisó con Revisión Pública de Actividades Propuestas para Proyectos Ubicados en Zonas de Inundaciones de 100 Años  
Condado de Marlboro**

Para: Todas las agencias, grupos e individuos interesados

La presente es para notificar que la oficina de Resiliencia para desastres naturales de Carolina del Sur (SCDRO) ha determinado que la siguiente acción propuesta bajo el programa de Vivienda Unifamiliar del Huracán Florence (HUD CDBG-DR Grants B-19-DV-45-0001/ B-19-DV-45-0002), podrá incluir sitios donde el proyecto este ubicado en zonas de inundación de 100 años. SCDRO identificará y evaluará prácticas alternativas para ubicar la acción en la zona de inundación de la acción propuesta, según lo requiere la orden ejecutiva 11988, de acuerdo con las regulaciones de HUD (Departamento de Vivienda y Desarrollo Urbano) en 24 CFR 55.20 Subparte C-Procedimientos para tomar determinaciones sobre el manejo de las zonas de inundación. Para ayudar a las familias mas vulnerables en sus esfuerzos de recuperación, el estado ha desarrollado un programa de vivienda para satisfacer las necesidades de vivienda identificadas a través de la evaluación de necesidades insatisfechas que incluye: Reparación/ rehabilitación de viviendas unifamiliares existentes (1-4 unidades) viviendas o unidades de vivienda prefabricadas (MHU) reemplazo de MHU dañados; reconstrucción de viviendas unifamiliares (de 1 a 4 unidades) con infraestructura en madera y dañadas por el desastre; asistencia limitada para reubicaciones caso por caso; reparación de viviendas unifamiliares en alquiler con infraestructura en madera (1-4 unidades); y adquisición/ compra. Las actividades de reparación/ rehabilitación incluyen, pero no están limitadas a la reparación o reemplazo de elementos estructurales como techos, cimientos, marcos, ventanas, puertas, molduras, aislamiento, placas de yeso, pisos, plomería, accesorios electrónicos, cableado y sistemas mecánicos, y remediación de asbesto, pintura a base de plomo y moho. Las actividades de reconstrucción incluirán la demolición de la unidad original dañada por la tormenta, la elevación según sea necesario y la preparación y reconstrucción de una vivienda unifamiliar. El reemplazo de una MHU incluirá demoler la MHU original en el sitio, retirar los escombros e instalar una nueva MHU con la preparación y elevación del sitio según sea necesario. Adicionalmente, durante la ejecución de estas actividades (según se considere necesario y apropiado), el Estado implementara medidas de mitigación y resiliencia, tales como elevación, estructuras resistentes al viento y rampas de acceso. El Programa de Vivienda Unifamiliar del Huracán Florence es un proyecto de varios años que se prevé que operará dese enero de 2021 hasta diciembre de 2027, o por un periodo de seis años a partir de la fecha en que los fondos sean asignados por HUD. A pesar de que el programa se esforzará en financiar tantos proyectos elegibles como lo permitan los fondos, las estimaciones actuales indican que el programa financiará aproximadamente 500 proyectos de reparación/ reemplazo/ reconstrucción de viviendas unifamiliares, 15 proyectos de reparación de alquiler y 50 adquisiciones de propietarios de viviendas en ocho (8) condados. La asistencia de compra se limita a propiedades en los condados mas afectados y en dificultades: Dillion, Horry Y Marion.

Aunque las propiedades residenciales que han sido desarrolladas y están ubicadas en la zona de inundación de 100 años generalmente no contribuyen significativamente a la función y el valor de las zonas de inundación naturales, debido al extenso desarrollo de las zonas de inundación, no es raro que haya zonas de inundación naturales en las proximidades, o incluso adyacentes a áreas desarrolladas. Las zonas de inundación naturales brindan beneficios reduciendo el riesgo a inundaciones al disminuir la escorrentía pluvial y almacenar y transportar el agua de la inundación. Las zonas de inundación naturales también brindan otros beneficios de considerable valor económico, social y ambiental, como la protección del hábitat de los peces y la vida silvestre, el control natural de las inundaciones y la erosión, el mantenimiento de la calidad del agua superficial, la descarga o recarga del agua subterránea, la productividad biológica y oportunidades recreativas de mayor calidad (pescas, observación de aves, paseos en bote, etc.). Según los datos de peligro de inundación nacional de FEMA, aproximadamente 63,591 acres (20.4%) de tierra en el condado de Marlboro, Carolina del Sur, se encuentra dentro de la zona de inundación de 100 años también conocida como el área de peligro de inundación especial (SFHA). Las actividades del proyecto propuesto se limitarán a áreas previamente perturbadas en propiedades y ocurrirán en sitios residenciales despiertos previamente desarrollados en todo el condado de Marlboro, Carolina de Sur.

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Hay tres propósitos principales para este aviso. En primer lugar, las personas que puedan verse afectadas por las actividades en las zonas de inundación y aquellas que tengan interés en la protección del medio ambiente natural tendrán la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se anima a que personas ofrezcan sitios alternativos fuera de la zona de inundación, métodos alternativos para cumplir el mismo propósito del proyecto propuesto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios del público sobre las zonas de inundación pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de justicia, cuando el gobierno federal determina que participará en las acciones que se llevarán a cabo en zonas de inundación, deberán informar a quienes puedan correr un riesgo mayor o continuo.

Comentarios escritos deben ser recibidos por SCDRO a la siguiente dirección el 11 de febrero de 2021 o antes: Oficina de Resiliencia de Carolina del Sur (SCDRO), 632 Rosewood Drive, Columbia, SC 29201. Atención: Eric Fosmire, Director Legal. También se puede revisar una descripción completa del proyecto los días de la semana entre las 9:00 a.m. y 5:00 P.M. en la oficina de Resiliencia de Carolina del Sur, 632 Rosewood Drive, Columbia, SC 29201. Los comentarios también se pueden enviar por correo electrónico a [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Publicado: 27 de enero de 2021

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**Exhibit C-3. Final Notice and Public Review of a Proposed Activity in a 100-Year**

Insert FFP\_FONSI\_NOI-RROF Affidavit pg 1

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Insert FFP\_FONSI\_NOI-RROF Affidavit pg 2

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Insert FFP\_FONSI\_NOI-RROF Affidavit pg 3



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Insert FFP\_FONSI\_NOI-RROF Affidavit pg 4

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Insert FFP\_FONSI\_NOI-RROF Affidavit pg 5

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**Combined Final Notice and Public Explanation of a Proposed Activity  
in a 100-Year Floodplain and Finding of No Significant Impact and  
Notice of Intent to Request Release of Funds  
Marlboro County**

March 3, 2021

South Carolina Office of Resilience, Disaster Recovery Office (SCDRO)  
632 Rosewood Drive  
Columbia, South Carolina 29201

These notices shall satisfy three separate but related procedural requirements for activities to be undertaken by the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO). The proposed activities will assist Marlboro County residents affected by Hurricane Florence, a Presidentially Declared Disaster.

**REQUEST FOR RELEASE OF FUNDS**

On or about March 19, 2021, the SCDRO will submit a request to the 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 (42 U.S.C. 5301 et seq.), as amended, and appropriated by the Supplemental Appropriations for Disaster Relief Act, 2018 (Pub. L. 115–254) and the Additional Supplemental Appropriations for Disaster Relief Act, 2019 (Pub. L. 116–20), to undertake a project known as Hurricane Florence Single-Family Housing Program (HUD CDBG-DR Grants B-19-DV-45-0001 / B-19-DV-45-0002) for the purpose of repair / rehabilitation, reconstruction, replacement and acquisition/buyout of single-family housing. SCDRO has allocated an estimated \$72,075,000 in funding for the Hurricane Florence Single-Family Housing Program across an eight (8) county area. In accordance with the requirement to expend 80% (\$57,660,000) of funds within the most impacted and distressed counties (Marion, Horry and Dillon), SCDRO estimates \$2,883,000 in CDBG-DR funding will be expended on program activities in Marlboro County.

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

This is to give notice that the SCDRO 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. The activity is funded under the Hurricane Florence Single-Family Housing Program under HUD grants B-19-DV-45-0001 and B-19-DV-45-0002. The proposed project(s) are located at scattered sites that have not yet been identified in Marlboro County. The project will assist the most vulnerable families in their recovery efforts, by meeting their housing needs through the repair / rehabilitation of existing single-family (1-4 unit) housing; replacement of damaged Manufactured Housing Units (MHUs); reconstruction of disaster-damaged stick-built single-family (1-4 unit) homes; limited relocation assistance on a case-by-case basis; single-family (1-4 unit) rental repair; and acquisition / buyout. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across an eight (8) county area, including Marlboro County.

Although developed residential properties in the 100-year floodplain typically do not contribute significantly to the function and value of natural floodplains, due to the extensive development of floodplains, it is not uncommon for areas of natural floodplains to be in close proximity, or even adjacent to, developed areas. Natural

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floodplains provide flood risk reduction benefits by slowing runoff and storing and conveying flood water. They also provide other benefits of considerable economic, social, and environmental value such as fish and wildlife habitat protection, natural flood and erosion control, surface water quality maintenance, groundwater discharge or recharge, biological productivity, and higher quality recreational opportunities (fishing, bird watching, boating, etc.). According to the FEMA National Flood Hazard data, approximately 63,591 acres (20.4%) of land in Marlboro County, South Carolina lies within the 100-Year Floodplain also known as the Special Flood Hazard Area (SFHA). The proposed project activities will be limited to the previously disturbed area of the property and will occur on previously developed, scattered residential sites throughout Marlboro County, South Carolina.

SCDRO has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values:

1. Not implementing the proposed action in the 100-year floodplain. Doing so would significantly inhibit the program's rehabilitation and reconstruction activities given that structures in the 100-year floodplain are significantly more likely to experience flood damage, in addition to preventing the program from addressing the housing needs of the most vulnerable and disproportionately impacted residents of South Carolina.
2. Commissioning infrastructure projects to achieve community-wide flood protection. It may take many years to study, design and implement such projects which does not accomplish the Program's goal to primarily consider and meet the unmet housing recovery needs of these communities. Such projects can be cost-prohibitive and typically offer only limited flood protection to a finite area and number of structures.
3. Exclusively implement acquisition of damaged structures in the 100-year floodplain for demolition and conversion to green space to the exclusion of repair, reconstruction and replacement. This would further reduce the availability and affordability of housing stock for the most vulnerable populations within the community. Most of these residents would continue to live in the SFHA, in damaged, unsafe, and unsanitary housing. The program has opted to include this alternative within its project activities, as a means of offering assistance for properties that might otherwise not be eligible for assistance while simultaneously reducing future flood risk.
4. Relocating all projects outside of the 100-year floodplain. This is exorbitantly expensive and would vastly increase the cost of each individual housing project, thereby drastically reducing the number of projects the program could potentially fund. SCDRO has opted to allow this alternative in very limited circumstances, to be considered on a case-by-case basis when an applicant may be unable to receive a replacement MHU.
5. The most practicable alternative for most applicants is to implement the proposed action (repair, reconstruct, or replace single-family housing) in the 100-year floodplain with hazard mitigation requirements. This will be in compliance with state and local floodplain protection procedures. All rehabilitation projects will comply with the current HUD Housing Quality Standards (HQS). Construction methods that emphasize quality, durability, energy efficiency, sustainability, and mold resistance will be implemented. All rehabilitation, reconstruction, and new construction will be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigation against the impact of future disasters, with the implementation of home construction standards. All residential structures located in the 100-year floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation. Residential structures with no dwelling units and no residents below two feet above the 1-percent annual floodplain, must be elevated or flood proofed up to at least two feet above the 1-percent annual floodplain. The owners of all properties in the 100-year floodplain, will be required to obtain and maintain flood insurance and are

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required to notify prospective future owners of the requirement to maintain flood insurance regardless of the transfer of ownership. Additionally, SCDRO will implement resilient practices to ensure the viability, durability and accessibility of replacement mobile homes.

SCDRO has reevaluated the alternatives to building in the floodplain and has determined that while alternative five is the most practicable alternative, when feasible, alternatives 3 and 4 will be offered. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review and copying upon request at the South Carolina Disaster Recovery Office, located at 632 Rosewood Drive, Columbia, SC 29201 or online at <https://admin.sc.gov/SCDRO/HUDdocs> and may be examined or copied weekdays between 9:00 A.M. and 5:00 P.M.

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

#### FINDING OF NO SIGNIFICANT IMPACT

The SCDRO has determined that the project will have no significant impact on the human or natural environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the South Carolina Disaster Recovery Office, located at 632 Rosewood Drive, Columbia, SC 29201 or online at <https://admin.sc.gov/SCDRO/HUDdocs> and may be examined or copied weekdays between 9:00 A.M. and 5:00 P.M.

#### PUBLIC COMMENTS

The proposed project will provide urgently needed safe and sanitary housing to residents impacted by Hurricane Florence, a Presidentially Declared Disaster. Therefore, as provided by federal regulations at 24 CFR 58.33(b), SCDRO is publishing the combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds prior to the submission of the RROF to HUD. Any individual, group, or agency may submit written comments on these notices or the ERR to the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO). Comments may be submitted to the attention of Eric Fosmire, Legal Director at SCDRO, 632 Rosewood Drive, Columbia, SC 29201, or by email at [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov). All comments received by March 18, 2021 will be considered by the SCDRO prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

#### ENVIRONMENTAL CERTIFICATION

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) certifies to HUD that Eric Fosmire, in his capacity as Legal Director at SCDRO, 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

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and authorities and allows the South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) to use Program funds.

#### OBJECTIONS TO RELEASE OF FUNDS

The proposed project will provide urgently needed safe and sanitary housing to residents impacted by Hurricane Florence, a Presidentially Declared Disaster. Therefore, as provided by federal regulations at 24 CFR 58.33(b), SCDRO is publishing the combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds prior to the submission of the RROF to HUD. HUD will accept objections to its release of funds and the SCDRO's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the SCDRO; (b) the SCDRO has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Aaron B. Gagné, Disaster Recovery and Special Issues Division, CPD, HUD; 1835 Assembly Street, 13th Floor, Columbia, SC 29201-2460 or via email to Aaron.B.Gagne@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.

Certifying Officer: Eric Fosmire, Legal Director, South Carolina Office of Resilience, Disaster Recovery Office

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**Aviso Final Combinado y Explicación Pública de Actividades Propuestas para  
Proyectos Ubicados en Zonas de Inundación de 100 Años Junto con el  
Hallazgo de Ningún Impacto Significativo y Aviso de Intención de Solicitar la Liberación de Fondos  
Condado de Marlboro**

Marzo 3, 2021

Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO)  
632 Rosewood Drive  
Columbia, Carolina del Sur, 29201

Estos avisos deberán satisfacer tres requisitos de procedimientos separados pero relacionados para las actividades que realizará la Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres naturales (SCDRO). Las actividades propuestas ayudarán a los residentes del condado de Marlboro afectados por el Huracán Florence, un desastre declarado presidencialmente.

#### SOLICITUD DE LIBERACIÓN DE FONDOS

En o alrededor de Marzo 19, 2021, el SCDRO enviará una solicitud al Departamento de Vivienda y Desarrollo Urbano (HUD, por sus siglas en inglés) para la liberación de fondos de la Subvención de Desarrollo Comunitario para la recuperación en casos de desastre (CDBG-DR, por sus siglas en inglés) bajo el Título I de la Ley de Vivienda y Desarrollo Comunitario de 1974 (42 USC 5301 et seq.), Según enmendada y aprobada por la Ley de Apropiaciones Suplementarias para Alivio de Desastres, 2018 (Pub. L. 115-254) y la Ley de Apropiaciones Adicionales para Alivio de Desastres, 2019 (Pub. L. 116-20), para emprender un proyecto conocido como Programa de Vivienda Unifamiliar del Huracán Florence (Subvenciones HUD CDBG-DR B-19-DV-45-0001 / B-19-DV-45-0002) con el propósito de reparación / rehabilitación, reconstrucción, reemplazo y adquisición / compra de vivienda unifamiliar. SCDRO ha asignado un estimado de \$ 72,075,000 en fondos para el Programa de Vivienda Unifamiliar del Huracán Florence en un área de ocho (8) condados. De acuerdo con el requisito de gastar el 80% (\$ 57.660.000) de los fondos en los condados más afectados y en dificultades (Marion, Horry y Dillon), SCDRO estima que se gastarán \$ 2,883,000 en fondos CDBG-DR en actividades del programa en el condado de Marlboro.

#### AVISO FINAL Y EXPLICACIÓN PÚBLICA DE UNA ACTIVIDAD PROPUESTA EN ZONAS DE INUNDACIÓN DE 100 AÑOS

Esto es para notificar que la SCDRO ha realizado una evaluación según lo requiere la orden ejecutiva 11988, de acuerdo con las regulaciones de HUD en CFR 55.20 Subparte C Procedimientos para tomar determinaciones sobre el manejo de zonas de inundación. La actividad está financiada por el Programa de Vivienda Unifamiliar del Huracán Florence bajo las subvenciones B-19-DV-45-0001 y B-19-DV-45-0002 del HUD. Los proyectos propuestos están ubicados en sitios dispersos que aún no se han identificado en el condado de Marlboro. El proyecto ayudará a las familias más vulnerables en sus esfuerzos de recuperación, satisfaciendo sus necesidades de vivienda mediante la reparación / rehabilitación de viviendas unifamiliares existentes (1-4 unidades); reemplazo de Unidades de Vivienda Prefabricadas (MHU) dañadas; reconstrucción de viviendas unifamiliares (de 1 a 4 unidades) construidas en una infraestructura en madera y dañadas por el desastre; asistencia limitada para la reubicación caso por caso; reparación de alquiler de viviendas unifamiliares (1-4 unidades); y adquisición / compra. Si el programa se esfuerza por financiar tantos proyectos elegibles como lo permitan los fondos, las estimaciones actuales indican que el programa financiará aproximadamente 500 proyectos de reparación / reemplazo / reconstrucción de viviendas unifamiliares, 15 proyectos de reparación de alquiler y 50 adquisiciones de propietarios de viviendas en ocho (8) condados área, incluido el condado de Marlboro.

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Aunque las propiedades residenciales que han sido desarrolladas y están ubicadas en la zona de inundación de 100 años generalmente no contribuyen significativamente a la función y el valor de las zonas de inundación naturales, debido al extenso desarrollo de las zonas de inundación, no es raro que haya zonas de inundación naturales en las proximidades, o incluso adyacentes a áreas desarrolladas. Las zonas de inundación naturales brindan beneficios reduciendo el riesgo a inundaciones al disminuir la escorrentía pluvial y almacenar y transportar el agua de la inundación. Las zonas de inundación naturales también brindan otros beneficios de considerable valor económico, social y ambiental, como la protección del hábitat de los peces y la vida silvestre, el control natural de las inundaciones y la erosión, el mantenimiento de la calidad del agua superficial, la descarga o recarga del agua subterránea, la productividad biológica y oportunidades recreativas de mayor calidad (pescas, observación de aves, paseos en bote, etc.). Según los datos de peligro de inundación nacional de FEMA, aproximadamente 63,591 acres (20.4%) de tierra en el condado de Marlboro, Carolina del Sur, se encuentra dentro de la zona de inundación de 100 años también conocida como el área de peligro de inundación especial (SFHA). Las actividades del proyecto propuesto se limitarán a áreas previamente perturbadas en propiedades y ocurrirán en sitios residenciales despiertos previamente desarrollados en todo el condado de Marlboro, Carolina del Sur.

La SCDRO ha considerado las siguientes alternativas y medidas de mitigación que se deben tomar para minimizar los impactos adversos y restaurar y preservar los valores naturales:

1. No implementar las acciones propuestas en zonas de inundación de 100 años. Hacerlo inhibiría significativamente las actividades de rehabilitación y reconstrucción del programa, dado que las estructuras en las zonas de inundación de 100 años tienen muchas más probabilidades de sufrir daños por inundaciones, además de evitar que el programa aborde las necesidades de vivienda de los residentes más vulnerables y afectados de manera desproporcionada de Carolina del Sur.
2. Proponer proyectos de infraestructura para lograr protección contra inundaciones en toda la comunidad. Puede que tome muchos el estudiar, diseñar e implementar tales proyectos y no lograrían la meta del programa que es considerar y satisfacer principalmente las necesidades de recuperación de viviendas insatisfechas de estas comunidades. Dichos proyectos pueden tener un costo prohibitivo y, por lo general, solo ofrecen una protección limitada contra inundaciones en un área finita y en un número de estructuras.
3. Implementar exclusivamente la adquisición de estructuras dañadas por las zonas de inundación de 100 años para su demolición y conversión a espacios verdes con exclusión de reparación, reconstrucción y reemplazo. Esto reduciría aún más la disponibilidad y asequibilidad del parque de viviendas para las poblaciones más vulnerables dentro de la comunidad. La mayoría de estos residentes seguirían viviendo en la SFHA, en viviendas dañadas, inseguras e insalubres. El programa ha optado por incluir esta alternativa dentro de las actividades de su proyecto, como un medio de ofrecer asistencia para propiedades que de otro modo no serían elegibles para recibir asistencia y al mismo tiempo reducir el riesgo de inundaciones futuras.
4. Reubicar todos los proyectos fuera de la zona de inundación de 100 años. Esto es exorbitantemente caro y aumentaría enormemente el costo de cada proyecto de vivienda individual, reduciendo así drásticamente la cantidad de proyectos que el programa podría financiar. La SCDRO ha optado por permitir que esta alternativa en circunstancias muy limitadas se considere caso por caso cuando un solicitante no pueda recibir una MHU de reemplazo.
5. La alternativa más practicable para la mayoría de los solicitantes es implementar la acción propuesta (reparar, reconstruir o reemplazar viviendas unifamiliares) en la zona de inundación de 100 años con requisitos de mitigación de peligros. Esto cumplirá con los procedimientos de protección de llanuras de inundación estatales y locales. Todos los proyectos de rehabilitación cumplirán con los Estándares de Calidad de Vivienda (HQS, por sus siglas en inglés) actuales de HUD. Se implementarán métodos de construcción que enfatizan la calidad, durabilidad, eficiencia energética, sustentabilidad y resistencia al



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moho. Toda la rehabilitación, reconstrucción y nueva construcción se diseñará para incorporar principios de sostenibilidad, incluida la eficiencia del agua y la energía, la resiliencia y la mitigación contra el impacto de desastres futuros, con la implementación de estándares de construcción de viviendas. Todas las estructuras residenciales ubicadas en la llanura aluvial de 100 años que reciben asistencia para nuevas construcciones, reparación de daños sustanciales o mejoras sustanciales, deben elevarse con el piso más bajo, incluido el sótano, al menos dos pies por encima de la elevación anual de la llanura aluvial del 1 por ciento. . Las estructuras residenciales sin unidades de vivienda y sin residentes por debajo de dos pies por encima de la llanura de inundación anual del 1 por ciento, deben estar elevadas o protegidas contra inundaciones hasta al menos dos pies por encima de la llanura de inundación anual del 1 por ciento. Los propietarios de todas las propiedades en la llanura aluvial de 100 años deberán obtener y mantener un seguro contra inundaciones y deben notificar a los futuros propietarios sobre el requisito de mantener un seguro contra inundaciones independientemente de la transferencia de propiedad. Además, SCDRO implementará prácticas resilientes para garantizar la viabilidad, durabilidad y accesibilidad de las casas móviles de reemplazo.

SCDRO ha reevaluado las alternativas a la construcción en las zonas de inundación y ha determinado que si bien la alternativa cinco es la alternativa más practicable, cuando sea factible, se ofrecerán las alternativas 3 y 4. Los archivos ambientales que documentan el cumplimiento de los pasos 3 a 6 de la Orden Ejecutiva 11988, están disponibles para inspección pública, revisión y copia a solicitud en la Oficina de Recuperación por Desastre de Carolina del Sur, ubicada en 632 Rosewood Drive, Columbia, SC 29201 o en línea en <https://admin.sc.gov/SCDRO/HUDDocs> y puede ser examinado o copiado entre semana entre las 9:00 a.m. y 5:00 P.M.

Hay tres propósitos principales para este aviso final. En primer lugar, las personas que puedan verse afectadas por las actividades en las zonas de inundación y aquellas que tengan interés en la protección del medio ambiente natural tendrán la oportunidad de expresar sus preocupaciones y proporcionar información sobre estas áreas. Se anima a que personas ofrezcan sitios alternativos fuera de la zona de inundación, métodos alternativos para cumplir el mismo propósito del proyecto propuesto y métodos para minimizar y mitigar los impactos. En segundo lugar, un programa de notificación pública adecuado puede ser una herramienta educativa pública importante. La difusión de información y la solicitud de comentarios del público sobre las zonas de inundación pueden facilitar y mejorar los esfuerzos federales para reducir los riesgos e impactos asociados con la ocupación y modificación de estas áreas especiales. En tercer lugar, como cuestión de justicia, cuando el gobierno federal determina que participará en las acciones que se llevarán a cabo en zonas de inundación, deberán informar a quienes puedan correr un riesgo mayor o continuo.

#### AUSENCIA DE IMPACTO SIGNIFICATIVO

La SCDRO ha determinado que el proyecto no tendrá un impacto significativo a el medio ambiente humano o natural. Por lo tanto, no se requiere una Declaración de Impacto Ambiental bajo la Ley de Política Ambiental Nacional de 1969 (NEPA). Información adicional del proyecto se encuentra en el Registro de Revisión Ambiental (ERR, por sus siglas en inglés) archivado en la Oficina de Recuperación por Desastre de Carolina del Sur, ubicada en 632 Rosewood Drive, Columbia, SC 29201 o en línea en <https://admin.sc.gov/SCDRO/HUDDocs> y puede ser examinado o copiado entre semana entre las 9:00 a.m. y 5:00 P.M.

#### COMENTARIOS PÚBLICOS

El proyecto propuesto proporcionará viviendas seguras e higiénicas que se necesitan con urgencia a los residentes afectados por el huracán Florence, un desastre declarado presidencialmente. Por lo tanto, según lo

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dispuesto por las regulaciones federales en 24 CFR 58.33 (b), El SCDRO está publicando el Hallazgo de Impacto No Significativo combinado con el Aviso de Intención de Solicitar Liberación de Fondos (RROF, por sus siglas en inglés), simultáneamente con la presentación del RROF al HUD. Cualquier individuo, grupo o agencia puede enviar comentarios por escrito sobre estos avisos o el ERR a la Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO). Los comentarios pueden enviarse a la atención de Eric Fosmire, Director Legal de SCDRO, 632 Rosewood Drive, Columbia, SC 29201, o por correo electrónico a [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov). Todos los comentarios recibidos antes de Marzo 18, 2021 serán considerados por el SCDRO antes de autorizar la presentación de una solicitud de liberación de fondos. Los comentarios deben especificar a qué Aviso se dirigen.

#### CERTIFICACIÓN AMBIENTAL

La Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO) certifica a HUD que Eric Fosmire, en su calidad de Director Legal de SCDRO, consiente en aceptar la jurisdicción de los Tribunales Federales si se inicia una acción para hacer cumplir las responsabilidades en relación con el proceso de revisión ambiental y que se hayan cumplido estas responsabilidades. La aprobación de la certificación por parte de HUD satisface sus responsabilidades según la NEPA y las leyes y autoridades relacionadas y permite que la Oficina de Resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales (SCDRO) utilice los fondos del Programa.

#### OBJECIONES A LA LIBERACIÓN DE FONDOS

El proyecto propuesto proporcionará viviendas seguras e higiénicas que se necesitan con urgencia a los residentes afectados por el huracán Florence, un desastre declarado presidencialmente. Por lo tanto, según lo dispuesto por las regulaciones federales en 24 CFR 58.33 (b), el SCDRO está publicando el Hallazgo de Impacto No Significativo combinado y el Aviso de Intención de Solicitar Liberación de Fondos simultáneamente con la presentación del RROF al HUD. HUD aceptará objeciones a su liberación de fondos y la certificación del SCDRO por un período de quince días después de la fecha de presentación anticipada o su recepción real de la solicitud (lo que sea posterior) solo si se basan en una de las siguientes bases: (a) la certificación no fue ejecutada por el Oficial Certificador del SCDRO; (b) el SCDRO ha omitido un paso o no ha tomado una decisión o hallazgo requerido por las regulaciones de HUD en 24 CFR parte 58; (c) el beneficiario de la subvención u otros participantes en el proceso de desarrollo han comprometido fondos, incurrido en costos o realizado actividades no autorizadas por 24 CFR Parte 58 antes de la aprobación de una liberación de fondos por parte de HUD; o (d) otra agencia federal que actúa en conformidad con el 40 CFR Parte 1504 ha presentado una conclusión por escrito de que el proyecto no es satisfactorio desde el punto de vista de la calidad ambiental. Las objeciones deben prepararse y presentarse de acuerdo con los procedimientos requeridos (24 CFR Parte 58, Sec. 58.76) y deben dirigirse a Aaron B. Gagné, División de Recuperación de Desastres y Asuntos Especiales, CPD, HUD; 1835 Assembly Street, 13th Floor, Columbia, SC 29201-2460 o por correo electrónico a [Aaron.B.Gagne@hud.gov](mailto:Aaron.B.Gagne@hud.gov). Los posibles objetores deben comunicarse con HUD para verificar el último día real del período de objeción.

Oficial de certificación: Eric Fosmire, Director legal, Oficina de resiliencia de Carolina del Sur, Oficina de recuperación ante desastres Naturales.

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## Exhibit C-4. Letter to the FEMA Regional Environmental Officer



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

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Date: January 26, 2021

To: Ms. Stephanie Everfield, Regional Environmental Officer  
Department of Homeland Security  
FEMA Regional Environmental Office  
3003 Chamblee Tucker Road – Hollins Building  
Atlanta, GA 30341-4112

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. Everfield:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Floodplain Management and Flood Insurance standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

Compliance will be achieved during the site-specific review. Although specific project sites have not yet been identified in the eight (8) project counties, the Program will repair, reconstruct, or replace single-family housing (Proposed Actions 1 through 6), some of which, may be located in the 100-year floodplain. Additionally, under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity (Proposed Action 7). Each project site will be reviewed using the best available data to determine if the project is located within the 100-year floodplain (1-percent annual chance floodplain). For activities that occur

outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required. Additionally, acquisition / buyout activities (Proposed Action 7) are exempt under 24 CFR §55.12(c)(3) "financial assistance restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if: (i) The property is cleared of all existing structures and related improvements; (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development."

HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity. Therefore, proposed project sites located in Floodways are only eligible for acquisition / buyout assistance (Proposed Action 7), through which the property will be converted to greenspace in perpetuity. Additionally, if a property is located in the 100-year floodplain and in a community that is not participating in the National Flood Program or is not in good standing per the NFIP Community Status Book, federal assistance cannot be provided due to the lack of availability of flood insurance.

All projects located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones. Projects involving new construction (reconstruction or replacement), repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10) (Proposed Actions 2, 4 and 6), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and in the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhered to construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SC德罗  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

## Exhibit C-5. Letter to the South Carolina Department of Natural Resources State Floodplain Coordinator



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Ms. Maria Cox, State Floodplain Coordinator  
SC Department of Natural Resources  
1000 Assembly Street  
Columbia, SC 29201

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. Cox:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

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For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

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**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

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project is located within the 100-year floodplain (1-percent annual chance floodplain). For activities that occur outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required. Additionally, acquisition / buyout activities (Proposed Action 7) are exempt under 24 CFR §55.12(c)(3) "financial assistance restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if: (i) The property is cleared of all existing structures and related improvements; (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development."

HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity. Therefore, proposed project sites located in Floodways are only eligible for acquisition / buyout assistance (Proposed Action 7), through which the property will be converted to greenspace in perpetuity. Additionally, if a property is located in the 100-year floodplain and in a community that is not participating in the National Flood Program or is not in good standing per the NFIP Community Status Book, federal assistance cannot be provided due to the lack of availability of flood insurance.

All projects located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones. Projects involving new construction (reconstruction or replacement), repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10) (Proposed Actions 2, 4 and 6), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and in the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhered to construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP



## Exhibit C-6. Letter to the Marlboro Floodplain Administrator



### South Carolina Disaster Recovery Office

#### Office of Resilience

Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Donald Hamilton, Floodplain Administrator  
Marlboro County Building Code/Permit Department  
P.O. Box 419  
Bennettsville, SC 29512

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Hamilton:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornadoes and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Floodplain Management and Flood Insurance standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

Compliance will be achieved during the site-specific review. Although specific project sites have not yet been identified in the eight (8) project counties, the Program will repair, reconstruct, or replace single-family housing (Proposed Actions 1 through 6), some of which, may be located in the 100-year floodplain. Additionally, under limited circumstances, the Program will acquire damaged single-family residential properties in the 100-year floodplain in accordance with program guidelines, which will then be demolished and converted to greenspace in perpetuity (Proposed Action 7). Each project site will be reviewed using the best available data to determine if the

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project is located within the 100-year floodplain (1-percent annual chance floodplain). For activities that occur outside of the 100-year floodplain (i.e., in Zone X or Shaded X), no further compliance with this part is required. Additionally, acquisition / buyout activities (Proposed Action 7) are exempt under 24 CFR §55.12(c)(3) "financial assistance restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, but only if: (i) The property is cleared of all existing structures and related improvements; (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and (iii) A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland from future development."

HUD financial assistance is prohibited in floodways unless an exception in section 55.12(c) applies or the project is a functionally dependent use (e.g. dams, marinas, and port facilities) or a floodplain function restoration activity. Therefore, proposed project sites located in Floodways are only eligible for acquisition / buyout assistance (Proposed Action 7), through which the property will be converted to greenspace in perpetuity. Additionally, if a property is located in the 100-year floodplain and in a community that is not participating in the National Flood Program or is not in good standing per the NFIP Community Status Book, federal assistance cannot be provided due to the lack of availability of flood insurance.

All projects located within Flood Zones A and V, will be required to comply with Federal, state, and local floodplain management regulations including elevation and mandatory flood insurance in these zones. Projects involving new construction (reconstruction or replacement), repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10) (Proposed Actions 2, 4 and 6), must be elevated with the lowest floor, including the basement, at least two feet above the 1-percent annual floodplain elevation utilizing the advisory base flood elevation. All participants in the program whose property is in the 100-year floodplain shown on the effective Flood Insurance Rate Map (FIRM) or Preliminary FIRM as Best Available Data must carry flood insurance on the subject structure in perpetuity; and in the case of "Coastal High Hazard" areas ("V" zones on the latest (most recent) FEMA-issued maps), that the applicant adhered to construction standards, methods and techniques as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## D. Clean Air

Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR 6, 51, 93

### Regulatory Agencies Consulted

SC DHEC Bureau of Air Quality, Air Initiatives and Mobile Sources Section  
SC DHEC Bureau of Air Quality, Division of Compliance Management

### Regulatory Background and Broad Review Determination

South Carolina's SIP includes the initial SIP, which was submitted to the U.S. Environmental Protection Agency (EPA) in 1972, and the accumulated record of its amendments. These amendments, going back to 1973, along with the original SIP, constitute South Carolina's SIP. Several individual elements can make up the state's complete "SIP." There are many different components of the SIP, including: Infrastructure SIP elements, Nonattainment SIP elements, Attainment Demonstrations, Maintenance Plans, Section 111(d)/129 Plans.

A nonattainment plan is the specific SIP plan element designed to address a particular area in the state that has been designated as nonattainment for a standard. Once nonattainment designations take effect, the state has three years to develop a nonattainment SIP revision outlining how a particular area will attain and maintain the standards by reducing air pollutant emissions in that area. The only nonattainment plans in South Carolina are for the York County part of the Charlotte-Gastonia-Rock Hill NC-SC nonattainment area for the 2008 Ozone NAAQS (see Map D-1).

On August 22, 2014, the Department submitted a [Marginal Nonattainment Area SIP](#) to meet the requirements for the York County portion of the Charlotte-Rock Hill NC-SC 8-hour Ozone Nonattainment Area, for the 2008 NAAQS ozone standards. This SIP certifies that each Clean Air Act 182(a) marginal area requirement has been met, to include an emissions inventory. On April 17, 2015, DHEC submitted a SIP Package request to redesignate the York nonattainment area to attainment. A Notice of Final Amendment to the Air Quality SIP was published in the State Register on April 24, 2015. This action is due to the latest ozone monitoring data that show all monitors in and near the nonattainment area to have 2014 design values lower than the 2008 NAAQS (0.075 ppm.) A public hearing was held March 30, 2015. No comments, written or oral, were received from the public. On December 11, 2015 the EPA approved DHEC's request (80 FR 76865) and the redesignation to attainment became effective on January 11, 2016.

An area that was once designated as nonattainment, but has been redesignated as attainment, must submit a maintenance plan, as required by section 175A of the Clean Air Act. South Carolina has submitted maintenance plans for two areas of the state, Cherokee County and the York County portion of the Charlotte-Gastonia-Rock Hill NC-SC nonattainment area.

Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP). The proposed project area does not include Cherokee County or York County, the only two maintenance areas in South Carolina. Therefore, conformance with the SIP is not required.

The Bureau of Air Quality, Division of Air Assessment, Innovations and Regulation was contacted on May 8, 2018 regarding project compliance for activities related to Hurricane Matthew (see Exhibit D-1). In a response dated May 18, 2018, the Bureau indicated there were two criteria pollutants of concern in South Carolina (Ozone and Particulate Matter 2.5) and offered suggestions for reducing emissions from diesel equipment, as a way to help the state stay in compliance with NAAQS. (see Exhibit D-2). These suggestions were incorporated into the Mitigation Measures section to be applied to all project activities. On January 26, 2021 the Division of Compliance Management at the Department of Health and Environmental Control's Bureau of Air Quality was contacted for comment regarding project compliance for activities related to Hurricane Florence (see Exhibits D-3). No response was received.

**Map D-1. North Carolina/South Carolina 8-hr Ozone Nonattainment Area (2008 Standard)**



### **General Conformity Clean Air Act Requirements**

EPA's federal General Conformity regulation (40 CFR Part 90) implements the CAA. The General Conformity Rule requires that the direct and indirect air emissions from proposed actions in nonattainment areas, are identified and compared to the de minimis levels in the regulation to determine compliance. If the emissions from the action are below the de minimis levels, the action complies with the CAA. Federal projects must conform to Clean Air Act requirements if they may constitute a significant new source of air pollution. For

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projects that do not involve new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units, it can be assumed that emissions are below de minimis levels and the project is in compliance with the Act.

Proposed project activities include rehabilitation, reconstruction, and replacement of single family (1-4 unit) properties at scattered sites throughout the project area. Emissions associated with the proposed actions are limited to the 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, and therefore, in compliance with the Clean Air Act.

### **Radon**

Radon is a cancer causing, radioactive gas that you cannot see, smell, or taste. The U.S EPA states that radon is the second leading cause of lung cancer in the U.S. and the number one cause among non-smokers. Radon comes from the natural breakdown of uranium in soil, rock, and water and finds its way into homes through cracks and holes in the foundation, construction joints, and plumbing fixtures. As a result, radon gas has been identified by the EPA as an indoor and outdoor air quality issue.

The EPA developed a map of Radon Zones in 1993, using data on indoor radon measurements, geology, aerial radioactivity, soil parameters, and foundation types, in an effort to identify areas of the U.S. with the potential for elevated indoor radon levels. The Zones indicated on the map are not actual radon levels for an area, they are 'indicators' intended to help governments and other organizations target risk reduction activities and resources. The entire 8-county program area, including Marlboro County, is designated as a Zone 3, EPA's lowest potential rating, and is therefore not anticipated to pose an indoor air quality issue (see Maps D-2 and D-3).

The review for the Clean Air Act and Air Quality is concluded at the Tier I Broad Review level.

*\*Lead and asbestos removal are not covered under Section 176; see Contamination and Toxic Substances.*

### **Site Specific Review Process**

There are no Clean Air Act compliance requirements or Air Quality issues in Marlboro County which would require review at the site-specific level; therefore, the site-specific review checklist will document that the review was concluded at the Tier I level.

## Map D-2. South Carolina EPA Radon Zones

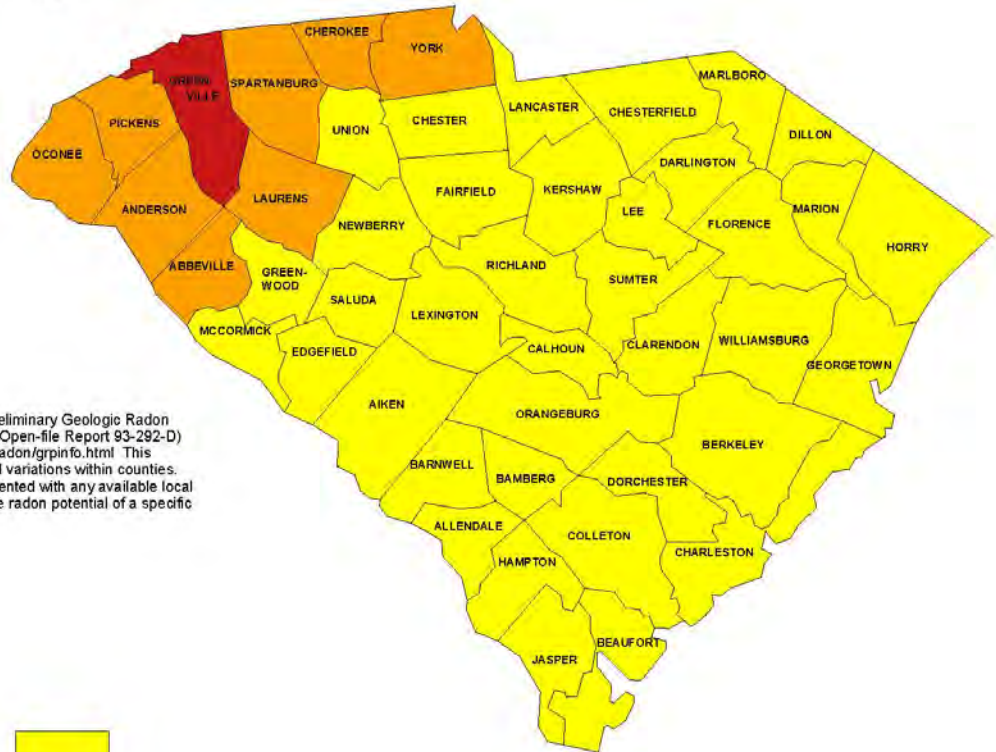
### SOUTH CAROLINA - EPA Map of Radon Zones

<http://www.epa.gov/radon/zonemap.html>

The purpose of this map is to assist National, State and local organizations to target their resources and to implement radon-resistant building codes.

This map is not intended to determine if a home in a given zone should be tested for radon. Homes with elevated levels of radon have been found in all three zones.

*All homes should be tested, regardless of zone designation.*



**IMPORTANT:** Consult the publication entitled "Preliminary Geologic Radon Potential Assessment of South Carolina" (USGS Open-file Report 93-292-D) before using this map. <http://energy.cr.usgs.gov/radon/grpinfo.html> This document contains information on radon potential variations within counties. EPA also recommends that this map be supplemented with any available local data in order to further understand and predict the radon potential of a specific area.



Zone 1



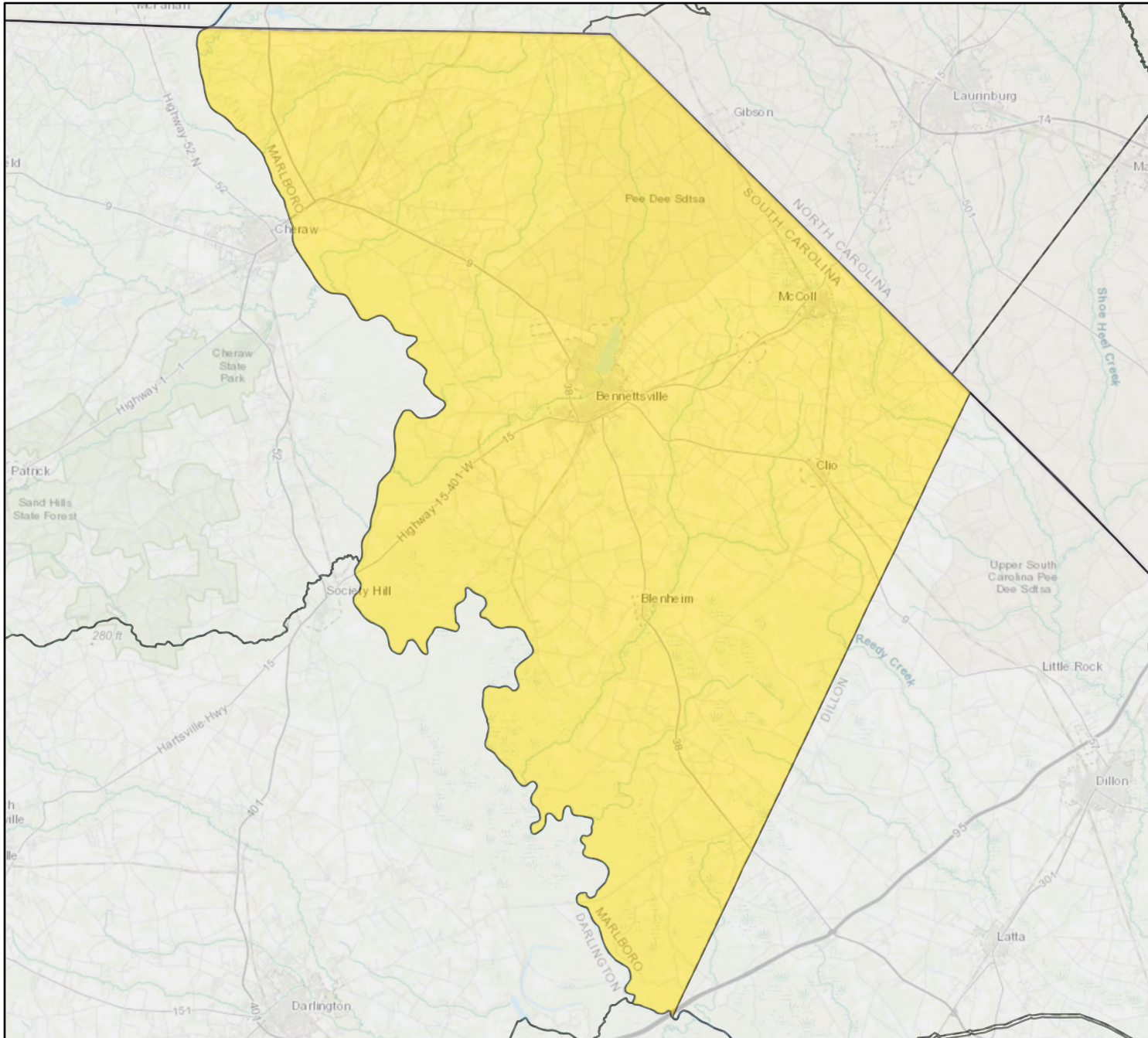
Zone 2



Zone 3

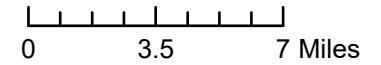
# Map D-3. EPA Radon Zones - Marlboro County

## Hurricane Florence Single-Family Housing Program



### EPA Radon Zones

- Zone 1
- Zone 2
- Zone 3



Sources: Radon data obtained from the Environmental Protection Agency GIS Portal; ESRI Imagery Basemap service.



## Exhibit D-1. Letter to SC DHEC Bureau of Air Quality, Air Initiatives and Mobile Sources Section



May 8, 2018

L. Nelson Roberts, Section Manager  
Air Programs Implementation & Mobile Sources Section  
Bureau of Air Quality, SCDHEC 2600  
Bull Street, Columbia, SC 29201  
robertln@dhec.sc.gov

**RE: South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) - Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Units – Hurricane Matthew - B-16-DL-45-0001. Clean Air Act Consultation.**

Dear Mr. Roberts:

Hurricane Matthew ravaged the coastal communities of the state of South Carolina. Hurricane Matthew made landfall near McClellanville, a small fishing community in Charleston County, as a category one hurricane on October 8, 2016. Neighborhoods were left in ruins as the storm cut a path of destruction through South Carolina. A large portion of South Carolina was under a State of Emergency for the second time in as many years. Wind damage from the storm demolished homes across the coastal counties of the state. Entire neighborhoods were underwater over forty miles inland. 833,000 homes were without electricity. 400,000 people evacuated from their homes in advance of the storm. Despite this, four South Carolina residents lost their lives. Hundreds more lost their homes.

South Carolina is proposing to use CDBG-DR funds to assist homeowners in the following disaster declared counties: Dillon, Marlboro, Chesterfield, Beaufort, Jasper, Barnwell, Allendale, and Hampton, in achieving safe and code compliant housing that meets minimum property standards through rehabilitation, reconstruction and replacement of manufactured homes. The remaining Hurricane Matthew disaster declared counties were covered in the Broad Reviews completed for the 2015 Flood Declaration.

The South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. SCDRO has retained the Arduro Group to assist with the environmental review. For the NEPA review of the rehabilitation, reconstruction, and replacement of manufactured homes, SCDRO intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site specific reviews in areas of potential impact. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, your determination of no affect or input on the need for individual consultation concerning compliance is sought for the following types of projects:

Arduro Group, LLC

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632 Rosewood Drive  
Columbia, SC 29201



- Rehabilitation & Reconstruction of Single-Family Homes ○ The reconstruction work will not expand the original footprint of the structure if possible. If lot restrictions apply and the footprint must be expanded, the footprint will not be increased in a floodplain or a wetland.
- Replacement of Damaged Manufactured Housing Units (MHU) Deemed Unrepairable Through a Feasibility Review ○ The replacement of damaged MHUs will be replaced on the original site.

If you have any questions or need additional information please contact Kristine Sinkez, Program Manager, at 347-366-1397 or [ksinkez@ardurragroup.com](mailto:ksinkez@ardurragroup.com) or Robert Krause, Historic Preservation Specialist at 347-352-7807 or [RKrause@ardurragroup.com](mailto:RKrause@ardurragroup.com).

Sincerely,

*Robert E. Krause*

Robert Krause, PhD  
Historic Preservation Specialist

Ardurra Group, LLC  
632 Rosewood Drive

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**Exhibit D-2. Response from SC DHEC Bureau of Air Quality, Air Initiatives and Mobile Sources Section**



May 18, 2018

Robert Krause, PhD  
Historic Preservation Specialist  
Ardurra Group, LLC  
632 Rosewood Drive  
Columbia, SC 29201

Re: Allendale County and others, South Carolina Department of Commerce, Disaster Recovery Office (SCDRO)-Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Units-Hurricane Matthee-B-16-DL-45-0001. Clean Air Act Consultation

Dear Mr. Krause:

On May 14, 2018, we received your letter dated May 8, 2018, about CDBG-DR funds being used to assist homeowners in the disaster declared counties of Dillon, Marlboro, Chesterfield, Beaufort, Jasper Barnwell, Allendale, and Hampton to rehabilitate & reconstruct Single-Family Homes and replacement of damaged Manufactured Housing Units. *Based on the information provided, I am responding on behalf of the South Carolina Department of Health and Environmental Control, Bureau of Air Quality (Bureau).* Please send all future inquiries to my attention.

The Bureau is tasked with implementing the Federal Clean Air Act (1990, as amended) in the State of South Carolina. The Bureau is required to ensure compliance with the National Ambient Air Quality Standards (NAAQS) for criteria pollutants. Currently two criteria pollutants are of particular concern in South Carolina:

- o **Ozone** – The 2015 8-hour primary and secondary standards of 70 parts per billion (ppb) were finalized on October 26, 2015. The area represented in this proposal is currently meeting the 2015 ozone standards.
- o **Particulate Matter 2.5** (Particulates 2.5 microns in size and smaller) – The 2012 standard for maximum daily concentration is set at 35 micrograms per cubic meter. The 2012 standard for the maximum annual concentration is set at 12 micrograms per cubic meter. The area represented in this proposal is meeting the 2012 particulate matter 2.5 standards.

South Carolina is currently attaining all of the NAAQS. Maintaining favorable air quality by keeping emissions at a minimum will help prevent a nonattainment designation. If a project is located in a nonattainment area, it may be subject to prescriptive requirements such as Transportation Conformity or air quality modeling.

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An asbestos survey and project license may be required prior to any demolition activities such as deconstruction of a building or removal of structures in the right-of-way of a road project. If you have any questions regarding asbestos regulatory applicability you may contact Marc McKenna (with the Bureau's Asbestos Section) at (803) 898-4270 or [mckenmt@dhec.sc.gov](mailto:mckenmt@dhec.sc.gov).

The Bureau encourages the use of energy-efficient doors, water heaters and HVAC units, as well as the incorporation of weatherization measures to the extent practicable. Energy efficient features in homes provide air quality benefits to the community as well as making homes more affordable to live in.

All necessary environmental permits for the subject project must be obtained in accordance with applicable state and federal regulations. If you have not already done so, please contact the Bureau of Water at (803) 898-4300 and the Bureau of Land and Waste Management at (803) 898-2000 for input regarding those program areas' assessments of this proposed project.

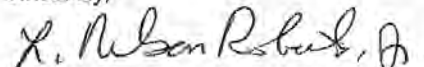
Emissions from diesel equipment are regulated by federal standards. The Bureau would like to offer the following suggestions on how this project can help us stay in compliance with the NAAQS. More importantly, these strategies are beneficial to the health of citizens of South Carolina.

- Utilize alternatively fueled equipment.
- Utilize emission controls applicable to your equipment.
- Reduce idling time on equipment.
- Fugitive dust emissions should be minimized through good operating practices.

The Bureau can provide model clean construction contract language. A vendor may need to retrofit, repower or replace older and more polluting diesel construction equipment in order to satisfy clean construction requirements. These types of projects can be financed with Congestion Mitigation and Air Quality (CMAQ) funds, and are in fact a high priority for CMAQ funding. Please contact our office if assistance is needed.

Thank you for the opportunity to comment on this project. Should you have any further questions or comments concerning this matter, please do not hesitate to contact me at (803) 898-4122 or at [robertln@dhec.sc.gov](mailto:robertln@dhec.sc.gov).

Sincerely,

  
L. Nelson Roberts, Jr., Manager  
Air initiatives and Mobile Sources Section  
Bureau of Air Quality

cc: Brian Baxley, Pee Dee EQC Florence Office, [baxleybc@dhec.sc.gov](mailto:baxleybc@dhec.sc.gov)  
cc: Kelsey Timmerman, BEHS Beaufort Office, [timmerka@dhec.sc.gov](mailto:timmerka@dhec.sc.gov)  
cc: Melinda Washington, BEHS Orangeburg Office, [washinmk@dhec.sc.gov](mailto:washinmk@dhec.sc.gov)

## Exhibit D-3. Letter to SC DHEC Bureau of Air Quality, Division of Compliance Management



**South Carolina Disaster Recovery Office**  
*Office of Resilience*

Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Michael Shroup, Director  
Division of Compliance Management  
Bureau of Air Quality, DHEC  
2600 Bull Street  
Columbia, SC 29201

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Shroup:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornados and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Clean Air Act (particularly 176(c) & (d)) and CFR Parts 6, 51, and 93 standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
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3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

The review for the Clean Air Act and Air Quality is concluded at the Tier I Broad Review level. There are no Clean Air Act compliance requirements or Air Quality issues in any of the eight (8) program counties which would require review at the site-specific level; therefore, the site-specific review checklist will document that the review was concluded at the Tier I level. There are no nonattainment or ‘maintenance’ areas in the eight (8) county program area; therefore, conformance to the State Implementation Plan (SIP) is not required. The Bureau of Air Quality, Division of Air Assessment, Innovations, & Regulation was contacted on May 8, 2018 regarding project

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compliance. In a response dated May 18, 2018, the Bureau indicated there were two criteria pollutants of concern in South Carolina (Ozone and Particulate Matter 2.5) and offered suggestions for reducing emissions from diesel equipment, as a way to help the state stay in compliance with NAAQS. These suggestions were incorporated into the Mitigation Measures section to be applied to all project activities. The General Conformity Rule requires that the direct and indirect air emissions from an action be below the de minimis levels. Proposed project activities include rehabilitation, reconstruction, and replacement of single family (1-4 unit) properties at scattered sites throughout the project area (Proposed Actions 1 through 6) and Acquisition / Buyout (Proposed Action 7). Emissions associated with the proposed actions are limited to the 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, and therefore, in compliance with the Clean Air Act.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## E. Coastal Zone Management

### Coastal Zone Management Act, Sections 307(c) &(d)

#### **Regulatory Agencies Consulted**

SC DHEC Office of Ocean and Coastal Resource Management, Coastal Zone Consistency Section

#### **Regulatory Background and Broad Review Determination**

The South Carolina Coastal Management Program was established under the guidelines of the national Coastal Zone Management Act (1972) as a state-federal partnership to comprehensively manage coastal resources. The South Carolina Coastal Zone Management Act was authorized in 1977 under SC's Coastal Tidelands and Wetlands Act (CTWA) with the goal of achieving a balance between the appropriate use, development, and conservation of coastal resources in the best interest of all citizens of the state. DHEC's Office of Ocean and Coastal Resource Management is the designated state coastal management agency and is responsible for the implementation of the state's Coastal Management Program. Implementation includes the direct regulation of impacts to coastal resources within the critical areas of the state including coastal waters, tidelands, beaches, and beach dune systems; and indirect certification authority over federal actions and state permit decisions within the eight coastal counties.

The South Carolina Coastal Zone is defined in Section 3(B) of the South Carolina Coastal Management Act of 1977 as: All coastal waters and submerged lands seaward to the State's jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. These counties are Beaufort, Berkley, Charleston, Colleton, Dorchester, Horry, Jasper, and Georgetown. The critical areas are defined in Section 3(J) as: coastal waters, tide-lands, beaches and primary ocean-front sand dunes.

A letter was sent to the SC Department of Health and Environmental Control, Coastal Zone Consistency Section of Ocean & Coastal Resource Management on May 8, 2018 regarding housing program activities related to Hurricane Matthew (see Exhibit E-1). On June 26, 2018, the Department responded indicating that while the project activities described were not likely to affect coastal resources, a Coastal Zone Consistency Determination pursuant to 15 CFR 930, Subpart F – Consistency for Federal Assistance to State and Local Governments, would be needed for projects subject to regulation under the SC Coastal Zone Management Program (see Exhibit E-2). The Coastal Zone Consistency Section was contacted again for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit E-3). No response was received.

The project area is not within the South Carolina Coastal Zone and is therefore, not subject to the Coastal Zone Plan (see Map E-1). The review of Coastal Zone Management is concluded.

#### **Site Specific Review Process**

Marlboro County is not within the South Carolina Coastal Zone; therefore, review at the site-specific level is not required. The site-specific review checklist will document that the review was concluded at the Tier I level.



**Exhibit E-1. Letter to SC DHEC, Office of Ocean and Coastal Resource Management, Coastal Zone Consistency Section for Hurricane Matthew**



May 8, 2018

Curtis M. Joyner  
Manager, Coastal Zone Consistency Section, SCDHEC OCRM  
1962 McMillan Avenue, Suite 400  
Charleston, SC 29405 843-953-0205  
joynercm@dhec.sc.gov

**RE: South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) - Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Units – Hurricane Matthew - B-16-DL-45-0001. Coastal Zone Management Act Consultation.**

Dear Mr. Joyner:

Hurricane Matthew ravaged the coastal communities of South Carolina. Hurricane Matthew made landfall near McClellanville, a small fishing community in Charleston County, as a category one hurricane on October 8, 2016. Neighborhoods were left in ruins as the storm cut a path of destruction through South Carolina. A large portion of South Carolina was under a State of Emergency for the second time in as many years. Wind damage from the storm demolished homes across the coastal counties of the state. Entire neighborhoods were underwater over forty miles inland. 833,000 homes were without electricity, 400,000 people evacuated from their homes in advance of the storm. Despite this, four South Carolina residents lost their lives. Hundreds more lost their homes.

South Carolina is proposing to use CDBG-DR funds to assist homeowners in the following disaster declared counties: Dillon, Marlboro, Chesterfield, Beaufort, Jasper, Barnwell, Allendale, and Hampton, in achieving safe and code compliant housing that meets minimum property standards through rehabilitation, reconstruction and replacement of manufactured homes. The remaining Hurricane Matthew disaster declared counties were covered in the Broad Reviews completed for the 2015 Flood Declaration.

The South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. SCDRO has retained the Ardurra Group to assist with the environmental review. For the NEPA review of the rehabilitation, reconstruction, and replacement of manufactured homes, SCDRO intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site specific reviews in areas of potential impact. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, your determination of no affect or input on the need for individual consultation concerning compliance is sought for the following types of projects:

Ardurra Group, LLC  
632 Rosewood Drive

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Columbia, SC 29201



- Rehabilitation & Reconstruction of Single-Family Homes ○ The reconstruction work will not expand the original footprint of the structure if possible. If lot restrictions apply and the footprint must be expanded, the footprint will not be increased in a floodplain or a wetland.
- Replacement of Damaged Manufactured Housing Units (MHU) Deemed Unrepairable Through a Feasibility Review ○ The replacement of damaged MHUs will be replaced on the original site.

If you have any questions or need additional information please contact Kristine Sinkez, Program Manager, at 347-366-1397 or [ksinkez@ardurragroup.com](mailto:ksinkez@ardurragroup.com) or Robert Krause, Historic Preservation Specialist at 347-352-7807 or [RKrause@ardurragroup.com](mailto:RKrause@ardurragroup.com).

Sincerely,

*Robert E. Krause*

Robert Krause, PhD  
Historic Preservation Specialist

Ardurra Group, LLC  
632 Rosewood Drive  
Columbia, SC 29201

## Exhibit E-2. Response from SCDHEC, Coastal Zone Consistency Section for Hurricane Matthew

**Angela Dahlgren**

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**To:** Robert Krause  
**Subject:** RE: SCDRO CDBG request Hurricane Matthew CZC consultation

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**From:** Joyner, Curtis [<mailto:JOYNERCM@dhec.sc.gov>]  
**Sent:** Tuesday, June 26, 2018 9:16 AM  
**To:** Kristine Sinkez <[ksinkez@ardurragroup.com](mailto:ksinkez@ardurragroup.com)>; Robert Krause <[RKrause@ardurragroup.com](mailto:RKrause@ardurragroup.com)>  
**Cc:** Stout, Christopher <[stoutcm@dhec.sc.gov](mailto:stoutcm@dhec.sc.gov)>; Martin, Holli <[martinhd@dhec.sc.gov](mailto:martinhd@dhec.sc.gov)>  
**Subject:** SCDRO CDBG request Hurricane Matthew CZC consultation

Robert and Kristine:

I have reviewed your consultation letter for the above referenced forthcoming CDBG funding request from the SC Department of Commerce, Disaster Recovery Office (SCDRO) and have determined the use of the funding will likely not affect coastal resources based upon minimal impact ranging from renovation or replacement of individual housing affected by Hurricane Matthew. More specifically, funding will be used for: *"rehabilitation & reconstruction of single family homes of which the reconstruction work will not expand the original footprint if possible. If lot restrictions and the footprint must be expanded, the footprint will not be increased in a floodplain or wetland. Additionally, replacement of damaged manufacturing housing units will be replaced on the original site."*

To ensure full consistency with the SC Coastal Zone Management Program (SCCZMP), this consultation is meant to provide comments respective of a required Coastal Zone Consistency Determination pursuant to 15 CFR 930, Subpart F - Consistency for Federal Assistance to State and Local Governments. Please use this link for NOAA's Federal Consistency regulations:

<https://www.law.cornell.edu/cfr/text/15/part-930/subpart-F#>

When submitting the request, please ensure SCDRO is the actual requestor. The Ardurra Group must submit the request on the behalf of SCDRO and not serve as the applicant. Please submit the request to Holli Martin, CZC Section Program Coordinator who is copied on this email.

Thanks and please let Chris Stout, my replacement, or Holli Martin know of any questions.

Curtis

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Curtis M. Joyner

Manager, Coastal Zone Consistency Section, OCRM  
SC Department of Environmental Control  
1362 McMillan Avenue, Suite 400  
Charleston, S. C. 29405  
p: 843-953-0205 e: [joynercm@dhec.sc.gov](mailto:joynercm@dhec.sc.gov)  
Connect: [www.scdhec.gov](http://www.scdhec.gov) [Facebook](#) [Twitter](#)

***Note: I will be retiring from SCDHEC June 29, 2018. Chris Stout will succeed me as Manager of the Coastal Zone Consistency Section with overlap starting June 1. Please bear with us during this transitional time.***



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## Exhibit E-3. Letter to DHEC Office of Ocean and Coastal Resource Management, Coastal Zone Consistency Section for Hurricane Florence



**South Carolina Disaster Recovery Office**  
*Office of Resilience*

Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

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Date: January 26, 2021

To: Mr. Chris Stout, Manager  
Coastal Zone Consistency Section  
Ocean & Coastal Resource Management, DHEC  
1362 McMillan Avenue, Suite 400  
Charleston, SC 29405

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Stout:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornados and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Coastal Zone Management Act sections 307(c) & (d) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

The South Carolina Coastal Zone is defined in Section 3(B) of the South Carolina Coastal Management Act of 1977 as: All coastal waters and submerged lands seaward to the State’s jurisdictional limits and all lands and waters in the counties of the State which contain any one or more of the critical areas. The critical areas are defined in Section 3(J) as: coastal waters, tide-lands, beaches and primary ocean-front sand dunes. Two (2) program counties: Horry, and Georgetown are included on the county list. On June 26, 2018, your office responded to an email regarding housing program activities related to Hurricane Matthew. The response indicated that while the

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project activities described were not likely to affect coastal resources, a Coastal Zone Consistency Determination pursuant to 15 CFR 930, Subpart F – Consistency for Federal Assistance to State and Local Governments, would be needed for projects subject to regulation under the SC Coastal Zone Management Program.

The remaining six (6) project counties are not within the South Carolina Coastal Zone and; therefore, are not subject to the Coastal Zone Plan.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,

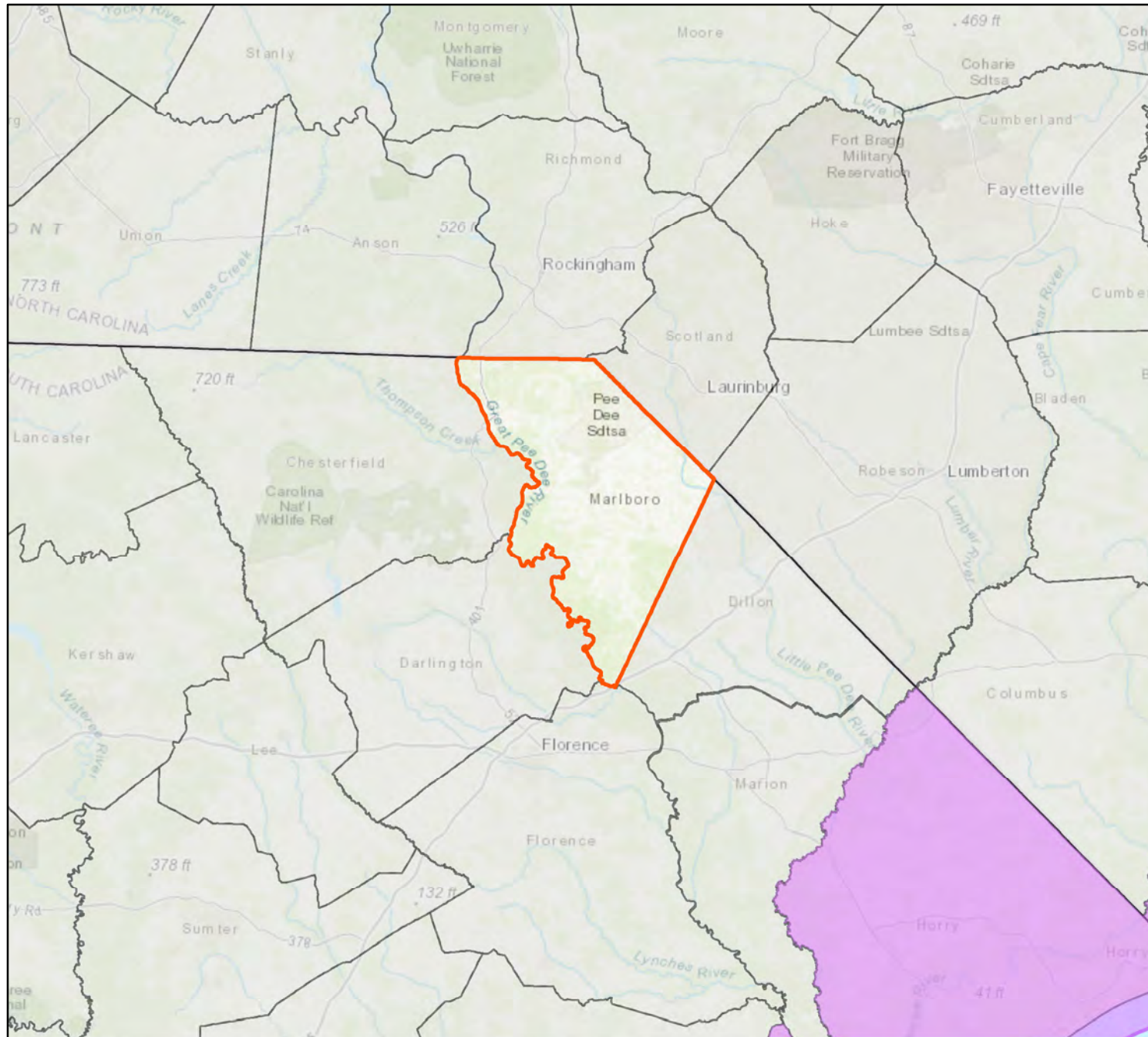


Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

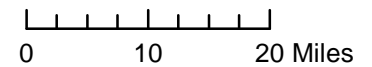
CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

# Map E-1. Coastal Zone Management - Marlboro County

## Hurricane Florence Single-Family Housing Program



- County Boundary
- CZMA Boundary
- Federal Consistency Boundary



Sources: Coastal Zone Management data obtained from the NOAA Data Catalog; ESRI Imagery Basemap service.



## F. Contamination and Toxic Substances

### Hazardous, Toxic or Radioactive Materials & Substances (24 CFR 58.5 (i)(2)(i))

#### Regulatory Agencies Consulted

DHEC Bureau of Land and Waste Management's Division of Compliance and Enforcement

#### Regulatory Background and Broad Review Determination

Pursuant to 24 CFR § 58.5(i)(2)(i) project sites must be free of hazardous materials that could affect occupant health and safety or restrict property usage. For projects involving single-family (housing with one to four units) documentation must be provided to show that the project site: is NOT listed on the Environmental Protection Agency Superfund National Priorities List, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or an equivalent state list; is NOT located within the recommended search radius of a toxic or solid waste landfill site or Superfund site or Brownfield; does NOT have a non-residential underground storage tank; and is NOT known or suspected to be contaminated by toxic chemicals or radioactive materials. Envirofacts, the EPA's environmental database, provides access to multiple environmental databases for facility information, including toxic chemical releases, water discharge permit compliance, hazardous waste handling processes, Superfund status, and air emission estimates. The EPA dataset\* will be used to determine if there are any sites of concern with the potential to affect the future occupants of the property or restrict property usage.

**Table F-1 EPA Source Databases**

System	Retrieved	Posted	Update Frequency
Assessment, Cleanup and Redevelopment Exchange System (ACRES)	09/01/2020	09/10/2020	Updated Monthly
Biennial Reporting (BR)	10/05/2020	10/07/2020	Updated Monthly
Facility Registry System (FRS)	01/09/2021	01/09/2021	Updated Weekly
Greenhouse Gas Reporting Program (GHGRP)	11/09/2020	12/01/2020	2019 data is now available
Integrated Compliance Information System (ICIS)	08/30/2020	09/02/2020	Updated Monthly
Information Collection Rule (ICR)		05/17/2000	Final Data Update Complete.
Integrated Grants Management System (IGMS)	08/12/2020	08/12/2020	Updated Monthly
Locational Information	Weekly	Weekly	Updated Weekly
National Emissions Inventory (NEI)	05/14/2020	05/20/2020	N/A
Permit Compliance System (PCS)	11/11/2012	11/12/2012	Final Data Update Complete. *
Resource Conservation and Recovery Act Information (RCRAInfo)	10/05/2020	10/07/2020	Updated Monthly
RadNet, formerly Environmental Radiation Ambient Monitoring System	12/11/2020	12/15/2020	N/A

Safe Drinking Water Information System (SDWIS)	07/16/2020	07/29/2020	Updated Quarterly
Superfund Enterprise Management System (SEMS)	11/25/2019	12/04/2019	Updated Quarterly
TRI Explorer	10/14/2020	10/27/2020	2019 data is now available
Toxics Release Inventory (TRI)	10/14/2020	10/27/2020	TRI 2019 data is now available

*\*SCDRO intends to utilize the most comprehensive and accurate data available. Therefore, in the event a State-wide dataset for any of the specified categories of hazardous sites, is identified in the future, that dataset will supersede the EPA data for the purposes of site-specific environmental review.*

**Table F-2 Standard Environmental Record Sources and Recommended Minimum Search Distance**

<i>Hazardous Site Category</i>	<i>Source</i>
<b>3,000 feet</b>	
<input type="checkbox"/> Municipal Solid Waste Landfills	EPA Envirofacts
<input type="checkbox"/> Closed Municipal Landfills	EPA Envirofacts
<input type="checkbox"/> Radioactive Site	EPA Envirofacts
<input type="checkbox"/> Superfund Site (NPL, Delisted NPL, CERCLIS, CERCLIS NFRAP)	EPA Envirofacts
<b>2,640 feet (0.5 miles)</b>	
<input type="checkbox"/> Industrial and Hazardous Waste Corrective Action (IHWCA)	EPA Envirofacts
<input type="checkbox"/> Resource Conservation and Recovery Act CORRACTS	EPA Envirofacts
<b>500 feet</b>	
<input type="checkbox"/> Brownfield sites	EPA Envirofacts
<input type="checkbox"/> Resource Conservation and Recovery Act (RCRA) facilities (not generators)	EPA Envirofacts
<input type="checkbox"/> Leaking Petroleum Storage Tanks (LPST)	EPA Envirofacts
<input type="checkbox"/> Voluntary Cleanup Program (VCP)	EPA Envirofacts
<input type="checkbox"/> Municipal Setting Designation (MSD)	EPA Envirofacts
<input type="checkbox"/> Toxic Substances Control Act Site (TSCA)	EPA Envirofacts
<input type="checkbox"/> Toxic Release Inventory (TRI)	EPA Envirofacts
<input type="checkbox"/> Dry Cleaner Remediation Program (DCRP)	EPA Envirofacts
<input type="checkbox"/> Innocent Owner/Operator Program (IOP)	EPA Envirofacts
<b>Property/Adjoining Properties</b>	
<input type="checkbox"/> RCRA Generators (LQG, CELQG, SQG, CESQG)	EPA Envirofacts
<input type="checkbox"/> Registered Petroleum Storage Tanks (PSTs)	EPA Envirofacts

Pursuant to 24 CFR § 50.3(i)(4) or 58.5(i)(2)(iv) a site investigation will be conducted by a trained / qualified environmental professional (or professionals) using current techniques to assess for contamination.

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## **Lead/Asbestos/Mold**

In South Carolina, the USEPA administers the Renovation, Repair and Painting program, which establishes the requirements for projects involving residential buildings (owner-occupied and rental). All program activities must comply with applicable federal, state, and local laws and regulations regarding lead - based paint, including but not limited to: EPA's Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80(e)); HUD's lead-based paint regulations in 24 CFR 35(a)(b)(h)(j)(r); HUD's "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing". Lead paint is a concern for all structures built prior to 1978.

South Carolina regulates the safe handling and treatment of asbestos containing building materials (ACBM) through compliance with [Regulation 61-86.1, Standards of Performance for Asbestos Projects](#), Occupational Safety and Health Administration (OSHA) Asbestos Standard, 1926.1101 and National Emissions Standards for Hazardous Air Pollutants (NESHAPs) – Asbestos.

Contractors will provide notice to SC DHEC and secure proper permitting, if required to do so. Asbestos projects occurring at a private residential structure of four units or fewer may be exempt from the requirements of this regulation UNLESS the work is performed by a person or persons holding an asbestos abatement license. If the work is performed by an asbestos abatement licensed contractor/individual, all project activities are subject to the regulation. An owner/operator may contact the [DHEC Asbestos Section](#) to request that the Department determine whether a project is an asbestos project subject to the requirements of this regulation.

The EPA's National Emissions Standards for Hazardous Air Pollutants (including asbestos-containing materials) does not apply to residential buildings that have four or fewer dwelling units. However, program contractors will be required to meet all applicable OSHA guidelines when conducting CDBG-DR work, including the standard for demolition and renovation (40 CFR 61.145) and the standard for waste disposal for manufacturing, fabricating, demolition, renovation, and spraying operations (40 CFR 61.150).

Mold can also have an adverse effect on human health and is a problem commonly found in flooded houses, both visible on surface drywall and into the interior framework. Any storm-damaged structure that is rehabilitated can have mold present if steps are not taken to eliminate it during the repair.

The DHEC Bureau of Land and Waste Management's Division of Compliance and Enforcement was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit F-1). No response was received.

### **Site Specific Review Process**

A site investigation will be conducted by a qualified environmental professional (or professionals) using current techniques to assess for contamination and other potentially hazardous site conditions. See site-specific process for Lead-Based Paint, Asbestos, and Mold below.

A desktop review will be conducted to evaluate each site for the presence of environmental hazards on the subject property, or within the specified review distances as identified in a GIS query of Envirofacts or other pertinent dataset.

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If potential toxics or hazards are identified, further assessment including completion of additional records reviews, contacting the regulatory agency for a letter of “No Further Action” (NFA) or other documentation of the status and extent of hazardous conditions. If toxics and hazards are not likely to be present at harmful levels, documentation demonstrating that the contaminants do not pose a threat to the health or safety of the site occupants or restrict property usage, will be added to the environmental review record.

If toxics and hazards are present (or likely present) at harmful levels, then the project may be rejected, the contaminants removed (remediated), or, institutional/engineering controls, when allowed by the program, implemented to prevent site users from coming into contact with the contaminants. Projects will only be allowed to proceed when adverse environmental impacts can be effectively mitigated to prevent the hazard from affecting the health and safety or project occupants. Appropriate documentation will be added to the environmental review record.

### **Lead-Based Paint**

Reconstruction, replacement, and acquisition / buyout projects are exempt from lead-based paint testing or mitigation requirements. All rehabilitation projects involving houses built before 1978 will have a lead-based paint risk assessment performed by a certified risk assessor prior to any construction work commencing. The property owner will receive a Notice of Evaluation and Hazard Reduction Activities within 15 days of the issuance of the Risk Assessment Report in accordance with 24 CFR 35.125. If lead-based paint is identified, the safe work practice standards found at 24 CFR 35.1350; 40 CFR 745.85 will be incorporated into the builder’s lead-hazard reduction, rehabilitation and renovation activity scope of work, which protects residents and the environment from exposure to, or contamination from lead-based paint, lead-based paint hazards and any waste generated from these activities (24 CFR 35.1345). A clearance testing report by a certified lead-based paint professional showing the hazard no longer exists must be provided upon completing the rehabilitation work. The contractor shall provide a Notice of Hazard Reduction Activity (Lead Based Paint Clearance Exam) not more than 15 calendar days after the hazard reduction activities (including paint stabilization) have been complete.

### **Asbestos**

All renovation and reconstruction projects, with a structural date of construction prior to 1982, will be required to comply with applicable state and federal requirements. If asbestos containing materials are identified, all project activities must comply with OSHA’s Asbestos Standard for Construction (29 CFR 1926.1101) and SC DHEC Regulation 61-86.1 (as applicable) for renovation and demolition/disposal involving such materials. All required permits will be obtained prior to the start of any construction activities. Following construction, all documentation pertaining to testing, abatement, removal, disposal and clearance must be provided to the program and added to the environmental compliance file.

### **Mold**

Except for taking appropriate personal safety measures during hand-demolition, mold will not be a concern in houses that are demolished, reconstructed, or replaced. However, mold can present a significant health issue if steps are not taken to eliminate it during the repair. Mold will be assumed present in any rehabilitation project and identified in the site-specific checklist. Contractors must follow the EPA suggested guidelines

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(<https://www.epa.gov/indoor-air-quality-iaq/resources-flood-cleanup-and-indoor-air-quality>), to ensure that upon completion of rehabilitation activities, residential structures are free of mold attributable to the disaster event.

The Tier II Site Specific Environmental Checklist will document the identification and assessment of: hazardous sites of concern within the specified recommended review distances; on-site environmental hazards; potential lead, asbestos and mold hazards. All pertinent project conditions, remediation/abatement requirements, mitigation measures and best management practices, necessary to protect the health and safety of the occupants, will be noted in the Tier II Site-Specific Environmental Review for each project.

## Exhibit F-1. Letter to DHEC Bureau of Land and Waste Management Division of Compliance and Enforcement



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Van Keisler, P.G., Director  
Division of Compliance & Enforcement  
Bureau of Land and Waste Management, DHEC  
2600 Bull Street  
Columbia, SC 29201

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Keisler:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet 24 CFR Part 50.3(i) & 58.5(i)(2) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

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. Once individual project locations are identified, a desktop review will be conducted to evaluate each site for the presence of environmental hazards on the subject property, or within the specified review distances as identified in a GIS query of Envirofacts or other pertinent dataset. If potential toxics or hazards are identified, further assessment including completion of additional

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records reviews, contacting the regulatory agency for a letter of “No Further Action” (NFA) or other documentation of the status and extent of hazardous conditions. If toxics and hazards are not likely to be present at harmful levels, documentation demonstrating that the contaminants do not pose a threat to the health or safety of the site occupants or restrict property usage, will be added to the environmental review record. If toxics and hazards are present (or likely present) at harmful levels, then the project may be rejected, the contaminants removed (remediated), or, institutional/engineering controls, when allowed by the program, implemented to prevent site users from coming into contact with the contaminants. Projects will only be allowed to proceed when adverse environmental impacts can be effectively mitigated to prevent the hazard from affecting the health and safety of project occupants. Appropriate documentation will be added to the environmental review record.

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 (Proposed Actions 1, 2, 5, and 6) may include lead-based paint and materials containing asbestos. Reconstruction, replacement, and Acquisition / Buyout projects (Proposed Actions 3 through 7) are exempt from lead-based paint testing or mitigation requirements. All rehabilitation projects (Proposed Actions 1 and 2) involving houses built before 1978 will have a lead-based paint risk assessment performed by a certified risk assessor prior to any construction work commencing. The property owner will receive a Notice of Evaluation and Hazard Reduction Activities within 15 days of the issuance of the Risk Assessment Report in accordance with 24 CFR 35.125. If lead-based paint is identified, the safe work practice standards found at 24 CFR 35.1350; 40 CFR 745.85 will be incorporated into the builder’s lead-hazard reduction, rehabilitation and renovation activity scope of work, which protects residents and the environment from exposure to, or contamination from lead-based paint, lead-based paint hazards and any waste generated from these activities (24 CFR 35.1345). A clearance testing report by a certified lead-based paint professional showing the hazard no longer exists must be provided upon completing the rehabilitation work. The contractor shall provide a Notice of Hazard Reduction Activity (Lead Based Paint Clearance Exam) not more than 15 calendar days after the hazard reduction activities (including paint stabilization) have been complete.

All renovation and reconstruction projects (Proposed Actions 1, 2, 5, and 6) will be required to comply with applicable state and federal asbestos requirements. If asbestos containing materials are identified, all project activities must comply with OSHA’s Asbestos Standard for Construction (29 CFR 1926.1101) and SC DHEC Regulation 61-86.1 (as applicable) for renovation and demolition/disposal involving such materials. All required permits will be obtained prior to the start of any construction activities. Following construction, all documentation pertaining to testing, abatement, removal, disposal and clearance must be provided to the program and added to the environmental compliance file.

Except for taking appropriate personal safety measures during hand-demolition, mold will not be a concern in houses that are demolished, reconstructed, or replaced (Proposed Actions 3 through 7). However, mold can present a significant health issue if steps are not taken to eliminate it during the repair. Mold will be assumed present in any rehabilitation project (Proposed Actions 1 and 2) and identified in the site-specific checklist. Contractors should follow the EPA suggested guidelines (<https://www.epa.gov/indoor-air-quality-iaq/resources-flood-cleanup-and-indoor-air-quality>), to ensure that upon completion of rehabilitation activities, residential structures are free of mold attributable to the disaster event.

The Tier II Site Specific Environmental Checklist will document the identification and assessment of: hazardous sites of concern within the specified recommended review distances; on-site environmental hazards; potential lead, asbestos and mold hazards. All pertinent project conditions, remediation/abatement requirements, mitigation measures and best management practices, necessary to protect the health and safety of the occupants, will be noted in the Tier II Site-Specific Environmental Review for each project.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).



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Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## G. Endangered Species

**Endangered Species Act of 1973, 50 CFR 402; Migratory Bird Treaty Act of 1918 [16 USC 703–712];  
Bald and Golden Eagle Act of 1940 [16 USC 668 - 668c]**

### **Regulatory Agencies Consulted**

U.S. Fish and Wildlife Service, South Carolina Ecological Services Field Office

### **Regulatory Background and Broad Review Determination**

The Endangered Species Act (ESA) and its implementing regulations provide Federal agencies with a mandate to conserve State- and Federally listed, threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species in the wild, or destroy or adversely modify its critical habitat. The U.S. Fish and Wildlife Service maintains the database of Federally listed species and critical habitat; and the South Carolina Natural Heritage Program, under the Department of Natural Resources, maintains the State’s inventory of rare, threatened and endangered species. The Ecological Services Program of the U.S. Fish and Wildlife Service works collaboratively with other federal agencies, industries, and other stakeholders to achieve infrastructure development goals in ways that are sustainable and compatible with the conservation of fish, wildlife, and their habitats.

In response to receiving a significant volume of projects for review, that are considered routine and represent an insignificant impact to resources entrusted to the Service for conservation (minor construction, renovation or maintenance of property or equipment, change of use, funding or other activities that may have no discernable immediate or long-term effect upon protected species). The Service’s South Carolina Ecological Services Field Office (SCESFO) developed blanket authorizations for activities that routinely have minimal or no effect upon trust resources, including certain projects undertaken by the Department of Housing and Urban Development (HUD). Under this guidance, if the proposed project meets the specifications or suggestions within the blanket authorization letter, the letter may be downloaded and used to satisfy appropriate requirements of the ESA. However, it is important to note that these letters do not represent formal biological opinions, and they do not provide incidental take authorization, nor do they allow for adverse modification of critical habitat.

The “[U.S. Fish and Wildlife Service Clearance to Proceed with U.S. Department of Commerce, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture Projects](#)” blanket authorization letter updated May 30, 2019 (see Exhibit G-1 and Map G-1), states “If the project description falls in one of the categories and the Federal agency, or their designee, determines there is no effect or impact to federally protected species or designated critical habitat, no further action is required under Section 7 of the ESA.” The ‘Description of DOC, HUD, and USDA Projects Covered’ under the blanket authorization letter includes:

*3. Construct, expand, maintain, remove, replace, or rehabilitate structures on developed or otherwise disturbed areas. Examples of developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, and pasturelands. Undeveloped areas are those sites where natural vegetation dominates.*

The letter also provides guidance on the nationwide programmatic biological opinion (PBO) for the northern long-eared bat (*Myotis septentrionalis*, NLEB) issued January 5, 2016 and the final 4(d) rule published on January 14, 2016. Under the PBO and 4(d) rule, all incidental take of the NLEB is exempted from the ESA's take prohibitions under certain conditions. However, incidental take is prohibited within one quarter mile from known hibernacula and winter roost, or within 150 feet from a known maternity roost tree during the months of June and July.

Northern long-eared bats use their maternity roost trees and hibernacula repeatedly for many years. Unless a survey or other information indicates otherwise, if the habitat around a roost is intact and the tree is suitable, it would be reasonable to conclude that the tree is likely an occupied maternity roost during the pup season (June 1 - July 31). Similarly, it would be reasonable to assume that a hibernaculum remains occupied unless a survey or other information indicates otherwise. Therefore, if a northern long-eared bat roost tree or hibernacula is documented on or near the project area, any incidental take of bats will be exempted by the 4(d) rule by following these conservation measures:

- Do not conduct any activities within ¼ mile of known, occupied hibernacula;
- Do not cut or destroy a known, occupied roost tree from June 1 to July 31 (the pup season);
- Do not clear-cut (and similar harvest methods that cut most or essentially all trees from an area, e.g., seed tree, shelterwood, and coppice) within a ¼ mile of known, occupied roost trees from June 1 to July 31.

There are two (2) known hibernacula and one (1) known maternity roost in South Carolina, all of which are more than 0.25 miles outside of the project area (see Table G-1 and Map G-2).

**Table G-1. Northern Long-Eared Bats – Known Locations**

<i>Hibernacula</i>	Table Rock State Park	35.043748, -82.709153	Pickens County
<i>Hibernacula</i>	Stumphouse Tunnel	34.811032, -83.123822	Oconee County
<i>Maternity Roost</i>	Wooded Area	33.10744, -79.65790	Berkley County

To comply with section 7 of the ESA, the federal agency must analyze the proposed project for potential impacts to federally protected species and/or proposed or designated critical habitat. Using this analysis, the federal agency (or its designated non-federal representative), must make a determination of effect for federally protected species and/or proposed or designated critical habitat. For federally protected species, the federal agency must make one of the following determinations for the proposed project:

“No effect” is the appropriate conclusion if the proposed action will not affect listed species. With a “no effect” determination, the federal agency is not obligated to contact the Service for concurrence.

“May affect, not likely to adversely affect” is not likely to adversely affect is the appropriate conclusion when effects on listed species are expected to be discountable, insignificant, or completely beneficial. If a “may affect, not likely to adversely affect” determination is made, the federal agency must contact the Service for written concurrence.

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“May affect, likely to adversely affect” is the appropriate conclusion if any adverse effect to listed species may occur as a direct or indirect result of the proposed action or its interrelated or interdependent actions. If a determination of “may affect, likely to adversely affect” is made, the federal agency must initiate formal consultation with the Service as outline in 50 CFR 402.

Projects that ‘May affect’ endangered or threatened species or critical habitats require consultation with the Service, in compliance with the procedure of Section 7 of the ESA.

The proposed project activities fall under category 3 of the blanket authorization letter. Additionally, regarding NLEB considerations, the three known hibernacula and maternity roost locations are more than 0.25 miles outside of the project area. Therefore, SCDRO has determined that the proposed project activities will have no effect or impact to federally protected species or designated critical habitat. As stated in the letter, these projects have been evaluated by the Service in accordance with ESA and NEPA, and no further action is required under section 7 of the ESA. In an e-mail correspondence dated January 25, 2021, SCESFO noted that the Service is not aware of any new NLEB hibernacula in South Carolina (see Exhibit G-2). The review for Endangered Species is concluded at the Tier I Broad Environmental Review level.

The SCESFO was sent a letter dated January 26, 2021 for comment regarding project compliance for activities related to Hurricane Florence (see Exhibit G-3). In a response dated January 28, 2021, the SCESFO concurred that the use of the blanket letter is appropriate for the intended program provided all requirements of the blanket letter are followed (see Exhibit G-4). Any deviation from the requirements may require additional consultation with their office.

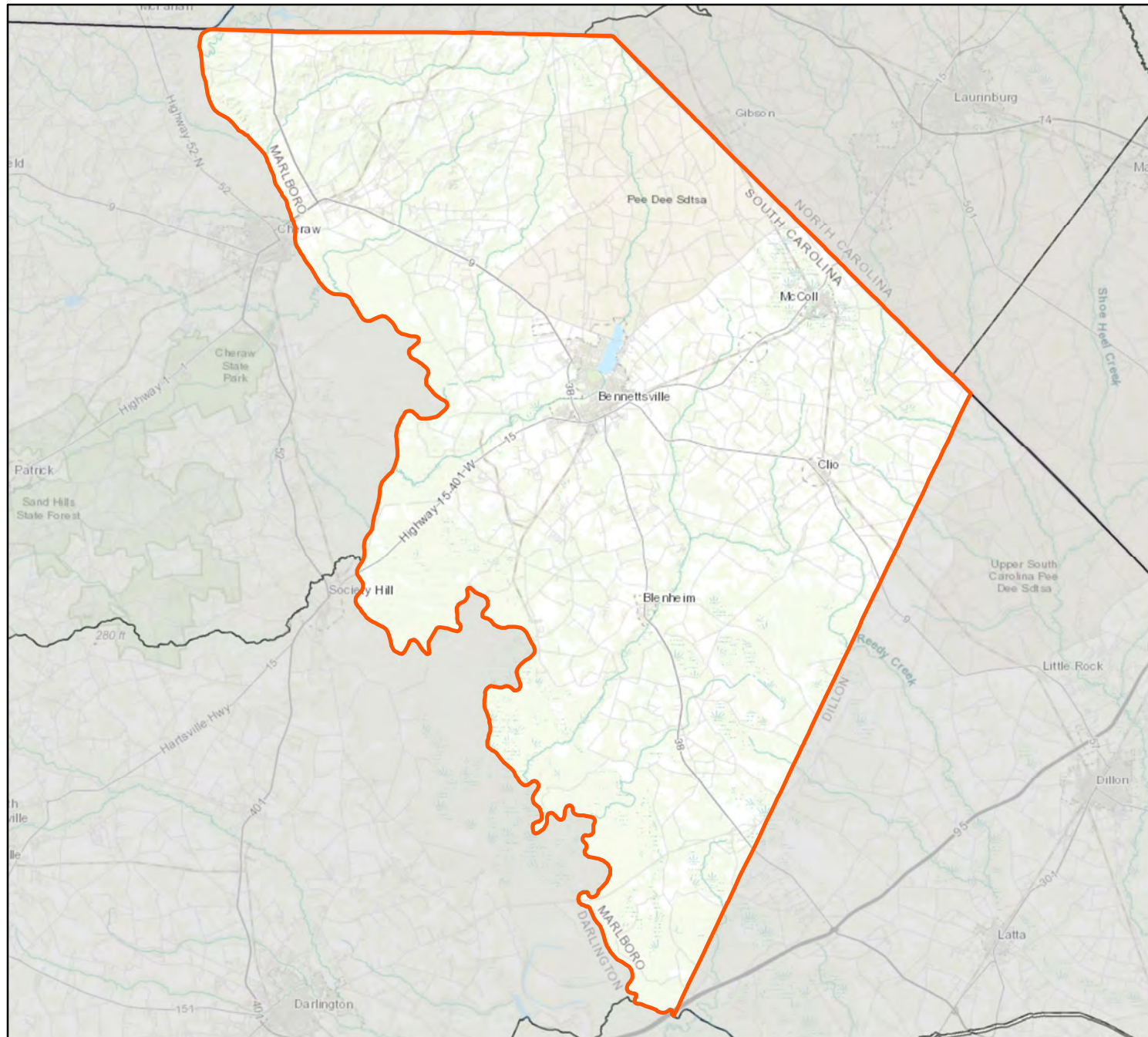
Note: Obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.




### **Site Specific Review Process**

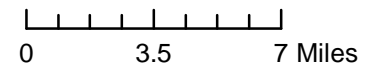
SCDRO has determined that the proposed project activities will have no effect or impact to federally protected species or designated critical habitat. No further action is required under section 7 of the ESA. The site-specific review checklist will document that the review was concluded at the Tier I level.

# Map G-1. Critical Habitat - Marlboro County

## Hurricane Florence Single-Family Housing Program

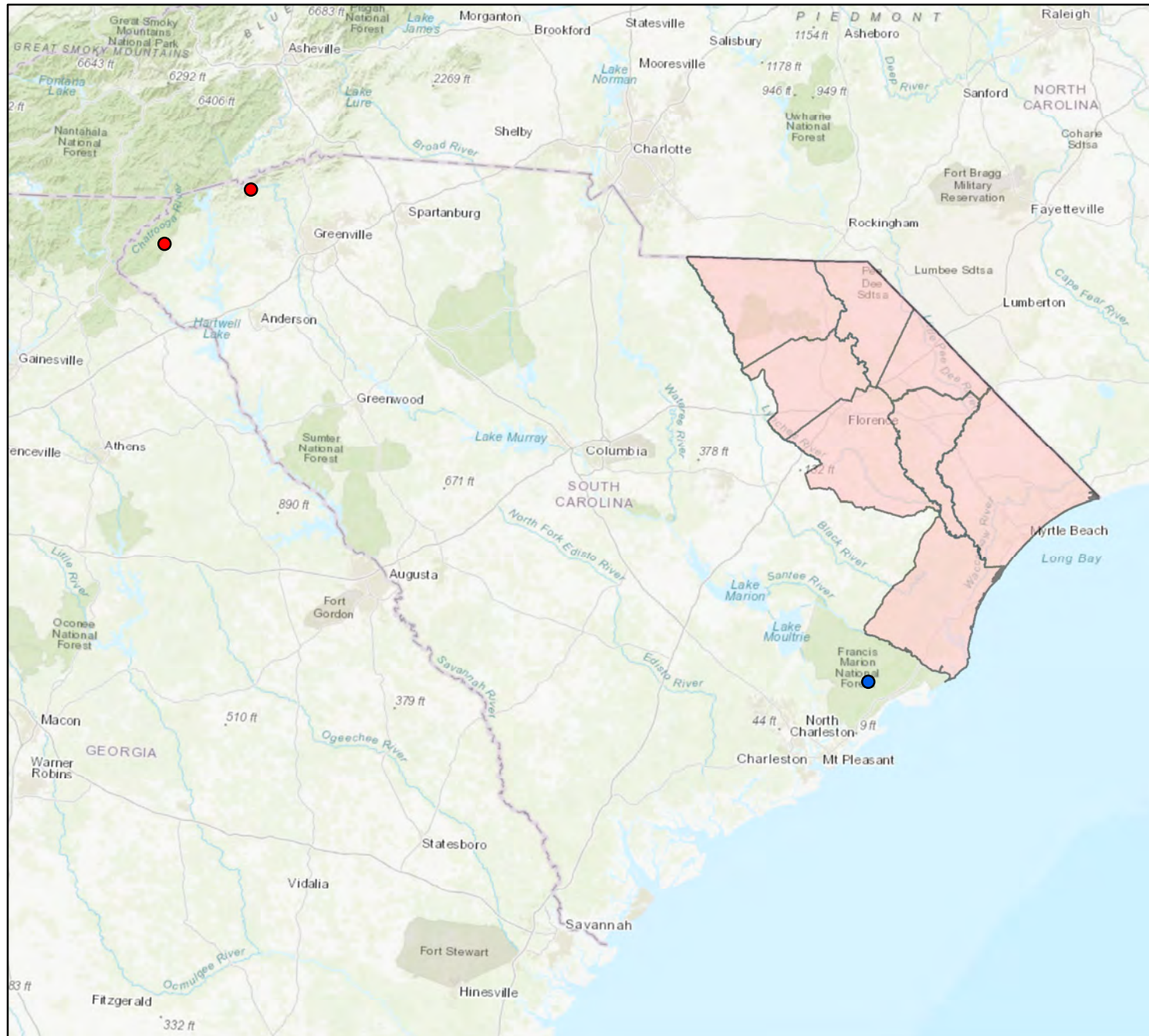


-  County Boundary
-  Critical Habitat
-  Proposed Critical Habitat

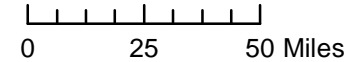


Sources: Critical Habitat data obtained from the US Fish and Wildlife Service; ESRI Imagery Basemap service.

# Map G-2. Northern Long Eared Bat Critical Habitat Hurricane Florence Single-Family Housing Program



- Study Area
- Northern Long Eared Bat Critical Habitat**
- Hibernacula
- Maternity Roost



Sources: Northern Long Eared Bat Habitat Data obtained from the US Fish and Wildlife Service; ESRI Imagery Basemap service.

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## Exhibit G-1. United States Fish and Wildlife Service Clearance to Proceed Letter



United States Department of the Interior  
FISH AND WILDLIFE SERVICE  
176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407  
May 30, 2019



### **U.S. Fish and Wildlife Service Clearance to Proceed with U.S. Department of Commerce, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture Projects**

The U.S. Fish and Wildlife Service (Service) is one of two lead Federal Agencies mandated with the protection and conservation of Federal trust resources, including threatened and endangered species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) (ESA). The U.S. Department of Commerce (DOC), U.S. Department of Housing and Urban Development (HUD), as well as the U.S. Department of Agriculture (USDA) allocate grant funds for rural development projects. Accordingly, obligations under the ESA and the National Environmental Policy Act (NEPA) require HUD and USDA to perform an environmental impact review prior to a project's approval. Primarily, these projects involve repair, maintenance, or reconstruction of existing facilities on previously developed land.

Many of the DOC, HUD, and USDA projects result in no adverse impacts to federally protected species. In determining if your project will have an effect on federally protected species or designated critical habitat under the jurisdiction of the Service, we provide this guidance, relative to the criteria listed below, applicable to many DOC, HUD, and USDA project requests. If the project description falls in one of the categories and the Federal agency, or their designee, determines there is no effect or impact to federally protected species or designated critical habitat, no further action is required under section 7 of the ESA. Please note this guidance applies only to projects in South Carolina.

#### **Description of DOC, HUD, and USDA Projects Covered**

The following types of projects have been evaluated by the Service in accordance with ESA and NEPA:

1. Purchase machinery, equipment, and supplies for use in existing structures and buildings.
2. Finance or refinance existing structures or properties. Transfer of loans where the original lending or mortgage institutions for existing projects are no longer holding the loans and the properties transfer via back loans.
3. Construct, expand, maintain, remove, replace, or rehabilitate structures on developed or otherwise disturbed areas. Examples of developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, and pasturelands. Undeveloped areas are those sites where natural vegetation dominates.
4. New, refurbished, or expanded parking lots and amenities associated with existing or proposed private, commercial, or industrial developments that do not expand into previously undeveloped areas.
5. Implement streetscape beautification projects. Examples of these projects include the removal and replacement of existing sidewalks, curbing, or gutters; demolishing and

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disposing of existing curbing; installing irrigation systems for plants; installing or replacing streetlights, benches, or trashcans; and installing handicap sidewalk ramps or new sidewalks within city limits in right of ways.

6. Repair, replace, or renovate existing wastewater treatment facilities, water supply facilities, and storm water facilities (such as drainage ditches and ponds) without expansion of the existing site boundary.
7. Install or replace pipelines or transmission lines using trenchless technology (directional drilling) techniques. Trenchless technology eliminates the need to disturb the environment caused by excavating and backfilling trenches.
8. Install or replace pipelines by trench and back fill within previously disturbed lands such as, but not limited to, maintained easements and transportation right of ways provided a protected species survey is performed and no protected species are found on the site.

The Service recommends that project proponents indicate which of the criteria are applicable to the project when submitting to the appropriate permitting agency.

#### **Northern Long-eared Bat Consideration**

The Service issued a nationwide programmatic biological opinion (PBO) for the northern long-eared bat (*Myotis septentrionalis*, NLEB) on January 5, 2016. The PBO was issued pursuant to section 7(a)(2) of the ESA to address impacts that Federal actions may have on this species. In addition, the Service published a final 4(d) rule on January 14, 2016, which details special consultation provisions for Federal actions that may affect the NLEB. Briefly, the PBO and the 4(d) rule allow for "incidental" take of the NLEB throughout its range under certain conditions. Take is defined in section 3 of the ESA as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. Further, incidental take is defined as take that results from, but is not the purpose of, carrying out an otherwise lawful activity. Under the PBO and 4(d) rule, all incidental take of the NLEB is exempted from the ESA's take prohibitions under certain conditions. However, incidental take is prohibited within one quarter mile from known hibernacula and winter roost, or within 150 feet from a known maternity roost tree during the months of June and July.

In consideration of known hibernacula, winter roosts, and maternity roost tree locations in South Carolina, this letter hereby offers blanket concurrence for a may affect, but is not likely to adversely affect determination for the NLEB if the proposed work occurs more than one quarter mile from known hibernacula, winter roosts, or is further than 150 feet from a known maternity roost trees. If an activity falls within one-quarter mile of hibernacula or winter roost or within 150 feet of a maternity roost tree additional consultation with the Service will be required. As a conservation measure for all projects it is recommended that all tree clearing activities be conducted during the NLEB inactive season of November 15<sup>th</sup> to March 31<sup>st</sup> of any given year.

#### **Clearance to Proceed**

For all of the above listed projects that meet the criteria, have no effect or impact upon federally protected species or designated critical habitat, and, if applicable, meet the requirements of the NLEB 4(d) rule no further coordination with the Service is necessary. This letter may be



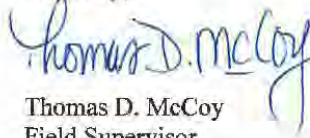
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downloaded and serve as the Service's concurrence letter for your project. The protected species survey or assessment conducted for the property should be included with this letter when submitting the project to Federal permitting agencies.

Please note that obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

The Service recommends that project proponents contact the South Carolina Department of Natural Resources regarding potential impacts to State protected species. If the proposed project will impact streams and/or wetlands, please contact the U.S. Army Corps of Engineers, Charleston District. The Service appreciates your cooperation in the protection of federally listed species and their habitats in South Carolina.

Sincerely,

A handwritten signature in blue ink that reads "Thomas D. McCoy". The signature is written in a cursive style with a large initial "T".

Thomas D. McCoy  
Field Supervisor

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## Exhibit G-2. E-mail Correspondence with the SCESFO Deputy Field Supervisor

### Karyn Desselle

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**From:** Caldwell, Mark <mark\_caldwell@fws.gov>  
**Sent:** Monday, January 25, 2021 7:35 AM  
**To:** Karyn Desselle  
**Cc:** Wolf, Morgan  
**Subject:** RE: [EXTERNAL] NLEB Maternity Roosts and Hibernacula in SC

Karyn,

Good morning and thank you for your request. The Service is not aware of any new NLEB hibernacula in SC. There are only the two that you have noted. Bats have been captured in various locations but the only maternity roost noted is the one Berkeley County.

Mark

Mark A. Caldwell  
Deputy Field Supervisor  
US Fish and Wildlife Service  
South Atlantic-Gulf Region  
South Carolina Ecological Services  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407  
843-300-0426 (direct line)  
843-870-0041 (cell)  
843-300-0189 – facsimile

**This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act and may be disclosed to third parties.**

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**From:** Karyn Desselle <[Karyn.Desselle@hornellp.com](mailto:Karyn.Desselle@hornellp.com)>  
**Sent:** Friday, January 22, 2021 5:50 PM  
**To:** Caldwell, Mark <[mark\\_caldwell@fws.gov](mailto:mark_caldwell@fws.gov)>  
**Subject:** [EXTERNAL] NLEB Maternity Roosts and Hibernacula in SC

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good afternoon Mark,

It's been a while but we spoke in January 2019, regarding the locations of NLEB maternity roosts and hibernacula in SC, for the purposes of conducting environmental reviews for the HUD CDBG-DR funded Housing Program for the South

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Carolina Disaster Recovery Office (now under the Office of Resilience). At that time, you provided the locations below. With the release of new information showing increases in the range of the species, we wanted to see if there have been any changes in hibernacula and maternity roost locations?

0.25 Mi Buffer - Pickens County hibernacula at Table Rock State Park : 35.043748, -82.709153

0.25 Mi Buffer - Oconee County hibernacula at Stumphouse Tunnel; 34.811032, -83.123822

150 ft Buffer - Berkeley County maternity roost - located approximately at 33.10744, -79.65790.

Also, we will be sending out a few programmatic notices over the next few weeks/months, should we send those to [charleston\\_regulatory@fws.gov](mailto:charleston_regulatory@fws.gov) or to your attention, or someone else? Thanks in advance!

Best Regards,

**Karyn Dosselle**

Manager, Government Services | **HORNE**

O: 225.755.9798 D: 225.341.6169 M: 225.931.7052

10000 Perkins Rowe, Suite 610 Bldg G, Baton Rouge, LA 70810

hornellp.com [[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)] LinkedIn [[gcc02.safelinks.protection.outlook.com](https://www.linkedin.com/company/gcc02.safelinks.protection.outlook.com)] Twitter

[[gcc02.safelinks.protection.outlook.com](mailto:gcc02.safelinks.protection.outlook.com)] Blog [[gcc02.safelinks.protection.outlook.com](https://www.blog.gcc02.safelinks.protection.outlook.com)]

### Exhibit G-3. Letter to South Carolina Ecological Services Field Office



#### South Carolina Disaster Recovery Office

#### *Office of Resilience*

Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Mark A. Caldwell, Deputy Field Supervisor  
U.S. Fish and Wildlife Service  
South Carolina Ecological Services  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. Caldwell:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Endangered Species Act of 1973 (section 7) and 50 CFR Part 402 standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

The Endangered Species Act (ESA) and its implementing regulations provide Federal agencies with a mandate to conserve State- and Federally listed, threatened and endangered (T&E) species and ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species in the wild, or destroy or adversely modify its critical habitat. The Service’s South Carolina Ecological Services Field Office (SCESFO) developed blanket authorizations for activities that routinely have minimal or no effect upon trust resources, including certain projects undertaken by the Department of Housing and Urban Development (HUD).

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The "U.S. Fish and Wildlife Service Clearance to Proceed with U.S. Department of Commerce, U.S. Department of Housing and Urban Development, and U.S. Department of Agriculture Projects" blanket authorization letter updated May 30, 2019, states "If the project description falls in one of the categories and the Federal agency, or their designee, determines there is no effect or impact to federally protected species or designated critical habitat, no further action is required under Section 7 of the ESA." The 'Description of DOC, HUD, and USDA Projects Covered' under the blanket authorization letter includes: Construct, expand, maintain, remove, replace, or rehabilitate structures on developed or otherwise disturbed areas. Examples of developed or disturbed areas include paved, filled, graveled, routinely mowed vegetated grasses, agricultural fields, and pasturelands. Undeveloped areas are those sites where natural vegetation dominates. The letter also provides guidance on the nationwide programmatic biological opinion (PBO) and the final 4(d) rule for the northern long-eared bat (*Myotis septentrionalis*, NLEB). Under the PBO and 4(d) rule, all incidental take of the NLEB is exempted from the ESA's take prohibitions under certain conditions. However, incidental take is prohibited within one quarter mile from known hibernacula and winter roost, or within 150 feet from a known maternity roost tree during the months of June and July. There are two (2) known hibernacula and one (1) known maternity roost in South Carolina. The proposed project activities fall under category 3 of the blanket authorization letter.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

**Exhibit G-4. SCESFO Hurricane Florence Activities Concurrence Letter**



**United States Department of the Interior**

**FISH AND WILDLIFE SERVICE**

176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407



January 28, 2021

Mr. Eric Fosmire, Legal Director  
South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive  
Columbia, South Carolina 29201

Re: Environmental Review for Housing Program, Multiple Counties, South Carolina  
FWS Log# 2021-I-0325

Dear Mr. Fosmire:

The U.S. Fish and Wildlife Service (Service) has received the South Carolina Disaster Recovery Office (SCDRO) letter for the proposed housing program in various counties of South Carolina. The SCDRO has received an allocation from the Department of Housing and Urban Development (HUD) for disaster relief operations following Hurricane Florence, which impacted South Carolina in September 2018. Allocations will be used provide safe housing for those impacted by the hurricane. The program strives to fund over 500 single-family projects, rental repair, and homeowner buyouts across Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro, and Marion Counties in SC. Pursuant to section 7 of the Endangered Species Act (16 U.S.C. 1531 eq. seq.)(ESA). SCDRO requires concurrence regarding potential impacts these activities may have upon federally protected species.

The SCDRO has determined activities under the safe housing program will have minimal or no effect upon federally protected threatened and endangered species or federally designated critical habitat and is seeking the Service's concurrence on the use of the Depart of Commerce, HUD, and US Department of Agriculture Rural Developments Blanket Clearance letter. We agree that use of this blanket letter is appropriate for the intended program provided all requirements of blanket letter are followed. Any deviation from the requirements may require additional consultation with this office.

In addition, obligations under the ESA must be reconsidered if: (1) new information reveals impacts of this identified action may affect any federally listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner, which was not considered in this assessment; or (3) a new species is listed or critical habitat is designated that may be affected by the identified action.

The Service recommends SCDRO consider species that have been petitioned for listing under the ESA as well as Candidate Species that may be in the project area. These species are collectively referred to as "At-Risk Species" (ARS). Although there are no Federal protections afforded to

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ARS incorporating proactive measures to avoid or minimize harm to ARS may improve their status and assist with precluding the need to list these species. Additional information on ARS can be found at:

<http://www.fws.gov/southeast/candidateconservation>

The Service recommends that SCDRO contact the SC Department of Natural Resources for potential impacts to state listed species. Please contact the US Army Corps of Engineers – Charleston District regarding potential impacts to wetland resources. If you have any questions on this correspondence, please contact Mark Caldwell at (843) 300-0426 or by email: [mark\\_caldwell@fws.gov](mailto:mark_caldwell@fws.gov) and reference FWS log # 2021-I-0325.

Sincerely,

*Thomas D. McCoy*

Thomas D. McCoy  
Field Supervisor

TDM/MAC



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## H. Explosive and Flammable Hazards

24 CFR 51(c)

### Regulatory Agencies Consulted

All agency coordination will be conducted on a case-by-case basis.

### Regulatory Background and Broad Review Determination

There are inherent potential dangers associated with locating HUD-assisted projects near hazardous facilities which store, handle, or process hazardous substances of a flammable or explosive nature. Project sites located too close to facilities handling, storing or processing conventional fuels, hazardous gases or chemicals of an explosive or flammable nature may expose occupants or end-users of a project to the risk of injury in the event of a fire or an explosion. To address this risk, regulations at 24 CFR Part 51 Subpart C require “HUD-assisted projects” to be separated from these facilities by a distance that is based on the contents and volume of the aboveground storage tank, or to implement mitigation measures.

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, activities to reconstruct, rehabilitate, or replace housing that existed prior to the disaster, where the number of dwelling units is not increased, and the activities are limited to the general area of the pre-existing footprint, are not required to apply the acceptable separation distance (ASD) standards in 24 CFR Part 51C. 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.

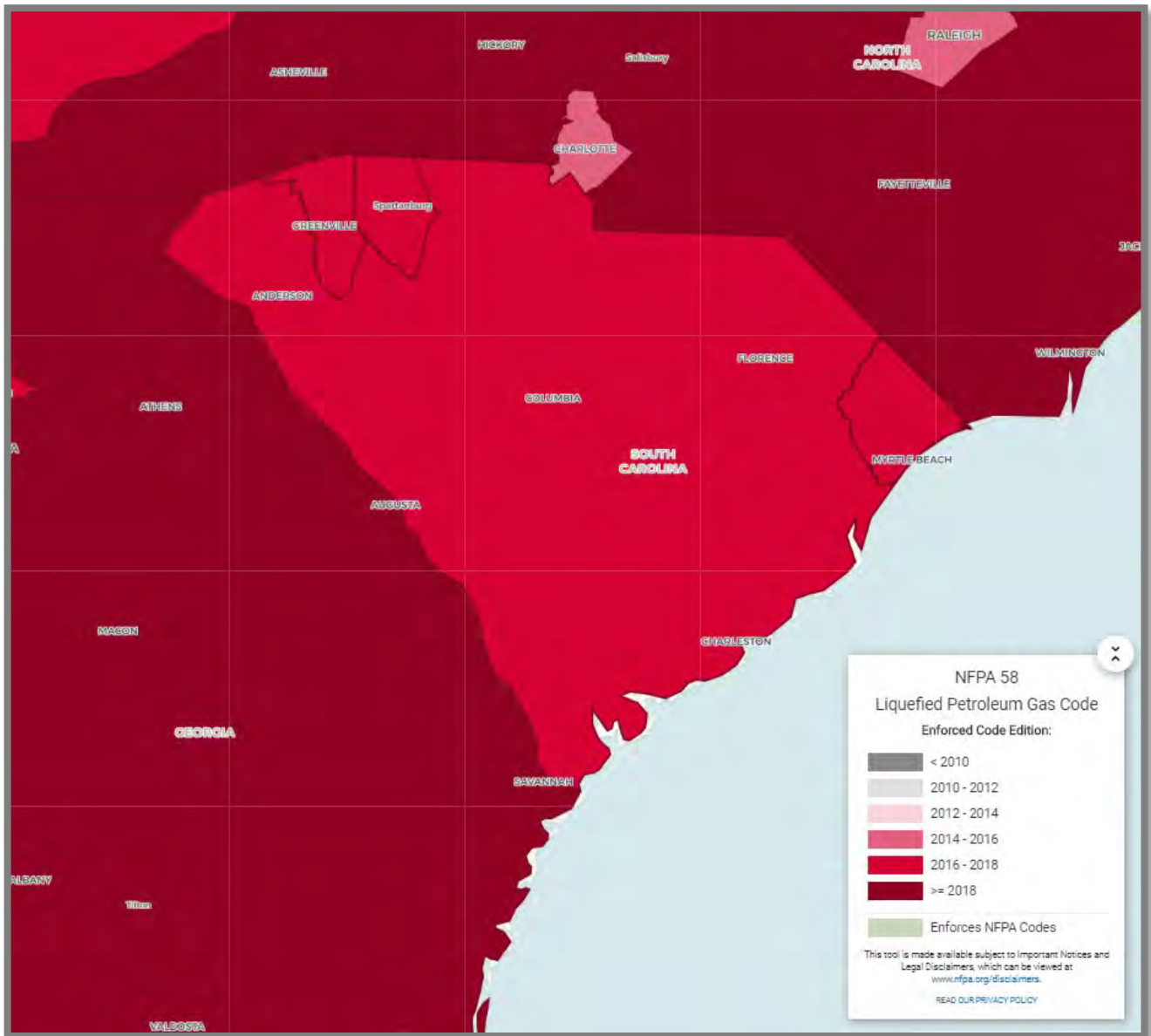
HUD has updated the definition of “hazard” in 24 CFR 51.201 to exclude from mandatory separation distance requirements in 24 CFR part 51, subpart C all containers that are 1,000 gallons or less in water volume capacity and comply with the National Fire Protection Association Code 58, in the 2017 edition (NFPA 58 (2017)). Therefore, the following categories of containers are not covered by 24 CFR Part 51 Subpart C requirements, in spite of the fact that they store or handle covered gases or liquids:

- Stationary aboveground containers that store natural gas and have floating tops
- Underground storage containers, mobile conveyances (tank trucks, barges, railroad tank cars), and pipelines, such as high-pressure natural gas transmission pipelines or liquid petroleum pipelines
- Aboveground storage tanks that are ancillary to a one-to-four-unit single-family FHA-insured property
- Aboveground storage tanks containing liquified petroleum gas (“LPG” or propane) when they are 1,000 gallons or less in volume and comply with the National Fire Protection Association (NFPA) Code 58, version 2017 (NFPA 58 (2017)).

In these jurisdictions, citation to the NFPA website ([codefinder.nfpa.org](http://codefinder.nfpa.org)) referencing the applicable state or local code is sufficient to document that any tank in that jurisdiction containing propane of 1,000 gallons or less water volume is excepted from coverage under 24 CFR part 51, subpart C. As verified by [NFPA Code](#)

[Finder](#), with the exception of a single reference by IFGC in the City of Columbia to NFPA (2014), the entire State of South Carolina, including the project area, has adopted and is in compliance with NFPA 58 (2017) (see Map H-1). The City of Columbia is outside of the project area for the program.

**Map H-1. NFPA 58 Liquefied Petroleum Gas Code**



### **Site Specific Review Process**

Projects involving reconstruction, rehabilitation, or replacement of housing that existed prior to the disaster, where the number of dwelling units is not increased and the activities are limited to the general area of the pre-existing footprint, will not require further review for above ground storage tanks.

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Projects involving a relocation of an MHU to a new location on the same property or to a different previously developed property will require further review. An ASD analysis using HUD's [ASD Calculator](#) will be performed for all ASTs identified within 1 mile of the project site, through site reconnaissance, detailed review of recent aerial imagery and contacting local agencies with an interest in tracking the locations of ASTs within a specific community. If the AST meets or exceeds the acceptable separation distance from the project site, or the risk of exposure to blast overpressure and thermal radiation can be sufficiently mitigated through the presence of natural barriers, existing man-made barriers, or reconfiguring or relocating the project site, the project may proceed. The Tier II Sit-Specific Review Checklist will document the determination, to include the ASD analysis and any mitigating factors, as required.

If the acceptable separation distance is not met, and mitigating factors are insufficient to prevent exposure to blast overpressure and thermal radiation, the project cannot proceed.

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## I. Farmland Protection

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR 658

### Regulatory Agencies Consulted

U.S. Department of Agriculture, South Carolina Natural Resources Conservation Service (NRCS)

### Regulatory Background and Broad Review Determination

The Farmland Protection Policy Act (FPPA) of 1981 (7 USC 4201 et seq.) regulates Federal actions with the potential to convert farmland to non-agricultural uses. The purpose of the Act, as regulated in 7 CFR 658, is “to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses.”

“Farmland”, in accordance with 7 CFR 658.2(a), is defined as “prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate ... government agency ... to be farmland of statewide or local importance.” The definition further explains that farmland does not include land already in or committed to urban development or water storage, and that farmland already in urban development includes all land with a density of 30 structures per 40-acre area.

Pursuant to 7 CFR § 658.3(c) the Farmland Protection Policy Act (FPPA) does not apply to the purchase, maintenance, renovation or replacement of existing structures and sites converted prior to application for HUD funding, including actions related to the construction of minor new ancillary structures, such as garages or sheds.

Hence, the regulations to protect Farmlands do not apply to projects involving rehabilitation, reconstruction, acquisition/buyout (demolition of an existing structure), replacement of existing homes, and relocation of replacement MHUs onto previously developed lots where all existing utility connections and systems are in place, as these properties were previously converted to non-agricultural use when the initial development occurred (see Map I-1).

Additionally, the SC NRCS was contacted on May 8, 2018 regarding Hurricane Matthew housing program activities (see Exhibit I-1). A response was received on June 1, 2018 stating that, “The project [...] is in an area already in urban development or is in existing right-of-ways. There is no significant impact on Prime or Statewide Important Farmlands” (see Exhibit I-2). The SC NRCS was contacted for comment regarding project compliance for activities related to Hurricane Florence in a letter dated January 26, 2021 (see Exhibit I-3). In a response dated February 11, 2021, NRCS stated, “The proposed site may involve areas of Prime Farmland; however, we consider the location to be ‘land committed to urban development’ due to its previous development as residential areas. Due to this reason, this project is exempt from provisions of FPPA and no further consideration from protection is required. However, the Natural Resource Conservation Service (NRCS) strongly encourages the use of acceptable erosion control methods during the construction of this project.” (see Exhibit I-4) Erosion control measures have been incorporated into the mitigation measures applicable to all project types.

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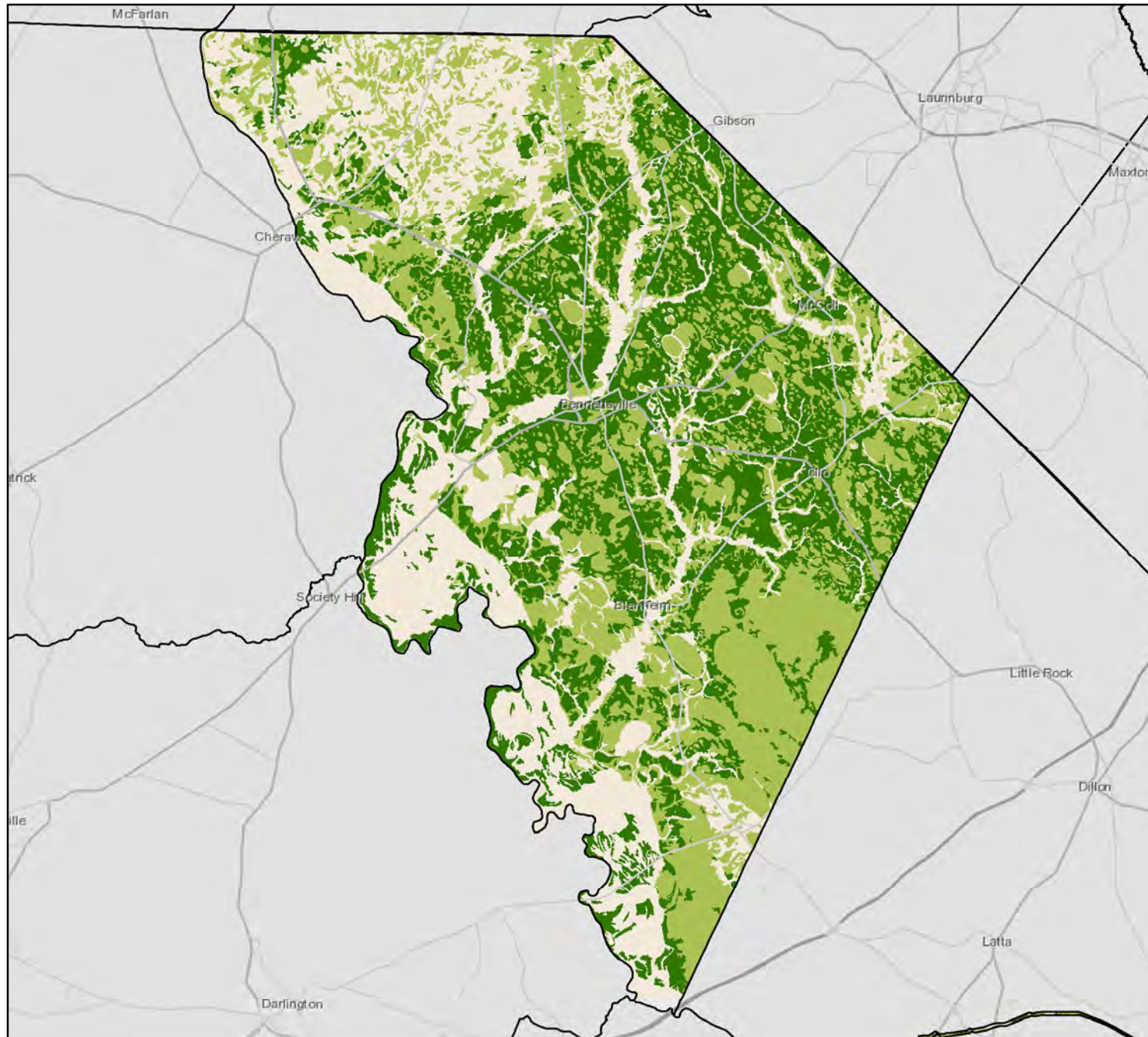
The Farmland Protection review is concluded at the Tier I Broad Environmental Review Level.

**Site Specific Review Process**

FPPA does not apply to the proposed project activities. The Tier II Site-Specific Review Checklist will document that the review was concluded at the Tier I level.

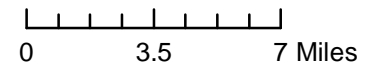
# Map I-1. Prime Farmland - Marlboro County

## Hurricane Florence Single-Family Housing Program



### USA Soils Farmland Class

- Prime Farmland
- Farmland of Local Importance
- Farmland of Statewide Importance
- Farmland of Unique Importance
- Not Prime Farmland



Sources: NRCS Farmland and Soils Data compiled by ESRI Living Atlas; ESRI Imagery Basemap service.

## Exhibit I-1. Letter to USDA South Carolina Natural Resource Conservation Service



May 8, 2018

Ms. Ann English  
State Conservationist  
USDA Strom Thurmond Federal Building  
1835 Assembly Street, Room 985 Columbia,  
SC 29201  
[ann.english@sc.usda.gov](mailto:ann.english@sc.usda.gov)

**RE: South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) - Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Units – Hurricane Matthew - B-16-DL-45-0001. Farmland Protection Policy Act Consultation.**

Dear Ms. English:

Hurricane Matthew ravaged the coastal communities of South Carolina. Hurricane Matthew made landfall near McClellanville, a small fishing community in Charleston County, as a category one hurricane on October 8, 2016. Neighborhoods were left in ruins as the storm cut a path of destruction through South Carolina. A large portion of South Carolina was under a State of Emergency for the second time in as many years. Wind damage from the storm demolished homes across the coastal counties of the state. Entire neighborhoods were underwater over forty miles inland. 833,000 homes were without electricity, 400,000 people evacuated from their homes in advance of the storm. Despite this, four South Carolina residents lost their lives. Hundreds more lost their homes.

South Carolina is proposing to use CDBG-DR funds to assist homeowners in the following disaster declared counties: Dillon, Marlboro, Chesterfield, Beaufort, Jasper, Barnwell, Allendale, and Hampton, in achieving safe and code compliant housing that meets minimum property standards through rehabilitation, reconstruction and replacement of manufactured homes. The remaining Hurricane Matthew disaster declared counties were covered in the Broad Reviews completed for the 2015 Flood Declaration.

The South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. SCDRO has retained the Arduffa Group to assist with the environmental review. For the NEPA review of the rehabilitation, reconstruction, and replacement of manufactured homes, SCDRO intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site specific reviews in areas of potential impact. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, your determination of no affect or input on the need for individual consultation concerning compliance is sought for the following types of projects:

Arduffa Group, LLC

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632 Rosewood Drive  
Columbia, SC 29201



- Rehabilitation & Reconstruction of Single-Family Homes ○ The reconstruction work will not expand the original footprint of the structure if possible. If lot restrictions apply and the footprint must be expanded, the footprint will not be increased in a floodplain or a wetland.
- Replacement of Damaged Manufactured Housing Units (MHU) Deemed Unrepairable Through a Feasibility Review ○ The replacement of damaged MHUs will be replaced on the original site.

If you have any questions or need additional information please contact Kristine Sinkez, Program Manager, at 347-366-1397 or [ksinkez@ardurragroup.com](mailto:ksinkez@ardurragroup.com) or Robert Krause, Historic Preservation Specialist, at 347-352-7807 or [RKrause@ardurragroup.com](mailto:RKrause@ardurragroup.com).

Sincerely,

Robert Krause, PhD  
Historic Preservation Specialist

Ardurra Group, LLC  
632 Rosewood Drive



Exhibit I-2. Response from SC NRCS Regarding Hurricane Matthew Housing Program Activities



Robert Krause, PhD  
Ardurra Group, LLC  
632 Rosewood Drive  
Columbia, SC 29201

JUN 01 2018

RE: Hurricane Matthew – B-16-DL-45-0001  
Rehabilitation & Reconstruction of Single-Family Homes and Replacement of  
Manufactured Housing Units for disaster declared counties: Dillon, Marlboro,  
Chesterfield, Beaufort, Jasper, Barnwell, Allendale, and Hampton

Dear Mr. Krause:

The project listed above is in an area already in urban development or is in existing right-of-ways. There is no significant impact on Prime or Statewide Important Farmlands.

For future reference, NRCS policy and procedures on prime and unique farmlands are published in the Code of Federal Regulations 7CFR657. The website is:  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_00/7cfr657\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/7cfr657_00.html). Detailed information can be found in Section 657.5 on this website.

If you have any questions, please contact Kamara Holmes, State Soil Scientist at [kamara.holmes@sc.usda.gov](mailto:kamara.holmes@sc.usda.gov) or (803) 253-3896.

Sincerely,



ANN ENGLISH  
State Conservationist

cc:  
Kamara Holmes, State Soil Scientist, NRCS, Columbia, SC

Natural Resources Conservation Service  
1835 Assembly Street, Room 950  
Columbia, South Carolina 29201  
(803) 253-3935  
Fax: (856) 565-9308  
Helping People Help the Land  
*An Equal Opportunity Provider and Employer*

## Exhibit I-3. Letter to USDA SC NRCS Regarding Hurricane Florence Housing Program Activities



South Carolina Disaster Recovery Office  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Ms. Ann English, State Conservationist  
United States Department of Agriculture  
Strom Thurmond Federal Building  
1835 Assembly Street, Room 950  
Columbia, SC 29201

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. English:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Farmlands Protection Policy Act of 1981 (1504(b) and 1541) and 7 CFR Part 658 standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro

and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

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Pursuant to 7 CFR § 658.3(c) the Farmland Protection Policy Act (FPPA) does not apply to the purchase, maintenance, renovation or replacement of existing structures and sites converted prior to application for HUD funding, including actions related to the construction of minor new ancillary structures, such as garages or sheds. Hence, the regulations to protect Farmlands do not apply to projects involving rehabilitation, reconstruction, acquisition/buyout (demolition of an existing structure), replacement of existing homes, and relocation of replacement MHUs onto previously developed lots where all existing utility connections and systems are in place, as these properties were previously converted to non-agricultural use when the initial development occurred (Proposed Actions 1 through 7). Additionally, the SC NRCS was contacted on May 8, 2018 regarding Hurricane Matthew housing program activities. A response was received on June 1, 2018 stating that, "the project is in an area already in urban development or is in existing right-of-ways. There is no significant impact on Prime or Statewide Important Farmlands." Compliance is achieved at the Tier I Broad Review Level.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

Exhibit I-4. Concurrence Letter from USDA SC NRCS for Hurricane Florence Housing Program Activities



United States Department of Agriculture

Benjamin I. Duncan II, Program Director  
South Carolina Disaster Recovery Office  
Office of Resilience  
632 Rosewood Drive  
Columbia, SC 29201

FEB 11 2021

Dear Mr. Duncan:

RE: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence Single-Family Housing Program

I have reviewed the information provided in your correspondence dated January 26, 2021, concerning the repair/rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, and replacement of manufactured homes located in Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro, and Marion Counties in South Carolina. This review is part of the National Environmental Policy Act (NEPA) evaluation for the U.S Department of Housing and Urban Development (HUD). I have evaluated the proposed sites as required by the Farmland Protection Policy Act (FPPA).

The proposed site may involve areas of Prime Farmland; however, we consider the location to be "land committed to urban development" due to its previous development as residential areas. Due to this reason, this project is exempt from provisions of FPPA and no further consideration from protection is necessary. However, the Natural Resources Conservation Service (NRCS) strongly encourages the use of acceptable erosion control methods during the construction of this project.

For future reference, NRCS policy and procedures on prime and unique farmlands are published in the Code of Federal Regulations 7CFR657. The website is: [https://www.ecfr.gov/cgi-bin/text-idx?SID=a5afcfa7f6185ee7c835d365b1d478c&mc=true&tpl=/ecfrbrowse/Title07/7tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=a5afcfa7f6185ee7c835d365b1d478c&mc=true&tpl=/ecfrbrowse/Title07/7tab_02.tpl). Detailed information can be found in Section 657.5 on this website.

If you have any questions, please contact Kristine Ryan, State Soil Scientist at [Kristine.ryan@usda.gov](mailto:Kristine.ryan@usda.gov) or (803) 253-3896.

Sincerely,



ANN ENGLISH  
State Conservationist

cc: Kristine Ryan, State Soil Scientist, NRCS, Columbia, SC

Natural Resources Conservation Service  
1835 Assembly Street, Room 950  
Columbia, South Carolina 29201  
(803) 253-3935  
**Helping People Help the Land**  
*An Equal Opportunity Provider and Employer*

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## J. Historic Preservation

National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

### Regulatory Agencies Consulted

South Carolina Department of Archives and History State Historic Preservation Officer  
Catawba Indian Nation Tribal Historic Preservation Officer

### Regulatory Background and Broad Review Determination

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires the lead federal agency with jurisdiction over a federally funded or federally-licensed activity to consider impacts to historic properties before approving a project. The implementing regulation of Section 106, issued by the Advisory Council on Historic Preservation (ACHP), is 36 CFR 800. If the project requires Section 106 approval, it is called an undertaking. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Advisory Council on Historic Preservation. Revised regulations, “Protection of Historic Properties” (36 CFR 800), became effective August 5, 2004 (<https://www.achp.gov/protecting-historic-properties>). Resources for evaluation include: the National Register database, existing state and local inventories, local historical and preservation organizations, and local planning departments to identify properties that are listed in or eligible for the National Register.

The NHPA regulation establishes the process to identify cultural resources that may be impacted by the undertaking and evaluate their eligibility for listing on the National Register of Historic Places (NRHP). It further requires assessing the effects of an undertaking on historic properties, and specifies the consultation methods to avoid, reduce, or mitigate any adverse effects to historic properties. Adverse effects include, but are not limited to, destruction or alteration of all or part of a property; isolation from or alteration of its surrounding environment; introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting; transfer or sale of a federally owned property without adequate conditions or restrictions regarding preservation, maintenance, or use; and neglect of a property resulting in its deterioration or destruction.

A historic property is defined as any building, district, structure, archaeological site, or object that is either listed, or eligible for listing, in the NRHP. Under this regulatory definition, other cultural resources can be present within a project’s Area of Potential Effect but are not considered historic properties if they do not meet the NRHP eligibility requirements. To be considered eligible for the NRHP, a property must meet one of the four following criteria (36 CFR 60.4): (a) they are associated with events that have made a significant contribution to the broad patterns of our history; (b) they are associated with the lives of persons significant in our past; (c) they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or (d) they have yielded, or may be likely to yield, information important in prehistory or history.

South Carolina has more than 1,400 listings in the National Register of Historic Places, including more than 160 historic districts, with new listings added every year (see Table J-1 and Map J-1).

**Table J1. South Carolina Historic Resources**

	<b>BUILDING</b>	<b>DISTRICT</b>	<b>OBJECT</b>	<b>SITE</b>	<b>STRUCTURE</b>
<b>SOUTH CAROLINA</b>	1080	297	3	163	69

	<b>BUILDING</b>	<b>DISTRICT</b>	<b>SITE</b>	<b>STRUCTURE</b>
<b>CHESTERFIELD</b>	6	2	1	
<b>DARLINGTON</b>	37	12	3	
<b>DILLON</b>	13	4		1
<b>FLORENCE</b>	19	6	4	
<b>GEORGETOWN</b>	20	12	3	5
<b>HORRY</b>	25	7	2	1
<b>MARION</b>	11	3		
<b>MARLBORO</b>	8	4		

The South Carolina Department of Archives and History was contacted for comment regarding project compliance for activities related to Hurricane Matthew in a letter dated October 11, 2016 (see Exhibit J-1). In an email dated October 18, 2016, the following clarifications and guidance was provided (see Exhibit J-2), “Rehabilitation and Reconstruction of Single-Family Homes: Rehabs of buildings less than 45 years old would be excluded per I.B.1 of the FEMA PA. Otherwise, other specific rehab activities can be excluded primarily under II.’s Tier Two Allowances, regardless of building age. Demolition and/or Reconstruction to buildings less than 45 years old would be excluded per II.B.11. If a building is well over 45 years old and its activities (rehab, demolition and/or reconstruction) are not excluded from review per the Allowances then standard Section 106 consultation is recommended.”

“Replacement of MHU’s: These would also be addressed by the above citations. However, while the FEMA PA does not specifically address MHU’s (i.e. mobile homes), our office has no concerns with repairs to, or demolition or replacement of any MHU, regardless of age. Consultation with our office for MHU projects is not necessary.”

Follow-up letters seeking additional comments regarding project compliance for activities related to Hurricane Florence were sent to both the South Carolina Department of Archives and History State Historic Preservation Officer (SHPO) and the Catawba Indian Nation Tribal Historic Preservation Officer on January 26, 2021 (see Exhibits J-3 and J-5 respectively). The SC SHPO responded on 2/8/2021 concurring with the consultation approach outlined in the January 26, 2021 letter (see Exhibit J-4). No response was received from the THPO.

The HUD Addendum to the South Carolina Programmatic Agreement (PA) among the Federal Emergency Management Agency, The South Carolina State Historic Preservation Officer, The South Carolina Emergency Management Division, and Tribes Participating as Invited Signatories to include the South Carolina Disaster

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Recovery Office and Participating South Carolina Units of General Local Government, was executed on November 16, 2016 (see Exhibit J-6). This document follows the process defined therein.

### **Site Specific Review Process**

All projects have the potential to adversely affect historic properties through inappropriate alterations to:

1. the applicant building itself (if listed or eligible for listing on the National Register of Historic Places [NRHP]);
2. a NRHP-listed or NRHP-eligible district if the work site is within its boundaries; and/or
3. an archaeology site that is NRHP-listed or NRHP-eligible, or that is significant to a Native American Tribe.

Above-ground (architectural history) and below-ground (archaeology) assessments have different review requirements. They shall be assessed separately by appropriate professionals, overseen by an archaeologist and architectural historian that each meet their respective qualifications as listed by the Secretary of the Interior (SOI) ([https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm)).

The storm-damaged house will be confirmed to be greater or less than 45 years of age through property records, aerial imagery, and by a Secretary-of-Interior qualified architectural historian. It will also be verified if the proposed site is within or adjacent to a NRHP-listed or a NRHP-eligible historic district (including local districts and any defined potential future historic districts).

If the proposed activities meet the first tier PA allowance(s), this will be recorded on the SSC and the historic preservation review is concluded for both archaeology and architectural history.

If the proposed activity does not meet the first-tier allowances, an SOI-qualified architectural historian/archaeologist, as appropriate, will further evaluate whether it is already NRHP-listed or is potentially eligible for listing as a NRHP property at the individual level. If not, and all project activities comply with the second-tier allowances in the PA, these shall be identified on the SSC and the architectural review shall be completed by the SOI-qualified architectural historian/archaeologist, as appropriate. If the activities do not conform to the second-tier allowances in the PA, a South Carolina Section 106 Project Review Form will be completed and submitted to the SC SHPO for their review and response, within the designated review period. All agency correspondence will be placed into the ERR and any required mitigation measures will be entered onto the SSC.

If that review indicates that the building is NRHP-listed or potentially individually NRHP-eligible, is located within any designated historic district (local, NRHP-eligible, or NRHP-listed) or the pre-storm residence is of historic-age and project activities do not meet PA allowances, then a memorandum or letter report South Carolina Section 106 Project Review Form with appropriate photographs and maps will be prepared by the SOI-qualified architectural historian/archaeologist. This document will also identify whether the proposed program activity will result in a Section 106 determination of “No Adverse Effect” or “Adverse Effect” to the district, including contributing buildings within the viewshed of the proposed activity. When needed, the form will include recommendations conditions for No Adverse Effect determinations or proposed mitigation measures for findings of “Adverse Effect”. The form will then be submitted to the SC SHPO for their review and



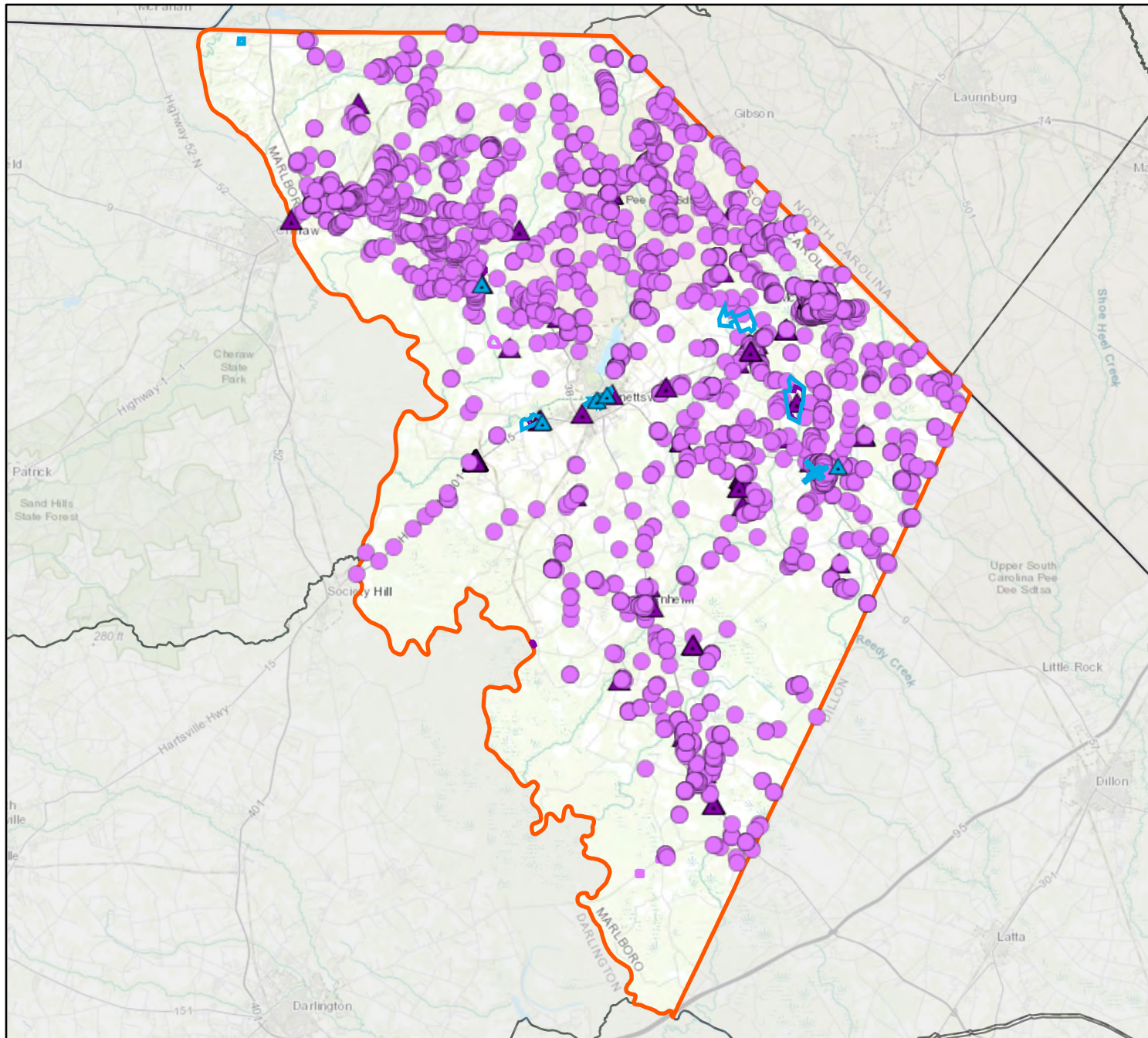
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response, within the designated review period. All agency correspondence will be placed into the ERR and any required mitigation measures will be entered onto the SSC.

#### Native American Tribal Consultation

Consultation with the tribes participating as invited signatories will occur when proposed activities touch or are within the boundaries of a known prehistoric site, are located on tribal lands, or unanticipated discoveries occur that include but are not limited to human remains and funerary objects. The consultation documents will be prepared by an SOI-qualified archaeologist and sent by the SCDRO to the designated tribal contacts.

# Map J-1. Historic Preservation - Marlboro County Hurricane Florence Single-Family Housing Program



 County Boundary

 NRHP Structures

 NRHP Areas

### Historic Structures

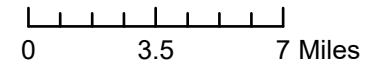
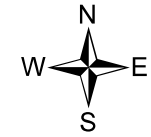
 Not Eligible/Requires Evaluation

 Eligible

### Historic Areas

 Not Eligible/Requires Evaluation

 Significant Resource



Sources: Historic Preservation Data obtained from the State of North Carolina GIS Portal; ESRI Imagery Basemap service.

Exhibit J-1. Letter to SC Department of Archives and History Regarding Hurricane Matthew Related Activities



Ardurra Group  
14000 Highway 101, Suite 100, Columbia, SC 29204  
(803) 732-3333  
www.ardurragroup.com

Oct. 11<sup>th</sup> 2016

Dr. W. Eric Emerson  
SHPO DEPARTMENT OF ARCHIVES & HISTORY  
8301 PARKLANE ROAD COLUMBIA, SC 29223-4905  
Email: eemerson@scdah.state.us Phone: 803.896.6167

**RE:** South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) - Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Unit's

Dear Dr. Emerson:

The state of South Carolina was included into the Community Development Block Grant Disaster Recovery (CDBG-DR) program on December 18, 2015. In October 2015, South Carolina received unprecedented and historical rainfall and flooding. This heavy rainfall of over 20 inches across the state came from an upper atmospheric low-pressure system that funneled tropical moisture from Hurricane Joaquin. Heavy rainfall occurred across South Carolina during October 1-5, 2015, the storm caused major flooding from the central to the coastal areas of South Carolina to compute streamflow from monitored river stage. The floods caused loss of life and extensive damage to many dams, bridges, roads, homes, and businesses. South Carolina is proposing to use CDBG-DR funds to assist homeowners in the following disaster declared counties: Bamberg, Berkeley, Colhoun, Charleston, Clarendon, Colleton, Darlington, Dorchester, Fairfield, Florence, Georgetown, Greenwood, Greenville, Horry, Kershaw, Lee, Marion, Newberry, Orangeburg, Spartanburg, Sumter and Williamsburg, in achieving safe and code compliant housing that meets minimum property standards through rehabilitation, reconstruction and replacement of manufactured homes.

The South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. SCDRO has retained the Ardurra Group to assist with the environmental review. For the NEPA review of the rehabilitation, reconstruction, and replacement of manufactured homes, SCDRO intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site specific reviews in areas of potential impact. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, your determination of no affect or input on the need for individual consultation concerning compliance is sought for the following types of projects:

- Rehabilitation & Reconstruction of Single-Family Homes
  - The reconstruction work will not expand the original footprint of the structure if possible. If lot restrictions apply and the footprint must be expanded, the footprint will not be increased in a floodplain or a wetland.
- Replacement of Damaged Manufactured Housing Units (MHU) Deemed Unrepairable Through a Feasibility Review



- The replacement of damaged MHUs will be replaced on the original site.

Please do not hesitate to contact me at 225-954-5136 or dgalose@ardurragroup.com should you have any questions or require additional information.

Sincerely,

Derek A. Galose  
Environmental Manager  
Ardurra Group

CC: Angela L Dahlgren, Ardurra Group

CC: Eric Fosmire, SCDRO

## Exhibit J-2. E-mail Reply from SC Department of Archives and History Regarding Hurricane Matthew Related Activities

**From:** Sylvest, John <JSylvest@scdah.sc.gov>  
**Sent:** Tuesday, October 18, 2016 4:49 PM  
**To:** Derek Galose  
**Cc:** Johnson, Elizabeth  
**Subject:** RE: Tier I reviews for the SCDRO of the South Carolina Department of Commerce

Derek,

Thank you for your October 11 letter. Our input regarding the types of projects you raised is as follows. Of course, this all takes into account the signing of the HUD Addendum to the FEMA PA by SCDRO and all parties, as well as your approval as qualified preservation professional:

Rehabilitation and Reconstruction of Single-Family Homes: Rehabs of buildings less than 45 years old would be excluded per I.B.1 of the FEMA PA. Otherwise, other specific rehab activities can be excluded primarily under II.'s Tier Two Allowances, regardless of building age. Demolition and/or Reconstruction to buildings less than 45 years old would be excluded per II.B.11. If a building is well over 45 years old and its activities (rehab, demolition and/or reconstruction) are not excluded from review per the Allowances then standard Section 106 consultation is recommended.

Replacement of MHU's: These would also be addressed by the above citations. However, while the FEMA PA does not specifically address MHU's (i.e. mobile homes), our office has no concerns with repairs to, or demolition or replacement of any MHU, regardless of age. Consultation with our office for MHU projects is not necessary. However you want to discuss documenting this for your HUD environmental record may need further discussion with Nancy Boone or Lenwood Smith at HUD.

I hope this helps. I will be out on paternity leave any time now for much of the next month. If you have any questions in the meantime you can always try Elizabeth Johnson, copied, if I'm unreachable or unresponsive.

Thanks,

John D. Sylvest  
South Carolina Department of Archives and History  
State Historic Preservation Office (SHPO)  
8301 Parklane Road  
Columbia, SC 29223  
phone: 803.896.6129 fax: 803.896.6167  
SHPO Website: <http://shpo.sc.gov>

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**From:** Derek Galose [<mailto:dgalose@ardurraacroup.com>]  
**Sent:** Thursday, October 13, 2016 1:54 PM  
**To:** Sylvest, John  
**Subject:** RE: Tier I reviews for the SCDRO of the South Carolina Department of Commerce

John,

I have attached a letter explaining the Program and that we will be conducting a Tiered Environmental Review for the SCDRO Single Family Housing Recovery Program. The letter was also mailed to your office.

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I know how slammed you can get! I used to work at the Louisiana SHPO as a 106 Reviewer for all Disaster Recovery Projects.

Before I call you tomorrow I wanted to send you a brief overview below of how we will be conducting the Tier I review.

The Tier 1 review addresses and analyzes those environmental impacts related to the proposed activities that might occur on a typical site within the geographic area. This includes examining the applicable laws and authorities (e.g., floodplains, coastal zones, wetlands, aboveground storage tanks, etc.). For example, if the target area is not within a 100-year floodplain or a coastal zone management area, none of the project sites will be affected no matter where they are located in the target area. On the other hand, if a portion of the target area is within a 100-year floodplain, then the grantee must complete the required compliance process to decide whether to fund any future projects within the floodplain, including whether mitigation measures are feasible

For activities requiring an environmental assessment, the Tier 1 review must also assess project effects related to a longer list of environmental factors (e.g., compatibility with surrounding land uses, conformance with zoning plans, nuisances that affect site safety, displacement of people or businesses, solid waste management, etc.).

In short, a tiered review focuses on a targeted geographic area (i.e., maximum size is a single census tract) to address and analyze environmental impacts related to the proposed activities that might occur on a typical project site within that area. The specific addresses/locations of the individual properties are not known at this time. However, once individual project sites are located any remaining environmental compliance issues that could not be resolved until project locations became known are now completed, according to standards for approval previously established for the target area.

Thank you for your time!

**Derek A. Galose**  
Environmental Manager  
South Carolina Disaster Management Office  
632 Rosewood Dr., Columbia, SC 29201  
(t) 225-954-5136  
[www.ardurragroup.com](http://www.ardurragroup.com)



**From:** Sylvest, John [<mailto:JSylvest@scdah.sc.gov>]  
**Sent:** Thursday, October 13, 2016 11:49 AM  
**To:** Derek Galose <[dgalose@ardurragroup.com](mailto:dgalose@ardurragroup.com)>  
**Subject:** RE: Tier I reviews for the SCDRO of the South Carolina Department of Commerce

Hi Derek,

I would point you to our Section 106 review guidance pages at <http://shpo.sc.gov/programs/revcomp/Pages/default.aspx> and call me soon if you have any questions. Otherwise, frankly I am slammed right now with projects and am on hold for paternity leave any time in the next two weeks.

For any project requiring consultation with our office we would want our Section 106 Project Review Form or a cover letter containing all equivalent information and findings pursuant to 36 CFR 800, photographs and maps of the project area, and any associated drawings, plans, background research, records of consultation with other consulting parties, etc. that would be applicable. All this is referenced on our website and in the Section 106 regulations documentation standards. The FEMA PA touches it on it as well.

The HUD PA being finalized now will not be applicable to you. It is for direct HUD undertakings under Part 50 of their regs, not Part 58 responsible entity undertakings.

Look forward to working with you as well. Thanks,

John D. Sylvest  
South Carolina Department of Archives and History  
State Historic Preservation Office (SHPO)  
8301 Parklane Road  
Columbia, SC 29223  
phone: 803.896.6129 fax: 803.896.6167  
SHPO Website: <http://shpo.sc.gov>

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**From:** Derek Galose [<mailto:dgalose@ardurragroup.com>]  
**Sent:** Thursday, October 13, 2016 10:51 AM  
**To:** Sylvest, John  
**Subject:** Tier I reviews for the SCDRO of the South Carolina Department of Commerce

Good Morning John,

I was given your information from Eric Fosmire with SCDRO of the South Carolina Department of Commerce. I wanted to see if you would have some time tomorrow so I could meet with you and explain the program and how we will be conducting the Environmental Reviews and also discuss how you would like the reviews designed for your review.

I will be on the 11:00am call today about the HUD South Carolina Tribal Consultation for HUD Addendum to the FEMA PA.

I also have some questions about which PA we should follow to conduct our reviews because I saw your office has a draft PA between HUD Region IV for HUD-Funded Activities.

I look forward to working with you.

Best regards,

Derek

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**Derek A. Galose**  
**Environmental Manager**  
South Carolina Disaster Management Office  
632 Rosewood Dr., Columbia, SC 29201  
(t) 225.954.5136  
[www.ardurragroup.com](http://www.ardurragroup.com)





## Exhibit J-3. Letter to SC Department of Archives and History State Historic Preservation Officer (SHPO)



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Dr. W. Eric Emerson, Ph.D., State Historic Preservation Officer  
South Carolina Department of Archives and History  
8301 Parklane Road  
Columbia, South Carolina 29233

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Dr. Emerson:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet National Historic Preservation Act of 1966 (sections 106 and 110) and 36 CFR Part 800 standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, requires the lead federal agency with jurisdiction over a federally-funded or federally-licensed activity to consider impacts to historic properties before approving a project. The HUD Addendum to the South Carolina Programmatic Agreement (PA) among the Federal Emergency Management Agency, The South Carolina State Historic Preservation Officer, The South Carolina Emergency Management Division, and Tribes Participating as Invited Signatories to include the South Carolina Disaster Recovery Office and Participating South Carolina Units of General Local Government,

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was executed on November 16, 2016. The PA guides the review and consultation process for compliance with Section 106 of the NHPA. Above-ground (architectural history) and below-ground (archaeology) assessments have different review requirements. They shall be assessed separately by appropriate professionals, overseen by an archaeologist and architectural historian that each meet their respective qualifications as listed by the Secretary of the Interior (SOI) ([https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm)). If the proposed activities meet the first tier PA allowance(s), this will be recorded on the SSC and the historic preservation review is concluded for both archaeology and architectural history. If the proposed activity does not meet the first-tier allowances, an SOI-qualified architectural historian/archaeologist, as appropriate, will further evaluate whether it is already NRHP-listed or is potentially eligible for listing as a NRHP property at the individual level. If negative, and all project activities comply with the second-tier allowances in the PA, these shall be identified on the SSC and the architectural review shall be completed by the SOI-qualified architectural historian/archaeologist, as appropriate. If that review indicates that the building is NRHP-listed or potentially individually NRHP-eligible, is located within any designated historic district (local, NRHP-eligible, or NRHP-listed) or the pre-storm residence is of historic-age and project activities do not meet PA allowances, then a memorandum or letter report with appropriate photographs and maps will be prepared by the architectural historian. This document will also identify whether the proposed program activity will result in a Section 106 determination of "No Adverse Effect" or "Adverse Effect". The report will then be submitted to the SC SHPO to review and concur or object to the finding.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

## Exhibit J-4. Response from the SC SHPO Regarding Hurricane Florence Related Activities

### Karyn Desselle

---

**From:** Sylvest, John <JSylvest@scdah.sc.gov>  
**Sent:** Monday, February 8, 2021 9:18 AM  
**To:** Karyn Desselle; Emerson, W. Eric  
**Cc:** Eric.Fosmire@admin.sc.gov; Ben.Duncan@admin.sc.gov; Daniel Paul; Lauren Poche  
**Subject:** RE: SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

Good morning,

Thank you for providing your review notification for the Hurricane Florence Single-Family Housing Program. Our office concurs with the consultation approach outlined in your January 26, 2021 letter.

We look forward to the continuance of our positive consultation together.

Regards,



John D. Sylvest  
Project Review Coordinator  
State Historic Preservation Office (SHPO)  
SC Department of Archives & History  
8301 Parklane Road  
Columbia, SC 29223  
803.896.6129  
<https://scdah.sc.gov/historic-preservation> [[scdah.sc.gov](https://scdah.sc.gov)]

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**From:** Karyn Desselle <Karyn.Desselle@hornellp.com>  
**Sent:** Tuesday, January 26, 2021 8:08 PM  
**To:** Emerson, W. Eric <EEmerson@scdah.sc.gov>; Sylvest, John <JSylvest@scdah.sc.gov>  
**Cc:** Eric.Fosmire@admin.sc.gov; Ben.Duncan@admin.sc.gov; Daniel Paul <Daniel.Paul@hornellp.com>; Lauren Poche <Lauren.Poche@hornellp.com>; Karyn Desselle <Karyn.Desselle@hornellp.com>  
**Subject:** SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

Good afternoon,

Attached please find a letter summarizing the enclosed Early Public Review Floodplain Notices, which will publish tomorrow, January 27, 2021. Please submit any responses or comments as per the process outlined within the notice(s) of interest.

Karyn Desselle on behalf of,

Eric G. Fosmire  
Legal Director | Disaster Recovery Office  
The South Carolina Office of Resilience

## Exhibit J-5. Letter to the Catawba Indian Nation Tribal Historic Preservation Officer



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Dr. Wenonah G. Haire, Tribal Historic Preservation Officer  
Catawba Indian Nation  
1536 Tom Steven Road  
Rock Hill, SC 29730

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence Single-Family Housing Program

Dear Dr. Haire:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornados and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

Under HUD regulation 24 CFR 58.4, the South Carolina Disaster Recovery Office (SCDRO) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. 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. SCDRO will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800 and prepare a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews once individual project locations are identified. Pursuant to this process, we wish to inform your tribal nation of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program and invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe. If such properties exist, you would have the opportunity to help assess how the project might affect them, and if the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and

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manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: 'Rehabilitation'** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: 'Rehabilitation and Elevation'** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: 'MHU Replacement'** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: 'MHU Replacement and Elevation'** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: 'Stick-Built Reconstruction'** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: 'Stick-Built Reconstruction and Elevation'** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: 'Acquisition/Buyout'** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

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Review Process

SCDRO will review individual projects for potential adverse impacts to architectural and archaeological resources in accordance with the Addendum to the Programmatic Agreement Among the Federal Emergency Management Agency, the South Carolina State historic Preservation Officer, the South Carolina Emergency Management Division, and Tribes Participating as Invited Signatories to include, the South Carolina Disaster Recovery Office and Participating Units of Local Government.

As the Muscogee (Creek) Nation is not a signatory to the Programmatic Agreement, any time the SC State Historic Preservation Officer (SHPO) is consulted about potential archaeological concerns, a consultation letter can be sent to your attention regarding that individual project site. However, since the area of each project's potential land-impacts are relatively small, are located on privately-owned land, and more than 550 individual projects are anticipated, we would like to propose a more focused approach in which SCDRO (or its designee) will contact your Tribe when any of the following occur:

- (1) Proposed site work is within the boundaries of a known Native American archaeological as identified in the SC ArchSite Map.
- (2) Construction work exposes buried historical remains that have the potential to be Native American in origin.
- (3) Construction work exposes buried historic materials that could be related to Native American activities and which may be eligible for listing on the National Register of Historic Places.

If you wish to receive each individual project that is sent to the SC SHPO for archaeological review, please let us know and we will ensure that occurs. If you prefer to only be contacted when a proposed project is within and area of archaeological concerns or unexpected cultural materials are uncovered, please let us know this preference. If you do not wish to be a consulting party, please let us know that instead. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach within 30 days. If we have not received a response within 30 days, we will assume that you do not wish to be a consulting party and will implement accordingly.

I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

Exhibit J-6. FEMA Programmatic Agreement and HUD Addendum

1  
2  
3                   **PROGRAMMATIC AGREEMENT AMONG**  
4           **THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
5           **THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,**  
6           **THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,**  
7           **AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

8   **WHEREAS**, the mission of the Federal Emergency Management Agency (FEMA) of the  
9 Department of Homeland Security is to support our citizens and first responders to ensure that as  
10 a nation we work together to build, sustain, and improve our capability to prepare for, protect  
11 against, respond to, recover from, and mitigate all hazards; and

12 **WHEREAS**, FEMA makes assistance available to States, Commonwealths, communities,  
13 Federally recognized Indian Tribes (Tribes) and other eligible entities through programs  
14 (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No.  
15 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster  
16 Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42  
17 U.S.C. § 5121 *et seq.*, (Stafford Act)); the National Flood Insurance Act of 1968, Pub. L. No. 90-  
18 448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325  
19 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No.  
20 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of  
21 Federal Regulations (CFR), Executive Order 13407 (2006), and such other acts, executive orders,  
22 implementing regulations, or Congressionally authorized programs as are enacted from time to  
23 time; and

24  
25 **WHEREAS**, FEMA has determined that implementing its Programs may result in Undertakings  
26 (as defined by 16 U.S.C. § 470w and 36 CFR § 800.16(y)) that may affect properties listed in or  
27 eligible for listing in the National Register of Historic Places (National Register) pursuant to 36  
28 CFR Part 60 (historic properties), and FEMA has consulted with the South Carolina State Historic  
29 Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act  
30 (NHPA), Pub. L. No. 89-665 (1966) (codified as amended at 16 U.S.C. § 470f), and the  
31 regulations implementing Section 106 of the NHPA (Section 106) at 36 CFR Part 800; and

32  
33 **WHEREAS**, FEMA, the Advisory Council on Historic Preservation (ACHP) and the National  
34 Conference of State Historic Preservation Officers (NCSHPO) have determined that FEMA's  
35 Section 106 requirements can be more effectively and efficiently implemented and delays to the  
36 delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and  
37 responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for  
38 consultation, facilitate identification and evaluation of historic properties, and streamline the  
39 assessment and resolution of adverse effects; and

40  
41 **WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype  
42 Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO to  
43 serve as a basis for negotiation of a State specific Programmatic Agreement (Agreement) with the  
44 SHPO, State Emergency Management Agency, and participating Tribe(s); and

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45  
46 **WHEREAS**, this Agreement conforms to the FEMA Prototype Agreement as designated by the  
47 ACHP on December 17, 2013 and therefore does not require the participation or signature of the  
48 ACHP; and  
49  
50 **WHEREAS**, in order to implement its Programs, FEMA will provide assistance to the State of  
51 South Carolina (Grantee) that may provide monies and other assistance to eligible subgrantees,  
52 and as such, the South Carolina Emergency Management Division that is typically responsible for  
53 administering funds provided under these Programs has participated in this consultation, and  
54 FEMA has invited the South Carolina Emergency Management Division to execute this  
55 Agreement as an Invited Signatory; and  
56  
57 **WHEREAS**, FEMA also may directly perform its own Undertakings pursuant to this Agreement;  
58 and  
59  
60 **WHEREAS**, in anticipation or in the immediate aftermath of an event, impacted communities  
61 and the State of South Carolina, and affected Tribes, may conduct critical preparedness, response  
62 and recovery activities to safeguard public health and safety and/or to restore vital community  
63 services and functions before, during, and or following an event. Some of these activities may  
64 become Undertakings requiring Section 106 review subject to the terms of this Agreement, and  
65 FEMA shall coordinate the appropriate review as warranted; and  
66  
67 **WHEREAS**, FEMA has determined that its Programs may result in Undertakings with the  
68 potential to affect historic properties having religious and cultural significance to Tribes,  
69 including sites that may contain human remains and/or associated cultural items; and  
70  
71 **WHEREAS**, FEMA recognizes that the Catawba Indian Nation, Cherokee Nation of Oklahoma,  
72 Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Seminole Nation of  
73 Oklahoma, Seminole Tribe of Florida, Shawnee Tribe, Thlopthlocco Tribal Town, and United  
74 Keetoowah Band of Cherokee Indians Tribes may have sites of religious and cultural significance  
75 on or off Tribal lands [as defined in 36 CFR § 800.16(x)], and in meeting its Federal trust  
76 responsibility, FEMA has engaged in government-to-government consultation with the Tribe(s),  
77 and pursuant to 36 CFR § 800.2 (c)(2)(ii)(E) has invited the Tribe(s) to enter into an agreement  
78 that specifies how FEMA and the Tribe(s) will carry out Section 106 responsibilities, including  
79 the confidentiality of information; and  
80  
81 **WHEREAS**, the Catawba Indian Nation has assumed the responsibilities of the SHPO in its/their  
82 Tribal lands through appointment of a Tribal Historic Preservation Officer (THPO) in accordance  
83 with Section 101 of the NHPA, and FEMA shall consult with the THPO in lieu of the SHPO for  
84 Undertakings occurring on or affecting its/their Tribal lands; and  
85  
86 **WHEREAS**, notwithstanding the aforementioned invitation to enter into an agreement, FEMA  
87 has invited the Catawba Indian Nation, Cherokee Nation of Oklahoma, Eastern Band of Cherokee  
88 Indians, Eastern Shawnee Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of  
89 Florida, Shawnee Tribe, Thlopthlocco Tribal Town, and United Keetoowah Band of Cherokee

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90 Indians Tribes to enter into this Agreement as signatory parties to fulfill the requirements of  
91 Section 106; and

92

93 **WHEREAS**, no Tribe(s) have agreed to enter into a separate Programmatic Agreement or other  
94 agreement with FEMA; and

95

96 **WHEREAS**, no Tribe(s) have declined to enter into this Agreement as a signatory party; and

97

98 **WHEREAS**, Cherokee Nation of Oklahoma, Eastern Band of Cherokee Indians, Eastern  
99 Shawnee Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Shawnee  
100 Tribe, Thlopthlocco Tribal Town, and United Keetoowah Band of Cherokee Indians Tribes  
101 Tribes(s) have not responded to FEMA's invitation to enter into this Agreement as a signatory  
102 party; and

103

104 **WHEREAS**, FEMA may invite additional Tribes that have sites of religious and cultural  
105 significance to enter into the terms of this Agreement as invited signatories or concurring parties  
106 in accordance with 36 CFR § 800.14(f), and nothing in this Agreement prevents a Tribe from  
107 entering into a separate Programmatic Agreement or other agreement with FEMA for  
108 administration of FEMA Programs; and

109

110 **WHEREAS**, the terms of this Agreement shall not apply to Undertakings on or affecting Tribal  
111 lands without prior execution of the Agreement by the affected Tribe(s); and

112

113 **WHEREAS**, for the review of specific Undertakings under this Agreement, FEMA may invite  
114 other agencies, organizations, and individuals to participate as consulting parties; and

115

116 **NOW, THEREFORE**, FEMA, the Grantee(s), SHPO, and participating Tribes (Signatories)  
117 agree that FEMA Programs in the State of South Carolina and/or on Tribal lands shall be  
118 administered in accordance with the following Stipulations to satisfy FEMA's Section 106 and  
119 Section 110 responsibilities for all resulting Undertakings and effectively integrate historic  
120 preservation compliance considerations into the delivery of FEMA assistance. FEMA will not  
121 authorize implementation of an individual Undertaking until Section 106 review is completed  
122 pursuant to this Agreement.

123

124

#### STIPULATIONS

125

126 To the extent of its legal authority, and in coordination with other Signatories, FEMA shall ensure  
127 that the following measures are implemented:

#### 128 I. GENERAL

129

130 A. Applicability

131

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- 
- 132 1. The execution of this Agreement supersedes the terms of the previously executed  
133 Programmatic Agreement in the State of South Carolina dated May 12, 2004.  
134
- 135 2. For FEMA Undertakings that also are within the jurisdiction of the Federal  
136 Communications Commission (FCC) and within the scope of its Section 106  
137 Programmatic Agreements for communication facilities, FEMA defers Section 106  
138 review in accordance with the ACHP Program Comment of October 23, 2009. The  
139 approval of funding for the FEMA Undertaking shall be conditioned upon the  
140 compliance of the sub-grantee with FCC's applicable Section 106 review, including  
141 any required consultation with Tribes. FEMA shall notify the SHPO/THPO when it  
142 applies the ACHP Program Comment to an Undertaking. FEMA remains responsible  
143 for any FEMA Undertakings it determines are outside the jurisdiction of FCC.  
144
- 145 3. In the event of a Stafford Act major disaster or emergency declaration (Declaration),  
146 State, Tribal and local governments may lack the capability to perform or to contract  
147 for emergency work, and instead request that the work be accomplished by a Federal  
148 agency. Through a mission assignment (MA), FEMA may direct appropriate Federal  
149 agencies to perform the work. This Agreement shall apply to such Federal assistance  
150 undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and  
151 44 CFR Part 206.  
152
- 153 4. FEMA may utilize this Agreement to fulfill its Section 106 responsibilities and those  
154 of other Federal agencies that designate FEMA as the lead Federal agency pursuant to  
155 36 CFR § 800.2(a)(2) with appropriate notification to the other Signatories and the  
156 ACHP regarding Undertakings that fall within the scope of this Agreement. When  
157 FEMA is not designated as the lead Federal agency, all Federal agencies, including  
158 FEMA, remain individually responsible for their compliance with Section 106.  
159
- 160 5. If another Federal program or Federal agency has concluded Section 106 consultation  
161 review and approved an Undertaking within the past five years, FEMA has no further  
162 requirement for Section 106 review regarding that Undertaking provided that FEMA:
- 163 a. adopts the findings and determinations of the previous agency;
- 164 b. confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of its  
165 Undertaking are the same as that of the Undertaking reviewed by the previous  
166 agency, and;
- 167 c. determines that the previous agency complied with Section 106 appropriately.
- 168 FEMA shall document these findings in its project file in order to confirm that the  
169 requirements of Section 106 have been satisfied. Should FEMA, in consultation with  
170 SHPO and participating Tribes, determine that the previous Section 106 review was  
171 insufficient or involved interagency disagreements about eligibility, effect, and/or

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172 treatment measures, FEMA shall conduct additional Section 106 consultation in  
173 accordance with the terms of this Agreement.

174  
175 6. With the written concurrence of the Signatories, other Federal agencies providing  
176 financial assistance for the type of activities covered under the terms of this  
177 Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities  
178 for such activities by accepting and complying in writing with the terms of this  
179 Agreement.

180  
181 a. Other Federal Agencies may include States and units of local government who  
182 have assumed environmental responsibilities of the U.S. Department of Housing  
183 and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR  
184 Part 58, are responsible for environmental review, decision-making and action.

185  
186 b. In such situations, the other Federal Agency shall notify the Signatories in writing  
187 of its intent to use this Agreement to achieve compliance with its Section 106  
188 requirements, and consult with the Signatories regarding its Section 106  
189 compliance responsibilities. Resumes of staff who meet the Secretary of the  
190 Interior's (Secretary's) Professional Qualifications Standards (Professional  
191 Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01  
192 (September 29, 1983), as amended, and will review Second Tier projects in  
193 accordance with Appendix B of this Agreement shall be provided to FEMA and  
194 the SHPO/THPO.

195  
196 7. FEMA has determined that the following types of activities have limited or no  
197 potential to affect historic properties and FEMA has no further Section 106  
198 responsibilities with regards to them, pursuant to 36 CFR § 800.3(a)(1):

199  
200 a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households  
201 provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act,  
202 including funding for owner occupied home repair and replacement, content  
203 replacement, personal property, transportation and healthcare expenses, is exempt  
204 from the provisions of Section 106. For ground disturbing activities, and  
205 construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing),  
206 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing  
207 construction), 206.117(c)(1)(vi) (repair or replacement of privately owned access  
208 routes), and repair of multi-family housing units, FEMA shall conduct Section 106  
209 review.

210  
211 b. Administrative actions such as personnel actions, travel, procurement of services,  
212 supplies (including vehicles and equipment) for the support of day-to-day and  
213 emergency operational activities, and the temporary storage of goods provided  
214 storage occurs within existing facilities or on previously disturbed soils.

215

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- 
- 216 c. Granting of variances, and actions to enforce Federal, State, or local codes,  
217 standards or regulations.  
218  
219 d. Monitoring, data gathering, and reporting in support of emergency and disaster  
220 planning, response and recovery, and hazard activities.  
221  
222 e. Research and development of hazard warning systems, hazard mitigation plans,  
223 codes and standards, and education/public awareness programs.  
224  
225 f. Assistance provided for planning, studies, design and engineering costs that  
226 involve no commitment of resources other than staffing and associated funding.  
227  
228 g. Assistance provided for training, management and administration, exercises, and  
229 mobile/portable equipment purchases; with the exception of potential ground-  
230 disturbing activities and modification of existing structures.  
231  
232 h. Community Disaster Loans for funding to perform governmental functions for any  
233 eligible jurisdiction in a designated disaster area that has suffered a substantial loss  
234 of tax and other revenue.  
235  
236 i. Funding the administrative action of acquisition or lease of existing facilities  
237 where planned uses conform to past use or local land use requirements.  
238  
239 j. Funding the administrative action of acquiring properties in acquisition projects,  
240 including the real estate transaction.  
241  
242 k. Labor, equipment and materials used to provide security in the Declaration area,  
243 including lease, rental, purchase or repair of equipment or vehicles and payment  
244 for staff and contract labor.  
245  
246 l. Application of pesticides to reduce adverse public health effects, including aerial  
247 and truck-mounted spraying.  
248  
249 m. Unemployment assistance.  
250  
251 n. Distribution of food coupons.  
252  
253 o. Legal services.  
254  
255 p. Crisis counseling.  
256  
257 8. Any FEMA Programs authorized by the United States Congress in the future may be  
258 included in this Agreement in accordance with Stipulation IV.A, Amendments. Any  
259 change in the FEMA name, Programs, or organizational structure shall not affect this  
260 Agreement.

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B. Roles and Responsibilities of the Signatories

I. FEMA:

- a. FEMA shall use Federal, Tribal, State, subgrantee, or contractor staff whose qualifications meet the Secretary’s Professional Qualifications in completing identification and evaluation of historic properties and in making determinations of effects. FEMA shall review any National Register 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 participating Tribes.
- i. FEMA acknowledges that Tribes possess special expertise in assessing the National Register eligibility of properties with religious and cultural significance to them. Tribal organization 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.
- b. FEMA alone shall conduct all Section 106 consultation with Tribes. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Grantee(s), or a subgrantee through the Grantee(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 FEMA shall remain responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1(a), FEMA Roles and Responsibilities, and notify the SHPO in writing when a Grantee or subgrantee has been authorized to initiate consultation on FEMA’s behalf.
- c. Prior to authorizing the release of funds for individual Undertakings requiring grant conditions pursuant to this Agreement, FEMA shall inform the Grantee(s) of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to the subgrantee. FEMA shall work in partnership with the Grantee(s) to provide subgrantees with guidance on in-kind repair pursuant to *The Secretary of the Interior’s Standards for the Treatment of Historic Properties 1995 (Standards)*, 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
- d. FEMA shall provide the other Signatories and the ACHP 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.

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- 305 e. FEMA shall confer annually and as necessary with the other Signatories within 30  
306 days after issuance of the annual report, to review the report and/or discuss issues  
307 and concerns in greater detail. This review shall occur in person or by telephone  
308 as determined by FEMA.  
309
- 310 f. FEMA shall notify the SHPO and affected Tribes, as soon as practicable,  
311 following a Declaration to provide specific points of contact and other pertinent  
312 information about the Declaration.  
313
- 314 g. FEMA may convene an initial scoping meeting with the Signatories and other  
315 interested parties as soon as practicable after each Declaration to address  
316 Declaration-specific issues and procedures.  
317
- 318 h. FEMA shall ensure that all documentation resulting from Undertakings reviewed  
319 pursuant to this Agreement is consistent with applicable SHPO and Tribal  
320 guidelines and the confidentiality provisions of 16 U.S.C. § 470w-3 and 36 CFR §  
321 800.11(c).

322 2. SHPO:

- 323
- 324 a. SHPO shall review FEMA's determination of the Areas of Potential Effects  
325 (APE), National Register eligibility determinations, and FEMA's effect findings  
326 and respond within timeframes required by this Agreement.  
327
- 328 b. Upon request, the SHPO shall provide FEMA and/or its designee(s) with available  
329 information about historic properties (such as access to online systems or site files,  
330 GIS data, survey information, geographic areas of concern). Such data sharing  
331 may be memorialized in an agreement. Only Qualified FEMA staff and/or  
332 designee(s) shall be afforded access to protected historic property information.  
333
- 334 c. The SHPO shall identify staff or consultants to assist FEMA staff with their  
335 Section 106 responsibilities, and identify, in coordination with FEMA, those  
336 activities within the Section 106 review process that SHPO may perform for  
337 specific Undertakings as agreed in writing with FEMA.  
338
- 339 d. As requested, SHPO staff shall be reasonably available as a resource and for  
340 consultation through site visits, written requests, telephone conversations or  
341 electronic media. In those instances where consultation with SHPO has occurred,  
342 FEMA shall provide a written summary via e-mail or regular mail to SHPO,  
343 including any decisions that were reached.  
344
- 345 e. The SHPO may delegate some or all of its responsibilities under this Agreement to  
346 one or more Liaisons to serve as a dedicated point of contact for consultation with  
347 FEMA. The SHPO shall confer with FEMA about the selection of any Liaisons,

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348 the scope of responsibilities delegated and related implementing procedures.  
349 SHPO shall formally document these decisions for concurrence by FEMA.  
350 Liaisons are not required to be members of the SHPO staff.

- 351
- 352 f. The SHPO shall participate in an initial scoping meeting for a Declaration.
- 353
- 354 g. The SHPO may assist local jurisdictions and/or the Grantee(s) in the State of South  
355 Carolina with advance planning efforts to consider historic properties in the  
356 context of homeland security considerations, including disaster preparedness,  
357 response, recovery, and mitigation programs for which FEMA funding may be  
358 requested.
- 359
- 360 h. The SHPO shall coordinate with FEMA, to identify consulting parties, including  
361 any communities, organizations, or individuals that may have an interest in a  
362 specific Undertaking and its effects on historic properties.
- 363
- 364 i. The SHPO shall participate in annual reviews convened by FEMA to review the  
365 effectiveness of this Agreement in accordance with Stipulation I.B.1(e).

366 3. Grantee(s):

- 367
- 368 a. The Grantee(s) shall ensure that their subgrantees understand and acknowledge  
369 conditions and potential requirements that may be placed upon Undertakings as a  
370 result of Section 106 consultation and the provisions of this Agreement.
- 371
- 372 b. The Grantee(s) shall participate in an initial scoping meeting for a Declaration.
- 373
- 374 c. The Grantee(s) shall ensure that their subgrantees understand that failure to comply  
375 with any project-specific conditions that have been placed on their grants could  
376 jeopardize FEMA funding.
- 377
- 378 d. The Grantee(s) shall notify FEMA as soon as possible of any proposed change to  
379 the approved scope of work. The Grantee(s) shall direct their subgrantee not to  
380 implement the changes to the proposed scope of work until any additional review  
381 required by this Agreement is complete.
- 382
- 383 e. The Grantee(s) shall ensure that its subgrantees are made aware that in the event of  
384 an unexpected discovery involving an Undertaking that has affected a previously  
385 unidentified historic property or human remains, or affected a known historic  
386 property in an unanticipated manner, the subgrantee will comply with Stipulation  
387 III.B, Unexpected Discoveries, Previously Unidentified Properties, or Unexpected  
388 Effects.
- 389



- 390 f. The Grantee(s) shall ensure that in its subgrant agreements, any scope of work  
391 involving ground disturbance, and resultant contracts to execute said work, provide  
392 for the protection of and notification protocols for unexpected discoveries or  
393 unexpected effects to historic properties and human remains.  
394  
395 g. If a Signatory Tribe assumes the role of Grantee for projects on Tribal lands, the  
396 Tribe shall assume the same responsibilities as outlined in Stipulation I.B.3 of this  
397 Agreement, Roles and Responsibilities of the Signatories.

398 C. Tribal Organization Consultation

- 399  
400 1. For FEMA Undertakings on Tribal lands or affecting properties of religious and  
401 cultural significance, and where no tribe-specific consultation agreements or protocols  
402 are in place, FEMA shall consult with affected Tribes in accordance with 36 CFR Part  
403 800. In determining who the affected Tribes may be, FEMA will first establish that it  
404 is a type of Undertaking with potential to affect historic properties with religious and  
405 cultural significance and may consult with the SHPO, Tribe(s), any State Tribal  
406 Agency, and access the National Park Service (NPS) Native American Consultation  
407 Database or other tools to identify geographic tribal interests. Appendix D lists  
408 individual Tribe's areas of interest, project-type interest, and preferred method of  
409 communication.  
410  
411 2. To the extent permitted by Section 304 of the NHPA, Section 9(a) of the  
412 Archeological Resources Protection Act (ARPA) (16 U.S.C. §470aa – 470mm), and  
413 any other applicable laws, FEMA shall ensure it withholds information protected by  
414 such laws from public disclosure.  
415  
416 3. FEMA shall invite affected Tribes to participate in the initial scoping meeting within  
417 their geographic area of interest for each Declaration.

418 D. Public Participation

- 419  
420 1. FEMA recognizes that the views of the public are essential to informed decision  
421 making throughout the Section 106 consultation process. FEMA shall notify the public  
422 of proposed Undertakings in a manner that reflects the nature, complexity, significance  
423 of historic properties likely affected by the Undertaking, the likely public interest  
424 given FEMA's specific involvement, and any confidentiality concerns of Tribes,  
425 private individuals and businesses.  
426  
427 2. FEMA may consult with the Grantee(s), subgrantee, SHPO, participating Tribes, and  
428 other consulting parties to determine if there are individuals or organizations with a  
429 demonstrated interest in historic properties that should be included as a consulting  
430 party for the Undertaking in accordance with 36 CFR § 800.2(c)(5). If such parties are  
431 identified or identify themselves to FEMA, FEMA shall provide them with

- 432 information regarding the Undertaking and its effects on historic properties, consistent  
433 with the confidentiality provisions of 36 CFR § 800.11(c).  
434
- 435 3. In accordance with the outreach strategy developed for an Undertaking in consultation  
436 with the SHPO and participating Tribes, for involving the public, FEMA shall identify  
437 the appropriate stages for seeking public input during the Section 106 consultation  
438 process. FEMA shall consider all views provided by the public regarding an  
439 Undertaking.  
440
- 441 4. FEMA may also provide public notices and the opportunity for public comment or  
442 participation in an Undertaking through the public participation process of the  
443 National Environmental Policy Act (NEPA) and its implementing regulations set out  
444 at 44 CFR Part 10, and/or Executive Orders 11988 and 11990 relating to floodplains  
445 and wetlands as set out in 44 CFR Part 9, and Executive Order 12898, Environmental  
446 Justice, provided such notices specifically reference Section 106 as a basis for public  
447 involvement.  
448
- 449 5. Should a member of the public object in writing to implementation of the Agreement's  
450 terms, FEMA will notify the other Signatories in writing and take the objection into  
451 consideration. FEMA shall consult with the objecting party and, if that party so  
452 requests, the other Signatories, for not more than 30 days. In reaching its decision  
453 regarding the objection, FEMA shall take into consideration all comments from these  
454 parties. Within 15 days after closure of this consultation period, FEMA shall provide  
455 the other parties with its final decision in writing.

456 E. Timeframes and Communications

- 457 1. All time designations shall be in calendar days unless otherwise stipulated. If any  
458 Signatory does not object to FEMA's finding or determination related to an  
459 Undertaking within an agreed upon timeframe, FEMA may proceed to the next step in  
460 the consultation process as described in Stipulation II, Project Review.
- 461 2. Due to the varied nature of Undertakings, the individual response times to FEMA's  
462 requests for comment/concurrence will vary. These response times are contingent  
463 upon FEMA ensuring that its findings and determinations are made by Qualified staff  
464 and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR §  
465 800.11(e), and consistent with FEMA guidance.
- 466
- 467 a. For Emergency Undertakings as outlined in Stipulation II.B, Expedited Review of  
468 Emergency Undertakings, the SHPO and participating Tribes shall respond to any  
469 FEMA request for comments within three (3) business days after receipt, unless  
470 FEMA determines the nature of the emergency action warrants a shorter time  
471 period.  
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- 473           b. For Undertakings associated with the Individual Assistance (IA) and Public  
474 Assistance (PA) programs, the response time for each request for concurrence shall  
475 be a maximum of fifteen (15) days after receipt, or in accordance with temporary  
476 timelines established by FEMA and agreed upon by SHPO and participating Tribes  
477 on a Declaration by Declaration basis.  
478  
479           c. For the Hazard Mitigation Grant Program (HMGP) and all non-disaster programs,  
480 the response time for each request for concurrence shall be a maximum of thirty  
481 (30) days after receipt.  
482  
483       3. The consulting parties may send and accept official notices, comments, requests for  
484 further information and documentation, and other communications required by this  
485 Agreement by e-mail.  
486  
487           a. FEMA will use a “read receipt” to ensure the email was received by intended  
488 party.  
489  
490           b. FEMA will note the consultation timeline in the subject line of the letter and  
491 header of the email to ensure consulting parties are aware of the project’s  
492 associated timeline.  
493

494       **II. PROJECT REVIEW**

495           **A. Programmatic Allowances**

- 496  
497           1. If FEMA determines an Undertaking conforms to one or more allowances in Appendix  
498 B of this Agreement, FEMA shall complete the Section 106 review process by  
499 documenting this determination in the project file, without SHPO review or  
500 notification.  
501  
502           2. If the Undertaking involves a National Historic Landmark (NHL), FEMA shall notify  
503 the SHPO, participating Tribes, and the NPS NHL Program Manager of the Southeast  
504 NPS Regional Office that the Undertaking conforms to one or more allowances.  
505 FEMA shall provide information about the proposed scope of work for the  
506 Undertaking and the allowance(s) enabling FEMA’s determination.  
507  
508           3. If FEMA determines any portion of an Undertaking’s scope of work does not conform  
509 to one or more allowances listed in Appendix B, FEMA shall conduct expedited or  
510 standard Section 106 review, as appropriate, for the entire Undertaking in accordance  
511 with Stipulation II.B, Expedited Review for Emergency Undertakings, or Stipulation  
512 II.C, Standard Project Review.  
513  
514           4. Allowances may be revised and new allowances may be added to this Agreement in  
515 accordance with Stipulation IV.A.3, Amendments.

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- 516 B. Expedited Review for Emergency Undertakings
- 517 I. Determine Expedited Review
- 518 a. As part of the Declaration process, FEMA shall define the time interval during  
519 which the disaster causing incident occurs (the incident period, as defined in 44  
520 CFR § 206.32(f)). FEMA may approve direct Federal assistance and/or funding  
521 for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the  
522 incident period, including work already completed, in response to an immediate  
523 threat to human health and safety or property. Pursuant to 36 CFR § 800.12(d),  
524 FEMA may conduct expedited review of emergency Undertakings for 30 days  
525 from the beginning of the incident period.
- 526 b. Should FEMA determine that it is necessary to extend the expedited review period  
527 for emergency Undertakings beyond the initial 30 days, FEMA shall, in 30-day  
528 increments, as needed, request extension from the ACHP and notify in writing  
529 SHPO and participating Tribes.
- 530 2. Conduct Expedited Reviews
- 531 a. If the emergency Undertaking is an immediate rescue and salvage operation  
532 conducted in response to an event to preserve life and property, FEMA has no  
533 Section 106 consultation responsibilities in accordance with 36 CFR § 800.12(d);  
534 or
- 535 b. If the emergency Undertaking meets one or more of the Allowances in Appendix B  
536 of this Agreement, FEMA shall complete the Section 106 review process pursuant  
537 to Stipulation II.A.1, Programmatic Allowances.
- 538 c. If FEMA determines that the emergency Undertaking would adversely affect a  
539 historic property during this expedited review period:
- 540 i. To the extent practicable, FEMA will propose treatment measures that would  
541 address adverse effects during implementation, and request the comments of  
542 the SHPO and participating Tribes within 3 days of receipt of this information  
543 unless FEMA determines the nature of the emergency warrants a shorter time  
544 period.
- 545 ii. FEMA may provide this information through written requests, telephone  
546 conversations, meetings, or electronic media. In all cases, FEMA shall clarify  
547 that an “expedited review” is being requested for the Undertaking.
- 548 iii. FEMA shall take into account any timely comments provided by SHPO and/or  
549 participating Tribes in making a decision on how to proceed.
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- iv. Should the SHPO and/or participating Tribes not comment within 3 days, FEMA shall complete Section 106 consultation for the Undertaking based on the available information.
  - v. FEMA shall notify the SHPO and participating Tribes of the final decision, indicating how any comments received were considered in reaching that decision.
- C. Standard Project Review: For Undertakings not exempt from further Section 106 review, FEMA shall ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some or all of these steps during consultation in accordance with 36 CFR § 800.3(g).
- 1. Consulting Parties: FEMA shall consider all written requests of individuals and organizations to participate as consulting parties, and consult with the SHPO and participating Tribes to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 process. FEMA may invite others to participate as consulting parties as the Section 106 consultation proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in an MOA or Programmatic Agreement to participate as an invited signatory to the agreement.
  - 2. Area of Potential Effects:
    - a. For standing structures not adjacent to or located within the boundaries of a National Register listed or eligible district, Qualified staff may define the APE as the individual structure when the proposed Undertaking is limited to its repair or rehabilitation (as defined in 36 CFR § 68.3(b)).
    - b. For all other Undertakings, Qualified staff shall determine the APE in consultation with the SHPO and participating Tribes. FEMA 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, in consultation with the SHPO and participating Tribes if the APE contains historic properties, including properties of religious and cultural significance. This may include the review of documentation provided by the Grantee(s) or subgrantee in coordination with the SHPO.
    - a. Level of Effort: FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA 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 affected Tribe(s), FEMA shall consult with

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- 601 the affected Tribe(s) to determine geographical areas containing them that may be  
602 affected by an Undertaking and determine the necessary level of effort to identify  
603 and evaluate or avoid any such historic properties.  
604
- 605 b. National Historic Landmarks: When FEMA identifies an Undertaking with the  
606 potential to affect an NHL, FEMA shall contact the NPS NHL Program Manager  
607 of the appropriate NPS Regional Office in addition to the SHPO, participating  
608 Tribes, and other consulting parties. The purpose of this notification is to ensure  
609 early coordination for the Undertaking which FEMA later may determine  
610 adversely affects the NHL as outlined in Stipulation II.C.8.  
611
- 612 c. Determinations of Eligibility: FEMA shall review or determine National Register  
613 eligibility based on identification and evaluation efforts, and consult with SHPO,  
614 participating Tribes, and other consulting parties regarding these determinations.  
615 Should the SHPO, participating Tribes, or another consulting party disagree with  
616 the determination of eligibility, FEMA shall either:  
617
- 618 i. Elect to consult further with the objecting party until the objection is resolved;  
619
- 620 ii. Treat the property as eligible for the National Register; or  
621
- 622 iii. Obtain a determination of eligibility from the Keeper of the National Register  
623 in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).  
624
- 625 4. Findings of No Historic Properties Affected: FEMA shall make a finding of “no  
626 historic properties affected” under the following circumstances:  
627
- 628 a. If no historic properties are present in the APE;  
629
- 630 b. The Undertaking is designed to avoid effects to historic properties, including  
631 National Register listed or eligible properties of religious or cultural significance  
632 to participating Tribes; or  
633
- 634 c. The Undertaking does not affect the character defining features of a historic  
635 property.  
636
- 637 d. FEMA shall notify the SHPO, participating Tribes and any other consulting parties  
638 of this finding and provide supporting documentation in accordance with 36 CFR §  
639 800.11(d). Unless the SHPO or participating Tribes object to the finding within  
640 the applicable timeframe outlined in Stipulation I.E, Timeframes and  
641 Communications, the Section 106 review of the Undertaking will have concluded.  
642
- 643 e. If the SHPO or participating Tribes object to a finding of “no historic properties  
644 affected,” FEMA shall consult with the objecting party to resolve the  
645 disagreement.

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- i. If the objection is resolved, FEMA either may 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.C.5, Application of the Criteria of Adverse Effect, below.
  - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA shall consider the ACHP’s recommendation in making its final determination. If FEMA’s final determination is to reaffirm its “no historic properties affected” finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.C.5., below.
5. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect historic properties in the APE, including those of religious or cultural significance to affected Tribe(s), FEMA 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 CFR § 800.5(a).
- a. If FEMA determines that an Undertaking does not meet the adverse effect criteria, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).
    - i. FEMA shall notify the SHPO, participating Tribes, and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e).
    - ii. Unless a consulting party objects within the applicable timeframe outlined in Stipulation I.E, Timeframes and Communications, FEMA 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,” FEMA will consult with the objecting party to resolve the disagreement.
      - 1) If the objection is resolved, FEMA shall proceed with the Undertaking in accordance with the resolution, or;
      - 2) If the objection cannot be resolved, FEMA shall request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i)-(ii) and submit the required supporting documentation. FEMA shall consider the ACHP’s comments in making its final determination.

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- 690 b. If FEMA finds the Undertaking may adversely affect historic properties, FEMA  
691 shall request through the Grantee(s) that the subgrantee revise the scope of work to  
692 substantially conform to the *Standards* for standing structures, or avoid or  
693 minimize adverse effects for National Register listed or eligible archaeological  
694 properties.  
695  
696 i. If the subgrantee modifies the scope of work to avoid the adverse effect,  
697 FEMA shall notify the SHPO, participating Tribes, and all other consulting  
698 parties, and provide supporting documentation. Unless a consulting party  
699 makes a timely objection in accordance with the applicable timeframe outlined  
700 in Stipulation I.E, Timeframes and Communications, FEMA shall proceed with  
701 its “no adverse effect” determination, including any conditions, and conclude  
702 the Section 106 review.  
703  
704 ii. If an Undertaking is not modified to avoid the adverse (effects), FEMA shall  
705 initiate consultation to resolve the adverse effect(s) in accordance with  
706 Stipulation II.C.6, Resolution of Adverse Effects.  
707  
708 6. Resolution of Adverse Effects: If FEMA determines that an Undertaking may  
709 adversely affect a historic property, it shall resolve the effects of the Undertaking in  
710 consultation with the SHPO, Grantee(s), subgrantee, participating Tribes, the ACHP, if  
711 participating, and other consulting parties, by one of the following methods depending  
712 upon the severity of the adverse effect(s) as well as determination of the historic  
713 property’s significance on a local, state or national level. When FEMA determines an  
714 Undertaking will adversely affect an NHL, FEMA shall notify and invite the Secretary  
715 and ACHP to participate in consultation in accordance with 36 CFR § 800.10. When  
716 the ACHP participates in consultation related to an NHL, the ACHP shall report the  
717 outcome of the consultation to the Secretary and the FEMA Administrator.  
718  
719 a. Abbreviated Consultation Process: After taking into consideration the significance  
720 of the historic properties affected, the severity of the adverse effect(s) and  
721 avoidance or minimization of the adverse effect(s), FEMA may propose in writing  
722 to the consulting parties to resolve the adverse effects of the Undertaking through  
723 the application of one or more Treatment Measures outlined in Appendix C as  
724 negotiated with the SHPO, participating Tribes, and other consulting parties. The  
725 use of these Treatment Measures shall not require the execution of a Memorandum  
726 of Agreement (MOA) or Programmatic Agreement.  
727  
728 i. In consultation with the SHPO, participating Tribe(s), and other consulting  
729 parties, FEMA shall propose in writing the implementation of a specific  
730 Treatment Measure, or combination of Treatment Measures, with the intent of  
731 expediting the resolution of adverse effects, and provide documentation as  
732 required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of  
733 36 CFR § 800.11(c). Unless a consulting party or the ACHP objects within 15  
734 days of receipt of FEMA’s proposal, FEMA shall proceed with the

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735 implementation of the Treatment Measure(s) and will conclude the Section 106  
736 review.  
737  
738 ii. If any of the consulting parties or the ACHP objects within the 15 day review  
739 and comment period to the resolution of adverse effects through the application  
740 of the Abbreviated Consultation Process, FEMA shall resolve the adverse  
741 effect(s) using procedures outlined below in Stipulation II.C.6(b), MOA or  
742 Stipulation II.C.6(c), Programmatic Agreement.  
743  
744 iii. Because funding and implementation details of Treatment Measures for  
745 specific Undertakings may vary by program, FEMA shall provide written  
746 notice to the consulting parties within sixty (60) days of the completion of the  
747 Treatment Measure(s). This written notice will serve as confirmation that the  
748 Treatment Measure(s) for a specific Undertaking have been implemented.  
749 FEMA also shall include information pertaining to the completion of  
750 Treatment Measures in the annual report pursuant to Stipulation I.B.1(d),  
751 FEMA Roles and Responsibilities.  
752  
753 b. Memorandum of Agreement: FEMA shall provide the ACHP with an adverse  
754 effect notice in accordance with 36 CFR § 800.6(a)(1) if it has not already  
755 provided such under the Abbreviated Consultation Process of this Agreement, if a  
756 consulting party or the ACHP objects in accordance with Stipulation II.C.6(a)(ii),  
757 or if FEMA, in consultation with the SHPO, participating Tribe(s), and other  
758 consulting parties, has determined that an MOA would be more appropriate to  
759 resolve the adverse effect(s). In consultation with the SHPO, participating  
760 Tribe(s), and other consulting parties, including the ACHP (if participating),  
761 FEMA shall develop an MOA, in accordance with 36 CFR § 800.6(c) to agree  
762 upon treatment measures to avoid, minimize, and/or mitigate adverse effects on  
763 historic properties. The MOA may also include treatment measures that serve an  
764 equal or greater public benefit in promoting the preservation of historic properties  
765 in lieu of more traditional treatment measures.  
766  
767 c. Programmatic Agreement: Should the execution of an MOA be inappropriate  
768 given the similar nature of effects on historic properties, the inability to determine  
769 effects prior to approval of an Undertaking, or where other circumstances warrant,  
770 FEMA, shall consult with the SHPO, participating Tribes, the ACHP, if  
771 participating, and any other consulting parties to develop a Programmatic  
772 Agreement in accordance with 36 CFR § 800.14(b) and identify programmatic  
773 conditions or treatment measures to govern the resolution of potential or  
774 anticipated adverse effects from certain complex project situations for an  
775 Undertaking or for multiple but similar Undertakings by a single subgrantee.  
776  
777 7. Objections: Should any signatory or consulting party object within the timeframes  
778 established by this Agreement to any plans, specifications, or actions taken pursuant to  
779 resolving an adverse effect, FEMA shall consult further with the objecting party to

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780 seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall  
781 address the objection in accordance with Stipulation IV.B, Dispute Resolution.

782 **III. OTHER CONSIDERATIONS**

783 A. Changes to an Approved Scope of Work: The Grantee(s) shall notify FEMA and shall  
784 require a subgrantee to notify it immediately when a subgrantee proposes changes to an  
785 approved scope of work for an Undertaking.

786

787 1. If FEMA determines the change meets a Programmatic Allowance or has no effect on  
788 the property, FEMA shall approve the change.

789

790 2. If the change can be modified to meet a Programmatic Allowance, or conform to any  
791 applicable *Standards*, FEMA shall conclude its Section 106 review responsibilities.

792

793 3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate  
794 consultation pursuant to Stipulation II.C, Standard Project Review.

795

796 B. Unexpected Discoveries, Previously Unidentified Properties, or Unexpected Effects:

797

798 1. Upon notification by a subgrantee of an unexpected discovery, or if it appears that a  
799 Undertaking has affected a previously unidentified property or affected a known  
800 historic property in an unanticipated manner, in accordance with Stipulation I.B.3(e),  
801 Grantee(s) Roles and Responsibilities, the Grantee(s) shall immediately notify FEMA  
802 and require the subgrantee to:

803

804 a. Immediately stop construction activities in the vicinity of the discovery.

805

806 b. Take all reasonable measures to avoid or minimize harm to the property until  
807 FEMA has completed consultation with the SHPO, participating Tribes, and any  
808 other consulting parties. Upon notification by the Grantee of a discovery, FEMA  
809 shall immediately notify the SHPO, participating Tribes, and other consulting  
810 parties that may have an interest in the discovery, previously unidentified property  
811 or unexpected effects, and consult to evaluate the discovery for National Register  
812 eligibility and/or the effects of the undertaking on historic properties.

813

814 c. If human remains are discovered, notify the local law enforcement office and  
815 coroner/medical examiner in accordance with applicable State statutes, and protect  
816 the remains from any harm. Discoveries of human remains on Federal or Tribal  
817 lands shall be subject to the Native American Graves Protection and Repatriation  
818 Act (NAGPRA) (25 U.S.C. §3001-3013, 18 U.S.C. § 1170) and ARPA, as  
819 applicable.

820

821 d. Assist FEMA in completing the following actions, as required:

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- i. FEMA shall consult with the SHPO, participating Tribes, and other consulting parties in accordance with the consultation process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal, State, and local statutes.
- ii. FEMA shall coordinate with the Grantee(s) and the subgrantee regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.
- iii. In cases where discovered human remains are determined to be American Indian, FEMA shall consult with the appropriate Tribal representatives and SHPO. In addition, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007) and any state-specific policies that may be in force.

C. Curation

- I. In cases where archaeological survey and testing are conducted on private land, any recovered collections remain the property of the land owner. In such instances, FEMA and the Grantee(s), in coordination with the SHPO and affected Tribes, shall encourage land owners to donate the collection(s) to an appropriate public or Tribal entity. In cases where the property owner wishes to transfer ownership of the collection(s) to a public or Tribal entity, and in the case of artifacts recovered from public lands, FEMA and the Grantee(s) shall ensure that recovered artifacts and related documentation are curated in a suitable repository as agreed to by FEMA, SHPO, and affected Tribes, and following *South Carolina Standards and Guidelines for Archaeological Investigations* or Tribal guidelines.

- 853 2. When an Undertaking will adversely affect a National Register listed or eligible  
854 archaeological site, FEMA may treat the adverse effect by providing for the recovery  
855 of significant information through archaeological data recovery. FEMA shall consult  
856 with the SHPO, participating Tribes, and other consulting parties to prepare a research  
857 design (data recovery plan), including a specific plan for curation. This plan will  
858 incorporate any relevant curation provisions contained in the *South Carolina*  
859 *Standards and Guidelines for Archaeological Investigations*, ACHP's "*Recommended*  
860 *Approach for Consultation on Recovery of Significant Information from*  
861 *Archaeological Sites*" published in the Federal Register (64 Federal Register 27085-  
862 27087 (May 18, 1999)), or other provisions agreed to by the consulting parties. No  
863 excavation should be initiated before FEMA acceptance and approval of the curation  
864 plan.
- 865 a. As stipulated in the curation plan, artifacts, as well as field and laboratory records  
866 sufficient to document the collection, shall be curated at a facility, preferably in-  
867 state, that meets the standards of, and in accordance with the provisions of 36 CFR  
868 Part 79, "Curation of Federally Owned and Administered Archaeological  
869 Collections," and *South Carolina Standards and Guidelines for Archaeological*  
870 *Investigations* or Tribal requirements.
- 871 D. Review of Undertakings Initiated Before Initiation or Completion of Section 106 Review  
872
- 873 1. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a  
874 subgrantee who, with intent to avoid the requirements of this Agreement or Section  
875 106 of the NHPA, has intentionally significantly and adversely affected a historic  
876 property to which the assistance would relate, or having legal power to prevent it,  
877 allowed an adverse effect to occur. However, if after consultation with the SHPO,  
878 appropriate Tribes, and ACHP, FEMA determines that extraordinary circumstances  
879 justify granting assistance despite the adverse effect created or permitted by the  
880 subgrantee, FEMA shall complete consultation for the Undertaking pursuant to the  
881 terms of this Agreement.  
882
- 883 2. FEMA shall specifically advise the Grantee(s) and shall require that the Grantee(s)  
884 advise its subgrantees in writing that they may jeopardize Federal funding if work is  
885 performed without all required local, State, and Federal licenses, permits, and/or  
886 approvals, including the completion of the Section 106 process. FEMA also shall  
887 document this requirement in its Record of Environmental Consideration, as  
888 applicable, as well as all project approval documents specifying the project scope and  
889 limits, and containing all conditions and caveats.  
890
- 891 3. In circumstances where FEMA determines a subgrantee has initiated an Undertaking  
892 without willful intent to avoid the requirements of this Agreement or Section 106 of  
893 NHPA, FEMA shall proceed as follows:  
894

- 895 a. Determine if the Undertaking is of a type for which FEMA has no further Section  
896 106 responsibilities, namely:  
897  
898 i. An Undertaking listed in Stipulation I.A.8; or  
899  
900 ii. An immediate rescue and salvage operation in accordance with 36 CFR §  
901 800.12(d); or  
902  
903 iii. A Programmatic Allowance as described under Stipulation II.A.  
904  
905 b. In any such cases listed in Stipulation III.D.3.a., above, FEMA shall document this  
906 determination in the project files, and consider the Undertaking Section 106  
907 compliant.  
908  
909 c. If FEMA determines the Undertaking would have required Section 106 review,  
910 FEMA shall coordinate with the SHPO and appropriate Tribes to determine if  
911 consultation is feasible.
- 912 i. If after coordination with the SHPO and appropriate Tribes, FEMA determines  
913 that consultation is feasible, FEMA shall review the Undertaking in accordance  
914 with Stipulation II.C, Standard Project Review.
- 915 ii. If after coordination with the SHPO and appropriate Tribes, FEMA determines  
916 that review is infeasible, FEMA shall document the outcome to the Section 106  
917 review process, and the applicable FEMA program shall take the outcome into  
918 account before making a decision whether to fund the Undertaking. FEMA  
919 shall provide written notification of its funding decision to the SHPO,  
920 appropriate Tribes, and the ACHP.
- 921  
922 4. FEMA shall ensure that all Undertakings considered for after the fact review in  
923 accordance with this stipulation are included in the annual report.  
924

#### 925 **IV. IMPLEMENTATION OF AGREEMENT**

##### 926 **A. Amendments**

- 927  
928  
929 1. If any Signatory determines that an amendment to the terms of this Agreement must be  
930 made, the Signatories shall consult for no more than 30 days to seek amendment of the  
931 Agreement.  
932  
933 2. An amendment to this Agreement, exclusive of the appendices, shall be effective only  
934 when it has been signed by all the Signatories. An amendment shall be effective for  
935 Undertakings occurring on or affecting historic properties on Tribal lands only when  
936 the Tribe has signed the Agreement and its amendment.  
937

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- 938 3. Appendix A (FEMA Programs), Appendix B (Programmatic Allowances), Appendix  
939 C (Treatment Measures), and Appendix D (Tribal Areas of Interest) may be amended  
940 at the request of FEMA or another Signatory in the following manner:  
941  
942 a. FEMA, on its own behalf or on behalf of another Signatory, shall notify the  
943 Signatories of the intent to modify the current Appendix or Appendices and shall  
944 provide a draft of the updated Appendix or Appendices to all Signatory parties.  
945  
946 b. If no other Signatory objects in writing within 30 days of receipt of FEMA's  
947 proposed modification, FEMA shall date and sign the amended Appendix and  
948 provide a copy of the amended Appendix to the other Signatories. Such an  
949 amendment shall go into effect on the date FEMA transmits the amendment to the  
950 other Signatories.  
951

952 **B. Dispute Resolution**

- 953  
954 1. Should any Signatory object in writing to the terms of this Agreement, FEMA shall  
955 consult with the objecting party for not more than 30 days to resolve the objection.  
956  
957 2. If the objection is resolved within 30 days, FEMA shall proceed in accordance with  
958 the resolution.  
959  
960 3. If FEMA determines within 30 days that the objection cannot be resolved, FEMA shall  
961 forward to ACHP all documentation relevant to the objection, including FEMA's  
962 proposed resolution. Within 30 days of receipt, ACHP will:  
963  
964 a. Concur in FEMA's proposed resolution; or  
965  
966 b. Provide FEMA with recommendations, which FEMA shall take into account in  
967 reaching a final decision regarding the objection; or  
968  
969 c. Notify FEMA that the objection will be referred for comment in accordance with  
970 36 CFR § 800.7(a)(4), and proceed to do so.  
971  
972 4. FEMA shall take into account any ACHP recommendations or comments, and any  
973 comments from the other Signatories, in reaching a final decision regarding the  
974 objection. FEMA shall provide in writing to the ACHP and Signatories a summary of  
975 its final decision before authorizing any disputed action to proceed. The Signatories  
976 shall continue to implement all other terms of this Agreement that are not subject to  
977 objection.  
978  
979 5. Should ACHP not respond within 30 days, FEMA may assume ACHP has no  
980 comment and proceed with its proposed resolution to the objection after providing the  
981 ACHP and Signatories a written summary of its final decision.  
982

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- 983 C. Severability and Termination  
984  
985 1. In the event any provision of this Agreement is deemed by a Federal court to be  
986 contrary to, or in violation of, any applicable existing law or regulation of the United  
987 States of America, only the conflicting provision(s) shall be deemed null and void, and  
988 the remaining provisions of the Agreement shall remain in effect.
- 989 2. FEMA, the SHPO, ACHP, or Grantee(s) may terminate this Agreement by providing  
990 30 days written notice to the other Signatories, provided that the Signatories consult  
991 during this period to seek amendments or other actions that would prevent termination.  
992 If this Agreement is terminated, FEMA shall comply with Section 106 through other  
993 applicable means pursuant to 36 CFR Part 800. Upon such determination, FEMA  
994 shall provide all other Signatories and the ACHP with written notice of the termination  
995 of this Agreement.
- 996 3. A participating Tribe may notify the other Signatories that it is fully withdrawing from  
997 participation in the Agreement. Following such a withdrawal, FEMA shall review  
998 undertakings that may affect historic properties of religious and cultural significance to  
999 the Tribe, and Undertakings that occur on the Tribal lands of the relevant Tribe, in  
1000 accordance with 36 CFR §§ 800.3 through 800.7, 36 CFR § 800.8(c), or an applicable  
1001 alternative under 36 CFR § 800.14. Withdrawal from this Agreement by a Tribe does  
1002 not terminate the Agreement. At any time that this Agreement remains in effect, a  
1003 Tribe that has withdrawn from the Agreement may notify FEMA, the Grantee(s), and  
1004 SHPO in writing that it has rescinded its notice withdrawing from participation in the  
1005 Agreement.
- 1006 4. This Agreement may be terminated by the implementation of a subsequent Agreement,  
1007 pursuant to 36 CFR § 800.14(b), that explicitly terminates or supersedes this  
1008 Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36  
1009 CFR § 800.14(a).
- 1010 D. Duration and Extension  
1011  
1012 1. This Agreement shall remain in effect from the date of execution for a period not to  
1013 exceed 7 years unless otherwise extended pursuant to Stipulation IV.D.2 below or  
1014 terminated pursuant to Stipulation IV.C.2 or IV.C.4, Severability and Termination.  
1015 The Agreement shall remain in effect for Declarations made prior to expiration of the  
1016 Agreement in order to minimize delays in delivery of FEMA assistance.  
1017
- 1018 2. The Signatories may collectively agree to extend this Agreement to cover additional  
1019 calendar years, or portions thereof, through an amendment per Stipulation IV.A.,  
1020 provided that the original Agreement has not expired.
- 1021 E. Execution and Implementation  
1022

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- 
- 1023 1. This Agreement may be executed in counterparts, with a separate page for each  
1024 Signatory, and shall become effective on the date of the final signature of FEMA and  
1025 the SHPO/THPO.  
1026
- 1027 2. The Agreement shall go into effect regarding Undertakings occurring, or affecting  
1028 historic properties, on Tribal lands when the relevant Tribe has signed the Agreement.  
1029
- 1030 3. FEMA shall ensure that each Signatory is provided with a complete copy of the  
1031 Agreement, including an original set of signatures.  
1032
- 1033 4. Execution and implementation of this Agreement evidence that FEMA has afforded  
1034 ACHP a reasonable opportunity to comment on FEMA's administration of all  
1035 referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for  
1036 all individual Undertakings of its referenced Programs.  
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**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,  
THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,  
AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

**Federal Emergency Management Agency**

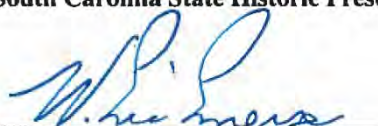
  
Andrew Velasquez III  
Acting Regional Administrator  
Region IV

60/16/14  
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**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,  
THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,  
AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

**South Carolina State Historic Preservation Office**



W. Eric Emerson, Ph.D.  
State Historic Preservation Officer

10-14-14  
Date

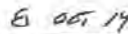
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**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,  
THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,  
AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

**South Carolina Emergency Management Division**



\_\_\_\_\_  
Kim Stenson  
Director



\_\_\_\_\_  
Date

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For Signature

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**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,  
THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,  
AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

**United Keetoowah Band of Cherokee Indians**

  
George Wickliffe  
Chief

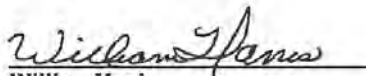
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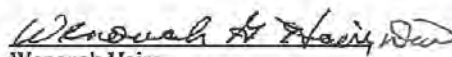
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**PROGRAMMATIC AGREEMENT AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE,  
THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION,  
AND TRIBES PARTICIPATING AS INVITED SIGNATORIES**

**Catawba Indian Nation**

  
William Harris  
Chief

5/22/15  
Date

  
Wenonah Haire  
Tribal Historic Preservation Officer

5/28/15  
Date

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## Appendix A: FEMA Program Summaries

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This Appendix may be amended in accordance with Stipulation IV.A, Amendments.

### **Disaster Response and Recovery Programs**

The following programs are authorized under Titles IV and V of the Stafford Act.

#### *Public Assistance Program (PA)*

This program assists States, Tribal, and local governments, and certain types of private nonprofit organizations quickly respond to and recover from major disasters or emergencies declared by the President. Grants are provided for debris removal (Category A), emergency protective measures (Category B), and the repair, replacement, or restoration of disaster-damaged, publicly owned and certain private non-profit facilities (Categories C-G).

#### *Individual Assistance Programs (IA)*

These programs help to ensure that individuals and families that have been affected by disasters have access to the full range of FEMA assistance including: crisis counseling (Section 416), disaster legal services (Section 415), essential assistance (Section 403), emergency sheltering assistance (Section 403), transportation (Section 419), funeral services, minor home repairs (Section 408), and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance programs, services, and activities to individuals as well, including the U.S. Small Business Administration, U.S. Department of Agriculture, and U.S. Department of Labor, but these other assistance programs are not subject to the terms of this Agreement.

#### *Fire Management Assistance Grant Program (FMAG)*

The FMAG is available to State, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands. Eligible costs may include expenses for field camps, equipment use, repair and replacement, materials and supplies, and mobilization and demobilization activities.

#### *Hazard Mitigation Grant Program (HMGP)*

The HMGP provides grants to States, Territories, Tribes, and local governments to implement long-term hazard mitigation measures after a Declaration. Activities may include buyouts, retrofits, relocations, elevations, and minor flood control projects.

### **Non-Disaster Programs**

#### *Pre-Disaster Mitigation Program (PDM)*

The PDM program provides competitive grants to States, Territories, Tribes, and local governments for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Activities may include planning, buyouts, retrofits, relocations, elevations, minor flood control projects, and vegetative fuels reduction.

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1179  
1180 *Flood Mitigation Assistance Program (FMA)*  
1181 The FMA program provides grants to States, Territories, Tribal entities, and communities to assist  
1182 in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and  
1183 structures insurable under the National Flood Insurance Program (NFIP).  
1184  
1185 *Assistance to Firefighters Grant Program*  
1186 The AFG program provides funding for purchase of equipment and retrofit or construction of fire  
1187 stations to improve first responder capabilities.  
1188  
1189 *State Homeland Security Program (SHSP)*  
1190 This core assistance program provides funds to build capabilities at the state and local levels and  
1191 to implement the goals and objectives included in state homeland security strategies and  
1192 initiatives in the State Preparedness Report.  
1193  
1194 *Urban Areas Security Initiative (UASI) Program*  
1195 The Urban Areas Security Initiative (UASI) program focuses on enhancing regional preparedness  
1196 in major metropolitan areas. The UASI program directly supports the National Priority on  
1197 expanding regional collaboration in the National Preparedness Guidelines and is intended to assist  
1198 participating jurisdictions in developing integrated regional systems for prevention, protection,  
1199 response and recovery.  
1200  
1201 *Metropolitan Medical Response System (MMRS) Program*  
1202 The MMRS program supports the integration of emergency management, health, and medical  
1203 systems into a coordinated response to mass casualty incidents caused by any hazard. Successful  
1204 MMRS grantees reduce the consequences of a mass casualty incident during the initial period of a  
1205 response by having augmented existing local operational response systems before the incident  
1206 occurs.  
1207  
1208 *Citizen Corps Program (CCP)*  
1209 The Citizen Corps mission is to bring community and government leaders together to coordinate  
1210 community involvement in emergency preparedness, planning, mitigation, response and recovery.  
1211  
1212 *State Homeland Security Program Tribal (SHSP Tribal)*  
1213 To provide supplemental funding to directly eligible tribes to help strengthen the nation against  
1214 risks associated with potential terrorist attacks. Pursuant to the 9/11 Act, “a directly eligible tribe  
1215 applying for a grant under section 2004 [SHSP] shall designate an individual to serve as a tribal  
1216 liaison with [DHS] and other Federal, state, local, and regional government officials concerning  
1217 preventing, preparing for, protecting against and responding to acts of terrorism.”  
1218  
1219 *Nonprofit Security Grant Program (NSGP)*  
1220 NSGP provides funding support for target-hardening activities to nonprofit organizations that are  
1221 at high risk of a terrorist attack and are located within one of the specific UASI-eligible urban  
1222 areas.  
1223

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1224 *Operation Stonegarden (OPSG)*  
1225 The intent of OPSG is to enhance cooperation and coordination among local, State and Federal  
1226 law enforcement agencies in a joint mission to secure the United States borders along routes of  
1227 ingress from international borders to include travel corridors in States bordering Mexico and  
1228 Canada, as well as States and territories with international water borders.  
1229  
1230 *Transit Security Grant Program (TSGP)*  
1231 The TSGP provides grant funding to the nation's key high-threat urban areas to enhance security  
1232 measures for their critical transit infrastructure including bus, ferry and rail systems.  
1233  
1234 *Freight Rail Security Grant Program (FRSGP)*  
1235 The FRSGP funds security training for frontline employees, the completion of vulnerability  
1236 assessments, the development of security plans within the freight rail industry and GPS tracking  
1237 systems for railroad cars transporting toxic inhalation materials.  
1238  
1239 *Intercity Passenger Rail (Amtrak)*  
1240 The purpose of the Intercity Passenger Rail (IPR) is to create a sustainable, risk-based effort to  
1241 protect critical surface transportation infrastructure and the traveling public from acts of terrorism,  
1242 major disasters and other emergencies within the Amtrak rail system.  
1243  
1244 *Port Security Grant Program (PSGP)*  
1245 The PSGP provides grant funding to port areas for the protection of critical port infrastructure  
1246 from terrorism. PSGP funds are primarily intended to assist ports in enhancing maritime domain  
1247 awareness, enhancing risk management capabilities to prevent, detect, respond to and recover  
1248 from attacks involving improvised explosive devices (IEDs), weapons of mass destruction  
1249 (WMDs) and other non-conventional weapons, as well as training and exercises and  
1250 Transportation Worker Identification Credential (TWIC) implementation.  
1251  
1252 *Intercity Bus Security Grant Program (IBSGP)*  
1253 The IBSGP provides funding to create a sustainable program for the protection of intercity bus  
1254 systems and the traveling public from terrorism. The program seeks to assist operators of fixed-  
1255 route intercity and charter bus services in obtaining the resources required to support security  
1256 measures such as enhanced planning, facility security upgrades and vehicle and driver protection.  
1257  
1258 *Trucking Security Program (TSP)*  
1259 TSP funding will be awarded to eligible applicants to implement security improvement measures  
1260 and policies deemed valuable by DHS as indicated in the *Security Action Items* publication of  
1261 June 26, 2008. These items are primarily focused on the purchase and installation or enhancement  
1262 of equipment and systems related to tractor and trailer tracking systems. Additionally, the TSP  
1263 will provide funding to develop a system for DHS to monitor, collect and analyze tracking  
1264 information; and develop plans to improve the effectiveness of transportation and distribution of  
1265 supplies and commodities during catastrophic events.  
1266  
1267 *Buffer Zone Protection Program (BZPP)*

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1268 The BZPP provides funding to increase the preparedness capabilities of jurisdictions responsible  
1269 for the safety and security of communities surrounding high-priority pre-designated Tier 1 and  
1270 Tier 2 critical infrastructure and key resource (CIKR) assets, including chemical facilities,  
1271 financial institutions, nuclear and electric power plants, dams, stadiums and other high-risk/high-  
1272 consequence facilities, through allowable planning and equipment acquisition.

1273

1274 *Emergency Management Performance Grants (EMPG)*

1275 The purpose of the EMPG program is to assist State and local governments in enhancing and  
1276 sustaining all-hazards emergency management capabilities.

1277

1278 *Interoperable Emergency Communications Grant Program (IECGP)*

1279 IECGP provides governance, planning, training and exercise and equipment funding to States,  
1280 territories, and local and Tribal governments to carry out initiatives to improve interoperable  
1281 emergency communications, including communications in collective response to natural disasters,  
1282 acts of terrorism and other man-made disasters. According to the legislation that created IECGP,  
1283 all proposed activities must be integral to interoperable emergency communications and must be  
1284 aligned with the goals, objectives, and initiatives identified in the grantee's approved statewide  
1285 Communication Interoperability Plans (SCIP). IECGP will also advance DHS near-term  
1286 priorities that are deemed critical to improving interoperable emergency communications and are  
1287 consistent with goals and objectives of the National Emergency Communications Plan.

1288

1289 *Emergency Operations Center (EOC) Grant Program*

1290 The EOC grant program is intended to improve emergency management and preparedness  
1291 capabilities by supporting flexible, sustainable, secure, and interoperable Emergency Operations  
1292 Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program  
1293 provides funding for construction or renovation of a State, local, or tribal governments' principal  
1294 EOC. Fully capable emergency operations facilities at the State and local levels are an essential  
1295 element of a comprehensive national emergency management system and are necessary to ensure  
1296 continuity of operations and continuity of government in major disasters caused by any hazard.

1297

1298 *Driver's License Security Grant Program*

1299 The purpose of the Driver's License Security Grant Program is to prevent terrorism, reduce fraud,  
1300 and improve the reliability and accuracy of personal identification documents that States and  
1301 territories issue.

1302

1303 *Integrated Public Alert and Warning System (IPAWS)*

1304 The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order  
1305 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a  
1306 message to the American people quickly and simultaneously through multiple communications  
1307 pathways. FEMA has identified several radio transmission sites across the nation with  
1308 significantly powerful signals for this purpose, and FEMA is responsible for upgrading,  
1309 maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these  
1310 radio transmission sites.

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1312 **Appendix B: Programmatic Allowances**

1313

1314 This list of Programmatic Allowances enumerates FEMA funded activities that based on FEMA  
1315 experience have no or minimal effect on historic properties if implemented as specified in this  
1316 Appendix and will not require review by the SHPO and participating Tribes.

1317

1318 The Programmatic Allowances consist of two tiers – First Tier and Second Tier. Staff may apply  
1319 First Tier allowances whether or not they meet professional historic preservation qualification  
1320 standards, while only staff meeting the applicable SOI Professional Qualifications Standards in  
1321 accordance with Stipulation I.B(1)(a) of this Agreement may apply Second Tier allowances.

1322

1323 When referenced in the Programmatic Allowances, “in-kind” shall mean that it is either the same  
1324 or a similar material, and the result shall match all physical and visual aspects, including form,  
1325 color, and workmanship. The in-kind repair provided for in both First and Second Tier  
1326 allowances in Appendix B should be limited to pre-existing architectural features and physical  
1327 components of buildings and structures.

1328

1329 When referenced in the allowances, “previously disturbed soils” shall refer to soils that are  
1330 not likely to possess intact and distinct soil horizons and have the reduced likelihood of  
1331 possessing historic properties within their original depositional contexts in the area and to  
1332 the depth to be excavated.

1333

1334 **I. First Tier Allowances**

1335

1336 **A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION**, when  
1337 proposed activities described below substantially conform to the original footprint and/or  
1338 are performed in previously disturbed soils, including the area where the activity is staged.

1339

1. Debris and Snow Removal

1340

a. Debris removal and collection, including removal of snow, uprooted trees, limbs  
1341 and branches from public rights of way and public areas and areas as well as the  
1342 transport and disposal of such waste to existing licensed waste facilities or  
1343 landfills. This includes the temporary establishment and expansion of non-  
1344 hazardous debris staging, reduction, and disposal areas at licensed transfer stations,  
1345 or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic  
1346 courts) but not the creation of new or temporary access roads.

1347

b. Removal of debris from private property provided that buildings are not affected,  
1348 ground disturbance is minimal and in-ground elements, such as driveways,  
1349 walkways or swimming pools are left in place.

1350

1351

c. Chipping and disposal of woody debris by broadcasting within existing rights-of-  
1352 way.

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- d. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order 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.
  - e. Dewatering flooded developed areas by pumping.
2. Temporary Structures and Housing
- 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, as well as temporary housing for disaster personnel and survivors at the following types of locations:
    - i. Single units on private residential sites when all utilities are installed above ground or 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 at such facilities as conference centers, shopping malls, airports, industrial port facilities business parks, and military bases when all utilities are installed above ground or tie into pre-existing utility lines.
    - iv. Sites that have been previously prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc. when all utilities are installed above-ground or 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. Recreation and Landscaping
- a. Installation of temporary removable barriers.
  - b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.
- B. BUILDINGS AND STRUCTURES**
- 1. Repair or retrofit of buildings less than 45 years old.
  - 2. Removal of water by physical or mechanical means.

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- 1398  
 1399 3. Installation of exterior security features and early warning devices on existing light  
 1400 poles or other permanent utilities.  
 1401  
 1402 **C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to  
 1403 the original footprint and/or performed in previously disturbed soils, including any staging  
 1404 areas.  
 1405  
 1406 1. Roads and Roadways  
 1407  
 1408 a. Paving and repair of roads to pre-disaster geometric design standards and  
 1409 conditions using in-kind materials, shoulders medians, clearances, curbs, and side  
 1410 slopes. This allowance does not include improvement to existing roadways and  
 1411 appurtenances.  
 1412  
 1413  
 1414 b. Repairs to road slips and landslides that do not require grading of undisturbed soils  
 1415 on the up-hill side of the slip  
 1416  
 1417 c. Re-establishment, armoring, and/or upgrading of existing roadway ditches.  
 1418  
 1419 d. In-kind repair or replacement of traffic control devices such as traffic signs and  
 1420 signals, delineators, pavement markings, traffic surveillance systems.  
 1421  
 1422 e. Installation and removal of temporary traffic control devices, including pre-formed  
 1423 concrete barriers and fencings.  
 1424  
 1425 f. In-kind repair or replacement of roadway safety elements such as barriers,  
 1426 guardrails, and impact-attenuation devices. In the case of guardrails, the addition  
 1427 of safety end treatments is permitted.  
 1428  
 1429 2. Airports  
 1430  
 1431 a. In-kind repair or replacement of existing runway surfaces and features (e.g.  
 1432 asphalt, concrete, gravel, and dirt) and associated air transportation safety  
 1433 components and systems (e.g. lighting bars, beacons, signage and weather  
 1434 sensors).  
 1435  
 1436 3. Rail Systems  
 1437  
 1438 a. In-kind repair or replacement of safety components.  
 1439  
 1440 b. In-kind repair or replacement of existing track system and passenger loading areas.  
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**D. FEES AND SERVICES**

- 1. Reimbursement of a subgrantee's insurance deductible, not to exceed \$2,500.

**II. Second Tier Allowances**

**A. GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

- 1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems
  - a. In-kind repair, replacement, and reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., 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) when performed in previously disturbed soils.
- 2. Recreation and Landscaping
  - a. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, 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, steps).
- 3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers
  - a. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers in areas of previously disturbed soils.
- 4. Cemeteries
  - a. Removal of woody debris such as branches and limbs, from cemeteries, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains.
  - b.

1485	<b>B. BUILDINGS AND STRUCTURES</b>
1486	
1487	1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim
1488	
1489	a. In-kind repair of floors, walls, stairs, ceilings and/or trim. In-kind replacement of
1490	floors, walls, stairs, ceilings, and/or trim that are damaged and/or deteriorated
1491	beyond repair. The allowance does not apply to decorative finishes, including
1492	murals, glazed paint, gold leaf, or ornamental plaster.
1493	
1494	b. Interior cleaning of surfaces using a weak solution of household bleach and water,
1495	mold remediation, or mold removal. The allowance applies to interior finishes,
1496	including plaster and wallboard, provided the cleaning is restricted to damaged
1497	areas and does not affect adjacent materials.
1498	
1499	c. Non-destructive or concealed testing for hazardous materials (e.g., lead paint,
1500	asbestos) or for assessment of hidden damages.
1501	2. Building Contents
1502	
1503	a. Repair or replacement of building contents including furniture, movable partitions,
1504	computers, cabinetry, supplies, and equipment and any other moveable items
1505	which are not character defining features of a historic property.
1506	
1507	3. Utilities and Mechanical, Electrical, and Security Systems
1508	
1509	a. In-kind repair or replacement, or limited upgrading of interior utility systems,
1510	including mechanical (e.g., heating, ventilation, air conditioning), electrical, and
1511	plumbing systems. This allowance does not provide for the installation of new
1512	exposed ductwork.
1513	
1514	b. Elevation of heating, ventilation, and air conditioning system (HVAC) and
1515	mechanical equipment as long as it is placed or located where it is not visible from
1516	the street.
1517	
1518	c. Installation or replacement of interior fire detection, fire suppression, or security
1519	alarm systems. The allowance does not apply to surface mounted wiring, conduits,
1520	pipng, etc., unless previously existing, provided that installation of the system
1521	hardware does not damage or cause the removal of character-defining architectural
1522	features and can be easily removed in the future.
1523	
1524	d. Installation of communication and surveillance security systems, such as cameras,
1525	closed-circuit television, alarm systems, and public address systems, provided that
1526	installation of the system hardware does not damage or cause the removal of
1527	character defining architectural features and can be easily removed in the future.
1528	

- 1529 e. Installation of building access security devices, such as card readers, enhanced  
1530 locks, and security scanners (e.g., metal detectors), provided the device does not  
1531 damage or cause the removal of character-defining architectural features and can  
1532 be removed in the future without impacts to significant architectural features.  
1533
- 1534 4. Windows and Doors
- 1535
- 1536 a. In-kind repair of damaged or severely deteriorated windows and window frames,  
1537 shutters, storm shutters, doors and door frames, and associated hardware, where  
1538 profiles, elevations, details and materials match those of the originals.
- 1539 b. In-kind replacement of window panes. Clear plate, double, laminated or triple  
1540 insulating glazing can be used, provided it does not result in altering the existing  
1541 window material, tint, form, muntin profiles, or number of divided lights. This  
1542 allowance does not apply to the replacement of intact decorative glass.  
1543
- 1544 c. Replacement of exterior, utilitarian, non-character-defining metal doors and frames  
1545 leading into non character-defining spaces with metal blast resistant doors and  
1546 frames.  
1547
- 1548 d. Installation of security bars over windows on rear elevations.  
1549
- 1550 5. Exterior Walls, Cornices, Porches, and Foundations
- 1551 a. In-kind repainting of surfaces, provided that destructive surface preparation  
1552 treatments are not used, such as water blasting, sandblasting, power sanding and  
1553 chemical cleaning.  
1554
- 1555 b. In-kind repair of walls, porches, foundations, columns, cornices, siding,  
1556 balustrades, stairs, dormers, brackets, trim, and their ancillary components or in-  
1557 kind replacement of severely deteriorated or missing or lost features, as long as the  
1558 replacement pieces match the original in detail and material. Any ground  
1559 disturbance will be limited to previously disturbed soils.  
1560
- 1561 c. In-kind repair or replacement of signs or awnings.  
1562
- 1563 d. Installation of temporary stabilization bracing or shoring, provided such work does  
1564 not result in additional damage.  
1565
- 1566 e. Anchoring of walls to floor systems, provided the anchors are embedded and  
1567 concealed from exterior view.  
1568
- 1569 f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or  
1570 cornices or limited in-kind replacement of damaged and/or deteriorated beyond

- 1571 repair components including comparable brick, and mortar that matches the color,  
 1572 strength, content, rake, and joint width.  
 1573
- 1574 g. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing  
 1575 and reinforcing are either concealed from exterior view or reversible in the future.  
 1576
- 1577 h. Strengthening of foundations and the addition of foundation bolts, provided that  
 1578 visible new work is in-kind, including mortar that matches the color, content,  
 1579 strength, rake, and joint width where occurring.  
 1580
- 1581 i. Repairs to and in-kind replacement of elements of curtain wall assemblies or  
 1582 exterior cladding that is hung on the building structure, usually from floor to floor,  
 1583 and when the color, size, reflectivity, materials, and visual patterns are unaltered.
- 1584 6. Roofing  
 1585
- 1586 a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will  
 1587 not result in additional damage or irreversible alterations to character defining  
 1588 features.  
 1589
- 1590 b. In-kind repair, replacement, or strengthening of roofing, rafters, fascia, soffits,  
 1591 gutters, verge boards, leader boxes, downspouts, or other damaged roof system  
 1592 components.  
 1593
- 1594 c. Repairs to flat roof cladding, including changes in roofing materials, where the  
 1595 repairs are not highly visible from the ground level.  
 1596
- 1597 7. Weatherproofing and Insulation
- 1598 a. Caulking and weather-stripping to complement the color of adjacent surfaces or  
 1599 sealant materials.
- 1600 b. In-kind repair or replacement of insulation systems, provided that existing interior  
 1601 plaster, woodwork, exterior siding, or exterior architectural detail is not altered.  
 1602
- 1603 8. Structural Retrofits  
 1604
- 1605 a. The installation of the following retrofits/upgrades, provided that such upgrades  
 1606 are not visible on the exterior: attic bracing, cross bracing on pier and post  
 1607 foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of  
 1608 mechanical, electrical, and plumbing equipment; concealed anchoring of furniture;  
 1609 installation of plywood diaphragms beneath first floor joists, above top floor  
 1610 ceiling rafters, and on roofs; and automatic gas shut off valves.  
 1611
- 1612 b. Replacement, repair or installation of lightning rods.

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1614 9. Americans with Disabilities Act (ADA) Compliance  
1615  
1616 a. Installation of grab bars and other such minor interior modifications.  
1617  
1618 10. Safe Rooms  
1619  
1620 a. Installation of individual safe rooms within the property limits of a residence  
1621 where the installation would occur within the existing building or structure or in  
1622 previously disturbed soils.  
1623  
1624 11. Elevation, Demolition, and Reconstruction  
1625  
1626 a. Activities related to the elevation, demolition and/or reconstruction of buildings or  
1627 structures less than 45 years of age so long as the proposed activities substantially  
1628 conform to the original footprint and/or are performed in previously disturbed soils  
1629 including any staging area, and the buildings or structures are not located within or  
1630 adjacent to a National Register listed or eligible historic district.  
1631  
1632 **C. TRANSPORTATION FACILITIES**, when proposed activities substantially conform to  
1633 the original footprint and/or performed in previously disturbed soils, including the area  
1634 where the activity is staged.  
1635  
1636 1. Roads and Roadways  
1637  
1638 a. Repair of roads to pre-disaster geometric design standards and conditions using in-  
1639 kind materials, shoulders, medians, clearances, curbs, and side slopes. This  
1640 allowance permits minor improvement to meet current code and standards or  
1641 hazard mitigation measures, such as those designed to harden exposed surfaces,  
1642 including the application of gravel armoring to side slopes and ditches.  
1643  
1644 b. In kind repair to historic paving materials for roads and walkways.  
1645  
1646 c. In-kind repair or replacement, or minor upgrade of culvert systems and arches  
1647 beneath roads or within associated drainage systems, including provision of  
1648 headwalls, riprap and any modest increase in capacity for the purposes of hazard  
1649 mitigation or to meet current codes and standards, provided that the work  
1650 substantially conforms to the existing footprint. For stone or brick culverts or  
1651 arches beneath roadways, this allowance only applies to in-kind repair.  
1652  
1653 d. In-kind repair or replacement of road lighting systems, including period lighting  
1654 fixture styles.  
1655  
1656 e. In-kind repair or replacement of road appurtenances such as curbs, berms, fences,  
1657 and sidewalks.

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- 1658  
1659 f. Construction of temporary emergency access roads in previously disturbed soils to  
1660 allow for passage of emergency vehicles  
1661  
1662 2. Bridges  
1663  
1664 a. Installation of a temporary (Bailey-type) bridge over an existing structure or at a  
1665 previously disturbed location, such as a former bridge location, to allow passage of  
1666 emergency vehicles.  
1667  
1668 b. In-kind repair or replacement of bridges and bridge components (e.g. abutments,  
1669 wing walls, piers, decks, and fenders) in previously disturbed soils.  
1670  
1671 **D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS**, when proposed  
1672 activities substantially conform to the original footprint and/or performed in previously  
1673 disturbed soils, including the area where the activity is staged.  
1674  
1675 1. General  
1676  
1677 a. In-kind repair or replacement, or minor upgrading, small scale realignment, and  
1678 elevation of utilities and associated features and structures within previously  
1679 disturbed soils of rights-of-way or utility corridors.  
1680  
1681 b. Installation of new utilities and associated features within existing rights-of-way.  
1682  
1683 c. Directional boring of new/replacement service line and related appurtenances  
1684 involving boring or silt trenches within previously disturbed soils of rights-of-way  
1685 or utility corridors.  
1686  
1687 d. In-kind repair or replacement, or minor upgrade of water towers provided activities  
1688 take place within previously disturbed soils. Ground-level facilities may be added  
1689 or expanded in previously disturbed areas. This allowance does not apply to  
1690 masonry water towers.  
1691  
1692 2. Generators and Utilities  
1693  
1694 a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of  
1695 generators, HVAC systems, and similar equipment provided activities occur within  
1696 previously disturbed soils and any roof mounted equipment is not visible from the  
1697 ground level.  
1698  
1699 3. Communication Equipment/Systems and Towers  
1700

- 1701 a. Acquisition, installation, or operation of communication and security
- 1702 equipment/systems that use existing distribution systems, facilities, or existing
- 1703 infrastructure right-of-way.
- 1704
- 1705 b. The collocation of communication and security equipment on existing towers and
- 1706 buildings/structures less than 45 year in age, provided that the work does not
- 1707 increase existing tower height or footprint by more than 10% and occurs within
- 1708 previously disturbed soils.
- 1709
- 1710 c. Enhancement, repair or replacement of existing communication towers and
- 1711 antenna structures provided the work does not increase existing tower height or
- 1712 footprint by more than 10% and occurs within previously disturbed soils.
- 1713
- 1714 d. Installation of new temporary (not to exceed 12 months) communications towers
- 1715 and antenna structures provided that the work occurs does not require modification
- 1716 of buildings/structures 45 years or older and occurs within previously disturbed
- 1717 soils.
- 1718
- 1719 e. Installation of new communication towers, less than 200 feet tall, in previously
- 1720 developed urban complexes when the work does not require modification of
- 1721 buildings/structures 45 years or older, occurs within previously disturbed soil, and
- 1722 is not within a half mile feet of the boundaries of a historic property.
- 1723
- 1724 **E. WATER RESOURCE MANAGEMENT AND CONTROLS**, when proposed activities
- 1725 substantially conform to the original footprint and/or performed in previously disturbed
- 1726 soils, including the area where the activity is staged.
- 1727
- 1728 1. Canal Systems
- 1729
- 1730 a. In-kind repairs or replacement to canal systems and associated elements.
- 1731
- 1732 2. Breakwaters, Seawalls, Revetments, and Berms
- 1733
- 1734 a. In-kind repair or replacement of breakwaters, seawalls, and revetments, provided
- 1735 the work occurs in previously disturbed soils.
- 1736
- 1737 3. Dams, Levees, and Floodwalls
- 1738
- 1739 a. In-kind repair of dams, levees, floodwalls and related features, including spillways,
- 1740 tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.
- 1741
- 1742 4. Fish Hatcheries
- 1743
- 1744 a. In-kind repair or replacement of fish hatcheries and fish ladders.
- 1745

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5. Waste-Water Treatment Lagoon Systems

- a. In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.

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## Appendix C: Treatment Measures

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When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects:

If Undertakings may or will result in adverse effects, FEMA, the Grantee(s), subgrantee, SHPO, and participating Tribes may develop a treatment measure 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 IV.A.3 of this Agreement, Amendments.

### A. Recordation

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 NPS' *National Register of Historic Places Photographic Policy March 2010* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
  - a. 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. 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 digital photography package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
  - c. The designated responsible party shall submit the digital photography package to the SHPO and participating Tribes for review and approval. Once approved by the SHPO and participating Tribes, the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.

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2. 35mm Black and White Photography Package: Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm film black and white film photography package prepared by staff or contractors meeting the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
  - a. The 35 mm film black and white film 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. 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 35 mm film black and white film photography package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film 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 35 mm black and white film photography package the SHPO and/or participating Tribes for review and approval. Once approved by the SHPO and participating Tribes, the designated responsible party shall submit a copy of the approved documentation to a state or local historical society, archive, and/or library for permanent retention.
3. 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 Secretary's 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. 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

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1838 7-inch negatives in acid free sleeves, a completed state architectural inventory  
1839 form, and a written site history of the historic property.

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B. Public Interpretation

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Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribes 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/or participating Tribes 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.

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D. Historical Context Statements and Narratives

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Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and participating Tribes 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 participating Tribes 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's Professional Qualifications for the appropriate discipline.

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E. Oral History Documentation

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Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribes 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/or participating Tribes 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.

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F. Historic Property Inventory

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Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribes 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 and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/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/or participating Tribes through the data collection process. The designated responsible party shall use SHPO and/or participating Tribes' standards for the survey of historic properties and SHPO and/or participating Tribes' forms as appropriate. The designated responsible party shall prepare a draft inventory report, according to SHPO and/or participating Tribes' templates and guidelines, and work with the SHPO and/or participating Tribes 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.

#### G. National Register and National Historic Landmark Nominations

Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribes to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribes through the drafting of the nomination form. The SHPO and/or participating Tribes shall provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party shall use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

#### H. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, FEMA, the Grantee(s), and subgrantee shall work with the SHPO and/or participating Tribes to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and/or participating Tribes through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to the SHPO and/or participating Tribes for review. 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.



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1926            **Appendix D: Tribal Areas of Interest within the State of South Carolina**  
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1928   **Tribe Name**  
1929   Counties included within Area of Interest:  
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1931   Project Types of Interest:  
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1933   Any Excluded Project Types:  
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1935   Preferred Method of Communication  
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**ADDENDUM**  
**to**  
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**THE FEDERAL EMERGENCY MANAGEMENT AGENCY,**  
**THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,**  
**THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION, AND**  
**TRIBES PARTICIPATING AS INVITED SIGNATORIES**  
**to include**  
**PARTICIPATING SOUTH CAROLINA UNITS OF GENERAL LOCAL**  
**GOVERNMENT**

**WHEREAS**, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407 (2006), and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

**WHEREAS**, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the ACHP and NCSHPO to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement with the SHPO, State/Tribal Emergency Management Agency, and/or participating Tribe(s); and

**WHEREAS**, FEMA consulted with the South Carolina State Historic Preservation Officer (SHPO), the South Carolina Emergency Management Division (SCEM) the Catawba Indian Nation, and the United Keetoowah Band of Cherokee Indians to adopt and execute the FEMA Prototype Agreement for its Programs in South Carolina, and the South Carolina State specific Agreement (Agreement) was executed on October 16, 2014; and

**WHEREAS**, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013), and other Congressionally authorized programs as are enacted from time to time, the U.S. Department of Housing and Urban Development (HUD) allocates Community Development Block Grant- Disaster Recovery (CDBG-DR) funds for disaster recovery activities similar to the activities covered by the Agreement; and

**WHEREAS**, the South Carolina Disaster Recovery Office (SCDRO) and participating units of general local government have assumed HUD's environmental review responsibilities as Responsible Entities and are responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 and 24

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CFR Part 58, and propose to administer Community Development Block Grant – Disaster Recovery (CDBG-DR) funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 and other Congressionally authorized programs as are enacted from time to time;

**WHEREAS**, Stipulation I.A.6. of the Agreement allows other Federal agencies, including state and local governments acting as Responsible Entities for CDBG-DR funds, to fulfill their Section 106 responsibilities for those types of activities covered under the terms of the Agreement by accepting and complying with the terms of the Agreement and executing this Addendum; and

**WHEREAS**, SCDRO and participating units of general local government will ensure that staff who meet the Secretary’s Professional Qualification Standards will review Second Tier projects in accordance with Appendix B of the Agreement and will provide resumes of such staff to the signatories to this Addendum; and

**NOW, THEREFORE**, SCDRO and participating units of general local government agree to assume the federal agency role and accept the terms and conditions of the Agreement and subsequent amendments, as appropriate under HUD’s authorizing legislation and regulations, and thereby take into account the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in their jurisdictions in South Carolina.

**DURATION AND EXTENSION**, This Addendum to the Agreement will remain in effect for currently open disaster declarations and subsequent disaster declarations in the state of South Carolina; however, the Addendum will not exceed the expiration date of the Agreement. Signatories may collectively agree to extend this Addendum to cover additional calendar years provided that the Agreement is also extended.

**EXECUTION AND IMPLEMENTATION**, of this Addendum to the Agreement evidences that SCDRO and participating units of general local government have taken into account the effects of their undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement, SCDRO and participating units of general local government will satisfy their responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR program for activities in their jurisdictions in South Carolina. This Addendum may be executed in counterparts, with separate signature pages. Units of general local government may decide to participate and execute the Addendum at any time during the term of the Addendum.

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to include  
**THE SOUTH CAROLINA DISASTER RECOVERY OFFICE and**  
**PARTICIPATING SOUTH CAROLINA UNITS OF GENERAL LOCAL**  
**GOVERNMENT**

**SIGNATORY PARTIES:**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

 Date: 11/16/16

Gracia B. Szczech  
Regional Administrator  
Region IV

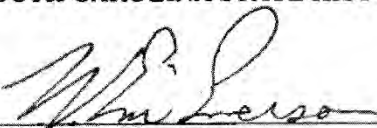
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**GOVERNMENT**

**SIGNATORY PARTIES:**

**SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER**

 Date: 11-4-16  
W. Eric Emerson, Ph.D.

State Historic Preservation Officer

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**GOVERNMENT**

**SIGNATORY PARTIES:**

**SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION**

  
\_\_\_\_\_  
Kim Stenson                      Date: 4 Nov 16  
Director

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**PARTICIPATING SOUTH CAROLINA UNITS OF GENERAL LOCAL**  
**GOVERNMENT**

**INVITED SIGNATORIES:**

**UNITED KEETOOWAH BAND OF CHEROKEE INDIANS**

\_\_\_\_\_ Date: \_\_\_\_\_  
George Wickliffe

Chief

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**ADDENDUM**  
**to**  
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**to include**  
**THE SOUTH CAROLINA DISASTER RECOVERY OFFICE and**  
**PARTICIPATING SOUTH CAROLINA UNITS OF GENERAL LOCAL**  
**GOVERNMENT**

**INVITED SIGNATORIES:**

**CATAWBA INDIAN NATION**

\_\_\_\_\_ Date: \_\_\_\_\_  
William Harris  
Chief

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\_\_\_\_\_ Date: \_\_\_\_\_  
Wenonah Haire  
Tribal Historic Preservation Officer



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**ADDENDUM**  
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**PARTICIPATING SOUTH CAROLINA UNITS OF GENERAL LOCAL**  
**GOVERNMENT**

**PARTICIPATING UNITS OF GENERAL LOCAL GOVERNMENT**

[City/County]

\_\_\_\_\_ Date: \_\_\_\_\_

[name]

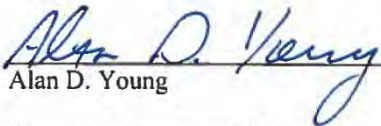
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**GOVERNMENT**

**SOUTH CAROLINA DISASTER RECOVERY OFFICE**

  
Alan D. Young

**Date:** 11-16-16

Director of Grants and Incentives  
South Carolina Department of Commerce

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## K. Noise Abatement and Control

Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B

### **Regulatory Agencies Consulted**

All agency coordination will be made on a case-by-case basis.

### **Regulatory Background and Broad Review Determination**

The Noise Control Act of 1972 regulates noise to protect people from negative health and welfare effects resulting from noise pollution in the environment. HUD's noise standards may be found in 24 CFR Part 51, Subpart B. Consideration of noise applies to the acquisition of undeveloped land and existing development as well – where these activities result in a new noise-sensitive land use. For proposed new construction in high noise areas, the project must incorporate noise mitigation features.

HUD has determined that noise abatement and control is not applicable to a disaster recovery program which meets the definition under 24 CFR 51.101(a)(3): "The policy does not apply to...any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster."

Rehabilitation, reconstruction, and replacement (Proposed Actions 1 – 6) fit this definition and will not require further review. Although relocated replacement MHUs may be in a 'new' location, per program requirements, the home must be placed on an existing residentially developed MHU lot –thus the 'new' location is actually a previously existing noise-sensitive (residential) land use, and also fits the definition above.

Additionally, acquisition / buyout (Proposed Action 7) involves demolition and conversion to greenspace in perpetuity, which will not result in a noise-sensitive land use.

The review for Noise is concluded at the Tier I Broad Environmental Review level.

### **Site Specific Review Process**

HUD's noise regulations do not apply to projects involving reconstruction, rehabilitation, or replacement of housing for the purpose of restoring facilities substantially as existed prior to the disaster, and projects that will not result in a new noise-sensitive land use. The Tier II Site-Specific Review Checklist will document that the review was concluded at the Tier I level.

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## L. Sole Source Aquifers

Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR 149

### **Regulatory Agencies Consulted**

No agencies were consulted.

### **Regulatory Background and Broad Review Determination**

Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.

Sole Source Aquifer designations are one tool to protect drinking water supplies in areas where alternatives to the groundwater resource are few, cost-prohibitive, or nonexistent. The designation protects an area's ground water resource by requiring U.S. Environmental Protection Agency (EPA) review of any proposed projects within the designated area that are receiving federal financial assistance. All proposed projects receiving federal funds are subject to review to ensure they do not endanger the water source.

Only new construction and conversion activities are subject to review for Sole Source Aquifers (SSA).

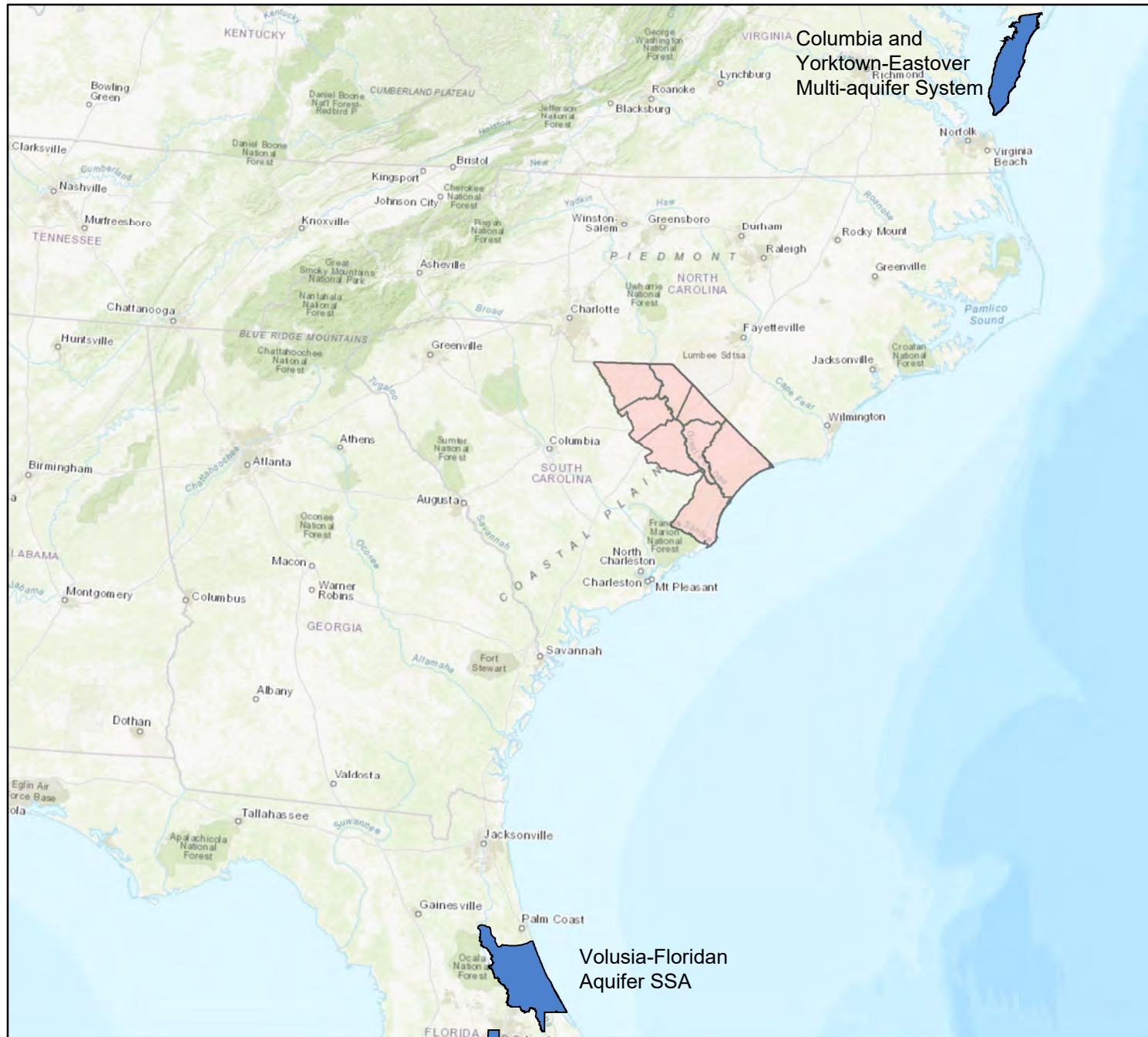
A review of the EPA regional Sole Source Aquifer (SSA) maps determined that the project area is not within the boundaries of a designated SSA. There are no sole source aquifers located in South Carolina. The nearest aquifers are the Volusia-Floridan Aquifer in Florida and the Columbia and Yorktown-Eastover Multi-Aquifer System in the northeast (see Map L-1). The review for SSA is concluded at the Tier I Broad Environmental Review level.

### **Site Specific Review Process**

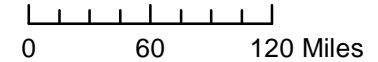
There are no sole source aquifers in South Carolina. The Tier II Site-Specific Review Checklist will document that the review was concluded at the Tier I level.

# Map L-1. Sole Source Aquifers

## Hurricane Florence Single-Family Housing Program



- Study Area
- Sole Source Aquifers



Sources: Aquifer data obtained from the Environmental Protection Agency's GIS Portal; ESRI Imagery Basemap service.

## M. Wetlands and Surface Waters Protection

Executive Order 11990 (particularly sections 2 and 5), and Clean Water Act Compliance (33 CFR 320 - 330)

### Regulatory Agencies Consulted

U.S. Army Corps of Engineers Charleston District Office  
Charleston Ecological Services Field Office  
SC Department of Health and Environmental Control, Bureau of Water, Division of Water Quality

### Regulatory Background and Broad Review Determination

Executive Order (EO) 11990 was issued “to avoid to the extent possible the long- and short-term adverse impacts associated with wetlands as defined at Section 6(e) and to avoid direct or indirect support of new construction (draining, dredging, channelizing, filling, diking, impounding, and related activities or placement of any buildings or facilities) in wetlands wherever there is a practicable alternative.” In addition to compliance with EO 11990, project activities located within wetlands or with surface waters (e.g., creeks, lake shores or coastline) may also be subject to permitting under Sections 401 and 404 of the Clean Water Act (CWA).

Sections 401 and 404 provide the USACE with the authority to permit or deny placement of dredge or fill material in waters of the U.S. (see <https://www.epa.gov/wotus-rule>). Examples of fill include, but are not limited to: rock, sand, soil, clay, plastics, construction debris, wood, overburden from excavation activities, and materials used to create any building or infrastructure within a water of the U.S. designated water or wetland. All activities will be located on lands privately owned by the applicant and Sections 10 and 14 (also Section 408) of the Rivers and Harbor Act will not apply.

**Table M-1. South Carolina Wetlands**

<b>Wetland Type</b>	<b>Acres</b>	<b>Sq. Miles</b>	<b>%</b>
<i>Coastal Wetland</i>	450,000	703	10%
<i>Freshwater Wetland</i>	4,050,000	6,328	90%
<b>Total</b>	<b>4,500,000</b>	<b>7,031</b>	<b>100%</b>

According to the State Wetland Protection state profile for South Carolina (2008), there are approximately 4.5 million acres (over 7,000 square miles) of wetlands in South Carolina (see Table M-1). This means that wetlands account for about 23% of the land area in South Carolina! Based on a review of the National Wetlands Inventory data, there are wetlands throughout the program area and it is assumed that at least some of the proposed project sites will intersect with NWI-mapped wetlands (see Maps M-1 and M-2). Projects that involve new construction (as defined in Executive Order 11990), expansion of a building’s footprint, or ground disturbance in a wetland (per NWI and verified by site reconnaissance and the presence of wetland indicators) are required to obtain any necessary permits as required by the Corps and are subject to

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processing under 24 CFR 55.20 (unless an exemption applies). Letters were sent to the U.S. Army Corps of Engineers Charleston District Office, the Charleston Ecological Services Field Office and the SC Department of Health and Environmental Control, Bureau of Water, Division of Water Quality on January 26, 2021, seeking comments regarding project compliance for activities related to Hurricanes Matthew and Florence (see Exhibits M-1, M-2 and M-3, respectively). The director of the Water Quality Division acknowledged receipt of the letter, forwarding it to the individual responsible for handling such requests for the agency; however, no substantive responses were received.

### **Site Specific Review Process**

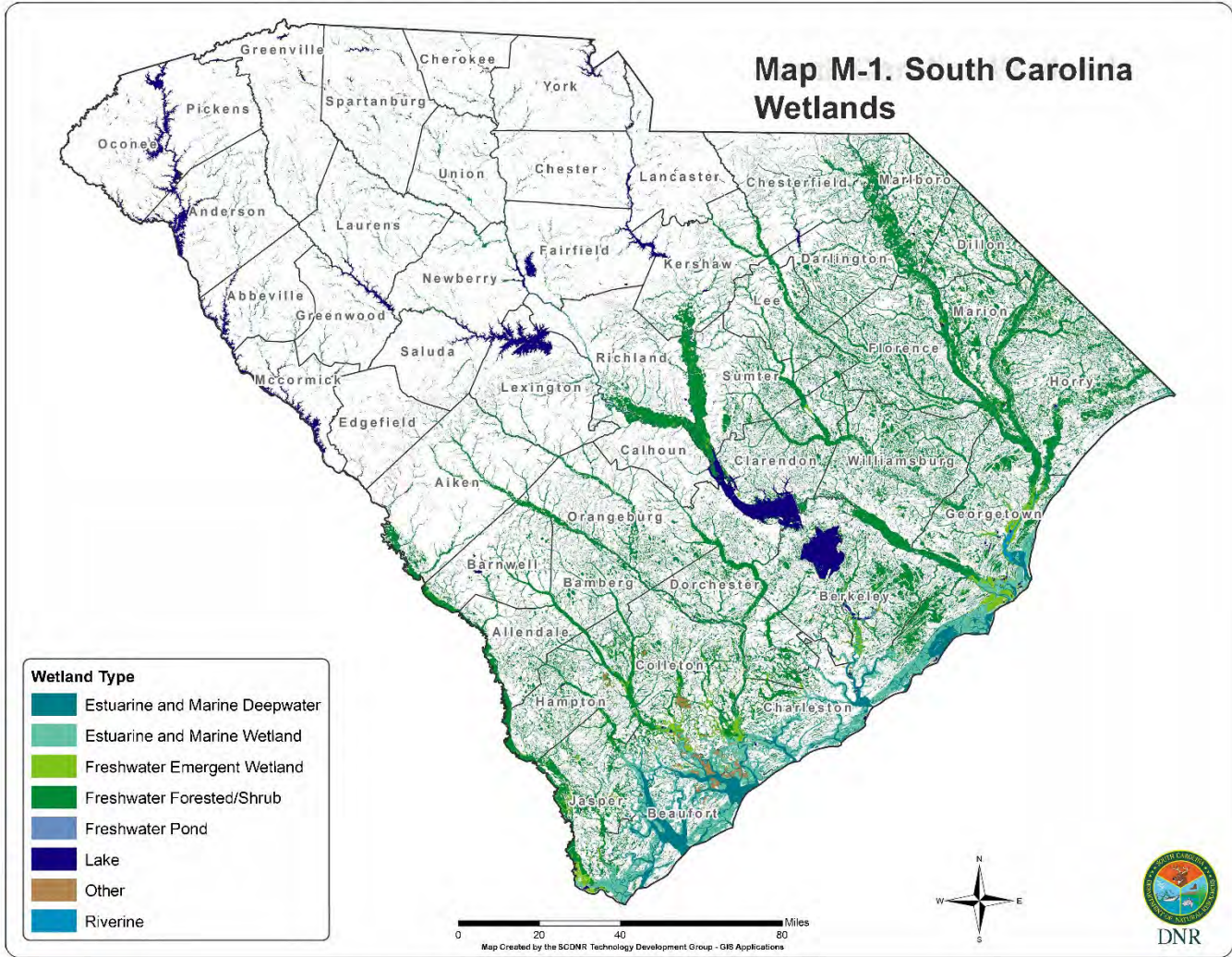
All projects that involve new construction (as defined in Executive Order 11990), expansion of a building's footprint, or ground disturbance will be evaluated to determine if the project site is located in or adjacent to a wetland (per NWI and verified by site reconnaissance and the presence of wetland indicators) or waterbody.

If there is no evidence that project construction activities could impact a water / wetland feature, then the review will be complete. The finding will be noted in the project file and documented through appropriate notes, maps and photographs.

If the desktop review, site inspection, agency coordination and/or aquatic features delineation study ascertain that a jurisdictional water / wetland is present or adjacent to the proposed construction work area then this finding will be recorded through a memorandum or letter report from a professional ecologist. This document will provide, where feasible, recommendations that present practical mitigation actions that could avoid or minimize potential adverse impacts to the aquatic feature.

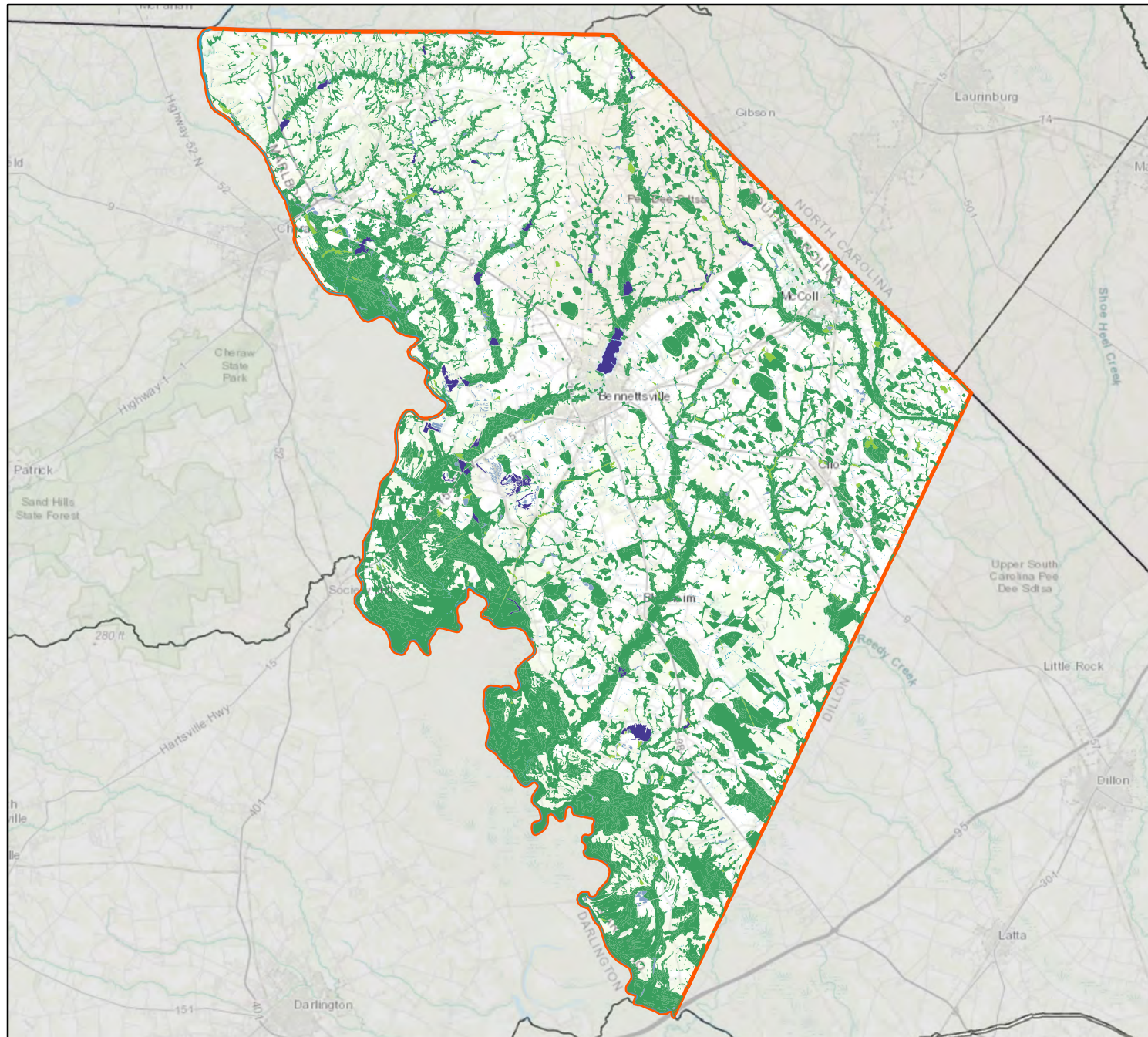
If the option is feasible the applicant may be asked to move the program activity to another location that is confirmed to be outside all wetlands / waters of the US. If this option is not feasible then the document and site recommendations will be submitted to the USACE for review and comment. If approved by the USACE then the applicant will be informed of the mitigation requirements. As required by the USACE, on a case-by-case basis, the 8-Step process outlined at 24 CFR 55.20 with modifications necessary for compliance with Sections 2 and 5 of EO 11990, will be performed. Included in the ERR will be any compliance requirements to meet USACE permit needs.

All relevant findings for each application will be documented on the Tier II Site-Specific Review Checklist and kept on file in the final ERR.

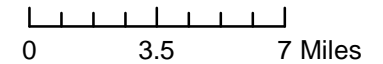




# Map M-2. National Wetlands Inventory - Marlboro County Hurricane Florence Single-Family Housing Program



- County Boundary
- National Wetlands Inventory**
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine



Sources: National Wetlands Inventory data obtained from the US Fish and Wildlife Service; ESRI Imagery Basemap service.

## Exhibit M-1. Letter to U.S. Army Corps of Engineers Charleston District Office



### South Carolina Disaster Recovery Office

*Office of Resilience*

Benjamin I. Duncan II, Program Director

632 Rosewood Drive

Columbia, South Carolina 29201

803.896.4068

803.771.2887 Fax

Date: January 26, 2021

To: Charleston District Office  
U.S. Army Corps of Engineers  
69 Haloed Avenue  
Charleston, SC 29403

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Charleston District Office:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Executive Order 11990 (sections 2 and 5) and Clean Water Act Compliance (33 CFR 320-330) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

All projects that involve new construction (as defined in Executive Order 11990), expansion of a building’s footprint, or ground disturbance will be evaluated to determine if the project site is located in or adjacent to a wetland (per NWI and verified by site reconnaissance and the presence of wetland indicators) or waterbody. If there is no evidence that project construction activities could impact a water / wetland feature, then the review will be complete. The finding will be noted in the project file and documented through appropriate notes, maps and photographs. If the desktop review, site inspection, agency coordination and/or aquatic features delineation study ascertain that a jurisdictional water / wetland is present or adjacent to the proposed construction work area then this

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finding will be recorded through a memorandum or letter report from a professional ecologist. This document will provide, where feasible, recommendations that present practical mitigation actions that could avoid or minimize potential adverse impacts to the aquatic feature. If the option is feasible, the applicant may be asked to move the program activity to another location that is confirmed to be outside all wetlands / waters of the US. If this option is not feasible, then the document and site recommendations will be submitted to the USACE for review and comment. If approved by the USACE, then the applicant will be informed of the mitigation requirements. As required by the USACE, on a case-by-case basis, the 8-Step process outlined at 24 CFR 55.20 with modifications necessary for compliance with Sections 2 and 5 of EO 11990, will be performed. Included in the ERR will be any compliance requirements to meet USACE permit needs. All relevant findings for each application will be documented on the Tier II Site-Specific Review Checklist and kept on file in the final ERR.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

## Exhibit M-2. Letter to Charleston Ecological Services Field Office



**South Carolina Disaster Recovery Office**  
*Office of Resilience*

Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Mr. Tom McCoy, Field Supervisor  
Charleston Ecological Services Field Office  
176 Croghan Spur Road, Suite 200  
Charleston, SC 29407

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Mr. McCoy:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornadoes and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Executive Order 11990 (sections 2 and 5) and Clean Water Act Compliance (33 CFR 320-330) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

All projects that involve new construction (as defined in Executive Order 11990), expansion of a building’s footprint, or ground disturbance will be evaluated to determine if the project site is located in or adjacent to a wetland (per NWI and verified by site reconnaissance and the presence of wetland indicators) or waterbody. If there is no evidence that project construction activities could impact a water / wetland feature, then the review will be complete. The finding will be noted in the project file and documented through appropriate notes, maps and photographs. If the desktop review, site inspection, agency coordination and/or aquatic features delineation study

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ascertain that a jurisdictional water / wetland is present or adjacent to the proposed construction work area then this finding will be recorded through a memorandum or letter report from a professional ecologist. This document will provide, where feasible, recommendations that present practical mitigation actions that could avoid or minimize potential adverse impacts to the aquatic feature. If the option is feasible, the applicant may be asked to move the program activity to another location that is confirmed to be outside all wetlands / waters of the US. If this option is not feasible, then the document and site recommendations will be submitted to the USACE for review and comment. If approved by the USACE, then the applicant will be informed of the mitigation requirements. As required by the USACE, on a case-by-case basis, the 8-Step process outlined at 24 CFR 55.20 with modifications necessary for compliance with Sections 2 and 5 of EO 11990, will be performed. Included in the ERR will be any compliance requirements to meet USACE permit needs. All relevant findings for each application will be documented on the Tier II Site-Specific Review Checklist and kept on file in the final ERR.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## Exhibit M-3. Letter to SC DHEC Bureau of Water, Division of Water Quality



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

---

Date: January 26, 2021

To: Ms. Heather Preston, Director  
Division of Water Quality  
Bureau of Water, DHEC  
2600 Bull Street  
Columbia, SC 29201

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. Preston:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Clean Air Act (particularly 176(c) & (d)) and CFR Parts 6, 51, and 93 standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.



#### Housing Program Activities\*

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4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

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**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

The review for the Clean Air Act and Air Quality is concluded at the Tier I Broad Review level. There are no Clean Air Act compliance requirements or Air Quality issues in any of the eight (8) program counties which would require review at the site-specific level; therefore, the site-specific review checklist will document that the review was concluded at the Tier I level. There are no nonattainment or ‘maintenance’ areas in the eight (8) county program area; therefore, conformance to the State Implementation Plan (SIP) is not required. The Bureau of Air Quality, Division of Air Assessment, Innovations, & Regulation was contacted on May 8, 2018 regarding project

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compliance. In a response dated May 18, 2018, the Bureau indicated there were two criteria pollutants of concern in South Carolina (Ozone and Particulate Matter 2.5) and offered suggestions for reducing emissions from diesel equipment, as a way to help the state stay in compliance with NAAQS. These suggestions were incorporated into the Mitigation Measures section to be applied to all project activities. The General Conformity Rule requires that the direct and indirect air emissions from an action be below the de minimis levels. Proposed project activities include rehabilitation, reconstruction, and replacement of single family (1-4 unit) properties at scattered sites throughout the project area (Proposed Actions 1 through 6) and Acquisition / Buyout (Proposed Action 7). Emissions associated with the proposed actions are limited to the 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, and therefore, in compliance with the Clean Air Act.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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Exhibit M-4. Email from SC DHEC Bureau of Water, Division of Water Quality

**Karyn Desselle**

---

**From:** Preston, Heather <PRESTOHS@dhec.sc.gov>  
**Sent:** Wednesday, January 27, 2021 7:50 AM  
**To:** Karyn Desselle  
**Cc:** Eric.Fosmire@admin.sc.gov; Ben.Duncan@admin.sc.gov; Daniel Paul; Lauren Poche; Ellenberg, Kristy E.; Clark, Ann  
**Subject:** Re: SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program  
**Attachments:** Agency Letter\_Water Quality\_Preston.pdf

Good Morning! I have forwarded you request to Kristy Ellenberg who is copied on this response. She currently handles these requests for the agency.

Thanks!

Heather Preston  
Water Quality Division Director  
S.C. Dept. of Health & Environmental Control  
Office: (803) 898-3105  
Mobile: (803) 465-1422  
Connect: [www.scdhec.gov](http://www.scdhec.gov) [\[scdhec.gov\]](https://www.facebook.com) [Facebook \[facebook.com\]](https://www.facebook.com) [Twitter \[twitter.com\]](https://twitter.com)



---

**From:** Karyn Desselle <Karyn.Desselle@hornellp.com>  
**Sent:** Tuesday, January 26, 2021 8:04 PM  
**To:** Preston, Heather <PRESTOHS@dhec.sc.gov>  
**Cc:** Eric.Fosmire@admin.sc.gov <Eric.Fosmire@admin.sc.gov>; Ben.Duncan@admin.sc.gov <Ben.Duncan@admin.sc.gov>; Daniel Paul <Daniel.Paul@hornellp.com>; Lauren Poche <Lauren.Poche@hornellp.com>; Karyn Desselle <Karyn.Desselle@hornellp.com>  
**Subject:** SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

\*\*\* Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*

Good afternoon,

Attached please find a letter summarizing the enclosed Early Public Review Floodplain Notices, which will publish tomorrow, January 27, 2021. Please submit any responses or comments as per the process outlined within the notice(s) of interest.

Karyn Desselle on behalf of,

Eric G. Fosmire  
Legal Director | Disaster Recovery Office  
[The South Carolina Office of Resilience](#)

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## N. Wild and Scenic Rivers

Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)

### Regulatory Agencies Consulted

National Park Service, Interior Region 2 - South Atlantic Gulf

### Regulatory Background and Broad Review Determination

The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System (NWSRS) 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 NWSRS includes, designated Wild and Scenic Rivers, Study Rivers and the National Rivers Inventory. 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. Boundaries for protected rivers generally extend one-quarter mile from either bank in the lower 48 states.

South Carolina has approximately 29,898 miles of river, of which 41.9 miles are designated as wild & scenic. The Chattooga River is the only river in South Carolina that is designated as wild and scenic (see Map N-1). There are currently 3 study rivers, none of which are located in South Carolina (see Table N-1). The Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the US that are believed to possess one or more "outstanding remarkable" natural or cultural value. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more of the NRI segments. There are ten (10) NRI segments located within the program project area (see Map N-2).

A request for comment was submitted to the National Park Service on May 8, 2018 in regard to Hurricane Matthew housing activities (see Exhibit N-1). No response was received. A follow-up letter seeking additional comments regarding project compliance for activities related to Hurricane Florence were sent on January 26, 2021 (see Exhibit N-2). A response dated January 27, 2021 (see Exhibit N-3) was received concurring with the method of the review process detailed in the January 26, 2021 letter.

Based on the distance to the rivers, and the general location of the project sites within the project area, the Program will not impact a designated Wild and Scenic River or Study River. Project activities will not include any water resources projects that require Section 404 permits (dams, water diversion projects, bridges, roadway construction or reconstruction, boat ramps, etc.). Additionally, the proposed project activities are limited to reconstruction, rehabilitation, or replacement of existing housing, and any ground disturbance would be limited to the disturbed area of the previously developed lot and therefore, are not likely to have an adverse effect on the natural, cultural, and/or recreational values of an NRI segment.

The review for Wild and Scenic Rivers is concluded at the Tier I Broad Environmental Review level.

## Site Specific Review Process

The Tier II Site-Specific Review Checklist will document that the review was concluded at the Tier I level. All projects will be conditioned to “take care to avoid or mitigate adverse effects on the rivers identified in the Nationwide Inventory.”

**Table N-1. Wild & Scenic and Study Rivers as well as National Rivers Inventory (NRI)**

### **WILD & SCENIC RIVERS**

<b>SOUTH CAROLINA</b>	Chattooga	<p>May 10, 1974. The segment from 0.8 miles below Cashiers Lake in North Carolina to the Tugaloo Reservoir. The West Fork from its confluence with the main stem upstream 7.3 miles.</p> <p>Wild — 41.6 miles; Scenic — 2.5 miles; Recreational — 14.6 miles; Total — 58.7 miles</p>
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### **STUDY RIVERS**

<b>OREGON</b>	Cave, Lake, No Name and Panther Creeks	<p>December 19, 2014 (Public Law 113-291). Cave Creek from the River Styx to the boundary of the Rogue River-Siskiyou National Forest. Lake Creek from its headwaters at Bigelow Lakes to the confluence with Cave Creek. No Name Creek from its headwaters to the confluence with Cave Creek. Panther Creek from its headwaters to the confluence with Lake Creek. Upper Cave Creek from its headwaters to the confluence with the River Styx.</p> <p>8.3 miles</p>
<b>CONNECTICUT</b>	Housatonic River	<p>November 11, 2016 (Section 2(a)(ii) Application by Governor Malloy). From the Massachusetts/Connecticut border downstream to Boardman Bridge in New Milford, Connecticut.</p> <p>41.0 miles</p>
<b>MAINE</b>	York River	<p>December 19, 2014 (Public Law 113-291). From the headwaters of the York River at York Pond to the mouth of the river at York Harbor and any associated tributaries.</p> <p>11.3 miles plus tributaries</p>

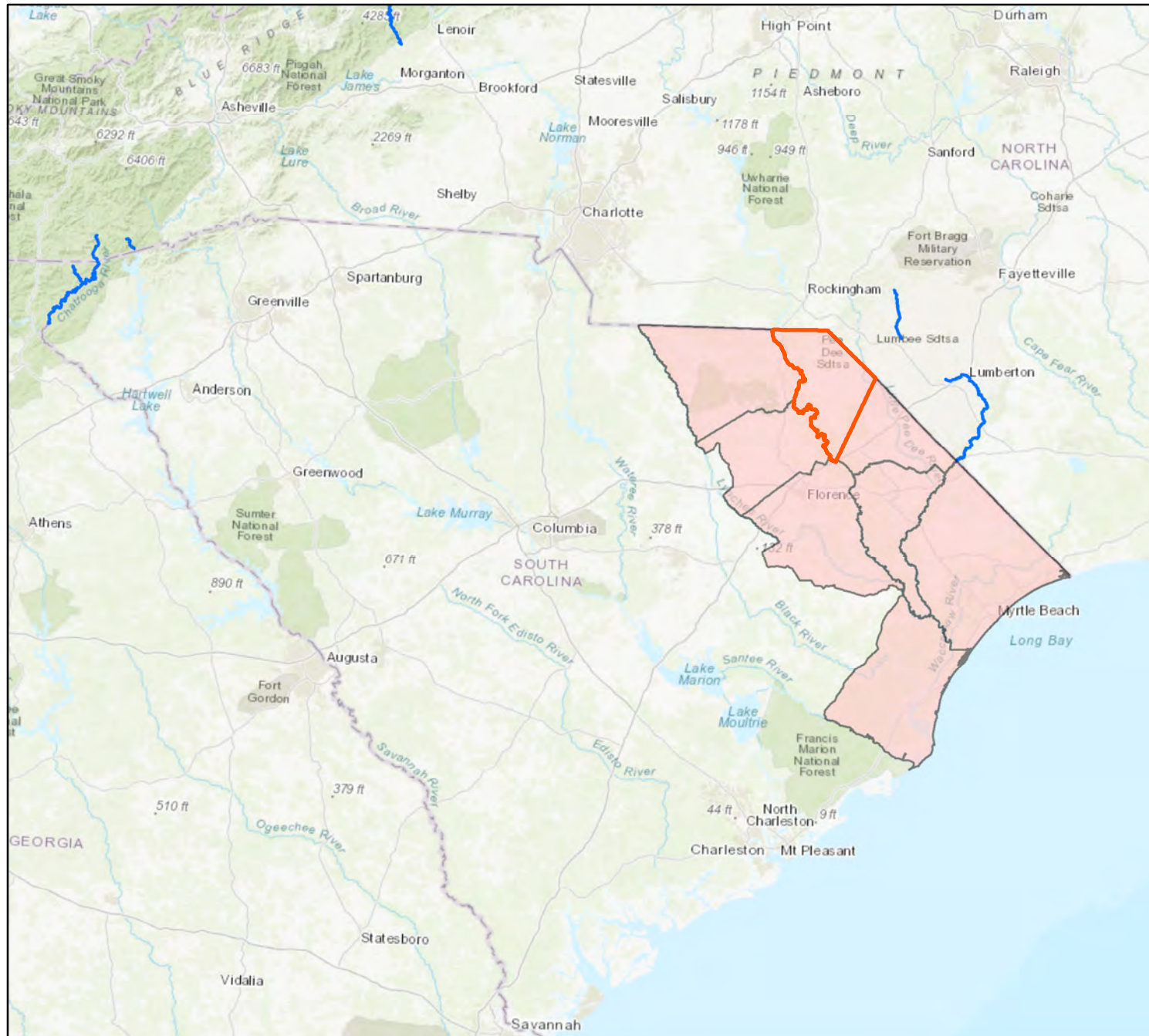
## NATIONAL RIVER INVENTORY (within Program Counties)




River	County	Reach	Length (miles)	Description	ORVs	Water-shed (HUC Code 8)	Year Listed / Updated
<b>LITTLE PEE DEE RIVER</b>	Marion, Horry, Dillon	SC 57 bridge to confluence with Pee Dee River	118	Low country blackwater river with many reaches of remote swampland and pristine cypress forests; sandy beaches; plentiful waterfowl.	Cultural, Fish, Historic, Recreationa I, Scenic, Wildlife	Little Pee Dee	1982
<b>LUMBER RIVER</b>	Marion, Horry, Dillon	NC State line to confluence with Little Pee Dee River	17	Forested, swampy floodplain rich in wildlife, including Swainsons Warbler and Red-Cockaded Woodpecker; excellent fishery; of Revolutionary War significance.	Cultural, Fish, Historic, Recreationa I, Scenic, Wildlife	Little PeeDee	1982
<b>PEE DEE RIVER</b>	Georgetown, Horry, Marion, Florence, Dillon, Darlington, Marlboro, Chesterfield	NC State line to Atlantic Ocean	177	Flows through lowland swamps, scenic bluffs; numerous oxbow lakes and sandbars; abundance of wildlife.	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Lower PeeDee	1982
<b>LYNCHES RIVER</b>	Florence, Sumter, Lee, Darlington, Kershaw, Chesterfield	SC 903 bridge to confluence with Pee Dee River	152	Scenic and secluded coastal plain stream with stretches of whitewater; lush vegetation and dense forests.	Fish, Geologic, Recreationa I, Scenic, Wildlife	Carolina Coastal-Sampit	1982
<b>NORTH SANTEE RIVER</b>	Georgetown	Confluence with Wadmacon Creek to mouth at Santee Bay	18	Slow moving shallow swamp stream with natural corridor and diversity of flora and fauna.	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Santee	1982
<b>SANTEE RIVER</b>	Charleston, Georgetown, Berkeley, Williamsburg, Clarendon	Santee River to confluence with South Santee River	71	Slow moving shallow swamp stream with natural corridor exhibiting a diversity of flora and fauna; numerous historical and archaeological sites.	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Santee	1982

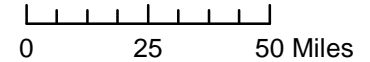
<b>SAVANNAH RIVER</b>	Charleston, Georgetown, Berkeley, Williamsburg, Clarendon	Hartwell Dam to confluence with Beer Garden Creek. Then from Augusta Regional Airport to Kings Island.	196	Popular year round for recreational activities; geological sites, including 160 foot high Shell Bluffs; habitat for variety and abundance of wildlife.	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Upper Savannah	1982
<b>SOUTH SANTEE RIVER</b>	Charleston, Georgetown, Berkeley, Williamsburg, Clarendon	Confluence with Santee River to Atlantic Ocean	16	Slow moving shallow swamp stream with natural corridor exhibiting a diversity of flora and fauna; numerous historical and archaeological sites	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Santee	1982
<b>WACCAMAW RIVER</b>	Georgetown, Horry	NC State line to confluence with Pee Dee River	98	Deep blackwater swamp stream characterized by numerous buttressed tree species, predominately cypress draped with Spanish moss; abundance of wildlife	Cultural, Fish, Historic, Recreationa I, Scenic, Wildlife	Waccama w	1982
<b>BLACK RIVER</b>	Georgetown, Williamsburg, Clarendon	Confluence with Pocotaligo River to Confluence with Pee Dee River	112	Southern blackwater stream with limestone bluffs and numerous buttressed tree species; oxbow lakes and white sand bars.	Cultural, Fish, Geologic, Historic, Recreationa I, Scenic, Wildlife	Black	1982

# Map N-1. National Wild and Scenic Rivers - Marlboro County

## Hurricane Florence Single-Family Housing Program



-  County Boundary
-  Study Area
-  National Wild and Scenic River



Sources: National Wild and Scenic Rivers compiled by the US Forest Service, National Park Service, Bureau of Land Management, and US Fish and Wildlife Service; ESRI Imagery Basemap service.

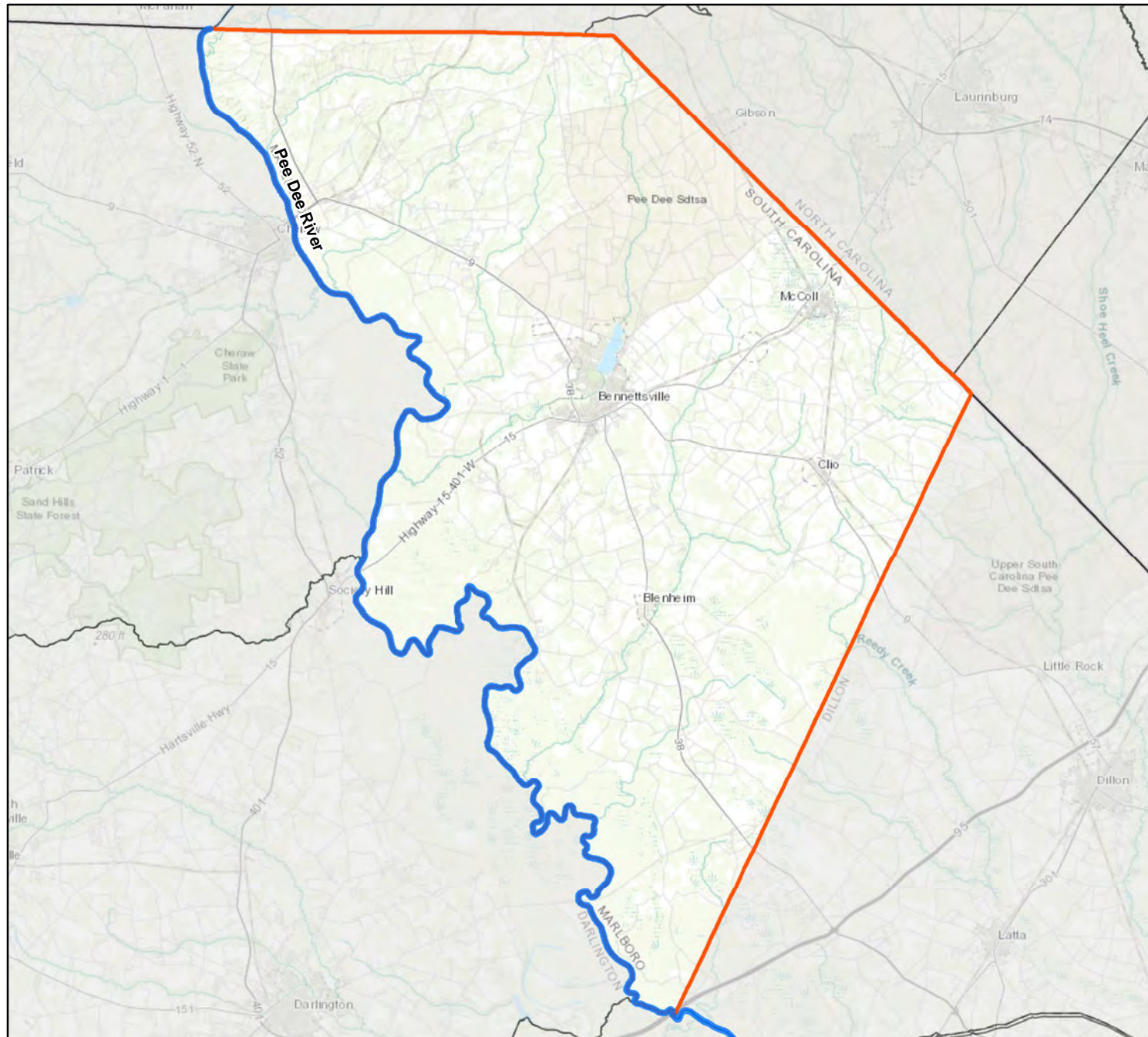




# Map N-2. National Rivers Inventory - Marlboro County

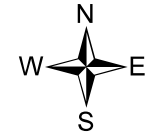
## Hurricane Florence Single-Family Housing Program



**HORNE**



-  County Boundary
-  National Rivers Inventory



0 3.5 7 Miles

Sources: Nationwide Rivers Inventory obtained from the National Park Service; ESRI Imagery Basemap service.

## Exhibit N-1. Letter to the National Park Service in Regard to Hurricane Matthew Housing Activities



May 8, 2018

Dr. Jeffery R. Duncan, Ph.D.  
Southeast Regional Fishery Ecologist & Wild and Scenic Rivers Coordinator  
National Park Service  
535 Chestnut Street, Suite 207  
Chattanooga, TN 37402

**RE: South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) - Rehabilitation & Reconstruction of Single-Family Homes and Replacement of Manufactured Housing Units – Hurricane Matthew - B-16-DL-45-0001. Wild and Scenic Rivers Act Consultation.**

Dear Mr. Duncan:

Hurricane Matthew ravaged the coastal communities of South Carolina. Hurricane Matthew made landfall near McClellanville, a small fishing community in Charleston County, as a category one hurricane on October 8, 2016. Neighborhoods were left in ruins as the storm cut a path of destruction through South Carolina. A large portion of South Carolina was under a State of Emergency for the second time in as many years. Wind damage from the storm demolished homes across the coastal counties of the state. Entire neighborhoods were underwater over forty miles inland. 833,000 homes were without electricity. 400,000 people evacuated from their homes in advance of the storm. Despite this, four South Carolina residents lost their lives. Hundreds more lost their homes.

South Carolina is proposing to use CDBG-DR funds to assist homeowners in the following disaster declared counties: Dillon, Marlboro, Chesterfield, Beaufort, Jasper, Barnwell, Allendale, and Hampton, in achieving safe and code compliant housing that meets minimum property standards through rehabilitation, reconstruction and replacement of manufactured homes. The remaining Hurricane Matthew disaster declared counties were covered in the Broad Reviews completed for the 2015 Flood Declaration.

The South Carolina Department of Commerce, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. SCDRO has retained the Ardurra Group to assist with the environmental review. For the NEPA review of the rehabilitation, reconstruction, and replacement of manufactured homes, SCDRO intends to perform a tiered review to obtain programmatic clearances on those NEPA elements for which no impact is anticipated to occur and establish programmatic guidelines and standards for site specific reviews in areas of potential impact. To expedite environmental review while complying with Part 58 and other applicable laws and regulations, your determination of no affect or input on the need for individual consultation concerning compliance is sought for the following types of projects:

- Rehabilitation & Reconstruction of Single-Family Homes

Ardurra Group, LLC

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632 Rosewood Drive  
Columbia, SC 29201



- The reconstruction work will not expand the original footprint of the structure if possible. If lot restrictions apply and the footprint must be expanded, the footprint will not be increased in a floodplain or a wetland.
- Replacement of Damaged Manufactured Housing Units (MHU) Deemed Unrepairable Through a Feasibility Review ○ The replacement of damaged MHUs will be replaced on the original site.

If you have any questions or need additional information please contact Kristine Sinkez, Program Manager, at 347-366-1397 or [ksinkez@ardurragroup.com](mailto:ksinkez@ardurragroup.com) or Robert Krause, Historic Preservation Specialist, at 347-352-7807 or [RKrause@ardurragroup.com](mailto:RKrause@ardurragroup.com).

Sincerely,

Robert Krause, PhD  
Historic Preservation Specialist

Ardurra Group, LLC

## Exhibit N-2. Letter to the National Park Service Regarding Activities Related to Hurricane Florene



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Dr. Jeffery R. Duncan, Ph.D., Southeast Regional Fishery Ecologist  
Wild and Scenic Rivers Coordinator  
National Park Service  
535 Chestnut Street, Suite 207  
Chattanooga, TN 37402

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Dr. Duncan:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Wild and Scenic Rivers Act of 1968 (sections 7(b) and (c)) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: ‘Rehabilitation’** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: ‘Rehabilitation and Elevation’** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: ‘MHU Replacement’** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: ‘MHU Replacement and Elevation’** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: ‘Stick-Built Reconstruction’** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: ‘Stick-Built Reconstruction and Elevation’** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: ‘Acquisition/Buyout’** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

The Wild and Scenic Rivers Act created the National Wild and Scenic Rivers System (NWSRS) 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 NWSRS includes, designated Wild and Scenic Rivers, Study Rivers and the National Rivers Inventory. 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. Boundaries for protected rivers generally extend one-quarter mile from either bank in the lower 48 states. South

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Carolina has approximately 29,898 miles of river, of which 41.9 miles are designated as wild & scenic. The Chattooga River is the only river in South Carolina that is designated as wild and scenic. There are currently 3 study rivers, none of which are located in South Carolina. Additionally, the Nationwide Rivers Inventory (NRI) is a listing of more than 3,400 free-flowing rivers or river segments in the US that are believed to possess one or more "outstanding remarkable" natural or cultural value. Under a 1979 Presidential Directive, all federal agencies must seek to avoid or mitigate actions that would adversely affect one or more of the NRI segments.

Based on the distance to the rivers, and the general location of the project sites within the project area, the Program will not impact a designated Wild and Scenic River or Study River. Project activities will not include any water resources projects that require Section 404 permits (dams, water diversion projects, bridges, roadway construction or reconstruction, boat ramps, etc.). Additionally, the proposed project activities are limited to reconstruction, rehabilitation, or replacement of existing housing, and any ground disturbance would be limited to the disturbed area of the previously developed lot and therefore, are not likely to have an adverse effect on the natural, cultural, and/or recreational values of an NRI segment. A request for comment was submitted to the National Park Service on May 8, 2018 in regard to Hurricane Matthew housing activities. No response was received. The review for Wild and Scenic Rivers is concluded at the Tier I Broad Environmental Review level.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

---

### Exhibit N-3. Response from the National Park Service

**From:** [Karyn Desselle](#)  
**To:** [Duncan, Jeffrey R](#)  
**Cc:** [Fosmire, Eric](#)  
**Subject:** RE: [EXTERNAL] SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program  
**Date:** Wednesday, January 27, 2021 9:33:00 AM

---

Thank you Mr. Duncan! We appreciate your prompt response!

Karyn Desselle

Manager, Government Services | [HORNE](#)

O: 225.755.9798 D: 225.341.6169 M: 225.931.7052

10000 Perkins Rowe, Suite 610 Bldg G, Baton Rouge, LA 70810

[hornellp.com](#) [\[gcc02.safelinks.protection.outlook.com\]](#) [LinkedIn](#)

[\[gcc02.safelinks.protection.outlook.com\]](#) [Twitter](#) [\[gcc02.safelinks.protection.outlook.com\]](#) [Blog](#)  
[\[gcc02.safelinks.protection.outlook.com\]](#)

---

**From:** Duncan, Jeffrey R <Jeff\_Duncan@nps.gov>  
**Sent:** Wednesday, January 27, 2021 7:34 AM  
**To:** Karyn Desselle <Karyn.Desselle@hornellp.com>  
**Subject:** Re: [EXTERNAL] SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

I concur with the statements of your attached letter. Please feel free to contact me if you need additional assistance. Thank you for consulting with the National Park Service.

Jeffrey R. Duncan, PhD.

Regional Aquatic Ecologist

[Science and Natural Resources Management](#) [\[doimspp.sharepoint.com\]](#)  
[\[gcc02.safelinks.protection.outlook.com\]](#)

[Fisheries and Aquatic Resources](#) [\[doimspp.sharepoint.com\]](#) [\[gcc02.safelinks.protection.outlook.com\]](#)

National Park Service, Interior Region 2 - South Atlantic Gulf

100 West Martin Luther King, Jr. Blvd. Suite 215

Chattanooga, TN 37402

Ph: (423) 987-6127

***I am a current participant of the NPS GOAL Leadership Academy. Ask me about the program!***

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**From:** Karyn Desselle <[Karyn.Desselle@hornellp.com](mailto:Karyn.Desselle@hornellp.com)>  
**Sent:** Tuesday, January 26, 2021 8:00 PM  
**To:** Duncan, Jeffrey R <[Jeff\\_Duncan@nps.gov](mailto:Jeff_Duncan@nps.gov)>  
**Cc:** [Eric.Fosmire@admin.sc.gov](mailto:Eric.Fosmire@admin.sc.gov) <[Eric.Fosmire@admin.sc.gov](mailto:Eric.Fosmire@admin.sc.gov)>; [Ben.Duncan@admin.sc.gov](mailto:Ben.Duncan@admin.sc.gov) <[Ben.Duncan@admin.sc.gov](mailto:Ben.Duncan@admin.sc.gov)>; Daniel Paul <[Daniel.Paul@hornellp.com](mailto:Daniel.Paul@hornellp.com)>; Lauren Poche <[Lauren.Poche@hornellp.com](mailto:Lauren.Poche@hornellp.com)>; Karyn Desselle <[Karyn.Desselle@hornellp.com](mailto:Karyn.Desselle@hornellp.com)>  
**Subject:** [EXTERNAL] SCDRO - Notice of Early Public Review (FP) Hurricane Florence Single-Family Housing Program

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good afternoon,

Attached please find a letter summarizing the enclosed Early Public Review Floodplain Notices, which will publish tomorrow, January 27, 2021. Please submit any responses or comments as per the process outlined within the notice(s) of interest.

Karyn Desselle on behalf of,

Eric G. Fosmire  
Legal Director | Disaster Recovery Office  
[The South Carolina Office of Resilience](#)



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## O. Environmental Justice

### Executive Order 12898

#### **Regulatory Agencies Consulted**

US Environmental Protection Agency, Region IV

#### **Regulatory Background and Broad Review Determination**

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" (2/94) requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.

As required by HUD per the federal register notice, low- to moderate-income households will receive at least 70% of the proposed Program funding. The proposed activities will assist these low- to moderate-income residents in the areas most affected by Hurricanes Matthew and Florence, many of whom are designated as minority populations. The program is designed to allow residents to return to, or continue living in, their current communities, with the primary goal of improving 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 will also enhance health and safety by making many homes less vulnerable to flooding and future storm damage by repairing or replacing/reconstructing to current code and Housing Quality Standards and elevating the structures above the flood level. A letter requesting comment regarding project compliance for activities related to Hurricane Florence was sent to U.S. Environmental Protection Agency, Region IV on January 26, 2021 (see Exhibit O-2). No response was received.

While the program's intent is to beneficially impact these target populations (see Exhibit O-1), it is understood that any adverse environmental impacts that may be identified during the site-specific environmental review, could result in an unintended disproportionate, adverse impact.

#### **Site Specific Review Process**

Environmental Justice will be analyzed at the site-specific level once all sections of the Tier II Site-Specific Environmental Checklist are completed to determine if the project may adversely impact a low-income or minority population. If adverse impacts are identified, the impacts must be mitigated and documented in the Tier II Site-Specific Checklist.

## Exhibit O-1. EJScreen ACS Summary Report for Marlboro County



### EJSCREEN ACS Summary Report



Location: Marlboro County  
 Ring (buffer): 0-mile radius  
 Description:

Summary of ACS Estimates		2013 - 2017	
Population			27,505
Population Density (per sq. mile)			57
Minority Population			16,721
% Minority			61%
Households			9,703
Housing Units			12,021
Housing Units Built Before 1950			1,756
Per Capita Income			16,561
Land Area (sq. miles) (Source: SF1)			479.87
% Land Area			99%
Water Area (sq. miles) (Source: SF1)			5.59
% Water Area			1%

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	27,505	100%	0
Population Reporting One Race	26,461	96%	619
White	11,296	41%	122
Black	13,852	50%	194
American Indian	914	3%	154
Asian	95	0%	29
Pacific Islander	0	0%	23
Some Other Race	304	1%	97
Population Reporting Two or More Races	1,044	4%	265
Total Hispanic Population	909	3%	0
Total Non-Hispanic Population	26,596		
White Alone	10,784	39%	22
Black Alone	13,805	50%	195
American Indian Alone	899	3%	152
Non-Hispanic Asian Alone	95	0%	29
Pacific Islander Alone	0	0%	23
Other Race Alone	18	0%	22
Two or More Races Alone	895	4%	262
<b>Population by Sex</b>			
Male	14,565	53%	117
Female	12,940	47%	117
<b>Population by Age</b>			
Age 0-4	1,460	5%	57
Age 0-17	5,571	20%	289
Age 18+	21,934	80%	631
Age 65+	4,536	16%	352

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.  
 N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS) 2013-2017.



## EJSCREEN ACS Summary Report



Location: Marlboro County  
 Ring (buffer): 0-mile radius  
 Description:

	2013 - 2017 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	19,603	100%	102
Less than 9th Grade	1,695	9%	276
9th - 12th Grade, No Diploma	3,368	17%	396
High School Graduate	8,105	41%	475
Some College, No Degree	4,695	24%	440
Associate Degree	1,460	7%	243
Bachelor's Degree or more	1,740	9%	252
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	26,045	100%	48
Speak only English	24,990	96%	140
Non-English at Home <sup>1+2+3+4</sup>	1,055	4%	172
<sup>1</sup> Speak English "very well"	584	2%	159
<sup>2</sup> Speak English "well"	265	1%	89
<sup>3</sup> Speak English "not well"	154	1%	73
<sup>4</sup> Speak English "not at all"	62	0%	52
<sup>3+4</sup> Speak English "less than well"	216	1%	87
<sup>2+3+4</sup> Speak English "less than very well"	471	2%	122
<b>Linguistically Isolated Households*</b>			
Total	15	100%	35
Speak Spanish	15	100%	26
Speak Other Indo-European Languages	0	0%	23
Speak Asian-Pacific Island Languages	0	0%	23
Speak Other Languages	0	0%	23
<b>Households by Household Income</b>			
Household Income Base	9,703	100%	335
< \$15,000	2,353	24%	313
\$15,000 - \$25,000	1,411	15%	228
\$25,000 - \$50,000	2,863	30%	379
\$50,000 - \$75,000	1,652	17%	238
\$75,000 +	1,424	15%	223
<b>Occupied Housing Units by Tenure</b>			
Total	9,703	100%	335
Owner Occupied	6,429	66%	303
Renter Occupied	3,274	34%	328
<b>Employed Population Age 16+ Years</b>			
Total	22,763	100%	99
In Labor Force	11,425	50%	526
Civilian Unemployed in Labor Force	1,669	7%	359
Not In Labor Force	11,338	50%	546

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.  
 N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS)  
 \*Households in which no one 14 and over speaks English "very well" or speaks English only.

## Exhibit O-2. Letter to US Environmental Protection Agency, Region IV



**South Carolina Disaster Recovery Office**  
*Office of Resilience*  
Benjamin I. Duncan II, Program Director  
632 Rosewood Drive  
Columbia, South Carolina 29201  
803.896.4068  
803.771.2887 Fax

Date: January 26, 2021

To: Ms. Tami Thomas-Burton  
U.S. Environmental Protection Agency, Region IV  
61 Forsyth Street  
Atlanta, GA 30303

Re: South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) Hurricane Florence  
Single-Family Housing Program

Dear Ms. Thomas-Burton:

The State of South Carolina received a Community Development Block Grant Disaster Recovery (CDBG-DR) allocation from Housing and Urban Development (HUD), under the 2018 and 2019 Supplemental Appropriations for Disaster Relief Acts in response to Hurricane Florence. In September 2018, South Carolina was impacted by hurricane storm surge, high winds, tornados and flash flooding from Hurricane Florence as it made landfall near Wrightsville Beach, North Carolina Sept. 14, 2018 as a Category 1 hurricane. After landfall, Florence stalled briefly and then began a slow southwestward track over South Carolina as it weakened to a tropical storm, bringing tropical storm force wind gusts and heavy rains to eastern parts of the state. Nearly half of the state of South Carolina experienced prolonged power outages, flooding and other obstacles in the days and weeks that followed Hurricane Florence; however, the storm's impacts were most acutely felt east of Interstate 95 and north of Interstate 26, where significant flooding, hurricane force winds, tornadoes and coastal storm surges claimed four lives and caused extensive damage to infrastructure, homes, and businesses; resulting in eight (8) counties being eligible for Individual Assistance under the Presidential disaster declaration FEMA DR-4394 issued September 16, 2018. To assist the most vulnerable populations in their recovery efforts, the State has developed a housing program to meet the housing needs as identified through the unmet needs assessment and is proposing to use CDBG-DR funds to implement the Hurricane Florence Single-Family Housing Program.

The South Carolina Office of Resilience, Disaster Recovery Office (SCDRO) is the responsible entity for completing the federally required environmental review in accordance with 24 CFR Part 58. To that end, SCDRO is preparing a Tiered Environmental Review in accordance with the National Environmental Policy Act (NEPA) requirements, and as a means of establishing and documenting the process that will be utilized to conduct site-specific environmental reviews, as individual project locations are identified. Pursuant to this process, we are notifying your agency of the intended purpose and proposed activities to be undertaken by the Hurricane Florence Single-Family Housing Program, so that you may review and provide feedback on the process SCDRO is proposing to meet Executive Order 12898 (Environmental Justice in Minority Populations and Low-Income Populations) standards/requirements.

The Housing Program's goal is to provide housing that is safe, sanitary and secure. SCDRO will accomplish this goal through the housing program, focusing on single family home repair / rehabilitation of stick-built and manufactured housing units, reconstruction of stick-built homes, replacement of manufactured homes, and strategic buyouts (further described below). SCDRO will prioritize assistance based on social vulnerability factors as outlined in the South Carolina Hurricane Florence Action Plan. The Program will assist owners of single-family properties in the eight (8) disaster declared counties: Chesterfield, Darlington, Dillon, Florence, Georgetown, Horry, Marlboro and Marion. While the program strives to fund as many eligible projects as funding will allow, current estimates indicate that the program will fund approximately 500 single-family repair / replacement / reconstruction projects, 15 rental repair projects and 50 homeowner buyouts across all eight (8) counties.

#### Housing Program Activities\*

1. Repair/Rehabilitation of existing single-family housing (stick-built or manufactured)
2. Replacement of damaged Manufactured Housing Units (MHUs) deemed unrepairable
3. Reconstruction of stick-built single-family homes deemed unrepairable
4. Limited Relocation Assistance (to be considered on a case-by-case basis)
5. Repair of stick-built single-family (1-4 unit) rental properties
6. Acquisition/Buyout and conversion to green space

\*During the execution of these activities, as needed and appropriate, there will be the identification of opportunities for mitigation enhancement measures, improvement of resilience, ancillary improvements such as elevation and access ramps, and assistance to applicants in completing program applications.

For the purposes of performing the required CDBG-DR environmental review, each single-family project (program activity) will be categorized as one of the following Proposed Actions:

**Proposed Action 1: 'Rehabilitation'** – Repair / rehabilitation of an existing stick-built, single-family structure (rental or owner-occupied) on a previously disturbed parcel. All activities will be limited to the existing footprint of the extant structure and associated utilities.

**Proposed Action 2: 'Rehabilitation and Elevation'** – Repair / rehabilitation and elevation of an existing stick-built, single-family structure on a previously disturbed parcel, as required by NFIP and program guidelines.

**Proposed Action 3: 'MHU Replacement'** – Replacement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure.

**Proposed Action 4: 'MHU Replacement and Elevation'** – Replacement and elevation/structural reinforcement of an existing manufactured home on a previously disturbed parcel. MHU will be demolished/removed and a new MHU installed in the same location, within the disturbed area associated with the damaged structure. The new MHU will be elevated and/or installed with appropriate structural reinforcement, as required by NFIP and program guidelines.

**Proposed Action 5: 'Stick-Built Reconstruction'** – Reconstruction of an existing stick-built, single-family structure on a previously disturbed parcel. The damaged structure will be demolished, and a new structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure.

**Proposed Action 6: 'Stick-Built Reconstruction and Elevation'** – Reconstruction and elevation of an existing stick-built, single-family structure on a previously disturbed parcel. As required by NFIP or program guidelines, the new structure may be elevated. The damaged structure will be demolished, and a new elevated structure will be constructed in the same location, within the disturbed area of the parcel associated with the damaged structure. The structure will be elevated in accordance with NFIP and program guidelines.

**Proposed Action 7: 'Acquisition/Buyout'** – Acquisition/Buyout of damaged single-family properties within the 100-year floodplain. Once acquired and once all utilities have been secured, damaged structure(s) will be demolished, and the site will be cleared of all debris. Properties will then be converted to green space in perpetuity. This activity will be limited to properties located in the most impacted and distressed counties: Dillon, Horry, and Marion.

#### Review Process

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations" (2/94) requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations. As required by HUD per the federal register notice, low- to moderate-income households will receive at least 70% of the proposed Program funding. The proposed activities will assist these low- to moderate-income residents in the areas most affected by Hurricanes Matthew and Florence, many of whom are designated as minority populations. The program is designed to allow residents to return to, or continue living in,

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their current communities, with the primary goal of improving 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 will also enhance health and safety by making many homes less vulnerable to flooding and future storm damage by repairing or replacing/reconstructing to current code and Housing Quality Standards and elevating the structures above the flood level. While the program's intent is to beneficially impact these target populations, it is understood that any adverse environmental impacts that may be identified during the site-specific environmental review, could result in an unintended disproportionate, adverse impact.

Environmental Justice will be analyzed at the site-specific level once all sections of the Tier II Site-Specific Environmental Checklist are completed to determine if the project may adversely impact a low-income or minority population. If adverse impacts are identified, the impacts must be mitigated and documented in the Tier II Site-Specific Checklist.

To expedite environmental review while complying with Part 58 and other applicable laws and regulations, we appreciate your feedback or concurrence with the proposed approach as outlined above. I am available at your convenience should you have any questions or require additional information at 803-822-9580 or [eric.fosmire@admin.sc.gov](mailto:eric.fosmire@admin.sc.gov).

Sincerely,



Eric Fosmire  
Legal Director, South Carolina Disaster Recovery Office  
The South Carolina Office of Resilience  
632 Rosewood Drive, Columbia, SC 29201

CC: Benjamin I. Duncan II, SCDRO  
Karyn Desselle, HORNE LLP  
Lauren Poche, HORNE LLP  
Daniel Paul, HORNE LLP

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## Tier II Site Specific Environmental Review Checklist

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INSERT Tier II Site Specific Environmental Review Checklist