

Floodplain Management (EO 11988) and  
Protection of Wetlands (EO 11990)  
Determination

**Palatine Meadows Project**  
**EO 11988 Floodplain Management and EO 11990 Protection of Wetlands Determination**  
***Affordable Housing Development Fund Program***

September 9, 2022

**Introduction & Overview**

The purpose of Executive Order (EO) 11988 Floodplain Management is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The purpose of EO 11990 Protection of Wetlands is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This determination contains the analysis prescribed by 24 CFR Part 55.

This project involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for construction of new multifamily, affordable housing consisting of three residential buildings containing 60 apartment units for low-income families. The analysis that follows focuses on floodplain and wetland impacts, as there are direct wetland and floodplain impacts associated with this project. Based on the type of land use and facility and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain and wetland. The CDBG-DR funding is administered through the North Carolina Office of Recovery and Resiliency (NCORR) Affordable Housing Development Fund Program which is developing safer and more resilient communities while increasing the availability of affordable housing for low- and moderate-income families. Thus, alternatives preventing or impeding the development of safer and more resilient communities along with increasing affordable housing options are not considered reasonable alternatives.

**Description of Proposed Action & Land Use**

The proposed affordable housing multifamily development is an approximately 3.745-acre parcel located at 4100 Academic Drive (Parcel ID 8-211-008) in New Bern, Craven County, North Carolina 28562 (Site). Palatine Meadows (proposed action) is a new construction project that will result in 60 units of affordable rental housing targeting low-income families. The proposed action consists of development of an undeveloped lot with three residential buildings and one community building. Two residential buildings will each be three stories, 9,477-square feet, and contain 24 residential units. The third residential building will be three stories, 4,750-square feet, and contain 12 residential units. The proposed action will also include a playground, several passive recreation areas, and surface parking. The new buildings will be connected to utilities which are present in the area that will require ground disturbance to install.

The proposed buildings and improvements will be located wholly within Zone X, outside and above the Special Flood Hazard Area (SFHA), except for the removal of a few trees in the 100-year floodplain (**Appendix 1**). Thus, flood insurance will not be required for the proposed action because all National Flood Insurance Program (NFIP) insurable structures will be located in Zone X.

The proposed action is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018) when hundreds of homes were damaged or destroyed. Palatine Meadows will construct 60 units of affordable rental housing targeting low-income families. The proposed action will assist the City of New Bern and Craven County to provide affordable housing options for the local community.

### **Applicable Regulatory Procedure Per EO 11988 and EO 11990**

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12. Funding is permissible for the use in the floodplain and wetland if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed.

According to 24 CFR §55, the activity planned to construct a multifamily, affordable housing development occurs in a community, the City of New Bern (CID 370074K), that is in good standing in the regular program of the NFIP. The proposed action involves removal of a few trees in the 100-year floodplain which is only a small portion of the proposed action's parcel. The improvements to be conducted in 100-year floodplain do not include insurable structures. Thus, the full eight-step floodplain determination process in §55.20 is required and the following analysis examines each step in a floodplain management determination process.

Based on a site visit, the City-owned drainage ditch located between the proposed action's parcel western boundary and Academic Drive meets the three wetland characteristics (soils, vegetation and hydrology) under 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplements (see **Appendix 1**). A portion of the drainage ditch contains standing water likely due to the nonfunctioning of the culvert but the entire ditch is being treated as wetland under this EO 11990 and 24 CFR 55 review. There are no wetlands identified on the proposed action's parcel or onsite or adjacent on the U.S. Fish and Wildlife Service's National Wetlands Inventory Map. There will be new construction within a wetland as a result of the proposed action along Academic Drive. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on both floodplains and wetlands.

#### ***Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.***

Based on a site visit, and to be verified by a U.S. Army Corps of Engineers (USACE) Jurisdictional Determination, the proposed action is located in a wetland, as shown in **Appendix 1**. The resulting USACE-issued JD and any accompanying delineation will serve as the determination for the location of onsite wetlands. The wetlands will be determined whether they meet the HUD definition of wetlands under 24 CFR 55.2(b)(11) which can include non-jurisdictional and jurisdictional wetlands. The proposed action is considered new construction in wetlands consisting of the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. In addition, the overflow from the proposed action's stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. The total impact to the drainage ditch will be 0.0187 acres. The proposed action will require an USACE Preliminary Jurisdictional Determination and requisite Section 404 Permit(s) and/or Nationwide Permit(s), as applicable, under the Clean Water Act (CWA) (see §55.20(a)(1) and §55.28(a)).

Per the FEMA FIRM panel 3720546900K, effective on 6/19/2020, the proposed action parcel contains areas in Zone X, Zone X shaded, and Zone AE, as shown in **Appendix 1**. According to the FEMA Map Service Center, there are no Preliminary FIRMs available for the Site. No structures or improvements will be located within a FEMA-designated regulatory floodway. Parts of the northern portion of the Site are located within Zone X shaded (which refers to areas between the limits of the base flood and the 0.2-percent-annual-chance or 500-year floodplain), and Zone AE which is a SFHA and 100-year floodplain. The proposed action is not a critical action under 24 CFR 55.2(b)(3) and, therefore, the focus will be on modifications in the 100-year floodplain. The remainder of the Site where the buildings and improvements are wholly located is situated within Zone X, outside of the SFHA and 100-year floodplain. The areas within Zone AE (SFHA and 100-year floodplain) will not be developed as part of the proposed action. The 100-year floodplain will only be modified to remove a few trees. A stormwater pond will be built adjacent to

the 100-year floodplain but has been specifically designed to remain outside of the floodplain. The proposed action has been designed to have only minimal activities conducted within the SFHA. In accordance with 24 CFR §55, the proposed action occurs in a community that is in the regular program of the NFIP and the community is currently in good standing.

**Step 2. Initiate Public Notice for Early Review of Proposal.**

Because the proposed action is located in floodplain and wetlands, NCORR published an early notice that allowed for public and agency input on the decision to provide funding for construction and development activities. The early public notice and 15-day comment period is complete. Public comments were received. Ms. Emily Thompson with the USACE Washington Regulatory Field Office responded that “[i]t appears this project would require a permit from the Corps with the proposed discharge of fill material within potential waters and wetlands of the US.” NCORR responded on September 6, 2022 that “[t]he Developer and consultant are in the process of preparing the USACE PJD Application and will be submitting soon. The Developer is required to submit and comply with the USACE JD and all requisite permits and their conditions. The Developer is also required to contact the NC DEQ DWR for a CWA Section 401 Water Quality Certification. The local Floodplain Administrator will be contacted as well. Permits required for this proposed action shall be obtained before commencing work. The proposed action’s activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions.” No additional response was received. Acknowledgement of receipt was submitted from the New Bern City Clerk. The State Environmental Clearinghouse sent additional comments which are included in the *Palatine Meadows Project Environmental Assessment (EA)* Environmental Review Record’s (ERR) **Attachment S** and incorporated into the ERR. (Early Notice comments and response are included in **Appendix 3** and ERR’s **Attachment S**.)

The early notice and corresponding 15-day public comment period started on August 24, 2022 with the "Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland" being published in the Sun Journal newspaper, with the 15-day period expiring on September 8, 2022. The notice targeted local residents, including those in the floodplain. The notice was also posted at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews> and sent via FedEx and email to the following federal and state agencies on August 24, 2022: HUD, Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); USACE; NC State Environmental Clearinghouse; and NC Housing Finance Agency (NCHFA). The notice was also sent to Craven County and the City of New Bern. Project information has been sent to the NC SHPO, Catawba Indian Nation, and Tuscarora Nation for review and comment under Section 106 of the National Historic Preservation Act of 1966 (NHPA) (See ERR). (See **Appendix 2 and 3** for the Early Notice distributed to these agencies and the newspaper publication affidavit).

**Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain or Wetland.**

The North Carolina Affordable Housing Development Fund Program empowers the State’s most impacted communities with the technical expertise needed to develop thorough and implementable reconstruction plans to build physically, socially, and economically resilient and sustainable communities.

There are two alternatives for the current proposed action. The first alternative for the current proposed action is to find a different location for the proposed action within the local community. Alternative sites within Craven County were preliminarily reviewed but were eliminated from further consideration as they were not within close proximity to amenities (such as grocery stores, pharmacies, etc.), had zoning issues, or were not within the areas in Craven County which were funded by NCHFA. The proposed action Site is ideal for the development due to the close proximity and availability of amenities and existing utility services along Academic Drive. The proposed action will be a multifamily, affordable housing complex that will provide new, safe housing that is needed in the area for low-income households. The proposed

action will assist the City of New Bern and Craven County to provide affordable housing for the local community. This Site was found to be a suitable site with minimal adverse environmental impacts for multifamily, affordable housing in an area that needs it.

The second alternative for the current proposed action is the “no action” alternative. With the “no action” alternative, affordable housing would not be provided for low-income families in the local community. Under the “no action” alternative, the City would have to find other options to address the affordable housing inventory shortage which resulted after Hurricanes Matthew and Florence. Thus, the “no action” alternative is not feasible in relation to the desired objective of creating affordable housing options in this area of the City.

The above identified alternatives will be re-evaluated in response to public comments received.

***Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.***

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

*Natural moderation of floods*

According to the FEMA FIRM Panel Number 3720546900K, effective 6/19/2020, parts of the northern portion of the Site are located within Zone X shaded or 500-year floodplain and Zone AE which is 100-year floodplain. The remainder of the Site where the buildings and improvements are wholly located is situated within Zone X, outside of the SFHA and 100-year floodplain. The areas within Zone AE (SFHA and 100-year floodplain) will not be developed as part of the proposed action. The proposed action will result in temporary impacts to 0.01 acres of 100-year floodplain and permanent impacts to 0 acres of 100-year floodplain. The 100-year floodplain will only be modified to remove a few trees. A stormwater pond will be built adjacent to the floodplain but has been designed to remain outside of the floodplain. Construction and development activities for the proposed action have been designed to minimize impacts to wetlands and 100-year floodplain. Mitigation measures for the proposed action includes best management practices for erosion and sedimentation control such as silt fencing which will be utilized during construction. The proposed stormwater retention pond will alleviate some flooding by intercepting stormwater runoff. All proposed action activities will comply with the City of New Bern Local Floodplain Development Permit requirements, as applicable. Thus, while the proposed actions would directly affect the floodplain, it is not anticipated to have an adverse effect on the floodplain for the surrounding communities.

*Living resources such as flora and fauna*

The Site is a mostly grass-covered, undeveloped approximately 3.745-acre parcel. Electrical boxes are present on the edge of the Site. Gas pipeline markers, utility pole, and pad-mounted transformer are present on the Site. This landscape, combined with the Site’s location in a developed area, does not provide suitable habitat for the majority of protected species identified in state and federal databases. For this proposed action, the USFWS Raleigh Ecological Services’ online 10-step project review process was completed and “no effect” determinations for proposed/listed species and/or proposed/designated critical habitat, except for the Monarch Butterfly, NLEB and migratory birds, and a “no Eagle Act permit required” determination for eagles were made. The proposed action will have “no effect” on those identified species because there are no listed species, designated critical habitats or suitable habitat in the action area. NCORR submitted the 10-step project review package and signed NLEB 4(d) Rule Streamlined Consultation Form to the USFWS on February 17, 2022 as notification of its determination and requested acknowledgement of

receipt and determination whether the proposed action may affect, but is not likely to adversely affect the NLEB. Under the NLEB 4(d) Rule Streamlined Consultation Form, “[i]f the USFWS does not respond within 30 days from submittal of this form, the action agency may presume that its determination is informed by the best available information and that its project responsibilities under 7(a)(2) with respect to the NLEB are fulfilled through the USFWS January 5, 2016, Programmatic BO. The action agency will update this determination annually for multi-year activities.” The trees on the Site provide nesting habitat for migratory birds and may provide potential summer roosting habitat for the Northern Long-eared bat. While unlikely to occur, any take of Northern Long-eared Bats from the proposed action would be incidental and covered under the USFWS Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions. The USFWS recommends to avoid tree clearing from April 1 to October 31 for the NLEB. It is also recommended to conduct vegetation and tree clearing from September 1 to April 30 to avoid impacts to nesting migratory birds (nesting season is typically May-August).

The proposed action is not anticipated to introduce nuisance plant species to the Site such as invasive species, or plants that disrupt native plant communities. Additionally, the proposed action will implement the following voluntary conservation measures to benefit wildlife and in particular, pollinators: plant native trees, shrubs, and flowering plants in landscaping, use plants that bloom spring through fall and remove/control invasive plant species present. The proposed action’s activities will be completed in accordance with all applicable federal, state, and local laws, regulations, and permit requirements and conditions. Permits required for this proposed action shall be obtained before commencing work. An Erosion and Sedimentation Control Plan Approval and Permit, NPDES Construction Stormwater permit (NCG010000), and City of New Bern Local Floodplain Development Permit will be obtained prior to construction if required for the Site. An erosion and sedimentation control plan will be required if one or more acres are to be disturbed. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction. Thus, measures will be implemented to ensure the proposed action will have no impacts to floodplain during construction.

A jurisdictional determination application will be submitted to U.S. Army Corps of Engineers (USACE) for a CWA Section 404 permit and NC DEQ Division of Water Resources will be contacted for a CWA Section 401 Water Quality Certification. The proposed action’s activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions. Permits required for this proposed action shall be obtained before commencing work and appended to the ERR when received from the permitting agencies. Thus, there will be minimal effect on living resources such as flora and fauna.

#### *Impacts to Property & Lives*

The Site is mostly located within Zone X with a small northern portion of the Site located in Zone AE and Zone X shaded. The proposed action’s buildings and improvements are wholly located within Zone X, outside of the SFHA and 100-year floodplain. The areas within Zone AE (SFHA and 100-year floodplain) will not be developed as part of the proposed action. In Zone AE and SFHA, there will only be a few trees removed and no structures constructed that could increase flood levels during future storm events. A stormwater pond will be present adjacent to the floodplains but has been designed to remain outside of the floodplain, which should assist with reducing flooding on the Site and in the immediate area. According to a University of Florida/IFAS article, “Stormwater ponds’ primary purpose is flood control, and they are designed to intercept stormwater runoff (precipitation that runs off our buildings, roads, parking lots, and sidewalks), but they also provide other services like a place for sediment to settle out of the water column, habitat for wildlife, recreational opportunities like birding, and pollutant removal. Overall, stormwater ponds help mitigate the impacts of urban stormwater runoff while protecting our natural waterways from nutrient loading, erosion, sedimentation, and algal blooms.” Further, construction and development activities for the proposed action have been designed to minimize impacts to wetlands and 100-year

floodplain. Therefore, the proposed action should not increase impacts to property and lives.

#### *Cultural resources such as archaeological, historic & recreational aspects*

The Site is a mostly grass-covered, undeveloped approximately 3.745-acre parcel. Electrical boxes are present on the edge of the Site. Gas pipeline markers, utility pole, and pad-mounted transformer are present on the Site. As part of this review, the NC State Historic Preservation Office (SHPO) and Tribal Historic Preservation Offices (THPO) of all applicable Tribes, Nations, and Communities were consulted regarding any historic or tribal resources in the area that could be affected by the proposed actions. The NC SHPO responded on April 11, 2022 that “[w]e have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.” According to the HUD Tribal Directory Assessment Tool (TDAT), the Catawba Indian Nation and Tuscarora Nation are the only federally-recognized tribes with interests in Craven County, North Carolina. On March 15, 2022, the Catawba Indian Nation’s THPO responded that “[t]he Catawba have no immediate concerns with regard to traditional cultural properties, sacred sites or Native American archaeological sites within the boundaries of the proposed project areas. However, the Catawba are to be notified if Native American artifacts and/ or human remains are located during the ground disturbance phase of this project.” On February 17, 2022, NCORR consulted with the Tuscarora Nation for discussion of historic properties in the proposed project area that may have religious and cultural significance. A response has not been received, but will be included in the *Palatine Meadows Project EA* ERR when received. The SHPO and THPO consultation documentation is included in the *Palatine Meadows Project EA* ERR.

#### *Agricultural, aquacultural, & forestry resources*

The proposed action Site and immediate area are not used for agricultural, aquacultural or forestry resources. The surrounding properties contain a school, and industrial and commercial development. Adjacent to the north is a metal fabricator company and the New Bern High School; to the northeast is a cellphone tower, to the east is a tractor dealer and automotive company; to the south is a fast food restaurant and the tractor dealer; and to the west, beyond Academic Drive, is a housing development. The Site was agricultural until the 1960s when buildings were present on the southern portion. A residence was also present in the southern portion from the early 1980s to until the early 1990s. By the mid-1990s, the previous buildings were replaced with a commercial building. All buildings were no longer present by 2007. The surrounding properties were vacant or agricultural until starting in the 1970s when the properties were developed with commercial and residential properties. Thus, the proposed action will not have an effect on agricultural, aquacultural or forestry resources.

#### **Wetland Evaluation**

The purpose of wetland evaluation is to consider factors relevant to a proposal’s effect on the survival and quality of any wetlands to be disturbed. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest. Based on a site visit, the City-owned drainage ditch located between the proposed action’s parcel and Academic Drive meets the three wetland characteristics (soils, vegetation and hydrology) under 1987 Corps of Engineers Wetlands Delineation Manual and Regional Supplements. There are no wetlands identified on the proposed action’s parcel or onsite or adjacent on the U.S. Fish and Wildlife Service’s National Wetlands Inventory Map. There will be new construction within a wetland as a result of the proposed action along Academic Drive. No wetland areas are located on the Site. The proposed action will result in temporary impacts to 0.0187 acres of wetlands, and permanent impacts to 270 square feet of wetlands in an existing drainage ditch located along Academic Drive. These impacts will consist of the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. In addition, the overflow from the proposed action’s stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well

as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. The total impact to the drainage ditch will be 0.0187 acres. The proposed action has been designed to have minimal construction and development activities in the wetland. Further, mitigation measures are incorporated into the design plans and permit conditions will be complied with.

*Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.*

Water supply wells were not identified at the Site. The Site will be provided with municipal water supply which is available along Academic Drive. The proposed action should not negatively affect the municipal water supply of the region. Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the NC Department of Environmental Quality (DEQ) Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq. All public water supply systems must comply with state and federal drinking water monitoring requirements. If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the NC DEQ Division of Water Resources/ Public Water Supply Section. The proposed action will not include the discharge of sewer to surfaces of the Site or surrounding properties. The Site will be provided with City of New Bern municipal wastewater services which are available within Academic Drive.

Best management practices (BMPs) will be implemented during construction activities. The proposed action will have a stormwater permit and a Stormwater Pollution Prevention Plan (SWPPP). According to the NC DEQ, the proposed action must comply with 15A NCAC 2H 1000 State Stormwater Permitting Programs that regulate site development and post-construction stormwater runoff control. The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion and sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. BMPs for erosion and sedimentation control such as silt fencing will be utilized during construction. Thus, measures will be implemented to ensure the proposed action will have no impacts to wetlands during construction. The proposed action will conform to construction requirements of the State of North Carolina and Craven County.

A jurisdictional determination application will be submitted to USACE for a CWA Section 404 permit and NC DEQ Division of Water Resources will be contacted for a CWA Section 401 Water Quality Certification. The local Floodplain Administrator will be contacted as well. Permits required for this proposed action shall be obtained before commencing work. The proposed action activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions.

*Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.*

The Site is located in the western portion of the City of New Bern, within walking distance of the New Bern High School and just north of Dr. Martin Luther King Jr. Boulevard, which is a retail/commercial corridor. The Site is currently an undeveloped approximately 3.745-acre parcel. Currently, the Site is a mostly grass-covered parcel. Electrical boxes are present on the edge of the Site. A gas pipeline marker is present in the central portion of the Site. Adjacent to the north is a metal fabricator company and the New Bern High School; to the northeast is a cellphone tower, to the east is a tractor dealer and automotive company; to the south is a fast food restaurant and the tractor dealer; and to the west, beyond Academic Drive, is a housing development. The Site was agricultural until the 1960s when buildings were present on the southern portion. A residence was also present in the southern portion from the early 1980s to until the early 1990s. By the

mid-1990s, the previous buildings were replaced with a commercial building. All buildings were no longer present by 2007. The surrounding properties were vacant or agricultural until starting in the 1970s when the properties were developed with commercial and residential properties.

Green infrastructure mitigation measures will be incorporated into the design plans. Natural landscape enhancements will be installed that maintain or restore natural hydrology through infiltration along with native plants used in landscaping. According to the EPA, “[g]reen infrastructure can be used to address stormwater runoff and sewer overflow problems. Green infrastructure works by slowing down the runoff, spreading it out over the land, and slowly soaking it into the ground, or in some cases reusing the water onsite. Green infrastructure is also sometimes referred to as low impact development. These techniques also help to remove pollutants from runoff, but allowing plants to filter out pollutants as the water slowly infiltrates into the ground.” See <https://www.epa.gov/nutrientpollution/sources-and-solutions-stormwater>. Thus, the proposed action has been designed and mitigation measures incorporated to have the minimal impacts on these features.

*Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.*

The proposed scope of work involves mitigation measures such as native plants used in landscaping and BMPs during construction. A stormwater retention pond will be built near Zone AE. The stormwater retention pond will also require regular maintenance, as needed. As a part of the proposed action, the City of New Bern is requiring the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. The culverts are currently not draining nor functioning properly. In addition, the overflow from the proposed action’s stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. These culvert improvements are designed to improve drainage in the vicinity of the Site. These additional costs are minimal along with permits required to be obtained. There are no anticipated cost increases attributed to additional mitigation measures to minimize harm to wetlands as these measures are built into existing plans.

*Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.*

The wetland is a drainage ditch located along Academic Drive. The wetland will not be filled and will remain after construction to improve drainage in the vicinity of the Site. There are no recreational, scientific or cultural uses of the wetland that will be impacted by the proposed action.

***Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.***

The buildings and most of the improvements will be constructed in Zone X and outside of SFHA. A small portion of the Site is located in Zone AE, and only a few trees will be removed in Zone AE. Construction and development activities for the proposed action have been designed to minimize impacts to wetlands and 100-year floodplain.

The short-term impacts will be mitigated by BMPs for debris, dust, and erosion control during construction activities. Mitigation measures will be incorporated to minimize potential adverse impacts to wetlands and 100-year floodplain. Natural landscape enhancements will be installed that maintain or restore natural hydrology through infiltration along with native plants used in landscaping. A stormwater retention pond will be constructed on the Site near Zone AE. An Erosion and Sedimentation Control Plan Approval and Permit and City of New Bern Local Floodplain Development Permit will be obtained if required for the

Site. Further, the proposed action will comply with all federal, state and local permit conditions and requirements.

It is a direct policy requirement to specify standards that mitigate future flood risk. These mitigation measures will help minimize flood water level for the area, green infrastructure features will help slow down water runoff and filter out pollutants and the stormwater pond will intercept runoff. However, it is still reasonable to promote awareness of future risks of natural hazards, including altered flooding patterns, plus the physical, social and economic impacts that potential flood events could convey.

***Step 6. Reevaluate the Alternatives and Proposed Action.***

The alternative to find a different location for the proposed action within the local community would not address the purpose and need of the proposed action. This Site was determined to be a suitable site using the NCHFA scoring system and the close proximity and availability of existing utility services along Academic Drive and surrounding existing development. No other suitable alternative sites were identified and reviewed. As such, this option was deemed not feasible.

The “no action” alternative would not address the purpose and need of the proposed action. The City would need to find other options to address the shortage in affordable housing inventory exacerbated by the effects of hurricanes that recently damaged and destroyed homes. Therefore, the “no action” alternative examined is not considered desirable and the proposed action is still practicable in light of potential adverse and beneficial impacts on the floodplain, the extent to which it may aggravate current hazards to other floodplains, and the potential to disrupt the natural and beneficial functions and values of floodplains and wetlands.

Implementation of the proposed action will abide by all applicable federal, state and local codes, including the City of New Bern Local Floodplain Development Permit, for construction within floodplain and wetlands. The impacts of these alternatives will be re-evaluated in response to any public comments received.

***Step 7. Issue Findings and Public Explanation.***

It is the finding of this report that there is no better alternative than to provide funding for the Palatine Meadows project. The City would need to find other suitable options to address the shortage in affordable housing inventory exacerbated by the effects of hurricanes.

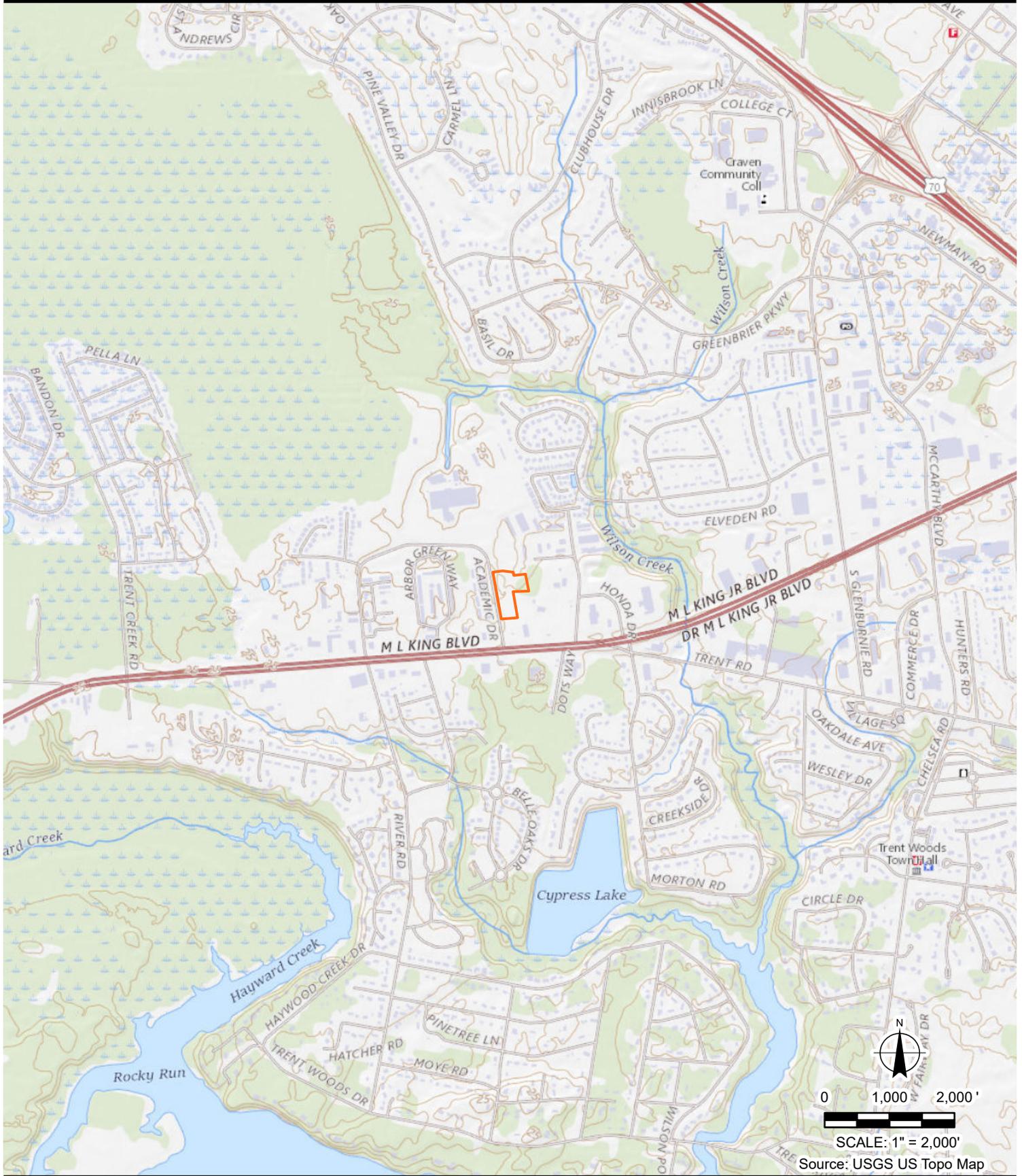
A final notice, formally known as “Notice of Policy Determination” will be published in accordance with 24 CFR 55. However, this notice will be combined with the Notice of Finding of No Significant Impact (FONSI) and Notice of Intent to Request Release of Funds (NOIRROF) for a 15-day comment period. The 15-day comment period starts with the combined notice publishing in the Sun Journal newspaper on September 16, 2022 and expires on October 3, 2022. The notice will also be posted at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews> and sent via FedEx and email to the following state and federal agencies on September 16, 2022: HUD, FEMA; EPA; USFWS; USACE; NC State Environmental Clearinghouse; and NCHFA. The notice will also be sent to Craven County and the City of New Bern. Project information has been sent to the NC SHPO, Catawba Indian Nation, and Tuscarora Nation for review and comment under Section 106 of the National Historic Preservation Act of 1966 (NHPA) (See ERR). (See **Appendix 4** for the Final Notice distributed to these agencies). Any comments received will be addressed, if significant, and added to the EA.

***Step 8. Continuing Responsibility of Responsible Entity & Recipient.***

NCORR is the responsible entity and will provide educational materials, when available. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the Steps herein.

## **APPENDIX 1**

- **Proposed Project Location Maps**
- **FEMA FIRMettes**
- **Site Layout with Drainage Ditch Location**
- **National Wetland Inventory Maps**
- **Site Plan Showing Impacts**



11001 Hampshire Avenue S  
 Minneapolis, MN 55438  
 952.995.2000  
 braunintertec.com

Project No:  
 B2111827

Drawing No:  
 B2111827\_Fig1\_SiteLoc

Drawn By: JPM  
 Date Drawn: 1/7/2022  
 Checked By: JW  
 Last Modified: 8/5/2022

Palatine Meadows

4100 Academic Drive

New Bern, North Carolina

Site Location Map

Figure 1



Drawing Information

Project No:  
B2111827  
Drawing No:  
Fig2\_SiteLayout  
Drawn By: JPM  
Drawn Date: 1/7/2022  
Checked By: JW  
Last Modified: 8/5/2022

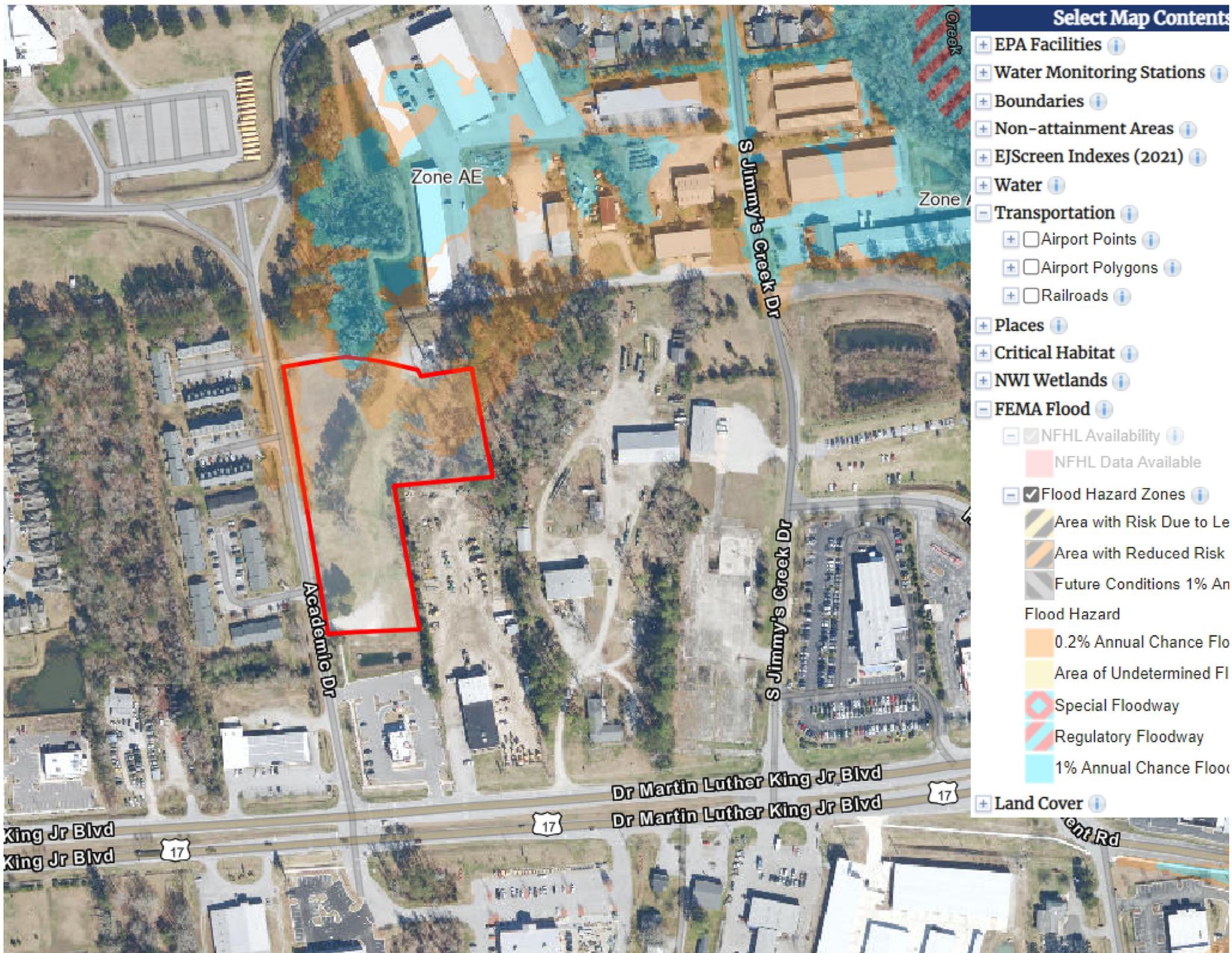
Project Information

Palatine Meadows  
4100 Academic Drive  
New Bern, North Carolina

Site Layout

Figure 2

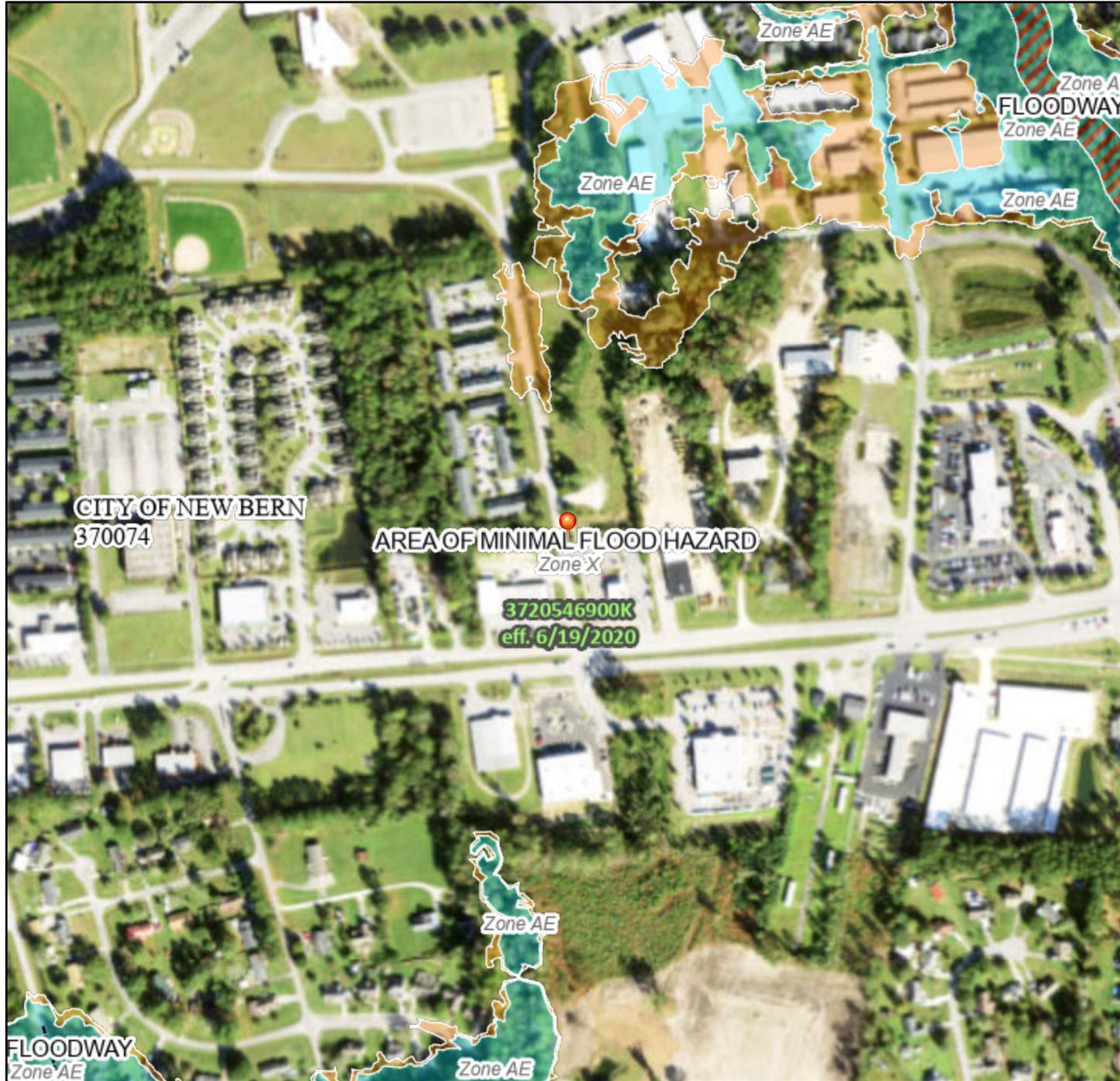
F:\2021\B211827\GIS\B211827.dwg



# National Flood Hazard Layer FIRMMette



77°7'6"W 35°6'1"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
		With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>
		Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
		Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
		Area with Flood Risk due to Levee <i>Zone D</i>
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
		Effective LOMRs
		Area of Undetermined Flood Hazard <i>Zone D</i>
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **1/13/2022 at 12:03 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

77°6'29"W 35°5'31"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020



- Approximate Site Boundary
- Proposed Stormwater Pond
- Floodplain
- Ditch
- Wet Section of Ditch
- Approximate Outfall Location



Drawing Information

Project No:  
B2111827

Drawing No:  
Fig3\_ProposedPlan

Drawn By: JPM  
Drawn/Drawn: 1/7/2022  
Checked By: JW  
Last Modified: 8/18/2022

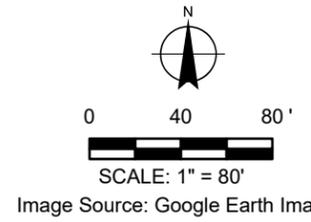
Project Information

Palatine Meadows

4100 Academic Drive

New Bern, North  
Carolina

**Proposed  
Project Plan**



F:\2021\B2111827\GIS\B2111827.dwg

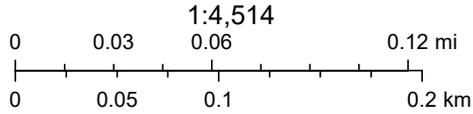
Figure 3

# Palatine Meadows - NWI Wetlands



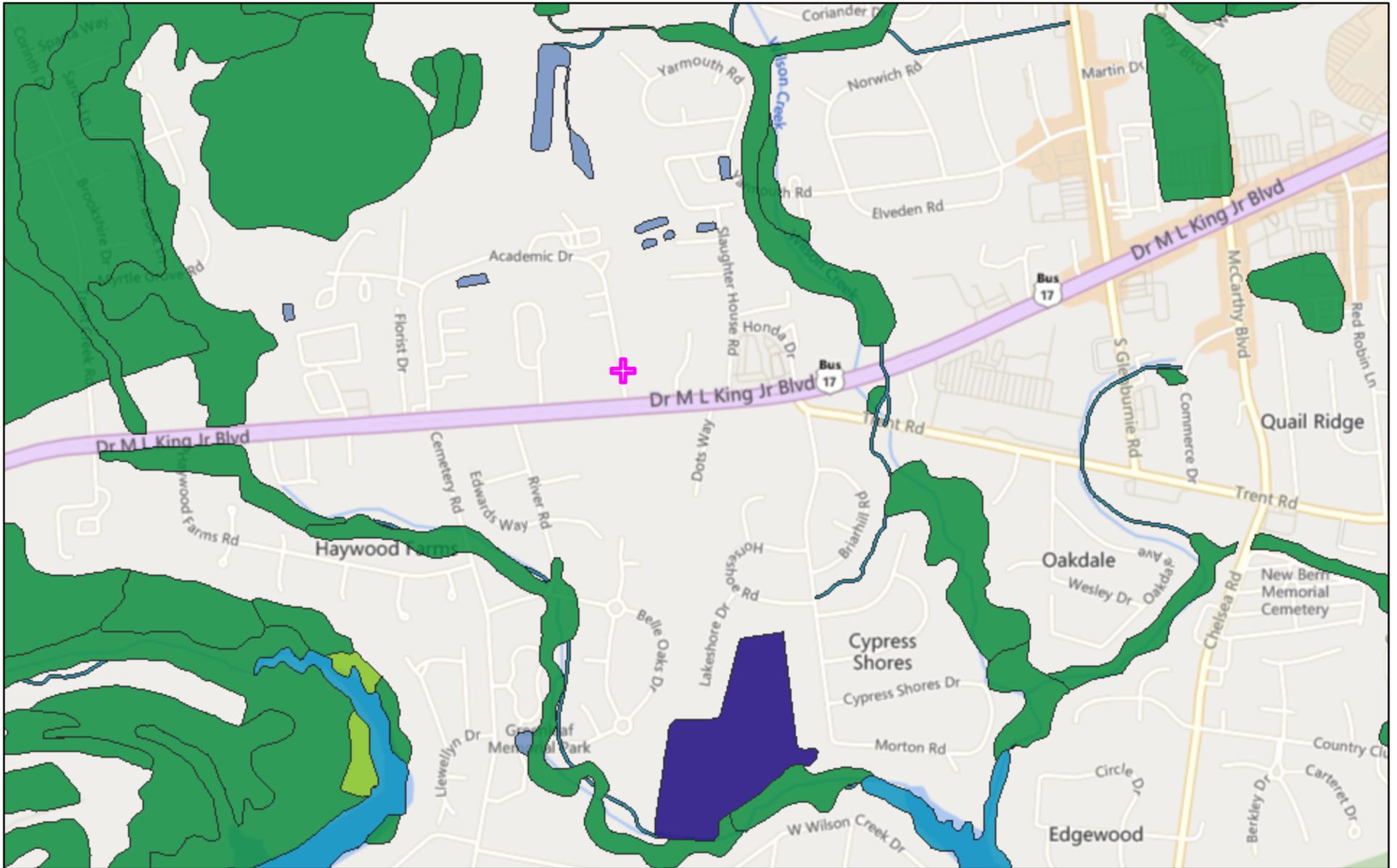
July 22, 2022

- Wetlands
-  Freshwater Emergent Wetland
  -  Lake
  -  Estuarine and Marine Deepwater
  -  Freshwater Forested/Shrub Wetland
  -  Other
  -  Estuarine and Marine Wetland
  -  Freshwater Pond
  -  Riverine



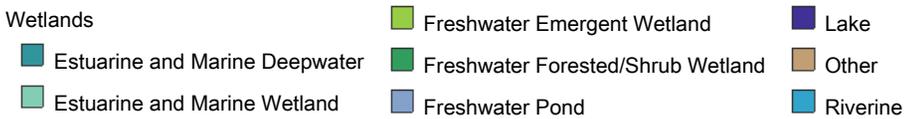
U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov, NC CGIA, Maxar, Esri Community Maps

# National Wetlands Inventory Map

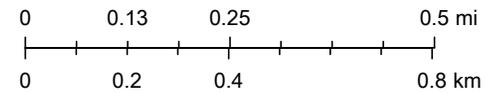


January 6, 2022

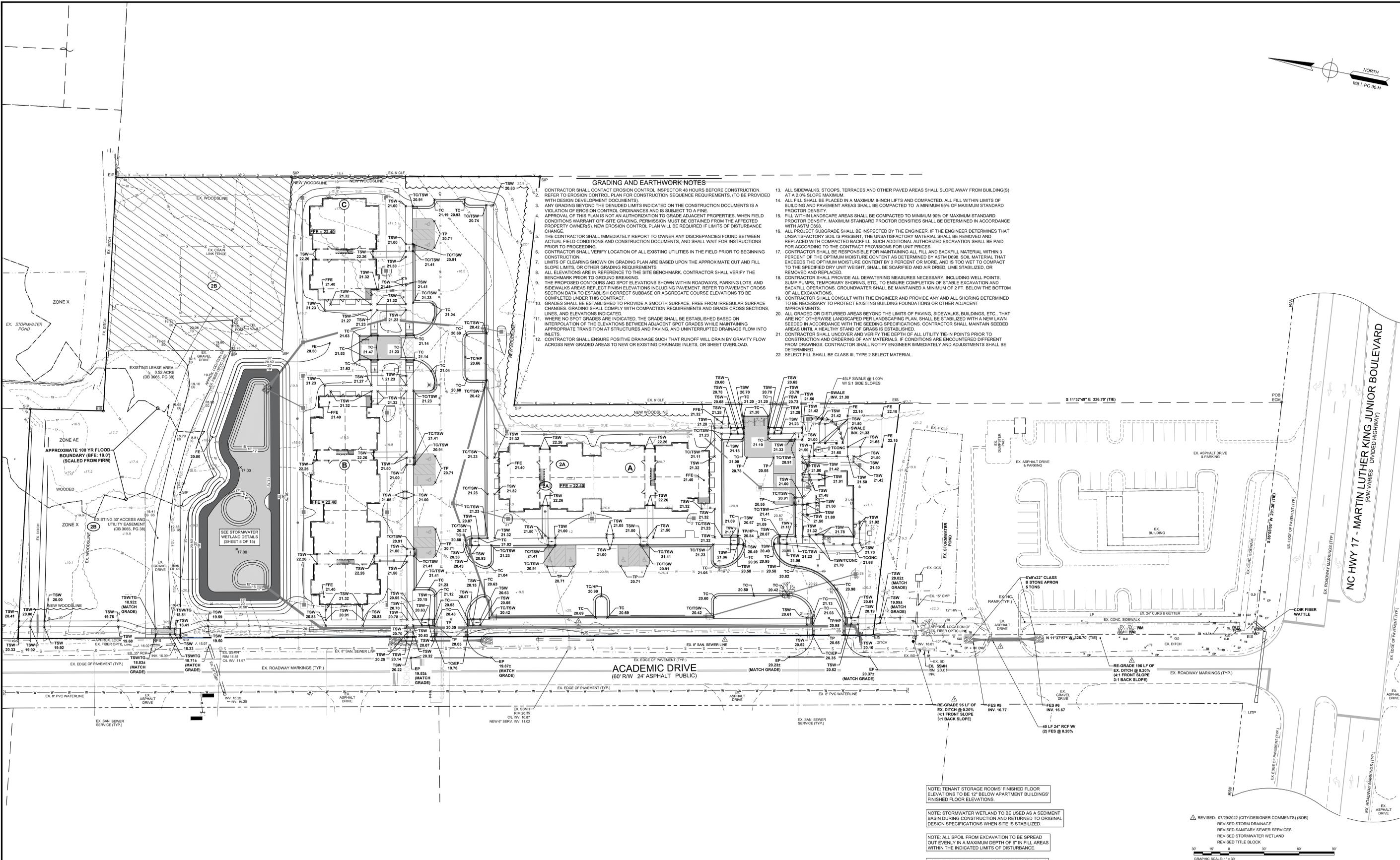
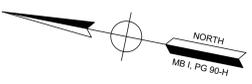
Wetlands



1:18,056



U.S. Fish and Wildlife Service, National Standards and Support Team,



**GRADING AND EARTHWORK NOTES**

1. CONTRACTOR SHALL CONTACT EROSION CONTROL INSPECTOR 48 HOURS BEFORE CONSTRUCTION. REFER TO EROSION CONTROL PLAN FOR CONSTRUCTION SEQUENCE REQUIREMENTS. (TO BE PROVIDED WITH DESIGN DEVELOPMENT DOCUMENTS)
2. ANY GRADING BEYOND THE DENOTED LIMITS INDICATED ON THE CONSTRUCTION DOCUMENTS IS A VIOLATION OF EROSION CONTROL ORDINANCES AND IS SUBJECT TO A FINE.
3. APPROVAL OF THIS PLAN IS NOT AN AUTHORIZATION TO GRADE ADJACENT PROPERTIES. WHEN FIELD CONDITIONS WARRANT OFF-SITE GRADING, PERMISSION MUST BE OBTAINED FROM THE AFFECTED PROPERTY OWNER(S). NEW EROSION CONTROL PLAN WILL BE REQUIRED IF LIMITS OF DISTURBANCE CHANGE.
4. THE CONTRACTOR SHALL IMMEDIATELY REPORT TO OWNER ANY DISCREPANCIES FOUND BETWEEN ACTUAL FIELD CONDITIONS AND CONSTRUCTION DOCUMENTS, AND SHALL WAIT FOR INSTRUCTIONS PRIOR TO PROCEEDING.
5. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES IN THE FIELD PRIOR TO BEGINNING CONSTRUCTION.
6. LIMITS OF CLEARING SHOWN ON GRADING PLAN ARE BASED UPON THE APPROXIMATE CUT AND FILL SLOPE LIMITS, OR OTHER GRADING REQUIREMENTS.
7. ALL ELEVATIONS ARE IN REFERENCE TO THE SITE BENCHMARK. CONTRACTOR SHALL VERIFY THE BENCHMARK PRIOR TO GROUND BREAKING.
8. THE PROPOSED CONTOURS AND SPOT ELEVATIONS SHOWN WITHIN ROADWAYS, PARKING LOTS, AND SIDEWALKS AREAS REFLECT FINISH ELEVATIONS INCLUDING PAVEMENT. REFER TO PAVEMENT CROSS SECTION DATA TO ESTABLISH CORRECT SUBBASE OR AGGREGATE COURSE ELEVATIONS TO BE COMPLETED UNDER THIS CONTRACT.
9. GRADES SHALL BE ESTABLISHED TO PROVIDE A SMOOTH SURFACE, FREE FROM IRREGULAR SURFACE CHANGES. GRADING SHALL COMPLY WITH COMPACTION REQUIREMENTS AND GRADE CROSS SECTIONS, LINES, AND ELEVATIONS INDICATED.
10. WHERE NO SPOT GRADES ARE INDICATED, THE GRADE SHALL BE ESTABLISHED BASED ON INTERPOLATION OF THE ELEVATIONS BETWEEN ADJACENT SPOT GRADES WHILE MAINTAINING APPROPRIATE TRANSITION AT STRUCTURES AND PAVING, AND UNINTERRUPTED DRAINAGE FLOW INTO INLETS.
11. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE SUCH THAT RUNOFF WILL DRAIN BY GRAVITY FLOW ACROSS NEW GRADED AREAS TO NEW OR EXISTING DRAINAGE INLETS, OR SHEET OVERLOAD.
12. ALL SIDEWALKS, STAIRS, TERRACES AND OTHER PAVED AREAS SHALL SLOPE AWAY FROM BUILDING(S) AT A 2.0% SLOPE MAXIMUM.
13. ALL FILL SHALL BE PLACED IN A MAXIMUM 8-INCH LIFTS AND COMPACTED. ALL FILL WITHIN LIMITS OF BUILDING AND PAVEMENT AREAS SHALL BE COMPACTED TO A MINIMUM 95% OF MAXIMUM STANDARD PROCTOR DENSITY. MAXIMUM STANDARD PROCTOR DENSITIES SHALL BE DETERMINED IN ACCORDANCE WITH ASTM D698.
14. ALL PROJECT SUBGRADE SHALL BE INSPECTED BY THE ENGINEER. IF THE ENGINEER DETERMINES THAT UNSATISFACTORY SOIL IS PRESENT, THE UNSATISFACTORY MATERIAL SHALL BE REMOVED AND REPLACED WITH COMPACTED BACKFILL. SUCH ADDITIONAL AUTHORIZED EXCAVATION SHALL BE PAID FOR ACCORDING TO THE CONTRACT PROVISIONS FOR UNIT PRICES.
15. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL FILL AND BACKFILL MATERIAL WITHIN 3 PERCENT OF THE OPTIMUM MOISTURE CONTENT AS DETERMINED BY ASTM D698. SOIL MATERIAL THAT EXCEEDS THE OPTIMUM MOISTURE CONTENT BY 3 PERCENT OR MORE, AND IS TOO WET TO COMPACT TO THE SPECIFIED DRY UNIT WEIGHT, SHALL BE SCARIFIED AND AIR DRIED, LIME STABILIZED, OR REMOVED AND REPLACED.
16. CONTRACTOR SHALL PROVIDE ALL DEWATERING MEASURES NECESSARY, INCLUDING WELL POINTS, SUMP PUMPS, TEMPORARY SHORING, ETC. TO ENSURE COMPLETION OF STABLE EXCAVATION AND BACKFILL OPERATIONS. GROUNDWATER SHALL BE MAINTAINED A MINIMUM OF 2 FT. BELOW THE BOTTOM OF ALL EXCAVATIONS.
17. CONTRACTOR SHALL CONSULT WITH THE ENGINEER AND PROVIDE ANY AND ALL SHORING DETERMINED TO BE NECESSARY TO PROTECT EXISTING BUILDING FOUNDATIONS OR OTHER ADJACENT IMPROVEMENTS.
18. ALL GRADED OR DISTURBED AREAS BEYOND THE LIMITS OF PAVING, SIDEWALKS, BUILDINGS, ETC., THAT ARE NOT OTHERWISE LANDSCAPED PER LANDSCAPING PLAN, SHALL BE STABILIZED WITH A NEW LAWN SEED IN ACCORDANCE WITH THE SEEDING SPECIFICATIONS. CONTRACTOR SHALL MAINTAIN SEEDED AREAS UNTIL A HEALTHY STAND OF GRASS IS ESTABLISHED.
19. CONTRACTOR SHALL UNCOVER AND VERIFY THE DEPTH OF ALL UTILITY TIE-IN POINTS PRIOR TO CONSTRUCTION AND ORDERING OF ANY MATERIALS. IF CONDITIONS ARE ENCOUNTERED DIFFERENT FROM DRAWINGS, CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY AND ADJUSTMENTS SHALL BE DETERMINED.
20. SELECT FILL SHALL BE CLASS III, TYPE 2 SELECT MATERIAL.

NOTE: TENANT STORAGE ROOMS' FINISHED FLOOR ELEVATIONS TO BE 12" BELOW APARTMENT BUILDINGS' FINISHED FLOOR ELEVATIONS.

NOTE: STORMWATER WETLAND TO BE USED AS A SEDIMENT BASIN DURING CONSTRUCTION AND RETURNED TO ORIGINAL DESIGN SPECIFICATIONS WHEN SITE IS STABILIZED.

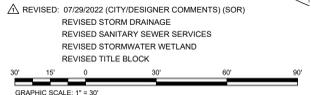
NOTE: ALL SPOIL FROM EXCAVATION TO BE SPREAD OUT EVENLY IN A MAXIMUM DEPTH OF 6" IN FILL AREAS WITHIN THE INDICATED LIMITS OF DISTURBANCE.

NOTE: THERE WILL BE NO LARGE STOCKPILES AT THIS SITE. ALL TOPSOIL & SPOIL FROM EXCAVATED AREAS SHALL BE USED IN FILL SECTIONS AND TO TOP DRESS AREAS WHERE STRUCTURAL IMPROVEMENTS WILL NOT BE PLACED.

NOTE: ANY BORROW MATERIAL ONTO THIS SITE MUST BE FROM A LEGALLY OPERATED MINE OR OTHER APPROVED SOURCE. ANY SOIL WASTE THAT LEAVES THIS SITE CAN BE TRANSPORTED TO A PERMITTED MINE OR SEPARATELY PERMITTED CONSTRUCTION SITES WITHOUT ADDITIONAL PERMITS UNDER NCGS 74-49(7)(g). DISPOSAL AT ANY OTHER LOCATION WOULD HAVE TO BE INCLUDED AS A PERMIT REVISION FOR THIS APPROVAL.

CONTACT PERSON RESPONSIBLE FOR MAINTENANCE: LANCE PAULICK (919) 210-9592

NOTE: STORAGE ROOMS' FINISHED FLOOR ELEVATIONS TO BE 2" BELOW BUILDINGS' FINISHED FLOOR ELEVATIONS



SHEET 4 OF 15  
GRADING PLAN

**PALATINE MEADOWS**

LOT 2A  
REFERENCE: DEED BOOK 3084, PAGE 210 OF THE CRAVEN COUNTY REGISTER OF DEEDS

CITY OF NEW BERN, NUMBER 8 TOWNSHIP, CRAVEN COUNTY, NC

OWNER: PALATINE MEADOWS, LP  
ADDRESS: 500 SOUTH FRONT STREET, 10TH FLOOR, COLUMBUS, OH 43215  
PHONE: (614) 396-3200

DESIGNED: IP  
APPROVED: IP  
DRAWN: MAHWHSOR  
DATE: 01/27/2022  
CHECKED: IP  
SCALE: 1" = 30'

**Baldwin Design Consultants, PA**  
ENGINEERING - SURVEYING - PLANNING  
1700-C EAST ARNOLD BUILDING  
GREENVILLE, NC 27686 252.756.1390



1. CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ENSURING THAT ALL EXISTING UTILITIES ARE LOCATED PRIOR TO CONSTRUCTION.
2. CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES, USING FLAG MEN, ETC., AS NECESSARY TO ENSURE SAFETY OF THE PUBLIC.
3. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE PLACED ACCORDING TO THE STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, OR LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT.
4. SHORING SHALL BE IN ACCORDANCE WITH OSHA TRENCHING STANDARDS, 29 PART 1926, SUBPART, OR AS AMENDED.

04 - GRADING.dwg DESKTOP-202012

## **APPENDIX 2**

### **Early Notice and Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain**



# North Carolina Department of Public Safety

## Office of Recovery and Resiliency

Roy Cooper, Governor  
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

### EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

#### PALATINE MEADOWS

4100 ACADEMIC DRIVE, NEW BERN, CRAVEN COUNTY, NORTH CAROLINA

August 24, 2022

To: All interested Agencies, Groups and Individuals

This is to give notice that the North Carolina Office of Recovery and Resiliency (NCORR) has received an application from Palatine Meadows LP to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct Palatine Meadows (hereinafter, the “Proposed Activity”) and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the floodplain and wetland. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplain and wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in North Carolina.

The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018) when hundreds of homes were damaged or destroyed. Palatine Meadows will construct 60 units of affordable rental housing targeting low-income families. The Proposed Activity will assist the City of New Bern and Craven County to provide affordable housing options for the local community.

The Proposed Activity entails development of an undeveloped lot with 60 units in three residential buildings, a community building, playground, recreation areas, and surface parking. The Proposed Activity is located on an approximately 3.745-acre parcel at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562 (Parcel ID 8-211-008).

The Proposed Activity will result in temporary impacts to 0.01 acres of 100-year floodplain and 0.0187 acres of wetlands. The Proposed Activity will result in permanent impacts to 0 acres of 100-year floodplain

**Mailing Address:**  
Post Office Box 110465  
Durham, NC 27709



Phone: (984) 833-5350  
[www.ncdps.gov](http://www.ncdps.gov)  
[www.rebuild.nc.gov](http://www.rebuild.nc.gov)

*An Equal Opportunity Employer*

and 270 square feet of wetlands in an existing drainage ditch located along Academic Drive. These impacts will consist of the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. In addition, the overflow from the Proposed Activity's stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. The total impact to the drainage ditch will be 0.0187 acres. A small portion of 100-year floodplain is located on the northern portion of the Site. The floodplain will only be modified to remove a few trees. A stormwater pond will be built adjacent to the floodplain but has been designed to remain outside of the floodplain.

Floodplain maps based on the FEMA Flood Insurance Rate Map (FIRM) and wetland maps showing the drainage ditch location are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity, FIRM and maps may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833-5350 to make an appointment.

Written comments must be received by NCORR at the following address on or before September 8, 2022: Laura Hogshead, Director, NCORR, ATTN: Palatine Meadows, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) with "ATTN: Palatine Meadows Comments" in the subject line.

## **APPENDIX 3**

- **Affidavit for Publication of Early Notice**
- **Distribution List to Interested Agencies, Groups and Individuals**
- **Early Notice Comments and Response**

# LOCALiQ

StarNews | The Dispatch | Times-News  
Sun Journal | The Daily News | The Star  
The Free Press | Gaston Gazette

PO Box 631245 Cincinnati, OH 45263-1245

## PROOF OF PUBLICATION

Sarah Crump  
Ncorr  
PO BOX 110465  
DURHAM NC 27709

RECEIVED  
SEP 06 2022  
N COR

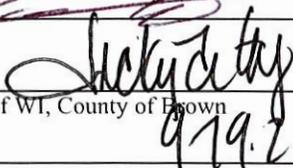
STATE OF NORTH CAROLINA, COUNTY OF CRAVEN

The Sun Journal, a newspaper printed and published in the city of New Bern, and of general circulation in the County of Craven, State of North Carolina, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue dated:

08/24/2022

and that the fees charged are legal.  
As required by the laws of the State of North Carolina, New Bern Sun Journal meets the requirements of NC statute I-597 as the newspaper of record for Craven County.  
Sworn to and subscribed before on 08/24/2022

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

My commission expires  
Publication Cost: \$444.50  
Order No: 7690888 # of Copies:  
Customer No: 491626 1  
PO #: PALATINE MEADOWS

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

VICKY FELTY  
Notary Public  
State of Wisconsin



EARLY NOTICE AND PUBLIC REVIEW OF A  
PROPOSED ACTIVITY  
IN A 100-YEAR FLOODPLAIN AND WETLAND

PALATINE MEADOWS  
4100 ACADEMIC DRIVE, NEW BERN, CRAVEN  
COUNTY, NORTH CAROLINA  
August 24, 2022

To: All interested Agencies, Groups and Individuals

This is to give notice that the North Carolina Office of Recovery and Resiliency (NCORR) has received an application from Palatine Meadows LP to use Community Development Block Grant - Disaster Recovery (CDBG-DR) funding from the Affordable Housing Development Fund Program to construct Palatine Meadows (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the floodplain and wetland. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplain and wetland, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in North Carolina.

The Proposed Activity is needed to address an affordable housing inventory shortage, which was exacerbated by the impacts of Hurricanes Matthew (Oct. 8, 2016) and Florence (Sept. 14, 2018) when hundreds of homes were damaged or destroyed. Palatine Meadows will construct 60 units of affordable rental housing targeting low-income families. The Proposed Activity will assist the City of New Bern and Craven County to provide affordable housing options for the local community.

The Proposed Activity entails development of an undeveloped lot with 60 units in three residential buildings, a community building, playground, recreation areas, and surface parking. The Proposed Activity is located on an approximately 3.745-acre parcel at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562 (Parcel ID 8-211-008).

The Proposed Activity will result in temporary impacts to 0.01 acres of 100-year floodplain and 0.0187 acres of wetlands. The Proposed Activity will result in permanent impacts to 0 acres of 100-year floodplain 2 and 270 square feet of wetlands in an existing drainage ditch located along Academic Drive. These impacts will consist of the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. In addition, the overflow from the Proposed Activity's stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. The total impact to the drainage ditch will be 0.0187 acres. A small portion of 100-year floodplain is located on the northern portion of the Site. The floodplain will only be modified to remove a few trees. A stormwater pond will be built adjacent to the floodplain but has been designed to remain outside of the floodplain.

Floodplain maps based on the FEMA Flood Insurance Rate Map (FIRM) and wetland maps showing the drainage ditch location are available for review at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. A full description of the Proposed Activity, FIRM and maps may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833-5350 to make an appointment.

Written comments must be received by NCORR at the following address on or before September 8, 2022: Laura Hogshead, Director, NCORR, ATTN: Palatine Meadows, P.O. Box 110465, Durham, NC 27709. Comments may also be submitted by email to [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) with "ATTN: Palatine Meadows Comments" in the subject line.

***EARLY NOTICE DISTRIBUTION LIST***

**PALATINE MEADOWS  
4100 ACADEMIC DRIVE, NEW BERN,  
CRAVEN COUNTY, NORTH CAROLINA**

Publication 8/24/22, comments end 9/8/22

**FEDERAL AGENCIES**

<b>Agency</b>	<b>Name &amp; Address</b>	<b>Method</b>
<b>HUD NC</b>	Mr. Lenwood E. Smith, II Environmental Protection Specialist Greensboro Field Office U.S. Dept. of Housing and Urban Development 1500 Pinecroft Road, Suite 401 Greensboro, NC 27407-3838	<a href="mailto:Lenwood.E.Smith@hud.gov">Lenwood.E.Smith@hud.gov</a>
<b>FEMA, Region IV</b>	Ms. Gracia B. Szczech, Regional Administrator U.S. Dept. of Homeland Security FEMA, Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341	FedEx
<b>FEMA ATTN: 11988</b>	<i>Hard copies may also be mailed to</i> Attn: 11988/NEPA Reviewer (EHP) DHS/FEMA RIV 3003 Chamblee Tucker Road Atlanta, GA 30341	<a href="mailto:FEMA-R4EHP@fema.dhs.gov">FEMA-R4EHP@fema.dhs.gov</a> with the subject line <b>REVIEW REQUEST: 11988/NEPA</b>
<b>US EPA, Region 4</b>	Mr. John Blevins, Acting Regional Administrator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720	FedEx
<b>US EPA, Region 4</b>	Ms. Ntale Kajumba, NEPA Coordinator U.S. EPA, Region 4 Laboratory Services & Applied Science Div. 980 College Station Road Athens, GA 30605-2720	<a href="mailto:Kajumba.ntale@epa.gov">Kajumba.ntale@epa.gov</a> cc: <a href="mailto:blevins.john@epa.gov">blevins.john@epa.gov</a>
<b>USFWS – Raleigh Field Office</b>	USFWS – Raleigh Field Office ATTN: John Ellis P.O. Box 33726 Raleigh, NC 27636 ph.: 919-856-4520, ext. 26	<a href="mailto:john_ellis@fws.gov">john_ellis@fws.gov</a> cc: <a href="mailto:leigh_mann@fws.gov">leigh_mann@fws.gov</a>

<b>USACE – Wilmington District</b>	Emily Thompson – Craven County USACE – Wilmington District 69 Darlington Avenue Wilmington, NC 28403	<a href="mailto:emily.b.thompson@usace.army.mil">emily.b.thompson@usace.army.mil</a>
<b>TRIBES, NATIONS AND COMMUNITIES</b> (who asked to be notified)		
<b>Catawba Indian Nation</b>	Dr. Wenonah George Haire, THPO ATTN: THPO Archaeology Dept. Catawba Indian Nation 1536 Tom Steven Road Rock Hill, SC 29730	Does not want Notice
<b>Catawba Indian Nation</b>	Chief Bill Harris Catawba Indian Nation 996 Avenue of the Nations Rock Hill, SC 29730	Does not want Notice
<b>Tuscarora Nation</b>	Chief Tom Jonathan Tuscarora Nation 5226 Walmore Road Lewiston, NY 14092	No response to Section 106 Review package sent on February 17, 2022
<b>Tuscarora Nation</b>	Mr. Bryan Printup, THPO Tuscarora Nation 5226 Walmore Road Lewiston, NY 14092 <a href="mailto:BPrintup@hetf.org">BPrintup@hetf.org</a>	No response to Section 106 Review package sent on February 17, 2022
<b>NC STATE AGENCIES</b>		
<b>STATE CLEARING- HOUSE</b>	Ms. Crystal Best North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, North Carolina 27699-1301	<a href="mailto:State.Clearinghouse@doa.nc.gov">State.Clearinghouse@doa.nc.gov</a> <a href="mailto:crystal.best@doa.nc.gov">crystal.best@doa.nc.gov</a>
<b>NCHFA</b>	Ronda G. Moore Senior Attorney, Manager of Real Estate Transactions North Carolina Housing Finance Agency P.O. Box 28066 Raleigh, NC 27611-8066 Phone: 919-875-3621	<a href="mailto:rgmoore@nchfa.com">rgmoore@nchfa.com</a>

**LOCAL AGENCIES**

<b>COUNTY</b>	JACK B. VEIT III, County Manager Craven County 406 Craven Street New Bern, NC 28560-4971 252-636-6600	<a href="mailto:jveit@cravencountync.gov">jveit@cravencountync.gov</a>
<b>COUNTY</b>	DON BAUMGARDNER Planning Director Craven County 2828 Neuse Boulevard New Bern, NC 28562 Phone (252) 636-6618	<a href="mailto:dbaumgardner@cravencountync.gov">dbaumgardner@cravencountync.gov</a>
<b>COUNTY</b>	Nan Holton Clerk to the Board of Commissioners Craven County 406 Craven Street New Bern, NC 28560-4971 252-636-6600	<a href="mailto:nholton@cravencountync.gov">nholton@cravencountync.gov</a>
<b>CITY</b>	Foster Hughes, City Manager City of New Bern 300 Pollock St. New Bern, NC 28560 Phone: (252) 636-4000	<a href="mailto:hughesf@newbernnc.gov">hughesf@newbernnc.gov</a>
<b>CITY</b>	Ms. Brenda E. Blanco City Clerk City of New Bern 300 Pollock St. New Bern, NC 28560 Phone: (252) 639-2701	<a href="mailto:blancob@newbernnc.gov">blancob@newbernnc.gov</a>

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:11 PM  
**To:** Smith, Lenwood E  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello Mr. Lenwood Smith:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:19 PM  
**To:** FEMA-R4EHP@fema.dhs.gov  
**Subject:** REVIEW REQUEST: 11988/NEPA - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:13 PM  
**To:** 'Kajumba.ntale@epa.gov'  
**Cc:** 'blevins.john@epa.gov'  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:14 PM  
**To:** john\_ellis@fws.gov  
**Cc:** leigh\_mann@fws.gov  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:15 PM  
**To:** emily.b.thompson@usace.army.mil  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:16 PM  
**To:** State Clearinghouse  
**Cc:** Best, Crystal  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:16 PM  
**To:** 'rgmoore@nchfa.com'  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:17 PM  
**To:** jveit@cravencountync.gov  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:17 PM  
**To:** dbaumgardner@cravencountync.gov  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:17 PM  
**To:** nholton@cravencountync.gov  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:18 PM  
**To:** 'hughesf@newbernnc.gov'  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Wednesday, August 24, 2022 12:18 PM  
**To:** 'blancob@newbernnc.gov'  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC  
**Attachments:** NCORR Early Notice Palatine Meadows 8.24.22.pdf

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

**1 From** Please print and press hard.  
 Date 8/24/22 Sender's FedEx Account Number 8950-9899-0  
 Sender's Name Andrea Gievers Phone (845) 682-1700  
 Company NCORR  
 Address 123 Kings Hill Road  
 City Walden State NY ZIP 12586

**2 Your Internal Billing Reference**  
 First 24 characters will appear on invoice. Palatine ENPTIONAL

**3 To** Recipient's Name Ms. Gracia Szczech Phone ( )  
 Company FEMA, Region 4  
 Address 3003 Chamblee Tucker Rd  
 City Atlanta State GA ZIP 30341

**4 Express Package Service** \* To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

**Next Business Day**  
 FedEx First Overnight  
 FedEx Priority Overnight  
 FedEx Standard Overnight

**2 or 3 Business Days**  
 FedEx 2Day A.M.  
 FedEx 2Day  
 FedEx Express Saver

**5 Packaging** \* Declared value limit \$500.  
 FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options** Fees may apply. See the FedEx Service Guide.

Saturday Delivery  
 No Signature Required  
 Direct Signature  
 Indirect Signature

**Does this shipment contain dangerous goods?**  
 No  Yes  Yes  Dry Ice  Cargo Aircraft Only

**7 Payment Bill to:** This airbill can be used only when billing to a FedEx account number. For cash, check, or credit card transactions, please go to a staffed shipping location.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party  
 Total Packages Total Weight Total Declared Value\*  
 lbs \$ .00

644



**1 From** Please print and press hard.  
 Date 8/24/22 Sender's FedEx Account Number 8950-9899-0  
 Sender's Name Andrea Gievers Phone (845) 682-1700  
 Company NCORR  
 Address 123 Kings Hill Road  
 City Walden State NY ZIP 12586

**2 Your Internal Billing Reference**  
 First 24 characters will appear on invoice. Palatine - EN

**3 To** Recipient's Name Mr. John Blevins Phone ( )  
 Company USEPA, Region 4  
 Address Lab Svcs & Applied Science Dev.  
 City Athens State GA ZIP 30605-2720

**4 Express Package Service** \* To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

**Next Business Day**  
 FedEx First Overnight  
 FedEx Priority Overnight  
 FedEx Standard Overnight

**2 or 3 Business Days**  
 FedEx 2Day A.M.  
 FedEx 2Day  
 FedEx Express Saver

**5 Packaging** \* Declared value limit \$500.  
 FedEx Envelope\*  FedEx Pak\*  FedEx Box  FedEx Tube  Other

**6 Special Handling and Delivery Signature Options** Fees may apply. See the FedEx Service Guide.

Saturday Delivery  
 No Signature Required  
 Direct Signature  
 Indirect Signature

**Does this shipment contain dangerous goods?**  
 No  Yes  Yes  Dry Ice  Cargo Aircraft Only

**7 Payment Bill to:** This airbill can be used only when billing to a FedEx account number. For cash, check, or credit card transactions, please go to a staffed shipping location.

Sender Acct. No. in Section 1 will be billed. Recipient Third Party  
 Total Packages Total Weight Total Declared Value\*  
 lbs \$ .00

644



## Gievers, Andrea

---

**From:** Gievers, Andrea  
**Sent:** Tuesday, September 6, 2022 12:32 PM  
**To:** Thompson, Emily B CIV USARMY CESAW (USA)  
**Subject:** RE: [External] RE: PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC

Hi Emily:

Thank you so much for your time and response. The Developer and consultant are in the process of preparing the USACE PJD Application and will be submitting soon. The Developer is required to submit and comply with the USACE JD and all requisite permits and their conditions. The Developer is also required to contact the NC DEQ DWR for a CWA Section 401 Water Quality Certification. The local Floodplain Administrator will be contacted as well. Permits required for this proposed project shall be obtained before commencing work. The proposed project activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions. Let me know if you have any questions. Thank you!

Sincerely,

Andrea Gievers

---

**From:** Thompson, Emily B CIV USARMY CESAW (USA) <Emily.B.Thompson@usace.army.mil>  
**Sent:** Wednesday, August 24, 2022 4:31 PM  
**To:** Gievers, Andrea <andrea.l.gievers@rebuild.nc.gov>  
**Subject:** [External] RE: PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC

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

Hi Andrea,

It appears this project would require a permit from the Corps with the proposed discharge of fill material within potential waters and wetlands of the US. Has the site been delineated and reviewed/approved by the Corps yet? I would recommend that as a first step permitting to ensure the impacts are quantified accurately. Once we know those impacts are accurately accounted for, we would be able to determine what permit may be the most appropriate.

Sincerely,  
Emily

Emily B. Thompson  
Regulatory Specialist  
U.S. Army Corps of Engineers  
Washington Regulatory Field Office  
2407 W. 5th Street  
Washington, NC 27889  
(910) 251-4629  
[Emily.B.Thompson@usace.army.mil](mailto:Emily.B.Thompson@usace.army.mil)

We at the U.S. Army Corps of Engineers Regulatory Branch are committed to improving service to our customers. We would appreciate your feedback on how we are performing our duties. Our automated Customer Service Survey is located at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>

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

---

**From:** Gievers, Andrea <[andrea.l.gievers@rebuild.nc.gov](mailto:andrea.l.gievers@rebuild.nc.gov)>

**Sent:** Wednesday, August 24, 2022 12:15 PM

**To:** Thompson, Emily B CIV USARMY CESAW (USA) <[Emily.B.Thompson@usace.army.mil](mailto:Emily.B.Thompson@usace.army.mil)>

**Subject:** [Non-DoD Source] PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

---

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

## Gievers, Andrea

---

**From:** Brenda Blanco <blancob@newbernnc.gov>  
**Sent:** Friday, August 26, 2022 8:30 AM  
**To:** Gievers, Andrea  
**Subject:** [External] RE: PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC

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

This will acknowledge receipt of the notice. Thank you.



*Brenda E. Blanco*, MMC, CMC, NCCMC  
City Clerk  
City of New Bern  
300 Pollock Street  
PO Box 1129  
New Bern, NC 28563-1129  
Ph: 252-639-2701  
Fax: 252-639-2841

---

**From:** Gievers, Andrea <andrea.l.gievers@rebuild.nc.gov>  
**Sent:** Wednesday, August 24, 2022 12:18 PM  
**To:** Brenda Blanco <blancob@newbernnc.gov>  
**Subject:** PUBLIC NOTICE - Early Notice - Palatine Meadows, New Bern, Craven County, NC

Hello:

Please find attached the Public Notice for HUD 24 CFR §55.20(b) - *Early Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland* for the NCORR Affordable Housing Development Fund Program's **Palatine Meadows** proposed project located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562. Please feel free to contact me if you have any questions. Thank you for your time and assistance.

Sincerely,

Andrea

Andrea Gievers, JD, MSEL, ERM  
Environmental SME  
Community Development  
NC Office of Recovery and Resiliency  
[Andrea.L.Gievers@Rebuild.NC.Gov](mailto:Andrea.L.Gievers@Rebuild.NC.Gov)  
(845) 682-1700

---

---

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

---

---

---

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

---

## **APPENDIX 4**

### **Combined FONSI/NOI-RROF/ Final Notice and Public Explanation of a Proposed Activity in a 100- year Floodplain and Wetland**



# North Carolina Department of Public Safety

## Office of Recovery and Resiliency

Roy Cooper, Governor  
Eddie M. Buffaloe, Jr., Secretary

Laura H. Hogshead, Director

### PUBLIC NOTICE

#### **COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (*FONSI*), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (*NOI-RROF*), AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

**PALATINE MEADOWS  
4100 ACADEMIC DRIVE, NEW BERN,  
CRAVEN COUNTY, NORTH CAROLINA**

**SEPTEMBER 16, 2022**

**Name of Responsible Entity and Recipient:** North Carolina Office of Recovery and Resiliency (NCORR), P.O. Box 110465, Durham, NC 27709. Contact: Director Laura Hogshead (984) 833-5350.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by NCORR.

**Project Description:** NCORR is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in North Carolina. NCORR proposes to provide CDBG-DR funding of \$3,810,000.00 for the Palatine Meadows (“Proposed Project”), which is located at 4100 Academic Drive in New Bern, Craven County, North Carolina 28562 (Parcel ID 8-211-008). The Proposed Project is anticipated to have a total cost of \$12,077,819.00. The Proposed Project will involve the new construction of a multifamily, affordable housing project consisting of 60 units in three residential buildings, a community building, playground, recreation areas, and surface parking. The City is seeking affordable housing to address the shortage in inventory exacerbated by the effects of the landfall of Hurricanes Matthew (October 8, 2016) and Florence (September 14, 2018). Palatine Meadows will provide a multifamily residential development for low-income households in the City of New Bern.

**Mailing Address:**  
Post Office Box 110465  
Durham, NC 27709



**Phone: (984) 833-5350**  
[www.ncdps.gov](http://www.ncdps.gov)  
[www.rebuild.nc.gov](http://www.rebuild.nc.gov)

*An Equal Opportunity Employer*

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

NCORR has conducted an evaluation as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection. The Proposed Project will result in temporary impacts to 0.01 acres of 100-year floodplain and 0.0187 acres of wetlands. The Proposed Project will result in permanent impacts to 0 acres of 100-year floodplain and 270 square feet of wetlands in an existing drainage ditch located along Academic Drive. These impacts will consist of the replacement of two City-owned culverts located under the existing driveway access to Academic Drive in order to facilitate drainage flow to the south. In addition, the overflow from the Proposed Project's stormwater pond will discharge to this drainage ditch when the pond meets maximum capacity. A total of 100 linear feet of 15-inch diameter existing culvert pipe will be replaced with 18-inch diameter pipe. Stone aprons will be placed on either end of the new culvert pipes (total of 4 aprons) as well as at the outflow from the pond (1 apron). Each apron is 6 feet by 9 feet. The total impact to the drainage ditch will be 0.0187 acres. A small portion of 100-year floodplain is located on the northern portion of the Site. The floodplain will only be modified to remove a few trees. A stormwater pond will be built adjacent to the floodplain but has been designed to remain outside of the floodplain. Since the action will include new construction in wetland and floodplain, EO 11988 and EO 11990 require that the Proposed Project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands. Alternatives and the 8-step process have been documented in the EO 11988 Floodplain Management and EO 11990 Protection of Wetlands Determination which is available for review. Applicable permits from the U.S. Army Corps of Engineers, NC Department of Environmental Quality, and local jurisdictions will be acquired before work is commenced. The Proposed Project will be constructed in accordance with permit requirements and their conditions.

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

**FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. NCORR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. NCORR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

**Public Review:** Public viewing of the EA and EO 11988 Floodplain Management and EO 11990 Protection of Wetlands Determination is available online at <https://www.rebuild.nc.gov/about/plans-policies-reports/environmental-reviews>. Documents may also be viewed in person by appointment only at: NCORR, 200 Park Offices Drive, Durham, NC 27713. Call (984) 833-5350 to make an appointment.

Further information may be requested by writing to the above address, emailing [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov) or by calling (984) 833-5350. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

**Public Comments on the Proposed Activity within Floodplain and Wetland, FONSI and/or NOIRROF:** Any individual, group or agency may submit written comments on the Proposed Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before October 3, 2022 at [publiccomments@rebuild.nc.gov](mailto:publiccomments@rebuild.nc.gov). Written comments may also be submitted by mail, in the proper format, to be received on or before October 3, 2022, and addressed to: NCORR – Public Comments, P.O. Box 110465, Durham, NC 27709. All comments must be received on or before October 3, 2022 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

#### **REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

On or after October 4, 2022, the NCORR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the North Carolina CDBG-DR program.

NCORR certifies to HUD that Laura Hogshead, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows NCORR to use CDBG-DR program funds.

**Objection to Release of Funds:** HUD will accept objections to its release of funds and NCORR’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the NCORR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity’s non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by NCORR’s Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification;

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) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649, or emailed to [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov).

Laura Hogshead  
Certifying Officer  
September 16, 2022