

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

Project Information

Project Name: Norway-Opera-House

HEROS Number: 900000010438061

Start Date: 11/13/2024

Responsible Entity (RE): Norway, 19 Danforth St Norway ME, 04268

RE Preparer: Dennis Lajoie

State / Local Identifier:

Certifying Officer: Jeffrey Campbell

Grant Recipient (if different than Responsible Entity): Norway Downtown

Point of Contact: Scott Beck

Consultant (if applicable): Credere Associates LLC

Point of Contact: Nathaniel Weiss

40 CFR 1506.5(b)(4): The lead agency or, where appropriate, a cooperating agency shall prepare a disclosure statement for the contractor's execution specifying that the contractor has no financial or other interest in the outcome of the action. Such statement need not include privileged or confidential trade secrets or other confidential business information.

- ✓ By checking this box, I attest that as a preparer, I have no financial or other interest in the outcome of the undertaking assessed in this environmental review.

Project Location: 418 Main St, Norway, ME 04268

Additional Location Information:

The Site Location Plan (Figure 1) identifies the project location in Norway, Maine. The Detailed Site Plan (Figure 2) identifies the Site parcel boundary and the Action Area.

Direct Comments to:

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

The Town of Norway is conducting an environmental review for the property located at 418 Main Street in the Town of Norway, Maine (Site). The planned renovation and repair project is for the Norway Opera House and will include replacing the roof, repairing the roof trusses, rebuilding the back brick wall, reinstalling and repairing windows, and installing new gutters. The planned renovation and repairs are intended to jumpstart a final planned phase of the project, by allowing events to be hosted that will headline fundraising events for rehabilitation of the second and third floors of the building. The Site is owned by the Town of Norway. The proposed scope of work includes the following renovations and repairs to the building: 1. Roof and Drainage: The roof and roof trusses need replacement due to severe deterioration and leaking. Replacement will eliminate leaks, roof ponding, and back wall leaking. The current stabilization measures in place were installed circa 2011, and were not intended to exist for more than 10 years. Work is currently underway for the roof truss redesign. Design for the trusses builds on already completed Concept Design drawings. Space use has been analyzed so that roof truss design incorporates programmatic needs and flexibility for stage fly space between the trusses. The roof will be designed to handle the loads of a hanging mezzanine to maintain its original configuration and will also be strengthened for a future solar photovoltaic (PV) system capable of handling 80% of the fully rehabbed building's energy needs. Work associated with the roof will also include the removal and installation of new gutters. 2. Masonry: A section of the brick masonry rear wall was removed during prior structural stabilization due to deflection and instability of the wall. Some additional masonry deterioration has occurred since 2012. The rear brick masonry wall is planned to be rebuilt. 3. Windows: Windows are arched, likely original, and in various states of repair. Windows will require removal, repair, and reinstallation under this scope.

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

The Norway Opera House Commission (NOHC) has realized the redevelopment of the building has stagnated under current conditions. It is difficult to begin fundraising with the Hall unable to be occupied, but difficult to ready the Hall to begin hosting events without fundraising. This project unlocks this paradox and allows for a small step to facilitate the launch of the full fundraising effort for the Hall rehabilitation.

This roof replacement project is critical to attracting additional funding for the building's full rehabilitation. The temporary structural shoring in the Hall allows neither visitors nor potential donors to "feel" the space or imagine the space open and actively hosting events and shows once again. The roof replacement will act as a catalyst for additional fundraising, both through hosting fundraising shows and through helping donors experience the large yet intimate space created by the open floor plan of the Hall and the hung Mezzanine above. Additional arts grants will also help to facilitate the production of these fundraising shows.

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

The Site is occupied by the Norway Opera House, a 21,000 square foot (sf), three-story brick masonry building constructed in 1894. The building includes a clock tower and basement which daylight to the south. The Site also includes a one-story wood-framed retail building with a partial basement attached to the building's western wall. The first floor comprises multiple spaces occupied for retail and other commercial use. The second and third floors are vacant and comprise the former Opera House and balcony. A grass area separates the rear of the building from Pennessewassee Stream which forms the Site's southern boundary. The Site and building can be accessed via Main Street to the north. The Norway Historic District, which encompasses the Site, is identified on the National Register of Historic Places; the Maine Historic Preservation Commission certified this historic district's determination on March 4, 1988. The certification document identifies the Norway Opera House as one of the 64 resources contributing to the historic district. The document states the following regarding the building: "Constructed by the Norway Building Association immediately after a May 1894 fire, this structure was the largest building on Main Street and an important symbol of Norway's reconstruction. The first floor housed the Norway National Bank, Merrit Welch's dry goods, Vivian Hill's jewelry, and H.B. Foster Clothing (later Lee Smith). The upper floors were used as a public hall for town offices. The Town of Norway purchased the building in the 1920s and sold it in 1946. It is still the most important landmark on Main Street. The building is also significant as a major work of regionally important architect E.E. Lewis. Although modestly ornamented due to budget constraints, the building presents a carefully designed composition of period architecture." The Site building (specifically the 2nd and 3rd floor) is underutilized and will continue to remain so, until significant structural repairs to the roof are completed to allow future occupancy.

Maps, photographs, and other documentation of project location and description:

[Figure 2 Detailed Site Plan.pdf](#)

[Figure 1 Site Location Plan.pdf](#)

Determination:

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

Approval Documents:

7015.15 certified by Certifying Officer on:

7015.16 certified by Authorizing Officer on:

Funding Information

Grant / Project Identification Number	HUD Program	Program Name	Funding Amount
B-24-CP-ME-1105	Community Planning and Development (CPD)	Community Project Funding (CPF) Grants	\$1,788,000.00

Estimated Total HUD Funded, Assisted or Insured Amount: \$1,788,000.00

Estimated Total Project Cost [24 CFR 58.2 (a) (5)]: \$1,788,000.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6		
Airport Hazards Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project area is not within 15,000 feet of a military airport nor within 2,500 feet of a civilian airport. See the following NEPAAssist Reports: * Civilian Airports within 2,500 Feet - NEPAAssist *

		Military Airport within 15,000 Feet - NEPAssist
<p>Coastal Barrier Resources Act Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project area is not located in a Coastal Barrier Resource System (CBRS) unit. See CBRS Mapper output. In addition, review of the U.S. Fish and Wildlife Service CBRS Units by County indicated there are no CBRS' in Oxford County, in which the project area is located. As such the project is in compliance with this section.</p>
<p>Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.</p>
<p>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.5</p>		
<p>Air Quality Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project includes rehabilitation of the existing Site building and land use will not change. In addition, the project's county or air quality management district is in attainment status for all criteria pollutants.</p>
<p>Coastal Zone Management Act Coastal Zone Management Act, sections 307(c) & (d)</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>The project area is not located within the Coastal Zone as defined by the Maine Coastal Program nor is it anticipated to affect a Coastal Zone. See attached Maine Coastal Zone Map and list of towns.</p>
<p>Contamination and Toxic Substances 24 CFR 50.3(i) & 58.5(i)(2)]</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Phase II ESA. In 2012, GEI conducted a Phase II ESA for the Site to assess previously identified RECs. Based on the RECs identified, two Areas of Concern (AOCs) were identified for assessment: (1) The basement of the building and (2) The rear of the site building. To assess these AOCs, the scope of work included the collection of soil and groundwater</p>

		<p>samples from four direct-push borings and one monitoring well; sub-slab soil vapor sampling, a mercury vapor survey in basement areas; and background soil sampling from accessible areas near the Site. According to the report, testing of soils from the building basement (AOC 1) identified relatively low-level contamination by heavy metals typical of urban fill. The report indicated concentrations detected did not exceed commercial risk guidelines, but warranted appropriate management should excess soil be excavated and contemplated for off-Site use. In addition, the assessment did not identify a significant release of mercury into the building based on testing of air quality. Furthermore, soil vapor testing did not identify significant impacts from potential off-Site petroleum or solvent vapor sources. In the rear of the building (AOC 2), the assessment identified urban fill in shallow soils. Otherwise, the report indicates the investigation of soils and groundwater indicate no significant impact from use and storage of petroleum products and other chemical (e.g. cleaning solvents) at the Site. the assessment identified relatively low concentrations of PAHs and metals were identified in soils, consistent with urban fill on the Site observed to contain pockets of ash, brick, glass and other materials. The report concluded the following: The concentrations of contaminants identified in some Site soils exceed residential and commercial risk guidelines, but were within or close to the range of concentrations for background soils. Given the similarity between the chemistry of soils at the Site and background soils in the Site neighborhood, remediation does not appear warranted. Testing of</p>
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		<p>groundwater between the opera house building and Penneessewassee Stream identified no contaminants. The data are consistent with the relatively low concentrations and solubility of contaminants identified, and indicates no significant risk to the stream environment. Based on the findings of the assessment, GEI recommended: (1) Development of a Soil Management Plan and (2) Submittal of an application to the Maine DEP VRAP. In summary, on-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.</p>
<p>Endangered Species Act Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project involves rehabilitation of the existing Site building, which includes fixing the roof of the building and other interior and minor exterior work on the building only. There are no anticipated impacts to endangered species by the project. As such, the project is in compliance with this section.</p>
<p>Explosive and Flammable Hazards Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project includes rehabilitation of the existing Site building and will not increase residential densities. As such, the project is in compliance with this section.</p>
<p>Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The project involves rehabilitation of the existing Site building only and there will be no new construction or acquisition of undeveloped land or conversion. In addition, review of the project location in NEPAassist indicates it is within designated urban area. As</p>

		such, the project is in compliance with this section.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project area is not within the FFRMS floodplain according to the Free Board Value (FBV) approach using the Federal Flood Standard Support Tool. As such, the project is in compliance with this section. See attached FFRMS Freeboard Value Approach Report.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: null. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project includes rehabilitation of an existing non-residential building. As such, the project is in compliance with this section.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project involves rehabilitation of an existing structure only and includes no expansion of the building's footprint or ground disturbance. As such, the project is in compliance with this section.
Wild and Scenic Rivers Act Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project area is not within proximity of a Wild and Scenic River, Study River, or Nationwide Rivers Inventory River. As such, the project is in compliance with this section.
HUD HOUSING ENVIRONMENTAL STANDARDS		
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

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

Impact Codes: An impact code from the following list has been used to make the determination of impact for each factor.

(1) Minor beneficial impact

(2) No impact anticipated

(3) Minor Adverse Impact – May require mitigation

(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
LAND DEVELOPMENT			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The renovation of the Norway Opera House has been a public/private partnership from its inception. Once the building was stabilized in 2011, the town transferred ownership of the building to the Norway Maine Opera House Corporation while retaining ownership of the town clock and the tower above the roofline. In support of the first-floor storefront renovations, the town was again successful in obtaining a \$400,000 Communities for Maine's Future grant. To utilize federal historic preservation tax credits, the NMOHC partnered with Norway Savings Bank to incorporate an LLC to conduct the renovations and oversee operations. The town partnered with the nonprofit in paying for the legal and accounting costs incidental to the project. The project will permanently stabilize the building structure, which aligns with the Town's long-term plan for rehabilitation of the building for uses that are compatible with current zoning.	No mitigation is required.
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	The project is limited to repairs/rehabilitation of the building; therefore, impacts to soil suitability, slope, erosion, drainage, and stormwater runoff are not anticipated. However, roof gutters will be repaired	No mitigation is required.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		as part of the roof rehabilitation, which will help manage stormwater runoff, but is not expected to increase flow to existing public stormwater systems that service the Site.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	The project Site is not prone to natural hazards (earthquakes, landslides, fire-prone areas, etc.), including hurricane related storm surges. In addition, air pollution in Town is generally minimal and there are no noise or air pollution generators in the vicinity of the Site. Furthermore, man-made Site hazards were not identified for the Site or surrounding area. No long-term nuisance noise or other hazards are anticipated to be generated from the proposed action. Temporary noise from construction will be generated during normal business hours.	No mitigation is required other than general safety standards during construction and compliance with the Town's noise ordinance.
SOCIOECONOMIC			
Employment and Income Patterns		Rehabilitation of the building is anticipated to provide the following long-term employment/ economic impacts: 1. Stimulate activity in area restaurants and other retail establishments. 2. Provide construction employment during restoration. 3. Provide permanent employment for theater staff.	No mitigation is required.
Demographic Character Changes / Displacement		Populations expected to be served by the project include year-round local and regional citizens, underserved low-income populations, and summer visitors. As portions of the Site building are currently inaccessible, this project will not displace individuals, but will instead create opportunities for future access.	No mitigation is required.
Environmental Justice EA Factor		The project is not likely to affect a community with potential environmental justice concerns. Long-term plans for the building include	No mitigation is required other than general safety

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
		providing complete ADA accessibility. In addition, the rehabilitation of the Norway Opera House has been an ongoing pursuit involving public and private entities since 2011. Furthermore, the project is not expected to expose communities to disproportionate adverse environmental or human health conditions, as long as general safety standards are implemented during construction.	standards during construction.
COMMUNITY FACILITIES AND SERVICES			
Educational and Cultural Facilities (Access and Capacity)			
Commercial Facilities (Access and Proximity)			
Health Care / Social Services (Access and Capacity)			
Solid Waste Disposal and Recycling (Feasibility and Capacity)			
Waste Water and Sanitary Sewers (Feasibility and Capacity)			
Water Supply (Feasibility and Capacity)			
Public Safety - Police, Fire and Emergency Medical			
Parks, Open Space and Recreation (Access and Capacity)			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
Transportation and Accessibility (Access and Capacity)			
NATURAL FEATURES			
Unique Natural Features /Water Resources			
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)			
Other Factors 1			
Other Factors 2			
CLIMATE AND ENERGY			
Climate Change			
Energy Efficiency			

Supporting documentation

[Norway Opera House Congressional Appropriations Request.pdf](#)

Additional Studies Performed:

No

Field Inspection [Optional]: Date and completed

by:

Lauren Kaija

12/17/2024 12:00:00 AM

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

See attached

[List of Sources Agencies and Persons Consulted.pdf](#)

[Norway Opera House Congressional Appropriations Request\(1\).pdf](#)

List of Permits Obtained:

Town Building Permit

Public Outreach [24 CFR 58.43]:

The Site building was rehabilitated in 2012, to allow for use of the 1st floor retail spaces and associated basement storage spaces. Since this time, the Board of Directors of the Norway Opera House Corporation (NOHC) has not been in front of the planning board. However, the NOHC has had several "unofficial" conversations with the Town and the public. The NOHC has documented concerns from the public asking about when the Opera House will be fully renovated and if the project will ever be finished.

Cumulative Impact Analysis [24 CFR 58.32]:

The project would have no minor adverse or significant or potential significant impacts during the project implementation; but several possible minor beneficial impacts may result from the project particularly related to socioeconomic and community facilities.

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

This project is limited to repairs to the existing Site building. These improvements, specifically the roof replacement are necessary to ensure structural stability of the building; however, the improvements also facilitate future redevelopment in currently occupied spaces. The building is also identified by the Maine Historic Preservation as "the most important landmark on Main Street". The unique nature of the building and the current structural concerns are why alternative sites were not considered. Work is currently underway for the roof truss redesign. Design for the trusses builds on already completed Concept Design drawings. Space use has been analyzed so that roof truss design incorporates programmatic needs and flexibility for stage fly space between the trusses. The roof will be designed to handle the loads of a hanging mezzanine to maintain its original configuration and will also be strengthened for a future solar photovoltaic (PV) system capable of handling 80% of the fully rehabbed building's energy needs. As the design is intended to maintain the historical attributes of the building, alternatives for design were not considered.

No Action Alternative [24 CFR 58.40(e)]

Not completing the proposed project would leave the 2nd and 3rd floor spaces in the Site building vacant, resulting in deterioration of the building and preventing future redevelopment of these spaces.

Summary of Findings and Conclusions:

Based on the above research, there has been a finding of impacts associated with the project. However, with the planned mitigation measures, this project will be easily implementable and will have an overall positive impact on the community.

Mitigation Measures and Conditions [CFR 1505.2(c)]:

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

Law, Authority, or Factor	Mitigation Measure or Condition	Comments on Completed Measures	Mitigation Plan	Complete
Historic Preservation	Since the work will result in the removal of what remains of the historic auditorium plaster ceiling, the MHPC recommended the following conditions be made part of the grant award: The grantee shall document the plaster ceiling stenciling using close-up and aggregate photos and measurements and retain plaster samples that are representative of the full range of stenciling colors sufficient to replicate the stenciling at a future date. Upon completion of this documentation, provide copies of the material to MHPC.	N/A	The grantee shall document the plaster ceiling stenciling using close-up and aggregate photos and measurements and retain plaster samples that are representative of the full range of stenciling colors sufficient to replicate the stenciling at a future date. Upon completion of this documentation, provide copies of the material to MHPC.	
Contamination and Toxic Substances	Radon levels above 4.0 pCi/L are only documented in indoor air in the basement storage spaces, which are non-residential and not anticipated to be occupied more than 4	N/A	Hazardous building material sampling for lead in paint, asbestos, and polychlorinated biphenyls is planned and those materials that are identified will	

	<p>hours per day. As such, radon mitigation is not required to comply with HUD requirements.</p> <p>In addition, based on a Phase II ESA conducted in 2012, urban fill soils with concentrations above residential and commercial risk guidelines (but in the range of concentrations for background soils) were identified. As soils were considered consistent with background urban fill in the surrounding area, Site remediation was not recommended. However, it was recommended compliance could be achieved during future Site development by developing a Soil Management Plan (SMP) and submitting an application to the Maine DEP VRAP.</p>		<p>be abated (as necessary) and/or properly managed during renovations. All sampling, abatement, and final clearance work will be conducted by Maine-licensed individuals/companies using state/federal mandated protocols. The project will not involve impacting Site soils(i.e. excavation), which would require special handling for offsite disposal. As such, mitigation of soil is not planned.</p>	
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	No mitigation is required.	N/A	No mitigation required.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	No mitigation is required.	N/A	No mitigation required.	

Hazards and Nuisances including Site Safety and Site-Generated Noise	No mitigation is required other than general safety standards during construction and compliance with the Town's noise ordinance.	N/A	No mitigation is required other than general safety standards during construction and compliance with the Town's noise ordinance.	
Employment and Income Patterns	No mitigation is required.	N/A	No mitigation required.	
Demographic Character Changes / Displacement	No mitigation is required.	N/A	No mitigation required.	
Environmental Justice EA Factor	No mitigation is required other than general safety standards during construction.	N/A	No mitigation is required other than implementation of general safety standards during construction.	

Project Mitigation Plan

See attached Project Mitigation Plan

[Mitigation Compliance Summary.pdf](#)

Supporting documentation on completed measures

APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

✓ No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

Screen Summary

Compliance Determination

The project area is not within 15,000 feet of a military airport nor within 2,500 feet of a civilian airport. See the following NEPAAssist Reports: * Civilian Airports within 2,500 Feet - NEPAAssist * Military Airport within 15,000 Feet - NEPAAssist

Supporting documentation

[Military Airports within 15000 Feet NEPAAssist.pdf](#)

[Civilian Airports within 2500 Feet NEPAAssist.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

1. Is the project located in a CBRS Unit?

No

Document and upload map and documentation below.

Yes

Compliance Determination

The project area is not located in a Coastal Barrier Resource System (CBRS) unit. See CBRS Mapper output. In addition, review of the U.S. Fish and Wildlife Service CBRS Units by County indicated there are no CBRS' in Oxford County, in which the project area is located. As such the project is in compliance with this section.

Supporting documentation

[CBRS Mapper Output.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?

No. This project does not require flood insurance or is excepted from flood insurance.

Yes

2. Upload a FEMA/FIRM map showing the site here:

[FEMA FIRM 23017C1233D.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The [FEMA Map Service Center](#) provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use the best available information to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site. Provide FEMA/FIRM floodplain zone designation, panel number, and date within your documentation.

Is the structure, part of the structure, or insurable property located in a FEMA-designated Special Flood Hazard Area?

No

Based on the response, the review is in compliance with this section.

Yes

4. While flood insurance is not mandatory for this project, HUD strongly recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). Will flood insurance be required as a mitigation measure or condition?

Yes

✓ No

Screen Summary**Compliance Determination**

The structure or insurable property is not located in a FEMA-designated Special Flood Hazard Area. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with flood insurance requirements.

Supporting documentation

[FEMA FIRM 23017C1233D\(2\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?

Yes

No

Based on the response, the review is in compliance with this section.

Screen Summary

Compliance Determination

The project includes rehabilitation of the existing Site building and land use will not change. In addition, the project's county or air quality management district is in attainment status for all criteria pollutants.

Supporting documentation

[NEPAssit Air Quality Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

The project area is not located within the Coastal Zone as defined by the Maine Coastal Program nor is it anticipated to affect a Coastal Zone. See attached Maine Coastal Zone Map and list of towns.

Supporting documentation

[Maine Coastal Zone Map and Town List.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Contamination and Toxic Substances

General Requirements	Legislation	Regulations
It is HUD policy that all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)
Reference		
https://www.onecpd.info/environmental-review/site-contamination		

1. How was site contamination evaluated?* Select all that apply.

- ✓ ASTM Phase I ESA
- ✓ ASTM Phase II ESA

Remediation or clean-up plan

ASTM Vapor Encroachment Screening.

None of the above

* HUD regulations at 24 CFR § 58.5(i)(2)(ii) require that the environmental review for multifamily housing with five or more dwelling units or non-residential property include the evaluation of previous uses of the site or other evidence of contamination on or near the site.

For acquisition and new construction of multifamily and nonresidential properties HUD strongly advises the review include an ASTM Phase I Environmental Site Assessment (ESA) to meet real estate transaction standards of due diligence and to help ensure compliance with HUD’s toxic policy at 24 CFR §58.5(i) and 24 CFR §50.3(i). Also note that some HUD programs require an ASTM Phase I ESA.

2. Were any on-site or nearby toxic, hazardous, or radioactive substances* (excluding radon) found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)

Provide a map or other documentation of absence or presence of contamination** and explain evaluation of site contamination in the Screen Summary at the bottom of this screen.

No

Explain:

✓ Yes

* This question covers the presence of radioactive substances excluding radon. Radon is addressed in the Radon Exempt Question.

** Utilize EPA's Enviromapper, NEPAAssist, or state/tribal databases to identify nearby dumps, junk yards, landfills, hazardous waste sites, and industrial sites, including EPA National Priorities List Sites (Superfund sites), CERCLA or state-equivalent sites, RCRA Corrective Action sites with release(s) or suspected release(s) requiring clean-up action and/or further investigation. Additional supporting documentation may include other inspections and reports.

3. Evaluate the building(s) for radon. Do all buildings meet any of the exemptions* from having to consider radon in the contamination analysis listed in CPD Notice [CPD-23-103](#)?

Yes

Explain:

✓ No

* Notes:

- Buildings with no enclosed areas having ground contact.
- Buildings containing crawlspaces, utility tunnels, or parking garages would not be exempt, however buildings built on piers would be exempt, provided that there is open air between the lowest floor of the building and the ground.
- Buildings that are not residential and will not be occupied for more than 4 hours per day.
- Buildings with existing radon mitigation systems - document radon levels are below 4 pCi/L with test results dated within two years of submitting the application for HUD assistance and document the system includes an ongoing maintenance plan that includes periodic testing to ensure the system continues to meet the current EPA recommended levels. If the project does not require an application, document test results dated within two years of the date the environmental review is certified. Refer to program office guidance to ensure compliance with program requirements.
- Buildings tested within five years of the submission of application for HUD assistance: test results document indoor radon levels are below current the EPA's recommended action levels of 4.0 pCi/L. For buildings with test data older than five years, any new environmental review must include a consideration of radon using one of the methods in Section A below.

4. Is the proposed project new construction or substantial rehabilitation where testing will be conducted but cannot yet occur because building construction has not been completed?

Yes

Compliance with this section is conditioned on post-construction testing being conducted, followed by mitigation, if needed. Radon test results, along with any needed mitigation plan, must be uploaded to the mitigation section within this screen.

✓ No

5. Was radon testing or a scientific data review conducted that provided a radon concentration level in pCi/L?

✓ Yes

No

If no testing was conducted and a review of science-based data offered a lack of science-based data for the project site, then document and upload the steps taken to look for documented test results and science-based data as well as the basis for the conclusion that testing would be infeasible or impracticable.

Explain:

File Upload:

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Non-radon contamination was found in a previous question.

6. How was radon data collected?

✓ All buildings involved were tested for radon

A review of science-based data was conducted

Enter the Radon concentration value, in pCi/L, derived from the review of science-based data:

Provide the documentation* used to derive this value:

File Upload:

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen.

Radon concentration value is greater than or equal to 4.0 pCi/L and/or non-radon contamination was found in a previous question. Continue to Mitigation.

* For example, if you conducted radon testing then provide a testing report (such as an ANSI/AARST report or DIY test) if applicable (note: DIY tests are not eligible for use in multifamily buildings), or documentation of the test results. If you conducted a scientific data review, then describe and cite the maps and data used and include copies of all supporting documentation. Ensure that the best available data is utilized, if conducting a scientific data review.

7. Were the radon test results for any dwelling unit tested at or above 4.0 pCi/L?

✓ Yes

Radon Mitigation is required for the question to proceed.

Enter the total number of dwelling units tested:

19

How many dwelling units tested at or above 4.0 pCi/L:

2

Enter the highest radon test result value:

4.7

Document the test results for all dwelling units tested with a copy of the test results for all dwelling units or testing report(s) covering all units:

Radon levels above 4.0 pCi/L were only documented in indoor air in two (2) basement storage spaces, which are both non-residential and not anticipated to be occupied more than 4 hours per day.

File Upload:

[Norway Opera House Radon Report.pdf](#)

No

Provide a copy of the test results for all dwelling units tested or testing report(s) covering all units tested:

File Upload:

Based on the response, the review is in compliance with this section. Continue to the Screen Summary at the bottom of this screen:

Non-radon contamination was found in a previous question.

8. Mitigation

Document the mitigation needed according to the requirements of the appropriate federal, state, tribal, or local oversight agency. If the adverse environmental impacts cannot be mitigated, then HUD assistance may not be used for the project at this site.

For instances where radon mitigation is required (i.e. where test results demonstrated radon levels at 4.0 pCi/L and above), then you must include a radon mitigation plan*.

Can all adverse environmental impacts be mitigated?

No, all adverse environmental impacts cannot feasibly be mitigated.
Project cannot proceed at this location.

- ✓ Yes, all adverse environmental impacts can be eliminated through mitigation, and/or consideration of radon and radon mitigation, if needed, will occur following construction.
Provide all mitigation requirements** and documents in the Screen Summary at the bottom of this screen.

* Refer to CPD Notice [CPD-23-103](#) for additional information on radon mitigation plans.

** Mitigation requirements include all clean-up requirements required by applicable federal, state, tribal, or local law. Additionally, please upload, as applicable, the long-term operations and maintenance plan, Remedial Action Work Plan, and other equivalent documents.

9. Describe how compliance was achieved. Include any of the following that apply: State Voluntary Clean-up Program, a No Further Action letter, use of engineering controls*, or use of institutional controls.**

Radon levels above 4.0 pCi/L are only documented in indoor air in the basement storage spaces, which are non-residential and not anticipated to be occupied more than 4 hours per day. As such, radon mitigation is not required to comply with HUD requirements. In addition, based on a Phase II ESA conducted in 2012, urban fill soils with concentrations above residential and commercial risk guidelines (but in the range of concentrations for background soils) were identified. As soils were considered consistent with background urban fill in the surrounding area, Site remediation was not recommended. However, it was recommended compliance could be achieved during future Site development by developing a Soil Management Plan (SMP) and submitting an application to the Maine DEP VRAP.

If a remediation plan or clean-up program was necessary, which standard does it follow?

Complete removal

Risk-based corrective action (RBCA)

Other

* Engineering controls are any physical mechanism used to contain or stabilize contamination or ensure the effectiveness of a remedial action. Engineering controls may include, caps, covers, dikes, trenches, leachate collection systems, radon mitigation systems, signs, fences, physical access controls, ground water monitoring systems and ground water containment systems including, slurry walls and ground water pumping systems.

** Institutional controls are mechanisms used to limit human activities at or near a contaminated site, or to ensure the effectiveness of the remedial action over time, when contaminants remain at a site at levels above the applicable remediation standard which would allow for unrestricted use of the property. Institutional controls may include structure, land, and natural resource use restrictions, well restriction areas, classification exception areas, deed notices, and declarations of environmental restrictions.

Screen Summary**Compliance Determination**

Site contamination was evaluated as follows: ASTM Phase I ESA, ASTM Phase II ESA. In 2012, GEI conducted a Phase II ESA for the Site to assess previously identified RECs. Based on the RECs identified, two Areas of Concern (AOCs) were identified for assessment: (1) The basement of the building and (2) The rear of the site building. To assess these AOCs, the scope of work included the collection of soil and groundwater samples from four direct-push borings and one monitoring well; sub-slab soil vapor sampling, a mercury vapor survey in basement areas; and background soil sampling from accessible areas near the Site. According to the report, testing of soils from the building basement (AOC 1) identified relatively low-level contamination by heavy metals typical of urban fill. The report indicated concentrations detected did not exceed commercial risk guidelines, but warranted appropriate management should excess soil be excavated and contemplated for off-Site use. In addition, the assessment did not identify a significant release of mercury into the building based on testing of air quality. Furthermore, soil vapor testing did not identify significant impacts from potential off-Site petroleum or solvent vapor sources. In the rear of the building (AOC 2), the assessment identified urban fill in shallow soils. Otherwise, the report indicates the investigation of soils and groundwater indicate no significant impact from use and storage of petroleum products and other chemical (e.g. cleaning solvents) at the Site. the assessment identified relatively low concentrations of PAHs and metals were identified in soils, consistent with urban fill on the Site observed to contain pockets of ash, brick, glass and other materials. The report concluded the following: The concentrations of contaminants identified in some Site soils exceed residential and commercial risk guidelines, but were within or close to the range of concentrations for background soils. Given the similarity between the chemistry of soils at the Site and background soils in the Site neighborhood, remediation does not appear warranted. Testing of groundwater between the opera house building and Pennessewassee Stream identified no contaminants. The data are consistent with the relatively low concentrations and solubility of contaminants identified, and indicates no significant risk to the stream environment. Based on the findings of the assessment, GEI recommended: (1) Development of a Soil Management Plan and (2) Submittal of an application to the Maine DEP VRAP. In summary, on-site or nearby toxic, hazardous, or radioactive substances were found that could affect the health and safety of project occupants or conflict with the intended use of the property. Radon analysis indicated elevated levels of radon or consideration of radon will occur following construction. Adverse environmental impacts can be mitigated. With mitigation, identified in the mitigation section of this review, the project will be in compliance with contamination and toxic substances requirements.

Supporting documentation

[Norway_Norway Opera House_Phase II ESA_05102012.pdf](#)
[Norway_Norway Opera House_Phase I ESA_12132011.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Endangered Species

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402

1. Does the project involve any activities that have the potential to affect species or habitats?

- ✓ No, the project will have No Effect due to the nature of the activities involved in the project.

This selection is only appropriate if none of the activities involved in the project have potential to affect species or habitats. Examples of actions without potential to affect listed species may include: purchasing existing buildings, completing interior renovations to existing buildings, and replacing exterior paint or siding on existing buildings.

Based on the response, the review is in compliance with this section.

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Yes, the activities involved in the project have the potential to affect species and/or habitats.

Screen Summary

Compliance Determination

The project involves rehabilitation of the existing Site building, which includes fixing the roof of the building and other interior and minor exterior work on the building only. There are no anticipated impacts to endangered species by the project. As such, the project is in compliance with this section.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

The project includes rehabilitation of the existing Site building and will not increase residential densities. As such, the project is in compliance with this section.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	7 CFR Part 658

1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?

Yes

✓ No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Screen Summary

Compliance Determination

The project involves rehabilitation of the existing Site building only and there will be no new construction or acquisition of undeveloped land or conversion. In addition, review of the project location in NEPAassist indicates it is within designated urban area. As such, the project is in compliance with this section.

Supporting documentation

[Urban Areas - NEPAassist.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires Federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988 * Executive Order 13690 * 42 USC 4001-4128 * 42 USC 5154a * only applies to screen 2047 and not 2046	24 CFR 55

1. Does this project meet an exemption at 24 CFR 55.12 from compliance with HUD's floodplain management regulations in Part 55?

Yes

(a) HUD-assisted activities described in 24 CFR 58.34 and 58.35(b).

(b) HUD-assisted activities described in 24 CFR 50.19, except as otherwise indicated in § 50.19.

(c) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through acquisition of such floodplain and wetland property, where a permanent covenant or comparable restriction is place on the property's continued use for flood control, wetland projection, open space, or park land, but only if:

(1) The property is cleared of all existing buildings and walled structures; and

(2) The property is cleared of related improvements except those which:

(i) Are directly related to flood control, wetland protection, open space, or park land (including playgrounds and recreation areas);

(ii) Do not modify existing wetland areas or involve fill, paving, or other ground disturbance beyond minimal trails or paths; and

(iii) Are designed to be compatible with the beneficial floodplain or wetland function of the property.

(d) An action involving a repossession, receivership, foreclosure, or similar acquisition of property to protect or enforce HUD's financial interests under previously approved loans, grants, mortgage insurance,

or other HUD assistance.

(e) Policy-level actions described at 24 CFR 50.16 that do not involve site-based decisions.

(f) A minor amendment to a previously approved action with no additional adverse impact on or from a floodplain or wetland.

(g) HUD's or the responsible entity's approval of a project site, an incidental portion of which is situated in the FFRMS floodplain (not including the floodway, LiMWA, or coastal high hazard area) but only if: (1) The proposed project site does not include any existing or proposed buildings or improvements that modify or occupy the FFRMS floodplain except de minimis improvements such as recreation areas and trails; and (2) the proposed project will not result in any new construction in or modifications of a wetland .

(h) Issuance or use of Housing Vouchers, or other forms of rental subsidy where HUD, the awarding community, or the public housing agency that administers the contract awards rental subsidies that are not project-based (i.e., do not involve site-specific subsidies).

(i) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

Describe:

No

2. Does the project include a Critical Action? Examples of Critical Actions include projects involving hospitals, fire and police stations, nursing homes, hazardous chemical storage, storage of valuable records, and utility plants.

Yes

Describe:

No

3. Determine the extent of the FFRMS floodplain and provide mapping documentation in support of that determination

The extent of the FFRMS floodplain can be determined using a Climate Informed Science Approach (CISA), 0.2 percent flood approach (0.2 PFA), or freeboard value approach (FVA). For projects in areas without available CISA data or without FEMA Flood Insurance Rate Maps (FIRMs), Flood Insurance Studies (FISs) or Advisory Base Flood Elevations (ABFEs), use the best available information¹ to determine flood elevation. Include documentation and an explanation of why this is the best available information² for the site. Note that newly constructed and substantially improved³ structures must be elevated to the FFRMS floodplain regardless of the approach chosen to determine the floodplain.

Select one of the following three options:

CISA for non-critical actions. If using a local tool, data, or resources, ensure that the FFRMS elevation is higher than would have been determined using the 0.2 PFA or the FVA.

0.2-PFA. Where FEMA has defined the 0.2-percent-annual-chance floodplain, the FFRMS floodplain is the area that FEMA has designated as within the 0.2-percent-annual-chance floodplain.

- ✓ FVA. If neither CISA nor 0.2-PFA is available, for non-critical actions, the FFRMS floodplain is the area that results from adding two feet to the base flood elevation as established by the effective FIRM or FIS or — if available — a FEMA-provided preliminary or pending FIRM or FIS or advisory base flood elevations, whether regulatory or informational in nature. However, an interim or preliminary FEMA map cannot be used if it is lower than the current FIRM or FIS.

¹ Sources which merit investigation include the files and studies of other federal agencies, such as the U. S. Army Corps of Engineers, the Tennessee Valley Authority, the Soil Conservation Service and the U. S. Geological Survey. These agencies have prepared flood hazard studies for several thousand localities and, through their technical assistance programs, hydrologic studies, soil surveys, and other investigations have collected or developed other floodplain information for numerous sites and areas. States and communities are also sources of information on past flood 'experiences within their boundaries and are particularly knowledgeable about areas subject to high-risk flood hazards such as alluvial fans, high velocity flows, mudflows and mudslides, ice jams, subsidence and liquefaction.

² If you are using best available information, select the FVA option below and provide supporting documentation in the screen summary. Contact your [local environmental officer](#) with additional compliance questions.

³ Substantial improvement means any repair or improvement of a structure which costs at least 50 percent of the market value of the structure before repair or improvement or results in an increase of more than 20 percent of the number of dwelling units. The full definition can be found at [24 CFR 55.2\(b\)\(12\)](#).

5. Does your project occur in the FFRMS floodplain?

Yes

✓ No

Screen Summary

Compliance Determination

The project area is not within the FFRMS floodplain according to the Free Board Value (FBV) approach using the Federal Flood Standard Support Tool. As such, the project is in compliance with this section. See attached FFRMS Freeboard Value Approach Report.

Supporting documentation

[FFRMS Freeboard Value Approach Report.pdf](#)
[FEMA FIRM 23017C1233D\(1\).pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 “Protection of Historic Properties” https://www.govinfo.gov/content/pkg/CFR-2012-title36-vol3/pdf/CFR-2012-title36-vol3-part800.pdf

Threshold

Is Section 106 review required for your project?

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
- No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

Step 1 – Initiate Consultation

Select all consulting parties below (check all that apply):

✓ State Historic Preservation Offer (SHPO) Completed

✓ Advisory Council on Historic Preservation Not Required

✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

Describe the process of selecting consulting parties and initiating consultation here:

The State Historic Preservation Office (SHPO; Maine Historical Preservation Commission [MHPC]) was consulted because the project includes activities with potential to cause effects to a historic property/structure. Tribal consultation was not determined to be required based the project activities and the lack of the property's significant tribal association. While the Town of Norway would typically be included in consultation, the Town is the entity requesting this EA. Upon satisfactory implementation of the conditions required by SHPO, which should be monitored, the project will be in compliance with Section 106.

Document and upload all correspondence, notices and notes (including comments and objections received below).

Was the Section 106 Lender Delegation Memo used for Section 106 consultation?

- Yes
- No

Step 2 – Identify and Evaluate Historic Properties

1. **Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

400 Main Street, Norway, Maine 04268. The area of potential effect (APE) generally includes the Site buildings only but also includes the staging space around the building that will be necessary to support construction operations.

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
Norway Opera House, 418 Main Street, Norway, ME	Listed	Yes	✓ Not Sensitive

Additional Notes:

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

Yes

No

Step 3 –Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

No Historic Properties Affected

No Adverse Effect

Based on the response, the review is in compliance with this section.

Document reason for finding:

The Maine Historic Preservation Commission (MHPC) generally agrees that the proposed undertaking will have no adverse effect upon the Norway opera House. Please see the MHPC concurrence letter in the supporting documentation.

Does the No Adverse Effect finding contain conditions?

Yes (check all that apply)

Avoidance

Modification of project

Other

Describe conditions here:

Since the work will result in the removal of what remains of the historic auditorium plaster ceiling, the MHPC recommended the following conditions be made part of the grant award: The grantee shall document the plaster ceiling stenciling using close-up and aggregate photos and measurements and retain plaster samples that are representative of the full range of stenciling colors sufficient to replicate the stenciling at a future date. Upon completion of this documentation, provide copies of the material to MHPC.

No

Adverse Effect

Screen Summary

Compliance Determination

Based on Section 106 consultation the project will have No Adverse Effect on historic properties. Conditions: null. Upon satisfactory implementation of the conditions, which should be monitored, the project is in compliance with Section 106.

Supporting documentation

[048625 Norway Opera House Section 106 approval 121725.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972 General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

1. What activities does your project involve? Check all that apply:

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

Screen Summary

Compliance Determination

The project includes rehabilitation of an existing non-residential building. As such, the project is in compliance with this section.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

Sole Source Aquifers

General requirements	Legislation	Regulation
<p>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</p>	<p>Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)</p>	<p>40 CFR Part 149</p>

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

Screen Summary

Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

Supporting documentation

[EPA Sole Source Aquifer Mapper.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service’s National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building’s footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

✓ No

Based on the response, the review is in compliance with this section.

Yes

Screen Summary

Compliance Determination

The project involves rehabilitation of an existing structure only and includes no expansion of the building's footprint or ground disturbance. As such, the project is in compliance with this section.

Supporting documentation

[NWI Mapper Output.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No

Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

1. Is your project within proximity of a NWSRS river?

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

Screen Summary

Compliance Determination

The project area is not within proximity of a Wild and Scenic River, Study River, or Nationwide Rivers Inventory River. As such, the project is in compliance with this section.

Supporting documentation

[Maine Wild and Scenic Rivers.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project’s total environmental review?

Yes

No

2. Were these adverse environmental impacts disproportionately high for low-income and/or minority communities?

Yes

No

Explain:

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities.

Based on the response, the review is in compliance with this section. Document and upload any supporting documentation below.

Screen Summary

Compliance Determination

Adverse environmental impacts are not disproportionately high for low-income and/or minority communities. The project is in compliance with Executive Order 12898.

Supporting documentation

[EJScreen Report 1-Mile Radius.pdf](#)

[EJSCREEN Census 2010 Summary Report.pdf](#)

[EJSCREEN ACS Summary Report.pdf](#)

Are formal compliance steps or mitigation required?

Yes

✓ No