Environmental Review for Activity/Project that is
Categorically Excluded Subject to Section 58.5
Pursuant to 24 CFR 58.35(a)

Project Information

Project Name: CLAM-Ocean-Terrace
HEROS Number: 900000010247390
Responsible Entity (RE): MARIN COUNTY, CIVIC CENTER SAN RAFAEL CA, 94903
State / Local Identifier: Commnty Land Trust of W. Marin
RE Preparer: Tamara Taylor
Certifying Office: Matthew Hymel
Grant Recipient (if different than Responsible Entity):

Point of Contact:

Consultant (if applicable): Sicular Environmental Consulting
Point of Contact: Daniel Sicular

Project Location: 21 Calle del Embarcadero, Stinson Beach, CA 94970
Additional Location Information: N/A
Direct Comments to: federalgrants@marincounty.org

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

The Community Land Trust of West Marin plans to make electrical upgrades to its 8-unit Ocean Terrace apartment building located at 21 Calle del Embarcadero in Stinson Beach, CA. The project entails replacing the commercial-grade propane water heater, converting the gas water heater to an electric one to minimize hazard from improper ventilation, and upgrading the old electric panel. A new electrical line will be run from the utility pole across the road. The ground under which the conduit to the electric panel would run was previously disturbed for utility placements and roadway construction, and therefore the project does not involve untouched land. The property serves lower income families and has 10 current residents, including seniors and two children.

Maps, photographs, and other documentation of project location and description:
Site Inspection Field Sheet - 1-11-22.pdf

Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:

<table>
<thead>
<tr>
<th>Determination</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>This categorically excluded activity/project converts to EXEMPT per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; <strong>Funds may be committed and drawn down after certification of this part</strong> for this (now) EXEMPT project; OR</td>
</tr>
<tr>
<td>✓</td>
<td>This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, <strong>publish NOI/RROF and obtain “Authority to Use Grant Funds”</strong> (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR</td>
</tr>
<tr>
<td></td>
<td>This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).</td>
</tr>
</tbody>
</table>

Approval Documents:
CLAM-Ocean Terrace ERR signature page.pdf

7015.15 certified by Certifying Officer on:
7015.16 certified by Authorizing Officer on:
### Funding Information

<table>
<thead>
<tr>
<th>Grant / Project Identification Number</th>
<th>HUD Program</th>
<th>Program Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD5022</td>
<td>Community Planning and Development (CPD)</td>
<td>Community Development Block Grants (CDBG) (Entitlement)</td>
</tr>
</tbody>
</table>

**Estimated Total HUD Funded, Assisted or Insured Amount:** $40,000.00

**Estimated Total Project Cost:** $80,000.00

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

<table>
<thead>
<tr>
<th>Compliance Factors:</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determination (See Appendix A for source determinations)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 & § 58.6

<table>
<thead>
<tr>
<th>Statute / Regulation</th>
<th>Compliance Determination</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Airport Hazards</strong></td>
<td>☐ Yes ☑ No</td>
<td>The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The closest airport is San Rafael Airport, about 10 miles northwest of the project site. The project is in compliance with Airport Hazards requirements.</td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources Act</strong></td>
<td>☐ Yes ☑ No</td>
<td>This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.</td>
</tr>
<tr>
<td><strong>Flood Insurance</strong></td>
<td>☐ Yes ☑ No</td>
<td>The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of</td>
</tr>
</tbody>
</table>
coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements. Proof of flood insurance is in the ERR.

<table>
<thead>
<tr>
<th>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Air Quality</strong></td>
</tr>
<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
</tr>
<tr>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

| **Coastal Zone Management Act**                             |
| Coastal Zone Management Act, sections 307(c) & (d)          |
| ☐ Yes ☒ No                                                | Based on the project description the project does not include any activities that would affect a Coastal Zone, as the project includes no change in land use or expansion of an existing structure. The project is in compliance with the Coastal Zone Management Act. Marin County Local Coastal Program documents are found at: https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program/plans-and-docs |

| **Contamination and Toxic Substances**                      |
| 24 CFR 50.3(i) & 58.5(i)(2)                                  |
| ☐ Yes ☒ No                                                |

| **Endangered Species Act**                                  |
| Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402 |
| ☐ Yes ☒ No                                                | This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act. |

<p>| <strong>Explosive and Flammable Hazards Above-Ground Tanks</strong>      |
| [24 CFR Part 51 Subpart C]                                  |
| ☐ Yes ☒ No                                                | Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance |</p>
<table>
<thead>
<tr>
<th>Environmental Consideration</th>
<th>Yes/No</th>
<th>Notes</th>
</tr>
</thead>
</table>
| **Farmlands Protection**                            | Yes  | This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.  
Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658 |
| **Floodplain Management**                           | Yes  | This project is located in a 100-year floodplain. The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988. The 5-Step Process has been completed and is in the ERR.  
Executive Order 11988, particularly section 2(a); 24 CFR Part 55 |
| **Historic Preservation**                           | Yes  | Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.  
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800 |
| **Noise Abatement and Control**                     | Yes  | The project is modernization or minor rehabilitation of an existing residential property. The project will include standardized noise attenuation measures. The project is in compliance with HUD's Noise regulation.  
Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B |
| **Sole Source Aquifers**                            | Yes  | Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. There are no Sole Source Aquifers in Marin County.  
Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149 |
| **Wetlands Protection**                             | Yes  | Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. The project site is not within or adjacent to a wetland, as shown on the NWI map in the ERR.  
Executive Order 11990, particularly sections 2 and 5 |
| **Wild and Scenic Rivers Act**                      | Yes  | This project is not within proximity of a NWSRS river. Olema Creek, which runs several miles north of the project site, is listed in the Nationwide Rivers Inventory, but is not a designated or study river, and the project would not  
Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c) |
The project is in compliance with the Wild and Scenic Rivers Act.

**HUD HOUSING ENVIRONMENTAL STANDARDS**

**ENVIRONMENTAL JUSTICE**

<table>
<thead>
<tr>
<th>Environmental Justice</th>
<th>✔ Yes ☐ No</th>
<th>No adverse environmental impacts were identified in the project’s total environmental review. The project is in compliance with Executive Order 12898.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Order 12898</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Mitigation Measures and Conditions [40 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.

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure or Condition</th>
<th>Comments on Completed Measures</th>
<th>Mitigation Plan</th>
<th>Complete</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Insurance</td>
<td>For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less.</td>
<td>N/A</td>
<td>Evidence of flood insurance is in the ERR. No other mitigation is required.</td>
<td></td>
</tr>
<tr>
<td>Floodplain Management</td>
<td>See attached 5-step process</td>
<td>N/A</td>
<td>No mitigation required.</td>
<td></td>
</tr>
</tbody>
</table>
Project Mitigation Plan
No mitigation is required.

Supporting documentation on completed measures
APPENDIX A: Related Federal Laws and Authorities

Airport Hazards

<table>
<thead>
<tr>
<th>General policy</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is HUD’s policy to apply standards to prevent incompatible development around civil airports and military airfields.</td>
<td></td>
<td>24 CFR Part 51 Subpart D</td>
</tr>
</tbody>
</table>

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 site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The closest airport is San Rafael Airport, about 10 miles northwest of the project site. The project is in compliance with Airport Hazards requirements.

Supporting documentation

Distance to Airports from 21 Calle del Emb.jpg

Are formal compliance steps or mitigation required?

Yes

✓ No
Coastal Barrier Resources

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)</td>
<td>—</td>
</tr>
</tbody>
</table>

This project is located in a state that does not contain CBRA units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

**Screen Summary**

**Compliance Determination**

This project is located in a state that does not contain CBRS units. Therefore, this project is in compliance with the Coastal Barrier Resources Act.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No
Flood Insurance

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)</td>
<td>24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).</td>
</tr>
</tbody>
</table>

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:

   FIRMETTE_a14bffcd-08d0-448f-b70a-1037e505535d.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

   ✓ Yes

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

   ✓ Yes, the community is participating in the National Flood Insurance Program.
Based on the response, the review is in compliance with this section. Flood insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost or the maximum coverage limit, whichever is less.

Document and upload a copy of the flood insurance policy declaration or a paid receipt for the current annual flood insurance premium and a copy of the application for flood insurance below.

Yes, less than one year has passed since FEMA notification of Special Flood Hazards.
No. The community is not participating, or its participation has been suspended.

**Screen Summary**

**Compliance Determination**
The structure or insurable property is located in a FEMA-designated Special Flood Hazard Area. The community is participating in the National Flood Insurance Program. For loans, loan insurance or guarantees, the amount of flood insurance coverage must at least equal the outstanding principal balance of the loan or the maximum limit of coverage made available under the National Flood Insurance Program, whichever is less. For grants and other non-loan forms of financial assistance, flood insurance coverage must be continued for the life of the building irrespective of the transfer of ownership. The amount of coverage must at least equal the total project cost or the maximum coverage limit of the National Flood Insurance Program, whichever is less. With flood insurance the project is in compliance with flood insurance requirements. Proof of flood insurance is in the ERR.

**Supporting documentation**
Ocean Terrace Flood Insurance 2022.pdf

Are formal compliance steps or mitigation required?
   Yes
   ✓ No
Air Quality

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))</td>
<td>40 CFR Parts 6, 51 and 93</td>
</tr>
</tbody>
</table>

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
Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

Supporting documentation

Are formal compliance steps or mitigation required?

   - Yes
   - ✓ No
Coastal Zone Management Act

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))</td>
<td>15 CFR Part 930</td>
</tr>
</tbody>
</table>

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

✓ Yes

No

2. Does this project include new construction, conversion, major rehabilitation, or substantial improvement activities?

Yes

✓ No

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

Screen Summary

Compliance Determination

Based on the project description the project does not include any activities that would affect a Coastal Zone, as the project includes no change in land use or expansion of an existing structure. The project is in compliance with the Coastal Zone Management Act. Marin County Local Coastal Program documents are found at: https://www.marincounty.org/depts/cd/divisions/planning/local-coastal-program/plans-and-docs

Supporting documentation
Are formal compliance steps or mitigation required?

- Yes

- No
Contamination and Toxic Substances

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td></td>
<td>24 CFR 58.5(i)(2) 24 CFR 50.3(i)</td>
</tr>
</tbody>
</table>

1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.

   - American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)
   - ASTM Phase II ESA
   - Remediation or clean-up plan
   - ASTM Vapor Encroachment Screening
   - None of the Above

2. Were any on-site or nearby toxic, hazardous, or radioactive substances 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?)

   - No
   - Yes

Screen Summary
Compliance Determination

Supporting documentation

- Site Contamination Write-up 4-18-22.docx
- SiteCleanup-CorteseList-CDOCAOList 3-28-22.xlsx
- SiteCleanup-Cortese 3-28-22.pdf
- Cortese list - Sec 65962-5a - 3-28-22.pdf
- Cortese - Haz Waste and Substances Site LIst - 3-28-22.xlsx
- Site Inspection Field Sheet - 1-11-22(1).pdf
Are formal compliance steps or mitigation required?

- Yes
- No
Endangered Species

<table>
<thead>
<tr>
<th>General requirements</th>
<th>ESA Legislation</th>
<th>Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>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”).</td>
<td>The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); particularly section 7 (16 USC 1536).</td>
<td>50 CFR Part 402</td>
</tr>
</tbody>
</table>

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
This project will have No Effect on listed species due to the nature of the activities involved in the project. This project is in compliance with the Endangered Species Act.

Supporting documentation
Are formal compliance steps or mitigation required?
   Yes

✓ No
Explosive and Flammable Hazards

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

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

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

Supporting documentation

Are formal compliance steps or mitigation required?

Yes

✓ No
Farmlands Protection

<table>
<thead>
<tr>
<th>General requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
</table>

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**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

   Yes

   ✓ No
Floodplain Management

<table>
<thead>
<tr>
<th>General Requirements</th>
<th>Legislation</th>
<th>Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Executive Order 11988</td>
<td>24 CFR 55</td>
</tr>
</tbody>
</table>

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)
- None of the above

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

[FIRMETTE_a14bffcd-08d0-448f-b70a-1037e505535d.pdf](FIRMETTE_a14bffcd-08d0-448f-b70a-1037e505535d.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.

Does your project occur in a floodplain?

- No
- Yes

Select the applicable floodplain using the FEMA map or the best available information:
Floodway

Coastal High Hazard Area (V Zone)

✓ 100-year floodplain (A Zone)

500-year floodplain (B Zone or shaded X Zone)

8-Step Process

Does the 8-Step Process apply? Select one of the following options:

8-Step Process applies

✓ 5-Step Process is applicable per 55.12(a)(1-4). Provide documentation of 5-Step Process.

Document and upload the completed 5-Step Process below.
Select the applicable citation: [only one can be selected]

55.12(a)(1)
55.12(a)(2)
✓ 55.12(a)(3)
55.12(a)(4)

8-Step Process is inapplicable per 55.12(b)(1-5).

Mitigation

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation. This information will be automatically included in the Mitigation summary for the
environmental review. If negative effects cannot be mitigated, cancel the project using the button at the bottom of this screen.

See attached 5-step process

Which of the following mitigation/minimization measures have been identified for this project in the 8-Step or 5-Step Process? Select all that apply.

✔ Permeable surfaces
   Natural landscape enhancements that maintain or restore natural hydrology
   Planting or restoring native plant species

Bioswales

Evapotranspiration

Stormwater capture and reuse

Green or vegetative roofs with drainage provisions

Natural Resources Conservation Service conservation easements or similar easements

Floodproofing of structures

Elevating structures including freeboarding above the required base flood elevations

Other

Screen Summary
Compliance Determination
This project is located in a 100-year floodplain. The 5-Step Process is applicable per 55.12(a)(1-4). With the 5-Step Process the project will be in compliance with Executive Order 11988. The 5-Step Process has been completed and is in the ERR.

Supporting documentation

Ocean Terrace Rehab 5-Step Process for Floodplain.docx

Are formal compliance steps or mitigation required?
Yes
✓ No
Historic Preservation

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

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

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:
SHPO was consulted due to the age of the existing building. The When to Consult with Tribes was completed and indicated that Tribal consultation is not needed.

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:
The APE is the property at 21 Calle del Embarcadero.

   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.

<table>
<thead>
<tr>
<th>Address / Location / District</th>
<th>National Register Status</th>
<th>SHPO Concurrence</th>
<th>Sensitive Information</th>
</tr>
</thead>
</table>

   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

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**
- No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary**

**Compliance Determination**
Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

**Supporting documentation**

- When-to-Consult-with-Tribes-Under-Section-106-Checklist.docx
- SHPO Concurrence - 21 Calle del Embarcadero.pdf
- 21 Calle del Embarcadero-SHPO Ltr 4-2022-signed.pdf

**Are formal compliance steps or mitigation required?**
- Yes
- No
Noise Abatement and Control

<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>HUD’s noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.</td>
<td>Noise Control Act of 1972</td>
<td>Title 24 CFR 51 Subpart B</td>
</tr>
<tr>
<td></td>
<td>General Services Administration Federal Management Circular 75-2: “Compatible Land Uses at Federal Airfields”</td>
<td></td>
</tr>
</tbody>
</table>

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

2. **Do you have standardized noise attenuation measures that apply to all modernization and/or minor rehabilitation projects, such as the use of double glazed windows or extra insulation?**

   - Yes

   *Indicate the type of measures that will apply (check all that apply):*
Improved building envelope components (better windows and doors, strengthened sheathing, insulation, sealed gaps, etc.)
Redesigned building envelope (more durable or substantial materials, increased air gap, resilient channels, staggered wall studs, etc.)

Other

Explain:
California Title 24 and Marin County's Green Building Code require use of energy efficiency features, such as double-glazed windows and weather stripping, that also reduce noise transmission. Based on the response, the review is in compliance with this section.

No

Screen Summary
Compliance Determination
The project is modernization or minor rehabilitation of an existing residential property. The project will include standardized noise attenuation measures. The project is in compliance with HUD's Noise regulation.

Supporting documentation

Are formal compliance steps or mitigation required?
Yes
✓ No
Sole Source Aquifers

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>sole or principal drinking water source for an area and which, if contaminated, would</td>
<td>349)</td>
<td></td>
</tr>
<tr>
<td>create a significant hazard to public health.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

   - Yes

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

   No

Screen Summary

Compliance Determination
Based on the project description, the project consists of activities that are unlikely to have an adverse impact on groundwater resources. The project is in compliance with Sole Source Aquifer requirements. There are no Sole Source Aquifers in Marin County.

Supporting documentation

NEPAssist map - WSAs and SSAs in CA.pdf

Are formal compliance steps or mitigation required?

   Yes

   - No
Wetlands Protection

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</thead>
<tbody>
<tr>
<td>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.</td>
<td>Executive Order 11990</td>
<td>24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.</td>
</tr>
</tbody>
</table>

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
Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990. The project site is not within or adjacent to a wetland, as shown on the NWI map in the ERR.

Supporting documentation

NWI Map - 21 Calle d Emb.pdf

Are formal compliance steps or mitigation required?

Yes

✔ No
Wild and Scenic Rivers Act

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<tbody>
<tr>
<td>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.</td>
<td>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))</td>
<td>36 CFR Part 297</td>
</tr>
</tbody>
</table>

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**

This project is not within proximity of a NWSRS river. Olema Creek, which runs several miles north of the project site, is listed in the Nationwide Rivers Inventory, but is not a designated or study river, and the project would not affect it. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

- [NPS - NRI - Olema Creek.pdf](#)
- [Screenshot 2022-02-15 CA WSRs.png](#)
- [Screenshot 2022-02-15 Wild Scenic River Studies.png](#)
- [Screenshot 2022-02-15 Nationwide Rivers Inventory.png](#)

**Are formal compliance steps or mitigation required?**

   ✓ No
Environmental Justice

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>Executive Order 12898</td>
<td></td>
</tr>
</tbody>
</table>

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

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

Screen Summary
Compliance Determination
No adverse environmental impacts were identified in the project’s total environmental review. The project is in compliance with Executive Order 12898.

Supporting documentation

Are formal compliance steps or mitigation required?

   Yes
   ✓ No