

**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:** Bangor-Opera-House-Improvements

**HEROS Number:** 900000010453544

**Start Date:** 02/14/2025

**Responsible Entity (RE):** CITY OF BANGOR, 73 Harlow St Bangor ME, 04401

**State / Local Identifier:**

**RE Preparer:** Melissa Genoter

**Certifying Officer** Robyn Stanicki  
**r:**

**Grant Recipient (if different than Responsible Entity):** Penobscot Theatre Company

**Point of Contact:** Jennifer Shepard, Executive Director

**Point of Contact:** Melissa Genoter  
**Consultant (if applicable):** Haley Ward, Inc.

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:** 131 Main St, Bangor, ME 04401

**Additional Location Information:**

The Bangor Opera House is located at 131 Main St in Bangor, Maine and is directly accessible from Main Street.

**Direct Comments to:**

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

The Penobscot Theatre Company has received a grant from the U.S. Department of Housing and Urban Development (HUD) Economic Development Initiative/Community Project Funding (EDI/CPF) for renovations and repairs of the Bangor Opera House at 131 Main Street in Bangor, Maine. The Subject Property is identified as Lot 131 on the City of Bangor Property Tax Map 42. The PTC is a professional theater company that owns the Bangor Opera House, where it produces seven mainstage productions and five youth productions to over 40,000 audience members annually. The Proposed Action includes the following interior and exterior building repairs and upgrades to the fire protection system: - The bricks of the exterior brick masonry wall on the south side of the building will be re-pointed. - The wood and brass doors of the main entry will be restored. Four second-floor windows on the eastern side of the building will be replaced. -The facade on the south side of the building will undergo localized repairs to address a water infiltration problem that has damaged the interior ceiling. -Limited upgrades will be made to the interior fire protection system components including replacement of existing freon tank, replacement of "timed out" sprinkler heads, installation of additional sprinkler heads (on existing lines) and replacement of a leaking sprinkler pipe. -Heat pumps will be installed in the third floor administration areas. Ground disturbance is not anticipated as part of the Proposed Action.

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

[Photolog.pdf](#)

[Figure2- Photo Location Map.pdf](#)

[Figure 1 - Location Map.pdf](#)

**Level of Environmental Review Determination:**

**Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at 58.5:**

**Determination:**

	This categorically excluded activity/project converts to <b>EXEMPT</b> 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; <b>Funds may be committed and drawn down after certification of this part</b> for this (now) EXEMPT project; OR
✓	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, <b>publish NOI/RROF and obtain "Authority to Use Grant Funds"</b> (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds; OR
	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)).

**Approval Documents:**

**7015.15 certified by Certifying Officer**  
on:

**7015.16 certified by Authorizing Officer**  
on:

**Funding Information**

<b>Grant / Project Identification Number</b>	<b>HUD Program</b>	<b>Program Name</b>	<b>Funding Amount</b>
B-24-CP-1097	Community Planning and Development (CPD)	Community Project Funding (CPF) Grants	\$239,000.00

**Estimated Total HUD Funded, Assisted or Insured Amount:** \$239,000.00

**Estimated Total Project Cost:** \$239,000.00

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

<b>Compliance Factors:</b> 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)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	24 CFR Part 51 Subpart D generally prohibits HUD assistance for projects located within airport or runway clear zones. The Subject Property is not located within 2,500 feet of a civilian airport. The Subject Property is located within 15,000 feet of a military airport. The closest airport to the Subject Property is Bangor International Airport (BIA), located approximately 1.8 miles northwest of the Subject Property. The BIA Runway Protection Zone (RPZ) - Approach consists of a trapezoidal shaped area beginning 200 feet prior to the runway end, centered along extended runway centerline, and extending 1,750 feet in width and 2,500 feet in length. The BIA RPZ Departure consists of a trapezoidal shaped area beginning 200 feet beyond the runway end, centered along extended runway centerline, and extending 1,010 feet in width and 1,700 feet in length. The Subject Property is not located within the airport or runway clear zone associated with BIA. A figure showing the location of the airport relative to the Subject Property and the BIA RPZ are included as Appendix A.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The Coastal Barrier Resources Act (CBRS) of 1982 designated relatively undeveloped coastal barriers along the Atlantic coast as ineligible for new federal expenditures or financial assistance. The Subject Property is located approximately 23 miles north of the Atlantic Ocean and coastal barrier resources are not present at the Subject Property or in proximity to the Subject

		Property. The Coastal Barrier Resources System map is included in Appendix B.
<p><b>Flood Insurance</b>                  Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. 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><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b>                  Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) established primary and secondary air quality standards. Primary air quality standards protect the public health, including the health of "sensitive populations, such as people with asthma, children, and older adults." Secondary air quality standards protect public welfare by promoting ecosystems health, preventing decreased visibility, and damage to crops and buildings. The EPA has set National Ambient Air Quality Standards (NAAQS) for six of the following criteria pollutants: ozone (O3), particulate matter (PM2.5 and PM10), nitrogen dioxide (NO2), carbon monoxide (CO), sulfur dioxide (SO2), and lead (Pb). According to the Maine Department of Environmental Protection (MDEP), Penobscot County (the location of the Subject Property) is classified as "in attainment," meaning criteria air pollutants do not exceed the NAAQS in Penobscot County. The Clean Air Attainment Map is included in Appendix D.</p>

<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The Coastal Zone Management Act of 1972 provides for the management of the nation's coastal resources with a goal to, "Preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Subject Property is located within the City of Bangor. According to the Maine Department of Marine Resources, the City of Bangor is located within a coastal zone. Per the Maine Guide to Federal Consistency Review, section III.D. Federal Assistance Activities (pg. 11), the Maine Coastal Program does not currently review financial assistance activities for local government applicants. The Proposed Action does not meet the criteria under the core laws of Maine's Coastal Management Program and the Coastal Zone Management Act (CZMA) to trigger a federal consistency determination. The Coastal Zone Management map is included as Appendix E.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Reconnaissance of the Subject Property was performed on February 26, 2025. Haley Ward conducted an environmental assessment of the Subject Property following portions of the ASTM Standard E1527-21, including a review of regulatory agency databases and records. Based on the review of the available environmental records for the listed facilities and based on the distance from the Subject Property to the facilities, the potential risk of hazardous waste discharges, the availability of municipal water and sewer in the area of the Subject Property, and/or the cleanup completed under the direction of the MDEP, these facilities are not expected to have an environmental impact on the Subject Property. Contamination and/or toxic substances are not suspected to be</p>

		<p>present on the Subject Property. The Proposed Action involves minor renovations to and upgrades to the sprinkler system of the Bangor Opera House which will not involve the use of chemicals or other hazardous materials or the generation of hazardous waste. Based on the age of the building, Asbestos-Containing Materials (ACM) and lead-based paint (LBP) may have been used in the construction and/or renovations of the building. Renovation areas will be assessed for ACM and LBP prior to any building material disturbance that may take place during the proposed renovations. The 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><b>Endangered Species Act</b> 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 United States Fish and Wildlife Service (USFWS), the Maine Department of Inland Fisheries and Wildlife (MDIF&amp;W), and the Maine Natural Areas Program (MNAP), and the Maine Department of Environmental Protection (MDEP) were contacted regarding the presence of threatened, endangered, and/or special concern species and rare and unique botanical features in the project area. * The USFWS determined that Subject Property is located within critical habitat for the Atlantic salmon. The USFWS has also identified the Northern long-eared bat and Tricolored bat as an endangered species that may be present at the Subject Property. Habitat suitable for Northern long-eared bat and Tricolor bat is not known to exist in the area of the Subject Property. Surface water which may provide habitat for Atlantic salmon is not present at the Subject Property. A copy of the USFWS</p>

	<p>verification letter and the USFWS Species List is attached. * The MDIFW indicated that no locations of State-listed Endangered, Threatened, or Special Concern species within the project area that would be affected by the Proposed Action. The Department has not mapped any Essential or Significant Wildlife Habitats or inland fisheries habitats that would be directly affected by the Proposed Action. Correspondence with MDIF&amp;W is attached. * The MNAP evaluates the existence of rare and unique botanical features including the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Their project review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts. According to the information currently available in their Biological and Conservation Data System files, rare botanical features are not documented specifically within the Subject Property area. Correspondence with MNAP is attached. * The MDEP evaluates the existence of mapped wetlands, streams, and significant wildlife habitats. Haley Ward reviewed data for the Project Area from MDEP and MDIFW GIS files. The MDEP data did not identify SWHs, mapped wetlands, and/or streams in the Subject Property area. Correspondence with MDEP is attached. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.</p>
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<p><b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>24 CFR Part 51 requires the evaluation of potential explosive and flammable hazards associated with HUD funded projects. During the field reconnaissance, Aboveground Storage Tanks (ASTs) containing potentially explosive or flammable materials were not observed at the Subject Property. Two ASTs were visible from the Subject Property. One 120-gallon propane tank provides propane to the apartment building that adjoins the south wall of the Subject Property. Two 120-gallon tanks provide propane to The Tavern, a restaurant located across Main Street, southeast of the Subject Property. 24 CFR Part 51 Subpart C covers the "Siting of HUD-assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature." HUD revised this regulation to exempt liquified petroleum gas or propane (LPG/propane) containers up to 1,000 gallons that comply with industry standard, the National Fire Protection Association (NFPA) Code 58 (Liquified Petroleum Gas Code) (2017). According to the Office of the State Fire Marshal, the State of Maine has adopted the most recent edition of NFPA Code 58 from 2020, meaning that all LPG/propane containers must be in compliance with the code. Because the three propane tanks visible from the Subject Property hold less than 1,000 gallons of liquified petroleum gas and are in compliance with NFPA Code 58, they are exempt from the Acceptable Separation Distance (ASD) requirements of 24 CFR Part 51 Subpart C. The 24 CFR Part 51 Subpart C ruling is included in Appendix H.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the</p>

<p>1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>		<p>conversion of farmland to non-agricultural uses. The FPPA's definition of "farmland" does not include soils already located in urban development. Farmland of statewide importance is not mapped at the Subject Property. Soils classified as farmland are not mapped by the Natural Resources Conservation Service (NRCS) on the Subject Property. The NRCS Soil Map and the USDA farmland map for the Subject Property are included in Appendix I.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Executive Order (EO) 11988 (Floodplain Management) requires that a federal agency avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. The Federal Emergency Management Agency (FEMA) uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program (NFIP). According to the FEMA FIRM 23019C2117D, effective July 19, 2023, the Subject Property is located in Zone X, an area of minimal flood hazard. This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Haley Ward contacted the Maine Historic Preservation Commission (MHPC) regarding historic properties in the vicinity of the Subject Property. According to the MHPC, the Bangor Opera House is eligible for listing in the National Register of Historic Places. On March 19, 2025, the MHPC initiated consultation on the Bangor Opera House project in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended. Based on the information provided by Haley Ward during the consultation process, MHPC issued a</p>

		<p>finding that the undertaking will have "no adverse effect" upon the Bangor Opera House, as long as six MHPC-issued conditions are met. The conditions are listed in the "Mitigation Measures and Conditions" section of this review and in the attached MHPC letter issued on May 5, 2025. A copy of Haley Ward's correspondence with the MHPC is included as Appendix J.</p>
<p><b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Sound is most commonly measured in decibels (dB) on the A-weighted scale, which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. Noise, defined herein as undesirable sound, is federally regulated by the Noise Control Act of 1972 (NCA). Although the NCA gives the EPA authority to prepare guidelines for acceptable ambient noise levels, it only charges those federal agencies that operate noise-producing facilities or equipment to implement noise standards. EPA guidelines and those of many other federal agencies, state that outdoor sound levels in excess of 65 dB DNL are "normally unacceptable" for noise-sensitive land uses such as residences, schools, and hospitals. The City of Bangor Ordinance Chapter 194 does not specify noise levels, but prohibits any "unnecessary, excessive and annoying noise within the City of Bangor" pertaining to radios and sound devices, vehicles, and bars, taverns or lounges. Limited noise impacts are expected during construction activities; however, these impacts are not anticipated to violate local noise ordinances. The nearest major road is</p>

		<p>I-95, located approximately 0.6 miles north of the Subject Property. This noise source was not evaluated due to its distance from the Subject Property. The nearest airport is BIA, located approximately 1.8 miles northwest of the Subject Property. This noise source was not evaluated due to its distance from the Subject Property. Noise impacts associated with renovation activities at the Subject Property will be short-term and limited to the duration of development activities. Roadways, airports, and/or railroads are not expected to impact noise conditions at the Subject Property based on distance from the Subject Property. A map depicting the location of these potential noise sources relative to the Subject Property is included as Appendix K.</p>
<p><b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The Subject Property is 42 miles north of the nearest mapped Sole Source Aquifer in Vinalhaven, Maine. According to the Significant Sand and Gravel Aquifer Map for the Bangor Quadrangle, Maine (Foster and Smith, 2008), the Subject Property is not located on a mapped Sand and Gravel Aquifer. Refer to Appendix L for a copy of the Significant Sand and Gravel Aquifer map for the Subject Property and surrounding areas. Public water is available at the Subject Property and surrounding properties.</p>
<p><b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>According to the USFWS National Wetlands Inventory (NWI), wetlands are not currently present at the Subject Property. Refer to Appendix M for a copy of the NWI Map depicting the Subject Property and surrounding properties. 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.</p>

<p><b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>The National Wild and Scenic Rivers System was created to preserve rivers with outstanding natural, cultural, and recreational values. Wild and Scenic Rivers were not identified at or in the vicinity of the Subject Property. The project is in compliance with the Wild and Scenic Rivers Act. Refer to Appendix N for a copy of Maine's Wild and Scenic Rivers System.</p>
<p><b>HUD HOUSING ENVIRONMENTAL STANDARDS</b></p>		
<p><b>ENVIRONMENTAL JUSTICE</b></p>		
<p><b>Environmental Justice</b> Executive Order 12898</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the U.S. Census Bureau American Community Survey for the years 2017 to 2021, the percent populations of zip code 04401 (which includes the Subject Property) are 89.0% white, 2.5% Black or African American, 1.7% Asian, 2.9% Hispanic or Latino, and 1.7% American Indian or Alaska Native. The median household income (in 2021 adjusted dollars) for the area is \$49,652. with 16.1% of all families in the area living below the poverty level. The Proposed Action will improve the quality of cultural and educational opportunities available to the residents of the City of Bangor. The project will not disproportionately increase environmental risks for, or negatively impact the health of children, minority and/or low-income populations.</p>

**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.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure or Condition</b>	<b>Comments on Completed Measures</b>	<b>Mitigation Plan</b>	<b>Complete</b>
Historic Preservation	<p>1. All masonry work should be conducted by contractors who have demonstrated experience with historic properties.</p> <p>2. Masonry cleaning will be done in accordance with the National Park Service's Preservation Brief #1 Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings.</p> <p>3. Masonry repointing will be done in accordance with the National Park Service's Preservation Brief #2 Repointing Mortar Joints in the Historic Masonry Buildings.</p> <p>4. A masonry test panel will be completed and photographed. The photographs of the test panel will be sent to the MHPC office for approval prior to the commencement of work.</p> <p>5. The cost estimate for the masonry work will be forwarded to the MHPC office for their files. The mason should agree in writing to the conditions listed above.</p> <p>6. The exterior units for the heat pumps will be installed either on a self-supported stand or if mounting to the building is necessary, the mortar joints will be used for points of attachment.</p>	N/A	<p>The Penobscot Theatre Company will ensure that the following conditions, required by MHPC, are met:</p> <p>1. All masonry work should be conducted by contractors who have demonstrated experience with historic properties. 2. Masonry cleaning will be done in accordance with the National Park Service's Preservation Brief #1 Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings. 3. Masonry repointing will be done in accordance with the National Park Service's Preservation</p>	

			<p>Brief #2 Repointing Mortar Joints in the Historic Masonry Buildings. 4. A masonry test panel will be completed and photographed. The photographs of the test panel will be sent to the MHPC office for approval prior to the commencement of work. 5. The cost estimate for the masonry work will be forwarded to the MHPC office for their files. The mason should agree in writing to the conditions listed above. 6. The exterior units for the heat pumps will be installed either on a self- supported stand or if mounting to the building is necessary, the mortar joints will be used for points of attachment.</p>	
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<p>Contamination and Toxic Substances</p>	<p>Reconnaissance of the Subject Property was performed on February 26, 2025. Haley Ward conducted an environmental assessment of the Subject Property following portions of the ASTM Standard E1527-21, including a review of regulatory agency databases and records. Based on the review of the available environmental records for the listed facilities and based on the distance from the Subject Property to the facilities, the potential risk of hazardous waste discharges, the availability of municipal water and sewer in the area of the Subject Property, and/or the cleanup completed under the direction of the MDEP, these facilities are not expected to have an environmental impact on the Subject Property. Contamination and/or toxic substances are not suspected to be present on the Subject Property.</p> <p>The Proposed Action involves minor renovations to and upgrades to the sprinkler system of the Bangor Opera House which will not involve the use of chemicals or other hazardous materials or the generation of hazardous waste.</p> <p>Based on the age of the building, Asbestos-Containing Materials (ACM) and lead-based paint (LBP) may have</p>	<p>N/A</p>	<p>Renovation areas will be assessed for ACM and LBP prior to any building material disturbance that may take place during the proposed renovations.</p>	
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	been used in the construction and/or renovations of the building. Renovation areas will be assessed for ACM and LBP prior to any building material disturbance that may take place during the proposed renovations.			
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**Project Mitigation Plan**

The Penobscot Theatre Company is responsible for informing any contractors hired of the required mitigation conditions and ensuring the mitigation conditions are followed by said contractors. The Penobscot Theatre Company is also responsible for sending photographs of the test panel to the MHPC office for approval prior to the commencement of work and forwarding the cost estimate for the masonry work to the MHPC office.

[MHPC Final Response\(1\).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

✓ Yes

**2. Is your project located within a Runway Protection Zone/Clear Zone (RPZ/CZ) or Accident Potential Zone (APZ) ?**

Yes, project is in an APZ

Yes, project is an RPZ/CZ

✓ No, project is not within an APZ or RPZ/CZ

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within either zone below.

**Screen Summary**

**Compliance Determination**

24 CFR Part 51 Subpart D generally prohibits HUD assistance for projects located within airport or runway clear zones. The Subject Property is not located within 2,500 feet of a civilian airport. The Subject Property is located within 15,000 feet of a military airport. The closest airport to the Subject Property is Bangor International Airport (BIA), located approximately 1.8 miles northwest of the Subject Property. The

BIA Runway Protection Zone (RPZ) - Approach consists of a trapezoidal shaped area beginning 200 feet prior to the runway end, centered along extended runway centerline, and extending 1,750 feet in width and 2,500 feet in length. The BIA RPZ Departure consists of a trapezoidal shaped area beginning 200 feet beyond the runway end, centered along extended runway centerline, and extending 1,010 feet in width and 1,700 feet in length. The Subject Property is not located within the airport or runway clear zone associated with BIA. A figure showing the location of the airport relative to the Subject Property and the BIA RPZ are included as Appendix A.

**Supporting documentation**

[Appendix A- BIA Airport Zone.png](#)

[Appendix A - Airport.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

**Screen Summary**

**Compliance Determination**

The Coastal Barrier Resources Act (CBRS) of 1982 designated relatively undeveloped coastal barriers along the Atlantic coast as ineligible for new federal expenditures or financial assistance. The Subject Property is located approximately 23 miles north of the Atlantic Ocean and coastal barrier resources are not present at the Subject Property or in proximity to the Subject Property. The Coastal Barrier Resources System map is included in Appendix B.

**Supporting documentation**

[APPENDIX B - CBRS MAP.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.

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**

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. 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**

**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**

Under the Clean Air Act (CAA), the U.S. Environmental Protection Agency (EPA) established primary and secondary air quality standards. Primary air quality standards protect the public health, including the health of "sensitive populations, such as people with asthma, children, and older adults." Secondary air quality standards protect public welfare by promoting ecosystems health, preventing decreased visibility, and damage to crops and buildings. The EPA has set National Ambient Air Quality Standards (NAAQS) for six of the following criteria pollutants: ozone (O3), particulate matter (PM2.5 and PM10), nitrogen dioxide (NO2), carbon monoxide (CO), sulfur dioxide (SO2), and lead (Pb). According to the Maine Department of Environmental Protection (MDEP), Penobscot County (the location of the Subject Property) is classified as "in attainment," meaning criteria air pollutants do not exceed the NAAQS in Penobscot County. The Clean Air Attainment Map is included in Appendix D.

**Supporting documentation**

[APPENDIX D - CLEAN AIR.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

**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**

The Coastal Zone Management Act of 1972 provides for the management of the nation's coastal resources with a goal to, "Preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Subject Property is located within the City of Bangor. According to the Maine Department of Marine Resources, the City of Bangor is located within a coastal zone. Per the Maine Guide to Federal Consistency Review, section III.D. Federal Assistance Activities (pg. 11), the Maine Coastal Program does not currently review financial assistance activities for local government applicants. The Proposed Action does not

meet the criteria under the core laws of Maine's Coastal Management Program and the Coastal Zone Management Act (CZMA) to trigger a federal consistency determination. The Coastal Zone Management map is included as Appendix E.

**Supporting documentation**

[Appendix E - Coastal Zone Management .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)
<b>Reference</b>		
<a href="https://www.onecpd.info/environmental-review/site-contamination">https://www.onecpd.info/environmental-review/site-contamination</a>		

**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:

The Bangor Opera House is exempt from having to consider radon in the contamination analysis because the building is not a residential building and will not be occupied for more than four hours per day.

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.

## 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\*\*.

Reconnaissance of the Subject Property was performed on February 26, 2025. Haley Ward conducted an environmental assessment of the Subject Property following portions of the ASTM Standard E1527-21, including a review of regulatory agency databases and records. Based on the review of the available environmental records for the listed facilities and based on the distance from the Subject Property to the facilities, the potential risk of hazardous waste discharges, the availability of municipal water and sewer in the area of the Subject Property, and/or the cleanup completed under the direction of the MDEP, these facilities are not expected to have an environmental impact on the

Subject Property. Contamination and/or toxic substances are not suspected to be present on the Subject Property. The Proposed Action involves minor renovations to and upgrades to the sprinkler system of the Bangor Opera House which will not involve the use of chemicals or other hazardous materials or the generation of hazardous waste. Based on the age of the building, Asbestos-Containing Materials (ACM) and lead-based paint (LBP) may have been used in the construction and/or renovations of the building. Renovation areas will be assessed for ACM and LBP prior to any building material disturbance that may take place during the proposed renovations.

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**

Reconnaissance of the Subject Property was performed on February 26, 2025. Haley Ward conducted an environmental assessment of the Subject Property following portions of the ASTM Standard E1527-21, including a review of regulatory agency databases and records. Based on the review of the available environmental records for the listed facilities and based on the distance from the Subject Property to the facilities, the potential risk of hazardous waste discharges, the availability of municipal water and sewer in the area of the Subject Property, and/or the cleanup completed under the direction of the MDEP, these facilities are not expected to have an

environmental impact on the Subject Property. Contamination and/or toxic substances are not suspected to be present on the Subject Property. The Proposed Action involves minor renovations to and upgrades to the sprinkler system of the Bangor Opera House which will not involve the use of chemicals or other hazardous materials or the generation of hazardous waste. Based on the age of the building, Asbestos-Containing Materials (ACM) and lead-based paint (LBP) may have been used in the construction and/or renovations of the building. Renovation areas will be assessed for ACM and LBP prior to any building material disturbance that may take place during the proposed renovations. The 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**

[Sanborns.pdf](#)

[Historical Topos.PDF](#)

[Gov Records Report.PDF](#)

[City Directory.pdf](#)

[Aerials.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.

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.

**2. Are federally listed species or designated critical habitats present in the action area?**

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

### **Screen Summary**

#### **Compliance Determination**

The United States Fish and Wildlife Service (USFWS), the Maine Department of Inland Fisheries and Wildlife (MDIF&W), and the Maine Natural Areas Program (MNAP), and the Maine Department of Environmental Protection (MDEP) were contacted regarding the presence of threatened, endangered, and/or special concern species and rare and unique botanical features in the project area. \* The USFWS determined that Subject Property is located within critical habitat for the Atlantic salmon. The USFWS has also identified the Northern long-eared bat and Tricolored bat as an endangered species that may be present at the Subject Property. Habitat suitable for Northern long-eared bat and Tricolor bat is not known to exist in the area of the Subject Property. Surface water which may provide habitat for Atlantic salmon is not present at the Subject Property. A copy of the USFWS verification letter and the USFWS Species List is attached. \* The MDIFW indicated that no locations of State-listed Endangered, Threatened, or Special Concern species within the project area that would be affected by the Proposed Action. The Department has not mapped any Essential or Significant Wildlife Habitats or inland fisheries habitats that would be directly affected by the Proposed Action. Correspondence with MDIF&W is attached. \* The MNAP evaluates the existence of rare and unique botanical features including the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Their project review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts. According to the information currently available in their Biological and Conservation Data System files, rare botanical features are not documented specifically within the Subject Property area. Correspondence with MNAP is attached. \* The MDEP evaluates the existence of mapped wetlands, streams, and significant wildlife habitats. Haley Ward reviewed data for the Project Area from MDEP and MDIFW GIS files. The MDEP data did not identify SWHs, mapped wetlands, and/or streams in the Subject Property area. Correspondence with MDEP is attached. This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

#### **Supporting documentation**

[Project Map\\_ERid8943\\_ERVerID10347.pdf](#)

[MNAP Response.pdf](#)

[MDIFW Response.pdf](#)

[IPaC Determination Letter.pdf](#)

[Bangor Opera Species List.pdf](#)

**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**

24 CFR Part 51 requires the evaluation of potential explosive and flammable hazards associated with HUD funded projects. During the field reconnaissance, Aboveground Storage Tanks (ASTs) containing potentially explosive or flammable materials were not observed at the Subject Property. Two ASTs were visible from the Subject Property. One 120-gallon propane tank provides propane to the apartment building that adjoins the south wall of the Subject Property. Two 120-gallon tanks provide propane to The Tavern, a restaurant located across Main Street, southeast of the Subject Property. 24 CFR Part 51 Subpart C covers the "Siting of HUD-assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature." HUD revised this regulation to exempt liquified petroleum gas or propane (LPG/propane) containers up to 1,000 gallons that comply with industry standard, the National Fire Protection Association (NFPA) Code 58 (Liquified

Petroleum Gas Code) (2017). According to the Office of the State Fire Marshal, the State of Maine has adopted the most recent edition of NFPA Code 58 from 2020, meaning that all LPG/propane containers must be in compliance with the code. Because the three propane tanks visible from the Subject Property hold less than 1,000 gallons of liquified petroleum gas and are in compliance with NFPA Code 58, they are exempt from the Acceptable Separation Distance (ASD) requirements of 24 CFR Part 51 Subpart C. The 24 CFR Part 51 Subpart C ruling is included in Appendix H.

**Supporting documentation**

[Appendix H Fact-Sheet-Final-Propane-Rule-24-CFR-Part-51-Subpart-C.pdf](#)

**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.)	<a href="#">7 CFR Part 658</a>

**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:

N/A- this project does not include new construction, acquisition of undeveloped land, or conversion.

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 Farmland Protection Policy Act (FPPA) is intended to minimize the impact federal programs have on the conversion of farmland to non-agricultural uses. The FPPA's definition of "farmland" does not include soils already located in urban development. Farmland of statewide importance is not mapped at the Subject Property. Soils classified as farmland are not mapped by the Natural Resources Conservation Service (NRCS) on the Subject Property. The NRCS Soil Map and the USDA farmland map for the Subject Property are included in Appendix I.

**Supporting documentation**

[Appendix I- NRCS Soil Report.pdf](#)

[Appendix I - Farmland .pdf](#)

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

Yes

Bangor-Opera-House-  
Improvements

Bangor, ME

900000010453544

✓ 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 information<sup>1</sup> to determine flood elevation. Include documentation and an explanation of why this is the best available information<sup>2</sup> for the site. Note that newly constructed and substantially improved<sup>3</sup> 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.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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**

Executive Order (EO) 11988 (Floodplain Management) requires that a federal agency avoid direct or indirect support of development within the 100-year floodplain whenever there is a practicable alternative. The Federal Emergency Management Agency (FEMA) uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year floodplain for the National Flood Insurance Program (NFIP). According to the FEMA FIRM 23019C2117D, effective July 19, 2023, the Subject Property is located in Zone X, an area of minimal flood hazard. This project does not occur in the FFRMS floodplain. The project is in compliance with Executive Orders 11988 and 13690.

**Supporting documentation**

**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" <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>

**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)

- ✓ Mi'qmaq Nation Response Period Elapsed

✓ Penobscot Nation

Response Period Elapsed

Other Consulting Parties

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

Under HUD regulation 24 CFR 58.4, part of the environmental review includes tribal consultation as it relates to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. An Environmental Assessment shall be conducted in compliance with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. The City of Bangor facilitated communication between Haley Ward and the local tribal nations: the Mi'kmaq Nation and the Penobscot Nation. Tribal consultation letters were submitted to each tribe on February 2025, and responses were not received from the tribes within the 30-day response period. Haley Ward contacted Main's SHPO, the Maine Historic Preservation Commission (MHPC) regarding the Proposed Action because the Bangor Opera House is eligible for listing in the National Register of Historic Places. On March 19, 2025, the MHPC initiated consultation on the Bangor Opera House project in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended.

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 Bangor Opera House (the Subject Property) was identified as an Area of Potential Effect.

**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
-------------------------------	--------------------------	------------------	-----------------------

**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:**

MHPC determined that the project will have No Adverse Effect because of the small scale of the repairs and renovation, as long as six conditions outlined by MHPC are met.

**Does the No Adverse Effect finding contain conditions?**

✓ Yes (check all that apply)

Avoidance

Modification of project

✓ Other

Describe conditions here:

1. All masonry work should be conducted by contractors who have demonstrated experience with historic properties.
2. Masonry cleaning will be done in accordance with the National Park Service's Preservation Brief #1 Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings.
3. Masonry repointing will be done in accordance with the National Park Service's Preservation Brief #2 Repointing Mortar Joints in the Historic Masonry Buildings.
4. A masonry test panel will be completed and photographed. The photographs of the test panel will be sent to the MHPC office for approval prior to the commencement of work.
5. The cost estimate for the masonry work will be forwarded to the MHPC office for their files files. The mason should agree in writing to the conditions listed above.
6. The exterior units for the heat pumps will be installed either on a self-supported stand or if mounting to the building is necessary, the mortar joints will be used for points of attachment.

No

Adverse Effect

**Screen Summary**

### **Compliance Determination**

Haley Ward contacted the Maine Historic Preservation Commission (MHPC) regarding historic properties in the vicinity of the Subject Property. According to the MHPC, the Bangor Opera House is eligible for listing in the National Register of Historic Places. On March 19, 2025, the MHPC initiated consultation on the Bangor Opera House project in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended. Based on the information provided by Haley Ward during the consultation process, MHPC issued a finding that the undertaking will have "no adverse effect" upon the Bangor Opera House, as long as six MHPC-issued conditions are met. The conditions are listed in the "Mitigation Measures and Conditions" section of this review and in the attached MHPC letter issued on May 5, 2025. A copy of Haley Ward's correspondence with the MHPC is included as Appendix J.

### **Supporting documentation**

[MHPC Initial Response.pdf](#)

[MHPC Final Response.pdf](#)

[MHPC Photolog Amendment.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**

Sound is most commonly measured in decibels (dB) on the A-weighted scale, which is the scale most similar to the range of sounds that the human ear can hear. The Day-Night Average Sound Level (DNL) is an average measure of sound. The DNL descriptor is accepted by federal agencies as a standard for estimating sound impacts and establishing guidelines for compatible land uses. Noise, defined herein as undesirable sound, is federally regulated by the Noise Control Act of 1972 (NCA). Although the NCA gives the EPA authority to prepare guidelines for acceptable ambient noise levels, it only charges those federal agencies that operate noise-producing facilities or equipment to implement noise standards. EPA guidelines and those of many other

federal agencies, state that outdoor sound levels in excess of 65 dB DNL are "normally unacceptable" for noise-sensitive land uses such as residences, schools, and hospitals. The City of Bangor Ordinance Chapter 194 does not specify noise levels, but prohibits any "unnecessary, excessive and annoying noise within the City of Bangor" pertaining to radios and sound devices, vehicles, and bars, taverns or lounges. Limited noise impacts are expected during construction activities; however, these impacts are not anticipated to violate local noise ordinances. The nearest major road is I-95, located approximately 0.6 miles north of the Subject Property. This noise source was not evaluated due to its distance from the Subject Property. The nearest airport is BIA, located approximately 1.8 miles northwest of the Subject Property. This noise source was not evaluated due to its distance from the Subject Property. Noise impacts associated with renovation activities at the Subject Property will be short-term and limited to the duration of development activities. Roadways, airports, and/or railroads are not expected to impact noise conditions at the Subject Property based on distance from the Subject Property. A map depicting the location of these potential noise sources relative to the Subject Property is included as Appendix K.

**Supporting documentation**

[Appendix K - Noise.pdf](#)

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

Yes

✓ No

**Sole Source Aquifers**

General requirements	Legislation	Regulation
<p><b>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.</b></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

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

No

**Screen Summary**

**Compliance Determination**

The Subject Property is 42 miles north of the nearest mapped Sole Source Aquifer in Vinalhaven, Maine. According to the Significant Sand and Gravel Aquifer Map for the Bangor Quadrangle, Maine (Foster and Smith, 2008), the Subject Property is not located on a mapped Sand and Gravel Aquifer. Refer to Appendix L for a copy of the Significant Sand and Gravel Aquifer map for the Subject Property and surrounding areas. Public water is available at the Subject Property and surrounding properties.

**Supporting documentation**

[Appendix L - Sand and Gravel Aquifer.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**

According to the USFWS National Wetlands Inventory (NWI), wetlands are not currently present at the Subject Property. Refer to Appendix M for a copy of the NWI Map depicting the Subject Property and surrounding properties. 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.

**Supporting documentation**

[Appendix M - NWI.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 National Wild and Scenic Rivers System was created to preserve rivers with outstanding natural, cultural, and recreational values. Wild and Scenic Rivers were not identified at or in the vicinity of the Subject Property. The project is in compliance with the Wild and Scenic Rivers Act. Refer to Appendix N for a copy of Maine's Wild and Scenic Rivers System.

**Supporting documentation**

[APPENDIX N - 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

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

**Screen Summary**

**Compliance Determination**

Based on the U.S. Census Bureau American Community Survey for the years 2017 to 2021, the percent populations of zip code 04401 (which includes the Subject Property) are 89.0% white, 2.5% Black or African American, 1.7% Asian, 2.9% Hispanic or Latino, and 1.7% American Indian or Alaska Native. The median household income (in 2021 adjusted dollars) for the area is \$49,652. with 16.1% of all families in the area living below the poverty level. The Proposed Action will improve the quality of cultural and educational opportunities available to the residents of the City of Bangor. The project will not disproportionately increase environmental risks for, or negatively impact the health of children, minority and/or low-income populations.

**Supporting documentation**

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

Yes

No

