



Governor's Office of Storm Recovery

POLICY MANUAL

Bureau of Environmental Review and Assessment (BERA)

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February 2021 Version 3.0

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The policies stated in this manual are current as of February 2021. This manual represents the current version of the Governor's Office of Storm Recovery's policy which shall provide general guidance for the operation of the GOSR program. All policy manuals will be reviewed periodically and will be updated. GOSR will use its best efforts to keep all of its Policy Manuals current. Therefore, you are strongly urged to visit our website www.stormrecovery.ny.gov or to contact the info@stormrecovery.ny.gov to ensure that you have the latest version of GOSR's policies. There may be times, however, when a policy will change before the manual can be revised.

POLICY MANUAL of Environmental Review Assessment (BERA) Version Control

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1.0 Introduction and Purpose

Every project undertaken with Community Development Block Grant -Disaster Recovery (CDBG-DR) funds, and all activities related to that project, are subject to the provisions of the National Environmental Policy Act of 1969 (NEPA), as implemented through the U.S. Department of Housing and Urban Development's (HUD's) environmental review regulations at 24 CFR Part 58. In addition, the Governor's Office of Storm Recovery (GOSR) is subject to the provisions of the New York State Environmental Quality Review Act (SEQRA) (6 NYCRR Part 619). The primary purpose of these laws is to inform governmental decision-making so as to weigh potential adverse impacts to the environment against the purpose and need of the proposed action and where practicable, to take measures to avoid or mitigate any adverse impacts.

Under GOSR, the Bureau of Environmental Review and Assessment (BERA) oversees the Environmental Review process on all activities and projects utilizing CDBG-DR funds to ensure that requirements under NEPA and SEQRA are met. BERA also advises GOSR staff on other applicable State and federal environmental laws, including, but not limited to floodplain requirements, hazardous materials handling, and historic preservation requirements.

1.1 Use of Manual

The purpose of this manual is to provide guidance necessary to prepare the Environmental Review Record (ERR) as required by NEPA and related laws. The ERR serves as a tool to measure the environmental consequences of all CDBG-DR funded projects and activities prior to funding them. This manual contains legal and policy background information, specific requirements, checklists, and references; it attempts to assist GOSR staff in understanding and applying NEPA and SEQRA requirements to specific proposed activities, programs, or projects.

Note: This procedure manual applies following its effective date. For environmental reviews or projects commenced prior to this effective date, this manual serves as a guide, to the extent feasible, to enable standardization of recordkeeping or provide guidance on the sequence of environmental review determinations.

1.2 Mission of BERA

The mission of BERA is threefold:

1. To provide technical assistance to GOSR program staff in assessing environmental impacts of all funded activities;
2. To inform all GOSR program staff of HUD requirements for Environmental Review and conformity with related environmental laws.
3. To create and manage the standalone ERR database for all GOSR projects and programs.

1.3 Organizational Structure of BERA

BERA falls within the Office of the General Counsel. The Bureau is comprised of a Director (a Certifying Officer), a Deputy Director (a Certifying Officer), Planning Staff, an Environmental Records Manager, and a Project Coordinator responsible for vendor relationships. BERA also coordinates with a designated environmental staff member in the Housing Program to control review of the extensive number of housing applicants. Additionally, BERA works directly with environmental contractors.

1.3.1 Responsibility of the Certifying Officer(s)

The Certifying Officers are responsible for all the requirements of [Section 102](#) of NEPA and the related provisions in [40 CFR parts 1500 through 1508](#), and [24 CFR Part 58](#); including the related Federal authorities listed in [Section 58.5](#). The Certifying Officers are authorized to execute the Request for Release of Funds and Certification for actions funded by CDBG-DR to HUD. Certifying Officers can, but do not need to sign, reviews for exempt activities, Tier II reviews, and “Categorically Excluded Not Subject To” Activities. The Certifying Officers are GOSR’s “responsible federal official[s]” under Section 102 of NEPA that represent GOSR as responsible entity and are subject to the jurisdiction of the federal courts. The Certifying Officer also must ensure that GOSR reviews and comments on all EISs prepared for federal projects that may have an impact on a GOSR program.

2.0 Background on NEPA and SEQRA

2.1 National Environmental Policy Act (NEPA)

NEPA articulates the federal policy that favors protecting the quality of the human environment and requires federal agencies to consider the impacts of their proposed activities, programs, and projects on the quality of that environment. The human environment is defined as the natural and physical environment, and the relationship of people to that environment. The purpose of considering impacts (NEPA review) is to help the agency decide whether to undertake a proposed action, considering all reasonable alternatives, including the alternative of taking no action, and if so, where, when and how to undertake it. NEPA review also affords interested agencies and the public the opportunity to learn about and influence an agency's decision-making. Various kinds of specific analyses and documentation are required, but these vary depending on the nature of the proposed action and its expected environmental impacts.

NEPA also requires that, to the fullest extent possible, analyses and consultations required by other environmental laws be coordinated with those required under NEPA, to reduce redundancy, paperwork, time, and cost. The NEPA statute be found at <http://www.epw.senate.gov/nepa69.pdf>; NEPA guidance can be found at <http://www.epa.gov/compliance/basics/nepa.html>.

2.2 State Environmental Quality Review Act (SEQRA)

SEQRA articulates the New York State policy that favors protecting the quality of the human environment and requires State agencies to consider the impacts of their proposed activities, programs, and projects on the quality of that environment. SEQRA establishes a process to systematically consider environmental factors early in the planning stages of actions that are directly undertaken, funded or approved by local, regional, and State agencies. By incorporating environmental review early in the planning stages, projects can be modified as needed to avoid adverse impacts on the environment.

SEQRA is both a procedural and a substantive law. In addition to establishing environmental review procedures, the law mandates that agencies act on the substantive information produced by the environmental review. This often results in project modifications and can lead to project denial if the adverse environmental impacts are overriding and adequate mitigation or alternatives are not available. SEQRA regulations can be found at <http://www.dec.ny.gov/regs/4490.html>; SEQRA guidance can be found at <http://www.dec.ny.gov/permits/357.html>.

2.3 Coordinated Processes of NEPA and SEQRA at GOSR

To the greatest extent possible, BERA coordinates State and federal environmental reviews. This is desirable to reduce duplication and potential conflict between the two levels of required reviews. Specifically, a coordinated SEQRA/NEPA review process may include joint components/procedures to satisfy both State and federal requirements, such as:

- Environmental assessments;
- Scoping and the preparation of Environmental Impact Statements (EISs);
- Conducting public hearings; and/or
- Preparation and publication of public notices.

2.4 GOSR Program Specific Environmental Review Procedures

There is no standard set of environmental review procedures for all programs under GOSR because each program varies in applicant type, scope of program activity, and geography. Therefore, GOSR program, policy, and/or procedure manuals contain an Environmental Review section tailored to the individual programs' scope and objectives. BERA reviews each program's policies and procedures to ensure the manuals comply with 24 CFR 58 and other relevant laws. Further program specific considerations are outlined in Section 8.0 of this document. BERA is also responsible for maintaining GOSR's official standalone database containing Environmental Review Records (ERRs) for all GOSR programs. The standalone ERR shall be used in HUD monitoring visits and shall be consistently updated and maintained by GOSR's environmental records manager.

2.5 Project Specific or Tiered Review

Contingent on the type of activity subject to environmental review, 24 CFR Part 58 allows for either *project specific* or *tiered* reviews. Typically, BERA conducts a project specific review the project site or sites are known. In its discretion, BERA will conduct a tiered review when site-specific analysis or mitigation is not currently feasible, and a narrower or focused analysis is better done at a later date. Tier I project specific reviews identify environmental factors that may affect one or more of potential project sites and develops procedures to review sites once they are identified. In a Project Description meeting (Section 4.1.1), staff consult with BERA to determine whether a tiered review or project specific review is appropriate.

If a tiered review is selected, BERA staff is responsible for overseeing and approving the programmatic Tier I ER document, as well as site specific review following issuance of the Tier I document, referred to as Tier II reviews. Any and all checklists or materials used in Tier II reviews must be reviewed and approved by BERA.

2.6 Adoption of FEMA Environmental Reviews

Under the [Disaster Relief Appropriations Act, 2013 \(P.L. 113-2\)](#), also known and referred to herein as the Hurricane Sandy Supplemental Appropriation (H.R. 152), HUD grantees are *permitted to adopt environmental reviews* performed by other Federal agencies when the HUD grantee is providing supplemental assistance to actions performed under sections 402, 403, 404, 406, 407, or 502 of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#). The Hurricane Sandy Supplemental Appropriation also allows the Secretary to immediately approve funds that are subject to this adoption provision or are Categorically Excluded under the National Environmental Policy Act (NEPA). Adoptions are processed in accordance with Danielle Schopp's March 4, 2013 memorandum titled "Adoption of FEMA and Other Federal Environmental Reviews and Processing Hurricane Sandy Supplemental Appropriation (H.R. 152) Activities." This [Memorandum](#) provides guidance related to these provisions, contains frequently asked questions to explain the use of the adoption provision, discusses the immediate approval provision, and features charts explaining the comment periods applicable to different types of assistance.

3.0 Timing

3.1 Applying NEPA early in the process

Every effort is made to integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, and to avoid delays later in the process.

The Environmental Review Process must be completed before CDBG-DR funds can be accessed for:

1. The development of program activities;
2. The procurement of any goods or services;
3. The purchase of any land or buildings; or,
4. The start of any work on a proposed project which would result in a “choice-limiting action,” even with non-HUD funds.

It is critical that neither a recipient nor any participant in the development process—including public or private nonprofit or for-profit entities, or any of their contractors—may commit HUD assistance on an activity and/or project until HUD has approved the GOSR's RROF and the related certification from the responsible entity. In addition, until the RROF and the related certification have been approved, neither a recipient nor any participant in the development process may commit non-HUD funds on or undertake an activity or project if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives.

3.2 Length of Review depending on level of analysis

NEPA activities can take time and therefore BERA encourages program staff to integrate environmental review considerations early into the planning process. This will enable BERA to estimate the length of review dependent upon the type of proposed activity. For instance, completion of an exemption memo or categorical exclusion not subject to (CatEx(b)) checklist (see Exhibit A) may take only a few hours, but completion of a review for a “categorically excluded subject to” activity (CatEx(a)) or an activity requiring an environmental assessment may take several weeks or months. Preparation of an Environmental Impact Statement (EIS; see Section 6.0) for a complex project may take several years. BERA will consult with program staff on the length of review estimated for proposed activities so that the review time period can be integrated into the project timeline.

4.0 Step-by-Step Guide to Programmatic Environmental Review

The following step by step guide is intended to be illustrative of the environmental review process. While BERA adheres to the steps set forth in this process, steps may be consolidated or bypassed based on project needs. This is intended as a guide, and not a mandatory protocol.

4.1 Step 1: BERA Determines Purpose and Need

The first step BERA takes in determining how much environmental analysis an action needs is to determine the purpose and need for the action. That is, the review begins by clearly specifying what GOSR is trying to accomplish, and why. This is accomplished through developing a succinct Project Description in close consultation with the specific program staff requesting the environmental review. This can be achieved at weekly meetings with program staff, or through project specific consultations with program staff.

4.1.1 Project Description Meeting/Consultations

1. Program staff initiates the environmental review process after developing a detailed description of the nature of activities contemplated by the project or program, including the location of the activities.
2. Program staff schedules a Project Description meeting/consultation with BERA's Certifying Officer(s). Program staff generally initiates this meeting/consultation by sending an email to the Certifying Officer(s) or by inviting GOSR environmental staff to pre-application panel meetings. The Project Description meeting/consultations, may, as needed, discuss similar or identical projects or programs proposed by the program to avoid duplicative meetings on similar projects or programs.
 - a. The purpose of the meeting is to discuss the facts and circumstances of the intended activities that the program plans to engage in to determine the appropriate level of action by BERA. BERA staff provides initial feedback to aid program staff in shaping the project description.
 - b. BERA staff also advises, if feasible, whether to conduct a site specific or programmatic review.
3. Following the project description meeting, the written project description should have a designated point of contact at the specific GOSR program, as well as any consultants involved in preparation of environmental review documents. The Written Project Description utilizes the form annexed in Exhibit A.
4. For Site-Specific Reviews, the written description, at minimum and as applicable, includes the following information:
 - ☐ Full name and address of applicant;
 - ☐ Type and amount of funding;
 - ☐ Name and role of any local, state, or federal agencies involved in the project;

- ☐ Full scope of activities intended for the project, including any activities funded through non-CDBG-DR funding;
 - ☐ The location of the proposed activity;
 - ☐ Names and roles of any contractors working on the project; and,
 - ☐ General Project Schedule.
5. For Tiered or Programmatic Reviews, the written description, at a minimum contains:
- ☐ The names of counties or other political sub-divisions subject to the proposed program;
 - ☐ The name and role of any local, state, or federal agencies involved in the program;
 - ☐ The expected type and amount of funding to be used in the program; and,
 - ☐ The full scope of activities intended for the program, including any components of the program expected to be funded through non-CDBG-DR sources.
6. Following submissions of the Written Project Description, BERA and Program staff confer, as necessary, concerning revisions or additional information needed for the Project Description.
7. Following any additions or revisions, BERA and program staff shall agree on a final Project Description to use for the purposes of the Environmental Review.
8. The Written Project Description is typically iterative and will be revised during the course of the environmental review.

4.2 Step 2: BERA Determine the NEPA/SEQRA Classifications and Notifies Program on Decision

After defining the written project description, BERA then determines the level of environmental review needed for the activity. GOSR programs are subject to different levels of environmental review, depending on the type of proposed activity, purpose, and need. See NEPA and SEQRA classifications below:

NEPA Classifications:

- **Exempt (24 CFR 58.34):** Except for the applicable requirements of Section 58.6, GOSR does not have to comply with the requirements of this part or undertake any environmental review, consultation or other action under NEPA and the other provisions of law. Exempt activities still require written determination from BERA staff prior to the disbursement of any CDBG-DR funds. Exempt activities shall be referred to herein as “Minimal Review Activities.” Typical exempt activities include planning studies or other pre-construction activities. See Exhibit B for more detail on Exempt Activities.

- **CatEx(b) Activities (24 CFR 58.35(b)):** Except for the applicable requirements of Section 58.6, CatEx(b) Activities do not alter any conditions that would require a review or compliance determination under the Federal laws and authorities cited in Section 58.5. When CatEx(b) Activities are undertaken, GOSR does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD except in extraordinary circumstances requiring a NEPA review. Typical examples of CatEx(b) activities include equipment purchase and working capital to small businesses. See Exhibit B for more detail on Categorically Excluded (b) Activities.
- **CatEx (a) Activities (24 CFR 58.35(a)):** CatEx(a) Activities require an analysis, using a checklist (24 CFR 58.5), to ensure that no “extraordinary circumstances” exist that would require a higher level of environmental analysis. The CatEx(a) examines how the laws cited in Section 58.5 apply to the project under review. CatEx(a) reviews also requires an assessment of whether the activities are in compliance with the laws set forth in Section 58.6. Typically, CatEx(a) activities include building or structure rehabilitation and/or replacement in kind not increasing the footprint or capacity of the existing structure. See Exhibit B. for more detail on Categorically Excluded (a) Activities and Checklist.
- **Environmental Assessment (24 CFR 58.36):** If a project is not exempt or categorically excluded under Sections 58.34 and 58.35, BERA must prepare an Environmental Assessment. If the EA determines that the project will not result in any impacts, BERA publishes a Finding of No Significant Impact (“FONSI). If it is evident without preparing an EA that an EIS is required under Sec. 58.37, BERA proceeds directly to an EIS. Typical examples of EAs include funding for affordable housing projects and small infrastructure projects. See Section 5.0 and Exhibit B for more detail on the Environmental Review Process.
- **Environmental Impact Statement (24 CFR 58.37):** An Environmental Impact Statement (EIS) analyzes the environmental impacts of a proposed action and its alternatives and displays them in a report for consideration in deciding which alternative (if any) to implement. The EIS also reveals the impacts to the public before the decision is made and provides an opportunity for the public to understand the impacts and influence the decision. An EIS is usually a more complex and lengthier document than an EA. An EIS is typically warranted for the construction of new infrastructure projects. See Section 6.0 and Exhibit B for more detail on preparing an EIS.

NOTE: As of July 2019, for purposes of complying with 24 C.F.R. 55 regarding *Procedures for Making Determinations on Floodplain Management and Protection of Wetlands*, the full 8-step process provided in § 55.20 must be implemented for all projects involving infrastructure other than buildings (i.e., green infrastructure, wetland/streambank restorations, drainage and culvert systems, etc.). The abbreviated

5-step process provided by § 55.12 (a) may only be utilized when project activities affect a structure defined by having at least two walls and a roof. If activities are proposed to occur outside a structure, an 8-step process must be implemented.

SEORA Classifications:

- **Type I (6 NYCRR 617.4):** A Type I action means an action or class of actions that is more likely to have a significant adverse impact on the environment than other actions or classes of actions. Type I actions are listed in the statewide SEQRA regulations (at 6 NYCRR 617.4), or listed in any involved agency's SEQRA procedures. The Type I list in 617.4 contains numeric thresholds; any actions that will equal or exceed one or more of the thresholds would be classified as Type I. Unlisted actions may become Type I actions if they are undertaken in, or adjacent to, particular locations specified on the statewide Type I list such as sites on, or eligible for listing on, the NYS or National Registers of Historic Places; publicly owned or operated parkland, recreation area or designated open space; or National Natural Landmarks. In addition, any non-agricultural use that exceeds 25 percent of any Type I threshold in 617.4 also becomes a Type I action.
- **Type II (6 NYCRR 617.5):** Type II actions are those actions which by operation of law do not have significant adverse impacts on the environment. Type II actions are listed at 6 NYCRR 617.5 and do not require preparation of an EAF, a negative or positive declaration, or an EIS. Any action or class of actions listed as Type II in 617.5 requires no further processing under SEQR. There is no documentation requirement for these actions, although it is recommended that a note be added to the project file indicating that the project was considered under SEQR and met the requirements for a Type II action. The agency classifying the action must make sure that all aspects of the whole action are included when determining that an action is Type II. Additionally, the applicant or agency working with the action must keep in mind that, although an action is classified as Type II under SEQR, it must still comply with all relevant local laws and ordinances and meet all the criteria or standards for approvals.
- **Unlisted:** An Unlisted action is one that is not included in statewide or individual agency list of Type I or Type II actions.
- **Environmental Impact Statement (24 CFR 58.37):** An Environmental Impact Statement (EIS) analyzes the environmental impacts of a proposed action and its alternatives and displays them in a report for consideration in deciding which alternative (if any) to implement. The EIS also reveals the impacts to the public before the decision is made and provides an opportunity for the public to understand the impacts and influence the decision. An EIS is usually a more complex and lengthier document than an EA. An EIS is typically warranted for construction of new infrastructure projects. See Section 6.0 and Exhibit B for more detail on preparing an EIS.

4.3 Step 3: BERA Fills Out Statutory Checklist According to Requirements Set Forth in 24 CFR 58.6

In addition to complying with NEPA requirements, GOSR must also comply with other Federal requirements cited at 24 CFR 58.6. Compliance outcomes must be documented and included as part of the ERR for each project subject to these requirements.

All programs or projects must demonstrate compliance with related laws and regulations cited in 24 CFR 58.6, which include the Flood Disaster Protection Act of 1973, the Coastal Barrier Resources Act, and Runway Clear Zones (Notification). A copy of this statutory checklist is attached to this document in Exhibit A.

Note: This is required for all classifications of actions, including Minimal Review Activities.

The statutory checklist serves as a gatekeeper for activities that are limited or, in some cases, categorically barred for federal funding. Many GOSR programs or projects are not affected by the limitations or categorical funding exclusions expressed in the statutory checklist. However, programs providing funding in floodplains, floodways, or in certain coastal barrier resource areas may be restricted by the laws set forth in this checklist.

4.3.1 BERA Responsibilities in complying with 24 CFR 58.6

- Based on the Final Project Description, BERA is responsible for determining the applicability and/or compliance with the statutory checklist.
- If one or more of the regulations of 24 CFR 58.6 is found to be applicable to the program or project, BERA shall describe in writing which of the statutory checklist items apply to the project or program, and the effect that applicability has on the project or program. BERA notifies program staff as expeditiously as possible, that the applicability of the statutory checklist may severely limit or prohibit the activities described in the Final Project Description.

4.4 Step 4: BERA Oversees Environmental Consultants in Conducting Review According to 24 CFR 58.5

Programs or projects classified as CatEx (a), requiring an EA or an EIS must demonstrate compliance with related laws and regulations cited in 24 CFR 58.5, which include:

- ☐ Historic Properties
- ☐ Floodplain Management
- ☐ Wetlands Protection
- ☐ Coastal Zone Management
- ☐ Sole-Source Aquifers
- ☐ Endangered Species
- ☐ Wild and Scenic Rivers
- ☐ Air Quality

- ☐ Farmlands Protection
- ☐ Noise
- ☐ Thermal/Explosive Hazards
- ☐ Runway Clear Zones (development)
- ☐ Hazardous Materials and HUD Environmental Standards
- ☐ Environmental Justice
- ☐ Lead-Based Paint and Asbestos-Containing Materials

This review usually requires involvement of an environmental consulting firm and may require consultation with several State and/or federal agencies to determine the applicability of various laws to individual projects or programs. For instance, historic review generally requires consultation with the NYS Historic Preservation Officer, or “SHPO.”

BERA oversees environmental consultants in conducting reviews according to the laws set forth in 24 CFR 58.5.

- For **project specific reviews**, BERA oversees the analysis of the applicability and, as necessary, procedures to comply with the laws set forth in 24 CFR 58.5 and documents necessary to demonstrate compliance, which is placed in the ERR.
- For **tiered reviews**, BERA oversees the preparation of the Tier I document analyzing the applicability or potential applicability of the laws set forth in 24 CFR 58.5. If specific laws are deemed applicable or potentially applicable, BERA describes the Tier II procedures to review specific sites for compliance with any applicable requirements. If a particular criterion is inapplicable (i.e. there are no coastal zones in the program area), the Tier I document states “no Tier II review required” and describes why the criteria is inapplicable on the Statutory Checklist. If a particular criterion is applicable (i.e. there are coastal zones in the program area) the Tier I document states “Tier II review required” and describe review instructions on the Statutory Checklist.

4.5 Step 5: When applicable, BERA Supervises Preparation of the Environmental Assessment Checklist and the Environmental Assessment Narrative Sections

Programs or projects classified as requiring an EA pursuant to 24 CFR 58.36 must complete the EA Checklist as well as the Statutory Checklist because of their potential for significant impact to the environment. See Section 5.0 for more details on completing an Environmental Assessment.

If environmental impacts are likely, the project or program can forego preparation of the EA and proceed directly to preparation of an environmental impact section. See Section 6.0 for more details on preparing an EIS.

4.6 BERA Reviews or Prepares Environmental Assessment Form under SEQRA

A Full Environmental Assessment Form (FEAF) must be submitted to or prepared by the lead agency for all Type I actions. The lead agency must always coordinate the SEQRA review process with other involved agencies for all Type I Actions. A Type I Negative Declaration or Positive Declaration must be filed with the chief executive officer of the political subdivision where the action is located, the lead agency, all involved agencies and persons or parties who have requested a copy; it must also be published in the Environmental Notice Bulletin (ENB). Notice of a negative declaration must be incorporated once into any other subsequent notice required by law. This requirement can be satisfied by indicating the SEQR classification of the action and the agency's determination of significance.

A short Environmental Assessment Form (EAF) may be used as the basis for a determination of significance for Unlisted actions. Coordinated review is not required for an Unlisted action. Unlisted negative declarations are not required to be published or noticed

Type II actions are listed at 6 NYCRR 617.5 and do not require preparation of an EAF, a negative or positive declaration, or an EIS. Any action or class of actions listed as Type II under 6 NYCRR 617.5 requires no further processing under SEQRA. There is no documentation requirement for these actions, although BERA typically prepares Type II memorandum to be placed into the ERR when appropriate. BERA must ensure that all aspects of the action are included when determining that an action is Type II. Additionally, although an action is classified as Type II under SEQRA, it must still comply with NEPA, federal and state permitting requirements, all relevant local laws and ordinances and meet all the criteria or standards for approval.

Negative and Positive Declarations, as well as EIS notices and findings, must be reported to the Housing Trust Fund Corporation or Housing Finance Agency Board of Directors upon execution.

4.7 BERA Makes a Requisite Environmental Finding

Following completion of the applicable level of environmental review, GOSR complies with the procedural requirements for issuing the environmental determinations.

For activities that require minimal review (i.e., exempt activities) BERA staff provides program staff with a signed written environmental clearance demonstrating compliance with Section 58.6. The document also provides a detailed description of the nature of the activities in order to document that they fall within Section 58.34. Exemptions can be signed by the Certifying Officer(s), the Planner(s), or the Environmental Records

Manager. The Environmental Records Manager then places the determination in the standalone environmental ERR.

For CatEx(b) activities, BERA staff provides program staff with a signed document demonstrating compliance with Section 58.6. If the project implicates one of the provisions set forth in Section 58.6, BERA notifies the program that the activities cannot be cleared or must be modified. The document also provides a detailed description of the nature of the activities in order to document that they fall within Section 58.35(b). CatEx(b) determinations can be signed by the Certifying Officer(s), the Planner(s), or the Environmental Records Manager. For CatEx(b) activities, GOSR does not have to publish a NOI/RROF or execute a Certification or submit a RROF to HUD. For flow chart on the Environmental Review Process see Exhibit C.

For CatEx(a) activities, BERA staff provides program staff with a signed document demonstrating compliance with Sections 58.5 and 58.6. If the project implicates one of the provisions set forth in Sections 58.5 or 58.6, BERA notifies the program that the activities cannot be cleared or must be modified. The document also provides a detailed description of the nature of the activities in order to document that they fall within Section 58.35(a). CatEx(a) determinations must be signed by the Certifying Officer(s). For CatEx(a) activities, must publish a NOI/RROF and submit a RROF and Certification to HUD. For flow chart on the Environmental Review Process see Exhibit C.

5.0 Environmental Review Process: Environmental Assessments

5.1 Preparing the Environmental Assessment

If an EA is required, BERA prepares the EA using the HUD recommended format. BERA also will make best efforts to share draft EAs with HUD's Regional Environmental Office or other agencies with jurisdiction based on specific project issues and concerns. BERA will make best efforts to circulate draft EAs to these stakeholders prior to the publication of the FONSI. In preparing an EA for a particular project, BERA does the following:

- a. In close consultation with program staff, drafts a detailed project description and provides a statement of the project's purpose and need.
- b. Determines existing conditions and describe the character, features and resources of the project area and its surroundings; identifies the trends that are likely to continue in the absence of the project.
- c. Identifies all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project.
- d. Identifies, analyzes and evaluates all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities cited in Sec. 58.5 and Sec. 58.6.
- e. Examines and recommends feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts.
- f. Examines alternatives to the project itself, if appropriate, including the alternative of no action.
- g. Completes all environmental review requirements necessary for the project's compliance with applicable authorities cited in Section 58.5 and 58.6.

Based on steps set forth in paragraph (a) through (g) of this section, BERA makes one of the following findings:

1. A Finding of No Significant Impact (FONSI), in which BERA determines that the project is not an action that will result in a significant impact on the quality of the human environment. The responsible entity may then proceed to Sec. 58.43, which specifies applicable public notice and comment requirements.
2. A finding of significant impact, in which the project is deemed to be an action which may significantly affect the quality of the human environment. The responsible entity must then proceed with its environmental impact statement.

5.2 Dissemination and/or publication of the FONSI

If BERA makes a Finding of No Significant Impact, it must prepare a FONSI notice, using the current HUD-recommended format or an equivalent format. This notice must be distributed via publication/posting and mailing. At a minimum, BERA must send the FONSI notice to individuals and groups known to be interested in the activities, to the local news media, to the appropriate tribal, local, State and Federal agencies, to the Regional Offices of the Environmental Protection Agency having jurisdiction and to the HUD Field Office. BERA must also publish the FONSI notice in a newspaper of general circulation in the affected community. If the notice is not published, it must also be prominently displayed in public buildings, such as the local Post Office and within the project area or in accordance with procedures established as part of the citizen participation process. To evidence the dissemination of the FONSI or FONSI/NOI/RROF, BERA typically collects affidavits of publication and mailing.

BERA will likely disseminate or publish a FONSI notice at the same time it disseminates or publishes the NOI/RROF required by 24 CFR 58.70. If the notices are released as a combined notice, the combined notice shall:

1. Clearly indicate that it is intended to meet two separate procedural requirements; and,
2. Advise the public to specify in their comments which “notice” their comments address.

BERA must consider the comments and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF. Modifications resulting from public comment, if appropriate, must be made before proceeding with the expenditure of funds.

5.3 Public Comment

Required notices must afford the public the following minimum comment periods, counted in accordance with Sec. 58.21:

- a. **Notice of Finding of No Significant Impact (FONSI):** 15 days when published or, if no publication, 18 days when mailing and posting
- b. **Notice of Intent to Request Release of Funds (NOI-RROF):** 7 days when published or, if no publication, 10 days when mailing and posting
- c. **Concurrent or combined notices:** 15 days when published or, if no publication, 18 days when mailing and posting.

5.4 Time Delays for Exceptional Circumstances

BERA must make the FONSI available for public comments for 30 days before the recipient files the RROF when:

- a. There is a considerable interest or controversy concerning the project;
- b. The proposed project is similar to other projects that normally require the preparation of an EIS; or
- c. The project is unique and without precedent lays for exceptional circumstances.

6.1 Environmental Review Process: Preparing an Environmental Impact Statement (EIS)

The procedures for preparing an EIS are set forth in 24 CFR Subpart G. For projects requiring an EIS, BERA shall follow the substantive and procedural obligations set forth in that section and shall abide by the following principals:

- When preparing an EIS, BERA shall ensure that the document meets the substantive and procedural requirements of both NEPA and SEQRA so that the reviews can be conducted concurrently;
- BERA shall engage in early consultation with federal and state agencies to inform the scope of the EIS, particularly in technical or specialized areas within the expertise of the respective resource agencies. For infrastructure projects, BERA will utilize the Sandy Regional Infrastructure Resiliency Coordination committees and technical teams to facilitate this early consultation; and,
- BERA shall consider using the public scoping and other avenues of public input to enhance the EIS.

7.1 Additional Considerations for Step by Step Process for Tiered Review

In most cases HUD Disaster Recovery funded activities begin with a clearly defined scope of work in a very specific location. For these activities, the environmental review consists of a straight forward and focused evaluation of conditions at the project site. Certain programs, however, such as the GOSR Homeowner Program, can involve the execution of activities at scattered sites within a targeted geographic area. Often, Disaster Recovery grantees cannot immediately identify specific project sites at the beginning of a grant period. A tiered environmental review (**24 CFR 58.15**) allows GOSR to streamline the environmental review process for these programs that include repetitive activities at scattered locations around the state of New York.

Tiering as defined in (24 CFR §58.15) is a means to environmentally assess a project in the early stages of development or when site-specific analysis is not currently feasible, resulting in a more focused evaluation once additional information and/or sites are known. Tiering is commonly used for demolition only projects in which some structures proposed for demolition may be known at the time of the Tier I Review with additional structures being considered later in the project. A tiered environmental review consists of two distinct steps:

- A **programmatic Tier I** review and
- A **site-specific Tier II** review

7.1 Tier I Considerations

The Tier I environmental review involves a broad analysis of relevant, general environmental conditions in a program target area. The Tier I review also provides structure for the Tier II review by establishing procedures for site-specific environmental compliance. The Tier II review focuses on site-specific environmental conditions that cannot be adequately evaluated at the Tier I level.

The Tier I Review is completed to obtain environmental approval for the project as a whole, with the understanding that additional activities and/or sites will be added later in the project. The Tier I establishes a plan for the site-specific or subsequent reviews and addresses impacts that may occur on a typical site. The Tier II also provides a geographic designation of the area or region of potential Tier II sites. For large-scale county-wide or multi-county projects, the Tier I may designate specific priority areas within the counties and explain why they are areas of interest. Additionally, the Tier I addresses all laws and authorities for known sites and activities via the *Environmental Assessment* or *Statutory Checklist*, whichever is applicable to the level of review required, and is used to publish the applicable public notice(s) (NOI or Combined Notice and floodplain notices, if applicable). Public notices must clearly state the utilization of a tiered review approach.

For each compliance area in the Statutory and Environmental Assessment Checklists in a Tier I environmental review, grantees must provide either:

- A description of general conditions in the target area and a procedure for site-specific compliance; or
- A narrative explanation that describes why a compliance area is not relevant to the eligible activities included in the program design.

To determine the relevance of the various compliance areas, BERA considers the scope of eligible activities and their potential relationship with different environmental conditions. No further coordination is required for a compliance area if a program's eligible activities have no potential to affect it. For example, programs restricted exclusively to structural rehabilitation is not likely to affect Endangered Species or Wild and Scenic Rivers.

The size of the target area will often determine the level of detail possible in a Tier I review. For example, it is appropriate and worthwhile to include floodplain maps for a neighborhood or city target area; whereas this type of information is not particularly useful in a county-wide analysis. If sufficient detail is not attainable in the Tier I review, the Tier I simply describes a process for Tier II compliance. The description should include a summary of any applicable technical research, and a procedure for coordination with regulatory agencies.

Following completion of the public comment period, BERA submits the RROF to HUD on the basis of the Tier I programmatic review. If acceptable, HUD then issues an ATUGF for the entire program, and thus individual RROFs are not needed for each site-specific Tier II review.

7.2 Tier II: Site-Specific Environmental Review

When specific sites are selected for the program (e.g., a specific eligible home in the Housing program) the Tier II review is conducted.

Using the Site-Specific Tier II form, BERA completes a review specific to each additional site identified through the course of the project. As long as Tier II Reviews address sites and activities established in the Tier I Review, and there are no significant and/or unanticipated impacts at each tiered site, then public notices and the RROF and Certification process are not required, and site-specific activities may commence. An example of the current Tier II checklist for the Housing and Buyout/Acquisition programs is annexed as Appendix A.

The Tier II review will specify closeout items needed for each individual applicant. For instance, if an applicant was required to elevate, the applicant cannot be closed out of the program until the applicant submits an elevation certificate specifying that the elevation meets the one foot above base flood elevation standard. Closeout documentation is also required to satisfy other environmental requirements, such as lead paint and asbestos regulations, and flood insurance requirements. BERA's protocol for collecting and

7.2.1 Tier II Closeout for the Housing Program

The largest programmatic Tier I/Tier II review conducted by BERA is for the single-family housing program. GOSR conducted over 10,000 Tier II site specific reviews for specific homes enrolled in the program. Before homeowners can be closed out of the program (i.e., receive final payment), GOSR environmental staff must review the Tier II closeout items. If the closeout items are properly submitted, GOSR completes the environmental closeout checklist and submits it to program. If documents are missing, BERA notified program that the file is not ready for closeout until certain environmental issues are addressed. All documents necessary for closeout are incorporated into the standalone ERR for each individual home. A copy of the Tier II closeout form is annexed in Exhibit A. For applicants falling within the "Reimbursement Only" category, a similar process is followed, except that all documents must be submitted to BERA before the Tier II can be signed. If documentation is not submitted, the home remains on the "Waiting for Documents" list.

BERA will develop similar closeout processes for each of its environmental reviews where a closeout is required, including the collection of all permits needed for

construction projects. If work consists of reimbursement, all permitting documents must be submitted before the review can be signed.

7.2.2 Tier II Re-Review

GOSR has created an optional elevation program to increase resiliency within the 100-year floodplain. Thus, eligible applicants who have homes within the 100-year floodplain may request funding for home elevation even if the applicant was not substantially damaged or did not substantially improve their home. The elevation project may be applied for and approved after the signing of the revised Tier II.

GOSR therefore has initiated a rigorous Tier II re-review policy to ensure that conditions set forth in the Tier II are adhered to as part of the home elevation project, or, if necessary, are modified. This Tier II re-review focuses on four central review categories in the Tier II that are potentially implicated by the elevation project: historic review under Section 106 of the National Historic Preservation Act; assessment for hazards posed by lead based paint; assessment for hazards posed by asbestos containing materials; and impacts on wetland buffer areas. Until any and all issues in these four categories are resolved to the satisfaction of BERA, the homeowner will not receive construction funding to proceed with the elevation. BERA has established a checklist to conduct this assessment, and internal controls in the IntelliGrants system to serve as a control mechanism. A copy of the Tier II Re-Review checklist is annexed as Exhibit A.

8.0 Program Specific Considerations

8.1 Buyout and Acquisition Program

8.1.1 Program Overview

The NY Rising Buyout Program

The GOSR facilitates the identification and purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas defined as “enhanced buyout areas.” These areas are at highest risk in the floodplains determined to be among the most susceptible to future disasters, therefore presenting a greater risk to people and property. The State will conduct purchases inside of the enhanced buyout areas as “buyouts”, as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s). In accordance with the Notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones or other non-residential/commercial uses and may also include acquisition of vacant or undeveloped land in these targeted areas.

The NY Rising Acquisition Program

The GOSR conducts purchases outside of the enhanced buyout areas as “acquisitions”, as defined by HUD, whereby purchase offers must begin with the post-storm fair market value of the property. In these instances, however, the State proposes to supplement this post-storm FMV with an added homeowner resettlement incentive equal to a maximum of the difference between the post-storm and pre-storm values of the property. Properties purchased as “acquisitions” are eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase uses of acquired properties are determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties remain undeveloped and are transformed into parks or other non-residential uses, while in most cases they are redeveloped in a resilient manner.

8.1.2 Environmental Review Process

The following section provides a brief overview concerning the framework of environmental review for the BOA program, and the coordination between BERA and program staff.

General Review Framework: The environmental review for the BOA program was conducted as a Tier I Programmatic, with Tier II site specific reviews for individual BOA sites. The Tier II reviews are conducted prior to purchasing the BOA site. Program has been advised that no site can be purchased until the completion of environmental review.

Coordination with Program Staff: BERA staff meets with program staff at a minimum of once each week to discuss the environmental review for the program. BERA also consults with program staff as necessary.

Tier II Compliance: BERA staff advises program staff on Tier II requirements, particularly concerning the demolition of purchased homes. BERA advises program staff and program contractors on requirements such as historic review, asbestos surveys/abatement, and wetland/storm water permitting requirements. BERA will collect compliance documentation from program and include it with the standalone ECR.

8.2 Community Reconstruction Program

8.2.1 Program Overview

The NY Rising Community Reconstruction Program (NYRCR) is a planning and implementation process established to provide rebuilding and resiliency assistance to communities severely damaged by Hurricane Irene, Tropical Storm Lee, Superstorm Sandy, and the summer floods of 2013.

The NYRCR Program is a combination of bottom-up community participation and State provided technical expertise to 45 communities. This approach recognizes community members as being best positioned to assess the needs and opportunities of the places where they live and work and provides them with informed rigorous analysis and the latest innovative solutions so they can make knowledgeable decisions. The goal is to empower the State's most impacted communities with the technical expertise needed to develop thorough and implementable reconstruction plans to build physically, socially, and economically resilient and sustainable communities so as to rebuild New York's communities in a way that mitigates against future risks and builds increased resilience. An overview of each program in more detail can be found in the Community Reconstruction Manual.

8.2.2 Environmental Review Process

General Review Framework: CR projects vary in type and geography and thus are subject to individualized, project specific reviews. In general, the review for the project will be conducted by BERA, with GOSR as the responsible entity. On occasion, BERA may, in specific circumstances (e.g., large projects only partly funded by CDBG-DR). BERA may request or allow the subrecipient to perform the environmental review. In such circumstances, BERA will work closely with the entity performing the review. The subrecipient agreement mandates that no choice limiting action (including acquisition or construction activities) can be taken until the completion of environmental review.

Coordination with Program Staff: BERA meets with Program staff, at minimum, on a weekly basis, to discuss ongoing or upcoming reviews. BERA staff closely consults with program staff on the level of project design needed to perform the environmental review.

Ongoing Compliance: The subrecipient agreement requires that the subrecipient retain an environmental monitor for construction projects. This monitor shall document compliance with any conditions of the environmental review and provide reports to BERA, which shall review them and if sufficient, place them in the ERR. If the compliance documents are not sufficient, BERA will direct program to require the subrecipient to take any necessary corrective action to resolve the deficiency.

8.3 Housing Recovery Program

8.3.1 Housing Recovery Program Overview

New York State has created a number of individual programs under the NY Rising Housing Recovery Programs. These programs will provide assistance for repairing damaged property, reconstructing damaged homes, mitigating damaged properties for future resilience, reimbursing Applicants who have already begun repairing their homes, and special provisions for two-unit owner-occupied homes. An overview of each program can be found in the Housing Recovery Program Policy Manual. Many Applicants will participate in more than one of these activities.

8.3.2 Environmental Review Process

General Review Framework for Single Family, Rental Properties, 5+ Residential Properties, and Bulkhead Program: The environmental review for the Housing Recovery programs were conducted as a Tier I Programmatic reviews, with Tier II site specific reviews for individual sites. The Tier II reviews are conducted prior to awarding funding to program applicants. The single-family housing program also provides funding for optional elevation for eligible applicants located within the 100-year flood plain. As described in Section 7.2.2 above, BERA re-reviews the Tier IIs for applicants prior to the award of construction funding to evaluate compliance with Section 106 historic review, asbestos and lead abatement requirements, and wetlands permitting requirements.

With one exception, all housing programs have issued written directive instructing applicants to refrain from construction work pending completion of environmental review. With respect to the single-family housing program, GOSR, based on exigent facts and circumstances, exercised its discretion as Grantee and Responsible Entity took other “appropriate action” as documented in the letter to HUD annexed in Exhibit A.

Coordination with Program Staff: BERA meets with program staff a minimum of four days per week. The Housing Program also has a position for a designated staff member specifically dedicated to environmental review and compliance issues.

Ongoing Compliance: As discussed in Section 7.2.1 above, BERA collects all documentation regarding Tier II compliance before homeowners are closed out of the program. BERA has developed a procedure with the Housing Program to ensure that Tier II compliance is integrated into the closeout process. Additionally, as explained in

Section 7.2.2, BERA re-reviews Tier IIs prior to homeowners receiving construction funding for optional elevation. Any necessary compliance actions must then be addressed before or as part of the elevation project.

If any deficiencies are identified in environmental review documentation for the Housing Program, BERA staff initiate corrective actions, including additional consultation and if necessary additional mitigation, to resolve such deficiencies. Documentation of corrective actions will be set forth in the ERR.

General Review for CDBG-DR Standalone Affordable Housing Projects: In addition to the repair and rehabilitation programs, BERA also oversees environmental review for CDBG-DR funded new affordable housing projects. These reviews are conducted as standalone, project specific reviews. As these projects may also receive other HUD funding, BERA makes best efforts to coordinate its reviews with HUD reviews applicable to other funding mechanisms.

Coordination with Program Staff: See above. Coordination on these ongoing reviews will be conducted during the weekly scheduled meetings with Housing Program.

Ongoing Compliance: BERA will require grant recipients to provide all permits and other documentation of compliance with conditions set forth in the environmental review. This information will be required prior to project closeout. BERA will also coordinate with GOSR monitoring and compliance to conduct onsite environmental monitoring of specific projects, particularly if the projects must address complex environmental issues., such as endangered species, wetland permitting, or historic mitigation.

8.4 Small Business Recovery Program

8.4.1 Overview of the Small Business Recovery Program

NY Rising Small Business Recovery Program has two types of assistance: small business grants and small business loans. Both assistance programs can be used for the repair or replacement of needed equipment, replacement of lost inventory, renovation of facilities that were damaged or destroyed, and mitigation of damaged properties for future resilience. Working capital requests are limited to grant assistance only. For more information please read the Small Business Recovery Program Policy Manual.

8.4.2 Environmental Review Process

General Review Framework: Each small business project is subject to an individual environmental review. Generally, program activities either qualify as CatEx(b) (equipment purchase and working capital grants) or CatEx(a). For projects that do not meet these categories, BERA performs EAs for individual projects. The small business program has directed its applicants to refrain from choice limiting actions pending clearance of environmental review.

Many applicants have applied for funding for both CatEx(b) activities and construction activities (requiring either an EA or CatEx(a)). The Program is permitted to “split” CatEx(b) activities and construction activities for environmental review purposes. Thus, businesses may have two environmental clearance (one for CatEx(b) activities and one for construction activities) within the ERR.

Coordination with Program Staff: Generally, BERA meets a minimum of two days per week with program staff. BERA also regularly advised Program staff on project information needed to conduct the environmental review. BERA also offers technical assistance on permitting requirements.

Ongoing Compliance: For reimbursement awards, BERA requires that any necessary permitting documents be included in the environmental review prior to issuance of the awards. For future work, BERA works closely with program staff to advise applicants of the permitting requirements, which are a condition of receiving funding assistance.

8.5 Infrastructure

8.5.1 Non-Federal Share Match Program

Federal programs require that States and localities pay a portion of the grant award as a condition of receiving funds. Following a disaster, the size of the matching funds can exceed a locality’s available budget for this activity. In most cases, federal funds cannot be used to provide a source of local matching funds. However, the U.S. Congress has allowed U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) funds to be used as a local community’s share of the required non-federal match.

The Non-Federal Match Payment Program provides the non-federal share to public entities (applicants) that have received disaster recovery funds from various federal agencies to address impacts from Hurricane Irene (4020), Tropical Storm Lee (4031), or Superstorm Sandy (4085) to repair, rebuild, replace and/or mitigate damage sustained from these events.

The program assists public entities with match obligations primarily from three federal agencies: Federal Emergency Management Agency (FEMA), Department of Transportation (DOT) and Environmental Protection Agency (EPA). The State may add additional federal disaster recovery programs to this list.

8.5.2 Environmental Review Process

General Review Framework: Standalone CDBG-DR Infrastructure Projects (including “Rebuild by Design”): For standalone infrastructure projects (projects predominantly or fully funded through CDBG-DR and/or projects where GOSR is serving as the project lead), BERA conducts standalone environmental reviews for each project. BERA conducts a preliminary review of infrastructure projects and, in its discretion, may

determine to proceed directly to performing an EIS. BERA will closely engage with local, state, and federal agencies early in the review process to identify permit and consultation needs. BERA will utilize the Sandy Regional Infrastructure Resilience process to facilitate consultation with key governmental stakeholders.

FEMA Match Program: Public Law 113-2 permits BERA to adopt environmental reviews prepared by other agencies concerning projects funded under specific provisions of the Stafford Act. BERA utilizes this provision when providing match payments for the FEMA Public Assistance Program or the FEMA Hazard Mitigation Program. BERA makes best efforts to coordinate with FEMA prior to its completion of the environmental review to ensure that all CDBG-DR funded components are captured within the scope of the FEMA review. Under certain circumstances, BERA may take the lead for Hazard Mitigation Program reviews and, in such instances, while make best efforts to coordinate the environmental reviews with FEMA.

BERA ensures that subrecipients and/or vendors for infrastructure projects do not start work until the completion of environmental review. This is extensively communicated to subrecipients by the program's grant consultants.

Coordination with Program Staff: BERA meetings with the Infrastructure Program at least once per week, with separate meetings concerning the Rebuild by Design projects.

Ongoing Environmental Compliance: Infrastructure projects may require extensive federal and state permitting. BERA will require all subrecipients to properly obtain all necessary permits prior to commencing work. GOSR shall collect documentation of permitting and permit compliance and include this information in the standalone ERR. Should GOSR directly undertake any infrastructure projects, BERA will ensure that such projects obtain proper permits and that an environmental monitor is retained to evaluate permit compliance during construction activities.

9.0 BERA Re-Evaluation of Environmental Assessments and Other Environmental Findings

The recipient or GOSR program may make changes to the activities in a project, change the project area, or receive additional funds for a project activity that has previously received environmental clearance (**Release of Funds**). Changes to a project may require BERA to conduct a re-evaluation of the completed EA or EIS. The purpose of a re-evaluation is to determine if the findings in the original EA remain valid or if a new EA or EIS need to be conducted. Memorandums documenting Re-Evaluations shall be retained in the ERR.

9.1 Conditions requiring re-evaluation of environmental findings

BERA must re-evaluate its environmental findings using form “GOSR Checklist for Re-Evaluating Environmental Findings” to determine if the original findings are still valid, when:

1. The recipient proposes substantial changes in the nature, magnitude or extent of the project, including adding new activities not anticipated in the original scope of the project;
2. There are new circumstances and environmental conditions which may affect the project or have a bearing on its impact, such as concealed or unexpected conditions discovered during the implementation of the project or activity which is proposed to be continued; or
3. The recipient proposes the selection of an alternative not in the original finding.

If the original findings are still valid but the data or conditions upon which they were based have changed, the responsible entity must affirm the original findings and update its ERR by including this re-evaluation and its determination based on its findings. Under these circumstances, if a FONSI notice has already been published, no further publication of a FONSI notice is required.

If the responsible entity determines that the original findings are no longer valid, it must prepare an EA or an EIS if its evaluation indicates potentially significant impacts.

10.0 Vendor Procedure

In general, BERA utilizes pools of pre-qualified vendors to perform environmental services. BERA assigns work to these pre-qualified members by (1) direct negotiation on a particular scope of work with one or more pre-qualified vendor or, (2) use of a mini-bid process amongst the pre-qualified pool of qualified vendors. BERA consults with the GOSR Procurement and GOSR Vendor Management departments to ensure its practices conforms to current GOSR policies and procedures. BERA's assignment of contractors to specific tasks must be vetted through the GOSR task order procedures before the contractor can begin work on a particular task order.

BERA maintains a full record of its direct assignment and mini-bid assignments. This record is updated and maintained by the BERA Project Coordinator.

10.1 Direct Assignment and Mini-Bid Assignment Protocol

When a new task or new scope of work is identified, the Director and the Deputy Director consult on whether or not to enter into a direct negotiation with a pre-qualified vendor, or to mini-bid amongst a pool of pre-qualified vendors. A number of factors are considered in awarding task orders:

1. Technical difficulty of the scope of work;
2. Familiarity and experience the firm has with a similar project or scope of work;
3. Ability to establish cost reasonableness based on prior mini-bids;
4. Assessment of cost reasonableness based on a comparison of similar projects located in a particular geographic region;
5. Ability to utilize Minority- or Women- Owned Business Enterprises (M/WBE) firms; and,
6. Any other factors relevant to establishing cost reasonableness and technical proficiency for performing a particular task.

BERA documents all factors considered in establishing suitability and cost reasonableness in the Task Order/Word Order Memo, described below. If direct assignment does not result in a cost reasonable budget BERA will utilize the mini-bid assignment process.

To assign task orders by mini-bid, BERA issues a mini-bid proposal to a pre-qualified pool of vendors. The mini-bid must be within the scope of services offered by the pre-qualified vendor. BERA confers with GOSR Procurement when issuing its mini-bids and makes available any and all responses to GOSR Procurement, GOSR Vendor Management, and GOSR Monitoring and Compliance, as necessary. At the same time, the vendors have 7-10 business days (dates are specified on the mini bid) to either respond with a proposal or to submit any questions needed for further clarification. In response to the questions, the Director and/or the Deputy Director will issue both the

questions and answers to ALL vendors or convene a conference call with all vendors to ensure a fair and balanced process. This will also take place within the designated time frame with the expectations all submissions are due by the last specified date.

Within the Task Order/Work Order Memo, BERA will provide justification on its award of a mini-bid to a particular firm or firm(s). BERA will retain a copy of all mini-bids and mini-bid responses in its files. BERA also has discretion to conduct further negotiation with particular pre-qualified vendors following the mini-bids to achieve cost reasonableness for a particular scope of work.

10.2 Task Order/Work Order Memo

After a vendor has been tentatively assigned through the direct assignment or mini-bid assignment process, an internal Task Order/Work Order Memo (“Memo”) and associated Task Order must be prepared and circulated for approval. This section shall provide the protocol for BERA’s implementation of this process. Both the GOSR Task Order /Work Order Memo and Task Order templates can be found on the GOSR SharePoint page, along with instructions on how to complete the forms.

The Task/Work Order Memos can be prepared by the Director, the Deputy Director, or Project Coordinator. All Task Orders must be prepared by either the Director or Deputy Director. All Task Order/Work Order Memos must be signed off by the Director, Director of Vendor Management and the Director of Finance. If the Director is not available, the Task Order Memos may be signed by the Deputy Director. All Task Order/Work Order Memos must be accompanied by the negotiated Task Order.

Both the draft Memo and Task Order should be provided to the Project Coordinator. The Coordinator will:

1. Send a copy of the draft Memo and Task Order to Vendor Management for review and approval. The Project Coordinator will facilitate responses to any inquiries or revisions requested by Vendor Management or GOSR Finance. The Project Coordinator will consult with the Director/Deputy Director as necessary to respond to such inquiries.
2. Once finalized. Vendor Management will coordinate the internal approvals of the Memo by the GOSR Program Director, Vendor Management, and GOSR Finance. Final signed copy should be emailed to the Project Coordinator for tracking and record keeping on H: drive and Smartsheet.
3. Once approved, Vendor Management will issue the Task Order to the vendor for approval. The vendor should execute the Task Order by scanning one signed copy to Vendor Management and mailing three signed original copies to GOSR.
4. Once received, Vendor Management will coordinate final approval by the Executive Director of GOSR.

5. Once finalized, Vendor Management provides a PDF copy of the final Task Order to the Project Coordinator who in turn maintains all Task Orders on the H: Drive and Smartsheet.
6. Once approved, a copy and notification is sent to the Environmental Program Coordinator who in turn notifies the Director and Deputy Director.

The Project Coordinator is responsible to track the status of above-described process and make efforts to ensure the process follows the appropriate steps and moves efficiently through the process.

10.3 Vendor Management and Invoicing

The Project Coordinator is responsible for obtaining the Monthly Vendor Report from each vendor at the end of each month. The Project Coordinator reviews each report for its sufficiency, requests additional information as necessary, and prepares a final version of each monthly report for the review and approval of the Director. In reviewing the report, the Project Coordinator should review each task order and each task order budget to ensure that the vendor remains within the scope and budget set forth in the task order.

The Project Coordinator also facilitates review, payment, and recordkeeping of vendor invoices. All invoices must be signed and approved by the Director. Once the Project Coordinator receives an invoice, the Project Coordinator takes the following actions.

1. The Project Coordinator reviews the invoices to ensure that it identifies the appropriate task order, provides sufficiently detailed records of each vendor's staff members' time and tasks, correlates with the applicable monthly report covering the period of the invoice, and within the scope and budget of the applicable task order.
2. The Project Coordinator concurrently forwards the invoice to GOSR Construction Management. GOSR Construction Management shall conduct a second-tier review of the invoice and prepare a cover sheet noting any questions or deficiencies with the invoice.
3. The Project Coordinator will also concurrently consult with the Director and/or Deputy Director concerning the invoice to ensure that it is reasonable in light of the tasks performed.
4. Project Coordinator shall complete this process within 5 days from receiving an invoice. If an invoice is deemed unacceptable during or following the five-day period, the Project Coordinator will send a correspondence to the Vendor regarding the deficiencies of the invoice and informing the Vendor that the invoice will not be paid until the deficiencies are addressed.
5. Following this consultation and review process, the Project Coordinator will present the invoice to the Director for final review and approval. If acceptable, the Director will sign the invoice.

6. The Project Coordinator keeps a record of the approved final invoices and documentation of the review and consultation process in the H: Drive.
7. The Project Coordinator will submit the signed off version to the Senior Financial Analyst.

11.0 Definitions

Affected Environment - A description of the existing environment to be affected by the proposed action (40 CFR 1502.15).

Alternative - A reasonable way to fix the identified problem or satisfy the stated need (40 CFR 1502.4).

Categorical Exclusion (CX)- A category of actions that do not individually or cumulatively have a significant effect on the human environment and have been found to have no such effect in procedures adopted by a Federal agency pursuant to NEPA (40 CFR 1508.4).

Council on Environmental Quality (CEQ) - Established under Title II of NEPA to develop Federal agency-wide policy and regulations for implementing the procedural provisions of NEPA, resolve interagency disagreements concerning proposed major Federal actions, and to ensure that Federal agency programs and procedures are in compliance with NEPA.

Cumulative Effect - The incremental environmental impact or effect of the proposed action, together with impacts of past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time (40 CFR 1508.7).

Environmental Consequences - Environmental effects of project alternatives, including the proposed action, any adverse environmental effects which cannot be avoided, the relationship between short-term uses of the human environment, and any irreversible or irretrievable commitments of resources which would be involved if the proposal should be implemented (40 CFR 1502.16).

Environmental Action Statement (EAS) - A Service-required document prepared to improve the Service's administrative record for categorically excluded actions that may be controversial, emergency actions under CEQ's NEPA regulations (40 CFR 1506.1 1), decisions based on EAs to prepare an EIS, and any decision where improved documentation of the administrative record is desirable, and to facilitate internal program review and final approval when a FONSI is to be signed at the FWS-WO and FWS-RO level (550 FW ')).

Environmental Impact Statement (EIS) - A detailed written statement required by section 102(2)(C) of NEPA, analyzing the environmental impacts of a proposed action, adverse effects of the project that cannot be avoided, alternative courses of action, short-term uses of the environment versus the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitment of resources (40 CFR 1508.11).

Environmental Assessment (EA) - A concise public document, prepared in compliance with NEPA, that briefly discusses the purpose and need for an action, alternatives to such action, and provides sufficient evidence and analysis of impacts to determine whether to prepare an environmental impact statement or finding of no significant impact (40 CFR 1508.9).

Finding of No Significant Impact (FONSI) - A document prepared in compliance with NEPA, supported by an environmental assessment, that analyzes whether a Federal action will have no significant effect on the human environment and for which an environmental impact statement, therefore, will not be prepared (40 CFR 1508.13).

Human Environment - Includes the natural and physical environment and the relationship of people with the environment (40 CFR 1508.14).

Impact (Effect) - A direct result of an action which occurs at the same time and place; or an indirect result of an action which occurs later in time or in a different place and is reasonably foreseeable; or the cumulative results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions (40 CFR 1508.8).

Lead Agency - The agency or agencies responsible for preparing the environmental impact statement (40 CFR 1508.16).

Major Federal Action - Actions with effects that may be major, and which are potentially subject to Federal control and responsibility (40 CFR 1508.18).

Mitigation - Planning actions taken to avoid an impact altogether to minimize the degree or magnitude of the impact, reduce the impact over time, rectify the impact, or compensate for the impact (40 CFR 1508.20)

National Environmental Policy Act of 1969 (NEPA) - Requires all agencies, including the Service, to examine the environmental impacts of their actions, incorporate environmental information, and utilize public participation in the planning and implementation of all actions. Federal agencies must integrate NEPA with other planning requirements and prepare appropriate NEPA documents to facilitate better environmental decision making. NEPA requires Federal agencies to review and comment on Federal agency environmental plans/documents when the agency has jurisdiction by law or special expertise with respect to any environmental impacts involved. (42 U.S.C. 4321- 4327) (40 CFR 1500-1508).

Notice of Intent (NOI) - A notice that an environmental impact statement will be prepared and considered (40 CFR 1508.22).

No Action Alternative - The alternative where current conditions and trends are projected into the future without another proposed action (40 CFR 1502.14(d)).

Proposed Action - A plan that contains sufficient details about the intended actions to be taken, or that will result, to allow alternatives to be developed and its environmental impacts analyzed (40 CFR 1508.23).

Record of Decision (ROD) - A concise public record of decision prepared by the Federal agency, pursuant to NEPA, that contains a statement of the decision, identification of all alternatives considered, identification of the environmentally preferable alternative, a statement as to whether all practical means to avoid or minimize environmental harm from the alternative selected have been adopted (and if not, why they were not), and a summary of monitoring and enforcement where applicable for any mitigation (40 CFR 1505.2).

Scope - The range of actions, alternatives, and impacts to be considered in an environmental impact statement (40 CFR 1508.25).

Scoping - An early and open process for determining the extent and variety of issues to be addressed and for identifying the significant issues related to a proposed action (40 CFR 1501.7).

Significant - Use in NEPA requires consideration of both context and intensity (40 CFR 1508.27):

Context - significance of an action must be analyzed in its current and proposed short-and long-term effects on the whole of a given resource (e.g.-affected region)

Intensity – Refers to the severity of the effect.

Tiering - The coverage of general matters in broader environmental impact statements with subsequent narrower statements of environmental analysis, incorporating by reference, the general discussions and concentrating on specific issues (40 CFR 1508.28).

Unavoidable Adverse Effects - Effects that cannot be avoided due to constraints in alternatives. These effects do not have to be avoided by the planning agency, but they must be disclosed, discussed, and mitigated, if possible (40 CFR 1500.2(e)).

12.1 Acronyms

Acronym	Name
BERA	Bureau of Environmental Review and Assessment
CATEX	Categorical Exclusion
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant - Disaster Recovery
CEQ	Council on Environmental Quality
EA	Environmental Assessment
EIS	Environmental Impact Statement
ENB	Environmental Notice Bulletin
ERB	Environmental Review Board
ERR	Environmental Review Record
FHWA-ER	Federal Highway Administration - Emergency Relief Program
FMV	Fair Market Value
FONSI	Finding of No Significant Impact
GOSR	Governor's Office for Storm Recovery
HCR	New York State Homes and Community Renewal
HFA	New York State Housing Finance Agency
HMPG	FEMA Hazard Mitigation Grant Program
HUD	U.S. Department of Housing and Urban Development
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NYRCR	New York Rising Community Reconstruction
PA	FEMA Public Assistance
RE	Responsible Entity
RROF	Request for Release of Funds
SEQRA	State Environmental Quality Review Act
SHPO	New York State Historic Preservation Officer
SRF	State Revolving Fund

EXHIBITS

Exhibit A: BERA Forms and Checklists

Content:

1. Housing 1-4 Tier 2 Checklist
2. Housing 1-4 Tier 2 Close-Out Review Form
3. Housing Buyout and Acquisition – Tier 2 Checklist
4. Small Business – Exempt or CatEx Forms
5. Environmental Assessment Template
6. Categorical Exclusion 24 CFR 58.35(a) Template
7. Environmental Review Follow-Up Letter
8. Environmental HUD Request for Release of Funds Template

Housing 1-4
Tier 2 Checklist

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development - Disaster Relief Appropriations Act 113-2

The Community Development Block Grant Program Disaster Recovery Program –
Housing Assistance Programs – 1-4 Unit

Date of Tier 2 signature:

Date of initial payment:

Date of final payment:

Application#:

Date of application:

Property address:

- ☐ Reimbursement (AA) only (cannot be signed until all items submitted; no close-out items allowed)
- ☐ Repair (ECR) only
- ☐ Reimbursement and repair (ECR and AA)
- ☐ Reimbursement with Optional Elevation (AA and ECR for optional elevation only) (cannot be signed until all reimbursement items are attached; only close-out items allowed are for optional elevation)

Based on program definitions, is the house Substantially Damaged?

- ☐ Yes (Attach substantial damage documentation)
- ☐ No

Based on program definitions, elevation is:

- ☐ Elevation required
- ☐ Elevation optional

If elevation is optional, has the homeowner selected to do elevation?

- ☐ Yes
- ☐ No
- ☐ Unknown at this time (Tier 2 can only be signed if required elevation height is included in elevation description below; if optional elevation is selected, elevation compliance documents must be submitted prior to final payment)

_____ For elevation reimbursements, attach elevation compliance documentation

_____ For elevations to be done, elevation compliance documentation must be submitted prior to final payment

Building construction date:

Will any ground disturbance be conducted?

Description of project work (reference sections of ECR and/or AA):

Repair: [No repairs needed; however, elevation if eligible.]

Reimbursement:

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Elevation: **For required elevation:** *If the property is located within the 100-year floodplain and there is BFE/ABFE data available:*

The BFE/ABFE for this area is XX ft above mean sea level. Therefore, the lowest level of the home, including any basement or crawlspace, must be elevated to XX ft above mean sea level. *Put in the BFE/ABFE, the home must be elevated to 2 feet above the BFE/ABFE.*

If the property is located within the 100-year floodplain and there is no BFE/ABFE available:

There is no BFE/ABFE available for this area. Therefore, the lowest level of the home, including any basement or crawlspace, must be elevated to at least 3 feet above the highest adjacent grade.

For optional elevation- *If the property is located within the 100-year floodplain and there is BFE/ABFE data available:*

The BFE/ABFE for this area is XX ft above mean sea level. Therefore, the lowest level of the home, including any basement or crawlspace, must be elevated to XX ft above mean sea level, if elevation is conducted. *Put in the BFE/ABFE, the home must be elevated to 2 feet above the BFE/ABFE.*

If the property is located within the 100-year floodplain and there is no BFE/ABFE available:

There is no BFE/ABFE available for this area. Therefore, the lowest level of the home, including any basement or crawlspace, must be elevated to at least 3 feet above the highest adjacent grade if elevation is conducted.

If not eligible for elevation -*If the property is not located within the 100-year floodplain and is not significantly damaged:*

The property is not located within the 100-year floodplain and the house was not significantly damaged, therefore, the house is not eligible for elevation.

SEQRA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the SEQRA Negative Declaration for Unlisted Actions dated June 27, 2013.

NEPA CLASSIFICATION
(from Attachment A)

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the Tier 1 and FONSI dated: _____

- ☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

Finding of Tier 2 Review:

- ☐ The proposed activity complies with environmental requirements for funding. The closeout items are listed at the end of this document.

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☐ The proposed activity does not comply with environmental requirements for funding for the following reasons; i.e. permanent impact to wetland or inconsistency with the coastal program

☐ A finding cannot be made without the following information (documents needs):

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**SITE SPECIFIC STATUTORY CHECKLIST &
 ADDITIONAL NYS REQUIREMENTS**

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

Area of Statutory - Regulatory Compliance	A	B	Compliance Discussion Attach Supporting Material
Procedures to comply with Related Laws at 24 CFR 58.6			
Flood Disaster Protection Act of 1973			<p><i>Is the property located in a Special Flood Hazard Area (SFHA)?</i></p> <p>1) <i>No – review concluded. Create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not located in a Special Flood Hazard Area.</p> <p>2) <i>Yes – Create map to document. Put an X in <u>Column A</u>. Add text:</i> The property is located in a Special Flood Hazard Area, and proof of insurance is required. Grantees must adhere to the guidelines stipulated in the construction contract.</p> <p><i>Is the property located in a Floodway?</i></p> <p>3) <i>No – Add text:</i> The residence on the property is not located within a floodway.</p> <p>4) <i>Yes– create map to document. Coordinate with Senior Reviewers for next steps. If building is in floodway, it is INELIGIBLE. Add text:</i> The residence on the property is located within a floodway. This is not eligible for the program.</p>
Coastal Barrier Resources Act			<p><i>Is the property located within 150 feet of a Coastal Barrier Resources System?</i></p> <p>1) <i>No – review concluded. Create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not located within 150 feet of a designated Coastal Barrier Resources System.</p> <p>2) <i>Yes - if a USFWS letter has been issued, modify the language below based on the actual USFWS letter. Create map to document. Put an X in <u>Column B</u> and add text:</i> The USFWS has made a determination that the (property/existing structure) is not located within _____ (Case # _____ dated ____, 201__).</p>

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			3) <i>Yes – create map to document. Coordinate with HCR regarding additional compliance steps.</i>
Runway Clear Zones (development)		X	No programs involve assistance to purchase residential properties. Accordingly, this requirement is not applicable to any potential activities to be funded by these programs.
Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements			
Historic Properties			<p>1) <i>Are the project activities covered by the Tier 1 Allowances in the Programmatic Agreement? (rehabilitation of a building less than 45 years old?)</i></p> <p>a) <i>Yes – review concluded. Put an X in <u>Column B</u> and add text:</i> The house was constructed in [year] and is less than 45 years old. The proposed rehabilitation activities comply with the Programmatic Agreement.</p> <p>b) <i>No – Go to Step 2.</i></p> <p>2) <i>An architectural historian will be reviewing all houses and their attached structures that are 45 years and older. The historian will make a recommendation on whether the house is eligible for the National Register and you will be provided with the report.</i></p> <p>a) <i>If the historian determines it is Not Eligible or Meets Allowances for the National Register, then put an X in <u>Column B</u> and add text:</i> Based on a Section 106 project review in accordance with the Programmatic Agreement, the house and its attached structures are not eligible for the National Register.</p> <p>b) <i>If the historian determines it is eligible for the National Register and the activities do not meet the Tier 2 allowances, but there will be No Adverse Effect, then review concluded. Put an X in <u>Column B</u> and add text:</i> The house is eligible for the National Register and the proposed actions do not conform to Tier II allowances in the Programmatic Agreement. However, the State Historic Preservation Office reviewed the proposed actions and determined they would have no adverse effect on the house.</p> <p>c) <i>If the historian determines it is eligible for the National Register and the activities will constitute an Adverse Effect then: A Qualified professional will undertake a Section 106 project review in accordance with the Programmatic Agreement, coordinate with HCR, and add text documenting that review process.</i></p>
Floodplain Management			<p><i>Is the property located in a 100-year floodplain?</i></p> <p>1) <i>No – review concluded. Create the Floodplain Map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not located in a 100-year floodplain.</p> <p>2) <i>Yes – Create map to document. Put an X in <u>Column A</u> and add text for the appropriate county. The Floodplain Mgmt County Dates document lists the other counties and their dates of final public review. Replace standard text with applicable county and date below.</i> <i>Nassau county:</i> The 8-Step Process in 24 CFR Part 55.20 was completed</p>

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		<p>under the Nassau County Floodplain Management Plan. A notice for final public review was published on July 23, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Suffolk county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Suffolk County Floodplain Management Plan. A notice for final public review was published on July 23, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Rockland county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Rockland County Floodplain Management Plan. A notice for final public review was published on August 21, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Westchester county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Westchester County Floodplain Management Plan. A notice for final public review was published on August 21, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Other Counties: The 8-Step Process in 24 CFR Part 55.20 was completed under the _____ County Floodplain Management Plan. A notice for final public review was published on _____. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p>
Wetland Protection		<p><i>Are project activities to be conducted within wetlands identified through the National Wetlands Inventory or New York State Department of Conservation (NYSDEC) or their adjacent areas (within 100 feet of NYSDEC freshwater wetlands or 300 feet of NYSDEC tidal/coastal wetlands)?</i></p> <p>1) <i>No – review concluded. Create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property boundary is greater than 300 feet from a tidal wetland and greater than 100 feet from a freshwater wetland.</p> <p style="margin-left: 40px;">a) <i>Yes (activities in the wetland) – Coordinate with HCR regarding additional compliance steps.</i></p> <p style="margin-left: 40px;">b) <i>Yes (activities in the tidal/coastal wetland buffer only) – create map to document. Are the project activities a compatible use under Tidal Wetlands Land Use Regulations (6NYCRR Part 661.5 http://www.dec.ny.gov/permits/6347.html)?</i></p> <p style="margin-left: 80px;">i) <i>Yes – Review concluded. Put an X in <u>Column B</u> and add text:</i> The property is adjacent to a wetland; however, project activities are exempt under 6 NYCRR Part 661.5.</p> <p style="margin-left: 40px;">ii) <i>No. Is there a functional and substantial man-made structure (including, but not limited to paved streets,</i></p>

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			<p><i>highways, railroads, bulkheads, sea walls and rip-rap walls), a minimum of 100 feet in length (can include neighbor's property), running parallel to all sides of the wetland (like a barrier) between the house and the waterbody? Note that garages and sheds do not count. Yes – Review concluded. Put an X in <u>Column B</u> and add text:</i></p> <p>There is a [type of structure] which is a functional and substantial fabricated structure, a minimum of 100 feet in length, located between the house and the wetland and, therefore, the house is not located in an adjacent area as defined in 6 NYCRR Part 661.4.</p> <p><i>iii) No. If project activities occur in the freshwater wetland buffer or in the tidal/coastal wetland buffer and are not a compatible use and there is no applicable functional and substantial man-made structure, then determine whether only a NYSDEC permit is needed (not U.S. Army Corps jurisdictional determination).</i></p> <p><i>A) If yes, only a NYSDEC needs to be obtained, then put an X in <u>Column A</u> and add text:</i> Project activities will be conducted in the wetlands buffer. A New York State Department of Environmental Conservation permit will be obtained prior to conducting project activities.</p> <p><i>B) No. Coordinate with HCR regarding additional compliance steps.</i></p>
Coastal Zone Management		X	<p>This program has been reviewed by the New York Department of State (NYSDOS), which made a “general concurrence determination” based on the fact that the program involves rehabilitation.</p>
Sole Source Aquifers		X	<p>The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> • Construction of individual new residential structures containing from one to four units, and • Rehabilitation of residential units.
Endangered Species			<p><i>Determine if the project activities will have “no effect” on or “is not likely to adversely affect” any federal or state protected (listed or proposed) rare, threatened or endangered species nor adversely modify designated critical habitats. [This finding is to be based on the review of designated critical habitats, consultation with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) or NYSDEC, or through a special study completed by a biologist or botanist. A determination of “no effect” based on the well-documented absence of listed species and critical habitats does not require USFWS or NYSDEC concurrence.] To make this determination refer to the USFWS and NY Natural Heritage Program letters listing species by county. Review NYSDEC Resource Mapper for known occurrences and GAP land use maps for suitable habitat.</i></p> <p><i>1) Is a protected species documented or is suitable habitat present?</i></p> <p><i>a) No – review concluded. Create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. According to</p>

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			<p>information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm, no rare, threatened or endangered species are known to exist in the property's vicinity. The property is located in a [high/medium/low (choose one)] -density residential development and does not support or provide habitat for any rare, threatened or endangered plant or animal species. Therefore, the project would not affect any natural habitats containing such species or any designated or proposed critical habitat.</p> <p><i>b) Yes - create map to document. Will the project activities have an effect on the documented protected species or suitable habitat (Review ECR/AA repairs needed and completed – interior vs. exterior repairs, ground disturbance, etc.)?</i></p> <p><i>i) No, the Project activities will have NO EFFECT. Put an X in <u>Column B</u> and add text:</i> Not applicable. According to information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm and the guidance provided by the U.S. Fish and Wildlife Service, rare, threatened or endangered species are known to exist in the property's vicinity. However, the project activities will have no effect on the documented rare, threatened or endangered plant or animal species and any natural habitats containing such species or any designated or proposed critical habitat.</p> <p><i>ii) Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Wild and Scenic Rivers		X	<p><i>Is the property located in Nassau County?</i></p> <p><i>1) If yes, then put an X in <u>Column B</u> and add text:</i> There are no wild and scenic rivers within Nassau County, as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result, and further assessment is not required.</p> <p><i>2) Not Nassau County – Is the property located along a Wild and Scenic River?</i></p> <p><i>a) If no, then create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not located along a wild and scenic river as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result, and further assessment is not required.</p> <p><i>b) If yes, then create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is located along _____[insert Name of River], a designated wild and scenic river. However, the project activities will have no effect upon the wild and scenic river. No impacts would result and further assessment is not required.</p>
Air Quality		X	<p>The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required.</p>

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Farmlands Protection		X	The program will not convert farmland to nonagricultural purposes and, therefore, would not violate the Farmland Policy Protection Act.
Noise Abatement and Control		X	Not applicable. Compliance was determined in the Tier 1 Environmental Assessment.
Thermal/ Explosive Hazards		X	Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased, is not required to apply 24 CFR Part 51 Subpart C.
HUD Environmental Standards			<p><i>Is the property:</i></p> <ul style="list-style-type: none"> • <i>Listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list?</i> • <i>Located within 3,000 feet of a toxic or solid waste landfill site?</i> • <i>Known to contain an underground storage tank other than a residential fuel tank?</i> • <i>Known or suspected to be contaminated by toxic chemicals or radioactive materials?</i> <p>1) <i>No – review concluded. Create map to document. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list, is not located within 3,000 feet of a toxic or solid waste landfill site, does not have an underground storage tank other than a residential fuel tank, and is not known or suspected to be contaminated by toxic chemicals or radioactive materials.</p> <p>2) <i>Yes. Create map to document. Consult with an environmental professional to determine if the hazard could impact the residences at the property.</i></p> <p>3) <i>No – review concluded. Put an X in <u>Column B</u> and add text:</i> _____ [insert issue] was identified in the area of the property. However, based on _____ [insert reason why not a problem] it is not expected to pose a hazard to the residents of the property. No further review is necessary.</p> <p>4) <i>Additional coordination with HCR required. Add text:</i> Additional study will be completed to assess if a hazard is present that could affect the health and safety of occupants or conflict with the intended utilization of the property.</p>
Environmental Justice		X	Not applicable. Compliance was determined in the Tier 1 Environmental Assessment.
Asbestos & Lead-Based			<p><i>Was the house constructed prior to 1978?</i></p> <p>1) <i>No – review concluded. Put an X in <u>Column A</u>. Add text:</i> The house was</p>

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Paint			<p>constructed after 1978 and is not expected to contain lead-based paint. An asbestos survey will be performed by qualified professionals prior to any disturbance of suspected materials. Structures to be reconstructed or rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150.</p> <p><i>2) Yes – review concluded. Review DASNY checklist. Put an X in <u>Column A</u>. Add text:</i> The house was constructed prior to 1978. Asbestos and lead-based paint surveys will be performed by qualified professionals and a clearance report will be submitted prior to any disturbance of suspected materials. Structures to be reconstructed or rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150. All project activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.</p>
Radon			<p><i>Is the property located in a Radon Zone 1 (high risk) county: Albany, Broome, Chemung, Chenango, Columbia, Delaware, Dutchess, Greene, Orange, Otsego, Putnam, Rensselaer, Schoharie, Sullivan, Tioga, Ulster or Washington?</i></p> <p><i>1) Yes – review concluded. Put an X in <u>Column A</u>. Add text:</i> The house is located in _____ County, a Radon Zone 1 county, according to the EPA Map of Radon Zones for NYS. Radon mitigation measures and testing will be conducted by a qualified professional in accordance with applicable federal, state, and local laws and regulations unless localized radon information is provided to show that radon mitigation measures are not necessary.</p> <p><i>2) No – Is the property located in a Radon Zone 2 (moderate risk) county: Oneida, Montgomery, Saratoga or Schenectady?</i></p> <p><i>3) No – Is the property located in Herkimer County?</i></p> <p><i>a) Yes – review concluded pick either “a Radon Zone 2” or “Herkimer County” from the brackets and leave as text. Put an X in <u>Column A</u>. Add text:</i> The house is located in [a Radon Zone 2 or Herkimer] county, according to the EPA Map of Radon Zones for NYS. Radon mitigation measures and testing will be conducted by a qualified professional in accordance with applicable federal, state, and local laws and regulations unless localized radon information is provided to show that radon mitigation measures are not necessary.</p> <p><i>b) No – review concluded. Put an X in <u>Column B</u> and add text:</i> The house is not located in a Radon Zone 1 or 2 county, according to the EPA Map of Radon Zones for NYS. No additional steps are required for radon mitigation.</p>

TIER 2 SITE SPECIFIC CHECKLIST
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Application#:

Project Address:

ADDITIONAL SEQRA REVIEW

Check “A” if further close-out documentation is required.
Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
Provide written discussion and attach any supporting materials.

Area of Statutory - Regulatory Compliance	A	B	<p style="text-align: center;">Compliance Discussion</p> <p style="text-align: center;">Attach Supporting Material</p>
National Natural Landmark		X	<p><i>Is the property located in Nassau County?</i></p> <p>1) <i>If yes, then put an X in <u>Column B</u> and add text:</i> Not applicable. There are no natural landmarks listed on the Register of National Natural Landmarks in Nassau County.</p> <p>2) <i>No – Is the property located at or adjacent to a National Natural Landmark? If no, then put an X in <u>Column B</u> and add text:</i> Not applicable. There are no national natural landmarks located at or adjacent to the property.</p> <p>3) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Significant Wildlife Habitat			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a Significant Coastal Fish and Wildlife Habitat?</i></p> <p>1) <i>No – review concluded. Put an X in <u>Column B</u> and add text:</i> Not applicable. Based on a review of NYSDEC designated Significant Coastal Fish and Wildlife Habitats (SCFWH), no SCFWHs are located in or substantially contiguous to the property.</p> <p>2) <i>Yes – Will the project result in the removal of any portion of a significant wildlife habitat?</i></p> <p style="padding-left: 40px;">a) <i>No – review concluded. Put an X in <u>Column B</u> and add text:</i> Not applicable. The project activities will not result in the removal of any portion of a Significant Coastal Fish and Wildlife Habitat.</p> <p style="padding-left: 40px;">b) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Unique or Unusual Landforms			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a unique or unusual landform?</i></p> <p>1) <i>No – Review Concluded. Put an X in <u>Column B</u> and add text:</i> Not applicable. The property is not located in or substantially contiguous to a unique or unusual landform.</p>

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Project Address:

			<p>2) <i>Yes – Create map to document.</i></p> <p>a) <i>Will the project activities result in modification or destruction of, or inhibit access, to any unique or unusual land forms located on or substantially contiguous to the property?</i></p> <p>i) <i>No – review concluded. Put an X in <u>Column B</u> and add text:</i> Not applicable. The project will not affect the quantity or quality of _____ [insert name of that unique or unusual landform].</p> <p>ii) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Aesthetic Resources, Open Space and Recreation			<p><i>Is the property located in, adjacent to, or within 100 feet away from an aesthetic resource, open space or recreational area?</i></p> <p>1) <i>No – review concluded. Put an X in <u>Column B</u>. Add text:</i> Not applicable. The property is not located in or substantially contiguous to an aesthetic resource, open space or recreation area.</p> <p>2) <i>Yes – Create map to document. Will the project activities result in land use obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource, or result in a loss of recreational opportunities or a reduction of an open space resource?</i></p> <p>a) <i>No – review concluded. Put an X in <u>Column B</u>. Add text:</i> Not applicable. The project activities will not significantly affect the quantity or quality of _____ [insert name of that aesthetic resource, open space or recreational area] or recreational opportunities associated with it.</p> <p>b) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
State Protected Waterbody			<p><i>Is the property located in, adjacent to, or less than 100 feet away from any waterbody (e.g., streams, rivers, etc.) designated as protected [Article 15 the Environmental Conservation Law (ECL)]?</i></p> <p>1) <i>No – review concluded. Create map to document. Put an X in <u>Column B</u>. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a state protected waterbody.</p> <p>2) <i>Yes – create map to document. Will the project result in the disturbance of the waterbody or its natural bank (i.e., undeveloped land within 50 feet of mean high water (MHW) line)?</i></p> <p>a) <i>No – review concluded. Put an X in <u>Column B</u>. Add text:</i> The project activities will not result in the disturbance of a waterbody located within 50 feet of the mean high water (MHW) line.</p> <p>b) <i>Yes – Create a map to document. Coordinate with HCR regarding additional compliance steps.</i></p>
Critical Environmental Areas			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617?</i></p>

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Project Address:

		<p>1) <i>No – review concluded. Put an X in <u>Column B</u>. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617.</p> <p>2) <i>Yes. Will the project activities result in:</i></p> <ul style="list-style-type: none"> • <i>A reduction in the quantity of the resource?</i> • <i>A reduction in the quality of the resource? Or</i> • <i>Affect the use, function or enjoyment of the resource?</i> <p>a) <i>No – review concluded. Put an X in <u>Column B</u>. Add text:</i> Not applicable. The project activities will not result in a reduction in the quantity or quality of the _____ [name that CEA], nor affect the use, function or enjoyment of the _____ [name that CEA].</p> <p>b) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Historic Properties		<p><i>Is the house a National Register of Historic Places (NRHP)-listed property or located adjacent to a NRHP listed property or a Historical District?</i></p> <p>1) <i>No – review concluded. Place X in <u>Column B</u>. Add text:</i> Not applicable. The house is not a historic property or located adjacent to a historic property; therefore, there is no potential effect on historic properties.</p> <p>2) <i>Yes, but historian determined No Adverse Effect:</i> A SEQR historical review has been completed and it has been determined that the proposed activities will have no adverse effect on archeological or historic properties.</p> <p>3) <i>Yes, but historian determined No Effect:</i> A SEQR historical review has been completed and it has been determined that the proposed activities are not substantially contiguous with a historic property and will have no effect on archeological or historic properties.</p> <p>4) <i>Yes. Coordinate with a qualified professional to evaluate the potential impact to adjacent historic properties and coordinate with HCR.</i></p>
Agricultural and Markets Law		<p><i>Is the property located within 500 feet of agricultural land?</i></p> <p>1) <i>No – review concluded. Place X in <u>Column B</u>. Add text:</i> This project will comply with the New York State Agriculture and Markets Law.</p> <p>2) <i>Yes. Do any of the following apply?</i></p> <ul style="list-style-type: none"> a) <i>The project would sever, cross or limit access to agricultural land (including cropland, hayfields, pasture, vineyard, orchard, etc.).</i> b) <i>Construction activity would excavate or compact the soil profile of agricultural land.</i> c) <i>The project would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.</i> <ul style="list-style-type: none"> i) <i>No – review concluded. Place X in <u>column B</u>. Add text:</i> Not applicable. The project activities have no potential to affect agricultural lands. ii) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i>

TIER 2 SITE SPECIFIC CHECKLIST
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Application#:

Project Address:

TIER 2 COMPLETED BY:

Prepared by:

Signature

Date:

**HCR CERTIFYING OFFICER OR OTHER APPROPRIATELY DESIGNATED HCR
OFFICIAL:**

This Site-Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

Attachments:

Tier 2 Site Specific Checklist Additional Documents

Closeout items (also discussed on the Tier 2 Site Specific Checklist Additional Documents):

Housing 1-4
Tier 2 Close-Out Review Form

TIER 2 ENVIRONMENTAL REVIEW RECORD ENVIRONMENTAL REVIEW CLOSEOUT

Department of Housing and Urban Development - Disaster Relief Appropriations Act 113-2

The Community Development Block Grant Program Disaster Recovery Program
Housing Assistance Programs – 1-4 Unit

Application#:

Property address:

Name of Tier 2 closeout reviewer:

Closeout items found on Tier 2 document:

Date of Construction of Storm Damaged Structure:

The above-mentioned application is hereby being reviewed for closeout of the following activities:
(check all that apply)

- ☐ Elevation (either optional or mandatory)
- ☐ Repair or rehabilitation
- ☐ Reconstruction

The undersigned, being familiar with the Tier 1 and Tier 2 environmental assessment process for the New York Rising Single Family Housing Program conducted pursuant to the applicable provisions of 24 CFR Part 58, and being an individual with authority to sign Tier 2 environmental assessments, hereby confirms that the Environmental Review Record (ERR) for this applicant ID number contains sufficient documentation of compliance with the associated Tier 2 environmental assessment. In association with the execution of this document, the compliance documentation shall be placed in the ERR for individual applicant ID number, with a copy of this Tier 2 Closeout Review form. The Tier 2 Closeout Review form shall also be uploaded into the Program database. After the date of signature of this form, should the applicant exercise an option to elevate their home and be determined eligible, the review must be reopened, reviewed, and closed upon completion of elevation.

☐ For elevations, reconstructions or demolitions of homes over 45 years of age or unknown age, the file contains a “no adverse effect” concurrence from the State Historic Preservation Office.

☐ If the Tier II Listed Closeout Item 1 – Certificate of Occupancy and/or Elevation Certificate are included in the Tier II Environmental Review Record.

☐ If the Tier II Listed Closeout Item(s) 2 and/or 3 – Documentation indicating that either a NYSDEC wetland or wetland adjacent area permit was not necessary is included in the Tier II Environmental Review Record or a copy of the NYSDEC wetland or wetland adjacent area permit or equivalent documentation is included in the Tier II Environmental Review Record.

☐ If the Tier II Listed Closeout Item 4 or 5– Either (1) an asbestos and/or lead and hazardous materials survey has been performed and a clearance report has been submitted, or (2) in accordance with the July 2, 2014 memorandum from Certifying Officer Thomas J. King, “Re-evaluation of Environmental Assessment under 24 CFR 58.47 – NY Rising 1-4 Unit Housing Rehab Program”, where preliminary asbestos survey and/or lead-based paint inspection data is not available, asbestos and lead-based paint hazard clearances will stand in lieu of such preliminary

data and hazardous materials survey has been completed.

☐ If the Tier II Listed Closeout Item 6 - Where available, the contaminated material handling and disposal plan and health and safety plan will be included in the Tier II closeout package; however, inclusion of such documentation in the Tier II Environmental Review Record is not required.

☐ If the Tier II Listed Closeout Item 7 – Proof of flood insurance is included in the Tier II Environmental Review Record. (either (1) current proof of flood insurance or (2) previous proof of flood insurance and flood insurance covenant is included).

☐ If the Tier II Listed Closeout Item 8 – Asbestos Clearance and Supplemental Environmental Checklist are included in the Tier II Environmental Review Record.

☐ If the Tier II Listed Closeout Item 9 – Lead-based paint clearance inspection is included in the Tier II Environmental Review Record.

☐ If the Tier II Listed Closeout Item 10 –The Assessor’s checklist did not indicate any environmental conditions which would merit remedial activities. Thus, to the extent “final engineering report” refers to final engineering reports described New York State Department of Environmental Conservation’s DER-10, such term would not be applicable in this context.

☐ If the Tier II Listed Closeout Item 11 – Radon test results are included in the Tier II Environmental Review Record.

☐ If the Tier II Listed Closeout Item 12 – Documentation of successful radon abatement is included in the Tier II Environmental Review Record.

Date

[Reviewer Name]
[Title], Bureau of Environmental Review and
Assessment, Governor’s Office of Storm Recovery

Housing
Buyout/Acquisition Tier 2 Checklist

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development Appropriation Act, 2013

The Community Development Block Grant Program Disaster Recovery Program–
Housing Assistance Programs – Buyouts and Acquisitions

Parcel ID#:

Date of application:

Property address:

Building construction date:

Will any ground disturbance be conducted? ☐ Yes ☐ No

Description of project work: ☐ Acquisition – Acquire and Secure
☐ Buyout – Demolish

SEQRA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the SEQR Negative Declaration for Type I Actions (6NYCRR Section 617.4) dated: June 27, 2013

NEPA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the Tier 1 and FONSI dated:_____.

☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

Finding of Tier 2 Review:

☐ The proposed activity complies with environmental requirements for funding. The closeout items must be completed. The closeout items are listed at the end of this document.

☐ The proposed activity does not comply with environmental requirements for funding for the following reasons; i.e. permanent impact to wetland or inconsistency with the coastal program.

☐ A finding cannot be made without (describe missing or needed information or documentation).

TIER 2 SITE SPECIFIC CHECKLIST
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Parcel ID#:

Project Address:

**SITE SPECIFIC STATUTORY CHECKLIST &
 ADDITIONAL NYS REQUIREMENTS**

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

Area of Statutory - Regulatory Compliance	A	B	Compliance Discussion Attach Supporting Material
Procedures to comply with Related Laws at 24 CFR 58.6			
Flood Disaster Protection Act of 1973			<p><i>Is the property located in a Special Flood Hazard Area (SFHA)?</i></p> <p><i>a. No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located in a Special Flood Hazard Area.</p> <p><i>b. Yes – Create map to document. Will the site be a buyout or acquisition?</i></p> <p><i>If buyout, put an X in column B. Add text:</i> The property is located in a Special Flood Hazard area. However, the buildings are scheduled to be demolished and the area will be a green space. No flood insurance is required.</p> <p><i>If acquisition, put an X in Column A. Add text:</i> The property is located in a Special Flood Hazard Area, and proof of insurance is required.</p> <p><i>Is the property located in a Floodway?</i></p> <p><i>a. No – Add text:</i> The residence on the property is not located within a floodway.</p> <p><i>b. Yes– create map to document. Will the site be a buyout or acquisition?</i></p> <p><i>If buyout, put an X in column B. Add text:</i> The residence on the property is located within a floodway. The only eligible activity for this property is demolition.</p> <p><i>If acquisition, put an X in column A. Coordinate with senior reviewers. Add text:</i> The residence on the property is located within a floodway. The only eligible activity for this property is demolition.</p>

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Project Address:

Coastal Barrier Resources Act		<p><i>Is the property located within 150 feet of a Coastal Barrier Resources System?</i></p> <p>a. <i>No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located within 150 feet of a designated Coastal Barrier Resources System.</p> <p>b. <i>Yes – create map to document. Coordinate with HCR regarding additional compliance steps.</i></p>
Runway Clear Zones (development)	X	<p><i>If buyout, add text</i> Not applicable. Under these programs, the properties would have no occupants.</p> <p><i>If acquisition, add text:</i> Not applicable. Under this program, the property will have no occupants. If the status of the property changes, an additional review will be completed at that time.</p>
Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements		
Historic Properties		<p>1) <i>Are the project activities covered by the Tier 1 Allowances in the Programmatic Agreement? (rehabilitation of a building less than 45 years old?)</i></p> <p>a) <i>Yes – review concluded. Put an X in Column B and add text:</i> The house was constructed in [year] and is less than 45 years old. The proposed rehabilitation activities comply with the Programmatic Agreement.</p> <p>b) <i>No – Go to Step 2.</i></p> <p>2) <i>An architectural historian will be reviewing all houses and their attached structures that are 45 years and older. The historian will make a recommendation on whether the house is eligible for the National Register and you will be provided with the report.</i></p> <p>a) <i>If the historian determines it is Not Eligible or Meets Allowances for the National Register, then put an X in Column B and add text:</i> Based on a Section 106 project review in accordance with the Programmatic Agreement, the house and its attached structures are not eligible for the National Register.</p> <p>b) <i>If the historian determines it is eligible for the National Register and the activities do not meet the Tier 2 allowances, but there will be No Adverse Effect, then review concluded. Put an X in Column B and add text:</i> The house is eligible for the National Register and the proposed actions do not conform to Tier II allowances in the Programmatic Agreement. However, the State Historic Preservation Office reviewed the proposed actions and determined they would have no adverse effect on the house.</p> <p><i>If the historian determines it is eligible for the National Register and the activities will constitute an Adverse Effect then: A Qualified professional will undertake a Section 106 project review in accordance with the Programmatic Agreement, coordinate with HCR, and add text documenting that review process.</i></p>

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Parcel ID#:

Project Address:

Floodplain Management			<p><i>Is the property located in a 100-year floodplain?</i></p> <p>a) <i>No – review concluded. Create the Floodplain Map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located in a 100-year floodplain.</p> <p>b) <i>Yes – Create map to document. Put an X in Column B and add text for the appropriate county. Other counties are awaiting final notice.</i></p> <p>Nassau county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Nassau County Floodplain Management Plan. A notice for final public review was published on September 27, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Suffolk county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Suffolk County Floodplain Management Plan. A notice for final public review was published on September 27, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Rockland county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Rockland County Floodplain Management Plan. A notice for final public review was published on _____. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Westchester county: The 8-Step Process in 24 CFR Part 55.20 was completed under the Westchester County Floodplain Management Plan. A notice for final public review was published on _____. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> <p>Other Counties: The 8-Step Process in 24 CFR Part 55.20 was completed under the _____ County Floodplain Management Plan. A notice for final public review was published on _____. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p>
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Project Address:

Wetland Protection			<p><i>Are project activities to be conducted within wetlands identified through the National Wetlands Inventory or New York State Department of Conservation (NYSDEC) or their adjacent areas (within 100 feet of NYSDEC freshwater wetlands or 300 feet of NYSDEC tidal/coastal wetlands)?</i></p> <p>a) <i>No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property boundary is greater than 300 feet from a tidal wetland and greater than 100 feet from a freshwater wetland.</p> <p>i) <i>Yes (activities in the wetland) – Coordinate with HCR regarding additional compliance steps.</i></p> <p>ii) <i>Yes (activities in the tidal/coastal wetland buffer only) – create map to document. Are the project activities a compatible use under Tidal Wetlands Land Use Regulations (6NYCRR Part 661.5 http://www.dec.ny.gov/permits/6347.html)?</i></p> <p>1) <i>Yes – Review concluded. Put an X in Column B and add text:</i> The property is adjacent to a wetland; however, project activities are exempt under 6 NYCRR Part 661.5.</p> <p>2) <i>No. Is there a functional and substantial man-made structure (including, but not limited to paved streets, highways, railroads, bulkheads, sea walls and rip-rap walls), a minimum of 100 feet in length, running parallel to all sides of the wetland (like a barrier) between the house and the waterbody? Note that garages and sheds do not count. Yes – Review concluded. Put an X in Column B and add text:</i> There is a [type of structure] which is a functional and substantial fabricated structure, a minimum of 100 feet in length, located between the house and the wetland and, therefore, the house is not located in an adjacent area as defined in 6 NYCRR Part 661.4.</p> <p>3) <i>No. If project activities located in the tidal/coastal wetland buffer are not a compatible use or occur in the freshwater wetland buffer, then determine whether only a NYSDEC permit is needed (not U.S. Army Corps jurisdictional determination).</i></p> <p>A) <i>If yes, only a NYSDEC needs to be obtained, then put an X in Column A and add text:</i> Project activities will be conducted in the wetlands buffer. A New York State Department of Environmental Conservation permit will be obtained prior to conducting project activities.</p> <p>B) <i>No. Coordinate with HCR regarding additional compliance steps.</i></p>
Coastal Zone Management		X	<p>This program has been reviewed by the New York Department of State (NYSDOS), which made a “general concurrence determination” based on the fact that the program involves buyout and acquisition.</p>
Sole Source Aquifers		X	<p>The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers.</p>

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Endangered Species			<p><i>Determine if the project activities will have “no effect” on or “is not likely to adversely affect” any federal or state protected (listed or proposed) rare, threatened or endangered species nor adversely modify designated critical habitats. [This finding is to be based on the review of designated critical habitats, consultation with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) or NYSDEC, or through a special study completed by a biologist or botanist. A determination of “no effect” based on the well-documented absence of listed species and critical habitats does not require USFWS or NYSDEC concurrence.] To make this determination:</i></p> <ul style="list-style-type: none"> <i>a) Review NYSDEC Resource Mapper for known occurrences. See list of species for your county (FWS 8/7/13 letter) and if new FWS GIS layers apply.</i> <i>b) Review GAP land use maps for suitable habitat</i> <i>c) Is a protected species documented or is suitable habitat is present?</i> <ul style="list-style-type: none"> <i>i) No – review concluded. Create map to document. Put an X in Column B and add text: Not applicable. According to information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/ismaps/ERM/viewer.htm, no rare, threatened or endangered species are known to exist in the property’s vicinity. The property is located in a [high/medium/low (choose one)] -density residential development and does not support or provide habitat for any rare, threatened or endangered plant or animal species. Therefore, the project would not affect any natural habitats containing such species or any designated or proposed critical habitat.</i> <i>ii) Yes - create map to document. Will the project activities have an effect on the documented protected species or suitable habitat (project activities inside the house, replacing siding or roof, painting, etc.)?</i> <ul style="list-style-type: none"> <i>1) No. Put an X in Column B and add text: Not applicable. According to information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/ismaps/ERM/viewer.htm and the guidance provided by the U.S. Fish and Wildlife Service, rare, threatened or endangered species are known to exist in the property’s vicinity. However, the project activities will have no effect on the documented rare, threatened or endangered plant or animal species and any natural habitats containing such species or any designated or proposed critical habitat.</i> <i>2) Yes. Coordinate with HCR regarding additional compliance steps.</i>
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Parcel ID#:

Project Address:

Wild and Scenic Rivers		X	<p><i>Is the property located in Nassau County?</i></p> <p>a) <i>If yes, then put an X in Column B and add text:</i> There are no wild and scenic rivers within Nassau County, as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result, and further assessment is not required.</p> <p>b) <i>Not Nassau County – Is the property located along a Wild and Scenic River?</i></p> <p>i) <i>If no, then create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located along a wild and scenic river as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result, and further assessment is not required.</p> <p>ii) <i>If yes, then create map to document. Put an X in Column B and add text:</i> Not applicable. The property is located along _____[insert Name of River], a designated wild and scenic river. However, the project activities will have no effect upon the wild and scenic river. No impacts would result and further assessment is not required.</p>
Air Quality		X	The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required.
Farmlands Protection		X	The program will not convert farmland to nonagricultural purposes and, therefore, would not violate the Farmland Policy Protection Act.
Noise Abatement and Control		X	Not applicable. Compliance was determined in the Tier 1 Environmental Assessment.
Thermal/ Explosive Hazards		X	Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased, is not required to apply 24 CFR Part 51 Subpart C.

TIER 2 SITE SPECIFIC CHECKLIST
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Parcel ID#:

Project Address:

<p>HUD Environmental Standards</p>			<p><i>Is the property:</i></p> <ul style="list-style-type: none"> • <i>Listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list?</i> • <i>Located within 3,000 feet of a toxic or solid waste landfill site?</i> • <i>Known to contain an underground storage tank other than a residential fuel tank?</i> • <i>Known or suspected to be contaminated by toxic chemicals or radioactive materials?</i> <p>a) <i>No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list, is not located within 3,000 feet of a toxic or solid waste landfill site, does not have an underground storage tank other than a residential fuel tank, and is not known or suspected to be contaminated by toxic chemicals or radioactive materials.</p> <p>b) <i>Yes. Create map to document. Consult with an environmental professional to determine if the hazard could impact the residences at the property.</i></p> <p>c) <i>No – review concluded. Put an X in column B and add text:</i> _____ [iinsert issue] was identified in the area of the property. However, based on _____[insert reason why not a problem] it is not expected to pose a hazard to the residents of the property. No further review is necessary.</p> <p>d) <i>Additional coordination with HCR required. Add text:</i> Additional study will be completed to assess if a hazard is present that could affect the health and safety of occupants or conflict with the intended utilization of the property.</p> <p><i>Add discussion on Phase I results.</i></p>
<p>Environmental Justice</p>		<p>X</p>	<p>Not applicable. Compliance was determined in the Tier 1 Environmental Assessment.</p>

TIER 2 SITE SPECIFIC CHECKLIST
Page 9 of 13

Parcel ID#:

Project Address:

<p>Asbestos & Lead-Based Paint</p>			<p><i>For buyouts: review concluded. Put an X in Column A. Add text:</i> An asbestos survey will be performed by qualified professionals prior to any disturbance of suspected materials. Structures to be reconstructed or rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150.</p> <p><i>For acquisitions: was the house constructed prior to 1978?</i></p> <p><i>a) No – review concluded. Put an X in Column A. Add text:</i> The house was constructed after 1978 and is not expected to contain lead-based paint. An asbestos survey will be performed by qualified professionals prior to any disturbance of suspected materials. Structures to be reconstructed or rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150.</p> <p><i>b) Yes – review concluded. Put an X in Column A. Add text:</i> The house was constructed prior to 1978. Asbestos and lead-based paint surveys will be performed by qualified professionals and a clearance report will be submitted prior to any disturbance of suspected materials. Structures to be reconstructed or rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150. All project activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.</p>
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TIER 2 SITE SPECIFIC CHECKLIST
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Parcel ID#:

Project Address:

ADDITIONAL SEQRA REVIEW

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

Area of Statutory - Regulatory Compliance	A	B	Compliance Discussion Attach Supporting Material
National Natural Landmark		X	<p><i>Is the property located in Nassau County?</i></p> <p>a) <i>If yes, then add text:</i> Not applicable. There are no natural landmarks listed on the Register of National Natural Landmarks in Nassau County.</p> <p>b) <i>No – Is the property located at or adjacent to a National Natural Landmark? If no, then put an X in Column B and add text:</i> Not applicable. There are no national natural landmarks located at or adjacent to the property.</p> <p>c) <i>If yes, then coordinate with HCR regarding additional compliance steps.</i></p>
Significant Wildlife Habitat			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a Significant Coastal Fish and Wildlife Habitat?</i></p> <p>a) <i>No – review concluded. Put an X in Column B and add text:</i> Not applicable. Based on a review of NYSDEC designated Significant Coastal Fish and Wildlife Habitats (SCFWH), no SCFWHs are located in or substantially contiguous to the property.</p> <p>b) <i>Yes – Will the project result in the removal of any portion of a significant wildlife habitat?</i></p> <p>i) <i>No – review concluded. Put an X in Column B and add text:</i> Not applicable. The project activities will not result in the removal of any portion of a Significant Coastal Fish and Wildlife Habitat.</p> <p>ii) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Unique or Unusual Landforms			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a unique or unusual landform?</i></p> <p>a) <i>No – Review Concluded. Put an X in Column B and add text:</i> Not applicable. The property is not located in or substantially contiguous to a unique or unusual landform.</p> <p>b) <i>Yes – Create map to document.</i></p> <p>i) <i>Will the project activities result in modification or destruction of, or inhibit access, to any unique or unusual land forms located on</i></p>

TIER 2 SITE SPECIFIC CHECKLIST

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Parcel ID#:

Project Address:

			<p><i>or substantially contiguous to the property?</i></p> <p><i>(1) No – review concluded. Put an X in Column B and add text:</i> Not applicable. The project will not affect the quantity or quality of _____ [insert name of that unique or unusual landform].</p> <p><i>(2) Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Aesthetic Resources, Open Space and Recreation			<p><i>Is the property located in, adjacent to, or within 100 feet away from an aesthetic resource, open space or recreational area?</i></p> <p>a) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to an aesthetic resource, open space or recreation area.</p> <p>b) <i>Yes – Create map to document. Will the project activities result in land use obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource, or result in a loss of recreational opportunities or a reduction of an open space resource?</i></p> <p>i) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The project activities will not significantly affect the quantity or quality of _____ [insert name of that aesthetic resource, open space or recreational area] or recreational opportunities associated with it.</p> <p>ii) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
State Protected Waterbody			<p><i>Is the property located in, adjacent to, or less than 100 feet away from any waterbody (e.g., streams, rivers, etc.) designated as protected [Article 15 the Environmental Conservation Law (ECL)]?</i></p> <p>a) <i>No – review concluded. Create map to document. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a state protected waterbody.</p> <p>b) <i>Yes – create map to document. Will the project result in the disturbance of the waterbody or its natural bank (i.e., undeveloped land within 50 feet of mean high water (MHW) line)?</i></p> <p>i) <i>No – review concluded. Put an X in Column B. Add text:</i> The project activities will not result in the disturbance of a waterbody located within 50 feet of the mean high water (MHW) line.</p> <p>ii) <i>Yes – Create a map to document. Coordinate with HCR regarding additional compliance steps.</i></p>
Critical Environmental Areas			<p><i>Is the property located in, adjacent to, or less than 100 feet away from a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617?</i></p> <p>a) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617.</p> <p>b) <i>Yes. Will the project activities result in:</i></p> <ul style="list-style-type: none"> • <i>A reduction in the quantity of the resource?</i> • <i>A reduction in the quality of the resource? Or</i> • <i>Affect the use, function or enjoyment of the resource?</i>

TIER 2 SITE SPECIFIC CHECKLIST

Page 12 of 13

Parcel ID#:

Project Address:

			<p><i>i) No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The project activities will not result in a reduction in the quantity or quality of the _____ [name that CEA], nor affect the use, function or enjoyment of the _____ [name that CEA].</p> <p><i>ii) Yes. Coordinate with HCR regarding additional compliance steps.</i></p>
Historic Properties			<p><i>Is the house a National Register of Historic Places (NRHP)-listed property or located adjacent to a NRHP listed property or a Historical District?</i></p> <p><i>a. No – review concluded. Place X in Column B. Add text:</i> Not applicable. The house is not a historic property or located adjacent to a historic property; therefore, there is no potential effect on historic properties.</p> <p><i>b. Yes, but historian determined No Adverse Effect:</i> A SEQR historical review has been completed and it has been determined that the proposed activities will have no adverse effect on archeological or historic properties.</p> <p><i>c. Yes, but historian determined No Effect:</i> A SEQR historical review has been completed and it has been determined that the proposed activities are not substantially contiguous with a historic property and will have no effect on archeological or historic properties.</p> <p><i>d. Yes. Coordinate with a qualified professional to evaluate the potential impact to adjacent historic properties and coordinate with HCR.</i></p>
Agricultural and Markets Law			<p><i>Is the property located within 500 feet of agricultural land?</i></p> <p><i>a. No – review concluded. Place X in Column B. Add text:</i> This project will comply with the New York State Agriculture and Markets Law.</p> <p><i>b. Yes. Do any of the following apply?</i></p> <p><i>i) The project would sever, cross or limit access to agricultural land (including cropland, hayfields, pasture, vineyard, orchard, etc.).</i></p> <p><i>ii) Construction activity would excavate or compact the soil profile of agricultural land.</i></p> <p><i>iii) The project would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.</i></p> <p><i>(1) No – review concluded. Place X in column B. Add text:</i> Not applicable. The project activities have no potential to affect agricultural lands.</p> <p><i>(2) Yes. Coordinate with HCR regarding additional compliance steps.</i></p>

TIER 2 SITE SPECIFIC CHECKLIST
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Parcel ID#:

Project Address:

TIER 2 PREPARED BY:

Prepared by:

Signature

Date:

**HCR CERTIFYING OFFICER OR OTHER APPROPRIATELY DESIGNATED HCR
OFFICIAL:**

This Site-Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

Attachments:

Closeout items required:

Small Business
Exempt or CatEx Forms

**NYS SMALL BUSINESS STORM RECOVERY PROGRAM
PROJECT DESCRIPTION FORM**

1. Business Information

Business Name:

Applicant ID #:

Business Address:

C/T/V:

Zip Code:

Type of Business:

2. Project Description

Total Budget:

Machinery/ Equipment:

Furniture:

Fixtures:

Inventory:

Working Capital: Reimbursement (Clean Up):

Building Repair (Reimb.)

Building Repair (Future):

Mitigation:

Construction Related:

 Machinery/ Equipment:

 Furniture:

 Fixtures:

 Inventory:

**New York State Housing Trust Fund Corporation
Office of Community Renewal
2013 NYS CDBG Subrecipient Agreement with the
New York Business Development Corporation ("NYBDC")**

Site Specific Checklist

CERTIFICATION OF NEPA CLASSIFICATION

Project Number:

Name:

Address:

It is the finding of the New York State Housing Trust Fund Corporation that the activities proposed for this project, as further described in the attached Project Description Form, are:

Check the applicable classification.

- ☐ Exempt as defined in 24 CFR 58.34 (a).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(b).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.
- ☐ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35(a) and (b)).
- ☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Signature

Date

Print Name

Title

**New York State Housing Trust Fund Corporation
Office of Community Renewal
2013 NYS CDBG Subrecipient Agreement with the
New York Business Development Corporation (“NYBDC”)**

Site Specific Checklist

CERTIFICATION OF SEQRA CLASSIFICATION

Project Number:

Name:

Address:

It is the finding of the New York State Housing Trust Fund Corporation that the activities proposed for this project, as further described in the attached Project Description Form, are:

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
 - ☐ Draft EIS
 - ☐ Final EIS

Signature

Date

Print Name

Title

New York State Housing Trust Fund Corporation

**NEPA CLASSIFICATION CHECKLIST
EXEMPT ACTIVITIES (24 CFR 58.34)**

- ☐ Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- ☐ Information and financial services [58.34(a)(2)].
- ☐ Administration and management activities [58.34(a)(3)].
- ☐ Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- ☐ Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- ☐ Purchase of insurance [58.34(a)(6)].
- ☐ Purchase of tools [58.34(a)(7)].
- ☐ Engineering or design costs [58.34(a)(8)].
- ☐ Technical assistance and training [58.34(a)(9)].
- ☐ Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- ☐ Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- ☐ Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

In accordance with 24CFR 58.34(b), no further approval from HUD or the State is necessary for the drawdown of funds to implement this program.

However, the responsible entity must still document in writing its compliance with and/or applicability of the "Other requirements list at 58.6.

NEPA CLASSIFICATION CHECKLIST

Activities in this section require compliance with related laws and authorities at 24 CFR 58.5 and 58.6

- ☐ Acquisition, repair, construction, reconstruction, rehabilitation or installation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of curbs and sidewalks, street repaving [58.35(a)(1)].
- ☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)].
- ☐ Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or in a wetland [58.35(a)(3)(i)].
- ☐ Rehabilitation of multifamily residential buildings (with five or more units), when the following conditions are met: a) unit density is not changed more than 20 percent, b) the project does not involve changes in land use from residential to non-residential; and c) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation [58.35(a)(3)(ii)].
- ☐ Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: a) the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and b) the activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial or from one industrial use to another [58.35(a)(3)(iii)].
- ☐ An individual action on up to four dwelling units [not including rehabilitation (see 58.35(a)(3)(i) above)] where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between [58.35(a)(4)(i)].
- ☐ An individual action on a project of five or more housing units [not including rehabilitation (see 58.25(a)(3)(i) above)] developed on scattered sites when the sites are more than 2000 feet apart and there are not more than four housing units on any one site [58.35(a)(4)(ii)].
- ☐ Acquisition (including leasing) or disposition of an existing structure, equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed or disposed of will be retained for the same use [58.35(a)(5)].
- ☐ Any combination of the above activities [58.35(a)(6)].

NEPA CLASSIFICATION CHECKLIST

*Activities in this section require compliance with related laws and authorities at 24 CFR 58.6 only**

- ☐ Tenant-based rental assistance [58.35(b)(1)].
- ☐ Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and federal government benefits and services [58.35(b)(2)].
- ☐ Operating costs including maintenance, equipment, supplies, staff training, staff recruitment, security, operation, utilities, furnishings and other incidental costs [58.35(b)(3)].
- ☐ Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations [58.35(b)(4)].
- ☐ Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction**, including closing costs and down payment assistance, interest buydowns, and similar activities that result in the transfer of title [58.35(b)(5)].
- ☐ Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact [58.35(b)(6)].
- ☐ Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental finding is not required under 58.47 [58.35(b)(7)].

* If a responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions at or affecting the location of the activity or project may have a significant environmental effect, an environmental assessment must be prepared, and a determination of significance made.

* * This exclusion applies only to financial assistance for purchase of existing for-sale homes or homes under construction. Homebuyer assistance for units not under construction is classified as Categorically Excluded. In all cases, for this exclusion to apply, the prospective buyer must have discretion regarding selection of properties within the target area.

**New York State Housing Trust Fund Corporation
Office of Community Renewal
2013 NYS CDBG Subrecipient Agreement with the
New York Business Development Corporation (“NYBDC”)**

Site Specific Checklist

24 CFR Part 58.6 “Other Requirements” CHECKLIST (58.6)

Federal Laws and Authorities listed at Sec. 58.5
Permits, Licenses, Forms of Compliance Under Other Laws – Federal, State and Local

Project Name and Identification Number:

For “exempt” and “categorically excluded not subject to” projects/activities, compliance with the related laws and authorities listed in 58.5 is not required. However, recipients remain responsible for addressing and carrying out any applicable compliance measures for the requirements listed in 58.6. These requirements include:

Area of Statutory or Regulatory Compliance Applicable to Project	Not Applicable	Consultation, Permit and/or Mitigation Required	Provide compliance documentation. Additional material may be attached.
Federal Requirements			
Flood Insurance – 58.6(a)	<input type="checkbox"/>	<input type="checkbox"/>	Project is located in a floodplain. Flood insurance is required for project funding. See attached Flood Insurance Rate Map.
Coastal Areas – 58.6(b) Coastal Zone Areas Coastal Barrier Resources	<input type="checkbox"/>	<input type="checkbox"/>	Not applicable. Project activities will not take place in a Coastal Barrier Resource Area. See attached Flood Insurance Rate Map.
Runway Clear Zone	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable. Project activities do not involve Site Acquisition.

State or Local Statutes (to be added by Responsible Entity)

State Historic Preservation Office (SHPO)	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable. Project activities do not involve repair or construction of buildings.
State Environmental Quality Review Act (SEQRA)	<input type="checkbox"/>	<input type="checkbox"/>	Type II- See Attached Certification of SEQRA Classification.
Coastal Zone Management	<input type="checkbox"/>	<input type="checkbox"/>	Not Applicable.

Prepared By:	Signature:
Title:	
Date:	

Environmental Assessment Template

[FIRST PAGE SHOULD BE COVER SHEET WITH IMAGE]

[PROJECT NAME]

Environmental Assessment

Date

Project Name: (same as above)

Project Location: (address and brief descriptor)

Federal Agency: U.S. Department of Housing and Urban Development
Responsible Entity: New York State Homes and Community Renewal

**Responsible Agency's
Certifying Officer:** Lori A. Shirley, Certifying Officer

Project Sponsor: (Subrecipient or subgrantee)

Primary Contact: (Contact information of project sponsor: organization, address,
ATTN name, email, phone, etc.)

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:

☐

Finding of No Significant Impact - The project will not result
in a significant impact on the quality of the human
environment.

☐

Finding of Significant Impact - The project may significantly
affect the quality of the human environment.

Certification

The undersigned hereby certifies that New York State Homes and
Community Renewal has conducted an environmental review of the
project identified above and prepared the attached environmental
review record in compliance with all applicable provisions of the
National Environmental Policy Act of 1969, as amended (42 USC Sec.
4321 et seq.) and its implementing regulations at 24 CFR Part 58.

Signature

Lori A. Shirley, Director, Bureau of Environmental Review and
Assessment, GOSR

Environmental Review Prepared By: Consultant #1
Address

Consultant #2
Address

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its [PROJECT YEAR] NYS CDBG-DR project, [PROJECT NAME] are:

Check the applicable classification.

- ☐ Exempt as defined in 24 CFR 58.34 (a).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(b).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.
- ☐ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).
- ☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other," attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Signature of Certifying Officer

Date

Print Name

Title

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies)
proposed in its [PROJECT YEAR] NYS CDBG-DR project, [PROJECT NAME] are:

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
 - ☐ Draft EIS
 - ☐ Final EIS

Signature of Certifying Officer

Date

Print Name

Title

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

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

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

Standard Conditions for All Projects

Any change to the approved scope of work will require re-evaluation by the GOSR Environmental Certifying Officer for compliance with the National Environmental Policy Act (NEPA) and other laws and Executive Orders.

This review does not address all federal, state, and local requirements. Acceptance of federal funding requires the recipient to comply with all federal state and local laws. Failure to obtain all appropriate

federal, state and local environmental permits and clearances may jeopardize federal funding.

Funding Information

Estimated Total HUD Funded Amount:

Estimated Total Project Cost

(HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input type="checkbox"/>	

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	' es No <input type="checkbox"/>	
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	' es No <input type="checkbox"/>	
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	' es No <input type="checkbox"/>	
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	' es No <input type="checkbox"/>	
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	' es No <input type="checkbox"/>	
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	' es No <input type="checkbox"/>	
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	' es No <input type="checkbox"/>	
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	' es No <input type="checkbox"/>	
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	' es No <input type="checkbox"/>	
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	' es No <input type="checkbox"/>	
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	' es No <input type="checkbox"/>	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	' es No <input type="checkbox"/>	
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	' es No <input type="checkbox"/> <input type="checkbox"/>	

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

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

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

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design		
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff		
Hazards and Nuisances including Site Safety and Noise		
Energy Consumption		
SOCIOECONOMIC		
Employment and Income Patterns		
Demographic Character Changes, Displacement		

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities		
Commercial Facilities		
Health Care and Social Services		
Solid Waste Disposal / Recycling		
Waste Water / Sanitary Sewers		
Water Supply		
Public Safety - Police, Fire and Emergency Medical		
Parks, Open Space and Recreation		
Transportation and Accessibility		
NATURAL FEATURES		
Unique Natural Features, Water Resources		
Vegetation, Wildlife		
Other Factors		

Additional Studies Performed:

Field Inspection (Date and completed by):

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

List of Permits Obtained or Required:

List of Other Approvals Obtained or Required:

Public Outreach [24 CFR 50.23 & 58.43]:

Cumulative Impact Analysis [24 CFR 58.32]:

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

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

Summary of Findings and Conclusions:

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

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

Law, Authority, or Factor	Mitigation Measure

Standard Conditions for All Projects

- Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Determination:

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

Preparer Signature

Date

Name/Title/Organization

Signature of Certifying Officer

Date

Print Name

Title

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

Categorical Exclusion 24 CFR 58.35(a) Template

[FIRST PAGE SHOULD BE COVER SHEET WITH IMAGE]

[PROJECT NAME]

Environmental Review Record

Date

Project Name: (same as above)

Project Location: (address and brief descriptor)

Federal Agency: U.S. Department of Housing and Urban Development
Responsible Entity: New York State Homes and Community Renewal

**Responsible Agency's
Certifying Officer:** Lori A. Shirley, Certifying Officer

Project Sponsor: (Subrecipient or subgrantee)

Primary Contact: (Contact information of project sponsor: organization, address,
ATTN name, email, phone, etc.)

Project NEPA Classification: 24 CFR 58.35(a) (Categorical Exclusion Subject To)

Certification

The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.

Signature

Thomas J. King, Title

OR

Daniel Greene, Title

Environmental Review Prepared By: Consultant #1
Address

Consultant #2
Address

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its [PROJECT YEAR] NYS CDBG-DR project, [PROJECT NAME] are:

Check the applicable classification.

- ☐ Exempt as defined in 24 CFR 58.34 (a).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(b).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.
- ☐ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).
- ☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Signature of Certifying Officer

Date

Print Name

Title

**NEPA CLASSIFICATION CHECKLIST FOR
CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(a)]**

- ☐ Acquisition, repair, improvement, reconstruction, or rehabilitation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent (e.g., replacement of water or sewer lines, reconstruction of curbs and sidewalks, repaving of streets)
- ☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons.
- ☐ Rehabilitation of buildings and improvements when the following conditions are met:
- (i) In the case of a building for residential use (with one to four units), the density is not increased beyond four units, and the land use is not changed;
 - (ii) In the case of multifamily residential buildings:
 - a. Unit density is not changed more than 20 percent;
 - b. The project does not involve changes in land use from residential to non-residential; and
 - c. The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.
 - (iii) In the case of non-residential structures, including commercial, industrial, and public buildings:
 - a. The facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent; and
 - b. The activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial, or from one industrial use to another.
- ☐ An individual action on up to four dwelling units where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between. (This does not apply to rehabilitation of a building for residential use).
- ☐ An individual action on a project of five or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four housing units on any one site. (This does not apply to rehabilitation of a building for residential use).
- ☐ Acquisition (including leasing) or disposition of, or equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed, or disposed of will be retained for the same use.
- ☐ Combinations of the above activities.

Signature of Certifying Officer

Date

Print Name

Title

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies)
proposed in its [PROJECT YEAR] NYS CDBG-DR project, [PROJECT NAME] are:

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
 - ☐ Draft EIS
 - ☐ Final EIS

Signature of Certifying Officer

Date

Print Name

Title

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

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

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

Funding Information

Estimated Total HUD Funded Amount:

Estimated Total Project Cost

(HUD and non-HUD funds) [24 CFR 58.32(d)]:

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input type="checkbox"/>	

STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes <input type="checkbox"/> No <input type="checkbox"/>	
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes <input type="checkbox"/> No <input type="checkbox"/>	

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

List of Permits Obtained or Required:

Action or Documentation Required
Nationwide Permit 3: Maintenance (USACE)
Nationwide Permit 13: Bank Stabilization Pre-Construction Notification (USACE)
Section 10: Rivers and Harbors Act of 1899 (USACE)
Section 401: Water Quality Certification (NYS DEC)
Article 15: Protection of Waters: Protection of navigable waters; excavation or fill Permit (NYS DEC)
Local Floodplain Development Permit

Standard Conditions for All Projects

- Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Preparer Signature

Date

Name/Title/Organization

Signature of Certifying Officer

Date

Print Name

Title

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

Environmental Review
Follow Up Letter



Governor's Office of Storm Recovery

ANDREW M. CUOMO
Governor

Date

VIA ELECTRONIC MAIL

Sponsor Primary Contact Person, Title
Address
Address
Email

Re: Environmental Review Follow-Up Letter (FUL)
Project Name

Dear Mx xxxxxxxxx:

The purpose of this letter is to request submission of specific items required to complete the environmental review for the above-referenced project. These items must be submitted, and the environmental review completed **prior to any physical alteration of the site and/or site acquisition or purchase-and-sale agreement, if the site was not already acquired or under contract pre-application.**

1. **Review and make revisions to the following project description:**

(Copy the project description from the Initial Review)

Submit a description of whether additional phases of this project are planned.

Submit a current list of governmental funding sources (including vouchers) with an identification of the entity providing the funding and whether the funding is federal in nature.

The application states that the *[insert name of Green Building or Energy Efficiency Plans]* will be followed. Please confirm that the project will still follow those design standards. To the extent that any elements of those plans are optional, please state whether the project will incorporate the optional elements.

2. **GRADING/SITE PLAN**

Submit the most current grading/site plan, if it has been updated since the application.

3. **SEQR DOCUMENTS**

Unlisted/no concur:

Submit a signed Short Environmental Assessment Form (SEAF), which is available here:
<http://www.dec.ny.gov/permits/6191.html>

The project will need to be presented to the HTFC Board for a SEQR determination. For planning purposes, please advise when you wish to start construction and I will provide you with a deadline for

document submission to ensure timely placement on the HTFC Board agenda for review.

Unlisted/Type I Concur:

HCR *was/was not* included as an involved agency, *and/but* HTFC does not dispute the *(town of/city of/village of)* designation as lead agency or the *Unlisted/Type I* determination. HCR will concur with the *(xxxx of xxxxx's) [Negative Declaration or Findings Statement] dated_____*. Submit all documentation pertaining to the *(town of/city of/village of)* SEQR review of the project, including *[the final signed EAF, the Negative Declaration, the Findings Statement, EIS's]*.

OR

It is unclear whether the municipality will be conducting a SEQR coordinated review of this project. If it will, to save time and expense, please request that HCR be included as an involved agency. Submit all documentation pertaining to the *(town of/city of/village of)* SEQR review of the project, including *[the final signed EAF, the Negative Declaration, the Findings Statement, EIS's]*.

Type II:

HCR will classify this as a Type II project for SEQR purposes. The following statutorily-required and liability-related items must be submitted before the environmental review can be completed.

4. NEPA REVIEW

The project requires an Environmental Assessment for NEPA which includes the publication of a 32 day public notice and Release of Funds from HUD. For your information, this will take approximately 2 months from the date of publication to obtain the HUD release. I will prepare the public notice and package of materials for the public review and you must arrange and pay for publication in an area newspaper and identify a place where the package of materials can be available for public review. I will provide more specific instructions after you submit the environmental review materials requested in this letter.

Please review HUD's requirements against performing Choice Limiting Actions during the NEPA environmental review process, which begins upon an application for funding.

5. EAF SUBMISSIONS

Submit documentation to support the conclusions stated in number(s)_____ of Part 1 of the Environmental Assessment Form (EAF). *Use for Unlisted or Type I when not concurring once EAF has been submitted.*

6. NYS SMART GROWTH PUBLIC POLICY ACT OF 2010

Submit documentation that describes whether the project involves the acquisition, new construction, expansion or reconstruction of infrastructure such as roads, sewers or sidewalks that are open and accessible to the public and is not owned and used solely by the project.

7. ZONING, SITE PLAN AND OTHER LOCAL APPROVALS

Submit final site plan, subdivision and zoning approval and any accompanying SEQR determinations. If the approval contains any conditions, also **submit** written confirmation from the project architect that the project complies with the conditions, including specifications and/or drawings.

If site plan approval and/or zoning approval are not required, **submit** a letter from the project architect

stating that, with citation to the applicable local code.

8. SOLID WASTE DISPOSAL/RECYCLING

- i. With regard to both the construction and the ongoing use of the property, identify the properly licensed entity that will provide for solid waste disposal and the location where such waste will be disposed.
- ii. Provide a letter of affirmation from the disposal site that will service the project that there is adequate capacity to service the project (during demolition and on-going).
- iii. Provide a description of recycling opportunities (during demolition and on-going) of which the project will take advantage.

9. EDUCATIONAL FACILITIES

For family projects only:

- i. Provide the names and locations of public schools that will service the project.
- ii. Provide the estimated number of additional students that the project will contribute to the public schools.
- iii. Provide a letter of affirmation from the school district that there is adequate capacity at the school for the additional students that the project may bring to the district.

10. PUBLIC SAFETY SERVICES

Provide the names and locations of the police, fire and emergency medical providers that will service the project and an affirmation from those providers that they will be able to adequately service the project.

11. HISTORIC AND CULTURAL RESOURCES

Submit a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation. Please note in the application to OPRHP that the project is receiving federal funding and must obtain a review in accordance with **Section 106 of the National Historic Preservation Act of 1966**.

A NYS Office of Parks, Recreation and Historic Preservation (OPRHP) final determination letter, dated_____, was submitted with the application. Forward all correspondence with OPRHP prior to the letter. Confirm in writing that OPRHP has not amended the determination dated_____.

A NYS Office of Parks, Recreation and Historic Preservation (OPRHP) final determination letter was submitted with the application, but it refers to a review conducted pursuant to Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law, which is not adequate for this project that is receiving federal HOME and/or PBV funds. **Submit** a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation that was prepared pursuant to Section 106 of the National Historic Preservation Act of 1966.

A NYS Office of Parks, Recreation and Historic Preservation (OPRHP) final determination letter was submitted with the application. It includes the following conditions:_____. **Submit** written confirmation that the project will comply with the conditions in OPRHP's determination letter, including specifications and/or drawings.

(The address noted on OPRHP's final determination letter, dated_____, does not match

the address in the application OR The scope of project work in the application is different from the scope of work submitted to OPRHP.) **Submit** an updated request for a final determination letter to OPRHP. Once you receive it, submit a final impact determination letter from OPRHP.

A letter from NYS Office of Parks, Recreation and Historic Preservation (OPRHP) requires a (Phase 1A/1B archaeological survey of the site. OR further information about the resource to be impacted during project construction. **Submit** a copy of this (survey or further information submitted to OPRHP) along with copies of all further correspondence with OPRHP. Once you receive it, submit a final impact determination letter from OPRHP.

An (archaeological survey or additional information), dated____, was prepared by_____. OPRHP reviewed the (archaeological survey or additional information) and, in a letter dated____, requested (additional study or a plan to mitigate impacts on resources discovered at the site). **Submit** a copy of this (survey or further information submitted to OPRHP) along with copies of all further correspondence with OPRHP. Submit a final impact determination letter from OPRHP.

A_____(____Plan) was prepared by_____. (OPRHP reviewed the____Plan and issued a final determination letter, dated____, which requires that the applicant, HTFC, OPRHP (and other financing agencies) sign a Letter of Resolution (LOR). **Submit** any draft LORs and all further correspondence with OPRHP.

The project is applying for historic tax credits and is seeking acceptance of Parts I, II & III from the National Park Service. As they are completed, **submit** copies of Parts I, II and III to me. The final approved Part III must be submitted prior to permanent loan closing.

12. THPO

Submit evidence that a review was requested from the Tribal Historic Preservation Officer since the project will conduct ground disturbance. The same review packet sent to SHPO must be faxed and sent to each officer listed for the county in the [Tribal Directory Assessment Tool](http://egis.hud.gov/tadat/Tribal.aspx) at <http://egis.hud.gov/tadat/Tribal.aspx>.

The attached “boilerplate” cover letter, on your letterhead, can be used for tribal consultation purposes.

13. FLOODPLAIN MANAGEMENT

If applicable, insert Initial Review description of the project’s location in a flood plain.

Submit a site plan, including a grading plan, drainage plan and erosion control plan. The site plan must show the boundaries of the 100-year floodplain and, if applicable, the regulatory floodway as defined by the Federal Emergency Management Agency Flood Insurance Rate Map for the project area. The site plan must show the lowest floor elevation and the 100-year Base Flood Elevation.

Submit the following item(s):

Documentation that the Code Enforcement Officer reviewed the proposed construction plans to verify that building specifications required by FEMA have been incorporated into the building, and that they comply with any other local regulations adopted by the community pursuant to its participation in the National Flood Insurance Program; and (either ii or iii)

A Floodplain Elevation Certificate from a qualified entity, such as an architect, engineer or surveyor. The Certificate and accompanying documentation must demonstrate that the (*new construction or substantial rehabilitation*) of dwellings in the 100-year flood zone will be built according to Federal Emergency Management Agency (FEMA) and NYS design guidelines, including flood proofing

requirements and elevation above the base flood elevation (BFE). Note that the relevant NYS Building Code may require that the lowest floor to be elevated to a minimum of two feet above the BFE, as opposed to the one foot regulatory level.

Alternately, the project may proceed by making a request to FEMA for a Letter of Map Revision or Amendment, to remove the subject property from the 100-year flood zone. If this request to FEMA is based upon fill placed in a flood zone, a fill permit must be issued according to regulations adopted by the community pursuant to its participation in the National Flood Insurance Program. Submit a copy of the documents submitted to FEMA for this purpose.

14. WETLANDS

Submit a written identification of whether any portion of the site is *shown on a New York State Department of Environmental Conservation (DEC) or National Wetlands Inventory map; or, exhibits characteristics requiring delineation according to U.S. Army Corps of Engineers (ACOE) wetland criteria.*

This identification may be included within the scope of a Phase 1 Environmental Site Assessment report or a wetlands consultant may be retained to conduct a field investigation to determine whether an area is a wetland and whether the activity requires a permit from DEC or ACOE (or the Adirondack Park Authority).

If any portion of the site contains wetlands, **submit** a site plan, including a grading plan, drainage plan and erosion control plan. The site plan must show the boundaries of any wetlands on the project site.

If wetland disturbance permits are required (including coverage under a Nationwide Permit), **submit all** application or notification materials and copies of all subsequent correspondence with the permitting authority.

Note that if the site also includes a classified stream that will be disturbed by project work, the wetland permit may also need to include protection of water permit, as described in the Water Quality section, below. ACOE, DEC, DOS and OGS have developed a Joint Application Form.

15. COASTAL ZONE

The site is located in a coastal zone, according to the NYS Coastal Zone maps and must receive a Consistency Determination from the New York State Department of State. *(The (municipality) also operates a Local Waterfront Revitalization Program (LWRP) in this area and also needs to render a consistency determination.)* **This review process can take up to six months.** Please submit the Federal Consistency Assessment Form to NYSDOS (link below), with a copy to me, **as soon as possible**. Also, please contact the LWRP to determine the process that must be followed for a consistency determination in that LWRP area and copy me on all submissions. **Your NEPA review cannot be published until a determination is received from both the LWRP and NYSDOS.**

http://www.dos.ny.gov/opd/programs/pdfs/Consistency/FCAF_fillable.pdf

Additional directions are found here: <http://www.dos.ny.gov/opd/programs/consistency/index.html>

Add for or projects in NYC:

If a project is in the New York City Waterfront Revitalization Program (WRP) Area, you should complete and submit the program's policy specific form or Consistency Assessment Form (CAF), as above, and with the appropriate policy analysis where the form is checked 'yes. [This form is available on the webpage of the New York City Department of City Planning. Note: DOS will accept the CAF in lieu of the standard state FCAF for projects in the New York City area. The application packages for these projects should be sent to both the Department of State and the City agency.]

16. ENDANGERED SPECIES

BOTH of these items must be completed:

Request a determination from the NY Natural Heritage Program to determine if the project area is known to contain listed rare, threatened or endangered species, or associated critical habitat. Copies of all follow-up documentation and communications must be **submitted** to HTFC, including any follow-up documentation prepared regarding the presence of any species noted by the Natural Heritage Program.

Information on how to contact the NYS Natural Heritage Program is located here:

<http://www.dec.ny.gov/animals/31181.html>

Submit documentation to resolve the issue raised in the _____ letter from the NY Natural Heritage Program regarding the presence of (species) and associated critical habitat within _____ of the project site.

Provide documentation demonstrating that you completed the process described on the US Fish and Wildlife Service's (USFWS) Website, listed below. You **MUST** follow the instructions as listed on USFWS's Website and **submit** print-outs of your USFWS Website search.

Information regarding the USFWS endangered species documentation process is located here:

<http://www.fws.gov/northeast/nyfo/es/section7.htm>.

17. INVASIVE SPECIES

Submit written certification from the licensed design professional that the project will not include any of the species listed on NYS Department of Environmental Conservation's Prohibited and Regulated Invasive Species regulations at 6 NYCRR Part 575.3 & 575.4, available here: <http://www.dec.ny.gov/regulations/93848.html>

18. WILD, SCENIC AND RECREATIONAL RIVERS

The site is located on or near a *State or Federal Wild, Scenic or Recreational River*. **Submit** documentation from the New York State Department of Environmental Conservation regarding permit requirements.

19. SOLE SOURCE AQUIFER

Complete and return the Housing/Project Initial Screen Criteria form (Attachment 2.B) to me. If the proposed project meets one of the criteria in Attachment 2.B, you must complete Attachment 3 (contact me if assistance is required). I will forward the information to EPA for review.

20. AGRICULTURAL DISTRICTS

Submit written documentation that demonstrates whether the site is located within a New York State Agricultural District.

(The project site is located within a New York State Agricultural District. or If the project site is located within a New York State Agricultural District) **S(s)ubmit** the Preliminary and Final Notice of Intent to Undertake an Action within an Agricultural District to me, with the sections in bold completed (attached).

(**Submit** written documentation regarding whether the project requires a special use permit from the _____.)

For your information, an Agricultural Data Statement (ADS) must be completed by the _____ clerk if the proposed project occurs on property within an agricultural district containing a farm operation or on property with boundaries within 500 feet of a farm operation located within an agricultural district. **Submit** a copy of the ADS along with the special use permit approval.

21. FARMLAND PROTECTION:

Submit a copy of the tax map, with enough detail of the site and the surrounding area to enable site delineation on a soil map, since the site may contain Prime, Unique or Statewide/Important Farmland. If these soils are present on the project site, we may be required to complete a Conversion Impact form.

22. WATER QUALITY

a. Protection of Waters:

A stream runs through the project site. The application did not state if the stream is classified according to 6 NYCRR Part 608, Article 15. Documentation of stream classification must be submitted to me. If the stream is classified and project work will disturb the stream **submit** an Article 15 permit approval for stream disturbance from NYSDEC.

b. Watershed Plans –

The project site *is/is not* located in a/[the _____] Watershed Plan Area. The Plan imposes the following conditions on the development (if any). The Plan should be incorporated into the ERR.

<http://www.dec.ny.gov/chemical/99985.html>

c. Water Supply/Sewage Disposal:

- i. The on-site septic requires a State Pollutant Discharge Elimination System Permit (SPDES) as required by 6 NYCRR Parts 750-757. *[SPDES required if discharges are projected to exceed 1,000 gallons per day to an on-site septic]*. The Sponsor must submit a State Pollutant Discharge Elimination System Permit (SPDES) as required by 6 NYCRR Parts 750-757 for the on-site septic.
- ii. Provide a letter of affirmation from the utility department which will service the project that there is adequate capacity at the wastewater treatment plant and within the lines by which the project will connect to the plant. Also, indicate whether construction to connect the facility will only be on the project site or whether other areas will be affected.
- iii. Provide a letter of affirmation from the utility department which will service the project that there is adequate water service capacity in the system to service the project. Also, identify the measures that will be taken to conserve water use inside and outside the building.

d. Stormwater Drainage/Erosion and Sediment Control:

Submit a signed MS4 SWPPP Acceptance Form from the municipality.

A DEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001) is required since the project will disturb more than one acre. A Stormwater Pollution Prevention Plan (SWPPP) must be **submitted** before environmental clearance can be provided by GOSR. The Notice of Intent and DEC Letter of Acknowledgement must be **submitted** prior to construction start.

The total site disturbance is less than one acre, but it is located in a NYC DEP protected watershed. A

DEC SPDES General Permit for Stormwater Discharges from Construction Activity. A Stormwater Pollution Prevention Plan (SWPPP) and the NYC DEP approval must be **submitted** before environmental clearance can be provided by GOSR. The Notice of Intent and DEC Letter of Acknowledgement must be **submitted** prior to construction start.

23. NOISE

The project is subject to requirements under 24 CFR Part 51, Noise Abatement and Control. EAU must conduct a noise assessment. Metering for noise is not an accepted method of providing data. Noise mitigation will be needed if the noise at the site is greater than 65 dNL according to HUD's noise calculator at <https://www.hudexchange.info/environmental-review/noise-abatement-and-control>.

FOR NEW CONSTRUCTION

[The site is approximately _____ mile from a railroad track.] If the project is within 3,000 feet of active railroad tracks, **complete and submit** page 1 of the Railway Noise Worksheet D (attached). This website [<http://safetydata.fra.dot.gov/OfficeofSafety/publicsite/crossing/xingqryloc.aspx>] may be of some assistance or contact the owner of the railway to obtain the necessary information on the worksheet.

[The structure is approximately _____ from the _____ Airport.] Complete Aircraft Noise Worksheet B (attached), if the structure is located within 15 miles from an airport. Contact each airport for a copy of the DNL noise contour maps, if available. If the maps are available, the assessment is completed. If not, the remaining 5 questions of the worksheet must be completed for that particular airport and **submitted** to me.

[The structure is approximately _____ feet from _____.] Complete Highway Noise Worksheet C (attached), if the structure is located within 1,000 feet of a road that carries more than 10,000 cars a day. This website [<http://gis.dot.ny.gov/tdv/>] may provide assistance or contact the owner of the highway to obtain the necessary information on the worksheet and **submit** to me.

FOR REHABILITATION PROJECTS

This regulation has an exemption for rehabilitation projects that are considered moderate rehabilitation. Provide the current market value (appraised value) of the building and the most current proposed total construction cost of just this rehab project. Deduct the cost of improvement of existing federal or state health, sanitary or safety code violations and have these verified by the local code enforcement officer. If the construction is 50% or higher than the current market value of the property, the project will be considered "substantial rehabilitation" therefore making the rehabilitation portion of the project subject to the noise regulations.

If the project is "substantial rehabilitation" submit the following:

Insert New Construction items.

24. RUNWAY CLEAR ZONE

The site is located next to a designated airport, but it is unclear whether the site is in the airport clear zone. **Submit** a copy of the airport clear zone map, obtained from the airport operator, the map must include the exact location of the proposed project site on the clear zone map.

25. THERMAL EXPLOSIVE HAZARDS

An independent field survey must be conducted to identify:

- a. any above-ground (outdoor) tanks which store flammable or explosive gasses (i.e. propane) within 1,000-foot radius of the site;

- b. any above-ground (outdoor) tanks exceeding 100 gallons which store flammable or explosive liquids within 1,000-foot radius of the site; or
- c. any above-ground (outdoor) tanks that exceed 20,000 gallons and are within 1 mile of the site.

If tanks are discovered, **submit** the specific information necessary to allow HTFC to calculate the Acceptable Separation Distance (ASD), as described in the HUD publication "[Siting of HUD-Assisted Projects Near Hazardous Facilities](https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/)" at <https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities/>

Please note that if a building or hillside exists between the site and the tank, thermal data does not need to be collected, since this structure will act as a blast barrier.

Will the project include a backup power generator? What will the fuel type be? If the fuel type is any fuel other than natural gas and the tank size will be over 100 gallons, and ASD calculation must be performed and mitigation proposed.

26. SITE CONTAMINATION (see *Contamination and Tanks Fact Sheet* in "Fact Sheet" section of Boilerplate section of "Q" Drive for more information/options to address concerns raised in Initial Review)

I have received and reviewed a copy of the _____ Phase I Environmental Assessment (ESA) report, prepared by _____. The ESA is not dated within one year of the date of the application for funding and must be updated. **Submit** an updated ESA which must meet, at a minimum, the American Society for Testing and Materials standard for site assessment (ASTM E 1527-13). *The scope of the investigation must include **visual** examination of suspected asbestos-containing materials, lead-based paint and mold contamination.*

I have received and reviewed a copy of the Executive Summary of the _____ Phase I Environmental Assessment (ESA) report, prepared by _____. **Submit** an entire copy of the ESA.

Submit documentation to resolve the xxxxx contamination concerns identified in the Phase I Environmental Site Assessment (ESA), prepared by _____, dated _____.

Waste and debris are present on the project site or in existing structures on the site. **Submit** project specifications that state that all debris on the property will be properly categorized, removed and disposed of in accordance with the federal and state solid or hazardous waste regulations, as applicable. These specifications must be submitted to me **at this time**.

It is possible that the building contains PCB-containing equipment, such as light fixtures. If such equipment is scheduled to be replaced or removed from the site, **submit** project specifications to the me, **at this time**, which demonstrate that the project will comply with all federal, state and local regulations regarding the proper categorization, removal and disposal of the equipment.

A sub-slab depressurization system (SSDS) must be installed in the project to mitigate indoor air quality concerns due to vapor intrusion.

Prior to occupancy, testing results that demonstrate that the system is depressurized and functioning properly must be submitted to me. Section 4.3 of the NYSDOH Guidance recommends an equilibrium period of 30 days prior to post-mitigation sample collection. Preference is for samples to be collected during the heating season. Pressure field extension tests can be used to demonstrate a negative pressure environment exists. The SSDS must be operated for an on-going basis in accordance with an Operations Plan. The Operations Plan must be submitted to me prior to occupancy.

27. ASBESTOS CONTAINING MATERIALS

NOTE: All project work must comply with the procedures outlined in NYS Department of Labor regulations at 12 NYCRR Part 56, including amendments, which are available at: http://www.labor.ny.gov/workerprotection/safetyhealth/DOSH_ASBESTOS.shtm

New construction on a vacant site with former improvements:

The project site is vacant, but was previously improved and it is possible that debris containing ACM may remain in the former building basements from the time of demolition.

Submit construction specifications to me **at this time**. The specifications must:

- indicate that all project work must comply with the procedures outlined in NYS Department of Labor regulations at 12 NYCRR Part 56, including amendments; and
- provide a statement that ACM may be buried on the site; and
- indicate that fugitive dust control measures will be implemented during project demolition and excavation; and
- indicate that any discovered ACM debris will be properly disposed of in accordance with NYSDEC rules; and
- require proper transportation and disposal of ACM by certified entities.

Demolition and new construction:

The project description includes demolition of an existing building.

- i. **Submit** an ACM pre-demolition survey (NOT a visual survey), prepared by a properly qualified entity, to me **at this time**.
- ii. **Submit** any prior ACM risk assessments, surveys, clearance reports or Operation & Maintenance (O&M) Plans, if applicable.
- iii. Should the presence of ACM be confirmed, the sponsor must **submit** construction specifications to me. The specifications must:
 - indicate that all project work must comply with the procedures outlined in NYS Department of Labor regulations at 12 NYCRR Part 56, including amendments; and
 - provide a description of the ACM locations and/or components; and
 - indicate that fugitive dust control measures will be implemented during project demolition and excavation; and
 - indicate that all debris will be properly disposed of; and
 - require proper transportation and disposal of ACM by certified entities.
- iv. **Prior to permanent loan closing**, a final ACM clearance report must be submitted to me that provides a written confirmation that **ALL** ACM was removed from the project prior to demolition. The clearance must be conducted by a qualified entity that is independent from the entity conducting the ACM work. The entity is usually the same entity that conducts required air monitoring. The clearance report does not need to contain air monitoring results. It is the owner's responsibility to ensure that an appropriate clearance entity is retained.
- v. **If a project is within New York City**, in lieu of the above, **submit** Form ACP-5 or 7 **at this time**. If applicable, **submit** a copy of Forms ACP-9 (asbestos variance application) or ACP-8 (amendments) **as they are prepared**.
- vi. **Prior to non-ACM site disturbing activities**, **submit** a copy of the Asbestos Project Completion or Abatement Project Close-Out Form, as applicable to me.

GOSR is aware that, in New York City, ACM removal must be completed prior to receiving a building permit. Accordingly, in New York City projects only, ACM removal only can proceed prior to additional site disturbing activities so long as the Forms listed above are timely submitted to the EA.

Rehabilitation:

The project description includes rehabilitation of an existing building.

- a. **Submit** an ACM pre-rehabilitation survey (NOT a visual survey), prepared by a properly qualified entity, to me **at this time**. The survey must include all areas where project work will proceed.
 - The survey must also include any areas identified as potential ACM in a Phase I Environmental Site Assessment or any other visual ACM survey, even if no project work will proceed in those areas. If project work will not impact these areas, they need not be included in the project specifications, however, they must be included in an O&M Plan.
- b. **Submit** any prior ACM risk assessments, surveys, clearance reports or O&M Plans.
- c. **Submit** construction specifications to me **at this time**.

The specifications must describe the methods by which all ACM will be remediated, organized by location or component (e.g., removal, encapsulation, etc.) and indicate that all debris will be properly disposed of in accordance with NYSDEC rules. NYSDEC rules require proper transportation and disposal of ACM by certified entities.

- HTFC strongly recommends that drawings be prepared to clearly identify the areas of ACM in the project and, depending upon the extent of contamination, this may be required by the Architectural & Engineering Unit Project Architect.
 - HTFC also strongly recommends that ACM be removed from a project rather than being enclosed or encapsulated.
- d. **Prior to permanent loan closing**, a final ACM clearance report must be submitted to the me that provides a written confirmation that all ACM was properly removed from or enclosed in the project work areas. The clearance must be conducted by a qualified entity that is independent from the entity conducting the ACM work. The entity is usually the same entity that conducts required air monitoring. The clearance report does not need to contain air monitoring results. It is the owner's responsibility to ensure that an appropriate clearance entity is retained.
 - If project work is phased with tenants reoccupying units prior to final clearance being conducted, worksite clearance reports must be submitted to me and, if applicable, to the GOSR Project Monitor **prior to re-occupancy** of the units.
 - e. In the event that ACM is not fully removed (even if enclosed or encapsulated) an ACM O&M Plan must be prepared and submitted to me **prior to permanent loan closing**. The O&M Plan must include a description of the locations of ACM and any enclosure or encapsulation methods that were employed.
 - A helpful guide for creating an ACM O&M Plan is found at EPA's website, here: <http://www.epa.gov/asbestos/pubs/management-in-place.html>
 - If ACM remains accessible in tenant units or common areas (i.e. joint compound in sheet rock), the O&M Plan must include tenant notification procedures that provide safety precautions to tenants.
 - f. If a project is within New York City, in addition to the items listed above, submit all applicable ACP Forms as they become available, including ACP 5, 7, 8 or 9 and a copy of the Asbestos Project Completion or Abatement Project Close-Out Form, as applicable. If ACP 5 indicates

that the project is “not an asbestos project,” an ACM survey is not required. However, item (c) must be submitted to address the possibility that ACM is discovered during project work. If any ACM is discovered, item (e) would also be required.

28. LEAD-BASED PAINT

****Regardless of the age of occupants, all project work must comply with the procedures outlined in HUD’s “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” 2012, including revisions (HUD Guidelines), which is available here:**

http://portal.hud.gov/hudportal/HUD?src=/program_offices/healthy_homes/lbp/hudguidelines**

The HUD Guidelines differ in some respects from EPA’s Renovation Repair & Painting Rule. In addition to other differences, HUD’s rules can require a risk assessment and independent clearance examination. **It is the owner’s and/or sponsor’s responsibility to ensure the contractor and project consultants are aware that the HUD rules are applicable to the project.**

Demolition and new construction (including new construction on a vacant site with former improvements):

Prior to project construction, existing structures must be demolished. Or, the project site is vacant, but was previously improved and it is possible that debris containing LBP may remain in the former building basements from the time of demolition or that LBP exists in soils on the site.

- a. **At this time, submit** lead in soil test results and construction specifications that:
 - indicate all project work will comply with the procedures outlined in HUD’s “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” 2012, including revisions (HUD Guidelines); and/or
 - indicate if LBP will be assumed in the building; and
 - indicate that fugitive dust control measures will be implemented during project demolition and excavation; and
 - if the test results reveal a lead in soil hazard, the specifications must address the specific HUD Guidelines methods that will be used to remediate the LBP hazard; and
 - all debris must be properly categorized through Toxicity Characteristic Leaching Procedure (TCLP) testing and disposed of as either C&D or Hazardous Waste, as applicable, in accordance with EPA rules.
- b. **Prior to permanent loan closing**, if LBP soil hazards exist, submit an LBP Soil Clearance report.
- c. If soils are capped with clean soil a LBP in soil an O&M Plan, must be **prepared and submitted** to the HTFC Environmental Analyst prior to permanent loan closing. The O&M Plan must include a description of the locations of LBP contaminated soil and the remediation methods.

Rehabilitation

The project description includes rehabilitation of an existing building.

- a. A LBP risk assessment (including soils, if necessary) must be **submitted** to me **at this time**. Alternatively, LBP can be assumed. In that case, **submit** a letter stating that LBP will be assumed.
- b. **Submit** any prior LBP risk assessments, surveys, clearance reports or Operation & Maintenance (O&M) Plans to me **at this time**.
- c. Project specifications that adequately address work procedures for LBP encountered during rehabilitation and for any other LBP hazards must be **submitted** to me **at this time**.

- HTFC strongly recommends that drawings be prepared to clearly identify the areas of LBP in the project and, depending upon the extent of contamination, this may be required by the Architectural & Engineering Unit Project Architect.
- HTFC also strongly recommends that LBP be removed from a project rather than being enclosed, encapsulated or stabilized.
- The specifications must address:
 - the methods by which all LBP hazards, including soils, will be remediated organized by location or component (i.e., removal, enclosure, encapsulation, stabilization); and/or
 - in the event that LBP is being assumed, the specifications must clearly state such; and
 - the Clearance procedures outlined in the HUD Guidelines; and
 - a description of the disposal process for all LBP debris that complies with EPA and NYSDEC Rules.
- d. In the event that LBP is assumed or not fully removed a LBP O&M Plan that complies with Chapters 5 and 6 of the HUD Guidelines, including reinspection and reevaluation schedules, must be **prepared and submitted** to me **prior to permanent loan closing**. The O&M Plan must include a description of the locations of LBP and any enclosure or encapsulation methods that were employed.
- e. Prior to unprotected workers entering the lead work area, worksite clearance (interim clearance, including dust swipes) reports must be **submitted** to the GOSR Construction Monitor (CM) prior to the CM entering the work site.
- f. **Prior to permanent loan closing, submit** a final lead clearance report, including lead dust swipe results, to me. The clearance examination and report must be conducted and prepared by a qualified entity other than the entity that performs or oversees the lead work. It is the owner's responsibility to ensure that an appropriate clearance entity is retained.
- If project work is phased or if tenants reoccupy units prior to final LBP clearance being conducted, worksite clearance reports, including lead dust swipes, must be submitted **prior to** unprotected workers or the CM entering the work site or prior to re-occupancy of the unit.

29. MOLD

New Construction:

The project does not involve rehabilitation, however, the building materials or areas of the newly constructed building may become contaminated with mold if not properly protected from the elements or water infiltration. In the event that this occurs, submit a final clearance report that demonstrates that all mold contamination was properly removed. A certified industrial hygienist (CIH) must complete the clearance and submit this report. This report must be submitted to me **prior to permanent loan closing**. If project work is phased and the mold contamination is in a residential unit that will be reoccupied prior to final project-wide mold clearance being issued, then a worksite clearance must be forwarded to me **prior to re-occupancy of each unit**.

Rehabilitation:

The Phase I ESA indicates the possibility of mold contamination due to water infiltration issues.

- a. **Submit** a mold contamination survey to me **at this time**. The survey must be prepared by an individual qualified to conduct mold contamination surveys as described in the New York City's "Guidelines on Assessment and Remediation of Fungi in Indoor Environments" (New York City Guidelines), www.nyc.gov/html/doh/html/epi/moldrpt1.shtml. The survey must list the locations

of visible mold contamination. Indoor air sampling is not required, unless determined to be necessary by a qualified mold contamination consultant.

- b. **Submit** mold contamination removal and disposal specifications me **at this time**. Projects and specifications (even those outside of New York City) must comply with New York City Guidelines. The specifications must provide that the owner will require clearance inspections by a qualified entity, as described in below.
- c. Submit specifications that demonstrate that the underlying water infiltration issues that contributed to the mold contamination will be repaired. These specifications must be submitted to me **at this time**.
- d. Submit a final clearance report that demonstrates that all mold contamination was properly removed. A certified industrial hygienist (CIH) must complete the clearance and submit this report. This report must be submitted to me **prior to permanent loan closing**. If project work is phased and the mold contamination is in a residential unit that will be reoccupied prior to final project-wide mold clearance being issued, then a worksite clearance must be forwarded to the me **prior to re-occupancy of each unit**.

30. RADON

HTFC requires the installation of a passive sub-slab vent system to be included in every new construction in a county determined to be Zone 1 or Zone 2 (or in Herkimer County), according to the EPA Map of Radon Zones for NYS unless localized radon information is provided to show that such a system is not necessary.

New construction:

- a. This project site is located in an area with a *high/moderate* potential for radon levels to exceed the EPA action level for residential construction. A "passive" soil depressurization system must be incorporated into the building design in accordance with *[EPA "Model Standards and Techniques for Control of Radon in New Residential Buildings," EPA 402-R-94-009, March 1994 or ASTM 1465-08a Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.]* Submit the design to the A&E Architect for review and approval.
- b. Conduct radon testing in each building when construction is complete, with test results forwarded to me, **prior to occupancy**. A third-party air-monitoring contractor must complete the final testing/clearance with certified results by an authorized testing laboratory. If radon testing indicates that the radon level exceeds the EPA action level, an active fan, complete with alarm system, will be installed and the building will be retested, **prior to occupancy**, to determine that radon levels are being maintained below recommended limits. If construction is phased, then test results must be forwarded to me **prior to occupancy of each building**.

Rehabilitation:

- a. This project site is located in an area with a *high/moderate* potential for radon levels to exceed the EPA action level for residential construction. Consult with the A&E Architect assigned to the project to determine if a radon mitigation system must be incorporated into the building during rehabilitation. Rehabilitation work can increase radon levels in a building and a mitigation system may be recommended even if pre-rehabilitation testing indicates radon levels below the EPA action level.
- b. Conduct radon testing when the rehabilitation is complete, with test results forwarded to me, **prior to re-occupancy**. A third-party air-monitoring contractor must complete the final testing/clearance with certified results by an authorized testing laboratory. If rehabilitation is

phased, then test results must be forwarded to me, **prior to occupancy of each building**. If testing indicates that the radon level exceeds the EPA action level, an active fan, complete with alarm system, will be installed and re-tested **prior to occupancy** to determine that radon levels are being maintained below recommended limits. If a passive mitigation system was not included in the design, a radon mitigation system must be retrofitted into the building with the project sponsor responsible for all costs and the building must be retested.

Please submit these materials to my attention at your earliest convenience. GOSR's environmental clearance of your project must be complete **prior** to project closing or any site disturbance. If you have any questions, please contact me at (518) 474-0755 or Lori.Shirley@nyshcr.org. Thank you.

Sincerely,

Lori A. Shirley
Director, Bureau of Environmental Review and Assessment
Governor's Office of Storm Recovery
New York State Homes & Community Renewal

cc:

Environmental – HUD
Request for Release Of Funds Template

Request for Release of Funds and Certification

U.S. Department of Housing
and Urban Development
Office of Community Planning
and Development

OMB No. 2506-0087
(exp. 03/31/2020)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant - Disaster Recovery (CDBG-DR)	2. HUD/State Identification Number B-13-DS-36-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity NYS Homes & Community Renewal 38-40 State Street Albany, NY 12207	
6. For information about this request, contact (name & phone number) Lori A. Shirley, GOSR (518) 474-0755		
8. HUD or State Agency and office unit to receive request HUD, Office of Block Grant Assistance Disaster Recovery and Special Issues Division 451 7th Street SW, Washington, D.C. 20410	7. Name and address of recipient (if different than responsible entity)	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s)	10. Location (Street address, city, county, State)
--	--

11. Program Activity/Project Description


Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☒ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity 	Title of Certifying Officer Director, Bureau of Environmental Review and Assessment, GOSR
	Date signed

X

Address of Certifying Officer

Governor's Office of Storm Recovery, NYSHCR, Hampton Plaza, 38-40 State Street, Albany, NY 12207

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
	Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Exhibit B: Levels of NEPA Analysis

B.1 Exempt (24 CFR 58.34 (a) (1-11))

An action is exempt from NEPA requirements as well as 24 CFR 58.5 if the action(s) by their very nature have no physical impact upon the environment. In these cases, BERA does not need to check for compliance with the requirements or perform an environmental review, consultation, or other action under NEPA. Some examples of activities exempt from NEPA requirements include:

- Technical assistance and training;
- Administrative and management activities;
- Information and financial services;
- Purchase of tools; and,
- Engineering or design costs.

Exempt activities are referred to herein as “Minimal Review Activities.” Documentation for this level of analysis is a written determination from BERA staff prior to the obligation of any CDBG-DR funds.

B.2 Categorical Exclusion (CATEX)

An action is categorically excluded (CATEX) from NEPA analysis and documentation if it meets the following Council on Environmental Quality (CEQ) definition:

““Categorical exclusion” means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency [...] and for which, therefore, neither an Environmental Assessment nor an Environmental Impact Statement is required.” **40 CFR 1508.4**

HUD CATEX categories are broken down into two types:

1. The “CATEX (24 CFR 58.35(b)), referred to as “CatEx(b)”: actions that have virtually no potential for significant environmental effects and not subject to 24 CFR 58.5.
2. The “checklist” CATEX (24 CFR 58.35(a)), referred to as “CatEx(a)”: actions that require a cursory analysis, using a checklist, to ensure that no “extraordinary circumstances” exist that would require a higher level of environmental analysis and are subject to 24 CFR 58.5.

Categorically excluded from NEPA requirements (24 CFR 58.35(b))

CatEx(b) Activities are categorically excluded from the requirements of 58.5 due to HUD’s determination that such activities will not alter any conditions that would require a NEPA review or a compliance determination under 58.5. When performing a CatEx(b), BERA does not need to publish a Notice of Intent/Request for Release of Funds (NOI/RROF). Following the award of program funds, no further approval from HUD is needed with respect to environmental requirements.

Categorically excluded from NEPA requirements (24 CFR 58.35(a))

CatEx(a) Activities are categorically excluded from NEPA review (environmental assessment or environmental impact statement) requirements receive this designation because they do not individually or collectively have a significant impact on the environment. However, compliance with other applicable federal environmental laws listed in 58.5 is required for activities designated under this part. Some examples of activities categorically excluded from NEPA but subject to a statutory checklist are:

- Acquisition, repair, improvement, reconstruction or rehabilitation of facilities which have the same use without changes in size or capacity >20%
- Rehab of residential buildings (= 4 units)
- When density is not increased beyond four units
- When land use is not changed
- Footprint of the building is not increased in floodplain or wetland
- Projects to remove barriers restricting mobility & accessibility to elderly and handicapped persons

Documentation for this level of analysis is a completed and officially approved checklist, together with whatever supporting data are needed to substantiate the conclusions reached. BERA does not have to publish a NOI/RROF or execute a certification and the recipient does not have to submit a RROF to HUD except if BERA determines that an activity, because of extraordinary circumstances and conditions, may have a significant environmental effect and require an EA.

The Environmental Review Record (ERR) must contain a well-organized written record of the process and determinations made under this section.

B.3 Environmental Assessment (EA)

An action requires an EA if it is not categorized as exempt, CATAX, or obviously requires an Environmental Impact Statement (EIS). The principle purpose of an EA is to help determine whether to prepare an EIS for the action. EAs are used as a method to streamline NEPA compliance for actions that are not major Federal actions significantly affecting the quality of the human environment. There are three possible results of an EA:

1. A Finding of No Significant Impact (FONSI)
2. A decision to prepare an EIS
3. A decision to withdraw the proposal on the basis of its environmental impacts.

Programs or projects classified as requiring an EA pursuant to 24 CFR 58.36 must complete the Environmental Assessment Checklist in addition to the Statutory Checklist because of their potential for significant impact to the environment. BERA supervises the preparation of the EA Checklist and the EA Narrative sections.

Note: If impacts are likely, the project or program can forego preparation of the EA and proceed directly to preparation of an EIS.

Preparation of the EA requires formal consultation with State and/or Federal Agencies. It also provides any conditions placed on the project to avoid any adverse environmental impacts, and a rationale determination regarding the proposed action.

EA's are generally prepared by qualified program consultants procured by GOSR under the supervision of BERA. The checklist in Exhibit A helps guide preparation of the narrative document.

See Section 5.0 for more detail on BERA's requirements when completing an EA.

B.4 Environmental Impact Statement (EIS)

An EIS is required when the project is determined to have a potentially significant impact on the human environment. It analyzes the environmental impacts of a proposed action and its alternatives and displays them in a report for consideration in deciding which alternative (if any) to implement. The EIS also reveals the impacts to the public before the decision is made and provides an opportunity for the public to understand the impacts and influence the decision. An EIS is usually a more complex and lengthier document than an EA.

Actions that Normally Require an EIS

The following actions are considered to be some of the major Federal actions significantly affecting the quality of the human environment, and therefore must be the subjects of EISs, as must any other action that an EA or checklist CATEX indicates may have significant environmental effects:

- Master plans for federally owned major buildings, building complexes, and sites.
- Projects having a regional and/or long-term impact, for example, construction of a power plant or landfill.
- An activity that poses significant or potentially significant impacts on unique resources such as endangered species or unique landforms.
- The effects of an activity are highly uncertain or involve unique or unknown risks.

Exhibit C: Environmental Review Process

