

**STATE OF NEW YORK
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY (CDBG-DR) PROGRAM
SUBSTANTIAL AMENDMENT NO. 32**

Approved by HUD February 2, 2023

Additions to: New York State Action Plan Incorporating Amendments 8-31

In sections: Proposed Allocation of Funds, NY Rising Economic Development and Revitalization, and Rebuild by Design Projects

Summary:

Action Plan Amendment 32 (APA 32) will address the following items:

- A. *Proposed Allocation of Funds*: Table and references to allocation amounts updated to reflect the reallocation of funds between programs.
- B. *Closing of the NY Rising Small Business Flood Insurance Program*: Updates to reflect the State's decision to not utilize the Small Business Flood Insurance Program.
- C. *Living Breakwaters Rebuild by Design Project*: Updates to reflect the reallocation of funds made in this Action Plan Amendment and updated project timelines.

Changes are indicated in **red** text.

A. Proposed Allocation of Funds

Description of changes: All updates associated with the proposed APA 32 allocation of funds will be made to the tables at page 7 and page 57 of the State's Action Plan. Allocation amounts and unmet needs totals to reflect this proposed reallocation will also be updated throughout the Action Plan wherever referenced.

As described in the State's Action Plan (Updated Impact and Unmet Needs Assessment, pg. 11), there remain unmet needs in all recovery categories of Housing. As applicants move through the Housing Program, the State assesses need based on the best available information to ensure that the allocations are sufficient to provide awards to eligible applicants. The proposed APA 32 allocation of funds considers the unmet needs analysis already identified in the State's Action Plan and the need of eligible applicants in its Housing programs.

The State has identified additional need in the Public Housing Assistance Relief component of the NY Rising Housing Program due to the increased cost of previously contemplated scope. To ensure that the State meets its stated objective of addressing the unmet residential repair, reconstruction, or resilience needs of Public Housing Authorities, the State is reallocating funds from the Buyout and Acquisition Program. The remaining allocation for the Buyout and Acquisition Program will be sufficient to provide awards to eligible applicants but as applicants move through the program the State will continue to assess the need.

The State has also identified the potential need for additional funding in the Living Breakwaters Rebuild by Design project as a contingency measure to address potential schedule over-runs associated with completion of the structures. Funds are being reallocated from the Local Government, Critical Infrastructure and Non-federal Share Match Program, where State funds were identified and used for some costs, and the Community Reconstruction Program. The State will continue to monitor the progress of the projects in the Community Reconstruction Program and make adjustments to program commitments or identify state resources as necessary.

Additionally, as State funds are being used for some costs in the NY Rising Homeowner Recovery, Buyout and Acquisition, and Rental Buildings Recovery Programs, as well as the Small Business Grants and Loans and NY Rising Community Reconstruction Programs, the State is providing funds to the U.S. Department of Housing and Urban Development to be credited to the PL 113-2 CDBG-DR grant. Funds credited to the State's line of credit will be reallocated to meet needs in the Living Breakwaters project.

From pages 7 and 57 of the New York State Action Plan:

Program	APA 31	APA 32 Fund Reallocation	APA 32 Line of Credit Return Reallocation	Revised APA 32 Allocation
Total of All Programs	\$4,501,382,000	\$0	\$0	\$4,501,382,000
Housing	\$2,906,495,240	\$0	(\$28,136,101)	\$2,878,359,139
<i>NY Rising Homeowner Recovery Program</i>	\$1,862,033,405		(\$12,755,546)	\$1,849,277,859
<i>NY Rising Condominium & Cooperative Program</i>	\$24,952,772			\$24,952,772
<i>Interim Mortgage Assistance Program</i>	\$72,000,000			\$72,000,000
<i>NY Rising Buyout and Acquisition Program</i>	\$656,707,682	(\$6,000,000)	(\$13,383,922)	\$637,323,760
<i>NY Rising Rental Buildings Recovery Program</i>	\$262,676,486	\$0	(\$1,996,633)	\$260,679,853
Rental Properties	\$132,201,486		(\$1,996,633)	\$130,204,853
Multi-Family Affordable Housing	\$130,475,000			\$130,475,000
<i>Public Housing Assistance Relief Program</i>	\$22,247,207	\$6,000,000		\$28,247,207
<i>Manufactured Home Community Resiliency Program</i>	\$5,877,688			\$5,877,688
Economic Development	\$120,477,793	\$0	(\$1,931,251)	\$118,546,542
<i>Small Business Grants and Loans</i>	\$90,901,264		(\$1,931,251)	\$88,970,013
<i>Business Mentoring Program</i>	\$298,736			\$298,736
<i>Tourism and Marketing</i>	\$29,277,793			\$29,277,793
Community Reconstruction	\$519,432,794	(\$4,000,000)	(\$51,491)	\$515,381,303
<i>NY Rising Community Reconstruction Program</i>	\$519,432,794	(\$4,000,000)	(\$51,491)	\$515,381,303
Infrastructure and Match	\$549,132,073	(\$3,000,000)	\$0	\$546,132,073
<i>Local Government, Critical Infrastructure and Non-federal Share Match Program</i>	\$546,432,073	(\$3,000,000)		\$543,432,073
<i>Resiliency Institute for Storms and Emergencies</i>	\$2,700,000			\$2,700,000
Rebuild by Design	\$185,000,000	\$7,000,000	\$30,118,843	\$222,118,843
<i>Living with the Bay: Slow Streams</i>	\$125,000,000			\$125,000,000
<i>Living Breakwaters: Tottenville Pilot</i>	\$60,000,000	\$7,000,000	\$30,118,843	\$97,118,843
Administration & Planning	\$220,844,100	\$0	\$0	\$220,844,100

B. Closing of the NY Rising Small Business Flood Insurance Program

Description of changes: The State is eliminating the Small Business Flood Insurance Program from its Action Plan because the Program was never utilized. All references to it in the Action Plan will be deleted.

C. Living Breakwaters Rebuild by Design Project

Description of Changes: APA 32 proposes a \$7 million increase of the Living Breakwaters project budget, to \$114 million, as a contingency measure to address potential schedule over-runs associated with completion of the structures. The potential impacts to the project's construction schedule are associated, in part, with the rescoping and rebidding process discussed in APA 28. The timeline and budget implications of this process have become clearer as the project proceeds through the construction phase. Unused project funds at project completion will be removed from the project budget.

In addition, APA 32 allocates \$30,118,843 of CDBG-DR funds made available by other programs within the PL 113-2 CDBG-DR grant as outlined on page 2.

These changes will result in a \$114 million total project budget for Living Breakwaters, including \$97,118,843 in CDBG-DR funds and \$16,881,157 in State funds. The State will prioritize expending CDBG-DR funds first and address remaining funding needs with available State funds.

Additional updates are made throughout to reflect current project timelines.

From page 50 of the New York State Action Plan:

Rebuild By Design Unmet Needs

As noted in the October 16, 2014, Federal Register Notice, HUD allocated a portion of the funds for each awarded RBD project – Living Breakwaters: Tottenville Pilot and Living with the Bay: Slow Streams. The Notice requires grantees to identify any potential gap or shortfall in the RBD funding and provide a strategy and description of funds anticipated to be generated or secured in leveraging the CDBG-DR allocation for RBD project completion as well as any additional CDBG-DR funds the grantee anticipates dedicating to the RBD project. Based on the estimated budgets provided in the RBD plans, the State identified a total preliminary funding gap of \$13.1 million for the Living Breakwaters project on Staten Island. The State ~~is~~ ~~currently~~ underwent a two-pronged approach to review and fill this gap.

First, the State ~~analyzed~~ the budgets provided by the RBD teams and calculated any additional planning and program delivery required to fully execute the project and meet the requirements set out by HUD. The planning and scoping through the environmental review process helped shape the needs of the project.

Once a firm cost for the project was clear, the State began to execute the strategy outlined in this Action Plan to leverage funds to fill the gap left in the budget. As the State moves through the leveraging process, the State ~~reassessed~~ the project as needed to identify areas where funding is secured and where funding gaps still remain. The State will work together with stakeholders and federal partners to ensure the strategies in place lead to successful implementation of the project.

Having completed the design phase and value engineering process, the Living Breakwaters project's total budget as of APA ~~3228~~ is now \$1~~1407~~ million, resulting in a funding gap of \$~~16,881,157~~~~47~~ million. This

funding gap will be covered by additional State funding, resulting in \$0 in unmet need for the project.

As explained in APA 26, the State has identified approximately \$22 million in unmet need for Living with the Bay, related to the Long Beach WPCP focus area. The proposed subrecipient intends to address the remaining unmet need through an application for additional State grants and a FEMA PA 406 Mitigation grant. The proposed subrecipient has made commitments to bridge any shortfall if grants are not secured.

As the Living with the Bay project proceeds through the design phase, the State will monitor the project’s budget to reassess unmet needs. The State will undertake the leveraging process outlined in this Action Plan for any unmet needs identified in the future.

As a result, the State includes a \$21.5 million dollar gap in its broader estimate of remaining infrastructure needs (Table 28).

Table 28: Unmet Needs for the State’s RBD Projects

RBD Project	Total Project Cost	October 16 th 2014 Allocation	Unmet Need
Living with the Bay	\$189.2	\$125.0	\$21.5
Living Breakwaters	\$ 114.07	\$60.0	\$0
Total	\$303.296.2	\$185.0	\$21.5

Source: Programmatic Data

From pages 103-105 of the New York State Action Plan:

Rebuild by Design Projects

After Superstorm Sandy’s devastating sweep over the northeastern part of the United States, President Obama created the Superstorm Sandy Rebuilding Task Force (the Task Force) with the purpose to redesign the approach to recovery and rebuilding through regional collaboration and emphasis on the growing risks of climate change. The Task Force partnered with HUD to initiate the Rebuild by Design (RBD) competition, which was devised to invite the world’s most talented designers and engineers to bring their expertise in flood mitigation and coastal resiliency to Sandy-impacted regions. The six RBD competition finalists were announced on June 2, 2014. Two of the six projects were awarded to New York State to implement.

Table 36: New York State awarded proposals

Project	Location	Total Project Cost	CDBG-DR Allocation
Living Breakwaters: Tottenville Pilot	Richmond County	\$ 407.114 ,000,000*	\$ 97,118,843.60 , 000,000
Living with the Bay: Slow Streams	Nassau County	\$189,226,000**	\$125,000,000

*Based on value engineering estimates post 100% design; ** The design for each component of LWTB ranges from preliminary designs through 100% (final) designs

The goals of New York State’s RBD implementation plan are to make communities in Richmond County (Staten Island) and Nassau County (Long Island) more physically, economically, and socially resilient in the face of intense storm events. Both proposed projects represent innovative, flexible, and scalable interventions that could be replicated in other parts of the State, nation, and globe. Each project must undergo a rigorous environmental review and permitting process, which will include the assessment of potential alternative designs and/or projects.

Monitoring plans for large scale projects such as RBD must be developed in coordination with federal and State permitting agencies, as well as following a rigorous data collection and data review program during design. The monitoring plan strategy for Living Breakwaters: Tottenville Pilot and Living with the Bay: Slow Streams is described in the project section below.

Living Breakwaters: Tottenville Pilot

National Objective: Urgent Need

Eligible Activity: Rebuild by Design

CDBG-DR Allocation: ~~\$97,118,843~~60,000,000

Project Description: Richmond County (Staten Island), one of the City of New York’s five boroughs, sits at the southernmost part of New York State. The island is at the mouth of the New York Bight—the waters off the Atlantic Coast extending from the Cape May Inlet in New Jersey, to Montauk Point on the eastern tip of Long Island. The tidal waters surrounding the Borough shape its myriad industries; transportation, housing, and culture. In October 2012, Superstorm Sandy devastated Staten Island’s east and south shore neighborhoods. The driving wave action bombarded the coastline, damaging or destroying an unprecedented number of Staten Island homes and businesses, resulting in loss of life and significant harm to the local economy. Tottenville, a community at the southernmost point of Staten Island, experienced some of the most destructive waves in the region during Superstorm Sandy. Historically known as “The Town the Oyster Built,” the community was once protected by a wide shelf and series of oyster reefs, much of which was harvested by local oystermen. Today, much of the shore of Staten Island is void of these natural systems and remains exposed to wave action and coastal erosion.

Figure 5: Map Of Staten Island And New York Bight



Living Breakwaters: Tottenville Pilot (Living Breakwaters) is an innovative coastal green infrastructure project that aims to increase physical, ecological, and social resilience. The project is located in the waters of Raritan Bay (Lower New York Harbor) along the shoreline of Tottenville and Conference House Park, from Wards Point in the Southwest to Butler Manor Woods in the Northeast. The project area is a shallow estuary that has historically supported commercial fisheries and shell fisheries. This project also fulfills New York City’s Resilience Plan Coastal Protection Initiative 15ⁱ.

The Living Breakwaters project consists of both on-shore and off-shore components:

- (1) A system of specially designed off-shore breakwaters which will attenuate waves and counteract beach erosion and which include materials and features specially designed to promote biological activity and promote recruitment of marine species;

- (2) Ecological enhancement and activities, including supporting future oyster restoration including: oyster cultivation (including hatchery expansion and remote setting facility), shell collection and curing, and the installation of oysters on the breakwaters in addition to oyster nurseries in Lemon Creek and Great Kills Harbor that create and enhance ecological connectivity across sites for oyster larvae and mobile species (such as fish and crabs) that inhabit them;
- (3) Social Resiliency and Educational activities, including school curriculums focused on the ecological benefits of oyster installations, resiliency and how the Living Breakwaters project works and associated field work opportunities for local and citywide students, as well as educational walking tours, annual shoreline monitoring events, and a Living Breakwaters installation at Conference House Park, adjacent to the project site. These activities will provide a location for orientation, education and informational activities related to shoreline resiliency, ecological and oyster restoration and the breakwaters; and
- (4) Shoreline restoration to provide sand fill to a segment of the beach which has experienced significant erosion up to and including Superstorm Sandy (at the rate of approximately 2 feet per year from 1978 to 2012).

Since the approval on April 13, 2015 by HUD of New York State’s Action Plan Amendment 8 (APA 8), the Living Breakwaters project has progressed from conceptual plan to a completed design. Throughout the planning, design and engineering, the State has worked closely with the design teams as well as with the State’s environmental team to further identify the technical challenges and solutions needed to construct this ground-breaking project. The State has consulted various federal, State and city agencies, as well as non-governmental organizations, on project design. The State has done all work necessary to secure permits to construct the breakwaters component of the Living Breakwaters project and has issued the -Record of Decision and Finding Statement of Final EIS for the project. On April 1, 2015, the State published the *Coastal and Social Resiliency Initiatives for Tottenville Shoreline, Staten Island, NY – Environmental Impact Statement Draft Scope of Work*ⁱⁱ (Draft Scope of Work). Along with the opportunity for the public to provide input on APA 8, the State held two public hearings on the Draft Scope for Work for the project. On April 1, 2016, the State published the EIS Final Scope of Workⁱⁱⁱ and provided responses to all comments received through the public comment process. On March 24, 2017, the State published the Draft EIS, offering interested stakeholders the opportunity to comment through May 8, 2017. The Final EIS was made available for public review on June 15, 2018 and the Record of Decision and Finding Statement was issued on August 31, 2018.

In December 2019 the New York State Department of Environmental Conservation (DEC) issued its permit for the breakwaters component of the Living Breakwaters project. On October 12, 2018 the United States Army Corp of Engineer (USACE) issued a public notice regarding the project’s permit application and the public was given an opportunity to provide comments. Following this public comment process, the permit conditions for the breakwaters were approved by USACE and the permit was issued in Q1 2021.

The permitting process for the oyster installation component of the project began in Q1 2021, and, as of APA ~~3228~~, DEC and USACE permits for this component are expected in ~~Q3-Q2 2022~~2023. Construction of the breakwaters component can begin before the oyster installation permits are

received.

In addition, the State formed a Citizens Advisory Committee (CAC) for the Living Breakwaters project to provide an additional opportunity for the public to advise the State on design of the project.

Throughout the design phase, the State expanded its technical team to include an independent peer reviewer on all design elements of the project and deliverables by the design team. In 2018, the State hired a breakwater-experienced construction management team to assist it in finalizing the design, hiring the contractor and eventually overseeing the construction of the Living Breakwaters.

From pages 113-115 of the New York State Action Plan:

Budget

The budget amount submitted in the overall design proposal to the RBD competition for the Living Breakwaters project was \$73,904,000. Based on the Living Breakwaters current design and engineering estimate, the budget for the Living Breakwaters is ~~\$107,114,000,000~~. With a CDBG-DR allocation of ~~\$60,000,000~~ \$97,118,843, the State has agreed to fill the ~~unmet need of \$47,000,000~~ \$16,881,157. The estimated project budget in the table below differs from project investment costs included in the BCA primarily due to the inclusion of costs for environmental mitigation required by the project’s permits, and additional construction contingency funds included in the Project’s budget.

Table 39: Living Breakwaters Budget

Break-down	Budget
Planning	\$14,911,424
Pre-Development	\$6,143,480
Capital Construction Costs*	\$79,397,131 <u>\$75,997,134</u>
Program Delivery	\$13,547,965 <u>\$947,966</u>
Total Project Cost	\$1 <u>1407,000,000</u>

Timeline

In the 1st Quarter of 2019, the Living Breakwaters project completed 100% design, and development of the construction bid documents. Procurement efforts began immediately, but the bids received in the 3rd Quarter of 2019 exceeded the engineering estimate by over \$20 million, resulting in a funding gap. ~~After an extensive value engineering effort, the project was rebid in the 2nd Quarter of 2020, the construction contract was executed in the 4th Quarter of 2020 and in-water construction began ~~is expected to begin~~ in the 3rd Quarter of 2021 and is expected to be completed no later than 2024. The CDBG-DR allocation for Living Breakwaters will be fully expended ahead of the September 2025 ~~3~~ expenditure deadline. The State will prioritize expending CDBG-DR funds first and address remaining funding needs with available State funds, after which point the project will be completed with the additional State funding.~~

Environmental Review and Permitting Schedule

The State issued the *Coastal and Social Resiliency Initiatives for Tottenville Shoreline, Staten Island, NY* Final EIS (FEIS) for the Living Breakwaters and the Tottenville Shoreline Protection Project (TSPP), a related project on the shoreline in front of the breakwaters being pursued by New York City. The FEIS

analyzed the environmental impacts of four project alternatives: 1) No action; 2) Construction of the Living Breakwaters project; 3) Construction of the TSPP; or 4) construction of the Living Breakwaters project and TSPP (Preferred alternative). The Joint Record of Decision and Finding Statement of the FEIS was issued on August 31, 2018.

The State has received the necessary permits from NYSDEC and USACE to construct the Living Breakwaters project. Large scale oyster restoration activities, which have independent utility from the resiliency and ecological benefits provided by the breakwater structure, will be subject to additional review and permitting requirements prior to implementation in the post-construction phase. The permitting process for oyster installation began in Q1 2021, with the permits expected Q3-Q2 2023. Throughout the permit applications phase, the State engaged in a rigorous dialogue with all the relevant local, state and federal agencies. As part of the EIS process, GOSR met and consulted frequently with key government agencies including the USACE, NYSDEC, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Services. GOSR also presented the plans to the Sandy Regional Infrastructure Resiliency Coordination Federal Review and Permitting Team. This dialogue prompted refinements of the original submissions to ensure that all necessary permits are secured and that the final design and construction of the project will adhere to all relevant codes.

Breakwater Schedule

The 100% design of the Living Breakwaters was originally completed in January of 2019. Developing this design involved refinement of the breakwater system and segment design to optimize their performance relative to the project objectives, taking into account feedback received at each design milestone (30%, 60% 95% completion) from regulatory agencies, peer reviewers, construction managers and the Living Breakwaters CAC, etc. This included refinement of breakwater design parameters like crest elevation, orientation and shape.

Based on the 100% design and the associated contract documents, the State undertook a procurement to identify a qualified marine contractor. However, the bids received from that process exceeded the engineering estimate by over \$20 million, resulting in a funding gap. An extensive value engineering effort began in late 2019, with the goal of modifying the scope and construction methods of the project without sacrificing the core resiliency objectives or the purpose and need of the project. A second Invitation for Bids (IFB) based on the value engineered designs was issued in the 2nd Quarter of 2020. The IFB resulted in a construction contract for the breakwaters executed in the 4th Quarter of 2020 with in-water construction expected to begin in the 3rd Quarter of 2021 and be completed as early as Q3 2023 but no later than Q4 2024. Breakwaters construction began on schedule in Q3 2021 and Construction is expected to take 24 - 42 months to complete.

Oyster Restoration and Social Resiliency Schedule

The New York Harbor Foundation/BOP entered into a subrecipient agreement with GOSR in the 4th Quarter of 2016 to continue work on scientific studies necessary to implement oyster cultivation, as well as to refine the design of oyster installations for the breakwaters and provide input on the social resiliency program and design. The agreement and scope of work for the oyster installation component will be extended to run through the 4th Quarter of 2024 to extend to the period of the Living Breakwaters construction. BOP will continue scientific evaluation and development of the suitability of an active bivalve restoration plan under regulatory authority and technical review of NYSDEC.

This includes continued work on installation and operation of oyster nurseries at Great Kills and Lemon Creek, development of a workforce training program, and the BOP Shell Collection and Recycling program.

Scientific and other information from these pilot studies will ultimately be used to develop a plan for larger scale oyster restoration, which will be subject to the review and approval of NYSDEC. All activities will run through the construction phase.

Oyster restoration activities are expected to ~~be~~ completed as early as Q3 2023 but no later than Q4 2024. It is likely that these restoration activities would begin as smaller scale pilot studies, and that larger scale oyster restoration would be developed as BOP completes its evaluation of ongoing pilot projects. Table 40 provides the anticipated project schedule by quarter.

The Living Breakwaters exhibit at Conference House Park ~~enhancements are expected to begin in Q1 2023 will be enhanced beginning in Q1 2022~~, with updates and enhancements planned on an annual basis. The ~~walking tours began in Q3 2021 and~~ shoreline monitoring events ~~and walking tours at the park~~ are expected to begin in Q2 ~~and Q3 2023~~²², respectively, and will take place at least annually. These social resiliency activities are expected to continue through at least 2029.

Table 40: Living Breakwaters Proposed Schedule

	Start	Finish
Living Breakwaters	Quarter 4 2014	Quarter 4 2024
Study, Research Planning: This Phase will outline all additional studies, research and planning needed prior to the design and engineering phase. As necessary, this phase will be incorporated into the Environmental and Review and Permitting stage as well as the Engineering Phase.	Quarter 4 2014	Quarter 2 2016
Environmental Review and Permitting: This Phase will include scoping for and preparation of an environmental impact statement, as well as the submittal of permits applications to the appropriate governmental agencies. This Phase will include significant opportunities for public review and comment, as well as intergovernmental consultation. Additionally, as required by State and federal law, the EIS will evaluate alternatives to the proposed project. This timeline is meant to represent an overview of the expected Environmental Review Process for all aspects of the Living Breakwaters. It should be noted that the environmental review and permitting timeline is dependent on the permitting requirements of agencies with jurisdiction, including the United States Army Corps of Engineers, NOAA-NMFS, USFWS, and the New York State Department of Environmental Conservation.	Quarter 4 2014	Quarter 2023 ²³
Design and Engineering: This phase will include all design and engineering work required for Living Breakwaters culminating with complete construction specs. Depending on the progress and outcome of the Environmental Review and Permitting process, this process will be able to run concurrently for some components of the project. This phase will include any and all necessary procurement and contracting as appropriate.	Quarter 4 2015	Quarter 3 2020
Site Development: This Phase will include all necessary elements for site development from the Design and Engineering Phase that will prepare for the construction phase of Living Breakwaters. GOSR will evaluate a potential phased site development schedule for different project components (e.g., upland components and in-water components).	Quarter 4 2020	Quarter 3 2021
Construction: This Phase will include all elements of construction related to Living Breakwaters outlined in the Design and Engineering Phase. For Living Breakwaters, the timeline is extended to reflect that the nature of the project will only allow for construction in specific building seasons. GOSR will evaluate a potential phase construction schedule for different project components (e.g., upland components and in-water components).	Quarter 3 2021	Quarter 4 2024
Closeout: This phase will include the closeout of the entire project, including but not limited to: Final site visits and review, release of final contingency payments and all applicable CBDG-DR construction closeout requirements.	Quarter 4 2023	Quarter 4 2024

From pages 147-148 of the New York State Action Plan:

Leveraging of Funds

The State is committed to the successful implementation of both RBD projects using the allocations provided and understands the need to identify and secure additional funding outside of the CDBG-DR allocation as needed. This includes not only identifying funds to address the unmet needs identified in the awarded phases of the project, but identifying innovative funding mechanisms to pay for the long-term operation and maintenance costs of these projects. The State will look at funding opportunities such as federal, State or private grants, and collaboration with not for profit and academic institutions focused on similar resiliency actions, as well as financing opportunities, which can be leveraged alongside CDBG-DR for investment.

Table 43: Leveraging of Funds – RBD Unmet Need

Project	Location	Total Project Cost	CDBG-DR Allocation	RBD Unmet Need
Living Breakwaters	Richmond County	\$407,114,000,000*	\$60,000,000,97,118,843	\$0
Living with the Bay	Nassau County	\$189,226,000**	\$125,000,000	\$21,526,000

*At final design; **The design for each component of LWTB ranges from preliminary designs through 100% (final) designs

The process to identify funding and financing opportunities for Living Breakwaters and LWTB started with a high-level review of both projects as a whole and the respective component phases. By taking this approach, the State can elucidate a variety of layered funding and financing opportunities. Many of the grant opportunities identified are both competitive and ongoing, based upon State and federal budget appropriations.

An important initial step will involve finalizing the entities implementing each component of each RBD project and evaluating if they can provide financial support and oversight, long term operations, and maintenance capacity for the project. There are some unique financing opportunities such as public-private partnerships, but this may entail a repayment to the private partner for their work. All options should be further based upon the ability and willingness of the entity implementing the project to entertain these options.

The State will utilize the following iterative approach as the process for assessing the need for and securing additional funding for each RBD project:

1. Prioritize Living Breakwaters and LWTB project components. Isolate components of both projects and identify the following items:
 - a. Initial budget, including start-up and capital costs, ongoing operations, and maintenance;
 - b. Identify entities/partners to implement, operate, and maintain the project post-completion; and,
 - c. Develop time horizon for initial capital costs and ongoing operations and maintenance.
 - d. Assess potential funding gaps or opportunities for scope enhancement
2. Organize sources of funding and financing based upon the initial assessment:
 - a. Identify sources of funding from entities/partners implementing and operating the projects and agencies or organizations with aligned principles and/or missions to that of the RBD projects or project components;
 - b. Prioritize funding opportunities based upon grant funding application dates and probability of success;
 - i. Develop a layering strategy for each project component as needed;
 - c. Identify if financing structures would be applicable to any components of both projects;
 - i. Identify ability and willingness of local municipal partners to issue debt or take on long-term liabilities involving project finance;
 - d. Engage not for profit, academic, corporate, and philanthropic partners with draft program framework for funding.
3. Continually update and monitor federal, State, and local grant opportunities.

The approach outlined above is achieving success for the Living Breakwaters project.- The State is leveraging HUD’s initial RBD allocation of \$60,000,000 by providing \$16,881,157 in State funds and \$37,118,843 in additional CDBG-DR funds from the remainder of its PL 113-2 grant to complete the project. Additionally, ~~t~~The BOP is seeking ~~to~~ additional funding to provide continued support for the social resiliency components of the Living Breakwaters project. Partnering with non-profit organizations and academic institutions will be key in identifying and applying for additional funds for each RBD project.

ⁱ http://www.nyc.gov/html/sirr/downloads/pdf/final_report/Ch3_Coastal_FINAL_singles.pdf

ⁱⁱ https://stormrecovery.ny.gov/sites/default/files/uploads/coastal_and_social_resiliency_initiatives_tottenville_draft_scope.pdf

ⁱⁱⁱ https://stormrecovery.ny.gov/sites/default/files/uploads/Coastal%20and%20Social%20Resiliency%20Initiatives%20-%20Tottenville%20FINAL%20SCOPE%20and%20RTC_1.pdf

Public Comments

The Governor's Office of Storm Recovery (GOSR) posted Action Plan Amendment 32 (APA32) for public comment on September 30, 2022. At that time, GOSR began accepting comments on the website www.stormrecovery.ny.gov, as well as through the mail. The comment period officially ended at 5 p.m. on November 6, 2022.

The legal notices of these hearings and the comment period were published in the New York Post as well as in three local non-English newspapers, El Diario (Spanish), Russkaya Reklama (Russian) and Sing Tao (Simplified Chinese).

This Amendment was made accessible to persons with disabilities upon request (by telephone or in writing). Translations of APA 32 were available in Simplified Chinese, Russian, and Spanish, the three most used languages in the storm affected areas of New York State based on an analysis of Census data for households with members five years or older with limited English proficiency.

GOSR received two public comments in total, one submission via www.stormrecovery.ny.gov and one submission through the mail. Both comments were regarding Hurricane Ida, which is not related to APA 32. Commenters may have submitted more than one comment as part of their submission. Comments are summarized and GOSR's responses are set out below.

Comments Regarding Hurricane Ida:

Comment: Two commenters referenced repetitive flooding in Ossining, New York. Both commenters experienced flooding in their homes during Hurricane Ida and pointed to aging and unkempt water management infrastructure as the cause. They requested that the State and local governments fund infrastructure updates to mitigate future flooding.

Response: APA 32 did not include any changes related to the proposed Hurricane Ida programs. For more information on the programs that are being proposed in response to Hurricane Ida, please view the Hurricane Ida Action Plan at: <http://www.stormrecovery.ny.gov/funding>. Specifically, as indicated in the New York State Action Plan for Hurricane Ida, the State is proposing the Resilient Investments through Support and Capital Program to address flooding mitigation needs. The Program will provide CDBG-DR funds to units of local government, public entities, or non-profit organizations in order to fully leverage other funding sources for the completion of resilient upgrades to public facilities and infrastructure. Up to \$200,000 is available for each selected project, unless an exception applies. Units of local/county government; State agencies and authorities; public schools (K-12) and universities; first responders, including volunteer fire and EMS facilities; and not-for-profit entities that serve communities within disaster-declared counties, are eligible to apply. The Program will prioritize projects that reduce the risks of community flooding due to severe rain events like Hurricane Ida. The Program will also consider how projects will prioritize services in support of vulnerable populations. In addition, the State is proposing to utilize planning funds available under its allocation to support efforts by selected subrecipients, including local jurisdictions, to perform feasibility and engineering studies that can inform the design and funding approach of future community resiliency awards. The State recognizes that its CDBG-DR allocation is insufficient to address all infrastructure mitigation needs in the storm-impacted area and has therefore designed programs to support local entities in leveraging additional funds for larger-scale mitigation and resiliency projects, including supporting interagency coordination to secure available funds.