

**Tier 1 Programmatic Environmental Review Record
Community Development Block Grant – Disaster Recovery Program
NY Rising Residential Housing Buyout and Acquisition Program:
Putnam County**

PREPARED FOR:

**NEW YORK STATE HOMES AND COMMUNITY RENEWAL
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ERR Project Summary	
Responsible Entity:	New York State Homes and Community Renewal
Certifying Officer:	Ms. Amy Zamenick, Senior Attorney, NYS Homes and Community Renewal
Project Name:	NY Rising Residential Housing Buyout and Acquisition Program: Putnam County, NY
Federal Agency:	U.S. Department of Housing and Urban Development
Project Sponsor:	New York State Homes and Community Renewal
Program Name:	New York State Community Development Block Grant – Disaster Recovery
Project Site Address:	Scattered Sites Throughout Putnam County
Project County:	Putnam County, New York
Estimated Project Cost:	
Project Sponsor Address:	38-40 State Street Albany, NY 12207
Primary Contact's Name:	Amy Zamenick
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Project NEPA Classification:	24 CFR Part 58.36
ENVIRONMENTAL FINDING:	<p><input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.</p> <p><input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.</p> <p>The undersigned hereby certifies that New York State Housing Trust Fund Corporation 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.</p> <p style="text-align: center;"></p> <p>NAME: Ms. Amy Zamenick Title/Agency: Senior Attorney, NYS Homes and Community Renewal Date: November 14, 2013</p>

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Tier 1 Programmatic Environmental Review Record

Community Development Block Grant – Disaster Recovery Program

NY Rising Residential Housing Buyout and Acquisition Program: Putnam County, NY

Introduction

Hurricane Sandy, one of the largest Atlantic hurricanes to reach the United States on record, resulted in great devastation along the New York coast on October 29, 2012. Flooding and high winds along the coasts and overland flooding damaged communities throughout New York State (NYS). Fourteen counties were declared as Federal disaster areas. Sixty New Yorkers died and two million customers lost power with some blackouts lasting up to three weeks. The storm damaged or destroyed as many as 300,000 housing units, affected or closed over 2,000 miles of roads, produced catastrophic flooding in subways and tunnels, and damaged major power transmission systems. This destruction came in the wake of Hurricane Irene and Tropical Storm Lee, both of which had damaged New York only one year prior to Hurricane Sandy, and was particularly devastating to an economy just recovering from the financial crisis.

On October 24, 2013, the National Atmospheric Administration predicted that there was a 90% chance that Hurricane Sandy would impact the Mid-Atlantic and New England states, including New York. In response to this prediction, Governor Andrew Cuomo proactively requested federal emergency assistance prior to Hurricane Sandy's landfall, and President Obama signed an emergency declaration for NYS. Following damage assessments performed by the U.S. Federal Emergency Management Agency (FEMA), President Obama also signed into law the "Disaster Relief Appropriations Act, 2013" (Public Law 113-20, approved January 29, 2013), which included \$16 billion in funding for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, as well as economic revitalization in the most impacted and distressed areas resulting from Hurricane Sandy, and other recent eligible disaster events.

The U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the Community Development Block Grant-Disaster Recovery (CDBG-DR) pursuant to the Disaster Relief Appropriations Act of 2013. NYS was included in the HUD CDBG-DR program. On Tuesday, March 5, 2013, HUD published Federal Register Notice 5696-N-01, which established the requirements and processes for the first \$1.7 billion in Federal CDBG-DR aid appropriated by the United States Congress, and allocated to NYS, for disaster relief.

In response to Hurricane Sandy, Hurricane Irene and Tropical Storm Lee, NYS has developed a Storm Recovery Plan to help define how the State will effectively use any available funding to recover and rebuild, and just as importantly, to stimulate economic growth in every affected community through a community-driven planning process. The plan is based on six key principles:

1. *Building back better and smarter* – As New Yorkers repair the significant damage wrought by Hurricane Sandy, the State will use the opportunity not to replace damaged buildings with the same structures, but to invest in additional mitigation to prevent similar damage from recurring.
2. *State-led, community-driven recovery* – The State is collaborating closely with local governments and other organizations to ensure a coordinated and holistic response, while looking to individual communities to develop forward-looking local recovery plans that meet their specific needs.
3. *Recovery from Irene and Lee* – The recovery efforts will also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. *Leveraging private dollars* – The State will undertake programs that will help unlock capital markets and increase the amount of low-interest financing of key projects by reducing the risk for private sector lenders.
5. *Spending accountability and transparency* – To make certain that funds are spent appropriately and responsibly, the State will put rigorous spending accountability systems in place and employ an independent auditing firm.
6. *Urgency in action* – The recovery is a long-term endeavor but people need help today, so the projects and programs have been shaped to achieve the fastest delivery and best support possible.

As required by the CDBG-DR program, NYS submitted to the HUD Secretary the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery (Action Plan, issued April 25, 2013). The Action Plan described the proposed use of HUD CDBG-DR funding to meet the unmet housing, economic development, community planning, and infrastructure needs of impacted communities. In the Action Plan, NYS identified more than \$6 billion in damage to residential structures in the areas most impacted by Hurricane Sandy. Once other forms of assistance are deducted from this amount, a balance of approximately \$3 billion still remains in unmet needs. The Action Plan is being used as a guide by New York State Homes and Community Renewal (HCR), through its Office of Community Renewal (OCR) and the Housing Trust Fund Corporation (HTFC), for the distribution of CDBG-DR funding. The Action Plan identifies programs for housing assistance.

To meet these objectives, NYS has established a number of individual programs under the NY Rising Housing Recovery Program to provide assistance for repairing damaged properties, reconstructing damaged homes, mitigating damaged properties for future resilience and reimbursing homeowners who have already begun repairing or have completed repairs on their homes. A single-family home buyout and acquisition program has also been established. The program actions that are applicable to this Residential Housing Buyout and Acquisition PEA are discussed in more detail under the Project Description.

As the Responsible Entity (RE) under HUD's environmental review procedures, 24 CFR Part 58, HCR will complete environmental reviews for all NY Rising Housing Recovery programs in compliance with the National Environmental Policy Act (NEPA) and HUD environmental review standards. For the purpose of environmental reviews and in compliance with HUD rules, HCR will conduct Tier 1 PEAs for the NY Rising Housing Recovery programs on a county-by-county basis as follows:

- 1-4 unit residential properties
- 5+ unit residential properties
- Buyouts and acquisitions

This Tier 1 PEA evaluates the potential environmental impacts of the NY Rising Residential Housing Buyout and Acquisition Program in Putnam County.

Tier 1 PEAs assess the individual and cumulative environmental impacts of program activities on a specific geographic area. Tier 1 PEAs may also be prepared when the environmental impacts are generic or common to a class of actions, or to other activities that are not location specific. The PEA can serve as a foundation and reference document to allow the efficient completion of the Supplemental or Individual Environmental Assessments for the individual actions described in the PEA. This Tier 1 PEA was specifically designed to evaluate the environmental impacts of disaster recovery activities, including the buyout and acquisition of 1-2 unit residential properties in Putnam County. With the PEA in place, the environmental review process required by NEPA and its associated environmental laws will be streamlined. This Tier 1 programmatic level environmental review provides guidelines for Tier 2 reviews to ensure that there are no extraordinary circumstances that are beyond the issues identified and evaluated in this document. Tier 2 reviews document environmental impacts on a site specific level. In accordance with the HUD NEPA regulations (24 CFR Part 58.22), no choice-limiting actions will take place at a particular site until a Tier 2 Checklist is completed for that site.

Purpose and Need for the Proposed Action

On October 29, 2012, Hurricane Sandy made landfall over the New York coastline. Flooding and high winds along the coasts and overland flooding damaged communities throughout New York adding to damage suffered the previous year from Hurricane Irene and Tropical Storm Lee. In particular, communities in Nassau, Suffolk, Rockland, and Westchester Counties suffered substantial damage. These four counties were identified by HUD as the most impacted and distressed counties in New York, excluding New York City. This environmental assessment addresses activities in Putnam County only (See Appendix A, Most Affected Communities Map).

Based on the FEMA Individual Assistance Program (FEMA IA) data, as of April 2013, 77 owner-occupied homes and 11 rental properties were damaged or destroyed by Hurricane Sandy in Putnam County. Hurricane Irene damaged or destroyed 432 owner-occupied homes in Putnam County. These Putnam County numbers account for approximately 0.07% of the Hurricane Sandy damage and approximately 1.6% of the Hurricane Irene damage. As many as 99,710 persons in Putnam County have been impacted by the recent disasters.

In determining the impact on housing during its inspection process, FEMA uses the following definitions:

Moderate damage: Moderate structure damage includes less than six (6) inches of water on the first occupied floor of the dwelling. Other event types, such as fire, may have visible soot and ash that impacts habitability requiring professional cleaning. Access to the dwelling can be considered minor due to conditions such as minor washouts requiring some road fill that prevents routine access to the dwelling.

Substantial Damage: Substantial structure damage should be noted with water levels greater than six (6) inches and less than four (4) feet on the first occupied floor of the dwelling. Items that can comprise substantial damaged include collapsed chimney, furnace damage, water heater damage, exterior siding damages, roof damages affecting one or both sides of the dwelling, compromised windows, and/or compromised doors. Access to the dwelling can be considered substantial when access may be blocked with down trees or private road is substantially washed out.

Major Damage: Major structure damage is identified when approximately four (4) feet of water, or more, occurred on the first occupied floor of the dwelling. Other items can substantiate major structure damage, such as collapsed foundation walls and/or piers, significant separation in the walls from the dwelling, and/or wind events that have removed/damaged the majority of the roof and/or wall components. Access to the dwelling can be considered major when the only access is by a bridge that has collapsed.

In response to Hurricane Sandy, Hurricane Irene and Tropical Storm Lee, NYS developed the Action Plan to help define how the State will effectively use all available funding to recover and rebuild. Part of the plan addressed unsafe areas that faced repetitive loss from future storms. The plan called for increasing communities' resiliency to climate change and severe storm risk by aiding impacted communities to reduce the number of residents in the danger zones through voluntarily acquiring impacted properties and enabling residents to relocate from harm's way and using the recovered land for open space and storm attenuation.

The need for this program is to increase impacted communities resiliency to future storm damage. The purposes of the proposed action are to relocate as many homeowners as possible out of high flood risk areas and improve the storm attenuation properties of the community.

Project Location

The geographic scope for the Putnam County Residential Housing Buyout and Acquisition program described herein is the jurisdictional area of the county, covering approximately 147,000 acres of land.

Project activities are expected to take place on residential properties scattered throughout the most distressed neighborhoods within Putnam County most affected by Hurricane Sandy (See Appendix A, Most Affected Communities Map). Property owners of any location in the county that sustained damage from recent storms are able to apply for the program. The number of residents potentially impacted by the storm is approximately 99,710 people, distributed across the county (See Table 1: Putnam County Demographics). The number of potential structures is subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be known until applications for assistance are reviewed and determined eligible for the program.

Table 1
Putnam County Demographics
Source: U.S. Census Bureau
(census.gov) 2010 Census

	Putnam County	Town of Carmel	Town of Southeast	Town of Kent	Town of Patterson	Town of Putnam Valley	Town of Phillipstown
	Total	Total	Total	Total	Total	Total	Total
Persons Impacted	99,710	34,305	18,404	13,507	12,023	11,809	9,662
Average Household Size	2.77	2.90	2.71	2.72	2.74	2.80	2.53
Elderly 65+	12.5%	12.4%	12.8%	12.7%	10.0%	11.6%	15.5%
Below Poverty	9.1%	3.4%	4.5%	3.4%	25.5%	5.1%	9.6%
Race							
White non hispanic	82.9%	85.4%	78.0%	81.3%	79.5%	84.7%	88.2%
Black non hispanic	2.1%	1.6%	1.8%	2.3%	4.0%	2.0%	1.5%
Hispanic	11.7%	10.1%	16.6%	13.0%	12.9%	9.8%	6.9%
Asian non hispanic	1.8%	1.7%	2.4%	1.8%	1.7%	1.8%	1.4%
American Indian & Alaska Native	0.1%	0.1%	0.1%	0.2%	0.2%	0.1%	0.2%
Native Hawaiian & Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Other	0.2%	0.2%	0.1%	0.2%	0.3%	0.2%	0.2%
Housing							
Total	38,224	12,348	7,095	5,508	4,272	4,837	4,164
Occupied	35,041	11,672	6,675	4,888	3,905	4,216	3,685
Owner-Occupied	28,688	9,668	5,162	4,147	3,169	3,658	2,884
Renter-Occupied	6,353	2,004	1,513	741	736	558	801
Vacant	3,183	676	420	620	367	621	479
1-2 Unit Homes	88.1%	89.1%	79.0%	96.2%	82.4%	97.3%	87.3%

Project Description

In response to the damage caused by Hurricane Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, homeowners in disaster-declared counties who sustained damage will be invited to submit an application for assistance. The Action Plan is incorporated by reference into this project description. The applicable program from the Action Plan is the Recreate NY Home Buyout Program.

An overview of each activity under the program covered by this document is provided below. This program applies to 1- and 2-unit residential properties.

Voluntary Buyouts and Acquisitions of One- and Two-unit Homes

The Recreate NY Home Buyout Program will include the purchase of eligible substantially damaged properties (the property sustained damages that equal or exceed 50% of its Fair Market Value (FMV) prior to the event, as determined by a local authorized official) inside the floodplain in storm-impacted areas. The purchases of properties within the highest risk areas in the floodplains will be handled as “buyouts,” while purchase outside those areas will be handled as “acquisitions” (see details below). 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, while properties purchased as acquisitions will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property.

The State will use the 2013 Federal Housing Administration loan limits as the ceiling for the purchase price for properties that participate in this program.

Assistance shall be provided to homeowners for property purchased after accounting for all federal, state, local, and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

All customary costs associated with the acquisition of private property, including appraisal, legal, survey, title preparation, and insurance, may be paid for using this source of funds.

Demolition costs may also be paid using this source of funds.

Site work and property maintenance costs, including environmental remediation, grading, and security, may also be paid for using this source of funds.

Households earning less than 80% of the area median income will be prioritized during the processing applications for assistance.

Buyouts

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and which present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). 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 FMV, plus available incentive(s) as outlined below.

The buyouts would reduce the number of residents in harm's way in the high risk flood areas and allow the properties to be part of the communities' efforts to increase resiliency to future storms.

Enhanced Buyout Areas

Enhanced buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments, will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction will not occur on lots in these areas. Lots will be maintained as coastal buffer zones or other non-residential/commercial uses; vacant or undeveloped land in these targeted areas may also be purchased.

Incentives

5% -Relocation Incentive: The State will provide this incentive to residents who participate in a buyout inside an enhanced buyout area if they permanently relocate and provide evidence of the purchase of a new primary residence within the same county in which their storm-damaged property is located. The rationale for such an incentive is to protect and preserve the community while at the same time facilitating the reclamation of land in high risk areas for natural protection against future damage.

10% Enhanced Buyout Incentive: In an effort to relocate homeowners out of the high risk enhanced buyout areas and protect as many as possible from future disasters, the State will seek the maximum level of homeowner participation by offering this individual incentive so that as much land as possible within these areas can be returned to its natural state and be maintained in perpetuity as coastal buffer zones. This level of incentive was created to ensure that sufficient incentive is available, as the number of properties involved will need to be significant in these areas to produce the intended outcome.

10% Group Buyout Incentive: In the rare areas in which the purchase of a group of properties together makes sense in order to re-purpose that area, the State believes that graduated incentives are an essential component to induce homeowners to sell their properties. Outside of the enhanced buyout areas, the State may, in rare circumstances, provide a 10% Group Buyout Incentive to certain very limited clusters of homeowners (i.e., 2-10 consecutively located properties) whose properties are located inside the floodplain but not inside an identified enhanced buyout area. This incentive may be necessary in these rare cases to facilitate the reclamation of a concentrated area of high risk properties and to avoid the patchwork effect of purchasing all but one or two properties inside such a cluster of properties.

Acquisitions

The State intends to conduct most purchases outside of the enhanced buyout areas as acquisitions, whereby purchase offers must begin with the post-storm FMV 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.

Such an incentive is necessary to allow homeowners inside flood-prone areas that have sustained damage to their primary residence who are otherwise unable or unwilling to repair their home and seek to relocate to a safer, less flood-prone area, the ability to do so. Furthermore, this resettlement incentive recognizes the uncertainty of post-storm values of storm-damaged homes, relative to the high costs associated with relocation, therefore affording homeowners the maximum amount of assistance necessary to make this life-altering change. This resettlement incentive will help homeowners to remain in the community and contribute to its overall recovery from the disaster, while also ensuring that acquired land will be redeveloped in a safer, more resilient manner for the future occupants of the area.

The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community; however, the specific details of reuse will be determined based on site specific conditions. Reuse will be in accordance with local zoning and land use plans. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Program Activities

Summarized in the sections below are the physical program activities analyzed in this PEA.

Buyout

Following purchase of the property, the land would remain open space in perpetuity. As applicable, structures on the properties would be removed, the land would be backfilled and graded, and the soil would be revegetated using locally appropriate, native plant species. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, subject to restrictions on use.

Acquisition

Following purchase of the property, the Housing Trust Fund Corporation (HTFC) will hold title to the property until the property is transferred to another owner for redevelopment. While being held by the HTFC, the properties will be secured in such a manner so that they would not adversely impact adjacent properties or owners. On a case-by-case basis, some short-term resiliency/retrofit activities may be needed. During this time, the properties will be unoccupied. The acquisitions will reduce the number of residents in the flood area in the short- to mid-term. The acquisitions may occur in areas outside of designated floodplains.

After transfer to another owner, redevelopment of the property would include any rehabilitation necessary to bring the structure to current state and local building code, as well as any mitigation efforts required to increase the resiliency of the structure against future storm events. While the exact number or location of such projects is not yet defined, the nature of the redevelopment must be consistent with long-term resiliency/retrofit activities being carried out by the agency in other programs associated with the Action Plan. Key components of long-term resiliency/retrofit activities currently include:

- Elevation of electrical systems and components above design flood elevation.
- The use flood-resistant building materials below design flood elevation.
- Securing fuel tanks.
- Changing the use of below-design flood elevation spaces.
- Installation of flood vents in basements and crawl spaces in flood zones.
- Installation of an uninterruptable power supply/generator.
- Installation of sewer backflow valves.

Because of the uncertainty associated with future development of the property, this PEA only evaluates the acquisition activities through property purchase, securing the property, and short-term resiliency/retrofit activities. At such time as redevelopment is proposed, the need for additional environmental review would be determined.

Existing Conditions and Trends

Putnam County is in southeastern New York, approximately 50 miles north of New York City. The county occupies a total area of approximately 230 square miles. According to the 2010 U.S. Census, the population of Putnam County was 99,710. Recent 2012 Census estimates have increased this population to 99,607. This compares to a 1.5% increase in the population for the State of New York over the same time period. As of 2012, the average median household income of Putnam County is \$92,711, and the median value of owner-occupied housing units is \$406,000.

The county comprises 6 towns and three incorporated villages. Agricultural, forested, undeveloped, and wetland areas make up the largest portion of land use in Putnam County. Residential land use makes up approximately 16% of the county while commercial land use makes up a little over one percent. The county has experienced a large reduction in agricultural land use, undeveloped land, and forested land through the years. Residential land use increased significantly and commercial land use increased moderately.

As of 2007, Putnam County's housing stock was approximately 85.9% owner-occupied, 14.1% renter-occupied, and 10.6% vacant. As of 2010, Putnam County's housing stock was approximately 81.9% owner-occupied, 18.1% renter-occupied, and 8.3% vacant. Between 2007 and 2010 owner-occupied housing decreased while renter-occupied housing increased. Vacancy percentage also decreased during the same time period.

Alternatives to the Proposed Action

One action alternative has been identified. This alternative involves the rehabilitation of damaged residential properties. Inside the high risk flood areas, rehabilitation would not meet the purpose to decrease the number of residents in harm's way in the high risk flood areas, nor meet the need to increase the communities' resiliency to future storms. Outside of the high risk flood area, but still inside the flood area, rehabilitation would not decrease the number of residents in the flood area.

Because the program is prioritized toward those households earning less than 80% of the area median income, the program would help those households that most likely would not be able to afford the costs of relocating outside of the flood area without the program.

The buyout and acquisition program is voluntary. If property owners do not choose to participate in the buyout and acquisition program, they still may be part of the rehabilitation programs. These rehabilitation program activities have been evaluated in a separate PEA, as they involve different eligibility criteria and different funding.

Because of the specific eligibility requirements of this program, the buyouts and acquisitions are mutually exclusive. A buyout is not an alternative for properties proposed for acquisition, and acquisition is not an alternative for properties proposed for buyout.

As a result, the only alternative is to take no action. The No Action Alternative would mean that homeowners would not be offered buyouts or acquisitions under the Action Plan. Even if they rebuild in a more resilient manner, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area.

Conditions for Approval

The following mitigation measures are required as conditions for approval of the project. Most of the required reviews discussed below will be completed in the Tier 2 site-specific reviews.

General

The applicant will acquire all required federal, state and local permits before commencement of construction and will comply with all permit conditions. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under NEPA.

Historic Preservation

All activities must comply with Section 106 of the National Historic Preservation Act (NHPA) per the implementing regulations at 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures in the NY Historic Preservation Programmatic Agreement (Programmatic Agreement) among The Federal Emergency Management Agency, The New York State Historic Preservation Office, The New York State Office of Emergency Management, The Delaware Nation, The Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, The New York City Landmarks Preservation Commission, and The Advisory Council On Historic Preservation. Pursuant to Addendum D, HCR is also party to the Programmatic Agreement. If archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered on a specific site, the project work on that site shall be halted, and the applicant would take reasonable measures to avoid or minimize harm to the finds. All archeological findings would be secured and access to the sensitive area restricted. HCR will consult with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and Tribes, and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the program is in compliance with the NHPA.

Each site will be reviewed for compliance with the Programmatic Agreement. If the primary reviewer is not able to determine project compliance with the Programmatic Agreement (See Appendix H), the project would be sent for further review to the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), and all recommendations made by OPRHP would be incorporated into the project design.

Wetlands Protection and Water Quality

All sites will be evaluated for the presence of wetlands in accordance with New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps. On-site wetlands inspection will occur in the Tier 2 site-specific assessment, and if project work on a specific site will impact a wetland, the 8-step decision making process outlined in 24 CFR Part 55.20, modified for wetlands, will be completed. If the wetland impacts cannot be avoided, appropriate permits will be obtained in compliance with Executive Order 11990. These include those under Sections 401 and 404 of the Clean Water Act, as well as any applicable local or state permits.

The Program will implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters. Soil compaction would be controlled by minimizing project activities in vegetated areas, including lawns.

There are no Wild and Scenic Rivers within Putnam County, as designated by the U.S. Department of the Interior. However, there is one creek with a segment in Putnam County with outstanding remarkable values (ORVs) identified in the National Wild and Scenic Rivers System, as designated by the U.S. Department of the Interior and the NYSDEC. An eleven-mile segment of the Chataqua Creek located at the Route 20 Bridge in Westfield to Putnam Road has scenic ORVs.

Vegetation and Wildlife

The NYSDEC New York Natural Heritage Program, the USFWS – New York Field Office, and the National Marine Fisheries Service (NMFS) have been contacted to initiate consultation for Program compliance with state and federal threatened and endangered species laws, and written responses have been received (See Appendix M, USFWS and NMFS Consultation).

The Endangered Species Act (ESA) requires the action agency (HCR) to make a determination of effect on any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the action agency. HCR is acting as HUD's designated representative for this program. The determination(s) of effect will be completed in the Tier 2 site-specific reviews.

In accordance with the August 7, 2013 and September 25, 2013 letters from the USFWS (See Appendix M, USFWS and NMFS Consultation), each site will be reviewed to determine the level of adverse effect. Further consultation with the USFWS will be conducted if a project may affect a listed species. HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together.

Bald eagles are not known to occur in Putnam County (Appendix M, USFWS and NMFS Consultation). HCR will contact the USFWS for assistance in complying with the Bald and Golden Eagle Protection Act if a bald eagle is found on a site. The USFWS will be contacted to provide technical assistance to HCR to avoid and minimize impacts to birds protected under the Migratory Bird Treaty Act.

Soil Erosion

Best management practices (BMPs), such as silt fence and erosion prevention, may be implemented, if required by permits or agency discretion. Work in areas of soils with high wind erosion potential may have to occur only during calm weather conditions or include additional watering and other dust suppression mitigations. Thorough planning, engineering review, and design, through the local permitting process, will minimize soil erosion that could result from program activities on sites with marginal soil properties.

Noise

All equipment will be outfitted with operating mufflers. Temporary increases in noise levels due to demolition and construction activities will be minimized through compliance with local noise ordinances, including time-of-day work limitations.

Air Quality

All activities will comply with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to New York Codes, Rules and Regulations (NYCRR), NYSDEC Air Quality Management Plan, and the New York State Implementation Plan. All necessary measures will be used to minimize fugitive dust emissions created during program activities, such as demolition of existing structures. The preferred method for dust suppression is water sprinkling.

Hazardous Materials

HCR is charged with the overall inspection for hazardous materials for this project. HCR, in conjunction with designated agencies or consultants under HCR's direction, will provide qualified environmental professionals (QEPs) to perform on-site visits, where required. QEPs are experienced persons with the skills to look for and recognize hazardous materials and their conditions generally, and the most common types of residential contamination found in this geographic area. The reports generated by QEPs will be reviewed by HCR, or consultants with environmental assessment experience under HCR's direction, to confirm that all issues are appropriately addressed. HCR will review the checklists as part of the creation and endorsement of the Tier 2 forms. Phase I Environmental Site Assessments (ESAs) will also be completed in the Tier 2 environmental reviews before any property will be purchased.

Because structures to be demolished may include lead-based paint and materials containing asbestos, program activities will 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 (12 NYCRR Part 56); the National Emission Standard for Asbestos—Standard for demolition and renovation (40 CFR Part 61.145); and National Emission Standard for Asbestos—Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150). All 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 at 24 CFR Part 35 Subparts B, H, and J. In general, these regulations apply to housing constructed prior to 1978. All program structures will be surveyed to determine whether lead-based paint (if constructed prior to 1978) or asbestos building materials are present.

Mold can have an adverse effect on human health and is a very common problem in flooded homes. Per HCR policy, all homes will be inspected for mold contamination and mold remediation in accordance with New York City Guidelines on Assessment and Remediation, regardless of location.

HUD policy states that all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect the health of the occupants. Site-specific assessments will identify any toxic or radioactive substances on, adjacent to, or near the target buyout and acquisition residential properties. Where site-specific assessments do not adequately reveal past land use near target residential properties, screening of historical land use will be used to assess the potential hazard to occupants of the home. Hazards of concern include, but may not be limited to, hydrocarbon-associated vapors and radon gas.

While there would be no future occupancy for the buyout properties, some of the acquisition properties could be redeveloped in the future. When a target acquisition property is on or within 3,000 feet of a potentially hazardous site, a QEP would determine if the potential hazard requires remediation. If remediation is required, it will be appropriately scheduled and coordinated with any demolition and/or redevelopment activities. There may be some residential properties with improper storage and excessive accumulation of toxic substances (i.e., petroleum products, pesticides, cleaning substances). Initial site inspection of residential properties may document the presence of abandoned and otherwise non-working vehicles with the potential for leakage of toxic materials. Barrels or tanks with petroleum products or other potentially toxic substances may be identified. Depending on the site-specific environmental assessment of the degree and extent of the hazard, the applicant may be responsible for the removal of such items.

Solid Waste

HCR will develop and implement a solid waste management plan for demolition debris. The plan will identify and describe the areas for temporary storage of debris, haul routes for vehicles, and the facilities that would receive the waste. This plan will develop policies and procedures to maximize the amount of debris that can be recycled and reused to minimize the landfilling of waste and to avoid exceeding the maximum daily capacities of the selected solid waste facilities. This plan would identify the feasibility of local, temporary processing facilities, such as those that can break down concrete for reuse.

Transportation

HCR will coordinate with local transportation authorities to identify alternate routes and/or time of day mitigations to reduce potential temporary increases in vehicular traffic during the demolition phase.

Summary of Findings & Conclusions

Under the Tier 1 environmental assessment for buyouts and acquisitions, the following laws and authorities referenced under HUD's regulations at 24 CFR Part 58.5 have been fully considered and do not require a Tier 2 site-specific review:

- Coastal Zone Management (Coastal Zone Management Act, 1972)
- Sole Source Aquifers (42 USC 201, 300(f) et seq., and 21 U.S.C. 349) as amended; particularly section 1424(e)(42 USC 300h-3(e))
- Wild and Scenic Rivers (16 U.S.C. 1271, Sec. 7(b), (c))
- Clean Air Act (40 CFR Parts 6, 51, 93)
- Farmland Policy Act (7 CFR Part 658)
- Environmental Justice (Executive Order 12898)
- Noise Abatement and Control (24 CFR Part 51, Subpart B)
- Explosive and Flammable Operations (24 CFR Part 51 C)
- Airport Clear Zones and Accident Potential Zones (24 CFR Part 51 D)

Based on completion of this Tier 1 PEA, environmental review of the proposed program indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to NEPA, with the possible exception of the subject areas listed below. Based on the completion of this PEA, the following subject areas require Tier 2 site-specific analysis before it can be concluded that the specific activities would have no significant environmental impacts on an individual site. These authorities are referenced under HUD's regulations at 24 CFR Part 58.5:

- Wetland Protection (Executive Order 11990)
- Historic Preservation (36 CFR Part 800)
- Floodplain Management and Flood Insurance (24 CFR Part 58.5(b) and 24 CFR Part 58.6);
- Endangered Species Act (50 CFR Part 402; 16 USC 1531 et seq.)
- Toxic Chemicals and Radioactive Materials (24 CFR Part 58.5(i)(2)(i))

Tier 2 site-specific reviews will include desktop evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will also include direct field observation with photographs and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project planned for a residential site will proceed without further notice to the public.

If impacts cannot be identified and mitigated during the site-specific reviews, then that site may be subject to further studies, treated as a separate project, subject to agency consultations, and the environmental review process may require the publishing or posting of notices for that individual site. Each completed Tier 2 site-specific checklist and supporting documents will be submitted to HCR for review and approval before individual activity site work or construction begins.

Evaluation of the Effects

Individual actions undertaken by the described Putnam County Residential Housing Buyout and Acquisition program will provide incentives for residents to relocate out of the areas most susceptible to future flood hazards and will provide a positive financial impact on their neighborhoods, their communities, and the county.

NEPA Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

HCR has evaluated the significance of the effects of the proposal on the character, features and resources of the project area. The relevant base data, verifiable source documentation, and required mitigation measures supporting the finding are described below. The following impact codes describe determination of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	<p>The most current plan with policy recommendations for Putnam County is the Report of the Task Force on Vision 2010 Guiding Putnam into the Next Decade, prepared in 2003. For Vision 2010, the focus is on intracounty government processes and intergovernmental relationships. The environmental visions supports plans that present balanced growth polices where development is appropriately sited, housing is affordable, watersheds are respected, historical assets are valued, natural resources and open space are protected and recreational and cultural opportunities are diverse and numerous.</p> <p>Buyout The buyout program will convert properties within the floodplain in storm-impacted areas to open space or other non-residential/non-commercial uses. Once all targeted properties are converted, much of the resulting open space will be contiguous and therefore compatible with the surrounding land uses. The buyout program will not require any changes to existing land use designations as the land will revert to open space, and will be consistent with the current local plans. The appropriate permits for demolition activities will be obtained.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not result in any changes in land use designations.</p> <p>Source: 27, 29 (list of sources is on Page 44)</p>
Compatibility and Urban Impact	2	<p>Buyout The buyout program will create new open space throughout Putnam County, primarily in low-lying areas prone to flooding or close to the shoreline. The proposed buyout program in Putnam County fits with all of the regional and local plans, particularly with regard to maintaining open space in sensitive areas. The conversion to open space land use and reduction in housing density is compatible with the visual character and quality of each area. Creating the open space will establish a larger buffer between the areas with potential for future flooding and residential uses.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not result in any changes in land use that could be incompatible with surrounding land uses.</p> <p>Source: 27</p>

Land Development	Code	Source or Documentation
Slope	1	<p>According to the USGS topographic map (see Appendix B, Putnam County Topographic Map), slopes generally range from 0% to 40% within Putnam, County.</p> <p>Buyout The buyout and enhanced buyout programs will return 1- and 2-unit residential properties to natural conditions. The properties will be backfilled and graded following removal of any structures. Because these properties are already developed, adverse effects to slope are not anticipated.</p> <p>Acquisition The acquisition program will not affect slopes on properties. Any effects from minor short-term adjustments, including soil amendment or replacement of eroded soils pending redevelopment within a localized area on a property, will be considered negligible.</p> <p>Source: 52</p>

Land Development	Code	Source or Documentation
Erosion	4	<p>Buyout</p> <p>According to the USGS topographic map (See Appendix B) high ridge elevations rise to over 1,400 feet above mean sea level (asl) in central and western parts of the County. Portions of Putnam County adjoining the Hudson river drop abruptly to sea level. Elevations in southeastern Putnam county drop gradually to a series of water reservoirs generally lying between and 300 and 400 feet asl. Most of Putnam's highest elevations are in the Town of Philipstown. The towns of Philipstown and Putnam Valley and the western part of the Town of Kent have the most rugged terrain, with many high peaks having elevations of 1,000 feet or more. There are several ranges in these towns which are significant because they form a natural east-west barrier. While there are areas with greater than 30 percent slopes as shown in the USGS topographic maps, especially in the western section of the county, existing development tends to exist in flatter areas between the hills. Buyout properties will be graded and revegetated following demolition activities to prevent erosion. There will be a short-term increase in the potential for erosion from the site disturbance. As required by the Soil Erosion Conditions for Approval, BMPs, such as silt fence and erosion prevention, may be implemented, if required by permits or agency discretion. These BMPs will reduce the potential for erosion.</p> <p>There will be a short-term increase in the potential for erosion due to the site disturbance demolition. A Storm Water Pollution Prevention Plan (SWPPP) per the NYSDEC regulations will be implemented on-site during demolition to reduce the potential for erosion. Short-term BMPs, such as silt fence and erosion prevention, will be implemented to mitigate erosion where highly erodible soils are present, if required by permits or agency discretion (see Soil Erosion Conditions for Approval). State and local permitting requirements will incorporate BMPs (erosion blanketing, phasing, and sequencing of construction) to eliminate erosion impacts for program locations that require excavation or soil modification. Demolition and incidental grading will be carried out in a manner to avoid the discharge or fill into waters of the U.S. during demolition. Work in areas of soils with high wind erosion potential may have to be scheduled only during calm weather conditions or include additional watering and other dust suppression mitigations.</p> <p>Buyout properties will be graded and seeded immediately following demolition to minimize erosion and runoff. Soil disturbance that will substantially increase the erosion potential is not anticipated.</p> <p>Acquisition</p> <p>Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will require the same mitigations and have the same impacts as discussed for the buyout of properties discussed above.</p> <p>Source: 52</p>

Land Development	Code	Source or Documentation
Soil Suitability	1	<p>The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) provides map information regarding soil types and their properties that can influence the development of building sites and is intended for land use planning, evaluating land use alternatives, and planning site investigations prior to design and construction. (See Appendix C, USDA Soil Survey Map)</p> <p>Rating class terms designated by the NRCS indicate the extent to which the soils are limited by all of the soil features that affect building site development, including "not limited," "somewhat limited," and "very limited."</p> <p>According to review of the NRCS soils map data for "Dwellings and Small Commercial Buildings" ratings for the 74 soil types mapped within Putnam County, 30 soil types have ratings of very limited, 18 somewhat limited, and 9 not limited; there are 17 soil types with no rating. These represent 45.7%, 33.6%, 6.3%, and 14.4%, respectively, of the total area in Putnam County. Reasons for the assigned ratings include slope, shrink-swell, depth to saturated zone, depth to thick cemented pan, organic matter content, or lack thereof. Several soil types are not rated (beaches, fill land, escarpments, duneland, etc.).</p> <p>Buyout The buyout program will return the land to open space, for which soil suitability issues will be minimal. BMPs, including silt fences, will be employed for stabilization from potential erosion during the revegetation process.</p> <p>Acquisition The suitability of the soils present will have to be considered for any efforts to secure the property increase the short-term resiliency of the structure or property against future storm events.</p> <p>Source: 32</p>
Hazards and Nuisances including Site Safety	4	<p>Buyout The buyout program will include demolition of structures. These structures could contain asbestos, lead-based paint, or other toxic materials. HCR is responsible for the overall inspection for hazardous materials for this program. According to the Hazardous Materials Conditions for Approval, QEPs may inspect sites for evidence of contamination from hazardous materials. If hazardous materials are found or assumed to be present, they will be managed appropriately, as called for in the Hazardous Materials Conditions for Approval.</p> <p>Typical effects of construction/demolition actions may include the presence of heavy equipment, which could pose safety issues to nearby populations. Construction and demolition will be addressed under existing regulations governing construction activity in New York State, Putnam County, and local municipalities.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events could involve structures that might contain asbestos, lead-based paint, or other toxic materials. As with the buyout program discussed above, QEPs may inspect sites for evidence of contamination from hazardous materials. If hazardous materials are found or assumed to be present, they will be managed appropriately, as called for in the Hazardous Materials Conditions for Approval.</p> <p>Source: 11, 43, 44</p>

Land Development	Code	Source or Documentation
Energy Consumption	2	<p>The buyout and acquisition program will not expand the housing stock relative to conditions prior to recent storm events and will not increase long-term energy consumption.</p> <p>Buyout Demolition activities could involve the use of fossil fuel energy consumption unless explicitly prohibited by local ordinances. The reversion of properties to open space and related natural uses will result in a net decrease in energy consumption from absence of buildings requiring energy consumption. This will result in a beneficial impact to energy consumption at the subject properties.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events could involve the use of fossil fuel energy consumption, unless explicitly prohibited by local ordinances.</p> <p>Source: 27</p>
Noise - Contribution to Community Noise Levels	4	<p>Buyout Demolition of structures associated with the buyout program will result in temporary increases in noise levels due to heavy equipment and truck operations. These increases will be mitigated by implementing the Noise Conditions for Approval, including outfitting of equipment with mufflers and compliance with local noise ordinances including time-of-day work limitations. The reversion of properties to open space and related natural uses will result in a net decrease in noise levels associated with those properties.</p> <p>Acquisition Efforts to secure the property or to increase the short-term resiliency of the structure or property against future storm events could result in temporary increases in noise levels due to heavy equipment and truck operations. These increases will be mitigated by implementing the Noise Conditions for Approval, including outfitting of equipment with mufflers and compliance with local noise ordinances including time-of-day work limitations.</p> <p>Source: 43</p>

Land Development	Code	Source or Documentation
<p>Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels</p>	<p>4</p>	<p>The proposed program area is not located in a "nonattainment" area for inhalable particulate matter (PM_{2.5}) and is not classified as in "nonattainment" for the 8-hour ozone standard (2008) per EPA's "Counties Designated Nonattainment" map at http://www.epa.gov/airquality/greenbook/.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP).</p> <p>Conforming to a SIP means that an action will not:</p> <ul style="list-style-type: none"> • Cause or contribute to a new violation of any standard in any area; • Increase the frequency or severity of any existing violation of any standard in any area; or • Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. <p>Buyout The buyout of properties will involve demolition of structures and site restoration. These activities could result in vehicle and fugitive dust emissions that could result in short-term impacts to air quality.</p> <p>Buyout activities, including demolition, will include implementation of the Air Quality Conditions for Approval as stated in the project description. These conditions include compliance with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to New York Codes, Rules, and Regulations (NYCRR), NYSDEC Air Quality Management Plan, and the New York State Implementation Plan. All necessary mitigation measures will be used to minimize fugitive dust emissions created during the rehabilitation of existing structures. The preferred method for dust suppression is water sprinkling.</p> <p>The reversion of properties to open space and related natural uses will result in a long-term net decrease in air emissions due to home heating, cooling, and vehicles related to those existing properties.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events could result in vehicle and fugitive dust emissions that could result in short-term impacts to air quality. These activities will include implementation of the Air Quality Conditions for Approval as discussed above for the buyout activities.</p> <p>Source: 46, 47</p>

Land Development	Code	Source or Documentation
<p>Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale</p>	2	<p>The most current plan with policy recommendations for Putnam County is the Report of the Task Force on Vision 2010 Guiding Putnam into the Next Decade, prepared in 2003. For Vision 2010, the focus is on intracounty government processes and intergovernmental relationships. The environmental visions supports plans that present balanced growth polices where development is appropriately sited, housing is affordable, watersheds are respected, historical assets are valued, natural resources and open space are protected and recreational and cultural opportunities are diverse and numerous.</p> <p>Buyout The buyout program will convert properties in the floodplain in storm-impacted areas to open space or other non-residential, non-commercial uses. These uses will involve restoration of the natural features of the land, and will enhance the visual quality of the site and its surroundings.</p> <p>Once all targeted properties are converted, the resulting open space will be compatible with the surrounding land uses in terms of both visual and scale. The coherence of the landscape will be improved with the restoration of its natural use, and will provide a benefit to neighboring communities, resulting in a beneficial impact. The program will have a beneficial effect by improving the visual appearance of neighborhoods by removing unsightly structures destroyed by recent storm events and returning the landscape to a more natural appearance.</p> <p>Acquisition Efforts to secure the property or increase the shot-term resiliency of the structure or property against future storm events will improve the visual values and environmental design over the short-term as storm damage is repaired.</p> <p>Source: 14, 27</p>

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	3	<p>One of the objectives of the buyout and acquisition programs is to relocate residents to similar housing in safer areas of the county. As such, neither the buyout nor the acquisition program will alter the demographic characteristics of Putnam County. Each of the buyout areas has a slightly different demographic composition from the county as a whole.</p> <p>According to the US Census, in general, the population of Putnam County is approximately 82.9 percent white, and the dominant minority is Black or African American, comprising 2.1 percent of the population. Approximately 11.7 percent of the total population is Hispanic or Latino.</p> <p>The median household income is \$92,711, and roughly 5.4 percent of the population's income is below the poverty level. Putnam County has an 8.3 percent vacancy rate, of which homeowner vacancy is 1.6 percent. The median housing value is \$406,000.</p> <p>Below, the demographic composition of the buyout areas is compared at the Census Tract level to the overall county demographics. No environmental justice areas were identified in Putnam County, as established in NYSDEC Commissioner Policy 29 on Environmental Justice and Permitting (CP-29), Potential EJ Areas are 2000 U.S. Census block groups of 250 to 500 households each that, in the 2000 Census, had populations that met or exceeded at least one of the following statistical thresholds:</p> <ul style="list-style-type: none"> • At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or • At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or • At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level. <p>Buyout</p> <p>The buyout program may result in a slight change in the population and demographics of Putnam County if residents choose to relocate outside the county. Buyouts are designed to provide the pre-storm fair market value housing to willing sellers so that they will gain adequate compensation to relocate within Putnam County. However, this potential change will not be substantial enough to change the demographic character of Putnam County as a whole.</p> <p>Acquisition</p> <p>The acquisition program may result in a slight change in the population and demographics of Putnam County if residents choose to relocate outside the county. Acquisitions were designed to provide resettlement incentives that will allow willing sellers to relocate within the county boundary. Redevelopment of the individual properties could involve some relocation back into the area.</p> <p>Source: 33, 34, 36</p>

Socioeconomic	Code	Source or Documentation
Displacement	3	<p>One of the primary objectives of the State's response to Hurricane Sandy and CDBG-DR funding is to avoid the permanent displacement of residents. However, the buyout and acquisition program will, by definition, only relocate the residents of the dwellings who agree to participate in the program. In accordance with the Action Plan, HCR is expected to and is making a concerted effort to minimize displacement of persons or entities and assist those displaced as a result of the disasters. If an individual person or entity is displaced as a result of the CDBG-DR investment, the State will provide assistance as required through the Uniform Relocation Act Requirements. The program also encourages willing sellers to relocate within the county through an incentive of 5% over the pre-storm FMV of their home.</p> <p>Buyout The buyout program will result in displacement; however, the program is voluntary and based on willing sellers applying for program funds. Buyouts are designed to provide the pre-storm fair market value housing to willing sellers so that they will gain adequate compensation to relocate within Putnam County. Residents will be compensated such that they will be able to relocate to similar housing in safer areas within Putnam County. The buyout program will be applied to all willing sellers, regardless of race, age, or income status. As such, the buyout program will not substantially alter the demographic characteristics of Putnam County.</p> <p>Acquisition The acquisition program will result in displacement; however, the program is voluntary and based on willing sellers applying for program funds. Acquisitions were designed to provide resettlement incentives that will allow willing sellers to relocate within the county boundary. Residents will be compensated such that they will be able to relocate to similar housing in safer areas within Putnam County. The acquisition program will be applied to all willing sellers, regardless of race, age, or income status. As such, the acquisition program will not disproportionately alter the demographic characteristics of Putnam County.</p> <p>Source: 33, 35, 37, 38</p>

Socioeconomic	Code	Source or Documentation
Employment and Income Patterns	2	<p>The relocation of residents in the buyout and acquisition areas is not expected to alter their employment or income status, or that of Putnam County, because they will continue to retain their current jobs and income. However, if the customer base of a small business is diminished, localized economic effects could occur. These effects could include economic losses to local business, and could result in the loss of the affected local businesses if its income is diminished to the extent that it is no longer feasible to operate in that area.</p> <p>In addition, residents moving out of the buyouts and acquisitions areas will result in a reduction in the tax base within these affected municipalities as residential properties are converted to open space. To the extent that these residents relocate within Putnam County and purchase housing of comparable value, this will not result in an overall tax base reduction for the county. In addition, the reduction in residences and the demand for residential infrastructure and services will decline in the buyout areas, as well.</p> <p>As identified above, the median household income in Putnam County is \$92,711, and roughly 24.6% of the population's income is below the poverty level. The buyout areas include households with incomes above and below the median income. The most common occupations in Putnam County are management, business, science, and arts (23.8%), followed by sales and office occupations (22.2%). The educational services, and health care and social assistance industry employs the largest percentage of the population (21.6%), and 74.4% of the civilian workforce is employed in private wage and salary jobs, rather than government, self-employment, or unpaid family jobs.</p> <p>Buyout The buyout program will increase employment and income patterns in the short-term through the demolition and site restoration phases. There will likely be a temporary increase in employment and income due to an increase in construction activities associated with demolition and disposal of materials as well as converting the property to open space. However, if residents of properties included in the buyout program choose to relocate outside Putnam County, there may be a reduction in county-wide workforce levels, but not necessarily employment levels.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events could involve short-term employment.</p> <p>Source: 33, 36</p>

Community Facilities and Services	Code	Source of Documentation
Educational Facilities	2	<p>Buyout For the approximately 38 public schools operated by the 6 school districts in Putnam County and the 10 non-public schools, the proposed buyout incentives will encourage many students displaced by Hurricane Sandy to return to their local school or a nearby school in Putnam County. However, if relocation within the same school district does not occur, some school districts in other parts of Putnam County may see a slight increase in enrollment from displaced families, and those districts within the affected areas may see decreased enrollment. If this increase in other school districts is realized, it will not be significant, as these students will likely be spread throughout the county.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect educational facilities, as changes in enrollment will be similar to those described for the buyout program.</p> <p>Source: 15</p>
Commercial Facilities	2	<p>Buyout The buyout program will not result in a significant effect on existing commercial establishments. Through the incentive program, residents remaining within Putnam County will likely continue to frequent commercial establishments if they are able to remain living within the same neighborhood or one very nearby in Putnam County. If this is does not occur, some commercial facilities in the areas affected by Hurricane Sandy may experience a decrease in revenue if residents move to another part of Putnam County. Similarly, commercial facilities in other parts of Putnam County may experience a very slight increase in revenue which will be an economic benefit to these businesses, especially those that experienced a loss in revenue since the storm.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not have a significant effect on commercial facilities and will be similar to those described for the buyout program.</p> <p>Source: 31</p>
Health Care	1	<p>There is one hospital and numerous health care services available through the Putnam County Department of Health.</p> <p>Buyout The buyout program will not result in a large increase in demand on the health care system. There is a potential for health care facilities near the affected areas to experience a decrease in demand as the local population decreases. Similarly, some localized health care facilities away from the impacted areas may see a slight increase in demand as people relocate. If this increase is realized, it will not be significant, as displaced residents will likely be spread throughout the county, and the overall population of Putnam County is expected to remain at or below pre-storm levels. As such, there will be no substantial increase in the demand for health care facilities.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not increase demand for health care facilities.</p> <p>Source: 13, 26</p>

Community Facilities and Services	Code	Source of Documentation
Social Services	2	<p>Social services are provided by a range of non-profit, local, state and federal agencies. The Putnam County Department of Social Services provides child support enforcement services, Supplemental Nutrition Assistance Program (SNAP) benefits (food stamps), temporary financial, housing, medical, and home energy assistance and protective and preventive services for vulnerable children and adults.</p> <p>Buyout The buyout program will not result in a large increase in demand on social services. There is a potential for some social service facilities near the affected areas to experience a decrease in demand as the local population decreases. Similarly, some localized social service facilities away from the impacted areas may see a slight increase in demand as people relocate. If this increase is realized, it will not be substantial as displaced residents will likely be spread throughout the county and the overall population of Putnam County is expected to remain at or below pre-storm levels. As such, there will be no substantial increase in the demand for social services.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect the overall demand for social services and will be similar to those described for the buyout program.</p> <p>Source: 28</p>
Solid Waste	4	<p>Buyout The buyout program will result in generation of substantial quantities of solid waste from building demolition and removal and will include implementation of the Solid Waste Conditions for Approval as stated in the project description. Facilities and landfills will be determined based on proximity to the different areas and capacities.</p> <p>All solid waste must be properly segregated and disposed of at a regulated (permitted) Construction and Demolition (C&D) Debris Processing Facility and in accordance with applicable regulations. As of May 2012, there were 79 regulated (permitted) C&D debris processing facilities and 279 registered C&D debris processing facilities in New York. As of December 2011, there were four active regulated C&D debris processing facilities in Putnam County. Materials would be separated from C&D debris to be recycled or to be reused for a specific use. Facilities and landfills would be determined based on proximity to site specific properties. All hazardous waste (asbestos, lead, etc.) will be segregated and disposed of at an appropriately licensed facility. Materials can be separated from C&D debris to be recycled or to be reused for a specific use. Material that is not recovered is sent to a municipal solid waste landfill or to a C&D debris landfill.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will generate C&D debris. This debris will be managed as discussed above for the buyout program and will include implementation of the Solid Waste Conditions for Approval as stated in the project description. Facilities and landfills will be determined based on proximity to the different areas and capacities.</p> <p>Source: 11, 17</p>

Community Facilities and Services	Code	Source of Documentation
Waste Water	1	<p>Putnam County Department of Health oversees the operations of wastewater treatment. Wastewater management in the county is accomplished through a combination of sewers and treatment plants operated by the County, sewage districts, municipalities, and private entities.</p> <p>Onsite septic systems are common as well.</p> <p>Buyout The buyout program will not generate waste water because no new construction will take place. As such, the buyout program will not result in a significant demand on Putnam County's six sewage districts. BMPs will be implemented during demolition to avoid impacts from the removal and disconnection of septic and sewage facilities.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not result in any waste water impacts.</p> <p>Source: 18, 19</p>
Storm Water	1	<p>Storm water in Putnam County is managed under a Stormwater Management Program (SWMP) for the County of Putnam, and in accordance with the United States Environmental Protection Agency (EPA)/NYSDEC Phase II Stormwater Management Program for "small" municipal separate stormwater sewer systems (MS4s). All sites will be evaluated for the need to comply with storm water permitting requirements (NYSDEC general permit or local MS4 permits). If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.</p> <p>Buyout Removing existing residential buildings and converting the land to open space will decrease the amount of runoff going into the local storm water system. Creating open space and replacing existing solid surfaces, such as building foundations and associated solid surfaces, such as driveways and patios, will enable rainwater to percolate into the ground at a faster rate, thereby reducing the amount of storm water runoff into the local storm water corridor system, but will likely increase storm water runoff into the groundwater recharge basins. Therefore, demands on the local storm water corridor system will decrease due to an increase in percolation in the buyout areas, but will increase demand on the groundwater system. However, any potential increase in storm water run-off to the ground water system is not expected to exceed capacity of this infrastructure.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not result in any stormwater impacts. All construction sites will be evaluated for the need to comply with storm water permitting requirements (NYSDEC general permit or local MS4 permits).</p> <p>Source: 18, 19</p>

Community Facilities and Services	Code	Source of Documentation
Water Supply	1	<p>Water supply is managed by representatives appointed from Putnam County municipalities as well as agency staff from Putnam County's Division of Planning and Development, Soil and Water Conservation District, and Department of Health. An estimated 80,000 Putnam County residents use groundwater in their homes. Of these, an estimated 50,000 rely on individual wells not monitored or otherwise evaluated in any systematic way. The rest draw water from central water supplies that rely on groundwater sources. A limited number of community water systems in Putnam County use surface water sources. Lake Gleneida, Lake Mahopac, Cortlandt Lake, Middle and Branch Reservoir are surface water bodies used for water supply.</p> <p>Buyout Under the buyout program, no additional demands will be placed on the Putnam County water supply as no new residences are being built.</p> <p>Demand may decline if residents choose to relocate outside the county. Adjustments and consolidation of water delivery systems and utilities may be needed to maintain services to residents not involved with the buyout.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not result in any increase in water demand.</p> <p>Source: 21</p>
Public Safety - Police	3	<p>The Putnam County Sheriff's Office provides police services for the county in addition to municipality police departments within the county.</p> <p>Buyout The buyout program will not result in additional housing units and, therefore, will not increase the overall demand on police services. Through the proposed incentive program, many families displaced by Hurricane Sandy may be able to return to their local neighborhoods in Putnam County. However, if relocation within the same neighborhood does not occur, some police departments in Putnam County may see a slight increase in demand from displaced families. If this increase is realized, it will not be significant, as residents will likely be spread throughout the county. Similarly, police services in the affected areas may decrease as the population is reduced. But the overall population within Putnam County is not expected to change due to this program. Therefore, there will be no substantial increase in demand for service from local police precincts as new residences are not being added, and existing residents will likely remain within the county. Debris from demolition activities will be managed as to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary. Creating open space will benefit the area by creating a protective buffer from future flooding hazards.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will have no direct effects on police services. Any relocation due to acquisition will have the same minor impacts as discussed for the buyout properties above</p> <p>Source: 22</p>

Community Facilities and Services	Code	Source of Documentation
Public Safety - Fire	3	<p>Fire protection and response is provided by municipal and volunteer fire departments throughout the county. There are 13 fire departments in Putnam County.</p> <p>Buyout The buyout program will not result in additional housing units and, therefore, will not increase the demand on fire response in Putnam County. Through the proposed incentive program, many families displaced by Hurricane Sandy may be able to return to their local neighborhoods in Putnam County.</p> <p>However, if relocation within the same neighborhood does not occur, some departments in the county may see a slight increase in demand from displaced families. If this increase is realized, it will not be substantial as residents will likely spread throughout the county. Similarly, service demands in the affected areas may decrease as the population is reduced. The overall population within Putnam County is not expected to change due to this program. Therefore, there will be no significant adverse effects on local fire departments as new residences are not being added, and existing residents will likely remain within the county. Debris from demolition activities will be managed as to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary. Creating open space will benefit the area by reducing the amount of derelict properties, which pose potential fire hazards.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will have no direct effects on fire services. Any relocation due to acquisition will have the same minor impacts as discussed for the buyout properties above.</p> <p>Source: 23</p>

Community Facilities and Services	Code	Source of Documentation
Public Safety - Emergency Medical	3	<p>Emergency medical services are provided by fire departments, community volunteer, and commercial ambulance services. The Putnam County Bureau of Emergency Services helps local communities by assisting in the coordination of emergency management efforts, providing support with specialized emergency apparatus and other equipment, and offers extensive training opportunities for firefighters, emergency medical technicians, and other first responders.</p> <p>Buyout The buyout program will not result in additional housing units and; therefore, will not increase the demand on the local emergency medical departments. Through the proposed incentive program, many families displaced by Hurricane Sandy may be able to return to their local neighborhoods in Putnam County. However, if relocation within the same neighborhood does not occur, some emergency medical departments in Putnam County may see a slight increase in demand from displaced families. If this increase is realized, it will not be substantial. Similarly, demands on emergency medical services in the affected areas may decrease as the population is reduced; however, the overall population within Putnam County is not expected to change. Therefore, there will be no significant adverse effects on local emergency medical departments as new residences are not being added, and existing residents will likely remain within the county. Debris from demolition activities will be managed as to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not significantly affect emergency medical services. Any relocation due to acquisition will have the same minor impacts as discussed for the buyout properties above.</p> <p>Source: 23</p>
Open Space and Recreation – Open Space	2	<p>Buyout The buyout program will significantly increase the amount of open space in the affected areas. Under this program, residential buildings will be purchased and demolished, and open space with native vegetation will be created and remain in perpetuity. These open spaces will act as a buffer against future flood hazards and potentially reduce the impact of future storms. They will also potentially provide additional land for public uses to occur, such as recreation or community gatherings.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will have no effect on open space.</p> <p>Source: 24, 27</p>

Community Facilities and Services	Code	Source of Documentation
Open Space and Recreation – Recreation	2	<p>Buyout The buyout program of residential properties will reduce the population of local neighborhoods impacted by Hurricane Sandy, but will increase the amount of land potentially used for recreational purposes. This will not result in new significant demand on recreational facilities in the county.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will have no effect on recreation.</p> <p>Source: 24, 27</p>
Open Space and Recreation – Cultural Facilities	1	<p>Buyout The buyout program will not result in an increase in demand on cultural facilities, as there will be no increase in population.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect cultural facilities.</p> <p>Source: 25, 27</p>
Transportation	4	<p>Buyout The buyout program will likely generate a temporary increase in vehicular traffic during the demolition phase. Because of the number of residences that may be removed at any one time, and the lack of alternative routes at most the buyout locations, impacts due to traffic delays could be moderate during the demolition period. Temporary impacts will end when all demolition, debris removal, and conversion to open space is complete. Coordination with local transportation authorities will identify any alternate routes and/or time of day mitigations to reduce impact to local traffic.</p> <p>Vehicular traffic will likely decrease in the areas impacted by Hurricane Sandy in the long-term due to a decrease in the local population. Through the proposed incentive program, residents displaced by Hurricane Sandy may be able to remain in the local neighborhood in Putnam County. However, if relocation within the same neighborhood does not occur, vehicular traffic in some other areas in Putnam County may see a slight increase from displaced families. If this increase is realized, it will not be substantial.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not significantly affect transportation and could involve short-term increase in vehicular traffic as discussed above for the buyout program.</p> <p>Source: 27, 30</p>

Natural Features	Code	Source of Documentation
Water Resources	4	<p>Putnam County does not contain a sole source aquifer. An estimated 80,000 Putnam County residents use groundwater in their homes. Of these, an estimated 50,000 rely on individual wells not monitored or otherwise evaluated in any systematic way. The rest draw water from central water supplies that rely on groundwater sources. A limited number of community water systems in Putnam County use surface water sources. Lake Gleneida, Lake Mahopac, Cortlandt Lake, Middle and Branch Reservoir are surface water bodies used for water supply.</p> <p>Buyout Demolition will occur primarily on developed land, but specific construction impact areas could affect the sole-source aquifer particularly, if wellhead protection zones, community well fields, aquifer recharge areas, or wetlands are present. Hazardous materials, especially stored liquids such as fuels and pesticides, occurring in existing buildings and on or adjacent to program properties could be released during demolition activities and be transported to groundwater through percolation. The high water table will require mitigation measures to avoid contaminating water from runoff, potential hazardous materials, and septic/sewage system removal. Potential hazardous materials and wastes will be assessed and remediated and all applicable laws and regulations complied with, as described in the Hazardous Materials Conditions for Approval. These procedures will minimize the potential for contamination of groundwater from building demolition and site restoration. Tier 2 mitigation plans will be developed, as necessary, to minimize impacts on groundwater as the locations of participating properties are determined. No site-altering activities will occur until mitigation plans are implemented.</p> <p>After demolition, removal, and land restoration there will be beneficial long-term effects on water resources from the removal of impervious surfaces adding to recharge and filtering, and removal of potential sources of pollution from vehicles, solvents, and nitrite pollution from sewage and septic systems.</p> <p>There will also be slight reduction in localized pumping and overall demand, perhaps reducing the rate of seawater infiltration.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not impact the water resources or the sole source aquifer and will involve the same potential for impacts and mitigations as discussed above for the buyout program.</p> <p>Source: 21, 42, 45</p>

Natural Features	Code	Source of Documentation
Surface Water	1	<p>Putnam County has abundant fresh surface water resources. In addition to the potential for the water quality impacts from discharges into surface waters, the county's fresh surface water features are affected by quality of the groundwater discharging to the surface waters.</p> <p>There are no Wild and Scenic Rivers within Putnam County, as designated by the U.S. Department of the Interior. However, there is one creek with a segment in Putnam County with outstanding remarkable values (ORVs) identified in the National Wild and Scenic Rivers System, as designated by the U.S. Department of the Interior and the NYSDEC. An eleven-mile segment of the Chataqua Creek located at the Route 20 Bridge in Westfield to Putnam Road has scenic ORVs.</p> <p>Buyout All sites will be evaluated for the presence of wetlands during Tier 2 review, and if project work on a specific site will impact a wetland, appropriate permits will be obtained in compliance with Executive Order 11990. These include the potential for Clean Water Act permitting by the USACE under Section 404, a Water Quality Certification from NYSDEC under Section 401, and any other applicable state and local permits.</p> <p>The segments with ORVs will be identified, but no direct impacts are anticipated to rivers or riverbanks from the program since the work will be confined to existing residential lots.</p> <p>After demolition, removal, and land restoration, there will be beneficial long-term effects on surface water resources from the removal of impervious surfaces, allowing water to infiltrate onsite and reducing potential runoff.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will increase protections for surface water and will involve the same potential for impacts and mitigations as discussed above for the buyout program.</p> <p>Source: 8, 21, 41</p>

Natural Features	Code	Source of Documentation
Unique Natural Features and Agricultural Lands	1	<p>The <i>Environmental Review Guide for Community Development Block Grant Programs</i> defines unique natural features as "primarily geological features which are unique in the sense that their occurrence is infrequent or they are of special social, cultural, economic, educational, aesthetic or scientific value. Development on or near those features may render them inaccessible to investigators or visitors, or otherwise limit potential future use and appreciation of these resources. Examples of unique natural features include: sand dunes, waterfalls, unique rock outcroppings, caves, canyons, and petrified forests. Also included are unique stands of trees, such as redwoods, or unique colonies of animals, such as Prairie Dog Town."</p> <p>NYSDEC indicates one designated Critical Environmental Areas (CEA) within Putnam County. This area which is called Great Swamp is targeted for protection, preservation, or acquisition by the County or local jurisdictions. The program would be compatible with current land use of the surrounding urban upland areas. Rehabilitation and reconstruction is expected to occur within the same footprint of the affected building.</p> <p>Buyout The buyout program is not expected to result in disturbance of unique natural features or conversion of agricultural land to non-agricultural uses, as this program will reclaim and restore land beneath existing structures, and there will be no redevelopment.</p> <p>The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) provides map information regarding soil types that are considered Prime Farmland and Farmland of Statewide Importance. According the NRCS soils data, there are 11 mapped soil types within Putnam County that are defined as Prime Farmland. There are 12 mapped soil types defined as Farmland of Statewide Importance. Three soil types are defined as Prime Farmland if Drained.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect unique natural features or agricultural lands.</p> <p>Source: 9, 12, 32, 40</p>

Natural Features	Code	Source of Documentation
Vegetation and Wildlife	4	<p>Information has been requested from the NYSDEC New York Natural Heritage Program (Appendix L), the USFWS (Appendix M), and NMFS (Appendix L). Consultation with these agencies has been initiated for the program, and written responses have been received.</p> <p>Section 7 of the ESA requires the action agency (HCR) to make a determination of effect on any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the action agency. HCR is acting as HUD's designated representative for this program. The determination of effect and USFWS consultation will be carried out during the Tier 2 site-specific reviews as described in the Vegetation and Wildlife Conditions for Approval.</p> <p>In accordance with the August 7, 2013 and September 25, 2013 letters from USFWS, each site will be reviewed under Tier 2 to determine the level of adverse effect in accordance with USFWS 7 Step Project Review Process and/or other compliance review tools as directed by USFWS. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.</p> <p>There are four federally listed species that are known to occur in Putnam County. Locations and habitats of these species are described in Appendix N.</p> <p>HCR will comply with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act as described in the Vegetation and Wildlife Conditions of Approval.</p> <p>According to the NYSDEC and USFWS, there are no national wildlife refuges located within Putnam County. (See Appendix N)</p> <p>Buyout Potential impacts will be similar for all of the buyout areas. No program sites are anticipated to include habitat for these federally listed species in their disturbance footprint.</p> <p>The buyout program will result in an increase of the total area of vegetated lands in Putnam County and increase the total area of wildlife habitat. The magnitude of beneficial ecological effects from the program will be commensurate with the total area of lands in the program, which after demolition and site restoration could provide habitat for wildlife. Potential adverse effects from implementing the program include the proliferation of weeds from disturbed soils and a potential increase in nuisance wildlife, such as raccoons and skunks, from creating additional habitat in urban settings.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not impact vegetation and wildlife. No program sites are anticipated to include habitat for federally listed species in their disturbance footprint.</p> <p>Source: 6, 7, 49, 50</p>

Environmental Assessment Work Sheet

Program Name and Description:

Program Name: NY Rising Residential Housing Buyout and Acquisition Program: Putnam County

Location: Scattered Sites, Putnam County, New York

Activities included in the project: Buyout and acquisition of residential properties in Putnam County damaged during Hurricane Sandy.

Directions: HCR has determined whether the activities affiliated with the project will affect the resource under consideration and trigger formal compliance consultation procedures with the appropriate oversight agency and/or subsequent mitigation, as described, below. If the activity affects the resource, “A” is indicated in the Status Determination Column, below and a site-specific Tier 2 review will be conducted for the category. “B” is indicated in the column if the activity does not affect the resources under consideration. The compliance documentation column indicates what source documentation was used to make the compliance determination and copies of all necessary documentation are attached to the Environmental Review Record (ERR).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	A	The program is located within Special Flood Hazard Area (SFHA) based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), for Putnam County, New York (see Appendix E). All sites will be reviewed for their location within the floodplain. Compliance requirements will be determined in a Tier 2 environmental review. Source: 53, 54
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	B	No areas in Putnam County are located in the Coastal Barrier Resources Area, and no HUD funding will be used in a Coastal Barrier Resources Area. Source: 14, 55
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	B	There are no airports located in Putnam County. Under the buyout and acquisition program, the properties would have no occupants; therefore, §58.6(d) is not applicable. Source: 56, 57
Wetland Protection [Executive Order 11990]	A	Program sites may be located on or adjacent to wetlands. All properties will be reviewed to determine presence of wetlands. If wetlands disturbance is needed, that site will comply with Executive Order 11990, the 8-step process under 24 CFR Part 55.20, modified for wetlands, will be completed, and an additional FONSI will be published, if warranted, for that site. (See Appendix F, Wetlands Maps) Compliance requirements will be determined in a Tier 2 environmental review.

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Coastal Zone Management [Coastal Zone Management Act, 1972]	B	This program has been reviewed by the New York State Department of State, which made a “general concurrence determination.” (See Appendix G, NYSDOS Coastal Consistency Consultation).
Historic Preservation [36 CFR Part 800]	A	<p>Program sites may contain historic properties or be located adjacent to historic properties. A Programmatic Agreement (See Appendix H) with the State Historical Preservation Office (SHPO) has been executed, and all properties will be reviewed under Section 106 of the National Historic Preservation Act for compliance with the Programmatic Agreement and forwarded to NYS Office of Parks, Recreation and Historic Preservation for further review as required by the Programmatic Agreement.</p> <p>Compliance requirements will be determined in a Tier 2 environmental review.</p>
Floodplain Management [Executive Order 11988; 24 CFR Part 55]	A	<p>Program sites are in a 100-year floodplain, and the buyout and acquisition programs have been reviewed in accordance with 24 CFR Part 55.20 and will be reviewed to ensure compliance with the floodplain management plan. (See Appendix L, Floodplain Management Plan)</p> <p>Compliance requirements will be determined in a Tier 2 environmental review.</p>
Sole Source Aquifers [40 CFR Part 149]	B	There are no sole source aquifers in Putnam County.

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
<p>Endangered Species Act [50 CFR Part 402]</p>	<p>A</p>	<p>Information has been requested from the NYSDEC New York Natural Heritage Program, the USFWS, and NMFS. Consultation with these agencies has been initiated for the program. (See Appendix M, USFWS and NMFS Consultation)</p> <p>Section 7 of the ESA requires the action agency (HCR) to make a determination of effect on any federally listed species or designated critical habitat that may occur from an action that is funded, authorized, or carried out by the action agency. HCR is acting as HUD's designated representative for this program. The determination of effect will be completed in the Tier 2 site-specific reviews. In accordance with the August 7, 2013 and September 25, 2013 letters from USFWS, each site will be reviewed to determine effect. Further consultation with USFWS will be conducted in the event that an individual project may affect a listed species. HCR will determine if there are areas of multiple sites in close proximity that may result in an effect so that those sites can be reviewed together. A "May Affect, but Not Likely to Adversely Affect" determination requires USFWS written concurrence. A "May Affect, Likely to Adversely Affect" requires formal consultation with USFWS and results in the USFWS issuance of a biological opinion.</p> <p>There are four federally listed species that are known to occur in Putnam County. (Locations and habitats of these species are described in Appendix N)</p> <p>Compliance requirements will be determined in a Tier 2 environmental review.</p>
<p>Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]</p>	<p>B</p>	<p>There are no Wild and Scenic Rivers in Putnam County, as designated by the U.S. Department of the Interior. However, there is one creek with a segment in Putnam County with ORVs identified in the National Wild and Scenic Rivers System, as designated by the U.S. Department of the Interior and the NYSDEC. An eleven-mile segment of the Chataqua Creek located at the Route 20 Bridge in Westfield to Putnam Road has scenic ORVs.</p> <p>The proposed buyout and acquisition program will not affect the values for which these segments were designated. The proposed program will be confined to existing residential lots and will not disturb the bed or banks of these rivers. Implementation of best management practices for erosion and sediment control, and management of hazardous substances, will prevent introduction of sediment and contaminants into the rivers during demolition of the proposed buyout and acquisition sites.</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Clean Air Act [40 CFR Parts 6, 51, 93]	B	<p>The proposed program area is not located in a "non-attainment" area for inhalable particulate matter (PM_{2.5}) and is not classified as in "non-attainment" for the 8-hour ozone standard per EPA's "Counties Designated Nonattainment" map at http://www.epa.gov/airquality/greenbook/.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP).</p> <p>The program will include implementation of the Air Quality Conditions for Approval as stated in the project description. These conditions include compliance with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to the NYCRR, NYSDEC Air Quality Management Plan, and the New York SIP. All necessary mitigation measures will be used to minimize fugitive dust emissions created during the rehabilitation of existing structures. Further assessment is not required. (See Appendix D)</p>
Farmland Policy Act [7 CFR Part 658]	B	<p>The program would not convert farmland to nonagricultural purposes and therefore would not invoke the Farmland Policy Protection Act. All of the disturbance within these areas will occur where development has already disturbed these soils. They are currently in residential, not agricultural, use. Therefore, the program will not convert farmland to nonagricultural purposes and will not invoke the Farmland Policy Protection Act. Further assessment is not required. (See Appendix J, Farmland Protection Checklist)</p>
Environmental Justice [Executive Order 12898]	B	<p>No Environmental Justice Areas were identified in Putnam County. Homes and applications in Environmental Justice Areas will be treated the same as homes and applications in non-Environmental Justice areas and will have equal opportunity. The program is not expected to result in environmental justice impacts, as it is intended to relocate as many homeowners as possible out of high flood risk areas regardless of race, origin, income, or age.</p>
Noise Abatement and Control [24 CFR Part 51, Subpart B]	B	<p>Demolition activities could cause temporary increases in noise levels. Temporary increases in noise levels will be mitigated by complying with local noise ordinances, including time of day limitations. Long term noise levels will decrease after buyout areas are converted from residential development to open space. HUD has determined that its Part 51 noise regulations are not applicable to a disaster recovery program which meets the definition of 24 CFR Part 51.101(a)(3) for emergency assistance under disaster provisions or appropriations provided to save lives, protect property, protect public health and safety, and remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster (see Appendix K).</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Explosive and Flammable Operations [24 CFR Part 51 C]	B	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 housing buyout and acquisition, that will not increase the number of dwelling units, is not required to apply 24 CFR Part 51 Subpart C (See Appendix K).
Toxic Chemicals and Radioactive Materials [24 CFR Part 58, Sec 5(i)(2)]	A	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property. While there will be no future occupancy for the buyout properties, some of the acquisition properties could be redeveloped in the future.</p> <p>A Phase I Environmental Site Assessment (ESA) will be prepared by a QEP, for each property to determine the presence or absence of recognized environmental conditions. Based on the findings of the Phase I ESA, additional investigation work will be conducted where required.</p> <p>If required, the site will be remediated in accordance with all applicable city, state, and federal regulations. Any remediation will be appropriately scheduled and coordinated with any demolition and/or redevelopment activities.</p> <p>All solid waste materials will be managed and transported in accordance with the state's solid and hazardous waste rules. Lead and asbestos will be handled in accordance with all applicable federal, state, and local regulations. Additionally, the properties redeveloped under the acquisition program shall comply with the Lead Disclosure Rule (24 CFR part 35, subpart A); the Lead Safe Housing Rule's provisions for rehabilitation (subpart J) and the accompanying procedural requirements in subparts B and R; EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E); HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing; and New York State Department of Labor (NYSDOL) Asbestos regulations (12 NYCRR Part 56).</p> <p>Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. All homes will be inspected for mold contamination and mold remediation in accordance with New York City Guidelines on Assessment and Remediation.</p> <p>Compliance requirements will be determined in a Tier 2 environmental review. This review will include site-specific assessments to identify any toxic or radioactive substances on, adjacent to, or near the subject properties.</p>

Determination: HCR has complied with all provisions of 24 CFR Part 58, Subpart E – Environmental Review Process: Environmental Assessments, has examined alternatives to the project itself and feasible ways to modify the project to eliminate or minimize adverse impacts, and based on steps (a) through (f) found in the regulations, made the following determination:

Finding of No Significant Impact (FONSI), whereby HCR may proceed to dissemination and publication of the FONSI, per regulations found at 24 CFR Part 58, sec. 58.43(a).

PREPARER SIGNATURE:



PREPARER NAME: Delight Buenaflor

DATE: November 14, 2013

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

1. New York State Department of Environmental Conservation; Division of Mineral Resources. 2013. Mined and Permit - New York State. <http://www.dec.ny.gov/lands/5374.html>. August 14, 2013.
2. New York State Department of Environmental Conservation. Oil and Gas Searchable Database, Wells Data Search. <http://www.dec.ny.gov/cfm/xtapps/GasOil/search/wells/index.cfm>. August 14, 2013.
3. New York State Department of Environmental Conservation. 2013. Geospatial Information System (GIS) Tools for Environmental Justice. <http://www.dec.ny.gov/public/911.html>. August 12, 2013.
4. New York State Homes and Community Renewal, Office of Community Renewal. 2013. State of New York Action Plan for Community Development Block Grant Program Disaster Recovery, April 25, 2013.
5. New York State Department of Environmental Conservation. 2013. Geospatial Information System (GIS) Tools for Environmental Justice. <http://www.dec.ny.gov/public/911.html>. August 12, 2013.
6. New York State Department of Environmental Conservation, Region 2 Office. List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State. Internet Website: <http://www.dec.ny.gov/animals/7494.html>
7. New York State Department of Environmental Conservation, Region 2 Office. List of New York State Wildlife Management Areas. Internet Website: <http://www.dec.ny.gov/outdoor/8297.html>
United States Fish and Wildlife Service. National Wildlife Refuge System. Internet Website: <http://www.fws.gov/refuges/>
8. New York State Department of Environmental Conservation, Region 2 Office. Wild, Scenic and Recreational Rivers. Internet Website: <http://www.dec.ny.gov/lands/32739.html>
9. New York State Department of Environmental Conservation, Region 2 Office. Unique Geologic Features. Internet Website: <http://www.dec.ny.gov/permits/53826.html>
10. New York State Department of Environmental Conservation, Region 2 Office. Outdoor Activities. Places To Go. Lower Hudson Valley – Region 3. Internet Website: <http://www.dec.ny.gov/outdoor/7804.html>
11. New York State Department of Environmental Conservation, Active MSW Landfills in New York State. Internet Website: <http://www.dec.ny.gov/chemical/32501.html>
12. New York State Department of Environmental Conservation, Putnam County Critical Environmental Areas in Putnam County. <http://www.dec.ny.gov/permits/25141.html>
13. New York State, Department of Health, Putnam County Hospitals; http://hospitals.nyhealth.gov/browse_search.php?form=COUNTY&rt=putnam
14. New York State Department of State, Office of Communities and Waterfronts – Coastal Boundary Map. Internet Website: <http://www.dos.ny.gov/communitieswaterfronts/atlas/index.html>
15. New York State, Directory of Public and Non-Public Schools and Administrators in New York State. Internet Website: <http://www.p12.nysed.gov/irs/schoolDirectory/>
16. New York State, Homes and Community Renewal, Office of Community Renewal. 2013. State of New York Action Plan for Community Development Block Grant Program Disaster Recovery, April 25, 2013.
17. Putnam County, Waste Disposal Options: <http://www.putnamcountyny.com/green-putnam/waste-disposal-options/>

18. Putnam County. Soil and water Conservation District,
<http://www.putnamcountyny.com/planningdept/soil-water-conservation/about-us/>
19. Putnam County, Health Services, Our Environment “Initial Stormwater Management Program for “Small” Municipal Separate Storm Sewer Systems (MS4s)”
<http://www.putnamcountyny.com/soilandwater/file/MS4DRAFT%20SWMP.pdf>
20. Putnam County, Health Services, Our Environment “Initial Stormwater Management Program for “Small” Municipal Separate Storm Sewer Systems (MS4s)”
<http://www.putnamcountyny.com/soilandwater/file/MS4DRAFT%20SWMP.pdf>
21. Putnam County Groundwater Protection & Utilization Plan,
http://www.putnamcountyny.com/soilandwater/file/Putnam%20GW%20Report_Full%20Copy.pdf
22. Putnam County, Departments, Police: <http://www.putnamsheriff.com/>
23. Putnam County, Bureau of Emergency Services, Local Services, Putnam County Fire Departments & Ambulance Corps: <http://www.putnamcountyny.com/pcbcs/local-services/>
24. Putnam County, Parks Department: <http://www.putnamcountyny.com/parks-recreation/>
25. Putnam County, Arts and Culture: http://www.visitputnam.org/arts_culture.php
26. Putnam County Department of Health: <http://www.putnamcountyny.com/health/>
27. Putnam County, Report of the Task Force on Vision 2010 Guiding Putnam into the Next Decade,
<http://www.putnamcountyny.com/planning/files/vision2010.pdf>
28. Putnam County, Social Services: <http://www.putnamcountyny.com/social-services/>
29. Putnam County, An Agricultural & Farmland Protection Plan for Putnam County, August 2004
<http://www.putnamcountyny.com/planning/files/final%20plan%2008-04.pdf>
30. Putnam County, Department of Planning, Development & Public Transportation,
<http://www.putnamcountyny.com/planningdept/>
31. United States Department of Agriculture. Natural Resources Conservation Service. Dwellings and Small Commercial Buildings. Internet Website:
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
32. U.S. Department of Agriculture, Natural Resources Conservation Service. 2011. Web Soil Survey for Putnam County, New York. <http://websoilsurvey.nrcs.usda.gov>. October 23, 2013.
33. U.S. Department of Commerce, U.S. Census Bureau, American FactFinder, Community Facts.
http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml.
34. U.S. Department of Commerce, U.S. Census Bureau, 2011 American Community Survey 1-Year Estimates. 2011. CP04: Selected Housing Characteristics.<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. August 12, 2013.
35. U.S. Department of Commerce, U.S. Census Bureau, 2011 American Community Survey 1-Year Estimates. 2011. CP05: ACS Demographic and Housing Estimates.
<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. August 12, 2013.
36. U.S. Department of Commerce, U.S. Census Bureau, 2011 American Community Survey 5-Year Estimates. 2011. DP03: Selected Economic Characteristics.
<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. August 12, 2013.
37. U.S. Department of Commerce, U.S. Census Bureau, 2011 American Community Survey 5-Year Estimates. 2011. DP04: Selected Housing Characteristics.
<http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. August 12, 2013.

38. U.S. Department of Commerce, U.S. Census Bureau, 2011 American Community Survey 5-Year Estimates. 2011. DP05: ACS Demographic and Housing Estimates. <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>. August 12, 2013.
39. U.S. Department of Commerce, U.S. Census Bureau, Geography Division. 2010. TIGER/Line 2010 Census, Census Tract national-based. <http://www.census.gov/geo/maps-data/data/tiger.html>. August 7, 2013.
40. United States Department of Housing and Urban Development. Farmlands Protection. Internet Website: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/farmlands
41. United States Department of Housing and Urban Development. Wild and Scenic Rivers. Internet Website: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/rivers
42. United States Department of Housing and Urban Development. Sole Source Aquifers – Checklist for HUD or Responsible Entity. Internet Website: http://portal.hud.gov/hudportal/documents/huddoc?id=23388_solesourceaquifers.pdf
43. United States Department of Housing and Urban Development. Noise Abatement and Control. Internet Website: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise
44. United States Department of Housing and Urban Development. Community Development Block Grant Program – CDBG. Internet Website: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs
45. United States Environmental Protection Agency. Sole Source Aquifers in Region 2. Internet Website: <http://www.epa.gov/region02/water/aquifer/index.html>
46. United States Environmental Protection Agency. Greenbook. Currently Designated Nonattainment Areas for All Criteria Pollutants. Internet Website: <http://www.epa.gov/oaqps001/greenbk/ancl.html>
47. United States Environmental Protection Agency. Designations for fine particulates. Internet Website: <http://www.epa.gov/pmdesignations/2006standards/final/region2.htm>
48. United States Environmental Protection Agency Region 2. 2013. EPA Region 2 Regulated Facility Data. http://www.epa.gov/enviro/geo_data.html. Updated July 31, 2013, Downloaded August 14, 2013.
49. United States Fish and Wildlife Service. Critical Habitat. Internet Website: <http://criticalhabitat.fws.gov/crithab/>
50. United States Fish and Wildlife Service. Federally Listed Endangered and Threatened Species and Candidate Species in New York (By County). Internet Website: <http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf>
51. United States Fish and Wildlife Service. National Wetlands Inventory. Internet Website: <http://www.fws.gov/wetlands>
52. US Geological Survey. 2013. National Map Viewer, Putnam County Topographic Map. <http://viewer.nationalmap.gov/viewer/>. October 22, 2013.
53. Federal Emergency Management Agency. Best Available Flood Hazard Data. Internet Website: <http://fema.maps.arcgis.com/home/webmap/viewer.html>

54. Federal Emergency Management Agency. Current FEMA issued Flood Maps. Internet Website:
https://msc.fema.gov/webapp/wcs/stores/servlet/CategoryDisplay?storeId=10001&catalogId=10001&langId=1&categoryId=12001&parent_category_rn=12001&type=1&stateId=&countyId=&communityId=&stateName=&countyName=&communityName=&dfirm_kit_id=&future=false&dfirmCategoryId=12009&isCountySelected=1&isCommSelected=0&userType=G&urlUserType=G&sfc=0&cat_state=13039&cat_county=14878&cat_community=
55. United States Fish and Wildlife Service. Coastal Barrier Resources Act. Internet Website:
<http://www.fws.gov/CBRA/Maps/index.html>
56. Federal Aviation Administration. National Plan of Integrated Airport Systems. Internet Website:
http://www.faa.gov/airports/planning_capacity/npias/
57. Federal Aviation Administration. Report to Congress - National Plan of Integrated Airport Systems. Internet Website:
http://www.faa.gov/airports/planning_capacity/npias/reports/media/2013/npias2013Narrative.pdf

ATTACHMENT 1
SITE SPECIFIC CHECKLIST

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

Application #:
Project address:
Date of building construction:
Description of project work:

SEQRA CLASSIFICATION

It is the finding of the Housing Trust Fund Corporation that the activity(ies) proposed in the NYS CDBG-DR project, at (insert project address) constitute a:

Check the applicable classification:

- Type I Action (6NYCRR Section 617.4) **[additional SEQR review required]**
- Type II Action (6NYCRR Section 617.5)
- Unlisted Action (not Type I or Type II Action)

NEPA CLASSIFICATION (from Attachment A)

It is the finding of the Housing Trust Fund Corporation that the activity(ies) proposed in the NYS CDBG-DR project, at (insert project address) are:

Check the applicable classification.

- Categorically Excluded as defined in 24 CFR 58.35(a).
- Other - not categorically excluded (24 CFR 58.35(a) and (b)) **[must fill out Environmental Assessment Checklist]**
- 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.

SITE SPECIFIC CHECKLIST

Insert Project Address

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

Check “A” if further consultation, permits and/or mitigation is required.
Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria is not applicable to this project.
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			
Coastal Barrier Resources Act		X	Not applicable. There are no areas in Putnam County located in the Coastal Barrier Resources Area.
Runway Clear Zones (development)		X	Not applicable. There are no airports located in Putnam County.
Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements			
Historic Properties			
Floodplain Management			
Wetland Protection			
Coastal Zone Management		X	Not applicable. This program has been reviewed by the New York State Department of State (NYS DOS), which made a “general concurrence determination.”
Sole Source Aquifers		X	Not applicable. Compliance determined in Tier 1 Environmental Assessment.

SITE SPECIFIC CHECKLIST

Insert Project Address

Endangered Species			
Wild and Scenic Rivers		X	Not applicable. There are no wild and scenic rivers within Putnam County, as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation.
Air Quality		X	Not applicable. The program would not substantively affect the State Implementation Plan (SIP).
Farmlands Protection (including NYS Ag & Market Law)		X	Not applicable. The program will not convert farmland to nonagricultural purposes and therefore would not violate the Farmland Policy Protection Act and will comply with the New York State Agriculture and Markets Law.
Noise Abatement and Control		X	Not applicable. Compliance determined in Tier 1 Environmental Assessment.
Thermal/ Explosive Hazards		X	Not applicable. 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.
Runway Clear Zones (development)		X	Not applicable. There are no airports located in Putnam County.
HUD Environmental Standards			
Environmental Justice		X	Not applicable. No Environmental Justice Areas were identified in Putnam County.
Asbestos & Lead-Based Paint			

SITE SPECIFIC CHECKLIST

Insert 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			
Significant Wildlife Habitat			
Unique or Unusual Landforms			
Aesthetic Resources, Open Space and Recreation			
State Protected Waterbody			
Critical Environmental Areas			
Agricultural and Markets Law			

SITE SPECIFIC CHECKLIST

Page 5 of 5

Insert Project Address

TO BE FILLED OUT BY PERSON WHO PREPARED DOCUMENT:

Prepared by:

Signature

Date:

**TO BE FILLED OUT BY HCR CERTIFYING OFFICER OR OTHER
APPROPRIATELY DESIGNATED OCR OFFICIAL:**

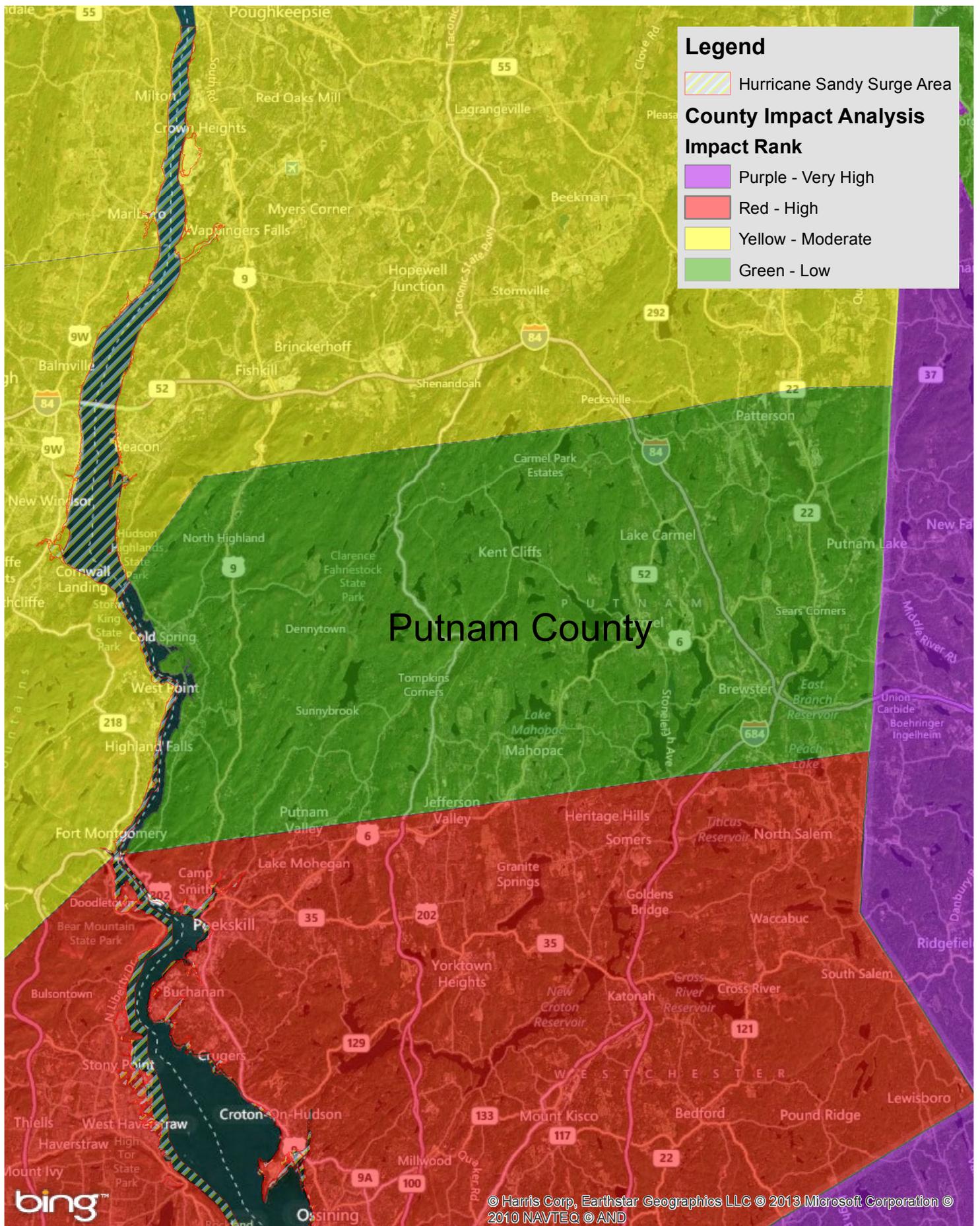
This Site Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

APPENDIX A
MOST AFFECTED COMMUNITIES MAP



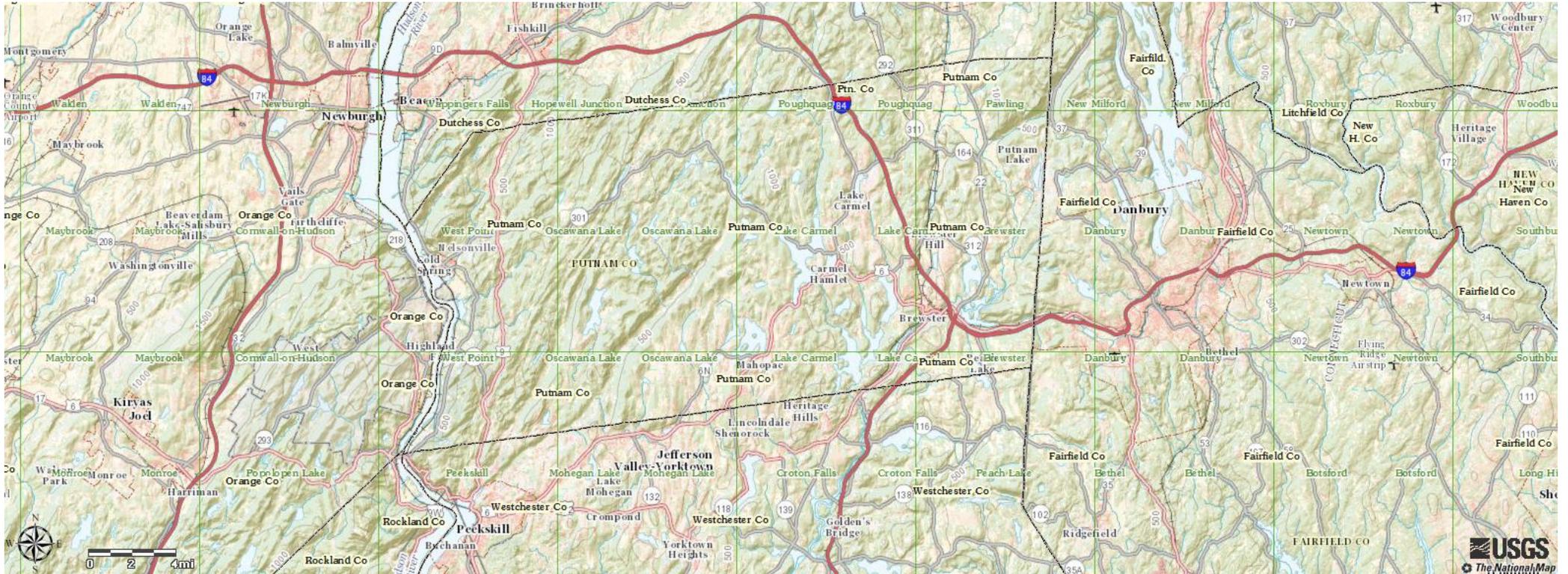
Putnam County Hurricane Sandy Impact Analysis



APPENDIX B
USGS TOPOGRAPHIC MAP

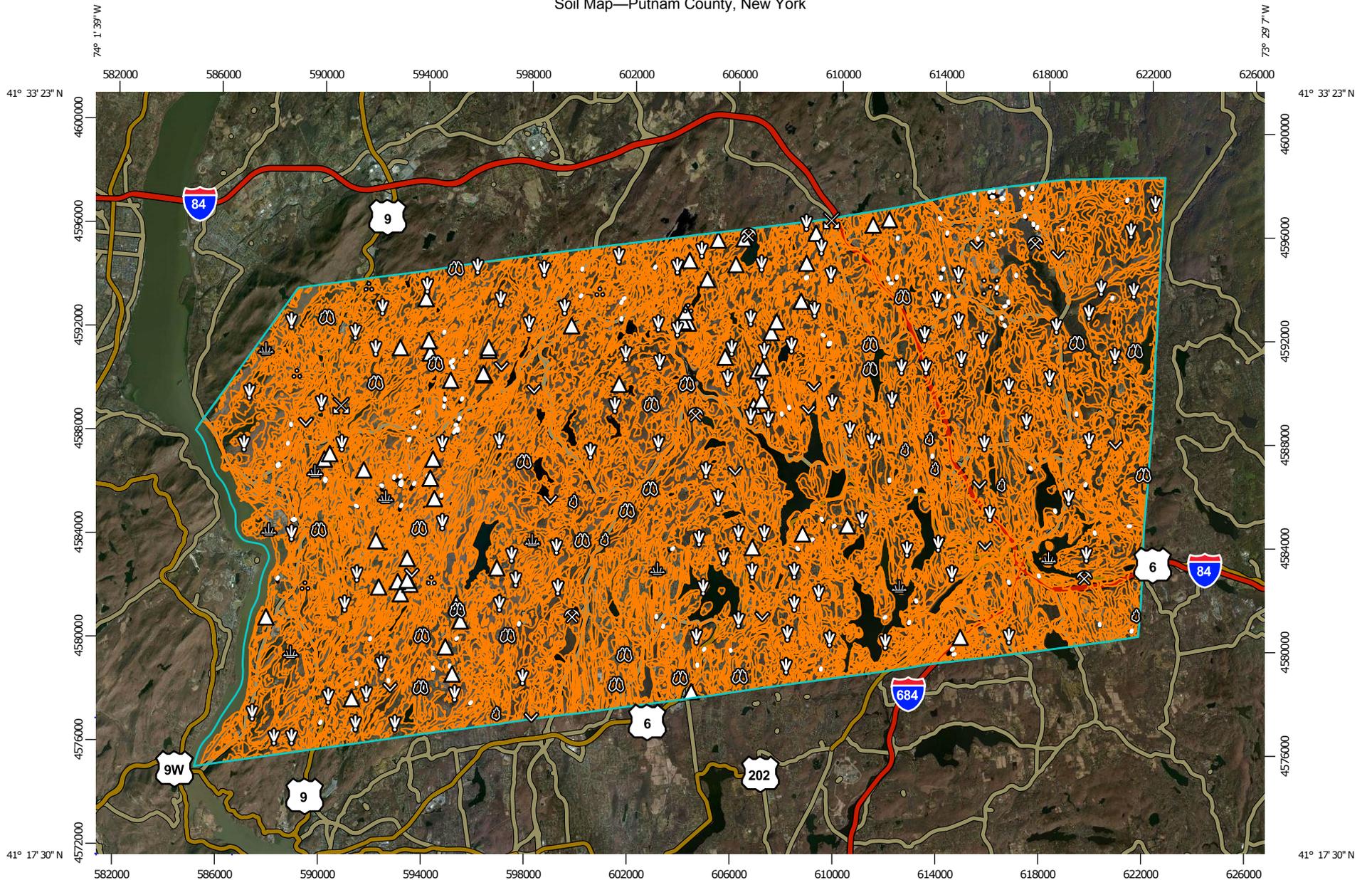
Putnam County Topographic Map

NOTES: Data available from U.S. Geological Survey, National Geospatial Program.

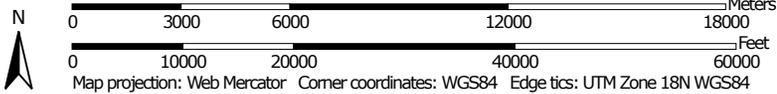


APPENDIX C
USDA SOIL SURVEY MAP

Soil Map—Putnam County, New York



Map Scale: 1:207,000 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000. Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Putnam County, New York
 Survey Area Data: Version 9, Sep 21, 2012

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

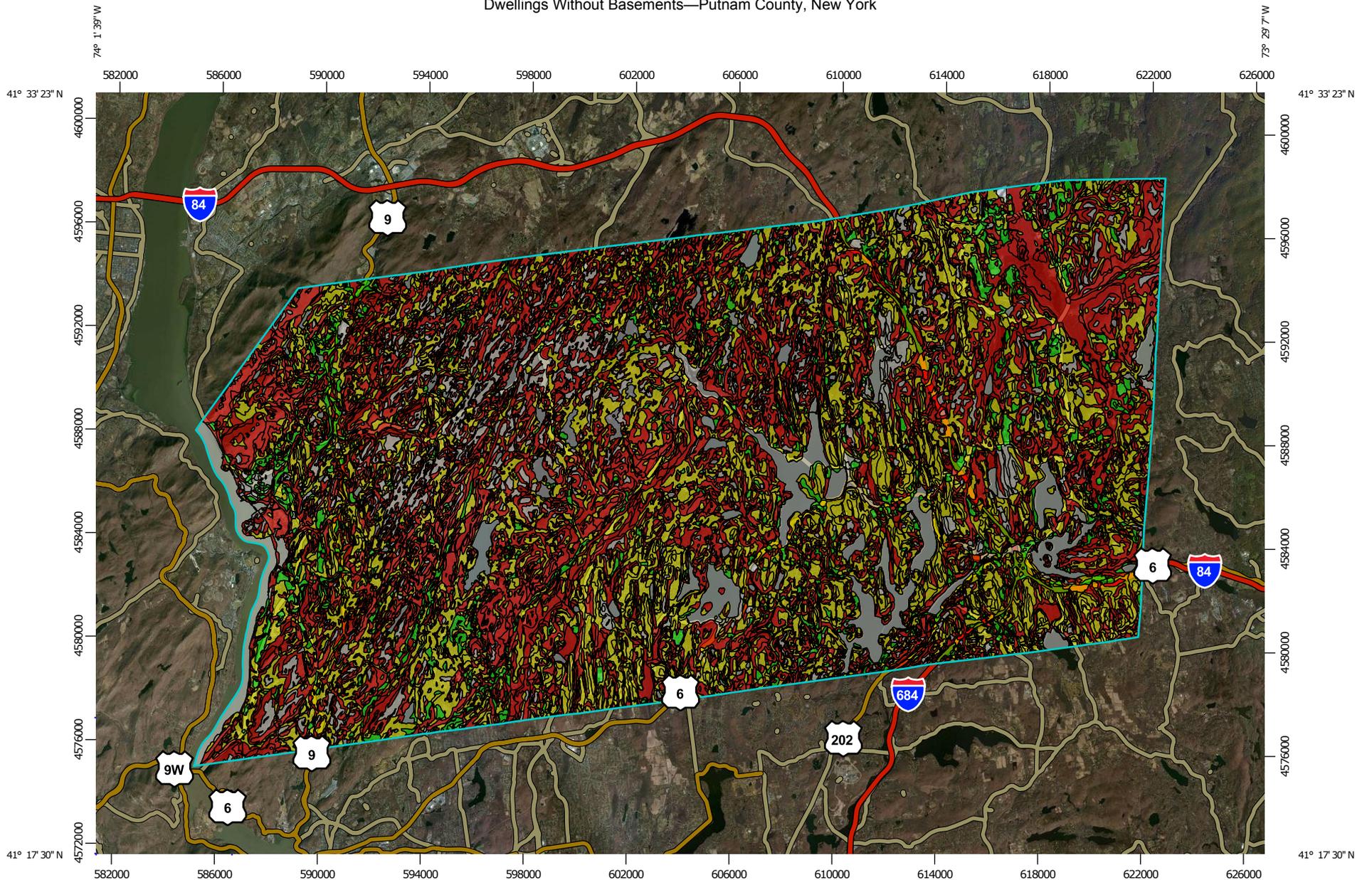
Putnam County, New York (NY079)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ce	Carlisle muck	2,619.7	1.7%
ChB	Charlton loam, 2 to 8 percent slopes	4,170.1	2.6%
ChC	Charlton loam, 8 to 15 percent slopes	3,553.9	2.3%
ChD	Charlton loam, 15 to 25 percent slopes	1,716.5	1.1%
ChE	Charlton loam, 25 to 35 percent slopes	1,364.0	0.9%
CIB	Charlton loam, 2 to 8 percent slopes, very stony	1,809.2	1.1%
CIC	Charlton loam, 8 to 15 percent slopes, very stony	2,761.3	1.8%
CID	Charlton loam, 15 to 25 percent slopes, very stony	2,428.9	1.5%
CIE	Charlton loam, 25 to 35 percent slopes, very stony	934.0	0.6%
CIF	Charlton loam, 35 to 45 percent slopes, very stony	680.2	0.4%
CrC	Charlton-Chatfield complex, rolling, very rocky	25,552.4	16.2%
CsD	Chatfield-Charlton complex, hilly, very rocky	17,272.2	11.0%
CtC	Chatfield-Hollis-Rock outcrop complex, rolling	10,248.1	6.5%
CuD	Chatfield-Hollis-Rock outcrop complex, hilly	13,850.8	8.8%
DAM	Large dam	14.5	0.0%
Ff	Fluvaquents-Udifluvents complex, frequently flooded	3,678.7	2.3%
Fr	Fredon silt loam	338.8	0.2%
HnB	Hinckley gravelly loamy sand, 3 to 8 percent slopes	136.6	0.1%
HnC	Hinckley gravelly loamy sand, 8 to 15 percent slopes	139.2	0.1%
HnD	Hinckley gravelly loamy sand, 15 to 25 percent slopes	52.8	0.0%
HrF	Hollis-Rock outcrop complex, very steep	9,029.3	5.7%
Ip	Ipswich mucky peat	293.6	0.2%
KnB	Knickerbocker fine sandy loam, 2 to 8 percent slopes	166.5	0.1%

Putnam County, New York (NY079)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
KnC	Knickerbocker fine sandy loam, 8 to 15 percent slopes	47.2	0.0%
LcA	Leicester loam, 0 to 3 percent slopes, stony	322.8	0.2%
LcB	Leicester loam, 3 to 8 percent slopes, stony	1,244.7	0.8%
LeB	Leicester loam, 2 to 8 percent slopes, very stony	2,125.1	1.3%
Pa	Palms muck	2,232.7	1.4%
Pc	Palms and Carlisle soils, ponded	285.6	0.2%
PnB	Paxton fine sandy loam, 2 to 8 percent slopes	5,751.8	3.7%
PnC	Paxton fine sandy loam, 8 to 15 percent slopes	6,695.5	4.3%
PnD	Paxton fine sandy loam, 15 to 25 percent slopes	2,843.8	1.8%
PoB	Paxton fine sandy loam, 2 to 8 percent slopes, very stony	279.2	0.2%
PoC	Paxton fine sandy loam, 8 to 15 percent slopes, very stony	883.2	0.6%
PoD	Paxton fine sandy loam, 15 to 25 percent slopes, very stony	951.3	0.6%
Pt	Pits, gravel	125.4	0.1%
Pv	Pits, quarry	69.6	0.0%
Pw	Pompton silt loam, loamy substratum	269.8	0.2%
Ra	Raynham silt loam	264.3	0.2%
RdA	Ridgebury loam, 0 to 3 percent slopes	479.8	0.3%
RdB	Ridgebury loam, 3 to 8 percent slopes	1,821.9	1.2%
RgB	Ridgebury loam, 2 to 8 percent slopes, very stony	1,041.6	0.7%
RhA	Riverhead loam, 0 to 3 percent slopes	189.6	0.1%
RhB	Riverhead loam, 3 to 8 percent slopes	852.5	0.5%
RhC	Riverhead loam, 8 to 15 percent slopes	220.1	0.1%
RhD	Riverhead loam, 15 to 25 percent slopes	95.1	0.1%
RhE	Riverhead loam, 25 to 50 percent slopes	227.3	0.1%
SbB	Stockbridge silt loam, 2 to 8 percent slopes	567.6	0.4%

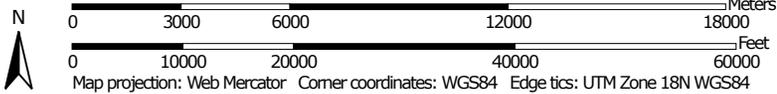
Putnam County, New York (NY079)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
SbC	Stockbridge silt loam, 8 to 15 percent slopes	457.1	0.3%
SbD	Stockbridge silt loam, 15 to 25 percent slopes	216.2	0.1%
SgC	Stockbridge-Rock outcrop complex, rolling	438.1	0.3%
Sh	Sun loam	1,913.9	1.2%
Sm	Sun loam, extremely stony	983.4	0.6%
SuA	Sutton loam, 0 to 3 percent slopes	172.4	0.1%
SuB	Sutton loam, 3 to 8 percent slopes	1,300.5	0.8%
Ub	Udorthents, smoothed	1,937.3	1.2%
Uc	Udorthents, wet substratum	717.5	0.5%
UdB	Unadilla silt loam, 2 to 6 percent slopes	64.6	0.0%
Uf	Urban land	301.4	0.2%
UhB	Urban land-Charlton complex, 2 to 8 percent slopes	271.5	0.2%
UhC	Urban land-Charlton complex, 8 to 15 percent slopes	111.0	0.1%
UIC	Urban land-Charlton-Chatfield complex, rolling, very rocky	216.3	0.1%
UID	Urban land-Charlton-Chatfield complex, hilly, very rocky	8.4	0.0%
UpB	Urban land-Paxton complex, 2 to 8 percent slopes	401.5	0.3%
UpC	Urban land-Paxton complex, 8 to 15 percent slopes	529.5	0.3%
UpD	Urban land-Paxton complex, 15 to 25 percent slopes	70.9	0.0%
UrB	Urban land-Ridgebury complex, 1 to 8 percent slopes	64.8	0.0%
UvB	Urban land-Riverhead complex, 2 to 8 percent slopes	14.4	0.0%
UvC	Urban land-Riverhead complex, 8 to 15 percent slopes	4.0	0.0%
UwB	Urban land-Woodbridge complex, 2 to 8 percent slopes	198.5	0.1%
W	Water	10,046.9	6.4%
WdA	Woodbridge loam, 0 to 3 percent slopes	322.9	0.2%
WdB	Woodbridge loam, 3 to 8 percent slopes	3,211.6	2.0%

Putnam County, New York (NY079)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
WdC	Woodbridge loam, 8 to 15 percent slopes	816.4	0.5%
Totals for Area of Interest		157,490.0	100.0%

Dwellings Without Basements—Putnam County, New York

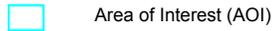


Map Scale: 1:207,000 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)



Area of Interest (AOI)

Background



Aerial Photography

Soils

Soil Rating Polygons



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Lines



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Points



Very limited



Somewhat limited



Not limited



Not rated or not available

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Putnam County, New York
 Survey Area Data: Version 9, Sep 21, 2012

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Dwellings Without Basements

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Ce	Carlisle muck	Very limited	Carlisle (80%)	Ponding (1.00)	2,619.7	1.7%
				Subsidence (1.00)		
				Depth to saturated zone (1.00)		
				Organic matter content (1.00)		
ChB	Charlton loam, 2 to 8 percent slopes	Not limited	Charlton (80%)		4,170.1	2.6%
ChC	Charlton loam, 8 to 15 percent slopes	Somewhat limited	Charlton (80%)	Slope (0.63)	3,553.9	2.3%
ChD	Charlton loam, 15 to 25 percent slopes	Very limited	Charlton (80%)	Slope (1.00)	1,716.5	1.1%
ChE	Charlton loam, 25 to 35 percent slopes	Very limited	Charlton (80%)	Slope (1.00)	1,364.0	0.9%
CIB	Charlton loam, 2 to 8 percent slopes, very stony	Not limited	Charlton (80%)		1,809.2	1.1%
CIC	Charlton loam, 8 to 15 percent slopes, very stony	Somewhat limited	Charlton (80%)	Slope (0.63)	2,761.3	1.8%
CID	Charlton loam, 15 to 25 percent slopes, very stony	Very limited	Charlton (80%)	Slope (1.00)	2,428.9	1.5%
CIE	Charlton loam, 25 to 35 percent slopes, very stony	Very limited	Charlton (80%)	Slope (1.00)	934.0	0.6%
CIF	Charlton loam, 35 to 45 percent slopes, very stony	Very limited	Charlton (80%)	Slope (1.00)	680.2	0.4%

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
CrC	Charlton-Chatfield complex, rolling, very rocky	Somewhat limited	Charlton (50%)	Slope (0.04)	25,552.4	16.2%
			Chatfield (30%)	Depth to hard bedrock (0.90)		
				Slope (0.04)		
CsD	Chatfield-Charlton complex, hilly, very rocky	Very limited	Chatfield (45%)	Slope (1.00)	17,272.2	11.0%
				Depth to hard bedrock (0.90)		
			Charlton (35%)	Slope (1.00)		
CtC	Chatfield-Hollis-Rock outcrop complex, rolling	Not rated	Rock outcrop (20%)		10,248.1	6.5%
			Charlton (8%)			
			Sutton (5%)			
			Sun (2%)			
			Unnamed soils, very shallow (2%)			
			Leicester (2%)			
			Palms (1%)			
CuD	Chatfield-Hollis-Rock outcrop complex, hilly	Very limited	Chatfield (30%)	Slope (1.00)	13,850.8	8.8%
				Depth to hard bedrock (0.90)		
			Hollis (30%)	Slope (1.00)		
				Depth to hard bedrock (1.00)		
DAM	Large dam	Not rated	Large dam (100%)		14.5	0.0%
Ff	Fluvaquents-Udifluents complex, frequently flooded	Very limited	Fluvaquents (50%)	Ponding (1.00)	3,678.7	2.3%
				Flooding (1.00)		
				Depth to saturated zone (1.00)		
			Udifluents (35%)	Flooding (1.00)		
Fr	Fredon silt loam	Very limited	Fredon, poorly drained (50%)	Depth to saturated zone (1.00)	338.8	0.2%
			Fredon, somewhat poorly drained (35%)	Depth to saturated zone (1.00)		
HnB	Hinckley gravelly loamy sand, 3 to 8 percent slopes	Not limited	Hinckley (85%)		136.6	0.1%

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
HnC	Hinckley gravelly loamy sand, 8 to 15 percent slopes	Somewhat limited	Hinckley (85%)	Slope (0.63)	139.2	0.1%
HnD	Hinckley gravelly loamy sand, 15 to 25 percent slopes	Very limited	Hinckley (80%)	Slope (1.00)	52.8	0.0%
HrF	Hollis-Rock outcrop complex, very steep	Very limited	Hollis (60%)	Slope (1.00) Depth to hard bedrock (1.00)	9,029.3	5.7%
Ip	Ipswich mucky peat	Very limited	Ipswich (85%)	Ponding (1.00) Flooding (1.00) Depth to saturated zone (1.00) Organic matter content (1.00)	293.6	0.2%
KnB	Knickerbocker fine sandy loam, 2 to 8 percent slopes	Not limited	Knickerbocker (85%)		166.5	0.1%
KnC	Knickerbocker fine sandy loam, 8 to 15 percent slopes	Somewhat limited	Knickerbocker (85%)	Slope (0.63)	47.2	0.0%
LcA	Leicester loam, 0 to 3 percent slopes, stony	Very limited	Leicester, poorly drained (50%) Leicester, somewhat poorly drained (35%)	Depth to saturated zone (1.00) Depth to saturated zone (1.00)	322.8	0.2%
LcB	Leicester loam, 3 to 8 percent slopes, stony	Very limited	Leicester, somewhat poorly drained (50%) Leicester, poorly drained (35%)	Depth to saturated zone (1.00) Depth to saturated zone (1.00)	1,244.7	0.8%
LeB	Leicester loam, 2 to 8 percent slopes, very stony	Very limited	Leicester, somewhat poorly drained (50%) Leicester, poorly drained (25%)	Depth to saturated zone (1.00) Depth to saturated zone (1.00)	2,125.1	1.3%

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Pa	Palms muck	Very limited	Palms (80%)	Ponding (1.00)	2,232.7	1.4%
				Subsidence (1.00)		
				Depth to saturated zone (1.00)		
				Organic matter content (1.00)		
Pc	Palms and Carlisle soils, ponded	Very limited	Palms (45%)	Ponding (1.00)	285.6	0.2%
				Subsidence (1.00)		
				Depth to saturated zone (1.00)		
				Organic matter content (1.00)		
			Carlisle (40%)	Ponding (1.00)		
				Subsidence (1.00)		
				Depth to saturated zone (1.00)		
				Organic matter content (1.00)		
PnB	Paxton fine sandy loam, 2 to 8 percent slopes	Somewhat limited	Paxton (85%)	Depth to saturated zone (0.39)	5,751.8	3.7%
PnC	Paxton fine sandy loam, 8 to 15 percent slopes	Somewhat limited	Paxton (85%)	Slope (0.63)	6,695.5	4.3%
				Depth to saturated zone (0.39)		
PnD	Paxton fine sandy loam, 15 to 25 percent slopes	Very limited	Paxton (85%)	Slope (1.00)	2,843.8	1.8%
				Depth to saturated zone (0.39)		
PoB	Paxton fine sandy loam, 2 to 8 percent slopes, very stony	Somewhat limited	Paxton (85%)	Depth to saturated zone (0.39)	279.2	0.2%
PoC	Paxton fine sandy loam, 8 to 15 percent slopes, very stony	Somewhat limited	Paxton (85%)	Slope (0.63)	883.2	0.6%
				Depth to saturated zone (0.39)		

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
PoD	Paxton fine sandy loam, 15 to 25 percent slopes, very stony	Very limited	Paxton (85%)	Slope (1.00) Depth to saturated zone (0.39)	951.3	0.6%
Pt	Pits, gravel	Not rated	Pits, gravel (80%) Riverhead (4%) Knickerbocker (4%) Hinckley (4%) Pompton (3%) Udorthents, sand and gravel (2%) Fredon (2%) Water (1%)		125.4	0.1%
Pv	Pits, quarry	Not rated	Pits, quarry (80%) Charlton (4%) Hollis (4%) Udorthents (4%) Chatfield (4%) Sun (3%) Water (1%)		69.6	0.0%
Pw	Pompton silt loam, loamy substratum	Somewhat limited	Pompton, loamy substratum (85%)	Depth to saturated zone (0.98)	269.8	0.2%
Ra	Raynham silt loam	Very limited	Raynham (85%)	Depth to saturated zone (1.00)	264.3	0.2%
RdA	Ridgebury loam, 0 to 3 percent slopes	Very limited	Ridgebury, poorly drained (50%) Ridgebury, somewhat poorly drained (35%)	Depth to saturated zone (1.00) Depth to saturated zone (1.00)	479.8	0.3%
RdB	Ridgebury loam, 3 to 8 percent slopes	Very limited	Ridgebury, somewhat poorly drained (50%) Ridgebury, poorly drained (35%)	Depth to saturated zone (1.00) Depth to saturated zone (1.00)	1,821.9	1.2%

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
RgB	Ridgebury loam, 2 to 8 percent slopes, very stony	Very limited	Ridgebury, somewhat poorly drained (50%)	Depth to saturated zone (1.00)	1,041.6	0.7%
			Ridgebury, poorly drained (35%)	Depth to saturated zone (1.00)		
RhA	Riverhead loam, 0 to 3 percent slopes	Not limited	Riverhead (85%)		189.6	0.1%
RhB	Riverhead loam, 3 to 8 percent slopes	Not limited	Riverhead (85%)		852.5	0.5%
RhC	Riverhead loam, 8 to 15 percent slopes	Somewhat limited	Riverhead (85%)	Slope (0.63)	220.1	0.1%
RhD	Riverhead loam, 15 to 25 percent slopes	Very limited	Riverhead (85%)	Slope (1.00)	95.1	0.1%
RhE	Riverhead loam, 25 to 50 percent slopes	Very limited	Riverhead (85%)	Slope (1.00)	227.3	0.1%
SbB	Stockbridge silt loam, 2 to 8 percent slopes	Not limited	Stockbridge (85%)		567.6	0.4%
SbC	Stockbridge silt loam, 8 to 15 percent slopes	Somewhat limited	Stockbridge (85%)	Slope (0.63)	457.1	0.3%
SbD	Stockbridge silt loam, 15 to 25 percent slopes	Very limited	Stockbridge (85%)	Slope (1.00)	216.2	0.1%
SgC	Stockbridge-Rock outcrop complex, rolling	Somewhat limited	Stockbridge (70%)	Slope (0.04)	438.1	0.3%
Sh	Sun loam	Very limited	Sun (85%)	Ponding (1.00)	1,913.9	1.2%
				Depth to saturated zone (1.00)		
Sm	Sun loam, extremely stony	Very limited	Sun (85%)	Ponding (1.00)	983.4	0.6%
				Depth to saturated zone (1.00)		
SuA	Sutton loam, 0 to 3 percent slopes	Somewhat limited	Sutton (85%)	Depth to saturated zone (0.39)	172.4	0.1%
SuB	Sutton loam, 3 to 8 percent slopes	Somewhat limited	Sutton (85%)	Depth to saturated zone (0.39)	1,300.5	0.8%

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
Ub	Udorthents, smoothed	Not limited	Udorthents, smoothed (80%)		1,937.3	1.2%
Uc	Udorthents, wet substratum	Very limited	Udorthents, wet substratum (80%)	Depth to saturated zone (1.00)	717.5	0.5%
UdB	Unadilla silt loam, 2 to 6 percent slopes	Not limited	Unadilla (85%)		64.6	0.0%
Uf	Urban land	Not rated	Urban land (85%)		301.4	0.2%
			Unadilla (2%)			
			Chatfield (2%)			
			Sutton (2%)			
			Riverhead (2%)			
UhB	Urban land-Charlton complex, 2 to 8 percent slopes	Not rated	Urban land (50%)		271.5	0.2%
			Chatfield (5%)			
			Leicester (5%)			
			Sutton (5%)			
			Udorthents (5%)			
			Sun (3%)			
			Hollis (2%)			
UhC	Urban land-Charlton complex, 8 to 15 percent slopes	Not rated	Urban land (40%)		111.0	0.1%
			Chatfield (5%)			
			Leicester (5%)			
			Sutton (5%)			
			Udorthents (5%)			
			Sun (3%)			
			Hollis (2%)			
UIC	Urban land-Charlton-Chatfield complex, rolling, very rocky	Not rated	Urban land (40%)		216.3	0.1%
			Leicester (5%)			
			Sutton (5%)			
			Udorthents (5%)			
			Rock outcrop (5%)			
			Hollis (2%)			
			Sun (2%)			
			Palms (1%)			

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
UID	Urban land-Charlton-Chatfield complex, hilly, very rocky	Not rated	Urban land (50%)		8.4	0.0%
			Sutton (5%)			
			Udorthents (5%)			
			Rock outcrop (5%)			
			Leicester (3%)			
			Hollis (1%)			
			Sun (1%)			
UpB	Urban land-Paxton complex, 2 to 8 percent slopes	Not rated	Urban land (50%)		401.5	0.3%
			Charlton (5%)			
			Ridgebury (5%)			
			Udorthents (5%)			
			Woodbridge (5%)			
			Sun (4%)			
			Hollis (1%)			
UpC	Urban land-Paxton complex, 8 to 15 percent slopes	Not rated	Urban land (40%)		529.5	0.3%
			Charlton (5%)			
			Udorthents (5%)			
			Woodbridge (5%)			
			Chatfield (4%)			
			Ridgebury (4%)			
			Sun (1%)			
			Hollis (1%)			
UpD	Urban land-Paxton complex, 15 to 25 percent slopes	Not rated	Urban land (40%)		70.9	0.0%
			Charlton (5%)			
			Udorthents (5%)			
			Woodbridge (5%)			
			Chatfield (4%)			
			Ridgebury (4%)			
			Sun (1%)			
			Hollis (1%)			
UrB	Urban land-Ridgebury complex, 1 to 8 percent slopes	Not rated	Urban land (60%)		64.8	0.0%
			Sun (5%)			
			Udorthents (5%)			
			Woodbridge (5%)			

Dwellings Without Basements— Summary by Map Unit — Putnam County, New York (NY079)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
UvB	Urban land-Riverhead complex, 2 to 8 percent slopes	Not rated	Urban land (50%)		14.4	0.0%
			Knickerbocker (5%)			
			Pompton (5%)			
			Udorthents (5%)			
			Hinckley (5%)			
			Charlton (3%)			
			Udifluvents (1%)			
			Fluvaquents (1%)			
UvC	Urban land-Riverhead complex, 8 to 15 percent slopes	Not rated	Urban land (50%)		4.0	0.0%
			Hinckley (5%)			
			Pompton (5%)			
			Udorthents (5%)			
			Knickerbocker (5%)			
			Charlton (3%)			
			Fluvaquents (1%)			
			Udifluvents (1%)			
UwB	Urban land-Woodbridge complex, 2 to 8 percent slopes	Not rated	Urban land (50%)		198.5	0.1%
			Paxton (5%)			
			Ridgebury (5%)			
			Udorthents (5%)			
			Sun (5%)			
			Sutton (5%)			
W	Water	Not rated	Water (100%)		10,046.9	6.4%
WdA	Woodbridge loam, 0 to 3 percent slopes	Somewhat limited	Woodbridge (85%)	Depth to saturated zone (0.39)	322.9	0.2%
WdB	Woodbridge loam, 3 to 8 percent slopes	Somewhat limited	Woodbridge (85%)	Depth to saturated zone (0.39)	3,211.6	2.0%
WdC	Woodbridge loam, 8 to 15 percent slopes	Somewhat limited	Woodbridge (80%)	Slope (0.63)	816.4	0.5%
				Depth to saturated zone (0.39)		
Totals for Area of Interest					157,490.0	100.0%

Dwellings Without Basements— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Very limited	72,026.5	45.7%
Somewhat limited	52,872.6	33.6%
Not limited	9,894.2	6.3%
Null or Not Rated	22,696.8	14.4%
Totals for Area of Interest	157,490.0	100.0%

Description

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

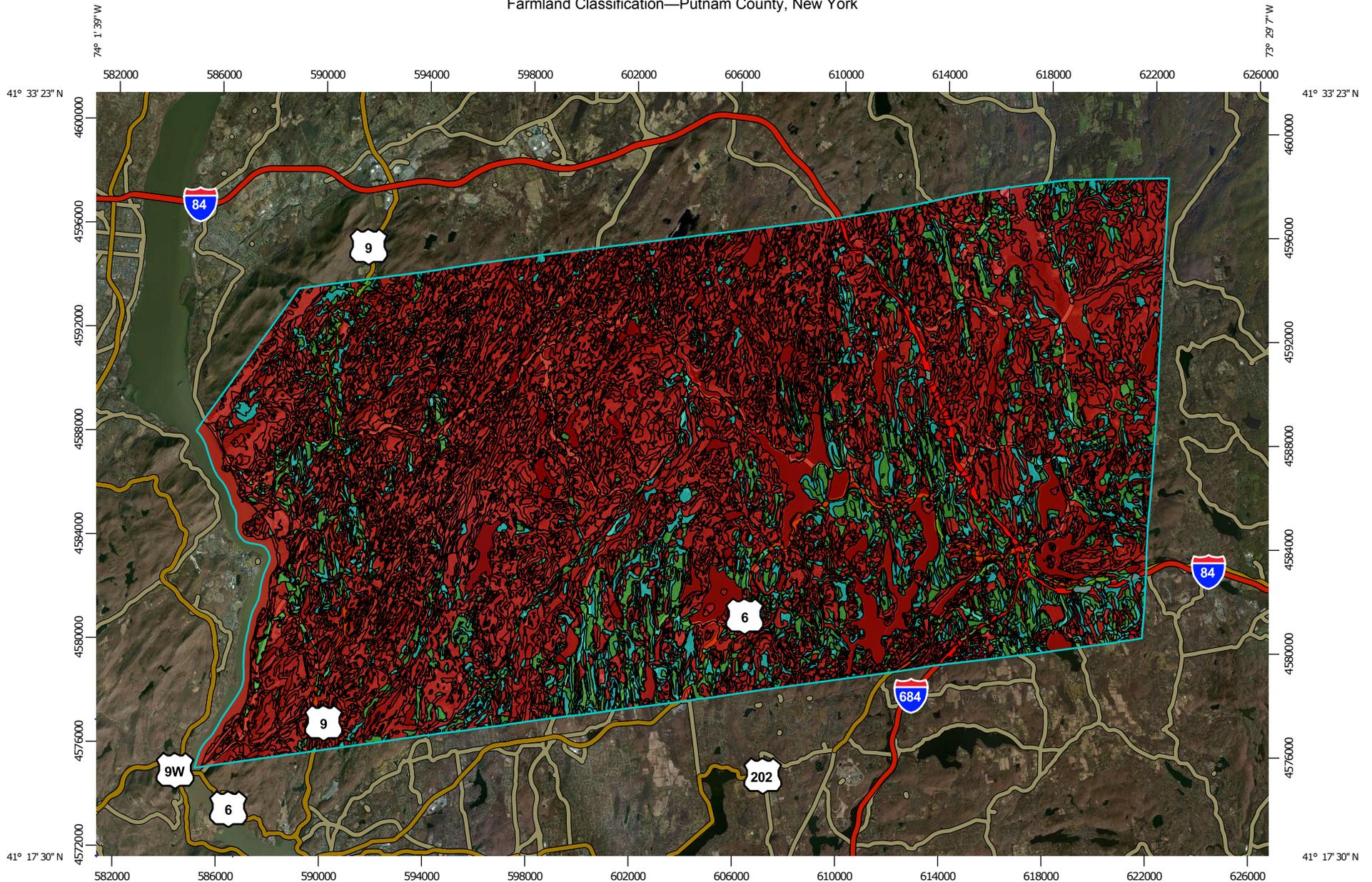
Rating Options

Aggregation Method: Dominant Condition

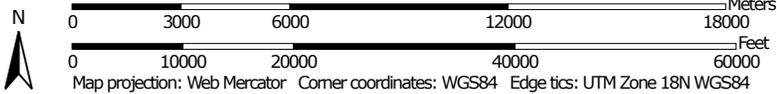
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Farmland Classification—Putnam County, New York



Map Scale: 1:207,000 if printed on A landscape (11" x 8.5") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Lines

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained

-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60

-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Soil Rating Points

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Water Features

MAP INFORMATION

-  Streams and Canals
- Transportation**
-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads
- Background**
-  Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Putnam County, New York
Survey Area Data: Version 9, Sep 21, 2012

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Putnam County, New York (NY079)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Ce	Carlisle muck	Not prime farmland	2,619.7	1.7%
ChB	Charlton loam, 2 to 8 percent slopes	All areas are prime farmland	4,170.1	2.6%
ChC	Charlton loam, 8 to 15 percent slopes	Farmland of statewide importance	3,553.9	2.3%
ChD	Charlton loam, 15 to 25 percent slopes	Not prime farmland	1,716.5	1.1%
ChE	Charlton loam, 25 to 35 percent slopes	Not prime farmland	1,364.0	0.9%
CIB	Charlton loam, 2 to 8 percent slopes, very stony	Not prime farmland	1,809.2	1.1%
CIC	Charlton loam, 8 to 15 percent slopes, very stony	Not prime farmland	2,761.3	1.8%
CID	Charlton loam, 15 to 25 percent slopes, very stony	Not prime farmland	2,428.9	1.5%
CIE	Charlton loam, 25 to 35 percent slopes, very stony	Not prime farmland	934.0	0.6%
CIF	Charlton loam, 35 to 45 percent slopes, very stony	Not prime farmland	680.2	0.4%
CrC	Charlton-Chatfield complex, rolling, very rocky	Not prime farmland	25,552.4	16.2%
CsD	Chatfield-Charlton complex, hilly, very rocky	Not prime farmland	17,272.2	11.0%
CtC	Chatfield-Hollis-Rock outcrop complex, rolling	Not prime farmland	10,248.1	6.5%
CuD	Chatfield-Hollis-Rock outcrop complex, hilly	Not prime farmland	13,850.8	8.8%
DAM	Large dam	Not prime farmland	14.5	0.0%
Ff	Fluvaquents-Udifluvents complex, frequently flooded	Not prime farmland	3,678.7	2.3%
Fr	Fredon silt loam	Prime farmland if drained	338.8	0.2%
HnB	Hinckley gravelly loamy sand, 3 to 8 percent slopes	Farmland of statewide importance	136.6	0.1%

Farmland Classification— Summary by Map Unit — Putnam County, New York (NY079)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HnC	Hinckley gravelly loamy sand, 8 to 15 percent slopes	Not prime farmland	139.2	0.1%
HnD	Hinckley gravelly loamy sand, 15 to 25 percent slopes	Not prime farmland	52.8	0.0%
HrF	Hollis-Rock outcrop complex, very steep	Not prime farmland	9,029.3	5.7%
Ip	Ipswich mucky peat	Not prime farmland	293.6	0.2%
KnB	Knickerbocker fine sandy loam, 2 to 8 percent slopes	All areas are prime farmland	166.5	0.1%
KnC	Knickerbocker fine sandy loam, 8 to 15 percent slopes	Farmland of statewide importance	47.2	0.0%
LcA	Leicester loam, 0 to 3 percent slopes, stony	Not prime farmland	322.8	0.2%
LcB	Leicester loam, 3 to 8 percent slopes, stony	Not prime farmland	1,244.7	0.8%
LeB	Leicester loam, 2 to 8 percent slopes, very stony	Not prime farmland	2,125.1	1.3%
Pa	Palms muck	Not prime farmland	2,232.7	1.4%
Pc	Palms and Carlisle soils, ponded	Not prime farmland	285.6	0.2%
PnB	Paxton fine sandy loam, 2 to 8 percent slopes	All areas are prime farmland	5,751.8	3.7%
PnC	Paxton fine sandy loam, 8 to 15 percent slopes	Farmland of statewide importance	6,695.5	4.3%
PnD	Paxton fine sandy loam, 15 to 25 percent slopes	Not prime farmland	2,843.8	1.8%
PoB	Paxton fine sandy loam, 2 to 8 percent slopes, very stony	Not prime farmland	279.2	0.2%
PoC	Paxton fine sandy loam, 8 to 15 percent slopes, very stony	Not prime farmland	883.2	0.6%
PoD	Paxton fine sandy loam, 15 to 25 percent slopes, very stony	Not prime farmland	951.3	0.6%
Pt	Pits, gravel	Not prime farmland	125.4	0.1%
Pv	Pits, quarry	Not prime farmland	69.6	0.0%
Pw	Pompton silt loam, loamy substratum	All areas are prime farmland	269.8	0.2%
Ra	Raynham silt loam	Prime farmland if drained	264.3	0.2%
RdA	Ridgebury loam, 0 to 3 percent slopes	Farmland of statewide importance	479.8	0.3%

Farmland Classification— Summary by Map Unit — Putnam County, New York (NY079)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
RdB	Ridgebury loam, 3 to 8 percent slopes	Farmland of statewide importance	1,821.9	1.2%
RgB	Ridgebury loam, 2 to 8 percent slopes, very stony	Not prime farmland	1,041.6	0.7%
RhA	Riverhead loam, 0 to 3 percent slopes	All areas are prime farmland	189.6	0.1%
RhB	Riverhead loam, 3 to 8 percent slopes	All areas are prime farmland	852.5	0.5%
RhC	Riverhead loam, 8 to 15 percent slopes	Farmland of statewide importance	220.1	0.1%
RhD	Riverhead loam, 15 to 25 percent slopes	Not prime farmland	95.1	0.1%
RhE	Riverhead loam, 25 to 50 percent slopes	Not prime farmland	227.3	0.1%
SbB	Stockbridge silt loam, 2 to 8 percent slopes	All areas are prime farmland	567.6	0.4%
SbC	Stockbridge silt loam, 8 to 15 percent slopes	Farmland of statewide importance	457.1	0.3%
SbD	Stockbridge silt loam, 15 to 25 percent slopes	Not prime farmland	216.2	0.1%
SgC	Stockbridge-Rock outcrop complex, rolling	Not prime farmland	438.1	0.3%
Sh	Sun loam	Farmland of statewide importance	1,913.9	1.2%
Sm	Sun loam, extremely stony	Not prime farmland	983.4	0.6%
SuA	Sutton loam, 0 to 3 percent slopes	All areas are prime farmland	172.4	0.1%
SuB	Sutton loam, 3 to 8 percent slopes	All areas are prime farmland	1,300.5	0.8%
Ub	Udorthents, smoothed	Not prime farmland	1,937.3	1.2%
Uc	Udorthents, wet substratum	Not prime farmland	717.5	0.5%
UdB	Unadilla silt loam, 2 to 6 percent slopes	All areas are prime farmland	64.6	0.0%
Uf	Urban land	Not prime farmland	301.4	0.2%
UhB	Urban land-Charlton complex, 2 to 8 percent slopes	Not prime farmland	271.5	0.2%
UhC	Urban land-Charlton complex, 8 to 15 percent slopes	Not prime farmland	111.0	0.1%
UIC	Urban land-Charlton-Chatfield complex, rolling, very rocky	Not prime farmland	216.3	0.1%

Farmland Classification— Summary by Map Unit — Putnam County, New York (NY079)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
UID	Urban land-Charlton-Chatfield complex, hilly, very rocky	Not prime farmland	8.4	0.0%
UpB	Urban land-Paxton complex, 2 to 8 percent slopes	Not prime farmland	401.5	0.3%
UpC	Urban land-Paxton complex, 8 to 15 percent slopes	Not prime farmland	529.5	0.3%
UpD	Urban land-Paxton complex, 15 to 25 percent slopes	Not prime farmland	70.9	0.0%
UrB	Urban land-Ridgebury complex, 1 to 8 percent slopes	Not prime farmland	64.8	0.0%
UvB	Urban land-Riverhead complex, 2 to 8 percent slopes	Not prime farmland	14.4	0.0%
UvC	Urban land-Riverhead complex, 8 to 15 percent slopes	Not prime farmland	4.0	0.0%
UwB	Urban land-Woodbridge complex, 2 to 8 percent slopes	Not prime farmland	198.5	0.1%
W	Water	Not prime farmland	10,046.9	6.4%
WdA	Woodbridge loam, 0 to 3 percent slopes	All areas are prime farmland	322.9	0.2%
WdB	Woodbridge loam, 3 to 8 percent slopes	All areas are prime farmland	3,211.6	2.0%
WdC	Woodbridge loam, 8 to 15 percent slopes	Farmland of statewide importance	816.4	0.5%
Totals for Area of Interest			157,490.0	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

Tie-break Rule: Lower

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

APPENDIX D
NYSDEC AIR QUALITY CONSULTATION



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 29, 2013

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

Jack Nasca
Director, Division of Environmental Permits
New York Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1750

Re: Program Introduction for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR): Air Quality Standards Compliance

Dear Mr. Nasca:

New York State Homes and Community Renewal (NYSHCR) has been authorized to implement the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Assistance Program (Program) in accordance with the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01). This document is available for review at <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

The purpose of this letter is to provide the New York Department of Environmental Conservation (DEC) notice of the Program and to obtain written confirmation from DEC that the proposed activities will be in compliance with Federal and New York State air quality standards.

Program Overview

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Program descriptions are included in **Attachment A**, and a brief overview is included below. A list of affected counties included in the CDBG-DR program is included in **Attachment B**. Specific Federal Actions related to the program include:

1. Rehabilitation and repair of 1-4 unit homes, 5+ unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation
2. Reimbursement (incorporated as part of the Rehabilitation program). Qualifying participants may get reimbursed for expenses associated with disaster recovery, which were incurred before the CDBG-DR program funds were ready.
3. Buy-out of storm-damaged properties. The State will buy eligible properties and will result in demolition and return to green space for perpetuity.

38-40 State Street, Albany, NY 12207

nyshcr.org

4. Acquisition of damaged properties. The State will buy eligible properties and result in demolition and options for future land use.
5. Economic Development- Eligible entities may receive funding for general economic recovery and improvement of the local economy.

NYSHCR is anticipating it will be responsible for preparing approximately 133 Environmental Review Records (ERRs), covering the various actions within the various counties.

Compliance

Because of the large extent of the Program, it is appropriate to coordinate with DEC, so NYSHCR, as the Responsible Entity (RE), can accurately document compliance.

NYSHCR anticipates the actions of the Program will conform to the State Implementation Plan because they are not anticipated to:

1. Cause or contribute to a new violation of any existing standard in any area
2. Increase the frequency or severity of any existing violation of any standard in any area, or
3. Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area.

Mitigation measures such as dust suppression, covering haul loads, street sweeping, vehicle idling reduction, and spill mitigation measures, among others, are examples of Best Management Practices that may be implemented during the Program actions. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

NYSHCR is requesting a program comprehensive response letter from DEC, covering all actions, that can be included in all Tier 1 ERRs to document that coordination with DEC is being completed, and that compliance with Federal and State air quality standards will be met.

If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Heather M. Spitzberg, Esq.
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

Attachment A - Program Descriptions
Attachment B- List of Affected Counties Included in the CDBG-DR Program

Attachment A- Program Descriptions

The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), issued April 25, 2013, is used as the overall reference for these programs and is incorporated by reference into these project descriptions. The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01) may be referenced at: <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

Buyout/Acquisition

An overview of each activity under the program covered by this document is provided below. This program applies to 1- and 2-unit residential properties.

Voluntary Buyouts and Acquisitions of One- and Two-unit Homes

The Recreate NY Home Buyout Program will include the purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). 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) as outlined below.

The State intends to conduct most purchases outside of the enhanced buyout areas as “acquisitions,” as defined by HUD, whereby purchase offers must begin with the post-storm FMV of the property.

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, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be 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 will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

Enhanced buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments, will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer

zones or other non-residential/commercial uses; there may also be acquisition of vacant or undeveloped land in these targeted areas.

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

Following purchase of the property, the land would remain open space in perpetuity. As applicable, structures on the properties would be removed. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, but will retain restrictions on use.

Acquisition

Following purchase of the property, the land may be developed in a resilient manner. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner for development.

Rehabilitation 1-4 Units and 5+ Units

In response to the damage caused by Hurricane Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, homeowners of disaster-declared counties who sustained damage will be invited to submit an application for assistance. The Recreate New York Smart Homes Project activities to be funded by CDBG-DR have been designed to provide assistance for repairing damaged property, reconstructing damaged homes, and mitigating damaged properties for future resilience.

The specific actions include rehabilitation and reconstruction of moderate, major, and substantial storm-damaged structures and elevation to the required advisory base flood elevation plus freeboard as required by each community's floodplain ordinance as further described in the Floodplain Management Document. It is anticipated that the renovations and elevations will take place within the existing footprint of the structure (unless elevation is not technically feasible without alteration of the footprint), and no additional structures will be built upon each approved project parcel. Under this program, the expansion of the structure may not exceed 20% of the original pre storm footprint. The structure must remain 1-4 units in size after rehabilitation or reconstruction.

Wherever allowable by local building codes and any other law and/or regulation, homeowners will be allowed to choose whether to repair the original home, or rebuild (reconstruct) a new home in its place. However, only funding for the more cost-effective option will be provided.

Reimbursement

The program may also provide reimbursements for homeowners of one- to four-unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements (e.g., eligibility criteria, grant restrictions). Reimbursement is contingent on compliance with Recreate NY 1-4 Unit Rehabilitation requirements discussed above

Economic Development Program Description

The applicable programs from the Action Plan are:

- Small Business Grant Program
- Small Business Loan Program
- Coastal Fishing Industry Program
- Seasonal Tourism Industry Program

An overview of each program covered by this document is provided below.

Small Business Grant Program

This program will provide funding grants to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and the following activities identified in Section 4 of the Action Plan:

- Purchase of equipment, materials, inventory, furniture, fixtures
- Employee training
- Acquisition of real property
- Working capital
- Construction, rehabilitation, reconstruction of buildings)
- Engineering, architectural, and/or design costs
- Infrastructure directly associated with economic development activities
- Technical assistance
- Any other eligible business related activity (requires State consultation and approval)
- Marketing and outreach to solicit applications from businesses eligible for any of the State's proposed programs

Small Business Loan Program

This program will provide loans to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan.

Coastal Fishing Industry Program

This program will provide funding to businesses and individuals qualified as a Coastal Fishing Industry. Details of this program are included on page 50 of the Action Plan.

Seasonal Tourism Industry Program

This program will provide funding to eligible seasonal tourism businesses. Details of this program are also included on page 50 of the Action Plan.

Attachment B- List of Affected Counties

County	Impacted by:			Potential Programs					Total	total	Overall
	Irene	Lee	Sandy	BO/Acq	Rehab 1 - 4	Rehab 5+	Economic	Reimburse	Documents	started	total
Albany	x				x	x	x	x	4	0	4
Bronx	x		x	x					1	0	1
Broome		x			x	x	x	x	4	0	4
Chemung		x			x	x	x	x	4	0	4
Chenango		x			x	x	x	x	4	0	4
Clinton	x				x	x	x	x	4	0	4
Columbia	x				x	x	x	x	4	0	4
Delaware	x	x			x	x	x	x	4	0	4
Dutchess	x				x	x	x	x	4	0	4
Essex	x				x	x	x	x	4	0	4
Greene	x				x	x	x	x	4	0	4
Fulton		x			x	x	x	x	4	0	4
Herkimer	x	x			x	x	x	x	4	0	4
Kings	x		x	x					1	0	1
Montgomery	x				x	x	x	x	4	0	4
Nassau	x		x	X	X	x	X	x	5	3	2
New York			x	x					1	0	1
Oneida		x			x	x	x	x	4	0	4
Orange	x	x	x	x	x	x	x	x	5	0	5
Otsego	x	x			x	x	x	x	4	0	4
Putnam	x		x	x	x	x	x	x	5	0	5
Queens	x		x	x					1	0	1
Rensselaer	x				x	x	x	x	4	0	4
Richmond	x		x	x					1	0	1
Rockland	x		x	x	X	x	X	x	5	3	2
Saratoga	x				x	x	x	x	4	0	4
Schenectady	x	x			x	x	x	x	4	0	4
Schoharie	x	x			x	x	x	x	4	0	4
Suffolk	x		x	X	X	x	X	x	5	3	2
Sullivan	x		x	x	x	x	x	x	5	0	5
Tioga		x			x	x	x	x	4	0	4
Ulster	x	x	x	x	x	x	x	x	5	0	5
Warren	x				x	x	x	x	4	0	4
Washington	x				x	x	x	x	4	0	4
Westchester	x		x	x	x	x	X	x	5	1	4
TOTALS									133	10	123

APPENDIX E
FEMA FLOOD INSURANCE RATE MAP

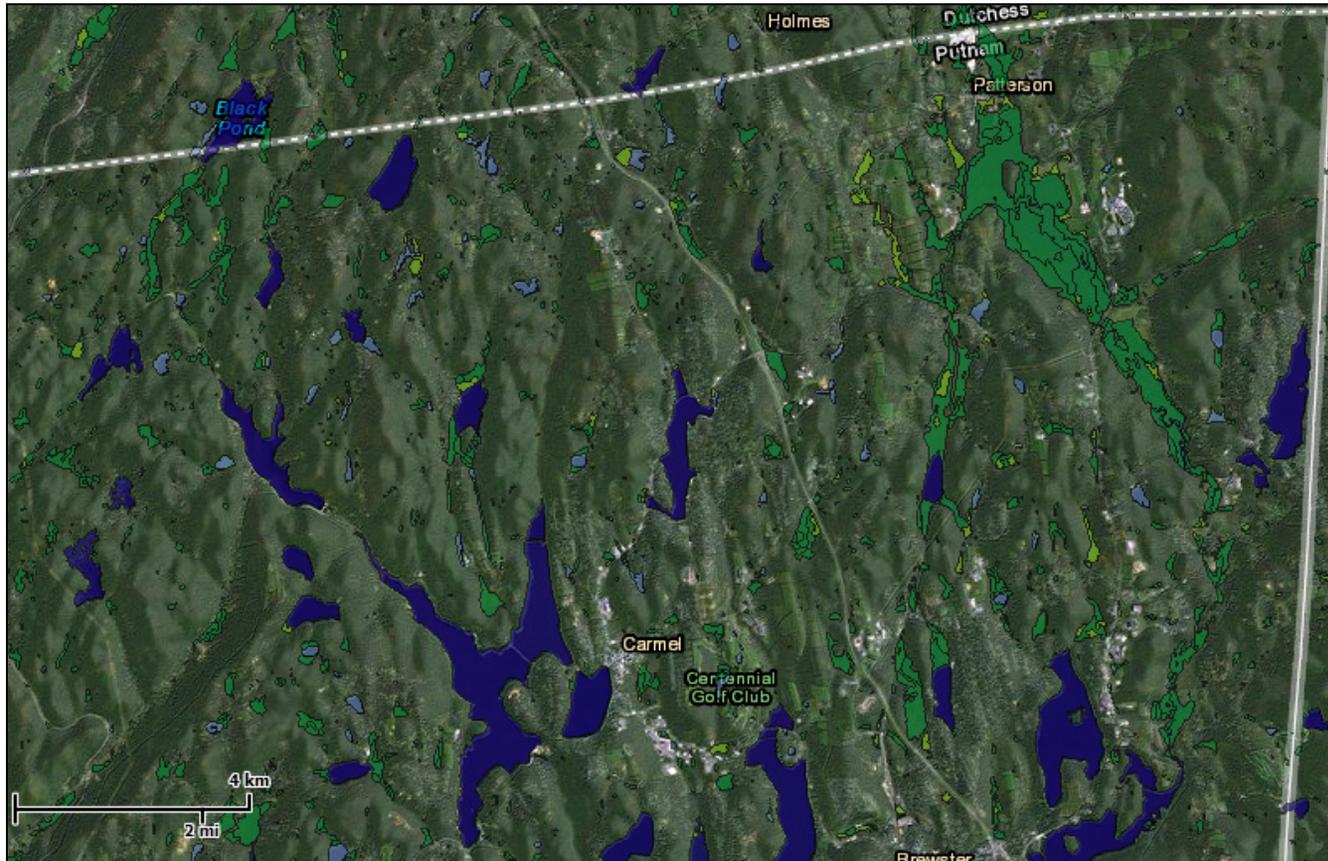
APPENDIX F
WETLANDS MAP



U.S. Fish and Wildlife Service National Wetlands Inventory

Putnam County, NY Wetlands Map

Oct 29, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

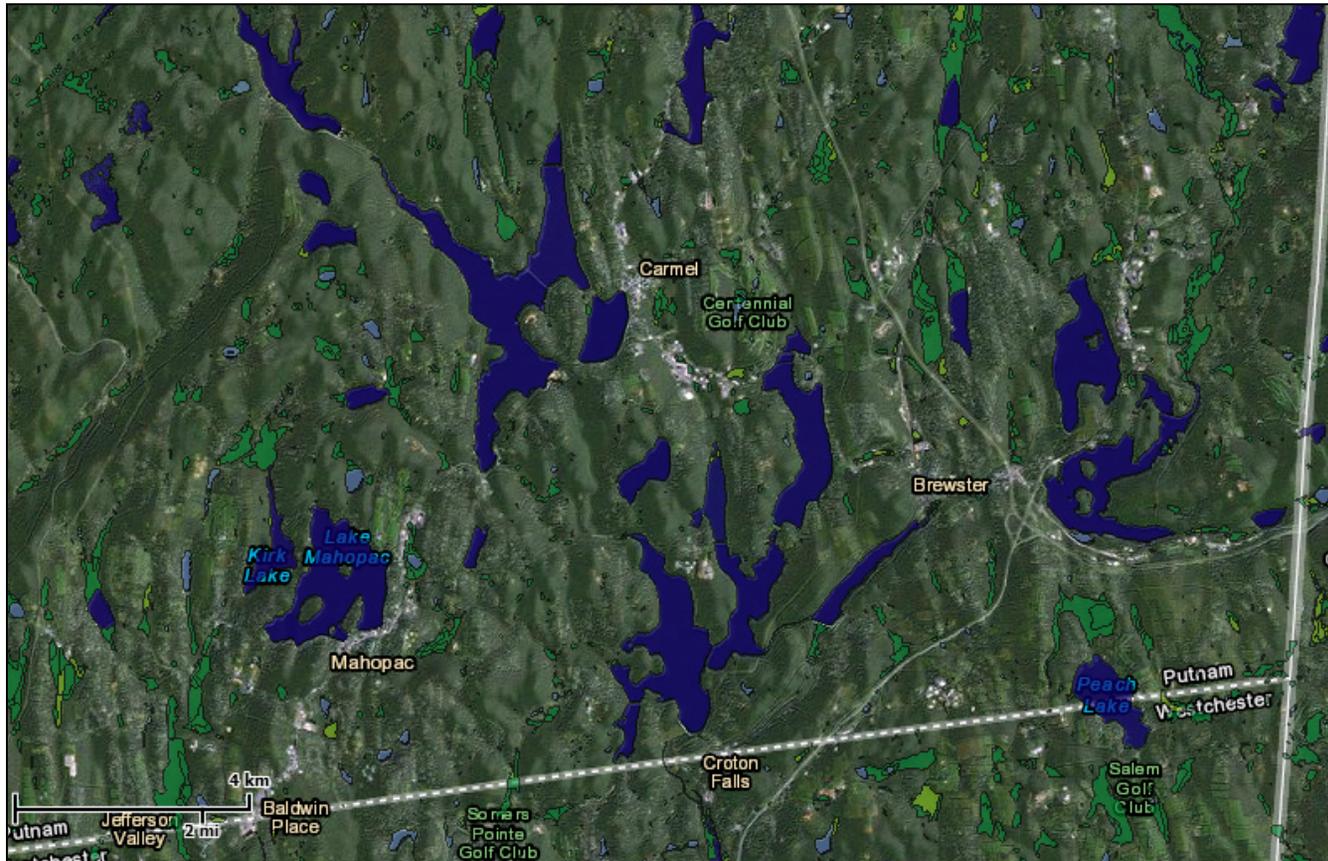
10/29/2013



U.S. Fish and Wildlife Service National Wetlands Inventory

Putnam County, NY Wetlands Map

Oct 29, 2013



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User Remarks:

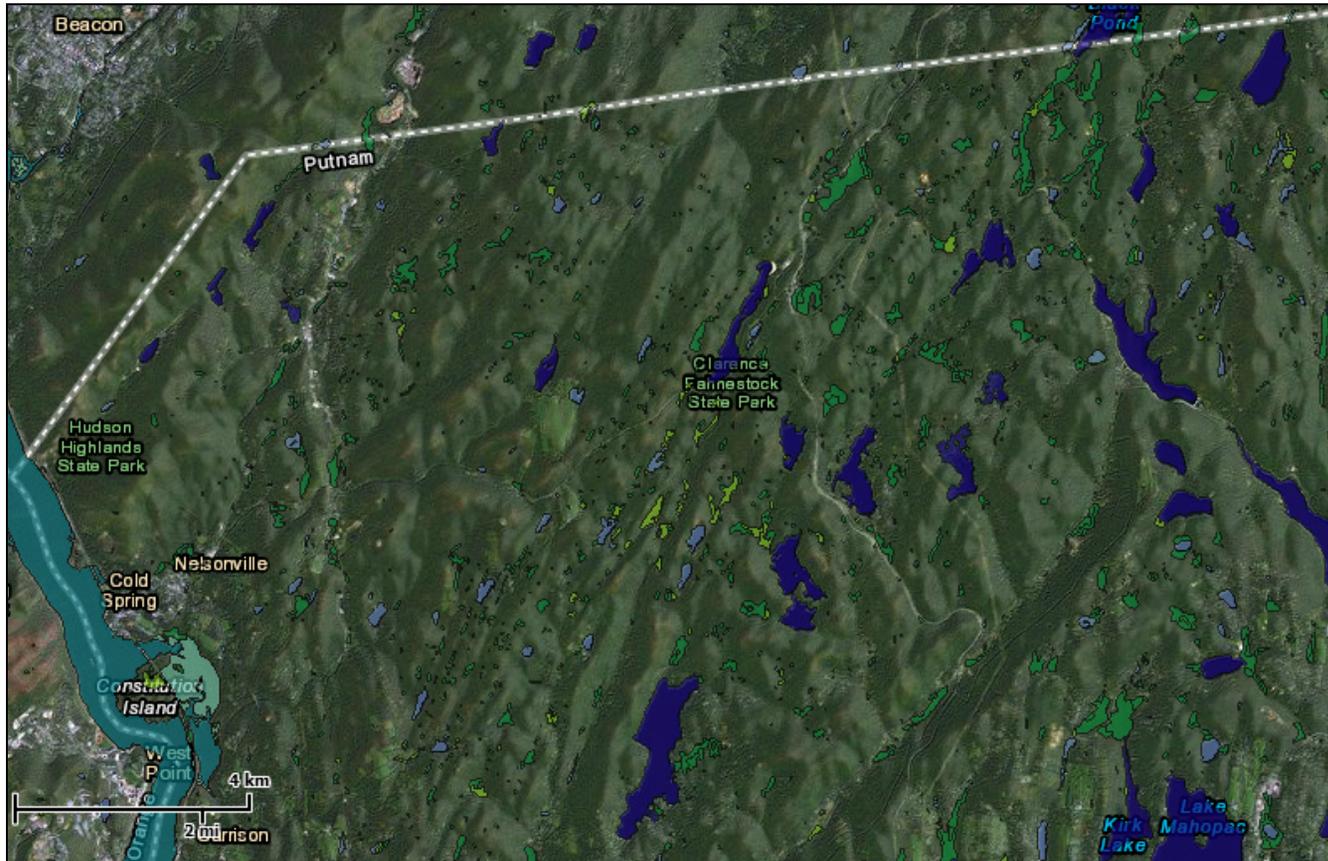
10/29/2013



U.S. Fish and Wildlife Service National Wetlands Inventory

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Oct 29, 2013



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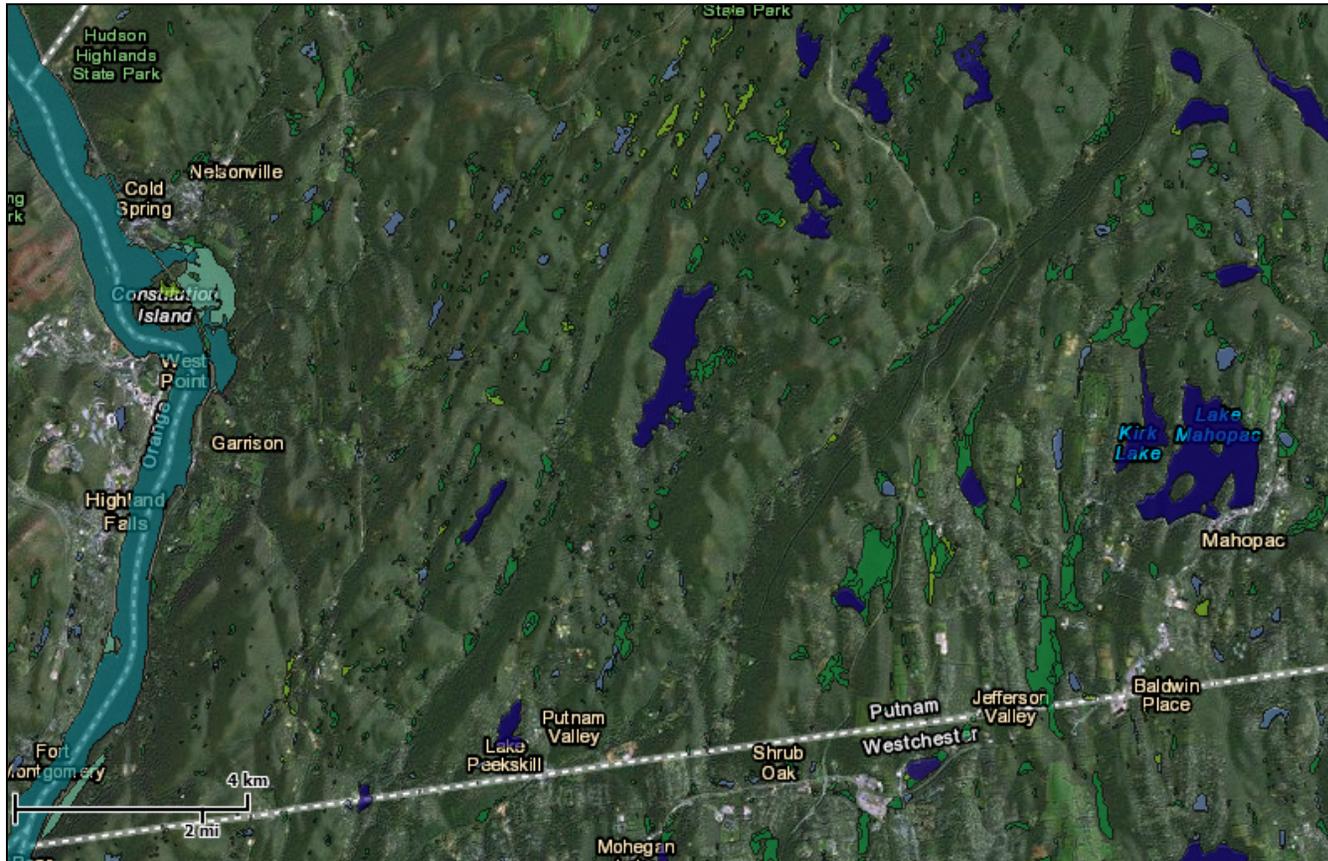
10/29/2013



U.S. Fish and Wildlife Service National Wetlands Inventory

Putnam County, NY Wetlands Map

Oct 29, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
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User Remarks:

10/29/2013

APPENDIX G
NYSDOS COASTAL CONSISTENCY CONSULTATION



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 29, 2013

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AFFORDABLE HOUSING
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TOBACCO SETTLEMENT
FINANCING
CORPORATION

Jack Nasca
Director, Division of Environmental Permits
New York Department of Environmental Conservation
625 Broadway
Albany, New York 12233-1750

Re: Program Introduction for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR): Air Quality Standards Compliance

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The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Program descriptions are included in **Attachment A**, and a brief overview is included below. A list of affected counties included in the CDBG-DR program is included in **Attachment B**. Specific Federal Actions related to the program include:

1. Rehabilitation and repair of 1-4 unit homes, 5+ unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation
2. Reimbursement (incorporated as part of the Rehabilitation program). Qualifying participants may get reimbursed for expenses associated with disaster recovery, which were incurred before the CDBG-DR program funds were ready.
3. Buy-out of storm-damaged properties. The State will buy eligible properties and will result in demolition and return to green space for perpetuity.

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4. Acquisition of damaged properties. The State will buy eligible properties and result in demolition and options for future land use.
5. Economic Development- Eligible entities may receive funding for general economic recovery and improvement of the local economy.

NYSHCR is anticipating it will be responsible for preparing approximately 133 Environmental Review Records (ERRs), covering the various actions within the various counties.

Compliance

Because of the large extent of the Program, it is appropriate to coordinate with DEC, so NYSHCR, as the Responsible Entity (RE), can accurately document compliance.

NYSHCR anticipates the actions of the Program will conform to the State Implementation Plan because they are not anticipated to:

1. Cause or contribute to a new violation of any existing standard in any area
2. Increase the frequency or severity of any existing violation of any standard in any area, or
3. Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area.

Mitigation measures such as dust suppression, covering haul loads, street sweeping, vehicle idling reduction, and spill mitigation measures, among others, are examples of Best Management Practices that may be implemented during the Program actions. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

NYSHCR is requesting a program comprehensive response letter from DEC, covering all actions, that can be included in all Tier 1 ERRs to document that coordination with DEC is being completed, and that compliance with Federal and State air quality standards will be met.

If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Heather M. Spitzberg, Esq.
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

Attachment A - Program Descriptions
Attachment B- List of Affected Counties Included in the CDBG-DR Program

Attachment A- Program Descriptions

The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), issued April 25, 2013, is used as the overall reference for these programs and is incorporated by reference into these project descriptions. The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01) may be referenced at: <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

Buyout/Acquisition

An overview of each activity under the program covered by this document is provided below. This program applies to 1- and 2-unit residential properties.

Voluntary Buyouts and Acquisitions of One- and Two-unit Homes

The Recreate NY Home Buyout Program will include the purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). 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) as outlined below.

The State intends to conduct most purchases outside of the enhanced buyout areas as “acquisitions,” as defined by HUD, whereby purchase offers must begin with the post-storm FMV of the property.

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, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be 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 will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

Enhanced buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments, will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer

zones or other non-residential/commercial uses; there may also be acquisition of vacant or undeveloped land in these targeted areas.

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

Following purchase of the property, the land would remain open space in perpetuity. As applicable, structures on the properties would be removed. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, but will retain restrictions on use.

Acquisition

Following purchase of the property, the land may be developed in a resilient manner. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner for development.

Rehabilitation 1-4 Units and 5+ Units

In response to the damage caused by Hurricane Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, homeowners of disaster-declared counties who sustained damage will be invited to submit an application for assistance. The Recreate New York Smart Homes Project activities to be funded by CDBG-DR have been designed to provide assistance for repairing damaged property, reconstructing damaged homes, and mitigating damaged properties for future resilience.

The specific actions include rehabilitation and reconstruction of moderate, major, and substantial storm-damaged structures and elevation to the required advisory base flood elevation plus freeboard as required by each community's floodplain ordinance as further described in the Floodplain Management Document. It is anticipated that the renovations and elevations will take place within the existing footprint of the structure (unless elevation is not technically feasible without alteration of the footprint), and no additional structures will be built upon each approved project parcel. Under this program, the expansion of the structure may not exceed 20% of the original pre storm footprint. The structure must remain 1-4 units in size after rehabilitation or reconstruction.

Wherever allowable by local building codes and any other law and/or regulation, homeowners will be allowed to choose whether to repair the original home, or rebuild (reconstruct) a new home in its place. However, only funding for the more cost-effective option will be provided.

Reimbursement

The program may also provide reimbursements for homeowners of one- to four-unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements (e.g., eligibility criteria, grant restrictions). Reimbursement is contingent on compliance with Recreate NY 1-4 Unit Rehabilitation requirements discussed above

Economic Development Program Description

The applicable programs from the Action Plan are:

- Small Business Grant Program
- Small Business Loan Program
- Coastal Fishing Industry Program
- Seasonal Tourism Industry Program

An overview of each program covered by this document is provided below.

Small Business Grant Program

This program will provide funding grants to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and the following activities identified in Section 4 of the Action Plan:

- Purchase of equipment, materials, inventory, furniture, fixtures
- Employee training
- Acquisition of real property
- Working capital
- Construction, rehabilitation, reconstruction of buildings)
- Engineering, architectural, and/or design costs
- Infrastructure directly associated with economic development activities
- Technical assistance
- Any other eligible business related activity (requires State consultation and approval)
- Marketing and outreach to solicit applications from businesses eligible for any of the State's proposed programs

Small Business Loan Program

This program will provide loans to eligible businesses for purchase or repair of equipment, renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan.

Coastal Fishing Industry Program

This program will provide funding to businesses and individuals qualified as a Coastal Fishing Industry. Details of this program are included on page 50 of the Action Plan.

Seasonal Tourism Industry Program

This program will provide funding to eligible seasonal tourism businesses. Details of this program are also included on page 50 of the Action Plan.

Attachment B- List of Affected Counties

County	Impacted by:			Potential Programs					Total	total	Overall
	Irene	Lee	Sandy	BO/Acq	Rehab 1 - 4	Rehab 5+	Economic	Reimburse	Documents	started	total
Albany	x				x	x	x	x	4	0	4
Bronx	x		x	x					1	0	1
Broome		x			x	x	x	x	4	0	4
Chemung		x			x	x	x	x	4	0	4
Chenango		x			x	x	x	x	4	0	4
Clinton	x				x	x	x	x	4	0	4
Columbia	x				x	x	x	x	4	0	4
Delaware	x	x			x	x	x	x	4	0	4
Dutchess	x				x	x	x	x	4	0	4
Essex	x				x	x	x	x	4	0	4
Greene	x				x	x	x	x	4	0	4
Fulton		x			x	x	x	x	4	0	4
Herkimer	x	x			x	x	x	x	4	0	4
Kings	x		x	x					1	0	1
Montgomery	x				x	x	x	x	4	0	4
Nassau	x		x	X	X	x	X	x	5	3	2
New York			x	x					1	0	1
Oneida		x			x	x	x	x	4	0	4
Orange	x	x	x	x	x	x	x	x	5	0	5
Otsego	x	x			x	x	x	x	4	0	4
Putnam	x		x	x	x	x	x	x	5	0	5
Queens	x		x	x					1	0	1
Rensselaer	x				x	x	x	x	4	0	4
Richmond	x		x	x					1	0	1
Rockland	x		x	x	X	x	X	x	5	3	2
Saratoga	x				x	x	x	x	4	0	4
Schenectady	x	x			x	x	x	x	4	0	4
Schoharie	x	x			x	x	x	x	4	0	4
Suffolk	x		x	X	X	x	X	x	5	3	2
Sullivan	x		x	x	x	x	x	x	5	0	5
Tioga		x			x	x	x	x	4	0	4
Ulster	x	x	x	x	x	x	x	x	5	0	5
Warren	x				x	x	x	x	4	0	4
Washington	x				x	x	x	x	4	0	4
Westchester	x		x	x	x	x	X	x	5	1	4
TOTALS									133	10	123

APPENDIX H
NY HISTORIC PRESERVATION
PROGRAMMATIC AGREEMENT

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

WHEREAS, the mission of the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards; and

WHEREAS, as a result of Hurricane Sandy (DR-4085-NY) (Disaster Declaration), FEMA proposes to administer Federal disaster assistance programs set forth in Appendix A (Programs), pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*) (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the Flood Disaster Protection Act of 1973, Pub. L. No. 93-234 (1973) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); and implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR).

WHEREAS, FEMA has determined that implementation of its Programs may result in Undertakings (as defined by 16 U.S.C. § 470w and 36 CFR § 800.16(y)) that may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register) pursuant to 36 CFR Part 60 (historic properties), and FEMA has consulted with the New York State Historic Preservation Officer (SHPO), the New York State Office of Emergency Management (OEM), the New York City Landmarks Preservation Commission (LPC), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans (Participating Tribe[s]) and the Advisory Council on Historic Preservation (ACHP) pursuant to Section 106 of the National Historic Preservation Act (NHPA), Pub. L. No. 89-665 (1966) (codified as amended at 16 U.S.C. § 470f) and Section 110 of NHPA (codified as amended at 16 U.S.C. §470h-2), and the Section 106 implementing regulations at 36 CFR Part 800; and

WHEREAS, FEMA, ACHP, and SHPO have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the delivery of FEMA

assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

WHEREAS, in order to implement its Programs, FEMA will provide assistance to the State of New York that may provide monies and other assistance to eligible subgrantees, and as such, the New York Office of Emergency Management (OEM) that is typically responsible for administering funds provided under these Programs, has participated in this consultation, and has been invited to enter into this Agreement as an invited signatory party; and

WHEREAS, LPC is the agency responsible for identifying and designating New York City's landmarks and historic districts, regulates changes to designated buildings, and by law, issues permits under the LPC law (Charter of the City of New York §§ 3020 et seq. and the Administrative Code of the City of New York §§25-301 et seq.) for LPC designated properties in the City of New York, and therefore any FEMA Undertaking affecting such a property shall require an LPC permit prior to commencement of work or demolitions, LPC has participated in this consultation and has been invited to enter into this Agreement as a concurring party; and

WHEREAS, FEMA has determined that its Programs may result in Undertakings with the potential to affect historic properties having religious and cultural significance to Indian Tribes, including sites that may contain human remains and/or associated cultural items; and

WHEREAS, FEMA recognizes that the Participating Tribe(s) may have sites of religious and cultural significance on or off Tribal lands, and in meeting its Federal trust responsibility, FEMA has engaged in government-to-government consultation with the Participating Tribe(s), and pursuant to 36 CFR § 800.2 (c)(2)(ii)(E) has invited the Participating Tribe(s) to enter into an agreement that specifies how FEMA and the Participating Tribe(s) will carry out Section 106 responsibilities, including the confidentiality of information. The agreement may grant the Participating Tribe(s) additional rights to participate or concur in FEMA decisions in the Section 106 review process beyond the ones outlined in 36 CFR Part 800; and

WHEREAS, notwithstanding the aforementioned invitation to enter into an agreement, FEMA has invited the Participating Tribe(s) to enter into this Agreement each as an invited signatory party to fulfill the requirements of Section 106; and

WHEREAS, FEMA may invite additional Tribes that may have sites of religious and cultural significance to enter into the terms of this Agreement; and

WHEREAS, FEMA may perform direct Undertakings in order to implement its Programs; and

WHEREAS, in anticipation or in the immediate aftermath of the Disaster Declaration, impacted communities in the State of New York and/or affected Tribe(s) may conduct critical preparedness and response and recovery activities to safeguard public health and safety and to restore vital community services and functions. Some of these activities may become Undertakings requiring

Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

NOW, THEREFORE, FEMA, ACHP, SHPO, (as the signatories) OEM, Participating Tribe(s) (invited signatories), and LPC(concurring party) agree that the Programs in the State of New York shall be administered in accordance with the following Stipulations to satisfy FEMA's Section 106 responsibilities for all resulting Undertakings and effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance. FEMA will not authorize implementation of an individual Undertaking until Section 106 review of the project is completed pursuant to this Agreement.

STIPULATIONS

To the extent of its legal authority, and in coordination with the other signatories, FEMA will require that the following measures be implemented:

I. GENERAL

A. Applicability

1. This Agreement applies immediately for this Disaster Declaration after execution by all signatory parties and will remain in effect for the duration of the period that the Disaster Declaration remains open for FEMA funding.
2. For FEMA undertakings that also are within the jurisdiction of the Federal Communications Commission's (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment of October 23, 2009. The approval of funding for the FEMA Undertaking will be conditioned on the compliance of the subgrantee with FCC's applicable Section 106 review, including any required consultation with affected Tribe(s). FEMA will notify the SHPO when it applies the ACHP Program Comment to an Undertaking.
3. Other Federal agencies providing financial assistance for the type of Program activities covered under the terms of this Agreement may, with the concurrence of ACHP, FEMA, SHPO satisfy their Section 106 responsibilities by accepting and complying with the terms of this Agreement. "Other Federal Agencies" may include municipalities providing funds and acting as the Responsible Entity pursuant to 24 CFR Part 58. In such situations, the Federal Agency shall notify FEMA, SHPO and ACHP and other consulting parties to the PA, including participating tribes in writing of their intent to use this Agreement to achieve compliance with Section 106 requirements, and consult with those agencies regarding its section 106 compliance. Resumes of staff that meet the Secretary's Professional Qualifications and will review Tier II projects will be included with the notification. The Federal agency may utilize this Agreement to satisfying its Section 106 responsibilities by executing the

Addendum included in Appendix D. The Agreement will be effective for the Federal agency on the date the Addendum is executed by SHPO, FEMA and ACHP.

4. This Agreement may apply to Undertakings involving multiple Federal agencies and where some or all of the Federal agencies involved in the Undertaking may designate FEMA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the ACHP. FEMA will act on the collective behalf of the agencies to fulfill all Section 106 responsibilities. Federal agencies that do not designate FEMA as the lead Federal agency will be responsible for doing a separate consultation pursuant to Section 106 and 36 CFR Part 800.
5. As a result of the Disaster Declaration, State, Tribal and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal agency. Through a mission assignment (MA), FEMA may direct appropriate Federal agencies to perform the work. This Agreement will apply to such Federal assistance undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206.
6. If SHPO has reviewed and approved an Undertaking submitted by a subgrantee that was the result of damage from Hurricane Sandy before FEMA has established an Undertaking for that same project, and FEMA confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of the Undertaking as reviewed by the SHPO has not changed, and SHPO/Tribal concurrence is documented, FEMA shall document these findings to the project files in order to confirm that the requirements of Section 106 have been satisfied.
7. If another Federal program or Federal agency has reviewed and approved an Undertaking under Section 106 of the NHPA within the past five years, FEMA has no further requirement for Section 106 review provided that it confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of the Undertaking as reviewed by the previous agency has not changed, and SHPO/Tribal concurrence is documented. FEMA shall document these findings to the project files in order to confirm that the requirements of Section 106 have been satisfied.
8. Should FEMA, in consultation with SHPO and Participating Tribe(s), determine that the previous Section 106 review was insufficient or involved interagency disagreements on eligibility, effect, or mitigation, FEMA shall conduct additional Section 106 review in accordance with the terms of this Agreement.
9. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair and replacement, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement

housing), 206.117(b)(4) (permanent housing construction), and 206.117(c)(1)(vi) (privately owned access routes), FEMA will conduct Section 106 review.

10. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities, pursuant to 36 CFR § 800.3(a)(1):
- b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
 - c. Preparation, revision, and adoption of regulations, directives, manuals, and other guidance documents.
 - c. Granting of variances, and actions to enforce Federal, State, or local codes, standards or regulations.
 - d. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.
 - e. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
 - f. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
 - g. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
 - h. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue.
 - i. Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
 - j. Funding the administrative action of acquiring properties in buyout projects e.g., surveys, legal fees, non-destructive abatement activities), excluding the real estate transaction and demolition. Per Item III.D, OEM shall advise its subgrantees that they may jeopardize Federal funding if work is performed without all required local, State and Federal licenses, permits or approvals, including the completion of the Section 106 process.

- k. Reimbursement of a subgrantee's insurance deductible, when the deductible is the total FEMA eligible cost for the project.
 - l. Labor, equipment and materials used to provide security in the Disaster Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.
 - m. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
 - n. Unemployment assistance.
 - o. Distribution of food coupons.
 - p. Legal services.
 - q. Crisis counseling.
11. The terms of this Agreement will not apply to Undertakings on Tribal (reservation lands) unless the affected Tribe(s) have concurred in writing.
12. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure will not affect this Agreement.

B. Roles and Responsibilities of FEMA, SHPO, OEM, and LPC

1. FEMA:

- a. FEMA will use Federal, Tribal, State, subgrantee, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (Qualified), in completing identification and evaluation of historic properties and in making determinations of effects. FEMA will review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO and Participating Tribe(s).
- i. FEMA acknowledges that Tribe(s) possess special expertise in assessing the National Register eligibility of properties with religious and/or cultural significance to them. Tribal leaders and, as appropriate, their representatives shall decide who meets qualifications/standards as defined by their Tribe(s) for review of undertakings affecting properties with religious and/or cultural significance to Tribe(s).

- b. FEMA will coordinate with the LPC to help LPC ensure that subgrantees apply for permits.
 - i. If an Undertaking as defined by 36 CFR § 800.5 has the potential to adversely affect an LPC designated property or one calendared for designation, then FEMA will provide LPC with the same documentation that is provided to SHPO and Participating Tribe(s).
 - ii. When LPC notifies FEMA that an Undertaking is subject to further LPC review and permitting, FEMA EHP may approve the project and will notify the Grantee that the subgrantee is responsible for obtaining a permit from LPC.
 - iii. FEMA will request LPC to be a consulting party on any Memorandum of Agreement (MOA) that is written to resolve adverse effects to buildings that are LPC designated or proposed landmarks.
- c. FEMA alone shall conduct all project consultation with participating Tribes. In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Grantee, or a subgrantee through the Grantee, to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA will remain legally responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1.a, FEMA Roles and Responsibilities, above and notify the SHPO in writing when a Grantee or subgrantee has been authorized to initiate consultation on FEMA's behalf.
- d. Prior to authorizing the release of funds for individual undertakings requiring grant conditions pursuant to this Agreement, FEMA will inform OEM of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to subgrantees. FEMA will work in partnership with OEM to provide subgrantees with guidance on in-kind repair pursuant to The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 (Standards), 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
- e. FEMA shall provide the signatories and invited signatories with bi-annual reports for the previous six months by July 1st and December 31st of each year that this Agreement is in effect. This annual report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
- f. FEMA will confer bi-annually and as necessary with signatories and invited signatories to this Agreement within 30 days after issuance of the annual report, to review the report and/or discuss issues and concerns in greater detail.

- g. FEMA shall convene the an initial scoping meeting with the signatories and invited signatories as soon as practicable following the Disaster Declaration and provide specific points of contact and other pertinent information about the Disaster Declaration.
- h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement shall be consistent with applicable SHPO and Tribal guidelines and the confidentiality provisions of 36 CFR § 800.11(c).

2. SHPO:

- a. SHPO shall review FEMA's determination of the Areas of Potential Effect (APE), National Register eligibility determinations, and FEMA's effect findings and provide comments within timeframes required by this Agreement.
- b. Upon request, the SHPO will provide FEMA/and or its designee(s) with available information about historic properties (such as access to online systems or site files, GIS data, survey information, geographic areas of concern). Such data sharing may be memorialized in an agreement. Only Qualified FEMA staff and/or its designee(s) shall be afforded access to protected cultural resources information.
- c. The SHPO will identify staff or consultants to assist FEMA staff with its Section 106 responsibilities, and identify, in coordination with FEMA, specific activities that SHPO may perform for specific undertakings as agreed in writing with FEMA.
- d. As requested, SHPO staff will be available as a resource and for consultation through site visits, written requests, telephone conversations or electronic media. In those instances where consultation with SHPO has occurred, a written notice (via e-mail or regular mail) will be sent to SHPO to confirm any decisions that were reached.
- e. FEMA and the SHPO may agree to delegate some or all of the SHPO's responsibilities under this Agreement to supplementary SHPO staff assigned to FEMA-DR-4085-NY that are physically located in FEMA's Joint Field Office or SHPO offices in order to help expedite project review or other responsibilities under this Agreement. FEMA, SHPO and OEM will consult about the selection of the supplementary SHPO staff, the scope of responsibilities delegated, and the implementing procedures related to the actions and decisions delegated. FEMA and SHPO shall formally document their agreement regarding the supplementary SHPO staff.
- f. The SHPO shall participate in an initial scoping meeting for the Disaster Declaration.

- g. The SHPO may assist local jurisdictions or OEM with advance planning efforts to consider historic properties related to their preparedness, homeland security, response, recovery, and mitigation programs, for which FEMA funding may be requested.
- h. The SHPO will coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.

3. LPC

- a. LPC will review FEMA Undertakings that have the potential to adversely affect an LPC designated property or one calendared for designation using FEMA consultation documents that are provided to SHPO and Participating Tribe(s) so that LPC may notify FEMA whether or not an LPC property may be affected by the Undertaking and will require a LPC permit.
- b. LPC understands that if it does not respond to FEMA's submittal of Undertakings to them within the timeframes outlined in Stipulation I.E, i.e. within 4 days under emergency conditions, 15 days for IA and PA Undertakings and 30 days for HMGP Undertakings, FEMA will assume that none of the Undertakings are subject to LPC review and permitting and will proceed with the Undertaking.

4. OEM:

- a. OEM shall ensure that its subgrantees understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
- b. Subgrantee government and private non-profit agencies are advised in OEM applicant briefings and program materials that FEMA funding may be jeopardized unless all local, State and Federal permits, licenses and approvals are received. NYC LPC reviews and permits were discussed in briefings held for NYC agencies and private non-profits. The official notice to a subgrantee that an Undertaking is subject to further LPC review will be the project approval document specifying the project scope and limits, and containing all conditions and caveats, including an approved Project Worksheet (PW) for a Public Assistance project, and an approved Application for an HMGP project.
- c. OEM will participate in an initial scoping meeting for the Disaster Declaration.
- d. OEM shall ensure that subgrantees understand that failure to comply with the terms of this Agreement and any project-specific conditions could jeopardize FEMA funding.

- e. OEM will notify FEMA as soon as possible of any proposed change to the approved scope of work and direct the subgrantee not to implement the changes to the proposed scope of work until any additional review required by this Agreement is complete.
- f. OEM shall ensure that its subgrantees are made aware that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property, human remains, or affected a known historic property in an unanticipated manner, the subgrantee will comply with Stipulation III.B, Unexpected Discoveries.
- g. When issued as a FEMA condition, OEM shall ensure that in its subgrant agreements, any scope of work involving ground disturbance, and resultant contracts to execute said work, provide for the protection of and notification protocols for unexpected discoveries of cultural material and human remains.
- h. If the Tribe assumes the role of Grantee for projects on Tribal lands, it will assume the same responsibilities as outlined in Stipulation I.B.3 of this Agreement, Roles and Responsibilities of the Signatories.

C. Tribal Consultation

1. For Tribes that have assumed the responsibilities of the SHPO through appointment of a Tribal Historic Preservation Officer (THPO) per Section 101 of the NHPA, FEMA shall consult with the THPO in lieu of the SHPO for undertakings occurring on or affecting tribal lands.
2. Where no Tribal-specific consultation agreements or protocols are in place, FEMA shall consult with affected Tribe(s) in accordance with 36 CFR Part 800. In determining who the affected Tribe(s) may be, FEMA will first establish that an Undertaking has the potential to affect historic properties with religious or cultural importance. FEMA may consult with the SHPO, affected Tribe(s), any State Tribal Agency, and access the National Park Service (NPS) Native American Consultation Database to identify Tribal geographic interests.
3. FEMA shall ensure that its consultations with other consulting parties shall not include the dissemination of information, when advised of data sensitivity by the affected Tribe(s), that might risk harm to an American Indian site or property of religious or cultural significance or that might impede the use of such a site by the affected Tribe(s) in accordance with Section 304 of the NHPA and other applicable laws. Information provided is exempt from public knowledge and disclosure under the Freedom of Information Act (FOIA) by both Section 304 of the NHPA and Section 9 of the Archaeological Resources Protection Act (ARPA) (16 U.S.C. §470aa – 470mm).

D. Public Participation

1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 review process. FEMA will notify the public of proposed Undertakings in a manner that reflects the nature, complexity, and effect(s) of the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns of affected Tribe(s), and private individuals and businesses.
2. FEMA will consult with OEM, the subgrantee, SHPO, and Participating Tribe(s), to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be made aware of an Undertaking. If such parties are identified or identify themselves to FEMA, FEMA will provide them with information regarding the Undertaking and its effect on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO and Participating Tribe(s), for involving the public, FEMA will identify the appropriate stages for seeking public input during the Section 106 process.
4. FEMA will consider all views provided by the public regarding an Undertaking and will consider all written requests of individuals and organizations to participate as consulting parties, and in consultation with the SHPO and Participating Tribe(s), determine which should be consulting parties. FEMA will invite any individual or organization that will assume a specific role or responsibility outlined in a Section 106 agreement document to participate as an invited signatory party in that agreement document.
5. FEMA also may provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing regulations set out at 44 CFR Part 10, and/or Executive Orders 11988 and 11990 relating to floodplains and wetlands as set out in 44 CFR Part 9, and Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.

E. Timeframes

All time designations will be in calendar days unless otherwise stipulated. If any signatory or invited signatory does not object to FEMA's determination related to a proposed action within an agreed upon timeframe, FEMA may proceed to the next step in the review process as described in Stipulation II, Project Review. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence will vary.

1. Under emergency conditions, the SHPO and Participating Tribe(s) will respond to any FEMA request for comments within three (3) days after receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.
2. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the review time shall be a maximum of fifteen (15) days for delineation of the Area of Potential Effect (APE), determinations of National Register eligibility and findings of effect.
3. For the Hazard Mitigation Grant Program (HMGP), the response time for each request for concurrence shall be a maximum of thirty (30) days.

II. PROJECT REVIEW

A. Programmatic Allowances

1. If FEMA determines an Undertaking conforms to one or more of the allowances in Appendix B of this Agreement, FEMA will complete the Section 106 review process by documenting this determination in the project file, without SHPO and Tribal review or notification.
2. If the Undertaking involves a National Historic Landmark (NHL), FEMA shall notify the SHPO and Participating Tribe(s) and the NHL Program Manager in the NPS Northeast Regional Office that the Undertaking conforms to one or more allowances. FEMA will provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If an Undertaking is not composed entirely of an allowance listed in Appendix B, FEMA will conduct Section 106 review for the entire Undertaking.
4. For an Undertaking that FEMA determines does not meet the allowance criteria, FEMA shall complete the Section 106 review process in accordance with Stipulation II.C, Standard Project Review, as applicable.
5. Allowances may be revised and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

B. Expedited Review for Emergency Undertakings

1. As part of the Disaster Declaration process, FEMA will define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44 CFR § 206.32(f)). FEMA may approve Federal assistance and/or funding for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or improved property. FEMA will conduct expedited review of emergency Undertakings from October 27, 2012, the beginning of the incident period, until January 27, 2013.
2. Should FEMA determine that it is necessary to extend the expedited review period beyond January 27, 2012, FEMA will request in writing, prior to the expiration of the expedited review period, an extension of the period of applicability in 30-day increments in accordance with 36 CFR § 800.12(d).
3. For all emergency Undertakings, FEMA will determine the following:
 - a. If the Undertaking is an immediate rescue and salvage operations conducted in response to an event to preserve life and property, FEMA has no Section 106 review responsibilities in accordance with 36 CFR § 800.12(d); or
 - b. If the Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA will complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
 - c. If FEMA determines that the emergency Undertaking will adversely affect a historic property during this expedited review period, to the extent practicable FEMA may propose treatment measures that would address adverse effects during implementation, and request the comments of the SHPO and/or the affected Tribe(s) within 3 days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period. FEMA may elect to consult with the SHPO and/or the affected Tribe(s) regarding the emergency Undertaking at any point before or during the implementation of an emergency Undertaking if FEMA determines circumstances are appropriate for expedited consultation.
 - d. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media. In all cases, FEMA will clarify that an “expedited Undertaking review” is being requested.
 - e. FEMA will take into account any timely comments provided by SHPO and/or the affected Tribe(s) and notify the parties of how their comments were taken into consideration by FEMA, OEM, and subgrantee.

- f. Should the SHPO and/or Participating Tribes not comment within 7 days, FEMA may fund the emergency Undertaking based on the available information. This will complete the Section 106 review for the Undertaking.

C. Emergency Demolition and Debris Removal of Privately-Owned Properties

FEMA may need to carry out debris removal activities involving the demolition and removal of buildings and structures that are damaged beyond repair or that are completely collapsed and/or disassembled by the actions of the declared event and therefore must be removed for health and safety reasons. Damage to historic properties by the effects of natural disasters to such a degree that demolition is required for health and safety reasons is not an adverse effect as defined under Section 106 of NHPA. However, FEMA is required by the NHPA to determine if its specific actions in response to disasters will cause adverse effects to any historic properties. After FEMA Public Assistance Program (PA) determines a property initially eligible for demolition, FEMA EHP will review these projects using the following expedited emergency process outlined below.

1. FEMA EHP will evaluate all properties proposed for demolition to determine if they are listed in the National Register or have previously been determined to be eligible for the National Register. If a property has not been previously evaluated for National Register eligibility, FEMA will make a determination whether or not the property is eligible for the National Register. Historic properties include both those above the ground (buildings and structures) and below the ground (archaeological sites and artifacts).
2. FEMA's evaluation will include a data base/GIS review of SHPO information to identify previously-identified historic properties, field review and photography, and additional research of properties that are more than 45 years of age, including archaeological analysis if necessary.
3. FEMA EHP will evaluate all properties proposed for demolition to determine if they are LPC designated or calendared for designation. This will include a database review at <http://geo.nycnet/doit/nycgovmap/> for designated properties and <http://a810-bisweb.nyc.gov/bisweb/bsqpm01.jsp> (New York City Buildings Department) for calendared properties.
4. FEMA will conduct an analysis of effects for any historic property identified for demolition or for any demolition that will affect other historic properties within an Area of Potential Effects (APE) and will determine if the project will result in adverse effects. The APE shall include properties within the view shed of the Undertaking that are LPC designated or calendared. The APE for historic properties that are not located within a designated National Register or LPC historic district, or within a geographic area that is eligible as a National Register district, will be the building footprint. For all others, FEMA will determine a project-specific APE. FEMA will also provide information to the SHPO for these properties that describes the specific nature of the damage to each property

5. FEMA will document its findings concerning each property that is proposed for demolition and will submit a report to the SHPO and other consulting parties, as appropriate that includes two (2) photographs of each property (more if associated resources are present) and text that briefly but adequately explains FEMA's determination of National Register eligibility and effects. These reports will be submitted via the SHPO's dedicated electronic mail account at femarecovery@parks.ny.gov.
6. SHPO will review the reports, provide its concurrence or ask for more information via electronic mail within three (3) business days. If SHPO does not concur with FEMA's finding for any property, both agencies will conduct further consultation as soon as possible to clarify FEMA's determinations or to resolve any disagreements.
7. To the extent practicable, demolition of every structure will be carried out following low impact protocols – limiting disturbance to the footprint of the existing structure, limiting the use of heavy equipment on the property, pushing all foundation materials into the building basement and emphasizing that the contractors make reasonable efforts to avoid or minimize harm to any archaeological deposits. In addition, FEMA's PA Program does not fund the removal of slabs, further ensuring that these undertakings will likely have minimal impact on archaeological resources. In most instances FEMA will make the determination that no historic properties will be affected by the demolition.
8. In cases where a demolition site is considered to be archaeologically sensitive monitoring will be required by an archaeologist who meets the Secretary's Professional Qualifications Standards. This determination will be made on a case-by case-basis by FEMA in consultation with the SHPO and other consulting parties. Eligibility determinations, assessment of effects and resolution of adverse effects will be made subsequent to identification of an archeological property. Uprooted trees and exposed stumps will be removed in accordance with the Stump Removal Policy in Appendix E.
9. Demolition of eligible historic buildings/structures may be adverse and may require development of a Memorandum of Agreement (MOA) to mitigate any adverse effects. If FEMA determines that any property demolition is an Undertaking that will result in adverse effects, it will enter into consultation with the SHPO and other appropriate consulting parties to develop an MOA to mitigate the adverse effects as required under Section 106. FEMA may choose to identify, in consultation with the SHPO, standard treatment measures to mitigate adverse effects to multiple properties.

10. This agreement only pertains to the residential structure itself and does not include the demolition or removal of any other infrastructure on these properties, including sidewalks, driveways, pools, retaining walls or similar structures that would not be eligible for FEMA Public Assistance funding.

D. Standard Project Review

For Undertakings not exempt from further Section 106 review, FEMA will ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some of these steps during consultation.

1. Consulting Parties: FEMA will consult as appropriate with the SHPO and affected Tribe(s) to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 review process. FEMA may invite others to participate as consulting parties as the Section 106 review proceeds.
2. Area of Potential Effects: For standing structures, qualified staff shall define the APE as the individual structure when the proposed Undertaking is limited to the repair or rehabilitation (as defined in 36 CFR § 68.3(b)(6) and 36 CFR § 68.2(b)) of a structure located outside of a National Register listed or eligible historic district. For all other undertakings, qualified staff will determine the APE in consultation with the SHPO and Participating Tribes. FEMA may also consider information provided by other parties, such as local governments, LPC, local preservation advocacy organizations, and the public, when establishing the APE.
3. Identification and Evaluation: Qualified staff shall determine, in consultation with the SHPO and Participating Tribes if the APE contains historic properties, including archaeological sites or properties of religious or cultural significance, that are listed in or potentially eligible for the National Register, or LPC designated and calendared properties. This may include the review of preliminary documentation collected by OEM or the subgrantee in coordination with the SHPO.
 - a. Archaeological Properties, FEMA may consult with the SHPO to determine the level of effort and methodology necessary to identify and define the limits of archaeological properties. For historic properties of religious and cultural significance to Participating Tribe(s), FEMA shall consult with the Tribe(s) to identify geographic areas where properties may be affected by an Undertaking in order so that FEMA may determine the necessary level of effort required to avoid or protect any such properties. FEMA may also consult with LPC regarding identification and treatment of archaeological properties.
 - b. National Historic Landmarks: When FEMA determines an Undertaking has the potential to affect an NHL, FEMA shall notify the Secretary through the NHL Program Manager in the NPS Northeast Regional Office in addition to the SHPO and Participating Tribe(s).

- c. Determinations of Eligibility: FEMA shall review or determine National Register eligibility based on identification and evaluation efforts, and consult with SHPO and Participating Tribe(s) regarding these determinations. Should the SHPO or Participating Tribe(s) disagree with the determination of eligibility, FEMA may elect to either continue consultation, treat the property as eligible for the National Register, or to obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
- d. Findings of No Historic Properties Affected: FEMA shall make a finding of “no historic properties affected” if no historic properties are present in the APE; the Undertaking is designed to avoid historic properties, including archaeological sites or properties of religious or cultural significance to Participating Tribe(s); or the Undertaking does not affect the character defining features of a historic property.
 - i. FEMA shall notify the SHPO, Participating Tribes(s), and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d) and applicable documentation standards. Unless the SHPO or Participating Tribe(s) objects to the finding pursuant to the appropriate timeframe outlined in Stipulation I.E.2 or I.E.3, Timeframes, FEMA shall complete the Section 106 review.
 - ii. If the SHPO or Participating Tribe(s) objects to a finding of “no historic properties affected”, FEMA may elect to consult with the objecting party to resolve the disagreement. If the objection is resolved, FEMA may proceed with the action in accordance with the resolution. FEMA also may elect to reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.D.4, Application of the Criteria of Adverse Effect. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA will consider the ACHP’s recommendation in making its final determination.
- 4. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect identified historic properties in the APE, including properties of religious or cultural significance to Participating Tribe(s), or if a consulting party objects to the finding of “no historic properties affected,” FEMA will apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of the consulting parties and public concerning effects in accordance with 36 CFR § 800.5(a).
 - a. If FEMA determines that an Undertaking does not meet the adverse effect criteria or, for a standing structure, that the Undertaking meets the *Standards*, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).

- b. FEMA shall notify the SHPO, Participating Tribe(s), and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e) and applicable documentation standards. Unless a consulting party objects within the appropriate timeframe, FEMA will proceed with its “no adverse effect” determination and complete the Section 106 review.
 - c. If FEMA finds the Undertaking may have an adverse effect, FEMA shall request through OEM that the subgrantee revise the scope of work to substantially conform to the Standards for standing structures, or avoid or minimize adverse effects for archaeological properties, in consultation with the SHPO, Participating Tribe(s), and any other consulting parties. If the subgrantee modifies the scope of work to address the adverse effect, FEMA shall notify the consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection, FEMA shall proceed with its “no adverse effect” determination and complete the Section 106 review.
 - d. If a consulting party objects to a finding of “no adverse effect,” FEMA will elect to consult with the objecting party to resolve the disagreement. If the objection is resolved, FEMA will proceed with the undertaking in accordance with the resolution, or;
 - e. If the objection cannot be resolved, FEMA will forward its findings and supporting documentation to the ACHP and request that the ACHP review the findings in accordance with 36 CFR. § 800.5(c)(3)(i-ii). FEMA will consider the ACHP’s comments in making its final determination, or;
 - f. If an Undertaking cannot be modified to avoid adverse effects FEMA will initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.D.5, Resolution of Adverse Effects.
5. Resolution of Adverse Effects: If FEMA determines that an Undertaking will adversely affect a historic property, it shall resolve the effects of the Undertaking in consultation with the SHPO, OEM, participating Tribes, subgrantee, ACHP, if participating, and any other consulting parties, by one of the following methods depending upon the nature and scale of the adverse effect as well as the determination of the historic property’s significance on a local, state or national level:
- a. Abbreviated Consultation Process: After taking into consideration the nature of the historic properties affected and the severity of the adverse effect(s), FEMA may propose to resolve the adverse effect(s) of the Undertaking through the application of Treatment Measures outlined in Appendix C as negotiated with the SHPO, OEM, and Participating Tribe(s). FEMA will not propose use the Abbreviated Consultation Process if the Undertaking may affect an NHL. The application of these Treatment Measures will not require the execution of a Memorandum of Agreement (MOA) or Programmatic Agreement.

1. FEMA will notify the consulting parties in writing of its proposed use of a specific Treatment Measure, or combination of Treatment Measures with the intent of expediting the resolution of adverse effects and provide documentation as required by 36 CFR §800.11(e) and subject to the confidentiality provisions of 36 CFR §800.11(c), as well as provide the ACHP with an adverse effect notice in accordance with 36 CFR §800.6(a)(1) and notify them of FEMA's intent to apply the Treatment Measure(s). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA will proceed with the use of Treatment Measure(s) and will complete Section 106 review.
 2. If any of the consulting parties or the ACHP objects within the 15 day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall consult further with the consulting parties to explore options for resolution of the adverse effect(s). If consultation is not successful after an additional 15 day period, FEMA shall request that the ACHP arbitrate the consultation and help identify a final resolution of the adverse effect(s). If no consensus is reached, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation II.E.5.b, Memorandum of Agreement.
 3. Because funding and implementation details of Treatment Measure(s) for specific Undertakings may vary by program, FEMA will provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA will also include information pertaining to the completion of Treatment Measures in the annual report pursuant to Stipulation I.B.1,d, FEMA Roles and Responsibilities.
- b. Memorandum of Agreement (MOA): If the Abbreviated Consultation Process is determined infeasible or is objected to by any of the consulting parties, FEMA, in consultation with the other consulting parties, will develop an MOA in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties. If the ACHP was not previously notified of the adverse effect, FEMA will provide the documentation outlined in 36 CFR §800.11(e), and the ACHP will have 15 days to review the undertaking and determine if its participation is necessary to complete the consultation process. The MOA may also include feasible treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures. Should the execution of an MOA not be appropriate given the nature and significance of historic properties, scale of adverse effects, or include one or more complex Undertakings, FEMA shall resolve the adverse effects using the procedures outlined below in Stipulation II.E.5.c, Programmatic Agreement.

- c. **Programmatic Agreement:** FEMA, the SHPO, OEM, Participating Tribe(s), the ACHP, as appropriate, and any other consulting party may consult to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) to identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings by a single subgrantee.
- d. **Objections:** Should any signatory, invited signatory, consulting party, or member of the public object within the timeframes established by this Agreement to any plans, specifications, or actions pursuant to resolving an adverse effect, FEMA shall consult further with the objecting party to seek resolution. If FEMA determines the objection cannot be resolved, FEMA shall address in accordance with Stipulation IV.B, Dispute Resolution.
- e. **National Historic Landmarks:** When FEMA determines an Undertaking will adversely affect an NHL, FEMA also will notify and invite the Secretary and ACHP to participate in consultation, pursuant to 36 CFR § 800.10. When the ACHP participates in consultation related to an NHL, the ACHP will report the outcome of the consultation to the Secretary and the FEMA Administrator.

III. OTHER CONSIDERATIONS

- A. **Changes to an Approved Scope of Work:** OEM is required to notify FEMA and will require its subgrantees to notify it immediately when there are proposed changes to an approved scope of work for an Undertaking. When notified by OEM of any proposed substantive change to the approved scope of work for an Undertaking, FEMA may authorize the OEM or subgrantee to proceed with the change once the required review is completed.
- B. **Unexpected Discoveries:** Upon notification by a subgrantee of an unexpected discovery in accordance with Stipulation I.B.3.d, OEM Roles and Responsibilities, OEM will immediately notify FEMA and require the subgrantee to:
 - 1. Stop construction activities in the vicinity of the discovery; and,
 - 2. Notify the local law enforcement office and coroner/medical examiner if human remains are discovered, in accordance with applicable New York State statute(s);
 - 3. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, Participating Tribe(s), and any other consulting parties. Upon notification by OEM of a discovery, FEMA will immediately notify the SHPO, Participating Tribe(s), and any other consulting parties that may have an interest in the discovery, and consult to evaluate the discovery for National Register eligibility.
 - 4. FEMA will consult with the consulting parties in accordance with the review process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan

with timeframes to identify the discovery, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal and State statutes.

5. In cases where discovered human remains are determined to be American Indian, FEMA shall consult with the appropriate Tribal representatives and SHPO. In addition, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007).
6. FEMA will coordinate with OEM and the subgrantee regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.

C. Curation

1. FEMA and OEM shall ensure that all records and materials (collections) produced during the course of an archaeological survey, testing, and any data recovery operations for the implementation of its Undertakings are curated at a facility, preferably in-state, that meets the standards of, and in accordance with the applicable provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable State law and guidelines.
2. In cases where the survey, testing, or data recovery are conducted on private land, any recovered collections remain the property of the land owner and FEMA will return the collections to them with the assistance of the SHPO. In such instances, FEMA and OEM, in coordination with the SHPO or Participating Tribe(s), shall encourage land owners to donate the collection(s) to an appropriate public or Tribal entity. In cases where the property owner declines to accept responsibility for the collection(s) and wishes to transfer ownership of the collection(s) to a public or Tribal entity, FEMA and OEM will ensure curation of the collection(s) in accordance with Stipulation III.C.1 above.

D. Anticipatory Actions and After the Fact Review

1. OEM shall advise its subgrantees that they may jeopardize Federal funding if work is performed without all required local, State and Federal licenses, permits or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats, including an approved Project Worksheet (PW) for a Public Assistance project, and an approved Application for an HMGP project.
2. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a subgrantee who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic

property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO, Participating Tribes(s), and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the subgrantee, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.

3. In circumstances where FEMA determines a subgrantee has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA will determine if the Undertaking would have required Section 106 review in accordance with Stipulation II.D, Standard Project Review.
4. If FEMA determines no Section 106 review or consultation with SHPO and Participating Tribe(s) would have been required pursuant to Stipulation II.D, Standard Project Review, FEMA will document this determination to the project files and consider the project Section 106 compliant.
5. If FEMA determines the Undertaking would have required Section 106 review, FEMA will coordinate with SHPO and Participating Tribe(s) to determine if consultation is feasible.
 - a. If after coordination with the SHPO and affected Tribes, FEMA determines that consultation is feasible, FEMA will review the Undertaking in accordance with Stipulation II.D, Standard Project Review.
 - b. If after coordination with the SHPO and Participating Tribe(s), FEMA determines that review is infeasible, FEMA will document that the project is noncompliant with Section 106, and the FEMA program then will make a funding eligibility decision.
6. FEMA will ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the bi-annual reports.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any signatory or invited signatory to the terms of the Agreement determines that the Agreement cannot be fulfilled, or that an amendment to the terms of this agreement must be made, the signatories and the invited signatories will consult for no more than 30 days to seek amendment of the Agreement.
2. This Agreement may be amended only upon the written consensus of the signatories. This Stipulation does not apply to amendments made to Appendices A, B, and C pursuant to Stipulation IV.A.3, Amendments, below.

3. Appendix A (FEMA Programs), Appendix B (Programmatic Allowances) and Appendix C (Treatment Measures) may be amended at the request of FEMA, a signatory party, or an invited signatory party in the following manner:
 - a. FEMA, on its own behalf or on behalf of another signatory or invited signatory, shall notify all signatory and invited signatory parties to this Agreement of the intent to add to or modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all signatory and invited signatory parties.
 - b. If no signatory or invited signatory object in writing within 15 days of receipt of FEMA's proposed addition or modification, FEMA will date and sign the amended Appendix and provide a copy of the amended Appendix to all signatory and invited signatory parties.

B. Dispute Resolution

1. Should any signatory or invited signatory to this Agreement object in writing within 30 days to the terms of this Agreement, FEMA will consult with the objecting party for not more than 30 days to resolve the objection.
2. If the objection is resolved within 30 days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within 30 days that the objection cannot be resolved, FEMA will forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within 30 days of receipt, ACHP will:
 - a. Concur in FEMA's proposed resolution; or
 - b. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the objection; or
 - c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. FEMA will take the resulting comment into account.
4. FEMA will take into account any ACHP recommendations or comments, and any comments from the other signatories and invited signatories, in reaching a final decision regarding the objection in accordance with 36 CFR § 800.7(c)(4). The signatories will continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within 30 days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection.

6. FEMA will provide the signatories and invited signatories with its final written decision regarding any objection brought forth pursuant to this Stipulation.
7. FEMA may authorize any disputed action to proceed, after making its final decision.
8. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, FEMA will notify the other signatories and invited signatories in writing and take the objection into consideration. FEMA will consult with the objecting party and, if that party so requests, the other signatories and invited signatories, for not more than 21 days. In reaching its decision regarding the objection, FEMA will take into consideration all comments from these parties. Within 15 days after closure of this consultation period, FEMA will provide the other parties with its final decision in writing. FEMA's decision will be final.
9. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with Stipulation II.D.3.c, Determinations of Eligibility.

C. Severability and Termination

1. In the event any provision of this Agreement shall be deemed contrary to, or in violation of, any applicable existing law or regulation of the United States of America and/or the State New York, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, OEM, or Participating Tribe(s) may terminate this Agreement by providing 30 days' written notice to the other signatory and invited signatory parties, provided that the parties consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA will comply with 36 CFR Part 800. Upon such determination, FEMA will provide all other signatories and invited signatories with written notice of the termination of this Agreement.
3. A Participating Tribe may notify the other signatories and invited signatories that it is fully withdrawing from participation in the Agreement. Following such a withdrawal, FEMA will review undertakings that may affect historic properties of religious and cultural significance to the Tribe in accordance with 36 CFR §§ 800.3 through 800.7 or an applicable alternative under 36 CFR § 800.14. Withdrawal from this Agreement by a Participating Tribe does not terminate the Agreement. A Tribe that has withdrawn from the Agreement may at any time that this Agreement remains in effect notify FEMA, OEM, and SHPO in writing that it has rescinded its notice withdrawing from participation in the Agreement.
4. This Agreement may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

1. Unless terminated in accordance with Stipulation IV.C.2 or IV.C.4, Severability and Termination, this Agreement shall remain in effect until FEMA, in consultation with all other signatories, determines that all undertakings related to 4085-DR-NY have been completed.
2. If another federally-declared disaster occurs within the State of New York while this PA is effective, the signatories and invited signatories will consult to determine whether it would be appropriate to extend the PA. If the parties agree that the extension of this PA is an acceptable mechanism for reviewing undertakings as a result of the new disaster, its duration shall be extended pursuant to Stipulation IV.A.

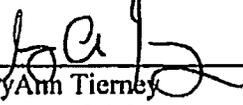
E. Execution and Implementation

1. This Agreement may be implemented in counterparts, with a separate page for each signatory, invited signatory and concurring party and will become effective on the date of the final signature, and will become effective on the date of signature by FEMA, SHPO, and ACHP. FEMA will ensure that each signatory, invited signatory and concurring party is provided with a complete copy.
2. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of the Programs.

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Signatory:

FEDERAL EMERGENCY MANAGEMENT AGENCY

By:  Date: 5/6/13
By: MaryAnn Tierney
Acting Regional Administrator, Region II

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Signatory:

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 5/3/13

By: Ruth Pierpont

New York Deputy Commissioner/New York Deputy State Historic Preservation Officer

PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY

Signatory:
ADVISORY COUNCIL ON HISTORIC PRESERVATION

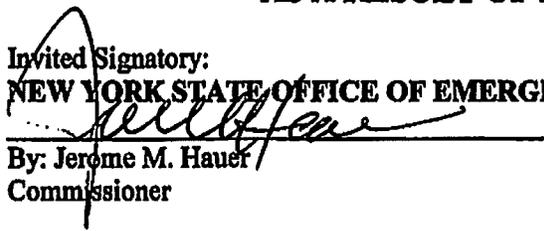
By: John M. Fowler
John M. Fowler
Executive Director

Date: 5/10/13

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:

NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT


By: Jerome M. Hauer
Commissioner

Date: 9/1/13

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:

THE DELAWARE NATION

By: _____ Date: _____

C. J. Watkins
Vice President

**PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:
THE DELAWARE NATION

By: _____ Date: _____
Paula Pechonick
Chief

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:
THE SHINNECOCK NATION

_____ Date: _____
By: [name]
[title]

_____ Date: _____
By: [name]
[title]

**PROGRAMMATIC AGREEMENT AMONG
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:

THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

Date: _____

By: Robert Chicks
President of Tribal Council

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Concurring Party:

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

Date: _____

By: Robert B. Tierney

Chair, The New York City Landmarks Preservation Commission

Appendix A

FEMA Program Summaries

This Appendix may be amended in accordance with Stipulation IV.A, Amendments.

Disaster Response and Recovery Programs

The following programs are authorized under Titles IV and V of the Stafford Act.

Public Assistance Program (PA)

This program assists States, Tribal and local governments, and certain types of private nonprofit organizations quickly respond to and recover from major disasters or emergencies declared by the President. Grants are provided for debris removal (Public Assistance Category A), emergency protective measures (Public Assistance Category B), and the repair, replacement, or restoration of disaster-damaged, publicly owned and certain private non-profit facilities (Public Assistance Categories C-G).

Individual Assistance Programs (IA)

These programs help ensure that individuals and families that have been affected by disasters have access to the full range of FEMA assistance including: crisis counseling (Section 416), disaster legal services (Section 415), essential assistance (Section 403), emergency sheltering assistance (Section 403), transportation (Section 419), funeral services, minor home repairs (Section 408), and temporary housing assistance (Section 408). It should be noted that other Federal agencies provide disaster assistance to individuals as well, such as the US Small Business Administration, Department of Agriculture, and Department of Labor and that this assistance is not subject to the terms of this agreement.

Fire Management Assistance Grant Program (FMAG)

The FMAG is available to State, Tribal, and local governments for the mitigation, management, and control of fires on publicly or privately owned lands. Eligible costs may include expenses for field camps, equipment use, repair and replacement, materials and supplies, and mobilization and demobilization activities.

Hazard Mitigation Grant Program (HMGP)

The HMGP provides grants to States, Territories, Tribes, and local governments to implement long-term hazard mitigation measures after a Disaster Declaration. Activities may include buyouts, retrofits, relocations, elevations, and minor flood control projects.

Appendix B

Programmatic Allowances

This list of Allowances enumerates FEMA funded activities that based on FEMA experience have no effect or limited effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO and Participating Tribe(s) pursuant to Stipulation II.A.1, Programmatic Allowances.

The allowances consist of two tiers – Tier I and Tier II. Staff may apply Tier I allowances without meeting any professional historic preservation qualification standards, while only staff meeting the applicable Secretary's Professional Qualifications Standards in accordance with Stipulation I.B.1.a of this Agreement may apply Tier II allowances.

When referenced in the allowances, "in-kind" shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. The in-kind repair provided for in both Tiers I and Tier II allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures and in general should not be utilized when a building or structure has been substantially altered.

When referenced in the allowances, "previously disturbed soils" will refer to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing archaeological artifacts, features, and phenomena within their original depositional contexts.

Tier I Allowances

- I. GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils and the area proposed to be disturbed does not exceed the previous disturbance in depth or footprint, including the area where the activity is staged.

A. Debris and Snow Removal

1. Debris removal and collection, including removal of snow, uprooted trees, limbs and branches from public rights of way, public area and the transport and disposal of such waste to existing licensed waste facilities or landfills. Uprooted trees and exposed stumps must be removed in accordance with the stump removal policy in Appendix E. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads.
2. Removal of debris from private property provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools are left in place.
3. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
4. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
5. Dewatering flooded developed areas by pumping.

B. Temporary Structures and Housing

1. Installation of temporary structures for uses such as school classrooms, offices, or shelters for essential public service agencies, such as police, fire, rescue and medical care, as well as temporary housing for disaster personnel and victims, at the following types of locations:
 - a. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
 - b. Existing multi-family units.
 - c. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups.
 - d. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, business parks, military bases when all utilities are installed above ground or tie into pre-existing utility lines.
 - e. Sites that have been previously cleared and prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, military bases, schools, etc. when all utilities are installed above-ground or tie into pre-existing utility lines.

- f. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.

C. Recreation and Landscaping

1. Installation of temporary removable barriers.
2. In-kind repairs or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.

II. BUILDINGS

- A. Repair or retrofit of buildings less than 45 years old.
- B. Removal of water by physical or mechanical means.
- C. Installation of grab bars and other such minor interior modifications required for compliance with the Americans with Disabilities Act (ADA).
- D. Installation of security bars over windows on rear elevations.
- E. Sheltering and Temporary Essential Power (STEP) Pilot Program: The STEP program provides essential power to affected residents and thereby reduces the demand for other shelter options by allowing individuals to return to or remain in their home while awaiting major repairs. STEP accomplishes this by 3 measures:
 1. Residential Meter Repairs: Repairs to exterior weather head, service cable, and meter box.
 2. Temporary Essential Electric Measures: Repairs to restore temporary power to residences where the utility will not turn the power back on due to damages in order to restore a minimal amount of power to allow heat and/or hot water and some power to targeted appliances, including installation of a temporary power supply, outlet panels, and other equipment that will be removed when permanent repairs are made.
 3. Rapid Temporary Exterior Repairs: Securing broken windows, covering damaged exterior walls and patching or otherwise securing damaged exterior doors. These repairs utilize raw, unfinished materials for temporary emergency repairs, such as plywood secured with a padlock.

III. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

A. Roads and Roadways

1. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
2. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
3. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
4. Re-establishment, armoring and/or upgrading of existing roadway ditches.
5. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, traffic surveillance systems.
6. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
7. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is allowed.

B. Airports

1. In-kind repair or replacement of existing runway surfaces and features (e.g. asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g. lighting bars, beacons, signage and weather sensors).

C. Rail Systems

1. In-kind repair or replacement of safety components.
2. In-kind repair or replacement of existing track system and passenger loading areas.

Tier II Allowances

I. GROUND DISTURBING ACTIVITIES AND SITE WORK, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

A. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems

1. In-kind repair, replacement, and reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.

2. Installation of perimeter drainage (e.g. French drains) when performed in previously disturbed soils.

B. Recreation and Landscaping

1. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).
2. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).

C. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers

1. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers in areas of previously disturbed soils.

D. Cemeteries

1. Removal of woody debris such as branches, limbs, and uprooted trees from cemeteries, provided that heavy equipment and other machinery are not operated or staged on areas potentially containing human remains. Uprooted trees and exposed stumps must be removed in accordance with the stump removal policy in Appendix E. If this condition does not adequately protect human remains, then monitoring will be required by an archaeologist who meets the Secretary's Professional Qualifications Standards to oversee stump removal.

II. BUILDINGS

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim

1. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim. The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster.
2. Interior cleaning of surfaces using a weak solution of household bleach and water, mold remediation, or mold removal. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
3. Non-destructive or concealed testing for hazardous materials (e.g., lead paint, asbestos) or for assessment of hidden damages.

B. Utilities and Mechanical, Electrical, and Security Systems

1. In-kind repair or replacement, or limited upgrading of interior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems. This allowance does not provide for the installation of new exposed ductwork.
2. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not highly visible from the street.
3. Replacement or installation of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future.
4. Installation of building communication and surveillance security systems, such as cameras, closed-circuit television, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future.
5. Installation of building access security devices, such as card readers, enhanced locks, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.

C. Windows and Doors

1. In-kind repair of damaged or severely deteriorated windows and window frames,, shutters, storm shutters, doors and door frames, and associated hardware, where profiles, elevations, details and materials match those of the originals.
2. In-kind replacement of window panes. Clear plate, double, laminated or triple insulating glazing can be used, provided it does not result in altering the existing window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of existing intact archaic or decorative glass.
3. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non character-defining spaces with metal blast resistant doors and frames.

D. Exterior Walls, Cornices, Porches, and Foundations

1. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
2. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
3. In-kind repair or replacement of signs or awnings.
4. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
5. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
6. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
7. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
8. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.
9. Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

E. Roofing

1. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features.
2. In-kind repair or replacement of roofing, of roofing, rafters, fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components.
3. Repairs to a flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.

F. Weatherproofing and Insulation

1. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
2. In-kind repair or replacement of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered.

G. Structural Retrofits

1. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.
2. Replacement, repair or installation of lightning rods.

III. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

A. Roads and Roadways

1. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
2. In kind repair to historic paving materials for roads and walkways.
3. In-kind repair or replacement, or minor upgrade of culvert systems and arches beneath roads or within associated drainage systems, including provision of headwalls, riprap and any modest increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work substantially conforms to the existing footprint. For stone or brick culverts or arches beneath roadways, this allowance only applies to in-kind repair.
4. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
5. In-kind repair or replacement of road appurtenances such as curbs, berms, fences, and sidewalks.

B. Bridges

1. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
2. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders in previously disturbed soils).

IV. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

A. General

1. In-kind repair or replacement, or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils of rights-of-way or utility corridors.
2. Installation of new utilities and associated features within existing rights-of-way.
3. Directional boring of new/replacement service line and related appurtenances involving boring or silt trenches within previously disturbed soils of rights-of-way or utility corridors.
4. In-kind repair or replacement, or minor upgrade of water towers provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.

B. Generators and Utilities

1. In-kind repair or replacement, or minor upgrades elevation, and/or installation of generators, HVAC systems, and similar equipment provided activities occur within previously disturbed soils and any roof mounted equipment is not visible from the ground level.

C. Communication Equipment/Systems and Towers

1. Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure right-of-way.
2. The collocation of communication and security equipment on existing towers and buildings/structures less than 45 year in age, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.

3. Enhancement, repair or replacement of existing communication towers and antenna structures provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
4. Installation of new temporary (not to exceed 12 months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures older than 45 years and occurs within previously disturbed soils.
5. Installation of new communication towers, less than 200 feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures older than 45 years, occurs within previously disturbed soils and is not within 500 feet of the boundaries of a historic property.

V. WATER RESOURCE MANAGEMENT AND CONTROLS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

A. Canal Systems

1. In-kind repairs or replacement to canal systems and associated elements.

B. Breakwaters, Seawalls, Revetments, and Berms

1. In-kind repair or replacement of breakwaters, seawalls, and revetments, provided the work occurs in previously disturbed soils.

C. Dams, Levees, and Floodwalls

1. In-kind repair of dams, levees, floodwalls and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.

D. Fish Hatcheries

1. In-kind repair or replacement of fish hatcheries and fish ladders.

E. Waste-Water Treatment Lagoon Systems

1. In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.

VI. OTHER PROGRAM ACTIVITIES

A. Elevation, Demolition, and Reconstruction

1. Activities related to the elevation, demolition and/or reconstruction of buildings or structures less than 45 years of age so long as the proposed activities substantially

conform to the original footprint and/or are performed in previously disturbed soils including any staging area, and the buildings or structures are not located within or adjacent to a National Register or LPC historic district.

B. Safe Rooms

1. Installation of individual safe rooms within the property limits of a residence where the installation will occur within an existing structure or building that is less than 45 years of age and has been determined by FEMA not to be significant under Criterion G, or within previously disturbed soils.

Appendix C

Treatment Measures

[to be negotiated on a state-by-state basis]

The following Treatment Measures are suggested for the resolution of Adverse Effects:

If Undertakings result or will result in adverse effects, FEMA, the SHPO, OEM, and Participating Tribes(s), may develop a treatment measure plan that includes one or more of the following Treatment Measures, depending on the nature of historic properties affected and the severity of adverse effects. If an Undertaking will adversely affect a LPC designated or calendared properties, LPC may participate in development of a treatment measure plan. This Appendix may be amended in accordance with Stipulation IV.A.3 of this Agreement, Amendments.

A. Recordation Package

1. **Digital Photography Package:** Prior to project implementation, the designated responsible party shall oversee the successful delivery of a Digital Photography Package prepared by staff or contractors that meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate. The Digital Photography Package will meet the standards cited in the National Park Service's *National Register of Historic Places Photographic Policy March 2010* or subsequent revisions (<http://www.nps.gov/nr/publications/bulletins/photopolicy/index.htm>).
 - a. The Digital Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The Digital Photography Package shall include printed color copies of the digital photographs (on appropriate paper, per *NPS Photographic Policy*), a CD/DVD of the digital photographs, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit the Digital Photography Package to the SHPO and Participating Tribe(s) for review and approval. Once approved by the SHPO and Participating Tribe(s), the designated responsible party shall submit full copies of the approved Digital Photography Package to _____ for permanent retention.

2. **35 mm Black and White Film Photography Package:** Prior to project implementation, the designated responsible party shall oversee the successful delivery of a 35 mm Black and White Film Photography Package prepared by staff or contractors that meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The 35 mm Black and White Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.
 - b. The 35 mm Black and White Film Photography Package shall include one (1) full set of 35mm film black and white photographs printed on acid free paper, the corresponding 35mm film negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
 - c. The designated responsible party shall submit the 35 mm Black and White Film Photography Package to the SHPO and Participating Tribe(s) for review and approval. Once approved by the SHPO and Participating Tribe(s), the designated responsible party shall submit full copies of the approved 35 mm Black and White Film Photography Package to _____ for permanent retention.
3. **Large Format Film Photography Package:** Prior to project implementation, the designated responsible party shall oversee the successful delivery of a Large Format Film Photography Package prepared by staff or contractors that meet the Secretary's Professional Qualifications for Architectural History, History, Architecture, or Historic Architecture, as appropriate.
 - a. The Large Format Film Photography Package shall include a comprehensive collection of photographs of both interior and exterior views showing representative spaces and details of significant architectural features and typical building materials. Exterior photographs shall include full oblique and contextual images of each elevation. Exterior views shall be keyed to a site plan while interior views shall be keyed to a floor plan of the building/structure. The photographs shall be indexed according to the date photographed, site number, site name, site address, direction, frame number, subject matter and photographer's name recorded on the reverse side in pencil.

- b. The Large Format Film Photography Package shall include one (1) full set of 4 x 5 or 5 x 7-inch photographs printed on acid free paper, the corresponding 4 x 5 or 5 x 7-inch negatives in acid free sleeves, a completed state architectural inventory form, and a written site history of the historic property.
- c. The designated responsible party shall submit the Large Format Film Photography Package to the SHPO and Participating Tribe(s) for review and approval. Once approved by the SHPO and affected Tribe(s), the designated responsible party shall submit full copies of the approved Large Format Film Photography Package to _____ for permanent retention.

B. Design Review by SHPO and Participating Tribe(s)

Prior to project implementation, FEMA, the Grantee, and subgrantee shall work with the SHPO and Participating Tribe(s) to develop a historically compatible design. Plans and specifications will, to the greatest extent feasible, preserve the basic character of a building. Primary emphasis shall be given to the major street elevations that are visible. Significant contributing features (e.g. trim, windows, doors, porches) will be repaired or replaced with either in-kind materials or materials that come as close as possible to the original materials in basic appearance. Aesthetic camouflaging treatments such as use of veneers, paints, texture compounds and other surface treatments and/or use of sympathetic infill panels and landscaping features will be employed to the greatest extent feasible. Final construction drawings used in the bidding process will be submitted to the SHPO and Participating Tribe(s) for review and comment prior to the award of a construction contract and the initiation of construction activities.

C. Tribal Treatment Plan

FEMA shall work with the Participating Tribe(s) to develop a plan for the protection and treatment of, including but not limited to, Native American remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, for known sites and in the event that any are discovered in conjunction with the Undertaking, including archaeological studies, excavation, geotechnical investigations, grading, and all ground-disturbing activity. The plan will also formalize procedures for Tribal monitoring during archaeological studies, grading, and ground disturbing activities for the Undertaking. No photography of Native Americans human remains or funerary objects will be allowed. No photography of Native Americans human remains or funerary objects will be allowed.

D. Public Interpretation

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO and Participating Tribe(s) to design an educational interpretive plan. The plan may include signs, displays, educational pamphlets, websites, workshops and other similar mechanisms to educate the public on historic properties within the local community, state, or region. Once an interpretive plan has been agreed to by the parties, SHPO, Participating

Tribe(s), and the designated responsible party will continue to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

E. Historical Context Statements and Narratives

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO and Participating Tribe(s) to determine the topic and framework of a historic context statement or narrative the designated responsible party shall be responsible for completing. The statement or narrative may focus on an individual property, a historic district, a set of related properties, or relevant themes as identified in the statewide preservation plan. Once the topic of the historic context statement or narrative has been agreed to, the designated responsible party shall continue to coordinate with the SHPO and Participating Tribe(s) through the drafting of the document and delivery of a final product. The SHPO and Participating Tribe(s) shall have final approval over the end product. The designated responsible party will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

F. Oral History Documentation

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO and Participating Tribe(s) to identify oral history documentation needs and agree upon a topic and list of interview candidates. Once the parameters of the oral history project have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and Participating Tribe(s) through the data collection, drafting of the document, and delivery of a final product. The SHPO and Participating Tribe(s) shall have final approval over the end product. The designated responsible party will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

G. Historic Property Inventory

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO and Participating Tribe(s) to establish the appropriate level of effort to accomplish a historic property inventory. Efforts may be directed toward the resurvey of previously designated historic properties and/or districts which have undergone change or lack sufficient documentation, or the survey of new historic properties and/or districts that lack formal designation. Once the boundaries of the survey area have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and Participating Tribe(s) through the data collection process. The designated responsible party will use SHPO and Participating Tribe(s) standards for the survey of historic properties and SHPO and Participating Tribe(s) forms as appropriate. The designated responsible party will prepare a draft inventory report, according to SHPO and Participating Tribe(s) templates and guidelines, and work with the SHPO and Participating Tribe(s) until a final property inventory is approved. The designated responsible party will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

H. National Register and National Historic Landmark Nominations

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO, and Participating Tribe(s) to identify the individual properties that would benefit from a completed National Register or National Historic Landmark nomination form. Once the parties have agreed to a property, the designated responsible party shall continue to coordinate with the SHPO and Participating Tribe(s) through the drafting of the nomination form. The SHPO and Participating Tribe(s) will provide adequate guidance to the designated responsible party during the preparation of the nomination form and shall formally submit the final nomination to the Keeper for inclusion in the National Register. The designated responsible party will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

I. Geo-References of Historic Maps and Aerial Photographs

Prior to project implementation, FEMA, OEM, and the subgrantee will work with the SHPO and Participating Tribe(s) to identify the historic maps and/or aerial photographs for scanning and geo-referencing. Once a list of maps and/or aerial photographs have been agreed upon, the designated responsible party shall continue to coordinate with the SHPO and Participating Tribe(s) through the scanning and geo-referencing process and shall submit drafts of paper maps and electronic files to them for review. The SHPO and Participating Tribe(s) shall have final approval on the quality of the documentation provided by the designated responsible party. The final deliverable shall include a paper copy of each scanned image, a geo-referenced copy of each scanned image, and the metadata relating to both the original creation of the paper maps and the digitization process.

APPENDIX D

**TO THE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

WHEREAS, as a result of Hurricane Sandy (DR-4085-NY) (Disaster Declaration), the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*) (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the Flood Disaster Protection Act of 1973, Pub. L. No. 93-234 (1973) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); and implementing regulations contained in Title 44 of the Code of Federal Regulations (C.F.R.), proposes to provide assistance through the New York State Office of Emergency Management (OEM); and

WHEREAS, FEMA consulted with OEM, the New York State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP) and the New York City Landmarks Preservation Commission (LPC) to develop and execute a Programmatic Agreement (Agreement) for its disaster recovery activities, executed on May 9, 2013; and

WHEREAS, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013), the U.S. Department of Housing and Urban Development (HUD) has allocated funds for disaster recovery activities to New York State and New York City, each of which is executing a separate Appendix D Addendum to the Agreement; and

WHEREAS, New York State Homes and Community Renewal (NYS HCR) as the Responsible Entity for New York state activities outside New York City has assumed HUD's environmental responsibilities and is responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 and 24 CFR Part 58, and proposes to administer Community Development Block Grant – Disaster Recovery (CDBG-DR) funds pursuant to the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); and

WHEREAS, the CDBG-DR funds will support activities that fall within the scope of programs authorized under the terms of this Agreement and Appendix A (Program activities); and

WHEREAS, to efficiently and expeditiously deliver disaster recovery assistance to those affected by Hurricane Sandy, there is an opportunity to coordinate and align Section 106 reviews of disaster recovery projects that may have multiple funding sources; and

WHEREAS, Stipulation I.A.3. of this Agreement allows other Federal agencies to fulfill their Section 106 responsibilities for those types of undertakings addressed in this Agreement by fully accepting all the terms of the Agreement and executing this Addendum; and

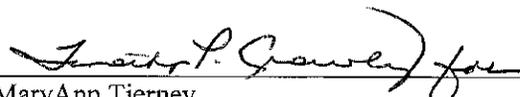
WHEREAS, NYS HCR will ensure that staff who meet the Secretary's Professional Qualification Standard will review Tier II projects and will provide resumes of such staff to the signatories to this Addendum;

NOW, THEREFORE, NYS HCR agrees to assume the federal agency role and accept the terms and conditions of the Agreement, as appropriate under HUD's authorizing legislation and regulations, and thereby take into account the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in New York state outside New York City.

EXECUTION AND IMPLEMENTATION of this Addendum to the Agreement evidences that New York State Homes and Community Renewal (NYS HCR) has taken into account the effects of its undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement, NYS HCR will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR program for activities in New York state outside New York City.

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

By:  Date: 7/25/13
By MaryAnn Tierney
Acting Regional Administrator, Region II

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 8/1/13
By: Ruth Pierpont
New York Deputy Commissioner/New York Deputy State Historic Preservation Officer

NEW YORK STATE HOMES AND COMMUNITY RENEWAL

By: [Signature] Date: _____
By: Darryl C. Towns
Commissioner/CEO

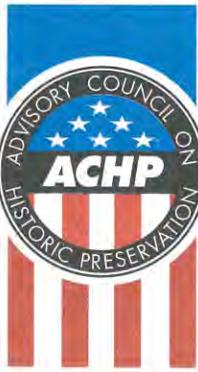
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 8/6/13
By: John M. Fowler
Executive Director

Appendix E

Stump Removal Guidance

Removal of stumps will be accomplished by attaching a chain to the stump and a piece of heavy equipment which will then pull the unexposed portion of the stump from the ground. If this method is not practicable, then the bucket of the machine will be used to grab and pull the stump out. Additional excavation in the surrounding soil will be avoided whenever possible and minimized when it is necessary. Void spaces will be backfilled with fill soil and any original loose native soil from the rootball when possible. Locations for proposed stump removal that are proposed to occur in areas with known archeological sites will undergo further evaluation and consultation. An archeologist will be present during the removal of rootballs within or adjacent to previously recorded archeological sites or when there are unexpected discoveries. If any potential archeological resources are discovered, work will immediately cease, and the Subgrantee or contractor will notify the Grantee and FEMA.



Preserving America's Heritage

August 6, 2013

Mr. Matthew Nelson
President
New York State Office of Community Renewal
38-40 State Street
Albany, NY 12207

Ref: *Addendum to the Programmatic Agreement for Disaster Response Activities as a Result of Hurricane Sandy in the City of New York*

Dear Mr. Nelson:

Enclosed is a copy of the executed Appendix D for the referenced programmatic agreement. By carrying out the terms of the agreement, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation, "Protection of Historic Properties" (36 CFR Part 800). The original agreement will remain on file in our office.

We commend the New York State Office of Community Renewal for working closely with the New York State Historic Preservation Officer, the U.S. Department of Housing and Urban Development and the Federal Emergency Management Agency to develop and execute this addendum which will administer Hurricane Sandy response activities using Community Development Block Grant-Disaster Recovery funds.

We are available to provide any assistance you may need while implementing the agreement. If you have any questions, please contact Ms. Jaime Loichinger at (202) 606-8529, or via e-mail at jloichinger@achp.gov.

Sincerely,

for

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

APPENDIX I
FLOODPLAIN MANAGEMENT PLAN



NEW YORK STATE
DIVISION OF HOMES &
COMMUNITY RENEWAL

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

Floodplain Management Document

New York State Homes & Community Renewal
Office of Community Renewal

Community Development Block Grant Program Disaster Recovery
Recreate NY Home Buyout & Acquisition Program

Putnam County, NY
Effective Date: October 14, 2013

Executive Order 11988: Floodplain Management

**New York State Homes and Community Renewal
Office of Community Renewal**

**U.S. Department of Housing and Urban Development
Community Development Block Grant - Disaster Recovery
Recreate NY Home Buyout & Acquisition Program**

Putnam County, NY

Effective Date: October 14, 2013

This Floodplain Management Document meets the requirements of Executive Order 11988: Floodplain Management for the voluntary buyout and acquisitions of 1-2 unit homes in Putnam County, New York. The housing properties are participating in the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG) as administered by the State of New York Action Plan For Community Development Block Grant Program – Disaster Recovery (CDBG-DR) (Program). This Program will be conducted in compliance with Executive Order 11988. It includes the reconstruction, improvement, financing, and use of existing properties located in a floodplain for which approval is required, either from HUD under any applicable HUD program, or from a grant recipient subject to 24 CFR Part 58. This document pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities

The State of New York was awarded funding, to be administered by New York State Homes and Community Renewal (HCR), to provide financial assistance to homeowners whose residences were substantially damaged by storms Sandy, Lee and Irene within various counties in the state of New York, including Putnam County. HCR is awarding this funding in accordance with the State of New York Action Plan For Community Development Block Grant Program – Disaster Recovery (Action Plan). The Action Plan provides for, among other things, home buyout and acquisition assistance to owners of 1-2 unit family homes in Putnam County, New York (Action Plan Activities). “Buyouts” involve the purchase of properties located within a floodplain. Structures and improvements will be removed, and the parcel will be allowed to return to its natural state in perpetuity. “Acquisitions” also involve purchase of properties; however, the specific details of reuse will be determined based on site specific conditions. Reuse will be in accordance with local zoning and land use plans. No specific enhanced buyout areas have been identified, but buyouts are being analyzed in the event that buyout areas are determined at a later date. This action is of fundamental importance in assisting landowners with damaged property. These are the activities that are the subject of this document, and have been combined together for purposes of an aggregated review in accordance with 24 CFR Part 55.24.

All Applicants for financial assistance will be evaluated for eligibility, in accordance with HUD guidelines. The Program will follow federal policies which ensure that no person may be excluded, denied benefits, or subjected to discrimination on the basis race, color, national origin, religion, sex, familial status, and/or physical or mental handicap under any program funded in whole or in part by federal CDBG-DR funds.

CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG-DR activities that meet the state CDBG program regulations. However, any appropriation covered by this Action Plan (Public Law 113-2) shall be reviewed for compliance with duplication of benefits guidelines under 42 U.S.C. 5155, which specifically prohibit the use of funds for activities reimbursable by, or for which funds have been made available by FEMA, the Small Business Administration (SBA), or other federal or state sources. Funds may also be used as a matching requirement, share, or contribution for any other federal program, provided all activities are CDBG-DR eligible and in compliance with duplication of benefit guidelines.

Executive Order 11988 & 24 CFR Part 55

HUD regulation 24 CFR Part 55 implements Executive Order 11988: Floodplain Management. The order requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods; minimize impacts of floods on human safety, health, and welfare; and preserve the natural and beneficial functions of floodplains. Under this order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action. In addition, federal agencies are required to demonstrate that all practicable alternatives have resulted in the reduction or elimination of the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain.

Projects located within a floodplain (also known as the SFHA) are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations, or ABFE) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other special flood hazard areas.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

The floodplain (FEMA Zones “A”, “AE”, “AH”, “V”, & “VE”) covers large areas of Putnam County. An approximate total of 13,800 acres of floodplain, including surface waters, is mapped within the county boundary and an approximate total of 2,900 acres of floodplain, excluding surface waters, is mapped within the county (source: Base GIS review of FEMA BFE data).

24 CFR Part 55.1 (c)

Under 24 CFR Part 55.1 (c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

- (1) Any action, other than a functionally dependent use, located in a floodway;
- (2) Any critical action located in a coastal high hazard area (“V” zone) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or
- (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

Under 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in “A” or “V” zones only if the actions are reviewed in accordance with the Floodplain Management 8-step Decision Making Process (8-step process) outlined in 24 CFR Part 55.20. The 8-step process was conducted for the Action Plan Activities within Putnam County, and is detailed below.

HCR Approach

In applying Executive Order 11988 and 24 CFR Part 55, HCR's approach is to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains as a result of the proposed actions. All Action Plan Activity properties have been reviewed to determine their location in regard to the floodplain and are not located within the floodway. This document potentially applies to all properties within the boundaries of Putnam County. No funding will be committed to properties located in a floodway and no critical actions will receive funding.

24 CFR Part 55.20 8-Step Process

Step ONE: Determine if a Proposed Action is in the 100-Year Floodplain

At this time, not all of the exact locations of the program properties that will participate are specified. There are approximately 13,800 acres of floodplains within the Action Plan Activity area.

The Action Plan was created in response to severe coastal flooding and storm damage caused by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. The Action Plan Activities will address the State's need for safe, adequate, and affordable housing to the affected population within the legal framework of the program.

Funding will be provided in accordance with the Action Plan for homeowners who meet the program requirements within the Action Plan Activity area of Putnam County. The Action Plan will fund activities necessary for purchase, demolition, and other mitigation activities within the disturbed area of the previously developed parcel.

Step TWO: Initiate Public Notice for Early Review of Proposed Action

Because the Action Plan Activities are located in the floodplain, HCR must publish an early notice that allows the public input into the decision to provide funding for the Action Plan Activities in this area. Once the early public notice and comment period is complete, HCR will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News on September 13, 2013. The 15-day period expired on September 30, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 13, 2013: Federal Emergency Management Agency (FEMA); U.S. Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New York Department Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; New York Department of Transportation; and the New York State Office of Emergency Management. The notice was also sent to Putnam County and the towns and villages within Putnam County. (See **EXHIBIT 1** for the notice and proof of publication.)

HCR received one (1) public comment on this notice. The comment was related to buyout locations. See **EXHIBIT 3** for the list of comments received by HCR and HCR's response to those comments.

Step THREE: Identify and Evaluate Practicable Alternatives

There are four practicable alternatives. They are: 1) Buyouts; 2) Acquisitions; 3) Grants for reconstruction; and 4) No Action. These alternatives will be discussed in turn.

- 1) Buyouts- Purchase and demolish damaged properties to allow the floodplain to restore to its natural state: This process will use grant funds to purchase properties from willing sellers affected by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Once purchased, improvements on the property, such as single and multi-family homes, will be removed. The vacant land will then revert to its natural state.
- 2) Acquisition- Purchase damaged properties for the purpose of rehabilitation, reconstruction, and/or future redevelopment: This process will use grant funds to acquire parcels from willing sellers affected by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. The specific details of reuse of acquired properties are unknown at this time, and will be determined on a site specific basis. Depending on the condition of the parcel, homes on the property may either be reconstructed or demolished and assessed for future redevelopment in a manner consistent with local comprehensive plans and zoning regulations.

- 3) Reconstruction Grants- Issue grant awards to assist homeowners with elevation and reconstruction of damaged properties: This alternative would identify all homes within the floodplain that were substantially damaged by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Each property owner would then be provided funds to repair the damage to their property. This program would require that any grant recipients elevate their property to updated elevation standards.
- 4) No Action- This alternative would offer no assistance to homeowners in the affected area. As such, home owners would be allowed to rebuild according to modern standards, demolish damaged properties, or leave their homes in their present condition. Many homeowners would be unable to recover from the devastation of Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Further reconstruction would be parcel by parcel and result in wide variation in the safety and building standards of the affected parcels.

These alternatives have been evaluated in response to public comments received.

Step FOUR: Identify Potential Impacts of the Proposed Actions

The potential impacts of the Proposed Actions on the floodplain are described below.

The Proposed Action is to either purchase the property for restoration of the floodplain (Buyout) or to purchase the property for clean-up and repair and/or future development (Acquisition). Under a Buyout, the State will purchase flood affected property in a floodplain, demolish on-site structures, and return the property to open space. This program is voluntary. The State will not require any owner to sell property to the State as part of this program or any presently planned future program. The State will not use its power of eminent domain (sometimes called “condemnation”) to obtain land for this program. It is the policy of the State to encourage owners of parcels in specific, identified flood-prone areas to vacate their property and offer it to the State for purchase. This policy is intended to help people relocate away from areas that were most damaged by the flood and reduce the potential for future flood losses. Once the property is purchased, any structures that remain on-site will be demolished and the area will be returned as close as practical to natural conditions and allowed to remain open space in perpetuity. This will allow the land to naturally provide a buffer and to mitigate future flooding.

Under an Acquisition, flood affected properties will also be purchased by the State. The specific details of reuse of acquired properties are unknown at this time, and will be determined on a site specific basis. These homes will be assessed and may be reconstructed. Severely damaged homes may be demolished, and the land cleared of debris. Any redevelopment of the property will occur in accordance with local land use plans and regulations. Acquisition is of fundamental importance in assisting landowners with damaged property located further inland than the areas targeted for Buyouts. A traditional buyout of property further inland would invariably result in undeveloped parcels scattered throughout otherwise developed areas. By creating an Acquisition purchase option that allows for reconstruction, the State will be able to provide financial assistance to homeowners affected by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee, reconstruct damaged properties or demolish severely damaged housing and replace it with safe modern construction and promote community revitalization.

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.

Regarding the Buyout portion of the Action Plan Activities, restoring the Putnam County shoreline to its natural state will minimize threats to life and property, as well as restore and preserve natural and beneficial floodplain values. By preventing construction and reconstruction of homes in this area, this program will reduce the population within the floodplain, exposing fewer people to the effects of natural disasters. Further, since the land will be free of costly improvements, future storm damage will be minimized. By removing manmade buildings and infrastructure in this area, the floodplain will be returned to its natural state. As such, this program will not merely limit damage to the floodplain, but actually restore and improve upon the natural and beneficial floodplain values.

Acquisition of damaged properties will similarly protect life, property, and the natural and beneficial floodplain values. Rehabilitation, reconstruction or removal will improve health and safety by limiting public exposure to dangerous and dilapidated structures. It will also remove improvements that are not presently constructed to the highest elevation, preventing excessive future damage to these parcels. All repairs and reconstruction will be conducted in accordance with local land use plans and will be built using current construction standards to improve resistance to future flood damage.

Step SIX: Re-evaluate Alternatives

There are four practicable alternatives on a programmatic level. They are: 1) Buyouts; 2) Acquisitions; 3) Reconstruction Grants; and 4) No Action. These alternatives will be discussed in turn.

Buyouts- The first alternative is to purchase properties for the purpose of restoring the floodplain to its natural state and is the most prudent course of action. By restoring the floodplain to its natural state, this alternative both mitigates the potential for future damage from flooding and promotes public safety by removing dwellings from the path of natural disasters. Further, it enhances the environment by restoring the seaside area to its natural floodplain condition.

Acquisitions- The second alternative is to acquire damaged properties for the purpose of rehabilitation or future redevelopment. This policy has many of the same benefits as a traditional buyout, but allows more flexibility in maintaining consistent land use in developed areas. The specific details of reuse will be determined based on site specific conditions. Reuse will be in accordance with local zoning and land use plans.

Reconstruction Grants- The third alternative is to issue grant awards for reconstruction of damaged properties. The awards would be used to raise the elevation of and assist with the rehabilitation or reconstruction of damaged homes. Rebuilding damaged properties may be appropriate in some circumstances; however reconstruction on its own is insufficient to meet the other community needs. In particular it would inadequately address the need to reclaim the natural floodplain area, to assist homeowners whose property is too severely damaged to rebuild, or to assist homeowners who do not seek to rebuild within a floodplain. Due to the substantial differences between buyouts and acquisitions and rehabilitation, a separate floodplain management document has been issued for rehabilitation projects.

No Action- This alternative would mean that Applicants would not receive grant awards under the Recovery Program. As a result, these homeowners may not be able to recover. This alternative would likely encourage the abandonment of severely damaged property as the cost to rebuild to current standards may be prohibitive to many. Further, properties that have not been substantially damaged may remain but in an unimproved state. Since Applicants would not be provided financial assistance to elevate their homes their properties would be more vulnerable to future flooding conditions. The No Action alternative would neither address the need for safe, decent, and affordable housing, nor require homes within the floodplain to be elevated to the highest standard for flood protection.

These alternatives have been reevaluated in response to public comments received.

Step SEVEN: Issue Findings and a Public Explanation

It is our determination that the preferred alternatives are a combination of traditional buyouts that purchase damaged homes for the creation of open space and acquisitions that purchase damaged parcels but allow for rehabilitation or future redevelopment. These actions are in accordance with the proposed Action Plan. The benefits of these alternatives are: 1) restoring the area to its natural condition to maintain the value of our floodplains; 2) limiting excessive spending to rebuild properties in flood prone areas; 3) preventing future high-value damage to land improvements by preventing the construction of such improvements in flood prone areas; 4) minimizing detrimental impacts on human health; 5) promoting the redevelopment of damaged inland parcels consistent with current land use; and 6) removing damaged improvements to allow for future construction that meets with modern elevation and construction standards for inland parcels.

In accordance with 24 CFR 55, a 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News on October 3, 2013. The 7-day period expired on October 10, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 17, 2013: Federal Emergency Management Agency (FEMA); U.S Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New York Department Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; New York Department of Transportation; and the New York State Office of Emergency Management. The notice was also sent to Putnam County and the towns and villages within Putnam County. (See **EXHIBIT 2** for the notice and proof of publication.) The notice describes the reasons why the project must be located in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received have been considered.

HCR received zero (0) public comment on this notice. See **EXHIBIT 3** for the list of comments received by HCR and HCR's response to those comments.

Step EIGHT: Implement the Action

Step eight is implementation of the proposed action. HCR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to any buyouts or acquisitions, HCR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

EXHIBIT 1 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 2 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 3 Public Comments Received and HCR Response

EXHIBIT 1

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

September 13, 2013:

To: All Interested Agencies, Groups, & Individuals

This is to give notice that New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management to determine the potential effect that its activity in the floodplain will have on the human environment for Community Development Block Grant – Disaster Recovery (CDBG-DR) Recreate NY Home Buyout Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The State has currently been allocated \$1.7 billion of CDBG-DR funds for acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in the most impacted municipalities and counties. This funding reflects activity under the first allocation of funds. A significant portion of the current allocation will be used for the buyout and acquisition of some of the worst damaged properties, including those that are this subject of this Notice. This Notice pertains to properties opting into the buyout and acquisition plan in Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

Under buyouts, flood affected properties will be purchased by the State. Structures on the properties will be removed so that the land reverts to its natural state. This project aims to preserve our natural floodplains, prevent future damage to homes and businesses, promote uniform land usage, and assist those impacted by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee.

Under acquisitions, flood affected properties will be purchased by the State. Specific details of reuse of the acquired properties are unknown at this time; however, use will be in accordance with local zoning and land use plans.

No specific enhanced buyout areas have been identified, but buyouts are being analyzed in the event that buyout areas are determined at a later date. This action is of fundamental importance in assisting landowners with damaged property located further inland.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments should be submitted via email and further information can be requested at NYSCDBG_DR_ER@nyshcr.org. Please include "Putnam County Floodplain Work Comments" in the subject line. Written comments may also be received by HCR at the following address: Attention: Heather Spitzberg, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone at (518) 486-3379. All comments must be received or postmarked on or before **Monday, September 30, 2013**. A full copy of the Floodplain Management Document, including area maps, can be viewed from Monday – Friday, 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207 or at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

Heather Spitzberg, Certifying Officer
New York State Homes & Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207
(518) 486-3379
NYSCDBG_DR_ER@nyshcr.org

STATE OF NEW JERSEY
COUNTY OF HUDSON

**EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN**

September 13, 2013:

To: All Interested Agencies, Groups, & Individuals

This is to give notice that New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management to determine the potential effect that its activity in the floodplain will have on the human environment for Community Development Block Grant - Disaster Recovery (CDBG-DR) Recreate NY Home Buyout Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The State has currently been allocated \$1.7 billion of CDBG-DR funds for acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in the most impacted municipalities and counties. This funding reflects activity under the first allocation of funds. A significant portion of the current allocation will be used for the buyout and acquisition of some of the worst damaged properties, including those that are this subject of this Notice. This Notice pertains to properties opting into the buyout and acquisition plan in Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

Under buyouts, flood affected properties will be purchased by the State. Structures on the properties will be removed so that the land reverts to its natural state. This project aims to preserve our natural floodplains, prevent future damage to homes and businesses, promote uniform land usage, and assist those impacted by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee.

Under acquisitions, flood affected properties will be purchased by the State. Specific details of reuse of the acquired properties are unknown at this time; however, use will be in accordance with local zoning and land use plans.

No specific enhanced buyout areas have been identified, but buyouts are being analyzed in the event that buyout areas are determined at a later date. This action is of fundamental importance in assisting landowners with damaged property located further inland.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

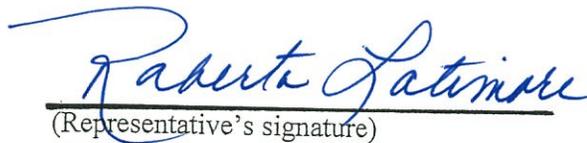
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Heather Spitzberg, Certifying Officer
New York State Homes & Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207
(518) 486-3379
NYSCDBG_DR_ER@nyshcr.org

ROBERTA LATIMORE being duly sworn, says that she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

LEGAL / PUBLIC NOTICES of the
City North Edition

On Sept 13, 2013



(Representative's signature)

Authorized Designee of Daily News, L.P.,
Publisher of the Daily News

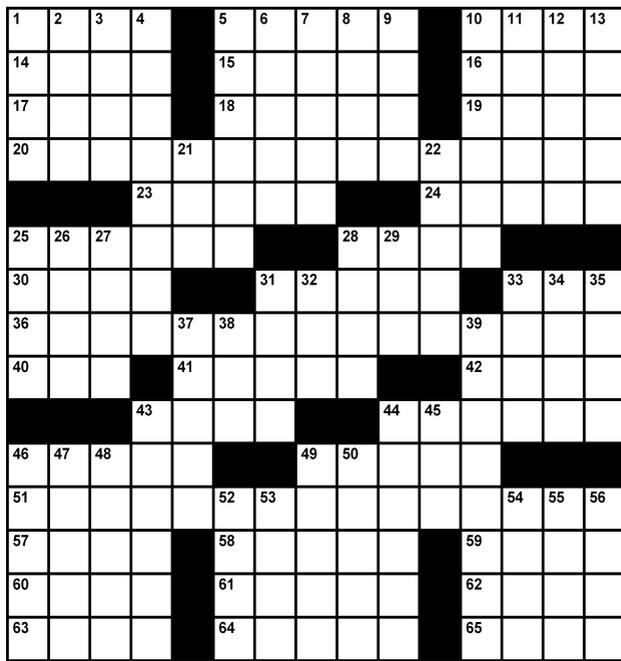
SWORN TO AND SUBSCRIBED
BEFORE ME THIS DATE

SEP 13 2013

JEANNETTE CALLE
Notary Public of New Jersey
My Commission Expires 9/17/2014



CROSSWORD II



9/13 ©2013 Universal Uclick

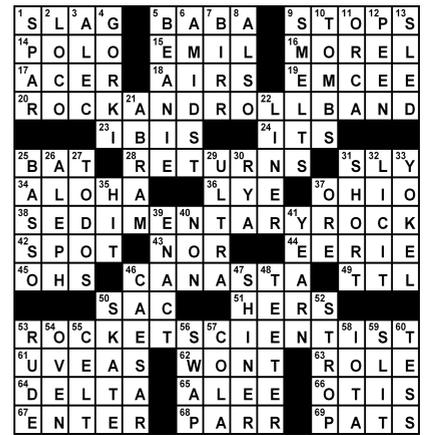
- ACROSS
1 Fully stretched
5 Follower of Las Vegas or New York
10 "The First Lady of Song"
14 Knight in shining armor
15 Ragged mountain ridge
16 Chow ___ (Chinese dish)
17 Verbal
18 When repeated, a Washington state city

- 19 Firecracker sound
20 Home remodeler's test purchase, perhaps
23 Entirely
24 Contest hopeful
25 Spanish wine
28 Easily pushed around
30 Frilly fabric
31 Upper regions of space, poetically
33 Act like a thirsty cat
36 End of a threat
40 Shogun's Tokyo
41 Transportation station
42 "___ the Sons" (Gay Talese best-seller)
43 Very small
44 Ra, to some
46 Jennifer, in "Dreamgirls"
49 Mexican eatery staple
51 Make round, as dough

- 8 "___ be a pleasure!"
9 Ringing of bells
10 Protect from floods
11 Made a vault
12 One-___ (brief joke)
13 Outraged
21 Sharer's word
22 Birthstone in a shell
25 Plum-like fruit
26 Like a Saturday crossword
27 Rebounded sound
28 Slightest amount
29 Amazonian underwater shocker
31 See from afar
32 Seesaw quorum
33 Reaching into the past, as a memory
34 Like some singing voices
35 Proceed slowly but surely
37 Fond farewell

- 38 Place to hibernate
39 Quick, open-topped automobile
43 Used a hoe
44 Isn't on the level
45 Dos Passos trilogy
46 Backspace through
47 Sudden invasion
48 Top-___ golf balls
49 Treat with haughty disdain
50 Make amends (for)
52 Hissed "Over here!"
53 A fan of
54 By the same token
55 In ___ of (rather than)
56 Hopelessly confused

Thursday's Puzzle Solved



NOTICES

Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN
September 13, 2013:
To: All Interested Agencies, Groups, & Individuals
This is to give notice that New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management to determine the potential effect that its activity in the floodplain will have on the human environment for Community Development Block Grant - Disaster Recovery (CDBG-DR) Recreate NY Home Buyout Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN
September 13, 2013:
To: All Interested Agencies, Groups & Individuals
This is to give notice that the New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 24 CFR 55.20 Subpart C, Procedures for Making Determinations on Floodplain Management to determine the potential effect that its activity in the floodplain will have on the human environment for Community Development Block Grant - Disaster Recovery (CDBG-DR) Greene County Housing Assistance Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383). In accordance with the regulations, a Floodplain Management Area-wide Compliance Document has been prepared for the CDBG-DR Housing Assistance Program for rehabilitation, reimbursement, and mitigation of 1-4 Unit Family Homes in Greene County.

Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN
September 13, 2013:
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EXHIBIT 2

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

October 3, 2013:

To: All Interested Agencies, Groups, & Individuals

This is to give notice that New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management to determine the potential effect that its activity in the floodplain will have on the human environment for Community Development Block Grant – Disaster Recovery (CDBG-DR) Recreate NY Home Buyout Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383).

The State has currently been allocated \$1.7 billion of CDBG-DR funds for acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in the most impacted municipalities and counties. This funding reflects activity under the first allocation of funds. A significant portion of the current allocation will be used for the buyout and acquisition of some of the worst damaged properties, including those that are this subject of this Notice. This Notice pertains to properties opting into the buyout and acquisition plan in Ulster County, New York.

There are approximately 35,200 acres of floodplain in Ulster County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

Under buyouts, flood affected properties will be purchased by the State. Structures on the properties will be removed so that the land reverts to its natural state. This project aims to preserve our natural floodplains, prevent future damage to homes and businesses, promote uniform land usage, and assist those impacted by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee.

Under acquisitions, flood affected properties will be purchased by the State. Specific details of reuse of the acquired properties are unknown at this time, however use will be in accordance with local zoning and land use plans.

No specific enhanced buyout areas have been identified, but buyouts are being analyzed in the event that buyout areas are determined at a later date. This action is of fundamental importance in assisting landowners with damaged property located further inland.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Written comments should be submitted via email and further information can be requested at NYSCDBG_DR_ER@nyshcr.org. Please include "Ulster County Floodplain Work Comments" in the subject line. Written comments may also be received by HCR at the following address: Attention: Amy Zamenick, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone at (518) 473-4732. All comments must be received or postmarked on or before **Thursday, October 10, 2013**. A full copy of the Floodplain Management Document, including area maps, can be viewed from Monday – Friday, 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207 or at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>. To inquire about how to apply for benefits under this and other New York State Disaster Relief programs, please call the Recovery Hotline at 1-855-NYS-SANDY, Monday-Friday 8am-8pm. Or, go to www.nysandyhelp.ny.gov.

Amy Zamenick, Certifying Officer
New York State Homes & Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207
(518) 473-4732
NYSCDBG_DR_ER@nyshcr.org

STATE OF NEW JERSEY
COUNTY OF HUDSON

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN

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There are approximately 13,800 acres of floodplain in Putnam County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

Under buyouts, flood affected properties will be purchased by the State. Structures on the properties will be removed so that the land reverts to its natural state. This project aims to preserve our natural floodplains, prevent future damage to homes and businesses, promote uniform land usage, and assist those impacted by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee.

Under acquisitions, flood affected properties will be purchased by the State. Specific details of reuse of the acquired properties are unknown at this time, however use will be in accordance with local zoning and land use plans.

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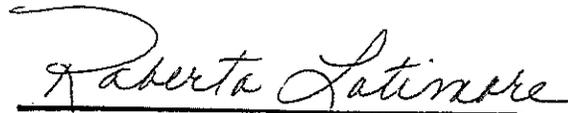
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Amy Zamenick, Certifying Officer
New York State Homes & Community Renewal
Hampton Plaza
38-40 State Street
Albany, NY 12207
(518) 473-4732
NYSCDBG_DR_ER@nyshcr.org

ROBERTA LATIMORE being duly sworn, says that she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

LEGAL / PUBLIC NOTICES of the
City North Edition

On Oct. 3, 2013



(Representative's signature)

Authorized Designee of Daily News, L.P.,
Publisher of the Daily News

SWORN TO AND SUBSCRIBED
BEFORE ME THIS DATE

OCT 03 2013

JEANETTE CALLE
Notary Public of New Jersey
My Commission Expires 9/17/2014



EXHIBIT 3

Public Comments Received and HCR Response

COMMENT 1: Will any enhanced buyouts be occurring in the Village of Cold Spring?

RESPONSE: No enhanced buyouts are being planned for the Village of Cold Spring, NY at this time. For more information on this and other New York State Disaster Relief programs, please call the Recovery Hotline at 1-855-NYS-SANDY, Monday-Friday 8am-8pm, or visit the website at www.nysandyhelp.ny.gov.

APPENDIX J
FARMLAND PROTECTION CHECKLIST

Farmland Protection

Checklist for HUD or Responsible Entity

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

1. Does your project include new construction, acquisition of undeveloped land or change in use of land or property?

Yes: PROCEED to #2

No: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Maintain, in your ERR, a determination that the project does not include new construction, acquisition of undeveloped land or change in use of a property

2. Does your project meet one of the following exemptions?

- Construction limited to on-farm structures needed for farm operations.
- Construction limited to new minor secondary (accessory) structures such as a garage or storage shed
- Project on land used for water storage or already in or committed urban development (this includes land with a density of 30 structures per 40 acre area. It also includes lands identified as “urbanized area” (UA) on the Census Bureau Map, or as urban area mapped with a “tint overprint” on the USGS topographical maps, or as “urban built-up” on the USDA Important Farmland Maps. Please note that land “zoned” for development, i.e. non-agricultural use, does not exempt a project from compliance with the FPPA).

Yes: STOP here. The Farmland Protection Policy Act does not apply. Record your determination

Maintain, in your ERR, documentation to evidence the project meets one of the exemptions. If the project is already in urban development provide a map as described above with your site marked or documentation from another credible source.

No: PROCEED to #3

3. Does “important farmland” regulated under the Farmland Protection Policy Act occur on the project site? This includes prime farmland, unique farmland and/or land of statewide or local importance

You may use the links below to determine if important farmland occurs on the project site:

- Utilize USDA Natural Resources Conservation Service’s (NRCS) Web Soil Survey <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>

- Check with your city or county’s planning department and ask them to document if the project is on land regulated by the FPPA (zoning important farmland as non-agricultural does not exempt it from FPPA requirements)
- Contact NRCS at the local USDA service center <http://offices.sc.egov.usda.gov/locator/app?agency=nrcs> or your NRCS state soil scientist http://soils.usda.gov/contact/state_offices/ for assistance

No: STOP here. The project does not convert farmland to nonagricultural purposes. Record your determination on the Statutory Worksheet and attach documentation used to make your determination

Yes: PROCEED to #4

4. Consider alternatives to completing the project on important farmland and means of avoiding impacts to important farmland.

Complete form AD-1006, “Farmland Conversion Impact

Rating” http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf and contact the state soil scientist before sending it to the local NRCS District Conservationist. Work with NRCS to minimize the impact of the project on the protected farmland.

Return a copy of Form 1006 to the USDA-NRCS State Soil Scientist or his/her designee informing them of your determination once you have finished the analysis.

Record your determination on the Statutory Worksheet and attach documentation used to make your determination. Include any mitigation required in the review.

DISCLAIMER: This document is intended as a tool to help Region X HUD grantees and HUD staff complete environmental requirements. This document is subject to change. This is not a policy statement, and the Farmland Protection Legislation and Regulations take precedence over any information found in this document.

APPENDIX K

**HUD NOISE ABATEMENT AND EXPLOSIVE
OPERATIONS EMAIL**

From: Schopp, Danielle L [<mailto:Danielle.L.Schopp@hud.gov>]
Sent: Monday, March 18, 2013 12:32 PM
To: Sullivan, Neil
Cc: Potter, James M; Rivera, Nelson A; Furda, Michael R; Fretwell, Therese J; Sanders, Jerimiah J
Subject: RE: Noise and above ground storage tanks - New Jersey

Neil,

As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3). In addition, ASD requirements do not apply because the definition for HUD assisted projects at 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. Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,

Danielle

Danielle Schopp, JD, MPA
Director, Office of Environment and Energy
Department of Housing and Urban Development
451 7th Street SW, Room 7250
Washington, DC 20410
phone (202) 402-4442
fax (202) 708-3363
<http://portal.hud.gov/portal/page/portal/HUD/topics/environment>



Please consider the environment before printing this e-mail

From: Sullivan, Neil [<mailto:Neil.Sullivan@icfi.com>]
Sent: Monday, March 18, 2013 10:26 AM
To: Schopp, Danielle L
Subject: Noise and above ground storage tanks - New Jersey
Danielle,

Just to follow up on our call on Thursday, NJ DEP requested that I e-mail you and confirm that there is no need to conduct a noise analysis for rehab and reconstruction projects (as defined by HUD) for 1-4 unit homes (the subject of NJ's first Tier 1 EA). Your comment that the analysis is unnecessary is based on the citation below at 24 CFR Part 51.101(a)(3). Can you please confirm that NJ can just cite the highlighted text below and avoid doing noise and AST analysis for both rehab and reconstruction projects?

Thanks

Neil

24 CFR Part 51.101(a)(3)

HUD support for new construction. HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise exposure. (Standards of acceptability are contained in § 51.103(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land

development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development. The policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.

NEIL SULLIVAN | Senior Manager | 703.218.2533 (o) | Neil.Sullivan@icfi.com | icfi.com
ICF INTERNATIONAL | 9300 Lee Highway, Fairfax, VA 22031 | 703.975.8853 (m)

APPENDIX L

NY NATURAL HERITAGE PROGRAM CONSULTATION

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

September 4, 2013

Heather M. Spitzberg, Esq.
Director, Environmental Analysis Unit
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

Dear Ms. Spitzberg:

We have received your request of August 27, 2013, regarding the reconstruction and rehabilitation of storm-damaged 1-4 unit homes and 5+ unit homes, the economic development programs, and the buyout/acquisition of storm-damaged homes, in counties throughout New York State, as part of the U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Housing Assistance Program, administered by New York State Homes and Community Renewal.

The New York Natural Heritage database has no records of state or federal endangered, threatened, or rare species which are found in existing residential buildings in New York State. Regarding the rehabilitation and reconstruction of existing residential buildings, given that no new construction of buildings will occur under this program, we therefore do not identify any potential impacts to endangered, threatened, and/or rare species or their habitats by the proposed rehabilitation activities in the counties listed in the Attachment B you provided.

If, at any such time, an activity under this project proposes to include any new construction of buildings; any construction or widening of roads or driveways; or any clearing or disturbance of land more than 75 feet from the footprint of a building being rehabilitated or reconstructed; then a specific project site screening should be conducted.

Regarding buyout/acquisition, the buyout or acquisition of a property in itself will not impact endangered, threatened, and/or rare species or their habitats. For any acquired properties where new construction is being considered or proposed, a specific project site screening should be conducted to identify any potential impacts on endangered, threatened, and/or rare species.

Maintaining a property in an undeveloped state may benefit some species by making additional habitat available. If it is desirable to determine whether there are any currently documented endangered, threatened, and/or rare species in the vicinity of a property that may benefit from additional available habitat, a specific project site screening should be conducted. Such a screening is encouraged when the buyout/acquired property includes a relatively large amount of undeveloped acreage beyond the footprint of any existing or recently existing structures.

The impact, if any, of economic development programs on endangered, threatened, and/or rare species will depend on the particular nature and details of the work proposed for each specific project. Projects that involve new construction or ground disturbance at previously undeveloped sites should have a specific project site screening conducted.

Sincerely,

A handwritten signature in black ink that reads "Nick Conrad". The signature is written in a cursive style with a large, looping "C" at the end.

Nicholas B. Conrad
Information Resources Coordinator
NY Natural Heritage Program

[Type text]

APPENDIX M
USFWS AND NMFS CONSULTATION



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

August 7, 2013

Ms. Heather M. Spitzberg
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Dear Ms. Spitzberg:

This responds to your July 18, 2013, letter requesting informal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant - Disaster Recovery Housing Assistance Program (CDBG-DR).

In a letter to the Service dated July 23, 2013, HUD certified New York State Homes and Community Renewal (NYSHCR) with the authority to assume all federal responsibilities for all National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and related environmental laws and authorities as identified in HUD regulation 24 Code of Federal Regulations (CFR) 58.5. Consultation arising from activities funded under this program will be conducted directly by NYSHCR in accordance with the assumption authority of 24 CFR 58.4.

Program Description

NYSHCR developed the "*State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*," (Action Plan) in April 2013. This is a large-scale program that will encompass several counties throughout New York and will implement specific federal actions related to the program including:

1. Rehabilitation and repair of one- to four-unit homes, five- to nine-unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation;

2. Buy-out of storm-damaged properties (result in demolition and return to green space for perpetuity); and
3. Acquisition of damaged properties (result in demolition and options for future land use).

Nassau and Suffolk Counties

Presently, NYSHCR is preparing an amended Programmatic Environmental Assessment (PEA) for reconstruction and rehabilitation of one- to four-unit homes in Nassau and Suffolk Counties. The one- to four-unit actions will cover participating homeowners at various locations within the boundaries of Nassau and Suffolk Counties. NYSHCR will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure(s). No new construction or housing developments will occur as a result of the rehabilitation of one- to four-unit homes. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

Endangered Species Act Section 7 Consultation

The ESA requires that the “action agency,” in this case NYSHCR which is acting as HUD’s designated representative, make a determination of effect to any federally listed species or designated critical habitat that may occur as a result of any action that is funded, authorized, or carried out by that agency. This determination for listed species results in one of the following outcomes:

- (1) No Effect, in which case no concurrence from the Service is necessary;
- (2) May Affect, but Not Likely to Adversely Affect (NLAA), which requires the Service’s written concurrence, or
- (3) May Affect, Likely to Adversely Affect (LAA), which requires formal consultation with the Service and results in the Service’s issuance of a biological opinion.

If a project is likely to adversely affect a listed species, formal consultation with the Service should be initiated as soon as practicable. Note, if NYSHCR determines after their review that there are a significant number of LAAs, then we recommend that formal programmatic consultation be initiated in order to streamline and facilitate the completion of this obligation. Please note that the ESA provides for 90 days to complete consultation and 45 days to produce the final biological opinion, for a total of 135 days.

Any additional information regarding specific projects and their potential to impact state-listed species should also be coordinated with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC Wildlife Diversity Unit is located at 625 Broadway, Albany, NY 12233 (telephone (518) 402-8859). For additional information on fish and wildlife resources or state-listed species, we suggest you contact the appropriate NYSDEC regional office(s).*

As noted in your letter, the current priority, as outlined in the Action Plan and expressed to the Service in an interagency conference call on July 30, 2013, is one- to four-unit homes and buyouts in Nassau and Suffolk Counties. However, we understand through coordination with ProSource Technologies, LLC., on August 5, 2013, that your agency is also interested in including Rockland County in the list of priority locations at this time.

We are including information relative to the following counties in order to assist your agency conduct the necessary environmental evaluations and species determinations: New York, Bronx, Westchester, Rockland, Richmond, Kings, Queens, Nassau, and Suffolk.

New York, Bronx, Richmond, and Kings Counties

Federally-listed species under the jurisdiction of the Service are not present in these counties, therefore, no further consultation is required with the Service at this time. We recommend you visit the Service's website at <http://www.fws.gov/northeast/nyfo/es/section7.htm> every 90 days for updated information.

Queens, Nassau, and Suffolk Counties

There are three federally-listed species that are known to occur in the coastal areas of Queens, Nassau, and Suffolk Counties – the piping plover (*Charadrius melodus*; threatened), the roseate tern (*Sterna dougallii dougallii*; endangered), and the seabeach amaranth (*Amaranthus pumilus*; threatened). Sandplain gerardia (*Agalinus acuta*; endangered) is an annual plant that is also protected under the ESA and is found in several upland grassland habitats in Nassau and Suffolk Counties.

The red knot (*Calidris canutus rufa*) is a candidate species for listing under the ESA. Candidate species are plant and animal taxa considered for possible addition to the List of Endangered and Threatened Species. These are taxa for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposal to list, but issuance of a proposed rule is currently precluded by higher priority listing actions (61 FR 7596-7613 [February 28, 1996]). While candidate species are not afforded protection under the ESA, the Service encourages their consideration in environmental planning. If impacts to candidate species can be avoided, the likelihood that they will require the protection of the ESA in the future may be reduced.

Piping plovers are distributed across the Atlantic Ocean beaches from Queens to eastern Suffolk County and north shores of Nassau and Suffolk Counties as well as throughout the Peconic Bay ecosystem in eastern Suffolk County. Along the south shore, piping plovers are present from March to September on Atlantic Ocean beaches from Rockaway Inlet in Queens to Montauk Point in eastern Suffolk County. Piping plovers are not present during this time along the northern shorelines of Jamaica Bay, Great South Bay (except for Roe Avenue County Park in East Patchogue), Moriches Bay, and Shinnecock Bay (except for Middle Pond Inlet).

Along the north shore of these counties, piping plover are not present in Queens County, but are present from March to September at discrete locations from Manhasset Bay to Orient Point in the counties of Nassau and Suffolk, respectively.

In the Peconic Bay System between the north and south forks of Long Island, piping plovers are present from March to September at discrete locations along the shoreline from Orient Point to Montauk Point, including bay islands such as Plum Island, Shelter Island, Robins Island, and Gardiner's Island.

Seabeach amaranth is only present on the Atlantic shoreline of Long Island from May to November.

The vast majority of breeding roseate terns are restricted to Great Gull Island, with smaller satellite colonies located on several small islands in the Peconic Bay System.

Sandplain gerardia is extremely limited in its distribution and occurs on upland habitats managed by Nassau County, the Service's National Wildlife Refuge, the New York State Office of Parks and Recreation, and the Town of East Hampton.

Red knots utilize extensive tidal flat areas for migratory stopover areas from May to September within Jamaica Bay, Rockaway Inlet, East Rockaway Inlet, Jones Inlet, Fire Island Inlet, Moriches Inlet, and Shinnecock Inlet.

Small whorled pogonia (*Isotria medeoloides*; historic; threatened) may be present in Nassau and Suffolk Counties.

Rockland and Westchester Counties

The New England cottontail (*Sylvilagus transitionalis*) is a candidate species that may be present in Rockland and Westchester Counties.

The bog turtle (*Clemmys [=Glyptemys] muhlenbergii*; threatened) may be present in both Rockland and Westchester Counties.

The Indiana bat (*Myotis sodalis*; threatened) may be present in Westchester County.

Small whorled pogonia may be present in Rockland County.

Bald and Golden Eagle Protection Act

NYSHCR should refer to the Service's Bald Eagle Management Guidelines, found on the Service's website at <http://www.fws.gov/northeast/nyfo/es/step6.htm> for information on avoiding and minimizing impacts to bald eagles (*Haliaeetus leucocephalus*) and their nests, if found within a NYSHCR project area. In such cases, we recommend that NYSHCR contact the Service to see whether a permit is required under BGEPA. Within the Action Plan area that includes

Long Island, the Service is only aware of one pair of bald eagles present within the Wertheim National Wildlife Refuge in Shirley, NY. The bald eagle is also present in Rockland and Westchester Counties, and in Inwood Hill Park in New York County.

Migratory Bird Treaty Act

The MBTA implements four treaties that provide for international protection of migratory birds and prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Take (*i.e.*, killing) of migratory birds by any person constitutes a violation of MBTA. While MBTA has no provisions for authorizing take, we recognize that some birds may be killed even if all reasonable measures to avoid it are implemented. Therefore, the Service will provide technical assistance to NYSHCR when funding post-storm projects to ensure that the proposed projects avoid and minimize impacts to migratory birds to the greatest extent possible.

Coastal Barrier Resources Act

The Service notes that in addition to consultation pursuant to section 7 of the ESA, consultation is also required by the Coastal Barrier Resources Act (CBRA) of 1982, as amended (96 Stat. 1653, as amended; 16 U.S.C. 3501 *et seq.*). Federal agencies are required to consult with the Service prior to committing funds for projects or actions within or affecting the Coastal Barrier Resources System (CBRS). Below is the general process and guidelines for CBRA consistency consultations.

Coastal Barrier Resources Act Process

Federal agencies must first determine whether a proposed project or action is located within a CBRS unit or an Otherwise Protected Area (OPA) of the CBRS. If a proposed project is located close to a CBRS boundary, the federal funding agency may request assistance from the Service to determine whether the proposed project or action is located within the CBRS. Further consultation with the Service is not needed if the proposed project or action is located within an OPA and is not related to federal flood insurance. The only federal spending prohibition within OPAs is the prohibition on federal flood insurance; other federal expenditures are permitted.

If the proposed project or action is within or will affect a System unit, the federal agency must consult with the Service to determine whether or not any of the Section 6 exceptions under CBRA (16 U.S.C. § 3505) are applicable. If none of CBRA's exceptions are applicable, the proposed project should not proceed with federal funding. The Service's response to a consultation request is advisory only. The funding agency is responsible for complying with the provisions of CBRA. A description of the limitations on federal expenditures and the exceptions to these limitations is at the Service's website found at <http://www.fws.gov/cbra/Consultations/Limitations-and-Exceptions.html>.

Thank you for the opportunity to provide assistance. For further assistance, please contact Mr. Steve Papa at our Long Island Field Office at 631-286-0485.

Sincerely,

for Patricia Cole
David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



September 25, 2013

Ms. Heather M. Spitzberg
NEPA Certifying Officer
NYS Home and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Dear Ms. Spitzberg:

This is the U.S. Fish and Wildlife Service's (Service) response to your correspondence dated August 26, 2013, concerning early coordination for Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) review of the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant-Disaster Recovery Program, administered by the New York State Homes and Community Renewal Program (NYSHCR). Specifically, your letter introduced additional program elements including economic development, rehabilitation of 5+ unit homes, rehabilitation of 1-4 unit homes reimbursement, and buy-out/acquisitions for inclusion in the ESA consultation.

The Service has contributed to NYSHCR's initial request for ESA consultation including participation in teleconferences, providing written correspondence dated August 6, 2013, acknowledging NYSHCR's consultation request, as well as providing NYSHCR with Google Earth kml and Geographical Information System (GIS) files on the location of federally-listed species including the piping plover (*Charadrius melodus*; threatened), roseate tern (*Sterna dougallii dougallii*; endangered), seabeach amaranth (*Amaranthus pumilus*; threatened), and sandplain gerardia (*Agalinus acuta*; endangered) breeding and growing areas for Nassau, Suffolk, Queens, and Kings County, New York. We are developing polygons showing habitat utilized by red knot (*Calidris canutus rufa*), a candidate for protection under the ESA.

The purpose of this letter is to acknowledge NYSHCR additional program elements as noted above and to provide preliminary comments on NYHCR ESA determination worksheet that was provided at the end of your August 26, 2013, letter.

Service Comments on NYSHCR Endangered Species Act Determination Worksheet

Bullet 1, First paragraph, second sentence: It is correct that the Service provided and will continue to update and inform NYSHCR about endangered species areas in their program area,

but please note that pursuant to section 7 of the ESA, it is the responsibility of the action agency, in this case HUD or its non-federal designee, to determine whether a proposed activity may affect listed species.

The piping plover, seabeach amaranth, and roseate tern utilize the coastal barrier island habitats along the south shore of Long Island, with only a couple of bay side breeding areas located on the mainland shoreline in middle to eastern Suffolk County. Sandplain gerardia is an upland grassland species found in discrete locations in Nassau and Suffolk Counties. The piping plover also utilizes Long Island Sound beaches along the north shore of Long Island from Manhasset Bay to Orient Point, and shorelines within the Peconic Bay system. Seabeach amaranth and sandplain gerardia growing areas and roseate tern breeding areas are not found along the north shore of Long Island. However, seabeach amaranth's range is similar to that of the piping plover on the Atlantic Ocean beaches. Several small colonies of roseate terns can be found within the Peconic Bay system, with the largest colony occurring on Great Gull Island.

First paragraph, sentence 3: NYSHCR did not provide a justification for using a 200 feet (ft) buffer zone for analyzing project impacts to listed species. We agree that this may be appropriate and reasonable in the case of listed plant species for certain types of program activities. However, we would advise against the use of 200 ft buffer zones for piping plover and roseate terns, as program activities may result in adverse effects under this scenario. Therefore, we recommend that HUD undertake further consultation with the Service for projects within a 1000 meter (m) of plover and tern breeding areas, as both species have the ability to move around the landscape in search of feeding, breeding, and sheltering areas.

Bullet 2, First paragraph: See comment above regarding the Service recommendation to increase the buffer zone to 1000 m.

Bullet 2, sub-bullet 2, paragraph 1, sentence 1: Please describe "area of concern for the species."

In conducting its analysis, NYSHCR should evaluate the potential impacts of its program considering direct and indirect effects on listed species. In most cases, direct effects, such as species' disturbance due to re-construction activities, can be avoided by undertaking activities outside of the breeding and growing season. For piping plover and roseate tern, this period is from April 1 to September 1. The seabeach amaranth and sandplain gerardia season extends from May 1 to November 1. Indirect effects, such as man-induced changes in habitat or land use which result in adverse effects to listed species, would require further consultation with the Service.

If you have any questions or require further information, please have your staff contact Steve Papa of the Long Island Field Office at (631) 286-0485 ext. 2120.

Sincerely,

for Patricia Cole
David A. Stilwell
Field Supervisor



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

JUL 31 2013

Heather M. Spitzberg, Esq.
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

Re: Early Coordination for Section 7 Review for HUD CDBG-DR Housing Assistance Program, administered by NYSHCR

Dear Ms. Spitzberg,

We received your letter dated July 19, 2013, regarding the authorization received by the New York State Homes and Community Renewal (NYSHCR) to implement the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster recovery (CDBG-DR) Housing Assistance Program in accordance with the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery. In addition, as noted in your letter, I had the opportunity to discuss the program with Shawn Williams of ProSource. We appreciate the opportunity for early coordination on this Program in order to develop an efficient method for addressing Endangered Species Act (ESA) Section 7 consultation requirements.

You included an attachment to your letter from HUD identifying the NYSHCR office as the Responsible Entity in accordance with 24 CFR part 58 for the CDBG-DR actions. HUD stated that the assumption of authority is applicable for conducting the compliance process under the National Environmental Policy Act (NEPA) and related laws and authorities. Additionally, HUD stated that NYSHCR was to act as a federal deputy in the completion of any consultation requirements under the ESA.

After reviewing the materials provided and discussing the program with Mr. Williams, we agreed that it is more efficient to consider ESA Section 7 consultation needs as it applies to the entire Program rather than having you submit the projected tens to hundreds of NEPA EA reviews to us individually for consultation. You have identified the following specific activities where HUD-funds will be administered through the Program:

1. Rehabilitation and repair of 1-4 unit homes, 5-9 unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation.
2. Buy-out of storm-damaged properties (result in destruction and return to green space for perpetuity).
3. Acquisition of damaged properties (result in destruction and options for future land use).



As we understand these activities, they are upland activities that will occur above the high water mark and do not involve work in waterways. We also understand that appropriate best management practices will be required by other permits and employed to avoid any discharge into waterways and wetlands during any work. While there are ESA listed species under NMFS jurisdiction in New York, all of these species are aquatic and limited to oceans and rivers. Activities not affecting waterways or wetlands do not appear to have the potential to impact NMFS listed species and their habitats. ESA Section 7 consultation is required when a proposed Federal action may affect a listed species. Because no NMFS listed species will be exposed to any effects of the proposed activities, no section 7 consultation is necessary. Although we do not anticipate it, if there is a project considered for funding that introduces impacts to waterways (e.g. through pile driving, dredging, disposal), then we recommend you provide information on that activity to us so we can determine if a consultation is necessary.

We appreciate the opportunity to learn about this program early in its development and for early consideration of potential impacts to NMFS ESA-listed species. If you have any questions or require further coordination, please contact me at 978-281-9116, or Mary.A.Colligan@noaa.gov.

Sincerely,


Mary Colligan
Assistant Regional Administrator
for Protected Resources



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

September 19, 2013

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

Ms. Mary Colligan
Assistant Regional Administrator
National Marine Fisheries Service-Northeast Region
55 Great Republic Drive
Gloucester, Massachusetts 01930-2276

Re: Section 7 Review for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR): Program Update, and Introduction of Economic Development, Rehabilitation of 5+ Unit Homes, Rehabilitation of 1-4 Unit Homes Reimbursement and Buy-Out/Acquisition for all Affected Counties.

Dear Ms. Colligan:

On July 19, 2013 New York State Homes and Community Renewal (NYSHCR) submitted a Program Introduction letter regarding the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Assistance Program (Program). A response letter acknowledging the Program, and providing Endangered Species Act (ESA) coverage (approval) for the activities defined in the July 19 letter, was provided by the National Marine Fisheries Service-Northeast Region (NMFS), dated July 31, 2013.

The purpose of this letter is to inform NMFS of the additional actions of the CDBG-DR program that were not specified in the initial letter to NMFS (Reimbursement, Economic Development, etc.). Since submittal of the July 19, 2013 letter, these actions have been identified as a priority for the Program, and NYSHCR is proceeding with preparation of the Environmental Review Records (ERR) for all of these actions. NYSHCR is requesting a brief letter from NMFS providing Section 7 clearance for the updated activities described in this letter, providing coverage for the entire program (all actions in all affected counties in the CDBG-DR program).

Program Overview

The CDBG-DR Program is large-scale and encompasses several Counties throughout New York. Program descriptions are included in **Attachment A**, and a brief overview is included below. A list of affected counties included in the CDBG-DR program, as currently defined, is included in **Attachment B**. Specific Federal Actions related to the program include:

1. Rehabilitation and repair of 1-4 unit homes, 5+ unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation.
2. Reimbursement (incorporated as part of the Rehabilitation program). Qualifying participants may get reimbursed for expenses associated with disaster recovery, which were incurred before the CDBG-DR program funds were ready.
3. Buy-out of storm-damaged properties. The State will buy eligible properties and will result in demolition and return to green space for perpetuity.
4. Acquisition of damaged properties. The State will buy eligible properties, with options for future land use.
5. Economic Development- Eligible entities may receive funding for general economic recovery and improvement of the local economy.

The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01) is available for review at <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

NYSHCR is requesting a program comprehensive response letter from NMFS, covering all actions, that can be included in all Tier 1 ERRs to document that coordination with NMFS has been completed. NYSHCR understands that if the CDBG-DR program identifies the potential for actions to directly occur within marine environments (channels, bays, etc.), or if the actions have the potential to directly affect surface water quality, then coordination with NMFS should be initiated for the specified action/project to ensure listed species are not adversely affected.

If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org. Thank you for your time and consideration.

Sincerely,



Heather M. Spitzberg, Esq.
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

cc. Seth Diamond, NYSHCR

Attachment A - Program Descriptions

Attachment B- List of Affected and Actions for Counties Included in the CDBG-DR Program

Attachment A- Program Descriptions

The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), issued April 25, 2013, is used as the overall reference for these programs and is incorporated by reference into these project descriptions. The *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01) may be referenced at: <http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

Buyout/Acquisition

An overview of each activity under the program covered by this document is provided below. This program applies to 1- and 2-unit residential properties.

Voluntary Buyouts and Acquisitions of One- and Two-unit Homes

The Recreate NY Home Buyout Program will include the purchase of eligible substantially damaged properties (>50% of the pre-storm value of the property) inside the floodplain in storm-impacted areas.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). 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) as outlined below.

The State intends to conduct most purchases outside of the enhanced buyout areas as “acquisitions,” as defined by HUD, whereby purchase offers must begin with the post-storm FMV of the property.

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, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be 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 will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

Enhanced buyouts in select pre-defined targeted buyout areas, which will be determined in consultation with county and local governments, will include an incentive(s) ranging from 5%-15% on top of the pre-storm FMV of property acquired through the buyout program. Reconstruction may not occur on lots in these areas. Lots will be maintained as coastal buffer zones or other non-residential/commercial uses; there may also be acquisition of vacant or undeveloped land in these targeted areas.

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

Following purchase of the property, the land would remain open space in perpetuity. As applicable, structures on the properties would be removed, the land would be backfilled and graded, and the soil would be revegetated using locally appropriate, native plant species. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, but will retain restrictions on use.

Acquisition

Following purchase of the property, the land may be developed in a resilient manner. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner for development. The acquisitions may occur in areas outside of designated floodplains.

Rehabilitation 1-4 Units and 5+ Units

In response to the damage caused by Hurricane Sandy and other natural disasters that occurred across the nation in 2011, 2012, and 2013, homeowners of disaster-declared counties who sustained damage will be invited to submit an application for assistance. The Recreate New York Smart Homes Project activities to be funded by CDBG-DR have been designed to provide assistance for repairing damaged property, reconstructing damaged homes, and mitigating damaged properties for future resilience.

The specific actions include rehabilitation and reconstruction of moderate, major, and substantial storm-damaged structures and elevation to the required advisory base flood elevation plus freeboard as required by each community's floodplain ordinance as further described in the Floodplain Management Document. It is anticipated that the renovations and elevations will take place within the existing footprint of the structure (unless elevation is not technically feasible without alteration of the footprint), and no additional structures will be built upon each approved project parcel. Under this program, the expansion of the structure may not exceed 20% of the original pre storm footprint. The structure must remain 1-4 units in size after rehabilitation or reconstruction.

Wherever allowable by local building codes and any other law and/or regulation, homeowners will be allowed to choose whether to repair the original home, or rebuild (reconstruct) a new home in its place. However, only funding for the more cost-effective option will be provided.

Reimbursement

The program may also provide reimbursements for homeowners of one- to four-unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements (e.g., eligibility criteria, grant restrictions). Reimbursement is contingent on compliance with Recreate NY 1-4 Unit Rehabilitation requirements discussed above.

Economic Development Program Description

The applicable programs from the Action Plan are:

- Small Business Grant Program
- Small Business Loan Program
- Coastal Fishing Industry Program
- Seasonal Tourism Industry Program

An overview of each program covered by this document is provided below.

Small Business Grant Program

This program will provide funding grants to eligible businesses for renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and the following activities identified in Section 4 of the Action Plan:

- Construction, rehabilitation, reconstruction of buildings
- Infrastructure directly associated with economic development activities
- Any other eligible business related activity (requires State consultation and approval)

Funding is available to small businesses, as defined by the Small Business Administration (SBA), and non-profit organizations in one of New York State's designated disaster areas. Priority will be given to damaged businesses with 100 or fewer employees. Priority also will be given to businesses that meet a low- and moderate-income benefit, whether by qualifying as a low- or moderate-income microenterprise owner or by creating or retaining jobs primarily for low- and moderate-income persons.

Small Business Loan Program

This program will provide loans to eligible businesses for renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan. Funding is available to small businesses, as defined by the SBA, and non-profit organizations in one of New York State's designated disaster areas. Priority will be given to damaged businesses with 100 or fewer employees. Priority also will be given to businesses that meet a low- and moderate-income benefit, whether by qualifying as a low or moderate-income microenterprise owner or by creating or retaining jobs primarily for low and moderate-income persons.

Coastal Fishing Industry Program

This program will provide funding to businesses and individuals qualified as a Coastal Fishing Industry. This program will provide loans to eligible businesses for renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan. Funding is available to small businesses, as defined by the SBA, in one of New York State's designated disaster areas. Priority will be given to damaged businesses with 100 or fewer employees. Priority also will be given to businesses that meet a low- and moderate-income benefit, whether by qualifying as a low- or moderate income microenterprise owner or by creating or retaining jobs primarily for low- and moderate income persons.

Seasonal Tourism Industry Program

This program will provide funding to eligible seasonal tourism businesses. This program will provide loans to eligible businesses for renovation of damaged or destroyed facilities, mitigation actions to protect businesses from future storms, and other activities identified in Section 4 of the Action Plan. Funding is available to small businesses, as defined by the SBA, in one of New York State's designated disaster areas. Priority will be given to damaged businesses with 100 or fewer employees. Priority also will be given to businesses that meet a low- and moderate income benefit, whether by qualifying as a low- or moderate-income microenterprise owner or by creating or retaining jobs primarily for low- and moderate-income persons.

Attachment B: List of Affected and Actions for Counties Included in the CDBG-DR Program								9/19/2013		
County	Impacted by:			Potential Programs				Total	total	Overall
	Irene	Lee	Sandy	BO/Acq	Rehab 1 - 4	Rehab 5+	Economic	Documents	started	total
Albany	x				1	1	1	3	0	3
Bronx	x		x	1				1	0	1
Broome		x			1	1	1	3	0	3
Chemung		x			1	1	1	3	0	3
Chenango		x			1	1	1	3	0	3
Clinton	x				1	1	1	3	0	3
Columbia	x				1	1	1	3	0	3
Delaware	x	x			1	1	1	3	0	3
Dutchess	x				1	1	1	3	0	3
Essex	x				1	1	1	3	0	3
Greene	x				1	1	1	3	0	3
Fulton		x			1	1	1	3	0	3
Herkimer	x	x			1	1	1	3	0	3
Kings	x		x	1				1	0	1
Montgomery	x				1	1	1	3	0	3
Nassau	x		x	1	1	1	1	4	3	1
New York			x	1				1	0	1
Oneida		x			1	1	1	3	0	3
Orange	x	x	x	1	1	1	1	4	0	4
Otsego	x	x			1	1	1	3	0	3
Putnam	x		x	1	1	1	1	4	0	4
Queens	x		x	1				1	0	1
Rensselaer	x				1	1	1	3	0	3
Richmond	x		x	1				1	0	1
Rockland	x		x	1	1	1	1	4	3	1
Saratoga	x				1	1	1	3	0	3
Schenectady	x	x			1	1	1	3	0	3
Schoharie	x	x			1	1	1	3	0	3
Suffolk	x		x	1	1	1	1	4	3	1
Sullivan	x		x	1	1	1	1	4	0	4
Tioga		x			1	1	1	3	0	3
Ulster	x	x	x	1	1	1	1	4	0	4
Warren	x				1	1	1	3	0	3
Washington	x				1	1	1	3	0	3
Westchester	x		x	1	1	1	1	4	1	3
TOTALS				13	30	30	30	103	10	93

APPENDIX N
USFWS NATURAL RESOURCES OF CONCERN



U.S. Fish and Wildlife Service

Natural Resources of Concern

This resource list is to be used for planning purposes only — it is not an official species list.

Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:

NEW YORK ECOLOGICAL SERVICES FIELD OFFICE
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

Project Name:

Putnam County CDBG-DR

Project Counties:

Putnam, NY

Project Type:

** Other **

Endangered Species Act Species List ([USFWS Endangered Species Program](#)).

There are a total of 4 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the species. Please contact the designated FWS office if you have questions.

Species that may be affected by your project:

Mammals	Status	Species Profile	Contact
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Natural Resources of Concern

Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
New England Cottontail rabbit (<i>Sylvilagus transitionalis</i>)	Candidate	species info	New York Ecological Services Field Office
northern long-eared Bat (<i>Myotis septentrionalis</i>) Population:	Proposed Endangered	species info	New York Ecological Services Field Office
Reptiles			
Bog Turtle (<i>Clemmys muhlenbergii</i>) Population: northern	Threatened	species info	New York Ecological Services Field Office

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are no refuges found within the vicinity of your project.

FWS Migratory Birds ([USFWS Migratory Bird Program](#)).

Most species of birds, including eagles and other raptors, are protected under the Migratory Bird Treaty Act (16 U.S.C. 703). Bald eagles and golden eagles receive additional protection under the [Bald and Golden Eagle Protection Act](#) (16 U.S.C. 668). The Service's [Birds of Conservation Concern \(2008\)](#) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

NWI Wetlands ([USFWS National Wetlands Inventory](#)).

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these



U.S. Fish and Wildlife Service

Natural Resources of Concern

requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).