Optional Relocation Assistance Program
Environmental Assessment

New York State Homes and Community Renewal
Governor’s Office of Storm Recovery
25 Beaver Street
New York, NY 10004

July 14, 2017
Optional Relocation Assistance Program
Environmental Assessment

July 14, 2017

Project Name: Optional Relocation Assistance Program

Project Location: Ba Mar Community
400 Ba Mar Drive, Stony Point, Rockland County, New York

Federal Agency: U.S. Department of Housing and Urban Development

Responsible Entity: New York State Homes and Community Renewal

Matt Accardi, Certifying Officer
25 Beaver Street
New York, NY 10004
(212) 480-6265, matt.accardi@stormrecovery.ny.gov

Project Sponsor: NYS Governor’s Office of Storm Recovery

Matt Accardi, Deputy Director
25 Beaver Street
New York, NY 10004
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Primary Contact: Matt Accardi, Deputy Director
25 Beaver Street
New York, NY 10004
(212) 480-6265, matt.accardi@stormrecovery.ny.gov

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:

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

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

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

Signature
Matt Accardi, Certifying Officer
CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activities proposed in its 2017 NYS CDBG-DR project Optional Relocation Assistance Program are:

Check the applicable classification.

☐ Exempt as defined in 24 CFR 58.34 (a).

☐ Categorically Excluded as defined in 24 CFR 58.35(b).

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statues and executive orders [i.e., exempt under 58.34(a)(12)].

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.

☒ “Other” neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).

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

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

Signature of Certifying Officer: ___________________________ Date: ___________________________

Matt Accardi

Print Name: ___________________________ Certifying Environmental Officer: ___________________________

Title: ___________________________
CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activities proposed in its 2017 NYS CDBG-DR project Optional Relocation Assistance Program are:

Check the applicable classification:

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

Check if applicable:

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

Signature of Certifying Officer: Matt Accardi
Date: July 14, 2017

Print Name: Matt Accardi
Certifying Environmental Officer Title:
**Description of the Proposed Project** [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:

The Proposed Project consists of an Optional Relocation Assistance Program that would provide funding to residents of manufactured homes in the Ba Mar Manufactured Home Community & Marina (Ba Mar Community), located at 400 Ba Mar Drive, Stony Point, Rockland County, New York, to relocate to housing outside of the 100-year floodplain. The Ba Mar Community is fully encompassed by the 100-year floodplain and is therefore subjected to regular flooding. The Program provides an option to cover certain expenses for applicants to locate and pay for housing outside of the 100-year floodplain, as well as program-sponsored construction support. In addition to relocation assistance, the Proposed Project would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner. Applicants to the Program will be eligible for one or more of the following types of relocation assistance:

**Relocation Moving Assistance:** The Program will provide financial assistance for expenses related to moving from the property to either a new, reconstructed, or repaired Manufactured Home Unit (MHU), to temporary housing, or both. To qualify, applicants must provide sufficient evidence that they are relocating to housing outside of the 100-year floodplain.

**Manufactured Home Replacement Assistance:** The Program will provide funding to eligible applicants for a new MHU located outside the 100-year floodplain and associated installation costs.

**Manufactured Home Unit Removal and Demolition Assistance:** The Program will provide funding to remove and demolish applicant-owned MHUs located within the Ba Mar Community. Wherever practicable, applicants will be allowed to choose whether to remove their existing MHU, for relocation outside the 100-year floodplain or offsite disposal, or to demolish the MFU onsite. Funding for the most cost-effective option will be provided.

Funding for removal or demolition of MHUs will cover the cost of removal and/or abandonment of any utilities (i.e., septic systems, storage tanks, etc.) owned by the applicants and in accordance with the terms of the lease agreements between the property owner and the applicant. All activities associated with the removal or demolition of MHUs will be completed in compliance with all applicable requirements and permit parameters.

**Homeownership Assistance:** For eligible applicants relocating to new housing outside of the 100-year floodplain, the Program will provide funding towards the applicant’s down payment, payment towards mortgage principal, and closing costs.

**Rental Assistance:** For eligible applicants relocating to a rented home located outside of the 100-year floodplain, the Program will provide funding to pay for 42 months of rent payments.

This Tier 1 Environmental Assessment documents the evaluation of the potential environmental impacts of the Optional Relocation Assistance Program to the Ba Mar Community, as the project sites and activities are expected to be similar in terms of their size, range, and magnitude of impacts.

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

...
On October 29, 2012, Superstorm Sandy made landfall over the New York coast. In addition to heavy winds, coastal and overland flooding damaged communities throughout the state. Particularly impacted by the storm, the Ba Mar Community in Rockland County suffered substantial damage. In response to Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee, New York State 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 face 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. This funding assistance will generate financial incentive for residents of the Ba Mar Community who opt to relocate outside the 100-year floodplain.

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

Rockland County is located in southeastern New York, approximately 15 miles northwest of New York City. The Ba Mar Community in Stony Point hosts approximately 140 manufactured homes. It is located within the 100-year floodplain (Figure 2 – Floodplain Map) along the bank of Cedar Pond Brook, a tributary of the Hudson River. Prone to regular flooding, the community has suffered substantial damage from recurring storm events. The community was inundated during Superstorm Sandy, with about 69 homes significantly damaged. The base flood elevation of the Ba Mar Community is 7 feet. Elevation design standards would require an additional 2 feet, vastly exceeding the height at which it is safe to elevate a manufactured home.

**Funding Information**

**Estimated Total HUD Funded Amount:** $20,000,00.00

**Estimated Total Project Cost**
(HUD and non-HUD funds) [24 CFR 58.32(d)]: $20,000,00.00
Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

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

<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Airport Hazards</strong> 24 CFR Part 51 Subpart D</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources</strong> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Flood Insurance</strong> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Statute/Order/Regulation</td>
<td>Description</td>
<td></td>
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<tr>
<td>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</td>
<td>Rockland County is within an area of nonattainment for Ozone and is classified as “moderate” for the 8-hour ozone standard per EPA’s “Green Book National Area and County-Level Multi-Pollutant Information” at <a href="https://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information">https://www.epa.gov/green-book/green-book-national-area-and-county-level-multi-pollutant-information</a>. 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). The Program would not result in any new permanent sources of air emissions. Program activities would be complete on existing residential sites and existing structures, and would not substantially affect the NY SIP due to the implementation of best management practices (BMPs) that control dust and other emissions during removal and demolition activities. Since there would be no new construction, it is assumed all project activities fall below the de minimis threshold. No significant impacts on air quality would result, and further assessment is not required. Because manufactured homes being removed and/or demolished may include asbestos containing materials, Program activities will conform to Part 56 of Title 12 of the Official Compilation of the State of New York 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); National Emission Standard for Asbestos—Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150). Prior to removal and demolition activities, all manufactured homes would be surveyed in accordance with the NYS asbestos standards. Any materials that would be disturbed by removal and demolition activities would be abated according to those standards. Air monitoring may be performed to ensure there are no fiber emissions.</td>
<td></td>
</tr>
<tr>
<td>Coastal Zone Management Act, sections 307(c) &amp; (d)</td>
<td>The Program includes properties located within a coastal zone as defined by the State’s Coastal Zone Management Program (see <a href="#">Attachment A</a>).</td>
<td></td>
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</tbody>
</table>
On May 23, 2017, a request for General Consistency Concurrence was sent to the NYS Department of State (NYSDOS). As of July 10, 2017, the New York State Department of State had yet to respond to GOSR’s request for review of GOSR’s assessment that the proposed project was consistent with the State Coastal Consistency Policies. Should a response be received, GOSR will update the environmental review record accordingly.

<table>
<thead>
<tr>
<th>Contamination and Toxic Substances</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</td>
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</table>

Program activities may disturb lead-based paint and asbestos in manufactured homes proposed to be removed and/or demolished. Compliance requirements would be determined in a Tier 2 environmental review. The review would include review of NEPAssist, NYSDEC databased, and other federal and state databases and site-specific assessment to identify any toxic or radioactive substances on, adjacent to, or near the subject manufactured homes. If there is any reason to believe that there is any site contamination, a Phase II Environmental Site Assessment (ESA) would be prepared by a qualified environmental professional (QEP).

Because the subject manufactured homes may include materials containing asbestos, all manufactured homes to be removed and/or demolished would be surveyed for asbestos in accordance with the NYS asbestos standards. Because homes to which applicants locate to may contain lead-based paint, Program activities must comply with HUD’s lead-based paint regulations at 24 CFR 35 Subpart B, H, I, and J; EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E); and the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing. If required, the site would be remediated in accordance with all applicable city, state, and federal regulations.

According to the U.S.E.P.A., Rockland County is located in Radon Zone 3, where the predicted average indoor radon screening is less than 1 picocuries per liter (pCi/L). According, radon mitigation is not included in the Program.

<table>
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<tr>
<th>Endangered Species</th>
<th>Yes</th>
<th>No</th>
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<tr>
<td>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</td>
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Section 7 of Endangered Species Act requires the action agency (GOSR) 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. GOSR is acting as HUD’s designated representative for this Program.

A review of the U.S. Fish and Wetland Service (USFWS) IPaC database system (accessed June 1, 2017) indicates that zero species have the potential to occur near the Ba Mar Community site. IPaC identifies the Haliaeetus leucocephalus (bald eagle), protected under the Bald and Golden Eagle Protection Act, which could potentially be affected by the Proposed Project. The NYSDEC Conservation Plan for Bald Eagles in New York State provides a map of bald eagle breeding territories in New York. There are no known bald eagle breeding sites within the vicinity of the project site. Therefore, GOSR has determined that the Proposed Project would have “No effect” on protected species or the habitats on which they depend. On June 15, 2017, the USFWS acknowledged GOSR’s no effect determination (see Attachment B).

A review request was also sent to the NYSDEC Division of Fish, Wildlife & Marine Resources Natural Heritage Program (NHP). On June 9, 2017, the DEC NHP responded indicating that there are no recent records of rare or state-listed animals or plants, or of significant natural communities at the site or in its immediate vicinity (see Attachment B).

No further assessment is required.

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**Explosive and Flammable Hazards**

24 CFR Part 51 Subpart C

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<th>Yes</th>
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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. The Program is intended to assist residents of the Ba Mar Community relocate to existing housing outside of the 100-year floodplain and would provide funding for participants to remove and demolition existing manufactured homes. Because the Program would not increase the number of dwelling units and would not introduce bulk storage of hazardous substances, 24 CFR Part 51 Subpart C does not apply. No further assessment is required.

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**Farmlands Protection**

Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658

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<th>Yes</th>
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The U.S. Department of Agriculture Natural Resources Conservation Service provides map information regarding soil types considered Prime Farmland and Farmland of Statewide Importance. There are no prime and unique farmlands, or other farmlands of...
<table>
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<tr>
<th>Topic</th>
<th>Details</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td><strong>Floodplain Management</strong>&lt;br&gt;Executive Order 11988, particularly section 2(a); 24 CFR Part 55</td>
<td>Based on the review of the Federal Emergency Management Agency (FEMA) Flood Rate Insurance Map (FIRM), the Proposed Project is located within a Special Flood Hazard Area in the 100-year floodplain (Figure 2). The Proposed Project would involve the rehabilitation of one- to four-family properties and is therefore inapplicable to the decision making steps in 55.20(b) (c) and (g), Steps 2, 3, and 7 under 24 CFR Part 55.12 (a)(3). The floodplain area is previously disturbed and there would be no change in existing impermeable surfaces. Additionally, as the Proposed Project would not constitute a substantial improvement, it would comply with 24 CFR §55. A 5-step process for floodplain management was followed and found that the Proposed Project would not have an impact on floodplain values (Attachment C).</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Historic Preservation</strong>&lt;br&gt;National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.</td>
<td>The existing manufactured homes on site are not expected to be greater than 45 years old, nor of significant historic value. The Proposed Project will occur within the footprint of existing structures and would not involve any new ground disturbance. Relocation sites are to be determined and, if necessary, will be evaluated by SHPO at the Tier II site-specific level of review.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Noise Abatement and Control</strong>&lt;br&gt;Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</td>
<td>Removal and demolition activities could cause temporary increases in noise levels. The noise levels would be mitigated by complying with local noise ordinance, including time of day limitation. No further assessment is required.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Sole Source Aquifers</strong>&lt;br&gt;Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</td>
<td>The Proposed Project is not located in an area identified as a sole or principal source aquifer (see Figure 3). Therefore, the proposed activity is in compliance with the Safe Drinking Water Act; 40 CFR Part 149. No further assessment is required.</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td><strong>Wetlands Protection</strong>&lt;br&gt;Executive Order 11990, particularly sections 2 and 5</td>
<td>The Proposed Project is on a site that is partially within an estuarine marine wetland, as identified on the National Wetlands Inventory (Attachment C). Project activities would occur within the footprint of existing structures and would not involve any new</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>
The Proposed Project will incentivize the removal of structures and relocation of residents out of the wetland and wetland adjacent area; therefore the Proposed Project would benefit the survival and quality of the wetland and wetland adjacent areas. No direct or indirect adverse impacts to the wetlands are anticipated to result from the project, and it is in compliance with Executive Order 11990.

### Wild and Scenic Rivers

**Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)**

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<th>Yes</th>
<th>No</th>
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There are no wild and scenic rivers in Rockland County as designated by the U.S. Department of the Interior. The Ramapo River is designated by the NYSDEC as a recreational river within Rockland County. However, based on the activities proposed through the Program, no impacts would result. No further assessment is required.


### ENVIRONMENTAL JUSTICE

**Environmental Justice**

**Executive Order 12898**

<table>
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<tr>
<th>Yes</th>
<th>No</th>
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</table>

The Proposed Project is not located in an area defined by the NYSDEC as a potential environmental justice area. The Program activities will not raise environmental justice issues and have no potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations. No further assessment is required.

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

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

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

<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
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<tbody>
<tr>
<td><strong>LAND DEVELOPMENT</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design</td>
<td>2</td>
<td>The Program will not require zoning changes or amendments. All appropriate permits will be obtained as needed. No further assessment is required.</td>
</tr>
<tr>
<td>Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff</td>
<td>2</td>
<td>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. Program activities would consist of the removal and/or demolition of manufactured homes; no new construction is proposed through the Program. Therefore, no further assessment is required.</td>
</tr>
<tr>
<td>Hazards and Nuisances including Site Safety and Noise</td>
<td>3</td>
<td>The impacts associated with the removal and/or demolition of existing manufactured homes would be typical of any construction project. Typical effects could include fugitive dust and noise, and temporary sidewalk closures. These effects would be mitigated by following state and local construction regulations. The manufactured homes may include materials containing asbestos, lead-based paint, or other toxic material. GOSR is responsible for the overall inspection for hazardous materials</td>
</tr>
</tbody>
</table>
for the Program and would inspect each structure for evidence of contamination from hazardous materials. If hazardous materials are found or assumed to be present, GOSR would manage those materials appropriately, and measures to minimize exposure of hazardous materials to workers and residents would be undertaken at sites identified with contamination.

Compliance would requirements would be determined in a Tier 2 environmental review.

<table>
<thead>
<tr>
<th>Energy Consumption</th>
<th>2</th>
<th>Based on the Program’s proposed activities, there would be no increase in long-term energy consumption. No further assessment is required.</th>
</tr>
</thead>
</table>

**SOCIOECONOMIC**

<table>
<thead>
<tr>
<th>Employment and Income Patterns</th>
<th>2</th>
<th>The Program would result in a limited and temporary increase in employment and income in the short-term. Long-term changes in employment and income patterns are not anticipated. No further assessment is required.</th>
</tr>
</thead>
</table>

| Demographic Character Changes, Displacement | 3 | According to the US Census, in general, the population of Rockland County is approximately 65.3% Caucasian, and the dominant minority is Hispanic, comprising 15.7% of the population. Approximately 11.1% of the total population is Black or African American. About 13.4% of the population is above the age of 65. Roughly 10.9% of the population’s income is below the poverty level.

The objective of the Program is to relocate residences outside of the 100-year floodplain. The Program will only relate residents that agree to participate in the Program. The Program may result in a change in the population and demographics of Rockland County, if residents choose to relocate outside of the county. Considering the size of Rockland County’s population, this potential change will not be substantial enough to change the demographic character of the county as a whole.

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, NYS will provide assistance as required through the Uniform Relocation Act Requirements. |
<table>
<thead>
<tr>
<th>Environmental Assessment Factor</th>
<th>Impact Code</th>
<th>Impact Evaluation</th>
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<tbody>
<tr>
<td><strong>COMMUNITY FACILITIES AND SERVICES</strong></td>
<td></td>
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<tr>
<td>Educational and Cultural Facilities</td>
<td>2</td>
<td>There are approximately 64 public schools operated by the 8 school districts in Rockland County, and 62 non-public schools. The proposed incentives will encourage any students displaced through the Program to return to their local school or a nearby school in Rockland County. If relocation in the same school district does not occur, some school districts in other parts of Rockland County may see a slight increase in enrollment from displaced families, and those districts in 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. The Program is not expected to have an increase in demand of cultural facilities. No further assessment is required.</td>
</tr>
<tr>
<td>Commercial Facilities</td>
<td>2</td>
<td>Through the Program, residents remaining in Rockland County will likely continue to frequent commercial establishments if they are able to remain living in the same neighborhood or one very nearby in Rockland County. If this does not occur, some commercial establishments located within the 100-year floodplain may experience a decrease in revenue as Program participants move to other parts of Rockland County. Commercial establishments in other parts of Rockland County may experience a very slight increase in revenue, which will be an economic benefit to these businesses. The Program will not result in a significant effect on existing commercial establishments. No further assessment is warranted.</td>
</tr>
<tr>
<td>Health Care and Social Services</td>
<td>2</td>
<td>There are four hospitals and numerous health care facilities in Rockland County. The 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 area to experience a decrease in demand as the local population decreases. 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. The Program does not pose a potential for a substantial increase in the demand for health care facilities. No further assessment is required.</td>
</tr>
<tr>
<td>Solid Waste Disposal / Recycling</td>
<td>2</td>
<td>The Program would generate solid waste through the course of demolishing manufactured homes. Solid waste would be handled in accordance with all state and local requirements. All</td>
</tr>
<tr>
<td>Department</td>
<td>Value</td>
<td>Description</td>
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<td>-------------------------------------</td>
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<tr>
<td>Sanitary Medical and Parks</td>
<td></td>
<td>Solid waste must be properly segregated and disposed of at a regulated (permitted) construction and demolition (C&amp;D) debris processing facility and in accordance with applicable regulations. Materials would be separated from C&amp;D debris to be recycled or be reused for a specific use. Material that is not recovered would be sent to a municipal solid waste landfill or to a C&amp;D debris landfill. Facilities and landfills would be determined based on proximity to specific properties. Final disposal methods and facilities would be determined based on proximity, cost, existing agreements, and capacities. No further assessment is required.</td>
</tr>
<tr>
<td>Waste Water / Sanitary Sewers</td>
<td>2</td>
<td>The Program would involve the removal and/or demolition of manufactured homes within the Ba Mar Community, which would include disconnecting these homes from onsite waste water and sanitary systems. The Program would not create an increase in demand for waste water/sanitary sewers. No further assessment is required.</td>
</tr>
<tr>
<td>Water Supply</td>
<td></td>
<td>In Rockland County, the community water is provided by United Water of New York, small water companies, and onsite private wells. Each supplier serves a geographical area and independently operates their respective supply system. The Program will not create additional demands on the Rockland County water supply as no new residences are being built. However, demand may decline if residents choose to relocate outside the county. No further assessment is required.</td>
</tr>
<tr>
<td>Public Safety - Police, Fire and Emergency Medical</td>
<td>2</td>
<td>The Program will not result in additional housing units and will not increase the demand on the police, fire and emergency medical services in Rockland County. Through the Program, participants will be required to relocate to existing housing outside of the 100-year floodplain and may be able to return to their local neighborhoods in Rockland County. If relocation in the same neighborhood does not occur, some public safety services in Rockland 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 Rockland County. No further assessment is required.</td>
</tr>
</tbody>
</table>
| Parks, Open Space and Recreation    | 2     | Open space areas are widely distributed throughout Rockland County and include parklands, wetlands, and tidal environments. While the Program incentivizes participants to relocate to housing outside of the 100-year floodplain, the Program would not result in any new construction or
Transportation and Accessibility | 3 | The Program will likely generate a temporary increase in vehicular traffic attributed to the removal and/or demolition of manufactured homes. The Program incentivizes residents of the Ba Mar Community to relocate to housing outside of the 100-year floodplain, but participants are encouraged to remain in the local neighborhood within Rockland County. If relocation in the same neighborhood does not occur, vehicular traffic in other areas in Rockland County may see a slight increase from displaced families. If this increase is realized, it will not be substantial. No further assessment is required.

### NATURAL FEATURES

| Unique Natural Features, Water Resources | 2 | The NYSDEC indicates Upper Grandview and Environs, and the Palisades Slope Area, Sparkill Creek Area, and Pier Area as the only designated Critical Environmental Areas (CEAs) within Rockland County. One NYSDEC-designated Unique Geologic Feature, Bear Mountain Chattermarks, is located within the county.

The USDA NRCS provides map information regarding soil types that are considered Prime Farmland and Farmland of Statewide Importance. According the NRCS soils data, there are no soil types within Rockland County that are defined as Prime Farmland or Farmland of Statewide Importance. As such, adverse effects to agricultural resources are not anticipated. There are no agricultural districts in Rockland County.

The Program will have no effect on CEAs or Unique Natural Features. No further assessment is warranted.

| Vegetation, Wildlife | 2 | Program activities include the removal and/or demolition of existing manufactured homes as well as a financial incentive for participants to relocate to existing housing outside of the 100-year flood. No new construction or development is proposed; therefore, no impacts to vegetation, wildlife or habit is anticipated.

No further assessment is warranted.

| Other Factors | NA | No other factors were identified or evaluated for the Program other than those addressed above. |
Additional Studies Performed:

None

Field Inspection (Date and completed by):

Governor’s Office of Storm Recovery and HR&A Advisors completed throughout the week of May 1, 2017.

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


5. US Environmental Protection Agency. Green Book Nonattainment Areas. Internet Website: http://www.epa.gov/oaqps001/greenbk/ancl.html

6. New York State Department of Environmental Conservation GIS Clearinghouse, Bulk Storage Sites in New York State and Remediation Sites in New York State. Internet Website: http://gis.ny.gov/gisdata/inventories/member.cfm?organizationID=529


8. US Environmental Protection Agency EPA Map of Radon Zones. Internet Website: http://www.epa.gov/radon/pdfs/zonemapcolor.pdf

List of Permits Obtained or Required:

<table>
<thead>
<tr>
<th>Action or Documentation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of Tier 2 Environmental Review</td>
</tr>
</tbody>
</table>

Public Outreach [24 CFR 50.23 & 58.43]:

On July 18, 2017, a combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds will be published in the Journal News with circulation throughout Rockland County, New York. Any individual, group or agency may submit written comments on the Environmental Review Record to:

Matt Accardi  
Deputy Director – Bureau of Environmental Review and Assessment  
Assistant General Counsel  
Governor’s Office of Storm Recovery  
25 Beaver Street, 5th Floor  
New York, New York 10004  
Office: (212) 480-6265  
Mobile: (646) 830-6902  
NYSCDBG_DR_ER@nyshcr.org

Cumulative Impact Analysis [24 CFR 58.32]:

The Project is not expected to trigger cumulative impacts, including the degradation of important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The Program involve the removal and/or demolition of existing manufactured homes located in the 100-year floodplain and would provide a financial incentive for participants to relocate to housing outside of the 100-year floodplain.

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

No other action alternatives were considered in addition to the Proposed Project/Program due to the goal of the Program—to incentivize residents of the Ba Mar Community to relocate to housing outside of the 100-year floodplain. The No Action alternative is described below.

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

Under the No Action alternative, the funding for the Proposed Project to relocate residents in high flood risk areas of Rockland County would not be authorized. There would be removal or demolition of existing manufactured homes from the floodplain. Residents would not be assisted in relocating outside of the high flood risk areas. Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources
to repair and upgrade homes and properties, there is potential that repairs would be limited, not completed to current building codes, and would not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions. Therefore, the No Action alternative would neither address NYS’s need to relocate as many homeowners as possible out of high flood risk areas.

**Summary of Findings and Conclusions:**

The Proposed Project would be an appropriate use of CDBG-DR funds. The Project would provide a financial incentive to residents of the Ba Mar Community to relocate to housing outside of the 100-year floodplain to lessen the risk and impacts of flooding for Program participants. The goals and objectives of GOSR in response to addressing the areas most affected by Superstorm Sandy and Hurricane Irene would be achieved. The Program would not significantly alter the character or resources of the area. The Program would not result in a significant impact on the quality of the human environment.
**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**

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

<table>
<thead>
<tr>
<th>Law, Authority, or Factor</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Air Act</td>
<td>All Program activities would comply with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the New York SIP. All necessary measures would be used to minimize fugitive dust emissions during activities, such as demolition of existing structures. The preferred method for dust suppression is water sprinkling.</td>
</tr>
<tr>
<td>Contamination and Toxic Substances</td>
<td>All demolition activities would follow Lead-Safe Work Practices. All activities would comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, the EPA RRP Rule (40 CFR 745.80 Subpart E), HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and the HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” In accordance with Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos-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), asbestos abatement would be completed by a licensed asbestos abatement contractor prior to demolition work. NYSDOL regulations require that ACM that would be disturbed by the demolition be removed prior to demolition. If suspect ACM not identified in the pre-demolition asbestos survey report is discovered during the demolition process, the presence, quantity, and location of the newly discovered materials would be conveyed within 24 hours to the building owner. Activities in the area of the ACM would cease immediately until a licensed asbestos contractor...</td>
</tr>
</tbody>
</table>
appropriately assesses and manages the discovered materials.

**Standard Conditions for All Projects**

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

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

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

☐ Finding of Significant Impact [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Amy Lentz, Project Manager, Governor’s Office of Storm Recovery

Matt Accardi, Certifying Environmental Officer

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).
Figure 1 – Project Location Maps

Environmental Assessment
Project Area Map
Ba Mar Community | 400 Ba Mar Drive, Stony Point, NY 10980

Data Sources: Rockland County Tax Parcels, Esri Open Street Map

Legend
- Ba Mar Tax Parcel
- Privately Owned Tax Parcel


The information contained may be incorrect, incomplete or outdated, and New York State disclaims any responsibility for any losses or damages of any kind, consequential or otherwise, incurred as a result of the use of this information, directly or indirectly. In using this information, users further agree to indemnify, defend, and hold harmless New York State for any and all losses, damages, claims, or actions of any kind. New York State reserves the right to make changes and updates to the information at any time and without notice.
Figure 2 – FIRM Map

Environmental Assessment
Figure 3 – Sole Source Aquifer Map

Environmental Assessment
May 25, 2017

Mr. Jeffery Zappieri  
Supervisor, Consistency Review Unit  
Division of Coastal Resources  
New York State Department of State  
One Commercial Plaza-Suite 1010  
99 Washington Avenue  
Albany, NY 12231-0001

Re: General Consistency Request for Concurrence  
Ba Mar Manufactured Home Community Resiliency Program  
Stony Point, Rockland County, New York

Dear Mr. Zappieri:

The Governor’s Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal’s (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the United States Department of Housing & Urban Development (HUD), is currently preparing an environmental review for the Manufactured Home Community Resiliency Program in Stony Point, Rockland County, New York (Proposed Action). GOSR is acting as HUD’s non-federal representative for the purposes of compliance with the National Environmental Policy Act (NEPA). Site-specific project areas have not yet been identified. Therefore, GOSR is preparing a broad-scale Tier 1 Environmental Assessment for the Proposed Action being undertaken using the State of New York’s CDBG-DR funding. A tiered environmental review is appropriate as the sites and project activities are expected to be similar in terms of their size, range, and magnitude of impacts. As site-specific areas are identified, each will undergo a more specific Tier 2 analysis to address potential impacts that the Proposed Action may have at specific locations.

The purpose of this letter is to provide the New York State Department of State (DOS) notice of the Proposed Action and to obtain written confirmation from DOS that the Proposed Action will be in compliance with general consistency concurrence criteria.

**Project Overview**

The Proposed Action consists of a Manufactured Home Resiliency Program that would provide financial incentives for residents of the Ba Mar Manufactured Home Community & Marina (Ba Mar Community), located at 400 Ba Mar Drive, Stony Point, Rockland County, New York, to relocate to housing outside of the 100-year floodplain. The Ba Mar Community is fully encompassed by the 100-year floodplain and is therefore subjected to regular flooding.
addition to relocation assistance, the Proposed Action would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner.

**Compliance**

GOSR is requesting a response letter from DOS that can be included in the Tier 1 Environmental Assessment to document that coordination with DOS is being completed, and general consistency concurrence criteria will be met. Attached to this letter is a Federal Consistency Assessment Form, including an addendum analyzing the consistency of the Proposed Project with the relevant policies from the State’s Coastal Management Plan. If DOS does not respond within 30 days from submittal of this letter, then GOSR may presume that its consistency determination is informed by the best available information and its project responsibilities under Coastal Zone Management Act have been fulfilled.

If you have questions or require additional information regarding this request, please contact me at (212) 480-6265 or matt.accardi@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

Matt Accardi
Certifying Environmental Officer
Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
25 Beaver Street, 5th Floor, New York, NY 10004

**Attachments:**

Appendix A: Federal Consistency Assessment Form and Addendum

- Figure 1: Project Location Maps
- Figure 2: Floodplain Map
- Figure 3: NYS DEC Wetlands Map
- Figure 4: National Wetlands Inventory Map
Appendix A – Federal Consistency Assessment Form and Addendum

Coastal Consistency Concurrence
An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which
is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any
proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to
assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by
U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal
application is prepared. The Department of State will use the completed form and accompanying information in its
review of the applicant's certification of consistency.

A. APPLICANT (please print)
   1. Name: Matt Accardi, New York State Governor's Office of Storm Recovery
   2. Address: 25 Beaver Street, 5th Floor, New York, New York 10004
   3. Telephone: Area Code (   ) (212) 480-6265

B. PROPOSED ACTIVITY:
   1. Brief description of activity:

   Optional Relocation Assistance Program that would provide financial incentives
   for residents of the Ba Mar Manufactured Home Community & Marina (Ba
   Mar Community) to relocate to housing outside of the 100-year floodplain.

   2. Purpose of activity:

   Assist residents of the Ba Mar Community in relocating to housing outside of the
   100-year floodplain.

   3. Location of activity:

   Rockland County  Stony Point City, Town, or Village  400 Ba Mar Drive Street or Site Description

   4. Type of federal permit/license required: CDBG-DR Funding

   5. Federal application number, if known: 

   6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and
   provide the application or permit number, if known: 

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following: YES/NO
   a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) □ ☑
   b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) □ ☑
   c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) □ ☑
   d. Reduction of existing or potential public access to or along coastal waters? (19, 20) □ ☑
   e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10) □ ☑
   f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) □ ☑
   g. Siting of a facility essential to the generation or transmission of energy? (27) □ ☑
   h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) □ ☑
   i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) □ ☑
   j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) □ ☑
   k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) □ ☑
   l. Adverse effect upon land or water uses within the State's small harbors? (4) □ ☑

2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: YES/NO
   a. State designated freshwater or tidal wetland? (44) □ ☑
   b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) □ ☑
   c. State designated significant fish and/or wildlife habitat? (7) □ ☑
   d. State designated significant scenic resource or area? (24) □ ☑
   e. State designated important agricultural lands? (26) □ ☑
   f. Beach, dune or Barrier Island? (12) □ ☑
   g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) □ ☑
   h. State, county, or local park? (19, 20) □ ☑
   i. Historic resource listed on the National or State Register of Historic Places? (23) □ ☑

3. Will the proposed activity require any of the following: YES/NO
   a. Waterfront site? (2, 21, 22) □ ☑
   b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) □ ☑
   c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) □ ☑
   d. State water quality permit or certification? (30, 38, 40) □ ☑
   e. State air quality permit or certification? (41, 43) □ ☑

4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program? (see policies in program document*) □ ☑
D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.

2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Matt Accardi

Applicant/Agent's Name: Matt Accardi
Address: 25 Beaver Street, 5th Floor, New York, New York 10004
Telephone: Area Code (212) 480-6265
Applicant/Agent's Signature: [Signature]
Date: May 24, 2017

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.
   a. Copy of original signed form.
   b. Copy of the completed federal agency application.
   c. Other available information which would support the certification of consistency.

2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.

3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.
Federal Consistency Assessment Form Addendum:  
Manufactured Home Community Resiliency Program

This document is the addendum to the Federal Consistency Assessment Form (FCAF) for theManufactured Home Community Resiliency Program. After describing the Proposed Project in more detail, this document analyzes the consistency of the Proposed Action with the New York State Coastal Management Plan (CMP), specifically those policies that were identified as potentially applicable to the Proposed Action in the FCAF.

Project Description

The NY Rising Homeowner Recovery Program proposes to provide funding assistance to residents of manufactured homes who opt to relocate outside the 100-year floodplain. The Proposed Action consists of an Optional Relocation Assistance Program that would provide financial incentives for residents of the Ba Mar Manufactured Home Community & Marina (Ba Mar Community), located at 400 Ba Mar Drive, Stony Point, Rockland County, New York, to relocate to housing outside of the 100-year floodplain (see Figure 1). The Ba Mar Community is fully encompassed by the 100-year floodplain and is therefore subjected to regular flooding (see Figure 2). In addition to relocation assistance, the Proposed Action would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner. The Program will cover certain expenses for applicants to locate and pay for housing outside of the 100-year floodplain, as well as program-sponsored construction support. Applicants to the Program will be eligible for one or more of the following types of relocation assistance:

Relocation Moving Assistance: The Program will provide financial assistance for expenses related to moving from the property to either a new, reconstructed, or repaired Manufactured Home Unit (MHU), to temporary housing, or both. To qualify, applicants must provide sufficient evidence that they are relocating to housing outside of the 100-year floodplain.

Manufactured Home Replacement Assistance: The Program will provide funding to eligible applicants for a new MHU located outside the 100-year floodplain and associated installation costs.

Manufactured Home Unit Removal and Demolition Assistance: The Program will provide funding to remove and demolish applicant-owned MHUs located within the Ba Mar Community. Wherever practicable, applicants will be allowed to choose whether to remove their existing MHU, for relocation outside the 100-year floodplain or offsite disposal, or to demolish the MFU onsite. Funding for the most cost-effective option will be provided.

Funding for removal or demolition of MHUs will cover the cost of removal and/or abandonment of any utilities (i.e., septic systems, storage tanks, etc.) owned by the applicants and in accordance with the terms of the lease agreements between the property owner and the applicant. All activities associated with the removal or demolition of MHUs will be completed in compliance with all applicable requirements and permit parameters.
**Homeownership Assistance**: For eligible applicants relocating to new housing outside of the 100-year floodplain, the Program will provide funding towards the applicant’s down payment, payment towards mortgage principal, and closing costs.

**Rental Assistance**: For eligible applicants relocating to a rented home located outside of the 100-year floodplain, the Program will provide funding to pay for 42 months of rent payments.

**Consistency with the New York State Coastal Management Plan**

*Policy 11*: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

*Response*: The intent of the Proposed Action is to incentivize residents of the Ba Mar Community to relocate to housing outside of the 100-year floodplain and to remove, to the extent possible, manufactured homes located in the 100-year floodplain in order to prevent future damage to property and the endangerment of human lives (see Figure 2). Therefore, the Proposed Action is consistent with this policy.

*Policy 12*: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

*Response*: Construction activities associated with the Proposed Action are limited to the removal, by way of demolition or relocation, of existing manufactured homes from their current location within the Ba Ma Community. The removal of these structures will benefit the natural resources in the area by returning previously developed land to a more natural state. Additionally, the removal of manufactured homes through the Proposed Action benefit the local floodplain by offsetting the flood waters that were otherwise displaced by these structures. Accordingly, the Proposed Action is consistent with this policy.

*Policy 17*: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

*Response*: Construction activities associated with the Proposed Action are limited to the removal, by way of demolition or relocation, of existing manufactured homes from their current location within the Ba Ma Community. The Proposed Action would be consistent with this policy.
**Policy 44:** Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

**Response:** Construction activities associated with the Proposed Action are limited to the removal, by way of demolition or relocation, of existing manufactured homes from their current location within the Ba Ma Community. GOSR does not propose, promote, or condone redevelopment of these sites. The specific locations and magnitude of these construction activities are not yet defined. Some construction activities may be located within the Minisceongo Creek Estuarine Reserve and buffer areas (see Figure 3 and Figure 4). Implementation of the Proposed Action is dependent upon the issuance and compliance with any and all applicable New York State Department of Environmental Conservation Tidal and Freshwater Wetland permit requirements as well as any applicable requirements of the U.S. Army Corp of Engineers. Accordingly, the Proposed Action would be consistent with this Policy.
Figure 1 – Project Location Maps

Federal Consistency Assessment Form
The information contained may be incorrect, incomplete or outdated, and New York State disclaims any responsibility for any losses or damages resulting from the use of this information, directly or indirectly. In using this information, users further agree to indemnify, defend, and hold harmless New York State for any and all losses, damages, or liabilities of any kind, consequential or otherwise, incurred as a result of the use of this information.

New York State reserves the right to make changes and updates to the information at any time and without notice.

Project Area Map
Ba Mar Community | 400 Ba Mar Drive, Stony Point, NY 10980

Data Sources: Rockland County Tax Parcels, Esri Open Street Map
Ba Mar Community
400 Ba Mar Drive, Stony Point, NY 10980

Data Sources: Rockland County Tax Parcels, Esri Open Street Map
Figure 2 – Floodplain Map

Federal Consistency Assessment Form
Figure 3 – NYS DEC Wetlands Map

Federal Consistency Assessment Form
May 23, 2017

Mr. Nicholas Conrad
Division of Fish, Wildlife & Marine Resources
New York State Department of Environmental Conservation
New York Natural Heritage Program – Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

Sent via email to: naturalheritage@dec.ny.gov

Re: Natural Heritage Compliance Process Request
Ba Mar Manufactured Home Community Resiliency Program
Stony Point, Rockland County, NY

Dear Mr. Conrad:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation, on behalf of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), is preparing an environmental review for the Ba Mar Manufactured Home Community Resiliency Program in Stony Point, Rockland County, New York (Proposed Action). Site specific project areas have not yet been identified. Therefore, GOSR is preparing a broad-scale Tier 1 Environmental Review for the Proposed Action being undertaken using the State of New York’s CDBG-DR funding. A Tier 1 Environmental Review is appropriate since the sites and project addresses are expected to be similar in terms of their size, range, and magnitude of impacts (see Appendix A – Site Location Maps). As site-specific project areas are identified, each will undergo a more specific Tier 2 analysis to address potential impacts that the Proposed Action may have at specific locations.

The Proposed Action consists of an Manufactured Home Resiliency Program that would provide financial incentives for residents of the of the Ba Mar Manufactured Home Community & Marina (Ba Mar Community), located at 400 Ba Mar Drive, Stony Point, Rockland County, New York, to relocate to housing outside of the 100-year floodplain. The Ba Mar Community is fully encompassed by the 100-year floodplain and is therefore subjected to regular flooding. In addition to relocation assistance, the Proposed Action would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner. A USGS topographic regional location map and aerial photograph showing the project location is attached.
The purpose of this letter is to provide the New York State Department of Environmental Conservation Natural Heritage Program notice of the Proposed Action and request information to assist GOSR in determining whether the Proposed Action has the potential to impact any state or federal endangered, threatened, and/or rare species or significant natural communities. GOSR is contacting your office for assistance in identifying the potential presence of any rare or federal and/or state threatened, endangered, proposed or candidate species in the vicinity of the proposed project. In addition, information regarding the presence of any other species or habitats of special concern within the vicinity of the Proposed Action is also requested.

If you have any questions, please feel free to contact me via telephone number (212) 480-7475 or by email: amy.lentz@stormrecovery.ny.gov. Thank you for your consideration and cooperation.

Sincerely,

Amy Lentz
Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
25 Beaver Street – 5th Floor
New York, NY 10004

**Enclosures:**

Appendix A – Project Location Maps
Ba Mar Community
400 Ba Mar Drive, Stony Point, NY 10980

Data Sources: Rockland County Tax Parcels, Esri Open Street Map

Legend

- Ba Mar Tax Parcel
- Privately Owned Property

June 9, 2017

Amy Lentz  
Governor’s Office of Storm Recovery  
25 Beaver Street, 5th Floor  
New York, NY 10004

Re: Ba Mar Manufactured Home Community Resiliency Program  
County: Rockland Town/City: Stony Point

Dear Ms. Lentz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the Ba Mar Manufactured Home Community.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

Sincerely,

Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program
The following state-listed animals have been documented in the vicinity of the Ba Mar Manufactured Home Community.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list also contains other rare species and significant habitats in the vicinity.

For information about any permit considerations for the project, please contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of the project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
<th>FEDERAL LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shortnose Sturgeon</td>
<td>Acipenser brevirostrum</td>
<td>Endangered</td>
<td>Endangered</td>
</tr>
<tr>
<td>Atlantic Sturgeon</td>
<td>Acipenser oxyrinchus</td>
<td>No Open Season</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

The following species has been documented in the Hudson River.

- **Shortnose Sturgeon**
- **Atlantic Sturgeon**

The following species has been documented nesting at two locations within 1 mile of the Ba Mar Manufactured Home Community.

- **Bald Eagle**

The following rare plants and significant habitat have been documented at Grassy Point Marshes, adjacent to southern and southeastern edges of the Ba Mar Manufactured Home Community parcel.

- **Spongy Arrowhead**
- **Saltmarsh Aster**

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org.

6/9/2017
June 14, 2017

U.S. Fish and Wildlife Service
Att: Ms. Robyn Niver
New York Field Office
3817 Luker Road
Cortland, NY 13045

Sent via email to: FW5ES_NYFO@fws.gov; Robyn_niver@fws.gov

IPaC Consultation Code: 05E1NY00-2017-SLI-2408

Re: Section 7 Project Review - No Effect Determination
Optional Relocation Assistance Program
Stony Point, Rockland County, NY

Dear Ms. Niver:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation, on behalf of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), is preparing an environmental review for the Optional Relocation Assistance Program in Stony Point, Rockland County, New York (Proposed Action). Site specific project areas have not yet been identified; therefore, the Proposed Project involves the preparation of a broad-scale Tier 1 Environmental Review for the relocation activities being undertaken using the State of New York’s CDBG-DR funding (see Appendix A – Site Location Maps). A Tier 1 Environmental Review is appropriate since the sites and project addresses are expected to be similar in terms of their size, range, and magnitude of impacts. As site specific project areas are identified, each will undergo a more specific Tier 2 analysis to address potential impacts that the Proposed Action may have at site specific locations.


Proposed Action

The Proposed Action consists of an Optional Relocation Assistance Program that would provide financial incentives for residents of the of the Ba Mar Manufactured Home Community & Marina
(Ba Mar Community), located at 400 Ba Mar Drive, Stony Point Bay, Rockland County, New York, to relocate to housing outside of the 100-year floodplain. The Ba Mar Community is fully encompassed by the 100-year floodplain and is therefore subjected to regular flooding. In addition to relocation assistance, the Proposed Action would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner.

**Endangered Species and Migratory Bird Treaty Acts**

The USFWS Information, Planning and Conservation System (IPaC) was consulted to determine the potential presence of protected species under the jurisdiction of the USFWS within the project area. Review of the IPaC report (accessed June 1, 2017) indicates that there are zero endangered species expected to occur near the project vicinity. The USFWS Official Species List is included as Appendix B; the IPaC Trust Resource Report is included as Appendix C.

The IPaC Trust Resources Report indicates that there are 22 species of migratory birds that could potentially occur within the project area. The Proposed Action does not include tree removal and would not affect migratory birds. No critical habitats are located within the project area.

Due to the fact that all construction activities associated with the Proposed Action would occur within the footprint of existing development and would not involve tree removal, there is no potential for adverse impacts to federally-listed species and/or migratory bird species. The Proposed Action would not jeopardize the continued existence of ESA species or destroy or adversely modify their critical habitat. Therefore, GOSR has determined that the Proposed Action would have no effect on listed species or migratory birds.

A request for information was made to the NYSDEC Natural Heritage Program (DEC NHP) regarding the potential presence of any state threatened, endangered, proposed or candidate species in the vicinity of the project area, as well as any other species or habitats of special concern. On June 9, 2017, the DEC NHP responded indicating that there are no recent records of rare or state-listed animals or plants, or of significant natural communities at the site or in its immediate vicinity (see Appendix D).

**Bald and Golden Eagle Protection Act**

IPaC identifies the *Haliaeetus leucocephalus* (bald eagle), protected under the Bald and Golden Eagle Protection Act, which could potentially be affected by the Proposed Action. The NYSDEC Conservation Plan for Bald Eagles in New York State provides a map of bald eagle breeding territories in New York.¹ There are no known bald eagle breeding sites within the vicinity of the project site; therefore, GOSR has determined that the Proposed Action would have no adverse impact on the Bald Eagle.

**Conclusion**

We are submitting the above information so that the USFWS can acknowledge the determination made by GOSR that the Proposed Action would have “No Effect” on endangered/threatened species or critical habitat for species under USFWS jurisdiction. If the USFWS does not respond

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within 30 days from submittal of this letter, then GOSR may presume that its determination for each project is informed by the best available information and its project responsibilities under Section 7 of the ESA have been fulfilled. If you have any questions, please feel free to contact me via telephone number (212) 480-7475 or email: amy.lentz@stormrecovery.ny.gov. Thank you for your consideration and cooperation.

Sincerely,

Amy Lentz
Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
25 Beaver Street – 5th Floor
New York, NY 10004

Enclosures:

Appendix A: Project Location Maps
Appendix B: USFWS Official Species List
Appendix C: IPaC Trust Resource Reports
Appendix D: NYSDEC Natural Heritage Correspondence
Appendix B – USFWS Official Species List

USFWS Consultation
In Reply Refer To:  
Consultation Code: 05E1NY00-2017-SLI-2408  
Event Code: 05E1NY00-2017-E-06855  
Project Name: Ba Mar Community Optional Relocation Program  

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project  

To Whom It May Concern:  

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 et seq.). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: http://www.fws.gov/northeast/nyfo/es/section7.htm  

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (
Additionally, wind energy projects should follow the Services wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9349
(607) 753-9334

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967
(631) 286-0485
Project Summary

Consultation Code: 05E1NY00-2017-SLI-2408

Event Code: 05E1NY00-2017-E-06855

Project Name: Ba Mar Community Optional Relocation Program

Project Type: LAND - FLOODING

Project Description: The Optional Relocation Assistance Program would provide financial incentives for residents of the Ba Mar Manufactured Home Community & Marina to relocate to housing outside of the 100-year floodplain. In addition to relocation assistance, the project would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner.

Project Location:
Approximate location of the project can be viewed in Google Maps:
https://www.google.com/maps/place/41.224771102820824N73.97339987203443W

Counties: Rockland, NY
Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area. Please contact the designated FWS office if you have questions.

Critical habitats

There are no critical habitats within your project area.
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Project information

NAME
Ba Mar Community Optional Relocation Program

LOCATION
Rockland County, New York

DESCRIPTION
The Optional Relocation Assistance Program would provide financial incentives for residents of the of the Ba Mar Manufactured Home Community & Marina to relocate to housing outside of the 100-year floodplain. In addition to relocation assistance, the project would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner.

Local offices

Long Island Ecological Services Field Office

📞 (631) 286-0485
📞 (631) 286-4003

340 Smith Road
Shirley, NY 11967

New York Ecological Services Field Office

📞 (607) 753-9334
📞 (607) 753-9699

3817 Luker Road
Cortland, NY 13045-9349


Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.
The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act requires Federal agencies to “request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action” for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:
1. Log in to IPaC.
2. Go to your My Projects list.
3. Click PROJECT HOME for this project.
4. Click REQUEST SPECIES LIST.

Listed species are managed by the Endangered Species Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

THERE ARE NO ENDANGERED SPECIES EXPECTED TO OCCUR AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

<table>
<thead>
<tr>
<th>NAME</th>
<th>SEASON(S)</th>
<th>SPECIES LINK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black-billed Cuckoo</td>
<td>On Land: Breeding</td>
<td>Coccyzus erythropthalmus <a href="https://ecos.fws.gov/ecp/species/9399">https://ecos.fws.gov/ecp/species/9399</a></td>
</tr>
</tbody>
</table>

https://ecos.fws.gov/ipac/project/AQAPWT7QJAILKTQRV/3E4SWJR4/resources
Blue-winged Warbler  Vermivora pinus  
On Land: Breeding

Canada Warbler  Wilsonia canadensis  
On Land: Breeding

Cerulean Warbler  Dendroica cerulea  
https://ecos.fws.gov/ecp/species/2974  
On Land: Breeding

Fox Sparrow  Passerella iliaca  
On Land: Wintering

Golden-winged Warbler  Vermivora chrysoptera  
https://ecos.fws.gov/ecp/species/8745  
On Land: Breeding

Hudsonian Godwit  Limosa haemastica  
At Sea: Migrating

Least Bittern Ixobrychus exilis  
https://ecos.fws.gov/ecp/species/6175  
On Land: Breeding

Louisiana Waterthrush  Parkesia motacilla  
On Land: Breeding

Olive-sided Flycatcher  Contopus cooperi  
https://ecos.fws.gov/ecp/species/3914  
On Land: Breeding

Peregrine Falcon  Falco peregrinus  
https://ecos.fws.gov/ecp/species/8831  
On Land: Breeding

Pied-billed Grebe  Podilymbus podiceps  
On Land: Year-round

Prairie Warbler  Dendroica discolor  
On Land: Breeding

Purple Sandpiper  Calidris maritima  
On Land: Wintering

Rusty Blackbird  Euphagus carolinus  
On Land: Wintering

Short-eared Owl  Asio flammeus  
https://ecos.fws.gov/ecp/species/9295  
On Land: Wintering

Upland Sandpiper  Bartramia longicauda  
https://ecos.fws.gov/ecp/species/9294  
On Land: Breeding

Willow Flycatcher  Empidonax traillii  
https://ecos.fws.gov/ecp/species/3482  
On Land: Breeding

Wood Thrush  Hylocichla mustelina  
On Land: Breeding

Worm Eating Warbler  Helmitheros vermivorum  
On Land: Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 report of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAA NCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion.
because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the [Northeast Ocean Data Portal](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources). The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources). The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the [Northeast Ocean Data Portal](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources), which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

**Landbirds:**

The [Avian Knowledge Network (AKN)](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest, survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the [Migratory Bird Programs AKN Histogram Tools](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

**Atlantic Seabirds:**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS [Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) project webpage.

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## Facilities

### Wildlife refuges

Any activity proposed on [National Wildlife Refuge](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

**THERE ARE NO REFUGES AT THIS LOCATION.**

### Fish hatcheries

**THERE ARE NO FISH HATCHERIES AT THIS LOCATION.**

## Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources).

**WETLAND INFORMATION IS NOT AVAILABLE AT THIS TIME**

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](https://ecos.fws.gov/ipac/project/AOAPWT7QJAILKTQRV3E4SWJR4/resources) to view wetlands at this location.

### Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification.
established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberific worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.
June 9, 2017

Amy Lentz
Governor’s Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, NY 10004

Re: Ba Mar Manufactured Home Community Resiliency Program
County: Rockland   Town/City: Stony Point

Dear Ms. Lentz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the vicinity of the Ba Mar Manufactured Home Community.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the NYS DEC Region 3 Office, Division of Environmental Permits, at dep.r3@dec.ny.gov, (845) 256-3054.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program
The following state-listed animals have been documented in the vicinity of the Ba Mar Manufactured Home Community.

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list also contains other rare species and significant habitats in the vicinity.

For information about any permit considerations for the project, please contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of the project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

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<th>COMMON NAME</th>
<th>NY STATE LISTING</th>
<th>FEDERAL LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acipenser brevirostrum</td>
<td>Shortnose Sturgeon</td>
<td>Endangered</td>
<td>Endangered 1091</td>
</tr>
<tr>
<td>Acipenser oxyrinchus</td>
<td>Atlantic Sturgeon</td>
<td>No Open Season</td>
<td>Endangered 11464</td>
</tr>
</tbody>
</table>

The following species has been documented nesting at two locations within 1 mile of the Ba Mar Manufactured Home Community.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haliaeetus leucocephalus</td>
<td>Bald Eagle Nesting</td>
<td>Threatened 14573</td>
</tr>
</tbody>
</table>

The following rare plants and significant habitat have been documented at Grassy Point Marshes, adjacent to southern and southeastern edges of the Ba Mar Manufactured Home Community parcel.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sagittaria montevidensis var. spongiosa</td>
<td>Spongy Arrowhead</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

Grassy Point, 2008: The plants are growing alone on a mudflat exposed only at low tide.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
<th>NY STATE LISTING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Symphyotrichum subulatum var. subulatum</td>
<td>Saltmarsh Aster</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

Grassy Point Marsh, 2008: The plants were found just above the high tide line at the edge of a narrow (1 or 2 meter) band of open mudflat and an extensive densely vegetated marsh.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waterfowl Winter Concentration Area</td>
<td></td>
</tr>
</tbody>
</table>

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.
To: Amy Lentz  
USFWS File No: 17TA2408  
Regarding your:  _Letter  _Fax  x Email  
For project: Ba Mar Community Optional Relocation Program  
Located: 400 Ba Mar Drive  
In Town/County: Town of Stony Point / Rockland  


x  Acknowledges receipt of your “no effect” and/or no impact determination. No further ESA coordination or consultation is required.

x  Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

___ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s):  
Supervisor:  
Date: 6/15/17
This Floodplain Management Plan Compliance Document meets the requirements of 24 CFR Part 55.20, Executive Order 11988: Floodplain Management, and Executive Order 11990: Protection of Wetlands for the Optional Relocation Assistance Program in Stony Point, Rockland County, New York (Proposed Project). The site specific project areas have not yet been identified; however, sites and project addresses are expected to be similar in terms of their size, range, and magnitude of impacts. The Proposed Project will be conducted in compliance with Executive Orders 11988 and 11990.

Pursuant to §55.12(a)(3), “Inapplicability of 24 CFR part 55 to certain categories of proposed actions,” the decision making steps in §55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to the rehabilitation of one- to four-family properties in communities that are in the Regular Program of the Nation Flood Insurance Program (NFIP) and are in good standing, provided that “the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under §55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.”

The Proposed Project consists of an Optional Relocation Assistance Program that would provide financial incentives for residents of the of the Ba Mar Manufactured Home Community & Marina (Ba Mar Community), located at 400 Ba Mar Drive, Stony Point Bay, Rockland County, New York, to relocate to housing outside of the 100-year floodplain. The Ba Mar Community is fully encompassed by the 100-year floodplain and partially within an estuarine marine wetland, as identified on the National Wetlands Inventory (NWI), and is therefore subjected to regular flooding. In addition to relocation assistance, the Proposed Project would fund demolition and removal of certain existing manufactured homes owned by applicants but located on lots leased from a separate property owner.

As such, this Floodplain Management and Protection of Wetlands Plan documents the five-step decision making process for the Proposed Project and pertains to activities within a wetland based on the NWI and 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.

**Step ONE: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or wetland.**

According to Flood Insurance Rate Map (FIRM) Panel 36119C0101F, the Ba Mar Community is situated in Zones A and V (100-year floodplain) (see Figure 1). According to the NWI, the Ba
Ma Community is partially located within an estuarine marine wetland (see Figure 2). Additionally, a portion of the Ba Mar Community is located within a tidal wetland and tidal wetland adjacent area as classified by the New York State Department of Environmental Conservation (see Figure 3).

**Step TWO:** Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.
Not applicable.

**Step THREE:** Identify and evaluate practicable alternatives.
Not applicable.

**Step FOUR:** Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.
The purpose of the Proposed Project is to provide financial assistance to the residents of the Ba Mar Community who opt to relocate outside of the 100-year floodplain to avoid incurring property damage during future flood events. The Proposed Project offers a variety of optional expense coverage for applicants, including housing relocation, program-sponsored construction support, and the removal and demolition of applicant-owned manufactured homes at their current location within the Ba Mar Community. No increase of impervious surfaces, no increase of the existing development footprint, and no removal of existing vegetation would result. The Proposed Project encourages development outside of the floodplain, as financial assistance would only be awarded to qualifying applicants who provide sufficient evidence of relocation outside of the 100-year floodplain. The Proposed Project would benefit the survival and quality of the wetland areas as the Program will incentivize the removal of structures and relocation of residents out of the wetland and wetland adjacent areas. Therefore, no direct or indirect adverse impacts to the wetlands are anticipated to result from the Proposed Project.

**Step FIVE:** Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.
Based on the scope of the actions, the Proposed Project would not result in significant adverse impacts to flood levels, flood risk, or the flow of flood waters on the project site or surrounding areas. Through the relocation and/or demolition of the manufactured homes within the Ba Mar Community, the Proposed Project would mitigate the extent of property damage from future storm events. Project activities would be performed within the existing developed footprint.

**Step SIX:** Re-evaluate the Proposed Action.
No practicable alternatives were identified. GOSR has considered the following alternatives and mitigation measures to minimize adverse impacts and to restore and preserve natural and beneficial values. A “No Action” alternative was considered and rejected because the No Action alternative would not address the project purpose and need of making the Ba Mar Community resilient to future storm and flood events. An elevation alternative was considered and rejected, because the base flood elevation of this area, plus the two additional feet required by elevation standards, exceeds the height at which it is safe to elevate a manufactured home.
Step SEVEN: Issue Findings and a Public Explanation.
Not applicable.

Step EIGHT: Implement the Proposed Action.
GOSR has determined that the proposed project will have no direct or indirect adverse impacts to the floodplain or wetlands and has evaluated and eliminated project alternatives in favor of proceeding with the Proposed Project.