



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

June 9, 2016

By Overnight Mail and Electronic Mail

Tennille S. Parker, Director
Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing and Urban Development
451 7th Street, SW, Room 7272
Washington, D.C. 20410

Re: RROF and Environmental Certification for NYS CDBG-DR: Hazard Mitigation Grant Program & Community Development Block Grant – Disaster Recovery Global Match Acquisition & Elevation Project Village Of Sidney And Sidney Center, Delaware County, NY

Dear Ms. Parker:

Attached is a Request for Release of Funds (RROF) and Environmental Certification for the above referenced project- Hazard Mitigation Grant Program & Community Development Block Grant – Disaster Recovery Global Match Acquisition & Elevation Project Village Of Sidney And Sidney Center, Delaware County, NY. The Governor's Office of Storm Recovery, operating under the auspices of the New York State Homes and Renewal's Housing Trust Fund Corporation, performed an environmental assessment for the project pursuant to 24 CFR Part 58 for the activities covered by the RROF.

Pursuant to 24 CFR Section 58.70, the Notice of Intent to Request Release of Funds (NOI/RROF) and Finding of No Significant Impact (FONSI) were published on March 17th, 2016 (see attached copy of the NOI/RROF and FONSI and the affidavit of publication). No comments were received.

If you have any questions regarding this submission, please contact me at (518) 473-0015 or send me an email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
Housing Trust Fund Corporation

Attachments

CC By Electronic Mail:

Therese Fretwell, Regional Environmental Officer, Regions I & II, HUD
Richard Lord, Chief of Mitigation Programs & Agency Preservation Officer, NYSDHSES
Heather M. Spitzberg, Certifying Officer, NYSHCR
Lori Shirley, Deputy Environmental Director, GOSR
Amy Lentz, Environmental Records Manager, GOSR
Lisa Bova-Hiatt, Executive Director, GOSR
Daniel Greene, General Counsel, GOSR
Latoya Murphy, Deputy Executive Director, GOSR
Natalie Wright, Deputy Executive Director, GOSR
Kris van Orsdel, Managing Director, Infrastructure, GOSR

CC By Overnight Mail:

Rhoda M. Nicholson, Program Support Specialist, HUD

Request for Release of Funds and Certification

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

OMB No. 2506-0087
(exp. 07/31/2017)

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

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

| | | |
|--|--|--|
| 1. Program Title(s) Community Development Block Grant - Disaster Recover (CDBG-DR) | 2. HUD/State Identification Number B-13-DS-36-0001 and B-12-DT-36-001 | 3. Recipient Identification Number (optional) |
| 4. OMB Catalog Number(s) | 5. Name and address of responsible entity NYS Homes & Community Renewal 38-40 State Street Albany, NY 12207 | |
| 6. For information about this request, contact (name & phone number) Thomas J. King, GOSR (518-473-0015) | 7. Name and address of recipient (if different than responsible entity) | |
| 8. HUD or State Agency and office unit to receive request HUD, Office of Block Grant Assistance Disaster Recovery and Special Issues Division 451 7th Street SW, Washington, D.C. 20410 | | |

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

| | |
|---|---|
| 9. Program Activity(ies)/Project Name(s) Hazard Mitigation Grant Program & Community Development Block Grant – Disaster Recovery Global Match Acquisition & Elevation Project Village Of Sidney And Sidney Center, Delaware County, NY | 10. Location (Street address, city, county, State) Village of Sidney and Sidney Center, Delaware County, New York. |
|---|---|

11. Program Activity/Project Description

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to carry out the Hazard Mitigation Grant Program & Community Development Block Grant – Disaster Recovery Global Match Acquisition & Elevation Project Village Of Sidney And Sidney Center, Delaware County, NY in the Village of Sidney and Sidney Center, New York.

GOSR proposes to elevate or acquire/demolish 136 buildings in Delaware County, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center. Although the exact number of elevations and acquisitions is not known, it is estimated between 35 and 74 homes will be lifted to an elevation at least two feet above the Base Flood Elevation and Delaware County will acquire and demolish at least 62 homes located within high-risk areas of the Special Flood Hazard Area in the Village of Sidney and Sidney Center, New York (the "Proposed Project") to address the significant flood damage to homes and property sustained as a result of Tropical Storm Lee and a significant flooding event in 2006 (declared disaster DR-1650). The Proposed Project would be located within the Special Flood Hazard Area in the Village of Sidney and Sidney Center. The Proposed Project is estimated to cost a total of approximately \$19.2 million, to be provided by HUD. GOSR is requesting that \$14,050,173 in funds be allocated by HUD to the Irene/Lee grant, B-12-DT-36-0001, and \$5,149,827 in funds be allocated by HUD to the Sandy grant, B-13-DS-36-0001.

The Governor's Office of Storm Recovery is requesting **\$19,200,000** for the completion of the design and installation of this project.

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

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

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

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

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

Signature of Certifying Officer of the Responsible Entity

X 

Title of Certifying Officer

Assistant General Counsel

Date signed

June 9, 2016

Address of Certifying Officer

99 Washington Avenue, Suite 1224, Albany, New York 12260

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

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

Signature of Authorized Officer of the Recipient

X

Title of Authorized Officer

Date signed

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



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

PUBLIC NOTICE

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

HAZARD MITIGATION GRANT PROGRAM & COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY GLOBAL MATCH ACQUISITION & ELEVATION PROJECT VILLAGE OF SIDNEY AND SIDNEY CENTER, DELAWARE COUNTY, NY

March 17, 2016

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Thomas J. King (518) 473-0015.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to elevate or acquire/demolish 136 buildings in Delaware County, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center. Although the exact number of elevations and acquisitions is not known, it is estimated that at least 35 and as many as approximately 74 homes will be lifted to an elevation at least two feet above the Base Flood Elevation and Delaware County will acquire and demolish approximately 62 homes located within high-risk areas of the Special Flood Hazard Area in the Village of Sidney and Sidney Center, New York (the "Proposed Project") to address the significant flood damage to homes and property sustained as a result of Tropical Storm Lee and a significant flooding event in 2006 (declared disaster DR-1650). The Proposed Project would be located within the Special Flood Hazard Area in the Village of Sidney and Sidney Center. The Proposed Project is estimated to cost a total of approximately \$19.2 million, to be provided by HUD.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Contact: Thomas J. King (518) 473-0015.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshcr.org or by calling (518) 473-0015. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on FONSI and/or NOI/ROF: Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before April 1, 2016 at NYSCDBG_DR_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before April 1, 2016: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Comments may be received by telephone by contacting Thomas J. King at (518) 473-0015. All comments must be received on or before 5pm on April 1, 2016 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about April 4, 2016, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Thomas J. King, in his capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities

in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity or has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Thomas J. King, Esq.
Certifying Officer
March 17, 2016

County of Delaware
State of New York

Ryan Dalpiaz, being duly sworn, says he is the designated agent of The Tri-Town, of weekly circulation, published in Sidney New York, and that the notice hereto attached is exactly as was printed in said paper once a day on the following dates:

17th of March 2016

Ryan Dalpiaz, Sales and Office Manager

Ryan Dalpiaz

Sworn and subscribed before me this 26
day April 2016

Sharon D. Cutting
Notary Public

Beatrice J. Daniels
Notary Public
Chenango County
ID# 01DA495-8955
My com exps. 11/20/17

Sharon D. Cutting
Notary Public, State of NY
No. 01CU4984495
Qualified in Otsego Co.
Commission Exp. July 22, 2017

LEGAL

PUBLIC NOTICE
COMBINED NOTICE OF
FINDING OF NO SIGNIFI-
CANT IMPACT (FONSI)
AND

NOTICE OF INTENT TO
REQUEST RELEASE OF
FUNDS

HAZARD MITIGATION
GRANT PROGRAM &
COMMUNITY DEVEL-
OPMENT BLOCK GRANT

- DISASTER RECOVERY
GLOBAL MATCH AC-
QUISITION & ELEVATION
PROJECT

VILLAGE OF SIDNEY
AND SIDNEY CENTER,
DELAWARE COUNTY, NY
March 17, 2016

Name of Responsible En-
tity and Recipient: New York
State Homes and Community
Renewal (HCR), 38-40 State
Street, Hampton Plaza, Al-
bany, NY 12207, in coopera-
tion with the New York State
Housing Trust Fund Corpo-
ration (HTFC), of the same
address. Contact: Thomas J.
King (518) 473-0015.

Pursuant to 24 CFR Sec-
tion 58.43, this combined
Notice of Finding of No Sig-
nificant Impact and Notice of
Intent to Request Release of
Funds (FONSI/NOIRROF)
satisfies two separate proce-
dural requirements for project
activities proposed to be un-
dertaken by HCR.

Project Description: The
Governor's Office of Storm
Recovery (GOSR), an office of
HCR's HTFC, is responsible
for the direct administration
of the United States Depart-
ment of Housing and Urban
Development (HUD) Com-
munity Development Block
Grant - Disaster Recovery
(CDBG-DR) program in New
York State. GOSR proposes
to elevate or acquire/demol-
ish 136 buildings in Delaware
County, 134 of which are lo-
cated in the Village of Sidney
and 2 of which are located in
Sidney Center. Although the

review of the Proposed Proj-
ect is anticipated. HCR has
determined that the EA for
the project identified herein
complies with the require-
ments of HUD environmental
review regulations at 24 CFR
Part 58. HCR has determined
that the Proposed Project will
have no significant impact on
the human environment and
therefore does not require the
preparation of an environmen-
tal impact statement under
NEPA.

Public Review: Public
viewing of the EA is available
online at <http://stormrecovery.ny.gov/environmental-docs>
and is also available in person
Monday - Friday, 9:00 AM -
5:00 PM at the following ad-
dress: Governor's Office of
Storm Recovery, 99 Washing-
ton Avenue, Suite 1224, Al-
bany, New York 12260. Con-
tact: Thomas J. King (518)
473-0015.

Further information may
be requested by writing to
the above address, email-
ing NYSCDBG_DR_ER@nyshcr.org or by calling (518)
473-0015. This combined no-
tice is being sent to individuals
and groups known to be inter-
ested in these activities, local
news media, appropriate local,
state and federal agencies, the
regional office of the U.S. En-
vironmental Protection Agen-
cy having jurisdiction, and to
the HUD Field Office, and is
being published in a newspa-
per of general circulation in
the affected community.

Public Comments on
FONSI and/or NOIRROF:
Any individual, group or
agency may submit written
comments on the Project.
The public is hereby advised
to specify in their comments
which "notice" their com-
ments address. Comments
should be submitted via email,
in the proper format, on or be-
fore April 1, 2016 at NYSCDBG_DR_ER@nyshcr.org.