

K&K OUTBOARD, INC.
ENVIRONMENTAL ASSESSMENT



New York State Governor's Office of Storm Recovery
October 10, 2015

**K&K OUTBOARD, INC. – SMALL BUSINESS GRANT PROGRAM
PROJECT #: 059-ED-33651-2013
ENVIRONMENTAL ASSESSMENT & ERR PROJECT SUMMARY**

Responsible Entity:	New York State Homes & Community Renewal – Housing Trust Fund Corporation Cooperating with the Governor’s Office of Storm Recovery (GOSR)
Certifying Officer:	Thomas King, Esq., Certifying Officer, GOSR
Project Name:	K&K Outboard, Inc.
Funding Recipient:	K&K Outboard, Inc.
Federal Agency:	U.S. Department of Housing & Urban Development (HUD)
Project #:	059-ED-33651-2013
Project Sponsor:	New York State Housing Trust Fund Corporation
Program Name:	New York State Community Development Block Grant-Disaster Recovery Small Business Grant Program (April 2013)
Project Address:	3875 Long Beach Road, Island Park
Project County:	Nassau County, NY
Estimated Project Cost:	\$96,000
Project Sponsor Address:	Governor’s Office of Storm Recovery 99 Washington Avenue, Suite 1224 Albany, New York 12231
Primary Contact/ Person To Direct Comments:	Thomas King, Esq., Assistant General Counsel and Certifying Officer, Governor’s Office of Storm Recovery
E-Mail address:	<i>Thomas.King@stormrecovery.ny.gov</i>
Telephone Number:	(646) 417-4660
Project NEPA Classification:	24 CFR 58.36
ENVIRONMENTAL FINDING:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment. <input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.
	<p>The undersigned hereby certifies that New York State Housing Trust Fund Corporation has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended, (42 USC sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.</p> <p>Preparer Signature:  <hr/> NAME: Thomas King, Esq. Title/Agency: Assistant General Counsel & Certifying Officer Governor’s Office of Storm Recovery Date: October 10, 2015</p>
Environmental Assessment Prepared By:	Tectonic Engineering & Surveying PO Box 37, 70 Pleasant Hill Road Mountainville, NY 10953

Introduction:

K&K Outboard, Inc. is a marina located at 3875 Long Beach Road, Island Park, within the Town of Hempstead, Nassau County, New York. This business is a full-service marina located on a local canal which connects to Barnums Channel. The business entails a water-dependent type of commercial marine boat and motor sales, parts, service, dockage, and storage. This business sustained damage as a result of Superstorm Sandy, which included flooding, power outages, and business interruption. During Superstorm Sandy, rising waters lifted the floating docks off of their existing pilings, thus, destroying the floats on the docks and all that the docks impacted.

Description of the Proposal:

The proposed work involves grant assistance of \$96,000 for the purchase and installation of new pilings being funded as mitigation work, and all work will be consistent with environmental permits issued for this work. The work consists of removing the existing pilings and replacing them with taller pilings, in order to prevent the floating docks from shifting out of position in the event of rising waters during potential future storm events. This work is not considered a substantial improvement, nor was it determined to be substantially damaged. The mitigation planned will involve installation of sixteen (16) 60' x 12" butt pilings and twenty-six (26) 65' x 12" butt pilings located in the same proximity as the previous pilings. The replacement of pilings involves construction in wetlands that will occur for only a limited duration and extent.

A previous environmental review for separate activities categorized under 24 CFR 58.35(b)(4) for this applicant was completed on April 14, 2015 for \$50,000, and is included in the Environmental Review Record. Thus, total combined funding for this applicant is \$146,000.

Existing Conditions and Trends:

Barnum Island, New York is an unincorporated hamlet located in the Town of Hempstead. The majority of the Hamlet of Barnum Island is considered to be situated in high to moderate flood risk areas, with a record of high repetitive loss. This business is located immediately east of the convergence of Empire Boulevard and Long Beach Road. A local canal that leads to Barnums Channel is located immediately to the west of the business. The immediate surrounding area appears to be a mixture of residential and commercial properties that includes other marinas. It appears that this business, and surrounding businesses offer area residents services and access to waterways for recreation and fishing activities.

This marina service business is functionally dependent on a location on the waterway as it requires being able to lift and place boats in the water. It is expected that construction will be limited in duration and that application of construction best management practices will minimize potential for impacts to water quality and prevent adverse effects to natural resources as work will have to comply with applicable environmental permits. This business is located in floodplain and the southwest portion of the property is in an area of limited wave action.

Statement of Purpose and Need for the Proposal:

This business was impacted by Superstorm Sandy, during which the business experienced flooding, power outages, and business interruption resulting in damage to the machinery and equipment, working capital, and other property losses. Documentation of loss is supported by the insurance proof of loss documentation. In order to prevent further damage from future floods and to protect structures located on and off the property, the existing pilings will be removed and new, taller pilings will be installed in order to prevent the docks from floating free in the event of rising water. Moreover, in the March 5, 2013 Federal Register Notice, HUD expressly recognized that "without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery" (78 FR 14335).

ENVIRONMENTAL ASSESSMENT FACTORS/ SCREENING

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

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a determination of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional material as appropriate. Note conditions or mitigation measures required.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	The proposed project to replace pilings at this marina service business property, currently zoned for recreation and entertainment land use, conforms to existing plans and zoning including Barnum Island/ Oceanside/ Village of Island Park/ Harbor Isle, NY Rising Community Reconstruction Plan (NYRCRP). The Plan calls for continuity of maritime culture and maintenance and enhancement of area natural resources, whilst planning for and implementing strategies that will eliminate potential loss of life and minimize damage caused by future natural disasters. This project helps sustain a working waterfront use while mitigating the site to reduce damage from future disasters. The development appears to fit within standards for the local permits needed, such as for dock piling replacement.
Compatibility and Urban Impact	1	The proposed project would be compatible with the existing land use on the project site and the surrounding area, which is heavily developed with marina service and marina storage properties.
Slope	1	According to the USGS topographic map, the Property is located on a relatively flat land surface located adjacent to Barnums Channel on the southern shore of Nassau County (Attachment 1). Based on the proposed scope of work, there will be no change in slope to the property or the surrounding area.
Erosion	1	There is a small portion of the property within an area of limited wave action which may be susceptible to erosion during high water events, however, no reported erosion occurred during Superstorm Sandy. The property could experience some future inundation during severe high tides and major coastal storms. The proposed action does not alter any new surface areas as the construction is in-place replacement. Thus, the proposed action will be consistent with New York State storm-water management plans (the property is not allowed to discharge storm water to the adjacent canal) and will be consistent with best management practices as set forth in federal, state, or local permits that the applicant will have to acquire prior to receiving funding and commencement of work.
Soil Suitability		The US Department of Agriculture (USDA) Natural

	1	<p>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 for planning site investigations prior to design and construction.</p> <p>According to the USDA NRCS soils map data for "Shallow Soil Excavation," the rating class and limiting features for the soil type in the location of the piling replacement is not rated because the land is manmade and is made of fill materials (Attachment 2). It is expected that improved infrastructure will result in the use of construction specifications that are compatible with the management and stabilization of and construction in urban fill soils. The soils will be backfilled on the site after work is completed, as needed. As this area is heavily developed with bulkheads and marinas and the site has preexisting buildings and bulkheads, it is reasonable to presume that the soil conditions at this site are compatible with the intended work at the site. Thus, no potential impacts from the proposed work is anticipated.</p>
Hazards and Nuisances including Site Safety	1	<p>The proposed project involves the repair and mitigation to an existing business for dock piling replacement. Normal construction hazards will be present during the removal and replacement of the dock pilings. Construction practices would be addressed under existing New York State, Nassau County, and local municipality regulations.</p> <p>The funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. There are no known or suspected environmental issues known to have contaminated the Property to affect the health and safety of occupants or to conflict with the intended utilization of the property. More details are provided in the Toxic/Hazardous/ Radioactive Materials, Contamination, Chemicals, or Gases [24 CFR 58.5(i)(2)] section below, and its associated maps, and the U.S. Environmental Protection Agency (EPA) and NYS Department of Environmental Conservation (NYSDEC) reports are provided in the Case 059-ED-33651-2013 HUD Environmental Standards Review Report (Attachment 3).</p>
Energy Consumption	1	<p>The proposed project will not expand the existing business relative to conditions prior to Superstorm Sandy and would not increase long term energy consumption.</p>
Noise - Contribution to Community Noise Levels	1	<p>The proposed use is not a noise-sensitive use. This project involving physical rehabilitation and mitigation repairs at an existing business which will not generate excessive noise during the short-term period of physical work and such work will adhere to local municipal noise</p>

		control standards.
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	This project involves in-place repairs at an existing business and related economic development support and, does not involve physical work that would substantially affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. Generally, it is recommended to conduct construction rehabilitation and business assistance to ensure acceptable air quality during these temporary activities, including through minimization of volatile organic compounds, nitrogen oxides emissions and fugitive dust. This includes operation of gas-powered construction equipment to avoid prolonged idling and fugitive dust management practices in rehabilitation. It is also desirable to source low-VOC materials and inventory and energy star efficient equipment purchases, as practicable.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	The project involves mitigation at an existing business, specifically related to replacement of the dock pilings, and no visual impact is expected.

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The project involves repairs and replacements at an existing business. The project is not expected to induce any change in the demographic character of the area.
Displacement	1	The project involves repairs and replacements at an existing business and has no potential to displace individuals or families, destroy jobs, local businesses or community facilities, or disproportionately affect particular populations.
Employment and Income Patterns	2	The project involves repairs and replacements at an existing business and has no potential to adversely affect employment opportunities or income patterns. Additionally, funding to support business continuity at this location will help ensure a diverse economic base, support maritime activities, and subsequently result in continued economic multipliers and support that this business provides to surrounding businesses.

Community Facilities and Services	Code	Source or Documentation
Educational Facilities	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new populations that would increase the student population of the area. As such, the proposed project will not have an impact on educational facilities.
Commercial Facilities	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would require additional retail services or other commercial facilities.

Health Care	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would require the availability of routine or emergency health services.
Social Services	1	The proposed project would not impact social services. Social services are provided by a range of non-profit and government agencies.
Solid Waste	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate solid wastes. Excavated soils will be retained onsite and used as backfill when work is completed. Any construction debris will go to an appropriate legally compliant landfill designated for receipt of such materials.
Waste Water	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate waste water.
Storm Water	1	The proposed project involves repairs and replacements at an existing business and does not propose to increase the area of impervious surfaces. Thus, it will not adversely affect storm water runoff.
Water Supply	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would increase the demand for water.
Public Safety - Police	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate additional demand for police services.
- Fire	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate additional demand for fire services.
- Emergency Medical	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate demand for additional emergency medical services.
Open Space and Recreation - Open Space	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate demand for open space resources.
- Recreation	1	The proposed project involves repairs and replacements at an existing business and will not introduce any new development that would generate demand for recreational resources. It does restore a business that offers area residents access to recreation via maritime uses.
- Cultural Facilities	1	The in-place replacement scope of mitigation work for the replacement of piling structures is termed minor, and the historic properties determination applied is that there would be no or limited effect as a result of the funded rehabilitation (Attachment 4 and 5).

		<p>No further consultation with SHPO is required at this time.</p> <p>Additionally, as the work solely involves replacement of pilings in-place, there is no adverse effect on tribal resources, and no consultation with the Tribal Historic Preservation Office is required.</p> <p>If any cultural resources are inadvertently discovered during project construction, the project shall be halted immediately and the appropriate SHPO and THPO officers will be notified.</p>
Transportation	1	The proposed project involves repairs and improvements at an existing developed parcel and does not introduce any new development that would generate demand for transportation services. Moreover, the existing parking areas at the facility are sufficient to handle employees of the business.

Natural Features

Source or Documentation

Water Resources	1	<p>The proposed project does not involve any new development that would generate demand for groundwater as water supply, nor does the project introduce any new septic systems that may affect groundwater in the area. There is currently an existing septic system at the project property.</p> <p>The project is not located in one of the 47 identified watersheds with watershed plans in New York State, available at http://www.dec.ny.gov/chemical/99985.html. Thus, compliance with watershed plan regulations is not applicable for this project.</p>
Surface Water	1	The nearest surface water body is the Barnums Channel located west of the project location. The project does not generate demand for surface water resources, and the proposed project does not impact surface waters located near the project location.
Unique Natural Features and Agricultural Lands	1	There are no unique or natural features within proximity to the project location. Therefore, the work has no impact on this section.
Vegetation and Wildlife	1	The proposed project involves repairs and improvements at an existing developed business location and will include minor ground disturbance for in-place piling replacement. The ground disturbance occurs in previously disturbed areas and will not require the clearing of any vegetation. According to information reviews from the NYSDEC Environmental Resource Mapper ¹ , the Site is not located within the NYSDEC's designated rare, threatened, or endangered species generalized review area per the NYSDEC's Natural Heritage Program data (Attachment 6). Tectonic submitted a formal request to the NYS Natural

	<p>Heritage (NHP) program for records of threatened or endangered species in the project area. A response from the NHP on June 4, 2015, which is documented in Attachment 7, identified the Common tern (threatened) within 0.5 miles of the project location. Additionally, low salt marsh, high salt marsh, and salt panne are significant natural communities that occur nearby.</p> <p>Common terns build nests on the ground above the high tide line in sand, gravel, shells, or windrowed seaweed (http://www.dec.ny.gov/animals/7100.html). This project does not include newly disturbed areas, but only in-place replacement of in-water pilings with new, taller pilings in an already developed marina. The marina is developed with bulkheads along its western perimeter and there is no habitat for Common terns at the marina. Therefore, this project is not expected to affect the common tern species. There appears to be salt marshes across the water channel from the marina, but these will not be encroached upon or disturbed as part of the proposed project. Thus, this project will have no effect on the Common tern or the significant natural communities nearby.</p> <p>The United States Fish and Wildlife Service (USFWS) lists the piping plover (<i>Charadrius melodus</i>), red knot (<i>Calidris canutus</i>), roseate tern (<i>Sterna dougallii dougallii</i>), sandplain gerardia (<i>agalinis acuta</i>), seabeach amaranth (<i>Amaranthus pumilus</i>), and northern long-eared bat (<i>Myotis septentrionalis</i>) as species that could occur in the area of the proposed project. After a review of the project scope in relation to the aforementioned species breeding, foraging, and habitat requirements, it was concluded that the project would have no effect on these species. The USFWS's acknowledgement of receipt of the "no effect" determination is included in Attachment 7.</p> <p>National Marine Fisheries Service (NMFS) maps for the Atlantic Coast indicate that the proposed project occurs within the range of Atlantic large whales, sea turtles, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). However, due to the scope of work to replace pilings in previously disturbed locations within an already developed marina, it is concluded that this project will not affect these species. Correspondence with NMFS indicated that there are no federally or proposed threatened or endangered species under NMFS jurisdiction expected to occur in the vicinity of the proposed project. Thus, no direct or indirect effects to listed species are expected. A copy of this correspondence is included in Attachment 7.</p> <p>¹ NYSDEC's Environmental Resource Mapper</p>
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	http://www.dec.ny.gov/imsmaps/ERM/viewer.htm
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ENVIRONMENTAL ASSESSMENT WORK SHEET

Directions: The Responsible Entity (RE) must make a determination as to whether the activities affiliated with the project will affect the resource under consideration and trigger formal compliance consultation procedures with the appropriate oversight agency and/or subsequent mitigation. You may consult guidance by clicking on links in each box below which also will take you to information from agency web sites. If the activity affects the resource, indicate (A) in the Status Determination Column below. Or indicate (B) in that column if the activity does not affect the resources under consideration. The compliance documentation column should indicate what source documentation was used to make the compliance determination and copies of all necessary documentation should be attached to the completed form for inclusion in the Environmental Review Record (ERR).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Wetland Protection [Executive Order 11990]	A	<p>There are mapped wetlands based on the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory maps on or immediately adjacent to the subject property (Attachment 6). Additionally, the NYSDEC tidal wetland database indicates the Site to be within NYSDEC tidal wetlands. As the work includes new, taller dock pilings to replace the shorter existing pilings, the work complies with U.S. Army Corps Nationwide Permit #3 (Maintenance), and no preconstruction notification is necessary. Additionally, the NYSDEC indicated that the proposed piling replacement work is an activity that is not regulated and no permit is required. The Town of Hempstead has issued a permit for the proposed work. Letters and permits documenting all applicable environmental permitting for this project are included in Attachment 8.</p> <p>There is proposed replacement of pilings with new, taller pilings, in wetlands and floodplains. The new pilings will be put within the same footprint as the existing pilings, which will be removed. Per Executive Order 11990, it could be construed that the replacement pilings might be considered “new construction in wetlands” for the purposes of the Protection of Wetlands. Thus, Executive Order 11998 and 11990 analysis were undertaken. See Wetland Protection and Floodplain Management Document annexed hereto as Attachment 9.</p> <p>As a condition of the proposed funding through the Community Development Block Grant–Disaster Recovery–Small Business Program, the applicant shall acquire all necessary permits for the dock piling work</p>

		and will perform work in conformance with the permits.
Coastal Zone Management [Coastal Zone Management Act, 1972, sec. 307 (c) and (d)]	B	Proposed actions are consistent with the New York State Coastal Management Program, annexed hereto as Attachment 10 .
Historic Preservation [36 CFR Part 800]	B	Based on a Section 106 project review, in accordance with the applicable Programmatic Agreement, this case will have no or limited effect on historic properties because the proposed action encompasses storm-induced building repairs/ retrofits involving structures less than 45 years old at the point of the Disaster (per assessment data) (Attachment 5). Additionally, as the construction work solely involves repairs to an existing structure and in-place replacement, there is no adverse effect on tribal resources, and no consultation with the Tribal Historic Preservation Officer is required.
Floodplain Management [Executive Order 11988; 24 CFR Part 55]	A	The project is located within a 100-year floodplain. See the attached FEMA Firmette Map Number 36059C0307G, annexed hereto as Attachment 11 . See the Wetlands Protection and Floodplain Management Document, annexed hereto as Attachment 9 . As there is no proposed funding for repairing, replacing, or any other type of work on buildings being requested as part of this application for the Community Development Block Grant–Disaster Recovery–Small Business Program, proof of flood insurance is not required.
Sole Source Aquifers [40 CFR 149]	B	The project does occur within the surficial bounds of a designated sole source aquifer. See the attached map of EPA-designated sole source aquifers in New York State (Attachment 12). This project proposes to replace existing dock pilings and will not increase the preexisting footprint of structures, sidewalk, driveway, parking lot, or other developed area. Therefore, this authority does not apply.
Endangered Species Act [50 CFR 402]	B	The proposed project involves repairs and improvements at an existing developed business location, and will include minor ground disturbance for in-place piling replacement. The ground disturbance occurs in previously disturbed areas and will not require the clearing of any vegetation. According to information reviews from the New York Environmental Resource Mapper ¹ , the Site is not located within the NYSDEC’s designated rare, threatened, or endangered species generalized review area per NYS Natural Heritage Program data (Attachment 6). Tectonic submitted a

	<p>formal request to the NYS Natural Heritage (NHP) program for records of threatened or endangered species in the project area. A response from the NHP on June 4, 2015, which is documented in Attachment 7, identified the Common tern (threatened) within 0.5 miles of the project location. Additionally, low salt marsh, high salt marsh, and salt panne are significant natural communities that occur nearby.</p> <p>Common terns build nests on the ground above the high tide line in sand, gravel, shells, or windrowed seaweed (http://www.dec.ny.gov/animals/7100.html). This project does not include new construction, but only replacement of in-water pilings in-place, in an already developed marina. The marina is developed with bulkheads along its western perimeter and there is no habitat for common tern at the marina. This project is not expected to affect the common tern species. There appear to be salt marshes across the water channel from the marina, but these will not be encroached upon or disturbed as part of the proposed project. Thus, this project does not include new construction, and will have no effect on the common tern or the significant natural communities nearby.</p> <p>The United States Fish and Wildlife Service lists the piping plover (<i>Charadrius melodus</i>), red knot (<i>Calidris canutus</i>), roseate tern (<i>Sterna dougallii dougallii</i>), sandplain gerardia (<i>agalinis acuta</i>), seabeach amaranth (<i>Amaranthus pumilus</i>), and northern long-eared bat (<i>Myotis septentrionalis</i>) as species that could occur in the area of the proposed project. After a review of the project scope in relation to the aforementioned species breeding, foraging, and habitat requirements, it was concluded that the project would have no effect on these species. The USFWS's acknowledgement of receipt of the "no effect" determination is included in Attachment 7.</p> <p>National Marine Fisheries Service Maps for the Atlantic Coast indicate that the proposed project occurs within the range of Atlantic large whales, sea turtles, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). However, due to the scope of work to replace pilings in previously disturbed locations within an already developed marina, it is concluded that this project will not affect these species. Correspondence with NMFS indicated that there are no federally or proposed threatened or endangered species under NMFS jurisdiction expected to occur in the vicinity of the proposed project. Thus, no direct or indirect effects to species are expected. A copy of this</p>
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		<p>correspondence is included in Attachment 7.</p> <p>¹ http://www.dec.ny.gov/ismaps/ERM/viewer.htm</p>
Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]	B	Not applicable, as there are no wild and scenic rivers within Nassau County, as designated by the U.S. Department of the Interior and the NYSDEC.
Clean Air Act [40 CFR Parts 6, 51, 93]	B	<p>The project is located in a non-attainment area for the criteria air pollutant, 8-Hr Ozone, as is documented by the EPA's Green Book Nonattainment Areas for Criteria Pollutants.</p> <p>http://www.epa.gov/oagps001/greenbk/ancl.html</p> <p>The proposed project would not substantively affect the NY State Implementation Plan (SIP) during the short-term construction activities to remove and install new pilings. Impacts to air quality will be minimal, and once complete, the project will not impact air quality.</p> <p>Generally, it is recommended to conduct construction rehabilitation and business assistance to ensure acceptable air quality during these temporary activities, including through minimization of volatile organic compounds and nitrogen oxides emissions. This includes operation of gas-powered construction equipment to avoid prolonged idling. It involves fugitive dust management practices in rehabilitation. It is also desirable to source low-VOC materials and inventory and energy star efficient equipment purchase, as practicable.</p>
Farmland Policy Act [7 CFR Part 658]	B	The proposed project involves work within the footprint of an already developed marina. The scope of work did not involve farmland, and did not involve the conversion of farmland to nonagricultural use. Thus, the project is in compliance with this Act.
Environmental Justice [Executive Order 12898]	A	<p>The project occurs in a potential environmental justice area designated by the NYSDEC¹. However, the project does not contribute to or promote environmental injustice, as the work being performed does not change the footprint of the existing structures on the property or change the use of the land. Moreover, this project is intended to provide mitigation assistance towards a business affected by Superstorm Sandy and to support business continuity. The project does not contribute to or promote environmental injustice.</p> <p>¹http://www.dec.ny.gov/docs/permits_ej_operations_pdf/nassauej.pdf</p>

<p>Noise Abatement and Control [24 CFR Part 51, Subpart B]</p>	<p>B</p>	<p>The proposed use is not a noise-sensitive use. This project involving physical mitigation at an existing business is not expected to generate excessive noise during the short-term period of physical work, and work will adhere to local municipal noise control standards.</p>
<p>Toxic/Hazardous/ Radioactive Materials, Contamination, Chemicals, or Gases [24 CFR 58.5(i)(2)]</p>	<p>B</p>	<p>The Subject Property: The Property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list. The property is located within 3,000 feet of a toxic or solid waste landfill site. Due to the results of groundwater, surface water, sediment and leachate sampling and because the property is located across a waterway from the landfill, the property is not expected to be contaminated due to the landfill.</p> <p>Based on review of the NEPA site inspection form, the Property does not have an underground storage tank and is not known or suspected to be contaminated by toxic chemicals or radioactive materials. A request for Bulk Storage records for the Property has been submitted to the Nassau County Department of Health Services to corroborate site visit findings that no tanks are present on the Property, and both agencies indicated that they did not retain records for the Subject Property at this time.</p> <p>A review of the EPA Resource Conservation and Recovery Act (RCRA) and NYSDEC Environmental Remediation databases indicates that the property is currently listed as an EPA Water Discharger Facility in noncompliance with the CWA for permit schedule violations. The marina has a National Pollutant Discharge Elimination System (NPDES) permit that requires monthly reporting. The marina is listed as being in violation (a reportable non-compliance) with the Clean Water Act since April 1, 2013. The issue appears to have been administratively resolved in May 2015 according to the facility report included in Attachment 3. However, the ECHO (Enforcement and Compliance History) report for April 1 – June 30, 2015 has not yet been updated. The NPDES permits expires September 30, 2017. There are no reported chemical releases at the site. Due to the nature of the violation being in regards to scheduling and no reported discharge of chemical(s) at this property, this violation is not expected to involve contamination on the Subject Property. On 9/29/15, the NYSDEC Bureau of Habitat and Division of Water confirmed that the Applicant is in compliance and has no reported violations.</p>

		<p>(See attached report: Case 059-ED-33651-2013 HUD Environmental Standards Review as Attachment 3.)</p> <p>Surrounding Properties: There are several EPA sites located near the Subject Property. All EPA sites within 1000 feet of the Subject Property have no violations. There are three EPA sites between 1001 and 3000 feet of the Subject Property that show violations. All sites are in or have been in noncompliance of the CWA for permit schedule violations. One site is also listed in noncompliance with the CAA for pollutant violations. Several spills were reported around the Subject Property. Many of the spills have been closed. Due to the nature of the violation being in regards to scheduling, this violation is not expected to involve contamination on the Subject Property. Due to the distance of the spill sites from the Subject Property, contamination at the Subject Property due to these sites is not expected.</p> <p>The funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. There are no other known or suspected environmental issues known to have contaminated the Property, to affect the health and safety of occupants, or to conflict with the intended utilization of the property. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase 2 Environmental Site Assessment relative to potential or actual recognized conditions (RECs) are not warranted. As such, no further action is required at this time. Maps, EPA, and NYSDEC reports are provided in the Case 059-ED-33651-2013 HUD Environmental Standards Review Report, annexed hereto as Attachment 3.</p> <p>Building or structures to be rehabilitated must conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos pertaining to demolition and renovation in 40 CFR 61.145, and the National Emission Standard for Asbestos pertaining to waste disposal for manufacturing, fabricating, demolition, and spraying operations in 40 CFR 61.150.</p> <p>If applicable, applicant shall provide documentation showing compliance with applicable asbestos rules. In the alternative, the applicant shall schedule an asbestos clearance inspection.</p>
Explosive and Flammable Operations [24 CFR Part 51 C]	B	The threshold for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the project increases the number of people exposed to hazardous

		operations. This project does not increase residential or commercial densities and the proposed action does not involve a hazardous facility. Thus, the proposed action is in compliance with 24 CFR Part 51 Subpart C.
Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]	B	The proposed project does not involve the purchase or acquisition of property, and is not located within a Runway Clear Zone or Accident Potential Zone. Therefore, this standard is not applicable.
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	A	The activities occur in a community that is in the Regular Program of the National Flood Insurance Program (NFIP), and the community is currently in good standing. Based on the applicable Flood Insurance Rate Map shown in Attachment 11 , the property is located within a Special Flood Hazard Area. As there is no proposed funding for repairing, replacing, or any other type of work on buildings being requested as part of this application for the Community Development Block Grant–Disaster Recovery–Small Business Program, proof of flood insurance is not required. No further compliance with this section is necessary.
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	B	The project location does not fall within or near a coastal zone management unit as depicted in the U.S. Coastal Barrier Resources System Mapper image in Attachment 6 . Therefore, there are no Federal or State permits identified for this section for this project.
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	B	The proposed project does not involve the purchase or acquisition of a property, and it is not located within a Runway Clear Zone or Accident Potential Zone. Therefore, this standard is not applicable.

SUMMARY OF FINDINGS AND CONCLUSIONS

The proposed project to fund mitigation efforts in the form of replacing existing dock pilings with taller pilings will enable the applicant to continue operating a business at this location. Impacts from future floods can be minimized at this rehabilitated location because the dock pilings will be higher. This will help prevent the docks from being disconnected from the pilings in the event of rising waters, which will protect the immediate and surrounding properties during floods from the free-ranging, floating debris. The preceding Statutory Checklist and Environmental Assessment Checklist, and the discussion below, document that the proposed work will comply with regulations in 24 CFR part 58.5 and 58.6 and that there are no direct or cumulative adverse environmental impacts anticipated as a result of the proposed action.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives and Project Modifications Considered

One alternative that is considered is to relocate the business out of 100-year floodplain. Due to the functional reliance this business has upon water access, the relocation alternative is not practicable. A move to an area outside flood zone is impracticable in terms of the businesses’ basic requirements to achieve an acceptable level of service as a marina service business. Furthermore, other locations partially situated within the flood zone are already occupied, and/ or already serve important purposes such as forestry, agriculture, open space, or recreation.

An additional alternative is to promote a buyout of the business. This plan does not support business continuity at this location and does not support recreational access to the local waterfront. If this business were bought out and converted to open space, this constituent business of the locally important maritime sector will no longer be part of the local economic base. A buyout of this business would be undesirable because it would remove a functionally dependent business from the area, which could have adverse economic multipliers on surrounding businesses. Moreover, a buyout of this business would result in a vacant parcel in a developed area, which could lead to neighborhood blight.

No Action Alternative

The “no action” alternative would mean support would not be provided for the applicant to install taller dock pilings to prevent further damage to the property. Without support, the applicant could struggle to restore business and revenue streams due to the Site being out of service, and recovery would be greatly impaired. Without support, the property resources could degrade and there could be an undesirable change in the working waterfront economic base of the neighborhood. Moreover, in the March 5, 2013 Federal Register Notice, HUD expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery” (78 FR 14335). Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives, and the no action alternative is not considered a reasonable alternative.

Mitigation Measures Recommended

The proposed project to purchase and install new dock pilings can be done in a manner that will limit environmental risk during potential future floods. These include ensuring the floating docks cannot be disconnected from the pilings and can withstand floodwaters without any release to the environment, managing construction waste disposal in appropriate way, and enacting a plan for non-structural measures, including actions like raising building supplies above flood elevations, or enclosing supplies in watertight containers in the event of a predicted flood. By promoting these measures, the applicant will reduce impacts caused by potential future floods. Additionally, existing dock pilings will be taken offsite and disposed of in an appropriate legally compliant landfill using current best management practices for demolition disposal. The dock piling construction should provide appropriate levels of resiliency per the applicable permits and best management practices, including based on local and building code requirements and requirements set forth in applicable federal, state, and local environmental permits.

If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils or sediment contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.

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.

ADDITIONAL STUDIES PERFORMED AND/OR LIST OF SOURCES, AGENCIES AND PERSONS CONSULTED [40 CFR 1508.9(b)] (With studies or summaries attached)

Additional sources and agencies are referenced in some of the individual attachments referenced throughout this document.

- *Attachment 1:* Location Maps: Street Map, Topographic Map, and Aerial Image
- *Attachment 2:* USDA Soils Map
- *Attachment 3:* HUD Environmental Standards Review
- *Attachment 4:* New York State Historic Preservation Programmatic Agreement (PA)
- *Attachment 5:* Letter to Environmental Review Record on Historic Properties Compliance
- *Attachment 6:* NYSDEC Environmental Resource Map, USFWS NWI Map, New York State Coastal Boundary Maps, USFWS Coastal Barrier Resources Maps, and New York State Tidal Wetlands Maps and Environmental Justice Maps
- *Attachment 7:* Section 7 Compliance Documentation
- *Attachment 8:* Environmental Permits Documentation
- *Attachment 9:* Executive Orders Compliance Analysis – Wetlands Protection (EO11990) & Floodplain Management (EO11988)
- *Attachment 10:* General Coastal Consistency Determination
- *Attachment 11:* FEMA Firmette
- *Attachment 12:* Sole Source Aquifer Map

Additional Studies Performed: No additional studies were deemed necessary to determine whether this project would have a significant environmental impact.

DETERMINATION: The preparers have complied with all provisions of 24 CFR Part 58, Subpart E—Environmental Review Process: Environmental Assessments, examining alternatives to the project itself, feasible ways to modify the project to eliminate or minimize adverse impacts, and based on steps (a) through (f) found in the regulations, determined the following:

- (1) Finding of No Significant Impact (FONSI), whereby the Responsible Entity may proceed to Dissemination and publication of the FONSI, per regulations found at 24 CFR Part 58, sec. **58.43(a)**.

Preparer Signature: Andrea Diavers Date: 10/10/2015

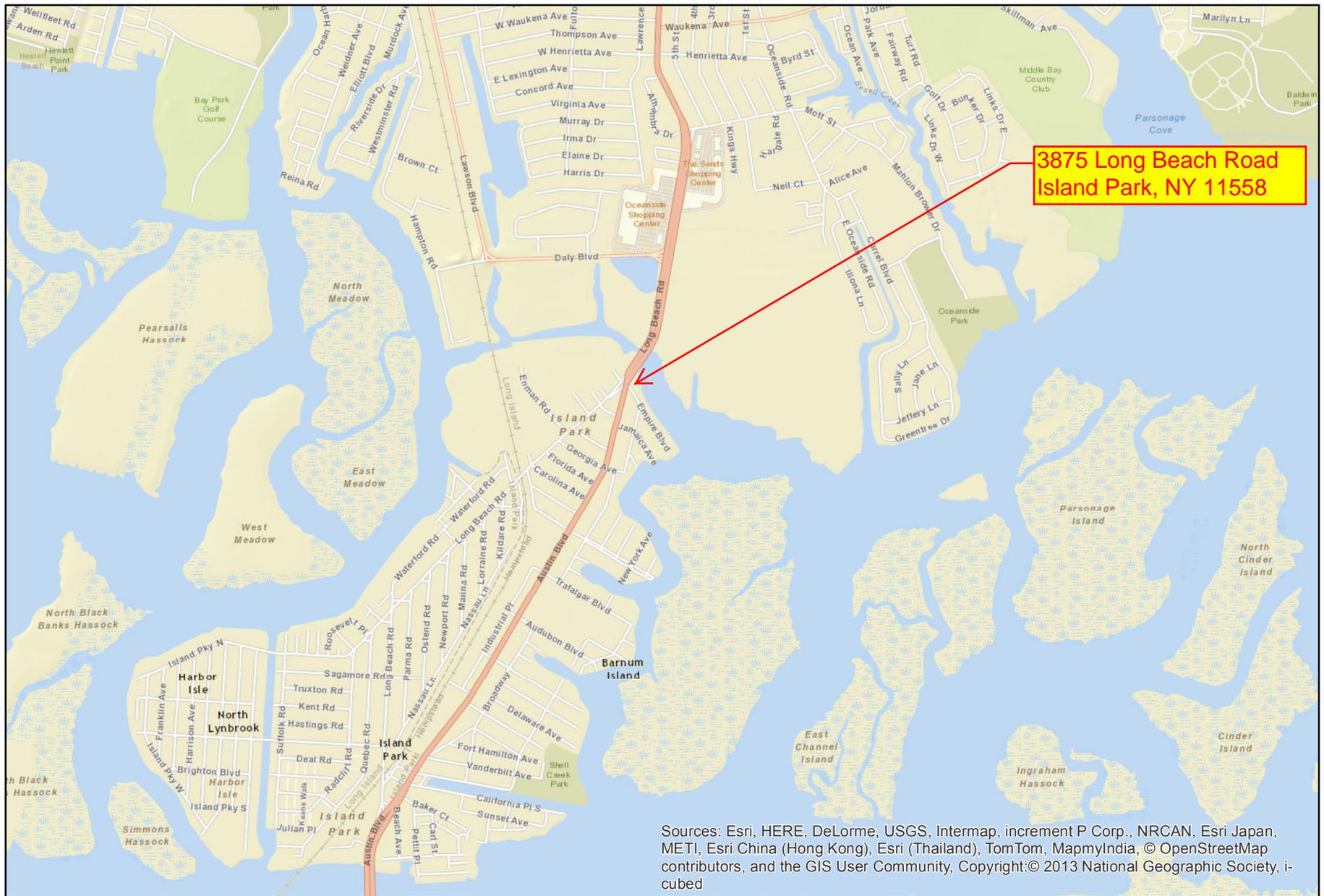
Name/Title/Organization: Tectonic Engineering & Surveying Consultants, P.C.

Certifying Officer Signature: Thomas J. King Date: 10/10/2015

Name/Title: Thomas King, Assistant General Counsel & Certifying Officer

Attachment 1

Location Maps: Street Map, Topographic
Map, Aerial Image



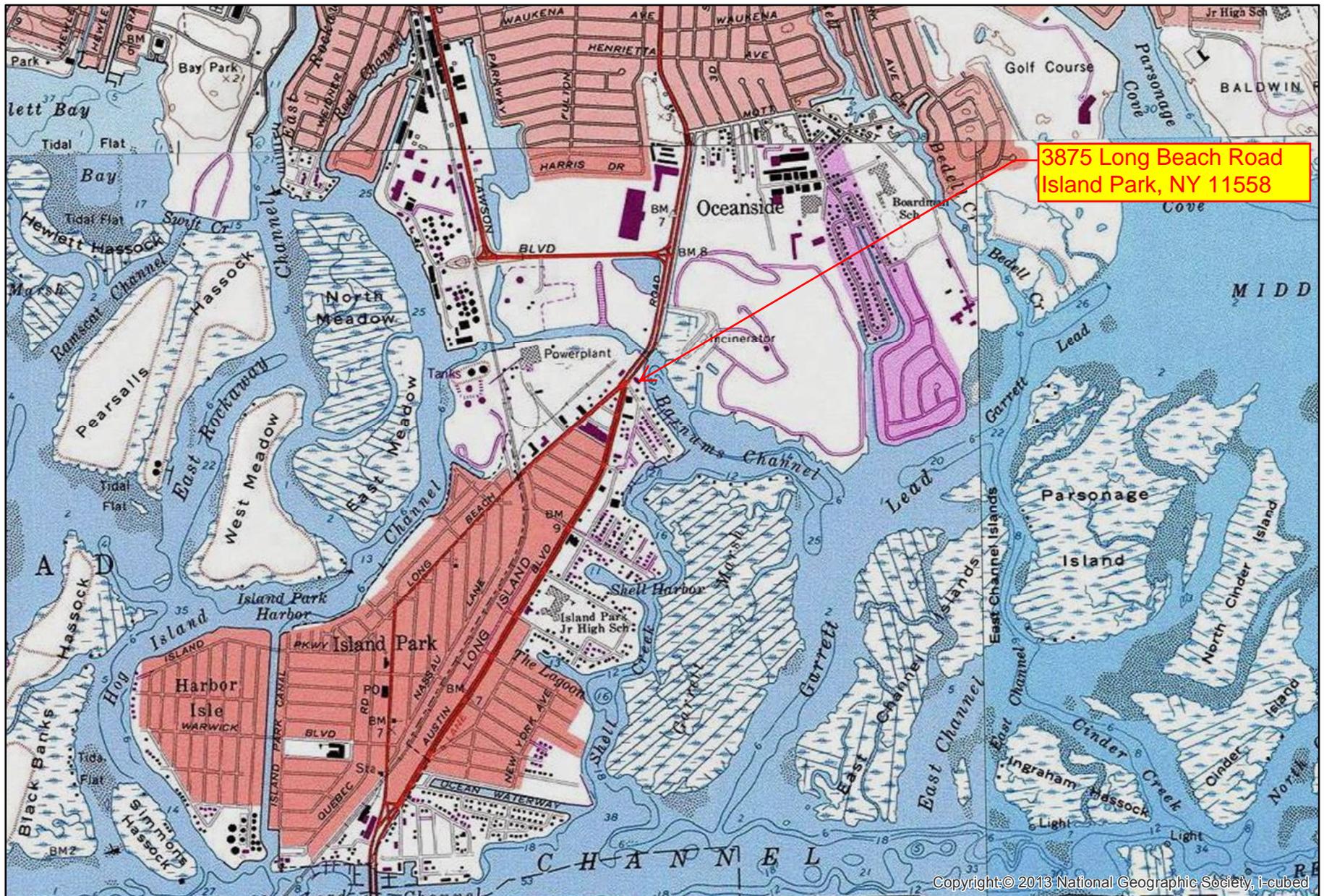
**3875 Long Beach Road
Island Park, NY 11558**

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Copyright:© 2013 National Geographic Society, i-cubed

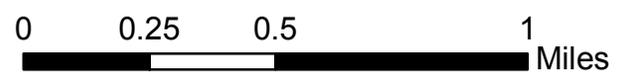


**Street Map
3875 Long Beach Road
Island Park, NY 11558**



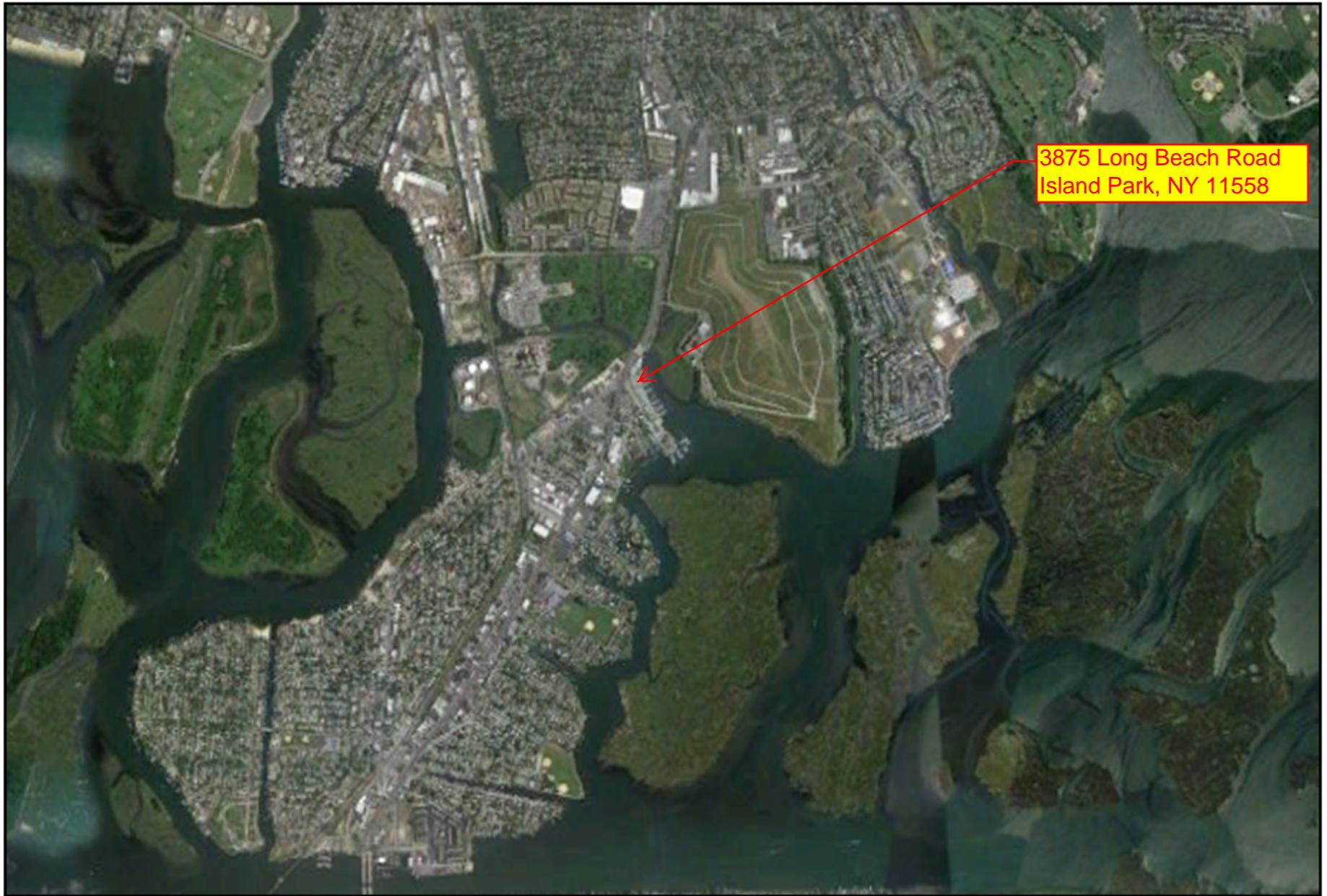


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Topographic Map
3875 Long Beach Road
Island Park, NY 11558





Attachment 2

USDA Soils Maps

Custom Soil Resource Report Soil Map



Map Scale: 1:1,960 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features

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

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

Water Features

 Streams and Canals

Transportation

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

Background

 Aerial Photography

MAP INFORMATION

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

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

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

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

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

Soil Survey Area: Nassau County, New York
 Survey Area Data: Version 11, Sep 15, 2014

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

Date(s) aerial images were photographed: Mar 26, 2011—Apr 16, 2012

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

Map Unit Legend

Nassau County, New York (NY059)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ug	Urban land	2.4	28.7%
Uw	Urban land-Udipsamments, wet substratum complex	4.3	52.1%
W	Water	1.6	19.3%
Totals for Area of Interest		8.3	100.0%

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

Custom Soil Resource Report

intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Nassau County, New York

Ug—Urban land

Map Unit Setting

National map unit symbol: 9ttq
Mean annual precipitation: 42 to 46 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 190 to 230 days
Farmland classification: Not prime farmland

Map Unit Composition

Urban land: 90 percent
Minor components: 10 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Minor Components

Riverhead

Percent of map unit: 2 percent

Enfield

Percent of map unit: 2 percent

Hempstead

Percent of map unit: 2 percent

Udipsamments

Percent of map unit: 2 percent

Udorthents

Percent of map unit: 2 percent

Uw—Urban land-Udipsamments, wet substratum complex

Map Unit Setting

National map unit symbol: 9tv4
Mean annual precipitation: 42 to 46 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 190 to 230 days
Farmland classification: Not prime farmland

Map Unit Composition

Urban land: 70 percent
Udipsamments, wet substratum, and similar soils: 25 percent
Minor components: 5 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Udipsamments, Wet Substratum

Typical profile

H1 - 0 to 72 inches: coarse sand

Custom Soil Resource Report

Properties and qualities

Slope: 0 to 3 percent

Depth to restrictive feature: More than 80 inches

Natural drainage class: Somewhat excessively drained

Capacity of the most limiting layer to transmit water (Ksat): Very high (19.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: None

Frequency of ponding: None

Available water storage in profile: Low (about 3.6 inches)

Minor Components

Sudbury

Percent of map unit: 3 percent

Riverhead

Percent of map unit: 2 percent

W—Water

Map Unit Setting

National map unit symbol: 9tv7

Mean annual precipitation: 42 to 46 inches

Mean annual air temperature: 50 to 54 degrees F

Frost-free period: 190 to 230 days

Farmland classification: Not prime farmland

Map Unit Composition

Water: 100 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

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United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

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United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242

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Attachment 3

HUD Environmental Standards Review

Case 059-ED-33651-2013 HUD Environmental Standards Review

Property Address: 3875 Long Beach Road, Island Park, NY, 11572

Introduction: The purpose of this review is to ensure that the project complies with HUD environmental standards in relation to 24 CFR Part 58.5. -Properties that are proposed for use in HUD programs “must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.”

A desktop review was performed to identify whether the Property referenced in the title of this document complies with the following criteria:

- (i) is not Listed on an EPA Superfund National Priorities or Comprehensive Environmental Response Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) List, or equivalent State list;
- (ii) is not located within 3,000 feet of a toxic or solid waste landfill site;
- (iii) does not have an underground storage tank;
- (iv) is not known or suspected to be contaminated by toxic chemicals or radioactive materials.

Summary of Findings: The Property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list. The Property is located within 3,000 feet of Oceanside landfill, a solid waste landfill site. The landfill has not accepted waste since 1988 and has had numerous environmental studies completed on the site. It was found that ground water under the landfill discharge directly to surface water. At a minimum, class SA and SB standards/guidance values have been exceeded for cadmium, beryllium, lead, mercury, chromium, chlorobenzene, and benzene. The Community Right-to-Know (CRTK) survey reported the disposal of dry filtercake from a dry cleaner. No other documentation of hazardous waste disposal has been uncovered. Groundwater, surface water, sediment, and leachate sampling on or near the landfill did not provide obvious data indicating disposal of hazardous waste. Due to the results of the groundwater, surface water, sediment and leachate sampling and because the property is located across a waterway from the landfill, the property is not expected to be contaminated due to the landfill.

A request for Bulk Storage records for the Property has been submitted to the Nassau County Department of Health and the Nassau County Fire Commissioner to corroborate site visit findings that no tanks are present on the Property, and each agency indicated they do not currently maintain any such record for this property.

A review of the EPA Resource Conservation and Recovery Act (RCRA) and NYSDEC Environmental Remediation databases indicates that the property is currently listed as an EPA Water Discharger Facility in noncompliance with the CWA for permit schedule violations. The marina has a National Pollutant Discharge Elimination System (NPDES) permit that requires monthly reporting. The marina is listed as being in violation (a reportable non-compliance) with the Clean Water Act since April 1, 2013. The issue appears to have been administratively

resolved in May 2015 according to the facility report included herein. However, the ECHO (Enforcement and Compliance History) report for April 1 – June 30, 2015 has not yet been updated. The NPDES permits expires September 30, 2017. There are no reported chemical releases at the site. Due to the nature of the violation being in regards to scheduling and no reported discharge of chemical(s) at this property, this violation is not expected to involve contamination on the Subject Property. On 9/29/15, the NYSDEC Bureau of Habitat and Division of Water confirmed that the Applicant is in compliance and has no reported violations.

Several EPA RCRA, air emission, and water discharger facilities are located within 3,000 feet of the Property. No violations have been reported at facilities within 1,000 feet of the Property:

Empire Point Marina is listed as a Water Discharger facility and is located 1,700 feet from the Property. The site is currently in violation of the CWA for permit schedule violations. Due to the nature of the violation being in regards to scheduling, this violation is not expected to involve contamination on the Subject Property.

EF Barrett Power Station is listed as an Air Emission and Water Discharger facility and is located 1,800 feet from the Property. The site is currently in noncompliance with the CAA for pollutant violations and was previously in noncompliance with the CWA for permit schedule violations and pollutant violations.

Star Auto Salvage is listed as a Water Discharger Facility and is located 2,600 feet from the Property. The site is currently in noncompliance with the CWA for permit schedule violations.

Due to the distance of these sites from the Subject Property, contamination at the Subject Property due to these sites is not expected.

A numerous amount of spills have been reported around the Property on Long Beach Road, Austin Boulevard and Empire Boulevard. USA Petroleum, located across the street on Long Beach Road, has had spills reported on the property. Three spills on the property currently remain open; the spills involved an unknown amount diesel, gas and an unknown petroleum substance spilled into the soil and groundwater between 2005 and 2011. A spill located at 4029 Long Beach Road remains open; it involved 6 gallons of Hydraulic Oil spilled onto the asphalt in 2012. Two spills of gasoline at gas stations on Austin Boulevard remain open from 2009 and 2010. All other surrounding spills have been closed.

Based on their distance from the property and that several of the spills have been closed, it is unlikely that any contamination has migrated to the Subject Property in this developed area. Based on the project description, scope of work is expected to have ground disturbance in-water. Due to the distance of the ground disturbance from reported open spills, it is not likely that contamination from surrounding spills and hazardous waste generators have migrated onto the subject property. The funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. Therefore a Phase I Environmental Site Assessment (ESA) or Phase 2 ESA is not warranted. Further action is not required at this time. Maps, DEC, and EPA reports are provided at the end of this report.

Data Sources: Tectonic has reviewed the following sources to make the above determinations: Hazardous Waste records contained in the Resource Conservation and Recovery Act Information (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) for sites listed under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA (otherwise known as Superfund)), EPA's Toxic Release Inventory database (TRI), and the EPA Radiation Information Database (RADInfo). Tectonic reviewed the NYS DEC Remedial Site Database to assess whether the site is registered as a NYS Superfund or Environmental Restoration site. The DEC Remedial Database includes records of sites that are part of the NYS Superfund, Brownfield Cleanup, Environmental Restoration, and Voluntary Cleanup Programs. The database also includes a Registry of Inactive Hazardous Waste Disposal Sites. Tectonic reviewed the Small Business Program Supplemental Environmental Checklist and Nassau County records, which are retained by the Nassau County Fire Commissioner and the Nassau County Department of Health, to determine if the Property has a underground storage tank (which is not a residential fuel tank), or any other storage tank. The NYSDEC Bulk Storage Database was reviewed for records of facilities that are or have been regulated according to one of the Bulk Storage Programs- Chemical Bulk Storage, or Major Oil Facility. The NYSDEC Spill Incident Database was used to determine the potential effects of spills on or near the Property. A desktop review of Google Earth was used in conjunction with a map of active municipal landfills (provided by the DEC) in determining whether there was a landfill within 3000 feet of the Property.

Maps

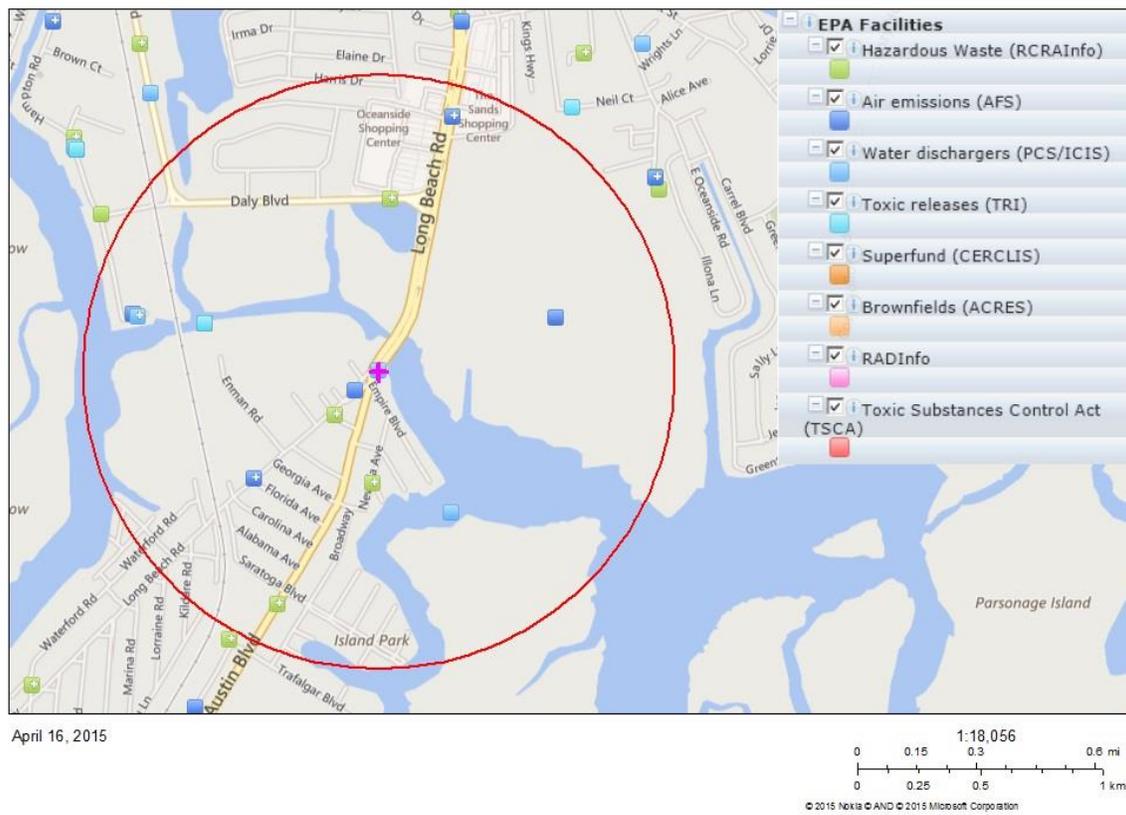


Figure 2: Hazardous waste sites and handlers (green marker), toxic release sites (blue marker), Superfund and brownfield sites (orange markers), and facilities regulated by the U.S. EPA for radiation and radioactivity (pink marker). The project property is indicated by a purple cross symbol, and a 3000 foot buffer around the Property is represented by the red circle.



Figure 3: Environmental remediation sites listed in the NYSDEC Environmental Remediation Database. Brownfield cleanups are depicted by dark red symbols, Environmental Restoration Programs by yellow symbols, State Superfund sites by black symbols, RCRA sites by white symbols, and Voluntary Cleanup sites by gray symbols.



Figure 4: Properties listed on the NYSDEC Bulk Storage Database. Petroleum Bulk Storage is represented by green markers, Chemical Bulk Storage by purple markers, and Major Oil Storage Facilities by red markers.

United States
Environmental Protection
Agency (U.S. EPA)
Reports:

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The URL you requested has changed. You have been redirected to the new URL. Please update your bookmarks.



Detailed Facility Report

Facility Summary

K & K OUTBOARD INC
3875 LONG BEACH ROAD, ISLAND PARK, NY 11558 ⓘ

Facility Information (FRS)

FRSID: 110019691029
EPA Region: 02
Latitude: 40.61594
Longitude: -73.64266
Locational Data Source: FRS
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: No Information
Clean Water Act: Minor, Permit Effective (NYR00A658)
Resource Conservation and Recovery Act: No Information
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRD): No Information

Enforcement and Compliance Summary ⚠

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA			Noncompliance	7	0					

Related Reports: [E](#) CWA Effluent Charts [L](#) CWA Pollutant Loading Report

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110019691029					N	40.61594	-73.64266
ICP	CWA	NYR00A658	Minor: General Permit Covered Facility	Effective	Storm Water Industrial	09/30/2017	N	40.615	-73.642

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110019691029	K & K OUTBOARD INC	3875 LONG BEACH ROAD, ISLAND PARK, NY 11558
ICP	CWA	NYR00A658	K AND K OUTBOARD INC	3875 LONG BEACH RD, ISLAND PARK, NY 11558-0157

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
ICP	NYR00A658	4493	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
No data records returned						

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CWA	NYR00A658			12/31/2014	7

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
	CWA (Source ID: NYR00A658)	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
	Facility-Level Status	No Viol	In Viol											
	SNC/RNC History						N (RptViol)							
	Permit Schedule Violations													
	Schedule Event unachieved and CWA not reported: Status/Progress Report													02-28-15

*Quarter 13 is draft/unofficial and has not been fully quality assured. Read more

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
No data records returned				

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
NYR00A65802030202		SOUTHERN LONG ISLAND			BARNUMS CHANNEL	No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site ⓘ

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	67%	Households in Area:	42,452
Center latitude:	40.615	Water Area:	33%	Housing Units in Area:	45,063
Center Longitude:	-73.642	Population Density:	5,923/sq.mi.	Households on Public Assistance:	525
Total Persons:	110,269	Percent Minority:	22%	Persons Below Poverty Level:	15,753
Race Breakdown		Persons (%)		Age Breakdown	
White:	94,014 (85.26%)	Child 5 years and younger:	5,481 (4.97%)		
African-American:	6,178 (5.6%)	Minors 17 years and younger:	22,849 (20.72%)		
Hispanic-Origin:	13,714 (12.44%)	Adults 18 years and older:	87,420 (79.28%)		
Asian/Pacific Islander:	3,305 (3%)	Seniors 65 years and older:	18,054 (16.37%)		
American Indian:	174 (.16%)				
Other/Multiracial:	6,597 (5.98%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	2,935 (3.77%)	Less than \$15,000:	2,902 (7.02%)		
9th through 12th Grade:	3,411 (4.38%)	\$15,000 - \$25,000:	2,711 (6.56%)		
High School Diploma:	19,482 (25.02%)	\$25,000 - \$50,000:	5,210 (12.6%)		
Some College/2-yr:	19,253 (24.73%)	\$50,000 - \$75,000:	6,700 (16.21%)		
B.S./B.A. or More:	32,776 (42.1%)	Greater than \$75,000:	23,810 (57.61%)		

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ICIS



ICIS Detailed Reports

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Facility

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
STREET 1	3875 LONG BEACH RD	SIC CODE	4493 = Marinas
CITY		MAJOR / MINOR	
COUNTY NAME	Nassau	TYPE OF OWNERSHIP	Corporation
STATE	NY	ACTIVITY STATUS	Effective
ZIP CODE	11558-0157	INACTIVE DATE	
REGION	Region 2	TYPE OF PERMIT ISSUED	General Permit Covered Facility
LATITUDE	+40.615	ORIGINAL PERMIT ISSUE DATE	27-DEC-2006
LONGITUDE	-73.642	PERMIT ISSUED DATE	28-SEP-2012
LAT/LON CODE OF ACCURACY	5	PERMIT EXPIRED DATE	30-SEP-2017
LAT/LON METHOD	Interpolation-Map		
LAT/LON SCALE	24000	USGS HYDRO BASIN CODE	
LAT/LON DATUM	NAD83	FLOW	
RECEIVING WATERS	BARNUMS CHANNEL	FEDERAL GRANT IND	
PRETREATMENT CODE		SLUDGE CLASS FAC IND	NON-POTW
MAILING NAME		SLUDGE RELATED PERMIT NUM	
MAILING STREET (1)		ANNUAL DRY SLUDGE PROD	
MAILING STREET (2)			
MAILING CITY			
MAILING STATE			
MAILING ZIP CODE			
COGNIZANT OFFICIAL		COGNIZANT OFFICIAL TEL	

Activity

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
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ACTIVITY NAME	ACTIVITY TYPE DESCRIPTION	ACTIVITY STATUS DESCRIPTION	ACTIVITY STATUS DATE	ACTUAL BEGIN DATE	ACTUAL END DATE
	Permit	Achieved	04-MAR-2013		
	Permit	Achieved	04-MAR-2013		
	Permit	Active	27-JUN-2007		
	Permit	Active	27-JUN-2007		

Contacts

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
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No Contacts Found.

Permit Tracking

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PERMIT ISSUED BY	NYSDEC	ORIGINAL DATE OF ISSUE	27-DEC-2006
PERMIT ISSUED DATE	28-SEP-2012	PERMIT EXPIRED DATE	30-SEP-2017
EFFECTIVE DATE	30-JAN-2013	RETIREMENT DATE	

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PERMIT ISSUED BY	NYSDEC	ORIGINAL DATE OF ISSUE	27-DEC-2006
PERMIT ISSUED DATE	27-DEC-2006	PERMIT EXPIRED DATE	31-MAR-2012
EFFECTIVE DATE	01-APR-2007	RETIREMENT DATE	29-JAN-2013

Permit Tracking Events:

EVENT DESCRIPTION	EVENT DATE
Permit Expiration	30-SEP-2017
Application/NOI Reviewed	04-MAR-2013
Permit Effective	30-JAN-2013
Permit Retired	29-JAN-2013
Permit Issued	28-SEP-2012
Permit Reissued	28-SEP-2012
Permit Continued	01-APR-2012
Permit Expiration	31-MAR-2012
Application/NOI Received	18-JUN-2007
Application/NOI Received	18-JUN-2007
Permit Effective	01-APR-2007
Permit Issued	27-DEC-2006

Inspections

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
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No Inspections Found.

Outfalls/Pipe Schedules

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	001
ACTIVITY STATUS	A	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	28-FEB-14	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-13	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	001
ACTIVITY STATUS	A	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	31-MAR-08	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-07	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	002
ACTIVITY STATUS	I	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	31-MAR-08	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-07	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	002
ACTIVITY STATUS	A	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	28-FEB-14	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-13	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	002
ACTIVITY STATUS	A	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	31-MAR-08	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-07	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
OUTFALL TYPE	External Outfall	PIPE NUMBER	003
ACTIVITY STATUS	A	REPORT DESIGNATOR	A
LATITUDE		LONGITUDE	
LAT/LON ACCURACY		LAT/LON METHOD	
LAT/LON SCALE		LAT/LON DATUM	
INACTIVE DATE		USGS HYDRO BASIN CODE	
INIT DMR DUE DATE	31-MAR-08	SUBMISSION UNITS	Monthly
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	UNITS IN SUBM. PERIOD	
INIT REPORTING DATE	01-JAN-07	REPORTING UNITS	Monthly
UNITS IN REPORTING PERIOD		DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)

Limits Report

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PIPE NUMBER	001		
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	REPORT DESIGNATOR	A
DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)	LIMIT SET TYPE	Scheduled

LIMIT TYPE DESCRIPTION	PARAMETER DESCRIPTION	MONITORING LOCATION	SEASON NUM	LIMIT BEGIN DATE	LIMIT END DATE	CHANGE OF LIMIT STATUS	STAY TYPE DESCRIPTION	DOCKET NUMBER	LONG FORMAT
Alert	Aluminum, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Iron, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Lead, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Zinc, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PIPE NUMBER	001		
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	REPORT DESIGNATOR	A
DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)	LIMIT SET TYPE	Scheduled

LIMIT TYPE DESCRIPTION	PARAMETER DESCRIPTION	MONITORING LOCATION	SEASON NUM	LIMIT BEGIN DATE	LIMIT END DATE	CHANGE OF LIMIT STATUS	STAY TYPE DESCRIPTION	DOCKET NUMBER	LONG FORMAT
Alert	Aluminum, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Iron, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Lead, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Zinc, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PIPE NUMBER	002		
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	REPORT DESIGNATOR	A
DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)	LIMIT SET TYPE	Scheduled

LIMIT TYPE DESCRIPTION	PARAMETER DESCRIPTION	MONITORING LOCATION	SEASON NUM	LIMIT BEGIN DATE	LIMIT END DATE	CHANGE OF LIMIT STATUS	STAY TYPE DESCRIPTION	DOCKET NUMBER	LONG FORMAT
Alert	Aluminum, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Iron, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Lead, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No
Alert	Zinc, total recoverable	Effluent Gross	0	30-JAN-2013	30-SEP-2017				No

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PIPE NUMBER	002		
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	REPORT DESIGNATOR	A
DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)	LIMIT SET TYPE	Scheduled

LIMIT TYPE DESCRIPTION	PARAMETER DESCRIPTION	MONITORING LOCATION	SEASON NUM	LIMIT BEGIN DATE	LIMIT END DATE	CHANGE OF LIMIT STATUS	STAY TYPE DESCRIPTION	DOCKET NUMBER	LONG FORMAT
Alert	Aluminum, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Iron, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Lead, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Zinc, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
PIPE NUMBER	003		
PIPE DESCRIPTION	STORMWATER RUNOFF - BENCHMARK MONITORING	REPORT DESIGNATOR	A
DMR COMMENT	Water Transportation Facilities (SIC 4412-4499)	LIMIT SET TYPE	Scheduled

LIMIT TYPE DESCRIPTION	PARAMETER DESCRIPTION	MONITORING LOCATION	SEASON NUM	LIMIT BEGIN DATE	LIMIT END DATE	CHANGE OF LIMIT STATUS	STAY TYPE DESCRIPTION	DOCKET NUMBER	LONG FORMAT
Alert	Aluminum, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Iron, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Lead, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No
Alert	Zinc, total recoverable	Effluent Gross	0	01-APR-2007	31-MAR-2012				No

Measurements and Violations

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Aluminum, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	98												
31-DEC-2011	Less Than	420												
31-DEC-2010	Less Than	300												
31-DEC-2009	Less Than	86												
31-DEC-2008	Less Than	13												
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Aluminum, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	51												
31-DEC-2013	Less Than	450												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Iron, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	.2												
31-DEC-2011	Less Than	.41												
31-DEC-2010	Less Than	.35												
31-DEC-2009	Less Than	.059												
31-DEC-2008	Less Than	.018												
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Iron, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	.4												
31-DEC-2013	Less Than	.49												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Lead, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012								Parameter/Value Not Reported						
31-DEC-2011	Less Than	5												
31-DEC-2010	Less Than	1.9												
31-DEC-2009	Less Than	1.7												
31-DEC-2008	Less Than	1.7												
31-DEC-2007								No Discharge						

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Lead, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	22												
31-DEC-2013	Less Than	10												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Zinc, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	58												
31-DEC-2011	Less Than	56												
31-DEC-2010	Less Than	64												
31-DEC-2009	Less Than	10												

31-DEC-2008	Equals	35													
31-DEC-2007							No Discharge								

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	001
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Zinc, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	.3												
31-DEC-2013	Less Than	54												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Aluminum, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2008							No Discharge							
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Aluminum, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	25												
31-DEC-2013	Less Than	420												

FACILITY NAME (1)	K AND K OUTBOARD INC	NIPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Iron, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2008							No Discharge							
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NIPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Iron, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	.31												
31-DEC-2013	Less Than	.42												

FACILITY NAME (1)	K AND K OUTBOARD INC	NIPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Lead, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2008							No Discharge							
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NIPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Lead, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	7.5												
31-DEC-2013	Less Than	9.1												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Zinc, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2008							No Discharge							
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	002
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Zinc, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2014	Less Than	35												
31-DEC-2013	Less Than	49												

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	003
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Aluminum, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	95												
31-DEC-2011	Less Than	1270												
31-DEC-2010	Less Than	340												
31-DEC-2009	Less Than	86												
31-DEC-2008	Less Than	13												
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	003
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Iron, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	.15												
31-DEC-2011	Less Than	1.02												
31-DEC-2010	Less Than	.24												
31-DEC-2009	Less Than	.035												
31-DEC-2008	Less Than	.092												
31-DEC-2007							No Discharge							

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	003
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Lead, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012								Parameter/Value Not Reported						
31-DEC-2011	Less Than	22												
31-DEC-2010	Less Than	1.9												
31-DEC-2009	Less Than	1.7												
31-DEC-2008	Less Than	1.7												
31-DEC-2007								No Discharge						

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
LIMIT TYPE	Alert	PIPE NUMBER	003
SEASON NUM	0	REPORT DESIGNATOR	A
PARAMETER CODE	Zinc, total recoverable	MONITORING LOCATION	Effluent Gross

MONITORING PERIOD END DATE	DMR VALUE DESCRIPTOR	DMR VALUE	DMR UNIT	LIMIT VALUE	LIMIT VALUE DESCRIPTOR	UNIT DESCRIPTION	DISCHARGE IND	MEASUREMENT VIOLATION DESCRIPTION	RNC DETECTION DESCRIPTION	RNC DETECTION DATE	RNC RESOLUTION DESCRIPTION	RNC RESOLUTION DATE	SAMPLE TYPE DESCRIPTION	FREQUENCY OF ANALYSIS DESCRIPTION
31-DEC-2012	Less Than	44												
31-DEC-2011	Less Than	160												
31-DEC-2010	Less Than	46												
31-DEC-2009	Less Than	15												
31-DEC-2008	Equals	43												
31-DEC-2007								No Discharge						

Compliance Schedules and Violations

FACILITY NAME (1)	K AND K OUTBOARD INC	NPDES	NYR00A658
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Compliance Schedules and Violations

FACILITY NAME (1) K AND K OUTBOARD INC NPDES NYR00A658

Compliance Schedule Events

SCHEDULE NUMBER	DATA SOURCE	EVENT DESCRIPTION	ACTUAL DATE	SCHEDULED DATE	RECEIVED DATE
60006058	600048444	Status/Progress Report	24-JAN-08	28-MAR-08	24-JAN-08
1400002281	600048444	Status/Progress Report	24-JAN-11	31-MAR-11	24-JAN-11
1400002282	600048444	Status/Progress Report	27-FEB-09	31-MAR-09	27-FEB-09
1400002283	600048444	Status/Progress Report	12-JAN-12	31-MAR-12	12-JAN-12
1400002284	600048444	Status/Progress Report	28-JAN-10	31-MAR-10	28-JAN-10
3000032370	600048444	Status/Progress Report	25-JAN-13	31-MAR-13	25-JAN-13
3400033303	3400063520	Status/Progress Report	20-JAN-15	28-FEB-15	20-JAN-15
3400033304	3400063520	Status/Progress Report	28-JAN-14	28-FEB-14	28-JAN-14
3400033305	3400063520	Status/Progress Report		28-FEB-17	
3400033306	3400063520	Status/Progress Report		29-FEB-16	

Compliance Schedule Violations

SCHEDULE NUMBER	DATA SOURCE	VIOLATION	RNC DETECTION CODE	RNC DETECTION DATE	RNC RESOLUTION CODE	RNC RESOLUTION DATE
	600048444	DMR, Limited - Overdue	Non-receipt Violation, Non-Monthly Average	01-MAY-2013	RE - Two Years Past Detection (System Administratively Resolved)	01-MAY-2015

Pretreatment Inspections/Audits

FACILITY NAME (1) K AND K OUTBOARD INC NPDES NYR00A658

No ICIS Pretreatment Inspections Found.

Pretreatment Performance Summary

FACILITY NAME (1) K AND K OUTBOARD INC NPDES NYR00A658

No ICIS Pretreatment Performance Summary Information Found.

Note: You are viewing results from the modernized data system, Integrated Compliance Information System (ICIS). The state reporting this data to EPA previously reported the data to a historic data system, Permit Compliance System (PCS). Use the following button to view the historic data from PCS. [Run a PCS Search](#)

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Detailed Facility Report

Facility Summary

EMPIRE POINT MARINA
2 EMPIRE BLVD, ISLAND PARK, NY 11558 ⓘ

Facility Information (FRS)

FRS ID: 110019169148
 EPA Region: 02
 Latitude: 40.612
 Longitude: -73.64
 Locational Data Source: NPDES
 Industry:
 Indian Country: N

Regulatory Interests

Clean Air Act: No Information
 Clean Water Act: Minor, Permit Effective (NYR00E182)
 Resource Conservation and Recovery Act: No Information
 Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
 Greenhouse Gas Emissions (eGGRT): No Information
 Toxic Releases (TRI): No Information

Enforcement and Compliance Summary ⚠

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA			Noncompliance	12	0					

Related Reports: [E](#) CWA Effluent Charts [L](#) CWA Pollutant Loading Report

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110019169148					N	40.612	-73.64
ICP	CWA	NYR00E182	Minor: General Permit Covered Facility	Effective	Storm Water Industrial	09/30/2017	N	40.612	-73.64

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110019169148	EMPIRE POINT MARINA	2 EMPIRE BLVD, ISLAND PARK, NY 11558
ICP	CWA	NYR00E182	EMPIRE POINT MARINA	2 EMPIRE BLVD, ISLAND PARK, NY 11558

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
ICP	NYR00E182	4493	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
No data records returned						

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CWA	NYR00E182			12/31/2014	12

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
CWA	(Source ID: NYR00E182)	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
	Facility-Level Status	In Viol												
	SNC/RNC History	N (RptViol)												
	Permit Schedule Violations													
	Schedule Event achieved													
	CWA late but reported					03-31-13	06-12-13							
	Status/Progress Report													

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	60%	Households in Area:	39,127
Center latitude:	40.612	Water Area:	40%	Housing Units in Area:	41,597
Center Longitude:	-73.64	Population Density:	5,801/sq.mi.	Households on Public Assistance:	500
Total Persons:	102,027	Percent Minority:	22%	Persons Below Poverty Level:	14,788
Race Breakdown		Persons (%)		Age Breakdown	
White:	87,175 (85.44%)	Child 5 years and younger:	5,050 (4.95%)		
African-American:	5,741 (5.63%)	Minors 17 years and younger:	21,035 (20.62%)		
Hispanic-Origin:	12,438 (12.19%)	Adults 18 years and older:	80,992 (79.38%)		
Asian/Pacific Islander:	2,989 (2.93%)	Seniors 65 years and older:	16,748 (16.42%)		
American Indian:	162 (0.16%)				
Other/Multiracial:	5,960 (5.84%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	2,729 (3.79%)	Less than \$15,000:	2,650 (6.94%)		
9th through 12th Grade:	3,243 (4.5%)	\$15,000 - \$25,000:	2,451 (6.42%)		
High School Diploma:	18,038 (25.02%)	\$25,000 - \$50,000:	4,764 (12.48%)		
Some College/2-yr:	17,890 (24.82%)	\$50,000 - \$75,000:	6,224 (16.31%)		
B.S./B.A. or More:	30,180 (41.87%)	Greater than \$75,000:	22,081 (57.85%)		

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Detailed Facility Report

Facility Summary

EF BARRETT POWER STATION
1 MCCARTHY ROAD, ISLAND PARK, NY 11558 ⓘ

Facility Information (FRS)

FRS ID: 110000582389
EPA Region: 02
Latitude: 40.61725
Longitude: -73.649
Locational Data Source: NPDES
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: Operating Major (3605900026)
Clean Water Act: Major, Permit Admin Continued (NY0005908)
Resource Conservation and Recovery Act: Active (H) SQG (NYD000706036)
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): 7221611
Greenhouse Gas Emissions (eGGRT): 1000768
Toxic Releases (TRD): 11558FBRRTMCCAR

Enforcement and Compliance Summary ⚠

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Infomal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	3	09/29/2014	Noncompliance	4	0	9	7	\$1,000		
CWA	2	03/26/2014	No Violation	3	0					
RCRA		03/14/2006	No Violation	0	0					

Related Reports: [E](#) CWA Effluent Charts [L](#) CWA Pollutant Loading Report

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110000582389					N	40.61725	-73.649
CAMDDBS		2511		ACTIVE					
EIS 2011	CAA	7221611	Electricity Generation via Combustion	Operating			N	40.616853	-73.648021
GHG	CAA	1000768	Direct Emitter	Reported CO2e: 2010, 2011, 2012, 2013	Total 2013 Facility Emissions in metric tons CO2e (excluding Biogenic CO2): 746005		N	40.603178	-73.647734
AFS	CAA	3605900026	Major	Operating	SIP, NSR, NSPS, ACID PRECIPITATION, MACT (SECTION 63 NESHAPS), TITLE V PERMITS		N	40.616944	-73.648333
ICP	CWA	NY0005908	Major: NPDES Individual Permit	Admin Continued		12/01/2009	N	40.616861	-73.648028
TRI	EP313	11558FBRRTMCCAR						40.616944	-73.648611
RCR	RCRAN	NYD000706036	SQG	Active (H)			N		

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110000582389	EF BARRETT POWER STATION	1 MCCARTHY ROAD, ISLAND PARK, NY 11558
CAMDDBS		2511	E F BARRETT	NY
EIS 2011	CAA	7221611	EF BARRETT POWER STATION	1 MCCARTHY RD, ISLAND PARK, NY 11558
GHG	CAA	1000768	E F Barrett	MCCARTHY ROAD, ISLAND PARK, NY 11558
AFS	CAA	3605900026	EF BARRETT POWER STATION	1 MCCARTHY RD, ISLAND PARK, NY 11558
ICP	CWA	NY0005908	E.F. BARRETT POWER STATION	1 MCCARTHY RD, ISLAND PARK, NY 11558
TRI	EP313	11558FBRRTMCCAR	NATIONAL GRID EF BARRETT POWER STATION	MCCARTHY RD, ISLAND PARK, NY 11558
RCR	RCRAN	NYD000706036	E F BARRETT POWER STATION	MCCARTHY RD W/O LONG BEACH RD, ISLAND PARK, NY 11558

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
TRI	11558FBRRTMCCAR	4911	
CAMDDBS	2511	4911	
AFS	3605900026	4911	
ICP	NY0005908	4911	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
GHG	1000768	221112	Fossil Fuel Electric Power Generation
TRI	11558FBRRTMCCAR	221112	Fossil Fuel Electric Power Generation
CAMDDBS	2511	221112	Fossil Fuel Electric Power Generation
AFS	3605900026	221112	Fossil Fuel Electric Power Generation
EIS 2011	7221611	221112	Fossil Fuel Electric Power Generation
RCR	NYD000706036	221122	Electric Power Distribution

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	06/04/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/28/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/15/2013	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	01/30/2012	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	01/30/2012	
CAA	3605900026	AFS	STATE REQ (O/O COND) STACK TEST/NOT OBSV BUT REVWD	State	01/28/2014	Findings: STACK TEST PASSED;
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	03/04/2014	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	03/04/2014	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	06/02/2014	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	10/29/2009	
CAA	3605900026	AFS	EPA PCE/OFF-SITE	EPA	06/10/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	07/27/2010	
CAA	3605900026	AFS	STATE CONDUCTED FCE/ON-SITE	State	09/27/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	04/25/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	05/26/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/22/2011	
CWA / §311	3000039912	ICIS	Evaluation	EPA	07/11/2012	
CWA	NY0005908	ICP	Sampling	EPA	03/26/2014	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	01/31/2013	Findings: IN VIOLATION;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	01/31/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	02/28/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/02/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/30/2012	
CAA	3605900026	AFS	STATE CONDUCTED FCE/ON-SITE	State	09/16/2010	
CAA	3605900026	AFS	EPA PCE/OFF-SITE	EPA	07/11/2011	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY EPA	EPA	12/11/2013	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	EPA PCE/OFF-SITE	EPA	12/11/2013	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	02/02/2010	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	03/01/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	05/11/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	02/03/2011	
CAA	3605900026	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	10/16/2013	Findings: STACK TEST PASSED;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/23/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	01/31/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/21/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/13/2014	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	02/02/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	02/28/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	07/27/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/25/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	02/27/2013	
CAA	3605900026	AFS	STATE PCE/ON-SITE	State	09/26/2014	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY EPA	EPA	07/11/2011	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	05/27/2010	
CAA	3605900026	AFS	STATE PCE/ON-SITE	State	09/16/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/29/2010	
CAA	3605900026	AFS	TITLE V COMPLIANCE CERTIFICATION REVIEW BY STATE	State	02/03/2011	Findings: IN COMPLIANCE;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/24/2010	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/02/2010	
CAA	3605900026	AFS	STATE PCE/ON-SITE	State	09/12/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	04/30/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	05/10/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/14/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/29/2011	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/27/2009	
CAA	3605900026	AFS	OWNER/OPERATOR-CONDUCTED SOURCE TEST	State	08/02/2011	Findings: STACK TEST PASSED;
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	11/01/2011	
CAA	3605900026	AFS	STATE CONDUCTED FCE/ON-SITE	State	09/29/2014	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	10/26/2012	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	06/04/2013	

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	08/28/2013	
CAA	3605900026	AFS	STATE PCE/OFF-SITE	State	05/10/2011	

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CAA	3605900026	No		04/11/2015	4
CWA	NY0005908			12/31/2014	3
RCRA	NYD000706036	No		04/11/2015	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	
CAA (Source ID: 3605900026)		10/01-12/31 2011	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	
	Facility-Level Status	No Viol	No Viol	No Viol	No Viol	In Viol	In Viol	In Viol	In Viol					
	HPV History													
	Program/Pollutant in Current Violation													
CAA	SIP									V-EM&PRO	V-EM&PRO	V-EM&PRO	V-EM&PRO	
	FACILITY-WIDE PERMIT REQUIREMENTS												V-EM&PRO	
CAA	NSR													
CAA	NSPS													
CAA	ACID PRECIPITATION													
CAA	MACT (SECTION 63 NESHAPS)													
CAA	TITLE V PERMITS													
Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
CWA (Source ID: NY0005908)		01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
	Facility-Level Status	No Viol	No Viol	No Viol	No Viol	In Viol	No Viol	No Viol	No Viol	In Viol	No Viol	In Viol	No Viol	Und
	SNC/RNC History					V (NonRNCV)				V (NonRNCV)		V (NonRNCV)		
	Pollutant													
	Discharge Point													
	Frequency													
CWA	Iron, total [as Fe]									19%		40%		
	Permit Schedule Violations													
CWA	Schedule Event achieved late but reported: Status/Progress Report					01-28-13-01-29-13								

*Quarter 13 is draft/unofficial and has not been fully quality assured. Read more

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
RCRA (Source ID: NYD000706036)		04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
	RCRA Facility-Level Status												

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
CAA	3605900026	STATE NOV ISSUED	State	12/15/2011
CAA	3605900026	STATE NOV ISSUED	State	12/03/2013
CAA	3605900026	STATE NOV ISSUED	State	08/29/2013
CAA	3605900026	STATE NOV ISSUED	State	08/13/2014
CAA	3605900026	STATE NOV ISSUED	State	09/07/2011
CAA	3605900026	STATE NOV ISSUED	State	03/28/2013
CAA	3605900026	STATE NOV ISSUED	State	03/05/2013

Statute	Source ID	Type of Action	Lead Agency	Date
CAA	3605900026	STATE NOV ISSUED	State	06/14/2013
CAA	3605900026	STATE NOV ISSUED	State	03/05/2013

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	08/13/2014	\$200	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	12/03/2013	\$100	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	08/29/2013	\$100	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	06/14/2013	\$100	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	03/28/2013	\$100	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	12/15/2011	\$100	
CAA	3605900026	STATE ADMINISTRATIVE ORDER ISSUED	State	09/07/2011	\$300	

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
NY000590802030202		SOUTHERN LONG ISLAND	020302020206	Reynolds Channel-East Rockaway Inlet	BARNUM'S CHANNEL	No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site ⁱ

TRI Pollution Prevention Report

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
11558FBRRTMCCAR200538,759		2	0				38,761	100
11558FBRRTMCCAR20065		0	0				5	
11558FBRRTMCCAR200710		0	0				10	
11558FBRRTMCCAR20086			0				6	
11558FBRRTMCCAR20099			0				9	
11558FBRRTMCCAR20103			0				3	
11558FBRRTMCCAR20114			0				4	
11558FBRRTMCCAR20125			0				5	
11558FBRRTMCCAR20135			0				5	

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name	2005	2006	2007	2008	2009	2010	2011	2012	2013
BENZO(G,H,I)PERYLENE	0								
DIOXIN AND DIOXIN-LIKE COMPOUNDS	0		0						
LEAD COMPOUNDS	116								

Chemical Name	2005	2006	2007	2008	2009	2010	2011	2012	2013
METHANOL									
NAPHTHALENE	23								
POLYCYCLIC AROMATIC COMPOUNDS	17	5	10	6	9	3	4	5	5
SULFURIC ACID (1994 AND AFTER ACID AEROSOLS ONLY)	38,705								

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	69%	Households in Area:	44,167
Center latitude:	40.615667	Water Area:	31%	Housing Units in Area:	47,057
Center Longitude:	-73.65075	Population Density:	5,987/sq.mi.	Households on Public Assistance:	539
Total Persons:	114,555	Percent Minority:	21%	Persons Below Poverty Level:	15,980
Race Breakdown		Persons (%)		Age Breakdown	
White:	98,559 (86.04%)	Child 5 years and younger:	5,747 (5.02%)	Minors 17 years and younger:	23,825 (20.8%)
African-American:	5,769 (5.04%)	Adults 18 years and older:	90,730 (79.2%)	Seniors 65 years and older:	18,783 (16.4%)
Hispanic-Origin:	13,826 (12.07%)				
Asian/Pacific Islander:	3,462 (3.02%)				
American Indian:	177 (.15%)				
Other/Multiracial:	6,587 (5.75%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	3,001 (3.68%)	Less than \$15,000:	3,096 (7.16%)	\$15,000 - \$25,000:	2,759 (6.38%)
9th through 12th Grade:	3,621 (4.44%)	\$25,000 - \$50,000:	5,569 (12.88%)	\$50,000 - \$75,000:	6,946 (16.07%)
High School Diploma:	20,345 (24.96%)	Greater than \$75,000:	24,863 (57.51%)		
Some College/2-yr:	19,869 (24.37%)				
B.S./B.A. or More:	34,686 (42.55%)				

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Detailed Facility Report

Facility Summary

STAR AUTO SALVAGE D/B/A A. ROSSIELLO
43-34 INDUSTRIAL PL, ISLAND PARK, NY 11558 ⓘ

Facility Information (FRS)

FRS ID: 110044252876
 EPA Region: 02
 Latitude: 40.617453
 Longitude: -73.65144
 Locational Data Source: FRS
 Industry:
 Indian Country: N

Regulatory Interests

Clean Air Act: No Information
 Clean Water Act: Minor, Permit Effective (NYR00F041)
 Resource Conservation and Recovery Act: No Information
 Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
 Greenhouse Gas Emissions (eGGRT): No Information
 Toxic Releases (TRD): No Information

Enforcement and Compliance Summary ⚠

State	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CWA			Noncompliance	4	0					

Related Reports: [E](#) CWA Effluent Charts [L](#) CWA Pollutant Loading Report

Facility/System Characteristics

Facility/System Characteristics

System Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS	110044252876					N	40.617453	-73.65144
ICP	CWA NYR00F041	Minor: General Permit Covered Facility	Effective	Storm Water Industrial	09/30/2017	N	40.606	-73.649

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110044252876	STAR AUTO SALVAGE D/B/A A. ROSSIELLO	43-34 INDUSTRIAL PL, ISLAND PARK, NY 11558
ICP	CWA	NYR00F041	STAR AUTO SALVAGE INC DBA A ROSSIELLO	43 INDUSTRIAL PL, ISLAND PARK, NY 11558

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
ICP	NYR00F041	5015	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
No data records returned						

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CWA	NYR00F041			12/31/2014	4

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
CWA	(Source ID: NYR00F041)	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
	Facility-Level Status	No Viol	In Viol											
	SNC/RNC History									W(N/A)	W(N/A)	W(N/A)	W(N/A)	
	Permit Schedule Violations													
CWA	Schedule Event unachieved and not reported: Status/Progress Report									02-28-14	>>>>>>	>>>>>>	>>>>>>	>>>>>>

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13*
CWA	Schedule Event unachieved and not reported: Status/Progress Report													02-28-15

*Quarter 13 is draft/unofficial and has not been fully quality assured. Read more

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
No data records returned				

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
NYR00F04102030202	02030202	SOUTHERN LONG ISLAND	020302020205	Milburn Creek-Middle Bay	REYNOLDS CHANNEL	No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site ⓘ

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	59%	Households in Area:	34,736
Center latitude:	40.606389	Water Area:	41%	Housing Units in Area:	37,331
Center Longitude:	-73.649917	Population Density:	5,529/sq.mi.	Households on Public Assistance:	409
Total Persons:	88,600	Percent Minority:	20%	Persons Below Poverty Level:	12,916
Race Breakdown		Persons (%)		Age Breakdown	
White:	77,144 (87.07%)	Child 5 years and younger:	4,332 (4.89%)		
African-American:	3,972 (4.48%)	Minors 17 years and younger:	17,632 (19.9%)		
Hispanic-Origin:	10,328 (11.66%)	Adults 18 years and older:	70,967 (80.1%)		
Asian/Pacific Islander:	2,445 (2.76%)	Seniors 65 years and older:	14,461 (16.32%)		
American Indian:	153 (0.17%)				
Other/Multiracial:	4,887 (5.52%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	2,214 (3.51%)	Less than \$15,000:	2,453 (7.28%)		
9th through 12th Grade:	2,719 (4.31%)	\$15,000 - \$25,000:	2,132 (6.33%)		
High School Diploma:	15,822 (25.1%)	\$25,000 - \$50,000:	4,301 (12.76%)		
Some College/2-yr:	15,420 (24.46%)	\$50,000 - \$75,000:	5,494 (16.3%)		
B.S./B.A. or More:	26,872 (42.62%)	Greater than \$75,000:	19,324 (57.33%)		

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Detailed Facility Report

Facility Summary

SOUTH SHORE COLLISION INC
3876 LONG BEACH RD, ISLAND PARK, NY 11558 ⓘ

Facility Information (FRS)

FRS ID: 110004403609
EPA Region: 02
Latitude: 40.61602
Longitude: -73.64286
Locational Data Source: FRS
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: No Information
Clean Water Act: No Information
Resource Conservation and Recovery Act: Inactive () Other (NYD981481138)
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRD): No Information

Enforcement and Compliance Summary ⚠

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Infomal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
RCRA			No Violation	0	0					

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110004403609					N	40.61602	-73.64286
RCR	RCRA	NYD981481138	Other	Inactive ()			N	40.615751	-73.643197

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110004403609	SOUTH SHORE COLLISION INC	3876 LONG BEACH RD, ISLAND PARK, NY 11558
RCR	RCRA	NYD981481138	SOUTH SHORE COLLISION INC	3876 LONG BEACH RD, ISLAND PARK, NY 11558

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
No data records returned			

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
No data records returned			

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
No data records returned						

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
RCRA	NYD981481138	No		04/11/2015	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
	RCRA (Source ID: NYD981481138)	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015

Statute	Program/Pollutant/ Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
RCRA Facility-Level Status													

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
No data records returned				

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
110004403609	02030202	SOUTHERN LONG ISLAND	020302020206	Reynolds Channel-East Rockaway Inlet		No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site i

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	68%	Households in Area:	43,247
Center latitude:	40.615751	Water Area:	32%	Housing Units in Area:	45,914
Center Longitude:	-73.643197	Population Density:	5,931/sq.mi.	Households on Public Assistance:	530
Total Persons:	112,231	Percent Minority:	22%	Persons Below Poverty Level:	16,004
Race Breakdown		Persons (%)		Age Breakdown	
White:	95,703 (85.27%)	Child 5 years and younger:	5,585 (4.98%)		
African-American:	6,240 (5.56%)	Minors 17 years and younger:	23,267 (20.73%)		
Hispanic-Origin:	13,983 (12.46%)	Adults 18 years and older:	88,964 (79.27%)		
Asian/Pacific Islander:	3,392 (3.02%)	Seniors 65 years and older:	18,441 (16.43%)		
American Indian:	176 (.16%)				
Other/Multiracial:	6,720 (5.99%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	2,978 (3.76%)	Less than \$15,000:	2,947 (7%)		
9th through 12th Grade:	3,463 (4.37%)	\$15,000 - \$25,000:	2,768 (6.58%)		
High School Diploma:	19,850 (25.03%)	\$25,000 - \$50,000:	5,323 (12.64%)		
Some College/2-yr:	19,571 (24.68%)	\$50,000 - \$75,000:	6,811 (16.18%)		
B.S./B.A. or More:	33,433 (42.16%)	Greater than \$75,000:	24,247 (57.6%)		

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Detailed Facility Report

Facility Summary

OCEANSIDE DISPOSAL FACILITY
3737 LONG BEACH RD, OCEANSIDE, NY 11572 ⓘ

Facility Information (FRS)

FRSID: 110010294813
EPA Region: 02
Latitude: 40.617427
Longitude: -73.636167
Locational Data Source: RCRAINFO
Industry:
Indian Country: N

Regulatory Interests

Clean Air Act: Permanently Closed Minor (3605900016)
Clean Water Act: No Information
Resource Conservation and Recovery Act: Inactive () Other (NYD981873615), Active (H) LQG (NYD980646442)
Safe Drinking Water Act: No Information

Also Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRD): No Information

Enforcement and Compliance Summary

Statute	Insp (5 Years)	Date of Last Inspection	Current Compliance Status	Qtrs in NC (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA		07/02/2008	No Violation	0	0					
RCRA1		08/03/2010	No Violation	0	0					

Facility/System Characteristics

Facility/System Characteristics

System Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS	110010294813					N	40.617427	-73.636167
AFS	CAA 3605900016	Other Minor	Permanently Closed	SIP, NSPS, MACT (SECTION 63 NESHAPS), TITLE V PERMITS		N		
RCR	RCRANVD981873615	Other	Inactive ()			N	40.617427	-73.636167
RCR	RCRANVD980646442	LQG	Active (H)			N	40.617427	-73.636167

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110010294813	OCEANSIDE DISPOSAL FACILITY	3737 LONG BEACH RD, OCEANSIDE, NY 11572
AFS	CAA	3605900016	OCEANSIDE SOLID WASTE MANAGEMENT FAC	3737 LONG BEACH RD, OCEANSIDE, NY 11572
RCR	RCRA	NYD981873615	TOWNSHIP OF HEMPSTEAD DEPT OF SANITATION	3737 LONG BEACH RD, OCEANSIDE, NY 11572
RCR	RCRA	NYD980646442	OCEANSIDE PLAZA LLC	3737 LONG BEACH RD, OCEANSIDE, NY 11572

Facility SIC Codes

System	Identifier	SIC Code	SIC Desc
AFS	3605900016	4953	

Facility NAICS Codes

System	Identifier	NAICS Code	NAICS Desc
AFS	3605900016	562212	Solid Waste Landfill
RCR	NYD980646442	453998	All Other Miscellaneous Store Retailers (Except Tobacco Stores)

Facility Tribe Information

Tribal Name	EPA Tribal ID	Distance to Tribe (miles)
No data records returned		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
RCRA	NYD980646442	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	08/03/2010	No Violations Or Compliance Issues Were Found

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current SNC/HPV	Description	Current As Of	Qtrs in NC (of 12)
CAA	3605900016	No		04/11/2015	0
RCRA	NYD981873615	No		04/11/2015	0
RCRA	NYD980646442	No		04/11/2015	0

Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	
CAA	(Source ID: 3605900016)	10/01-12/31 2011	01/01-03/31 2012	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	
	Facility-Level Status	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	
	HPV History													
	Program/Pollutant in Current Violation													
	SIP													
	NSPS													
	MACT (SECTION 63 NESHAPS)													
	TITLE V PERMITS													
	RCRA	(Source ID: NYD980646442)	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
		Facility-Level Status												
		(Source ID: NYD981873615)	04/01-06/30 2012	07/01-09/30 2012	10/01-12/31 2012	01/01-03/31 2013	04/01-06/30 2013	07/01-09/30 2013	10/01-12/31 2013	01/01-03/31 2014	04/01-06/30 2014	07/01-09/30 2014	10/01-12/31 2014	01/01-03/31 2015
		Facility-Level Status												

Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
No data records returned				

Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

ICIS Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
No data records returned										

Environmental Conditions

Water Quality

Permit ID	Watershed (HUC 8)	Watershed Name (HUC 8)	Watershed (HUC 12)	Watershed Name (HUC 12)	Receiving Waters	Impaired Waters	Combined Sewer System?
110010294813	02030202	SOUTHERN LONG ISLAND	020302020205	Milburn Creek-Middle Bay		No	

Air Quality

Non-Attainment Area?	Pollutant(s)
Yes	Ozone
No	Lead
Yes	Particulate Matter

Pollutants

TRI History of Reported Chemicals Released in Pounds per Year at Site i

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

TRI Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	67%	Households in Area:	44,323
Center latitude:	40.617427	Water Area:	33%	Housing Units in Area:	46,979
Center Longitude:	-73.636167	Population Density:	6,242/sq.mi.	Households on Public Assistance:	541
Total Persons:	115,920	Percent Minority:	25%	Persons Below Poverty Level:	16,671
Race Breakdown		Persons (%)		Age Breakdown	
White:	96,314 (83.09%)	Child 5 years and younger:	5,914 (5.1%)		
African-American:	8,051 (6.95%)	Minors 17 years and younger:	24,302 (20.96%)		
Hispanic-Origin:	15,833 (13.66%)	Adults 18 years and older:	91,619 (79.04%)		
Asian/Pacific Islander:	3,501 (3.02%)	Seniors 65 years and older:	18,627 (16.07%)		
American Indian:	199 (.17%)				
Other/Multiracial:	7,855 (6.78%)				
Education Level (Persons 25 & older)		Persons (%)		Income Breakdown	
Less than 9th Grade:	3,177 (3.9%)	Less than \$15,000:	2,910 (6.71%)		
9th through 12th Grade:	3,653 (4.48%)	\$15,000 - \$25,000:	2,888 (6.66%)		
High School Diploma:	20,635 (25.31%)	\$25,000 - \$50,000:	5,580 (12.86%)		
Some College/2-yr:	20,241 (24.83%)	\$50,000 - \$75,000:	7,039 (16.23%)		
B.S./B.A. or More:	33,825 (41.49%)	Greater than \$75,000:	24,957 (57.54%)		

NYS Department of
Environmental
Conservation (DEC)
Reports:



**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Spill Incidents Database Search Results

Record Count: 75 Rows: 1 to 50

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	<input type="text" value="8200280"/>	05/14/1982	AMTEC (AKA CHEVRON)	NASSAU	ISLAND PARK	3334 LONG BEACH ROAD
2.	<input type="text" value="8403443"/>	03/07/1985	ABBEY NURSING HOME	NASSAU	ISLAND PARK	4029 LONG BEACH ROAD
3.	<input type="text" value="8502655"/>	10/25/1985	UNKNOWN	NASSAU	ISLAND PARK	391 LONG BEACH ROAD
4.	<input type="text" value="8600164"/>	04/07/1986	UNKNOWN	NASSAU	ISLAND PARK	3880 LONG BEACH ROAD
5.	<input type="text" value="8604613"/>	10/20/1986	LANE ASSOC.	NASSAU	ISLAND PARK	3916 LONG BEACH ROAD
6.	<input type="text" value="8607314"/>	03/01/1987	ABLE FORD	NASSAU	BEACH/ISLAND PARK	555 LONG BEACH ROAD/MARKET
7.	<input type="text" value="8702440"/>	06/25/1987	LILCO	NASSAU	ISLAND PARK	LONG BEACH ROAD
8.	<input type="text" value="8704082"/>	08/17/1987	UNK	NASSAU	ISLAND PARK	310 LONG BEACH ROAD
9.	<input type="text" value="8802223"/>	06/10/1988	VILLAGE OF ISLAND PARK	NASSAU	ISLAND PARK	580 LONG BEACH ROAD
10.	<input type="text" value="8805580"/>	09/30/1988	LILCO BARRETT STATION	NASSAU	ISLAND PARK	LONG BEACH ROAD
11.	<input type="text" value="8904269"/>	07/30/1989	TODD DEIL	NASSAU	ISLAND PARK	LONG BEACH ROAD & AUSTIN BLVD
12.	<input type="text" value="8909189"/>	12/19/1989	LILCO	NASSAU	ISLAND PARK	LONG BEACH ROAD
13.	<input type="text" value="8911201"/>	02/25/1990	LILCO	NASSAU	ISLAND PARK	LONG BEACH ROAD
14.	<input type="text" value="9006317"/>	09/10/1990	UNK	NASSAU	ISLAND PARK	DAILY BLVD & LONG BEACH
15.	<input type="text" value="9007956"/>	10/21/1990	LILCO	NASSAU	ISLAND PARK	LONG BEACH ROAD
16.	<input type="text" value="9010851"/>	01/10/1991	LILCO	NASSAU	ISLAND PARK	LONG BEACH ROAD
17.		01/05/1992		NASSAU	ISLAND PARK	

	9110407		TAM LAUNDROMAT		3961 LONG BEACH ROAD
18.	9206016	08/25/1992	UNK	NASSAU ISLAND PARK	LONG BEACH ROAD
19.	9208110	10/14/1992	AMOCO	NASSAU ISLAND PARK	3880 LONG BEACH ROAD
20.	9208202	10/15/1992	LM&R AUTO CARE/AMOCO S/S	NASSAU ISLAND PARK	3880 LONG BEACH ROAD
21.	9213059	02/22/1993	BAYVIEW NURSING HOME	NASSAU ISLAND PARK	1 LONG BEACH ROAD
22.	9401172	04/25/1994	LILCO	NASSAU ISLAND PARK	LONG BEACH RD/LARSON BLVD
23.	9405774	07/28/1994	PPB REALTY	NASSAU ISLAND PARK	509 LONG BEACH ROAD
24.	9500549	04/13/1995	BARRETT STATION	NASSAU ISLAND PARK	LONG BEACH ROAD
25.	9501395	05/03/1995	AVANTIS READY MIX	NASSAU ISLAND PARK	LONG BEACH RD/MCDONALD RD
26.	9504853	07/21/1995	RGM CORP	NASSAU ISLAND PARK	LONG BEACH ROAD
27.	9516340	03/20/1996	Spill Number 9516340	NASSAU ISLAND PARK	LONG BEACH BLVD/MCCARTHY
28.	9602420	05/20/1996	BARRETT SUB STATION	NASSAU ISLAND PARK	NORTH SIDE LONG BEACH RD
29.	9602485	05/21/1996	Spill Number 9602485	NASSAU ISLAND PARK	DALY BLVD/LONG BEACH ROAD
30.	9606624	08/23/1996	LONG BEACH RD/LORRAINE	NASSAU ISLAND PARK	LONG BEACH ROAD/LORRAINE
31.	9608374	10/05/1996	EF BARRETT STATION	NASSAU ISLAND PARK	MCCARCTY RD/LONG BEACH RD
32.	9608907	10/17/1996	R&R ELITE SERVICE / GULF	NASSAU ISLAND PARK	251 LONG BEACH ROAD
33.	9611171	12/10/1996	BARRETT STATION	NASSAU ISLAND PARK	LONG BEACH/MCCARTHY ROAD
34.	9702344	05/23/1997	ISLAND PARK DPW	NASSAU ISLAND PARK	LONG BEACH ROAD
35.	9704804	07/22/1997	UNKNOWN	NASSAU ISLAND PARK	LONG BEACH RD/LAWSON/DALY
36.	9710476	12/12/1997	ISLAND PARK METH CHURCH	NASSAU ISLAND PARK	364 LONG BEACH ROAD
37.	9710486	12/12/1997	ISLAND PARK METHODIST	NASSAU ISLAND PARK	342-364 LONG BEACH ROAD
38.	9711329	01/09/1998	JUNKYARDS	NASSAU ISLAND PARK	LONG BEACH ROAD/SHERMAN

39.	<input type="text" value="9803615"/>	06/22/1998 UNKNOWN	NASSAU ISLAND PARK	SAGAMORE RD/LONG BEACH RD
40.	<input type="text" value="9805115"/>	07/23/1998 UNKNOWN	NASSAU ISLAND PARK	LONG BEACH ROAD
41.	<input type="text" value="9825310"/>	03/31/1999 LM&R AUTO	NASSAU ISLAND PARK	3880 LONG BEACH ROAD
42.	<input type="text" value="9925015"/>	04/08/1999 LIRR	NASSAU ISLAND PARK	RAILROAD PLACE/LONG BEACH
43.	<input type="text" value="9925075"/>	05/10/1999 JOES GARAGE	NASSAU ISLAND PARK	509 LONG BEACH ROAD
44.	<input type="text" value="9902111"/>	05/24/1999 AMOCO	NASSAU ISLAND PARK	3880 LONG BEACH ROAD
45.	<input type="text" value="9912807"/>	02/10/2000 NASSAU COUNTY SEWER	NASSAU ISLAND PARK	LONG BEACH ROAD/LOUISIANA
46.	<input type="text" value="0000331"/>	04/08/2000 STRIP MALL	NASSAU ISLAND PARK	230 LONG BEACH ROAD
47.	<input type="text" value="0025077"/>	06/02/2000 GULF	NASSAU ISLAND PARK	255 LONG BEACH LONG
48.	<input type="text" value="0011624"/>	01/28/2001 UNKNOWN	NASSAU ISLAND PARK	BEACH/MCCARTHY RD
49.	<input type="text" value="0101026"/>	04/26/2001 KEYSpan- EF BARRETT	NASSAU ISLAND PARK	MCCARTY RD/LONG BEACH RD
50.	<input type="text" value="0101640"/>	05/11/2001 BARRETT SUB STATION	NASSAU ISLAND PARK	LONG BEACH ROAD



**NEW YORK STATE
DEPARTMENT OF
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Spill Incidents Database Search Results

Record Count: 75 Rows: 51 to 75

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[First 50](#)
[Previous 50](#)
[Next 50](#)
[Last 50](#)

Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
51. 0108861	12/05/2001	DENTAL OFFICE	NASSAU	ISLAND PARK	234 LONG BEACH/WARWICK
52. 0108992	12/10/2001	BARRETT POWER STATION	NASSAU	ISLAND PARK	LONG BEACH ROAD
53. 0110557	02/04/2002	GAS STATION	NASSAU	ISLAND PARK	509 LONG BEACH ROAD
54. 0405045	08/09/2004	UNKNOWN	NASSAU	ISLAND PARK	3939 LONG BEACH ROAD
55. 0407954	10/18/2004	SUPER STATION	NASSAU	ISLAND PARK	3880 LONG BEACH ROAD
56. 0410996	01/10/2005	ABBAY ISLAND PARK MANOR ADULT HOME	NASSAU	ISLAND PARK	4029 LONG BEACH ROAD
57. 0500404	04/08/2005	P SUPER STATION	NASSAU	ISLAND PARK	3880 LONG BEACH ROAD
58. 0500852	04/20/2005	KEYSPAN POWER PLANT	NASSAU	ISLAND PARK	LONG BEACH ROAD
59. 0509799	11/16/2005	UNKNOWN	NASSAU	ISLAND PARK	302 LONG BEACH ROAD
60. 0650204	05/10/2006	AJA CONCRETE READI MIX	NASSAU	ISLAND PARK	3896 LONG BEACH ROAD
61. 0611333	01/12/2007	UNKNOWN	NASSAU	ISLAND PARK	LONG BEACH ROAD/ISLAND PARKWAY
62. 0908812	11/05/2009	US PETROLEUM EXPRESS GAS	NASSAU	ISLAND PARK	3880 LONG BEACH RD
63. 0908854	11/06/2009	USA PETROLEUM	NASSAU	ISLAND PARK	3880 LONG BEACH ROAD
64. 1102252	05/29/2011	BARRETT SUBSTATION	NASSAU	ISLAND PARK	LONG BEACH ROAD
65. 1105297	08/09/2011	US PETROLEUM?	NASSAU	ISLAND PARK	3880 LONG BEACH RD

66.	<input type="text" value="1107528"/>	09/14/2011	VACANT LOT	NASSAU ISLAND PARK	4010 LONG BEACH ROAD
67.	<input type="text" value="1107529"/>	09/14/2011	RESIDENCE	NASSAU ISLAND PARK	4029 LONG BEACH ROAD
68.	<input type="text" value="1200497"/>	04/17/2012	ON ROADWAY	NASSAU ISLAND PARK	600 LONG BEACH RD
69.	<input type="text" value="1202816"/>	06/21/2012	BLDG UNDER CONSTRUCTION	NASSAU ISLAND PARK	4029 LONG BEACH ROAD
70.	<input type="text" value="1209152"/>	11/05/2012	ISLAND HOUSE	NASSAU ISLAND PARK	4029 LONG BEACH RD
71.	<input type="text" value="1214842"/>	12/17/2012	ISLAND PARK, INC. VILLAGE	NASSAU ISLAND PARK	580 LONG BEACH RD
72.	<input type="text" value="1215850"/>	02/25/2013	BAYVIEW NURSING HOME	NASSAU ISLAND PARK	1 LONG BEACH RD MCCARTHY ROAD/LONG BEACH ROAD
73.	<input type="text" value="1216552"/>	03/20/2013	POWER STATION	NASSAU ISLAND PARK	LONG BEACH RD
74.	<input type="text" value="1301663"/>	05/18/2013	BANK 1 2WB BARRETT STATION	NASSAU ISLAND PARK	237 LONG BEACH ROAD
75.	<input type="text" value="1406528"/>	09/19/2014	UNKNOWN	NASSAU ISLAND PARK	



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 8403443

Spill Date/Time

Spill Date: 03/07/1985 **Spill Time:** 03:00:00 PM
Call Received Date: 03/07/1985 **Call Received Time:** 04:00:00 PM

Location

Spill Name: ABBEY NURSING HOME
Address: 4029 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

#2 Fuel Oil UNKNOWN Groundwater

Cause: Other

Source: Institutional, Educational, Gov., Other

Waterbody:

Record Close

Date Spill Closed: 09/01/1993

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 8600164

Spill Date/Time

Spill Date: 04/07/1986 **Spill Time:** 11:00:00 AM

Call Received Date: 04/07/1986 **Call Received Time:** 11:00:00 AM

Location

Spill Name: UNKNOWN

Address: 3880 LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Groundwater

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: 04/22/2005

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 8604613

Spill Date/Time

Spill Date: 10/14/1986 **Spill Time:** 12:00:00 PM

Call Received Date: 10/20/1986 **Call Received Time:** 10:35:00 AM

Location

Spill Name: LANE ASSOC

Address: 3916 LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

FUEL ADDITIVE UNKNOWN Soil

Cause: Deliberate

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 05/06/1987

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 8904269

Spill Date/Time

Spill Date: 07/30/1989 **Spill Time:** 02:39:00 AM

Call Received Date: 07/30/1989 **Call Received Time:** 03:44:00 AM

Location

Spill Name: TODD DEIL

Address: LONG BEACH ROAD & AUSTIN BLVD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline 2 Gal. Soil

Cause: Equipment Failure

Source: Passenger Vehicle

Waterbody:

Record Close

Date Spill Closed: 07/31/1989

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9006317

Spill Date/Time

Spill Date: 09/09/1990 **Spill Time:** 10:58:00 PM
Call Received Date: 09/10/1990 **Call Received Time:** 12:10:00 AM

Location

Spill Name: UNK
Address: DAILY BLVD & LONG BEACH
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN PETROLEUM	UNKNOWN	Surface Water

Cause: Other
Source: Vessel
Waterbody: REYNOLDS CHANNEL

Record Close

Date Spill Closed: 09/11/1990

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



**NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9110407

Spill Date/Time

Spill Date: 01/05/1992 **Spill Time:** 06:46:00 AM
Call Received Date: 01/05/1992 **Call Received Time:** 07:46:00 AM

Location

Spill Name: TAM LAUNDROMAT
Address: 3961 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN PETROLEUM	1 Gal.	Soil

Cause: Equipment Failure
Source: Commercial/Industrial
Waterbody:

Record Close

Date Spill Closed: 01/06/1992

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9208110

Spill Date/Time

Spill Date: 10/13/1992 **Spill Time:** 12:45:00 PM
Call Received Date: 10/14/1992 **Call Received Time:** 09:00:00 AM

Location

Spill Name: AMOCO
Address: 3880 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

Gasoline UNKNOWN Groundwater

Cause: Tank Test Failure

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: 05/24/1995

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9208202

Spill Date/Time

Spill Date: 10/15/1992 **Spill Time:** 01:00:00 PM

Call Received Date: 10/15/1992 **Call Received Time:** 01:52:00 PM

Location

Spill Name: LM&R AUTO CARE/AMOCO S/S

Address: 3880 LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Groundwater

Cause: Tank Test Failure

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: 12/01/1992

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9516340

Spill Date/Time

Spill Date: 03/20/1996 **Spill Time:** 09:30:00 AM

Call Received Date: 03/20/1996 **Call Received Time:** 10:18:00 AM

Location

Spill Name: Spill Number 9516340

Address: LONG BEACH BLVD/MCCARTHY

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
TRANSFORMER OIL	2 Gal.	Soil

Cause: Other

Source: Institutional, Educational, Gov., Other

Waterbody:

Record Close

Date Spill Closed: 08/14/1996

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9602485

Spill Date/Time

Spill Date: 05/21/1996 **Spill Time:** 03:40:00 PM

Call Received Date: 05/21/1996 **Call Received Time:** 06:19:00 PM

Location

Spill Name: Spill Number 9602485

Address: DALY BLVD/LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
DIELECTRIC FLUID	150 Gal.	Soil

Cause: Equipment Failure

Source: Unknown

Waterbody:

Record Close

Date Spill Closed: 01/29/2004

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9704804

Spill Date/Time

Spill Date: 07/22/1997 **Spill Time:** 12:30:00 PM
Call Received Date: 07/22/1997 **Call Received Time:** 01:00:00 PM

Location

Spill Name: UNKNOWN
Address: LONG BEACH RD/LAWSON/DALY
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Hydraulic Oil 10 Gal. Soil

Cause: Equipment Failure
Source: Commercial Vehicle
Waterbody:

Record Close

Date Spill Closed: 07/23/1997

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9825310

Spill Date/Time

Spill Date: 03/30/1999 **Spill Time:** 03:00:00 PM

Call Received Date: 03/31/1999 **Call Received Time:** 09:30:00 AM

Location

Spill Name: LM&R AUTO

Address: 3880 LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

Waste Oil/Used Oil UNKNOWN Soil

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: 09/08/2004

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0405045

Spill Date/Time

Spill Date: 08/09/2004 **Spill Time:** 04:30:00 AM
Call Received Date: 08/09/2004 **Call Received Time:** 05:31:00 AM

Location

Spill Name: UNKNOWN
Address: 3939 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Diesel 50 Gal. Sewer

Cause: Traffic Accident
Source: Commercial Vehicle
Waterbody:

Record Close

Date Spill Closed: 02/25/2005

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0407954

Spill Date/Time

Spill Date: 10/18/2004 **Spill Time:** 12:55:00 PM
Call Received Date: 10/18/2004 **Call Received Time:** 01:28:00 PM

Location

Spill Name: SUPER STATION
Address: 3880 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
Diesel	25 Gal.	Sewer, Impervious Surface

Cause: Human Error
Source: Gasoline Station or other PBS Facility
Waterbody:

Record Close

Date Spill Closed: 12/25/2008

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0410996

Spill Date/Time

Spill Date: 01/10/2005 **Spill Time:** 10:00:00 AM
Call Received Date: 01/10/2005 **Call Received Time:** 11:13:00 AM

Location

Spill Name: ABBEY ISLAND PARK MANOR ADULT HOME
Address: 4029 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

#2 Fuel Oil UNKNOWN Groundwater

Cause: Other

Source: Institutional, Educational, Gov., Other

Waterbody:

Record Close

Date Spill Closed: 08/05/2005

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0500404

Spill Date/Time

Spill Date: 04/08/2005 Spill Time: 05:00:00 PM
Call Received Date: 04/08/2005 Call Received Time: 05:37:00 PM

Location

Spill Name: P SUPER STATION
Address: 3880 LONG BEACH ROAD
City: ISLAND PARK County: NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Diesel	UNKNOWN	Soil
Gasoline	UNKNOWN	Soil

Cause: Tank Test Failure
Source: Gasoline Station or other PBS Facility
Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 0650204

Spill Date/Time

Spill Date: 05/10/2006 **Spill Time:** 12:00:00 PM

Call Received Date: 05/10/2006 **Call Received Time:** 12:00:00 PM

Location

Spill Name: AJA CONCRETE READI MIX

Address: 3896 LONG BEACH ROAD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN PETROLEUM	UNKNOWN	Soil , Surface Water

Cause: Housekeeping

Source: Commercial/Industrial

Waterbody: BARNUM CREEK

Record Close

Date Spill Closed: 07/13/2007

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0908812

Spill Date/Time

Spill Date: 11/05/2009 Spill Time: 02:22:00 PM
Call Received Date: 11/05/2009 Call Received Time: 02:21:00 PM

Location

Spill Name: US PETROLEUM EXPRESS GAS
Address: 3880 LONG BEACH RD
City: ISLAND PARK County: NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN PETROLEUM	UNKNOWN	Soil , Groundwater

Cause: Unknown

Source: Gasoline Station or other PBS Facility

Waterbody:

PBS #:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0908854

Spill Date/Time

Spill Date: 11/06/2009 **Spill Time:** 02:38:00 PM
Call Received Date: 11/06/2009 **Call Received Time:** 02:38:00 PM

Location

Spill Name: USA PETROLEUM
Address: 3880 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN PETROLEUM	UNKNOWN	Groundwater

Cause: Unknown
Source: Unknown
Waterbody:

Record Close

Date Spill Closed: 11/06/2009

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 1105297

Spill Date/Time

Spill Date: 08/09/2011 Spill Time: 11:00:00 AM
Call Received Date: 08/09/2011 Call Received Time: 11:10:00 AM

Location

Spill Name: US PETROLEUM?
Address: 3880 LONG BEACH RD
City: ISLAND PARK County: NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Soil

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 1202816

Spill Date/Time

Spill Date: 06/21/2012 **Spill Time:** 10:00:00 AM
Call Received Date: 06/21/2012 **Call Received Time:** 02:25:00 PM

Location

Spill Name: BLDG UNDER CONSTRUCTION
Address: 4029 LONG BEACH ROAD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Hydraulic Oil 6 Gal. Impervious Surface

Cause: Equipment Failure

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

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**NEW YORK STATE
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Spill Incidents Database Search Results

Record Count: 72 Rows: 1 to 50

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	<input type="text" value="8602005"/>	06/24/1986	AMOCO	NASSAU	ISLAND PARK	4216 AUSTIN BLVD
2.	<input type="text" value="8605556"/>	12/03/1986	BARTCO	NASSAU	ISLAND PARK	3980 AUSTIN BLVD
3.	<input type="text" value="8700491"/>	04/16/1987	"SUSPECT" AMOCO	NASSAU	ISLAND PARK	AUSTIN BLVD & BAKER COURT
4.	<input type="text" value="8807197"/>	12/01/1988	LILCO	NASSAU	ISLAND PARK	4030 AUSTIN BLVD
5.	<input type="text" value="8807206"/>	12/01/1988	LILCO	NASSAU	ISLAND PARK	AUSTIN BLVD
6.	<input type="text" value="8903641"/>	07/11/1989	AUTO SPA	NASSAU	ISLAND PARK	4290 AUSTIN BLVD
7.	<input type="text" value="8904269"/>	07/30/1989	TODD DEIL	NASSAU	ISLAND PARK	LONG BEACH ROAD & AUSTIN BLVD
8.	<input type="text" value="9000954"/>	04/25/1990	JAYS CHEVROLET	NASSAU	ISLAND PARK	4104 AUSTIN BLVD
9.	<input type="text" value="9002601"/>	06/06/1990	HESS S/S	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
10.	<input type="text" value="9006000"/>	08/30/1990	HESS	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
11.	<input type="text" value="9011341"/>	01/27/1991	GREAT BEAR AUTO CENTER	NASSAU	ISLAND PARK	4360 AUSTIN BLVD
12.	<input type="text" value="9102335"/>	05/29/1991	HESS #32316	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
13.	<input type="text" value="9104405"/>	07/24/1991	ANCHOR AUTO REPAIR	NASSAU	ISLAND PARK	4611 AUSTIN BLVD
14.	<input type="text" value="9105037"/>	08/09/1991	STURDEE HEALTH PRODUCTS	NASSAU	ISLAND PARK	3947 AUSTIN BLVD
15.	<input type="text" value="9112283"/>	03/02/1992	ROSSIELLO WRECKING	NASSAU	ISLAND PARK	20 INDUSTRIAL/AUSTIN BLVD

16.	9202356	05/27/1992	COLONIAL DRY CLEANERS	NASSAU ISLAND PARK	120 AUSTIN BLVD
17.	9205231	08/06/1992	LONG ISLAND EXCHANGE	NASSAU ISLAND PARK	4338 AUSTIN BLVD
18.	9210533	12/12/1992	METRO S/S	NASSAU ISLAND PARK	3980 AUSTIN BLVD/GEORGIA STREET
19.	9302342	05/20/1993	NCDPW	NASSAU ISLAND PARK	FLORIDA AVE & AUSTIN BLVD
20.	9313803	02/23/1994	SCOTT DISTRIBUTING INC	NASSAU ISLAND PARK	4217 AUSTIN BLVD
21.	9412325	12/14/1994	ABANDON GAS STATION	NASSAU ISLAND PARK	4216 AUSTIN BLVD
22.	9503471	06/21/1995	LILCO	NASSAU ISLAND PARK	AUSTIN BLVD/KINGSWAY
23.	9503552	06/22/1995	FORMER AMOCO	NASSAU ISLAND PARK	4216 AUSTIN BLVD
24.	9513293	01/22/1996	UNKNOWN	NASSAU ISLAND PARK	3980 AUSTIN BLVD
25.	9513319	01/23/1996	SOUTH NASSAU ANIMAL HOSP	NASSAU ISLAND PARK	4154 AUSTIN BLVD
26.	9515663	03/06/1996	REAR OF M AND L APPLIANCE	NASSAU ISLAND PARK	4420 AUSTIN BLVD
27.	9607731	09/19/1996	GLYPTIS/METRO	NASSAU ISLAND PARK	53 GEORGIA/3980 AUSTIN
28.	9700675	04/15/1997	TEXACO STATION	NASSAU ISLAND PARK	4096 AUSTIN BLVD
29.	9701758	05/09/1997	UNKNOWN	NASSAU ISLAND PARK	RAILROAD PL/AUSTIN BLVD/RR TRACKS
30.	9703978	07/02/1997	HESS STATION 32316	NASSAU ISLAND PARK	4295 AUSTIN BLVD
31.	9825052	09/22/1998	EXPRESS LUBE	NASSAU ISLAND PARK	4576 AUSTIN BLVD
32.	9810593	11/20/1998	AUTO TECH	NASSAU ISLAND PARK	4370 AUSTIN BLVD
33.	9815476	03/29/1999	MULTI TENANT	NASSAU ISLAND PARK	4140 AUSTIN BLVD
34.	9925082	05/11/1999	INDUSTRIAL PROPERTY	NASSAU ISLAND PARK	4410 AUSTIN BLVD
35.	9903595	06/29/1999	Spill Number 9903595	NASSAU ISLAND PARK	4216 AUSTIN BLVD
36.	9910570	12/06/1999	BECKER CHEVROLET	NASSAU ISLAND PARK	4101 AUSTIN BLVD
37.	9925460	01/18/2000	GLYPTIS/METRO STATION	NASSAU ISLAND PARK	53 GEORGIA/3980 AUSTIN
38.	0004251	07/09/2000	CONDOMINIUMS	NASSAU ISLAND PARK	LOUISIANA AVENUE & AUSTIN

39.	<input type="text" value="0104019"/>	07/16/2001	FEDERATED PARTS	NASSAU ISLAND PARK	4535 AUSTIN BLVD
40.	<input type="text" value="0110785"/>	02/11/2002	PUGLISE RESIDENCE	NASSAU ISLAND PARK	54 AUSTIN ROAD
41.	<input type="text" value="0125327"/>	02/26/2002	PRIVATE VEHICLE	NASSAU ISLAND PARK	4495 AUSTIN BLVD
42.	<input type="text" value="0125356"/>	03/27/2002	LONG BEACH AUTO PARTS	NASSAU ISLAND PARK	4535 AUSTIN BLVD/BAKER
43.	<input type="text" value="0206525"/>	09/24/2002	LONG BEACH AUTO PARTS	NASSAU ISLAND PARK	4535 AUSTIN BLVD
44.	<input type="text" value="0300444"/>	04/12/2003	UNKNOWN	NASSAU ISLAND PARK	AUSTIN BLVD/TRAFALGAR BL
45.	<input type="text" value="0302579"/>	06/10/2003	ROADWAY	NASSAU ISLAND PARK	4305 AUSTIN BLVD/KINGSTON
46.	<input type="text" value="0325168"/>	07/01/2003	BEHIND TONY'S SERVICE CTR	NASSAU ISLAND PARK	4440 AUSTIN BLVD
47.	<input type="text" value="0303671"/>	07/08/2003	UNKNOWN	NASSAU ISLAND PARK	IFO 117 TRAFALGA BLVD/AUSTIN
48.	<input type="text" value="0307096"/>	10/06/2003	1053 BROADWAY AVENUE	NASSAU ISLAND PARK	CAROLINA AND AUSTIN
49.	<input type="text" value="0402477"/>	06/07/2004	UNKNOWN	NASSAU ISLAND PARK	4417 AUSTIN BLVD
50.	<input type="text" value="0409092"/>	11/10/2004	HESS # 32316	NASSAU ISLAND PARK	4295 AUSTIN BLVD



**NEW YORK STATE
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Spill Incidents Database Search Results

Record Count: 72 Rows: 51 to 72

Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
51. <input type="text" value="0485345"/>	12/20/2004	HESS #32316	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
52. <input type="text" value="0601427"/>	05/08/2006	J&J DRY CLEANER	NASSAU	ISLAND PARK	4010 AUSTIN BLVD
53. <input type="text" value="0650193"/>	05/09/2006	J & J DRIVE IN CLEANERS	NASSAU	ISLAND PARK	4010 AUSTIN BLVD
54. <input type="text" value="0601472"/>	05/09/2006	HESS STATION	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
55. <input type="text" value="0813947"/>	03/26/2009	HESS #32316	NASSAU	ISLAND PARK	4295 AUSTIN BLVD
56. <input type="text" value="0909086"/>	11/13/2009	GETTY S/S	NASSAU	ISLAND PARK	AUSTIN BLVD/ KINGSTON BLVD
57. <input type="text" value="0912348"/>	02/18/2010	EXPRESS SERVICE STATION	NASSAU	ISLAND PARK	3980 AUSTIN BLVD
58. <input type="text" value="0912968"/>	03/13/2010	UNKNOWN	NASSAU	ISLAND PARK	4010 AUSTIN BLVD/ FLORIDA
59. <input type="text" value="0913814"/>	03/29/2010	BROWARD TRANSPORTATION	NASSAU	ISLAND PARK	4025 AUSTIN BLVD
60. <input type="text" value="1000139"/>	04/05/2010	SHELL S/S	NASSAU	ISLAND PARK	4096 AUSTIN BLVD
61. <input type="text" value="1001024"/>	04/27/2010	UNKNOWN	NASSAU	ISLAND PARK	3941 AUSTIN BLVD
62. <input type="text" value="1106413"/>	08/30/2011	UNKNOWN	NASSAU	ISLAND PARK	4245 AUSTIN BLVD
63. <input type="text" value="1208829"/>	11/03/2012	COMMERCIAL/INDUSTRIAL	NASSAU	ISLAND PARK	4535 AUSTIN BLVD
64. <input type="text" value="1212932"/>	12/03/2012	VACANT AUTO PARTS STORE	NASSAU	ISLAND PARK	AUSTIN BLVD
65. <input type="text" value="1213153"/>	12/07/2012	UNKNOWN	NASSAU	ISLAND PARK	3943 AUSTIN BLVD
66. <input type="text" value="1213479"/>	12/13/2012	UNKNOWN	NASSAU		

67.	<input type="text" value="1214839"/>	12/17/2012	COMPETITION AUTO REPAIR	NASSAU	ISLAND PARK	3943 AUSTIN BLVD
68.	<input type="text" value="1214849"/>	12/17/2012	INACTIVE	NASSAU	ISLAND PARK	4501 AUSTIN BLVD
69.	<input type="text" value="1215341"/>	02/05/2013	C J & VINNIES AUTO REPAIR	NASSAU	ISLAND PARK	33 AUSTIN BLVD
70.	<input type="text" value="1311580"/>	03/12/2014	COMMERCIAL SITE	NASSAU	ISLAND PARK	4216 AUSTIN BLVD
71.	<input type="text" value="1409640"/>	12/25/2014	UNKNOWN	NASSAU	ISLAND PARK	4140 AUSTIN BLVD
72.	<input type="text" value="1500066"/>	04/02/2015	UNKNOWN	NASSAU	ISLAND PARK	AUSTIN BLVD NEAR INTERSECTION SARATOGA
				NASSAU	ISLAND PARK	4195 AUSTIN BLVD



NEW YORK STATE
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ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 8605556

Spill Date/Time

Spill Date: 12/01/1986 **Spill Time:** 12:00:00 PM
Call Received Date: 12/03/1986 **Call Received Time:** 09:50:00 AM

Location

Spill Name: BARTCO
Address: 3980 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

Gasoline UNKNOWN Groundwater

Cause: Tank Test Failure

Source: Unknown

Waterbody:

Record Close

Date Spill Closed: 06/18/1997

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
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Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9105037

Spill Date/Time

Spill Date: 08/09/1991 **Spill Time:** 01:20:00 PM
Call Received Date: 08/09/1991 **Call Received Time:** 02:42:00 PM

Location

Spill Name: STURDEE HEALTH PRODUCTS
Address: 3947 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

#2 Fuel Oil UNKNOWN Groundwater

Cause: Tank Test Failure

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 06/10/1992

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9513293

Spill Date/Time

Spill Date: 01/22/1996 **Spill Time:** 05:50:00 PM
Call Received Date: 01/22/1996 **Call Received Time:** 07:33:00 PM

Location

Spill Name: UNKNOWN
Address: 3980 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Diesel 73 Gal. Soil

Cause: Human Error
Source: Commercial Vehicle
Waterbody:

Record Close

Date Spill Closed: 05/31/2005

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 9607731

Spill Date/Time

Spill Date: 09/18/1996 **Spill Time:** 06:00:00 PM

Call Received Date: 09/19/1996 **Call Received Time:** 03:11:00 PM

Location

Spill Name: GLYPTIS/METRO

Address: 53 GEORGIA/3980 AUSTIN

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Soil

Cause: Unknown

Source: Unknown

Waterbody:

Record Close

Date Spill Closed: 05/31/2005

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 9910570

Spill Date/Time

Spill Date: 12/06/1999 **Spill Time:** 09:19:00 AM
Call Received Date: 12/06/1999 **Call Received Time:** 09:19:00 AM

Location

Spill Name: BECKER CHEVROLET
Address: 4101 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

Gasoline UNKNOWN Soil

Cause: Tank Failure
Source: Commercial/Industrial
Waterbody:

Record Close

Date Spill Closed: 02/02/2000

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0601427

Spill Date/Time

Spill Date: 05/08/2006 **Spill Time:** 12:00:00 PM
Call Received Date: 05/08/2006 **Call Received Time:** 03:41:00 PM

Location

Spill Name: J&J DRY CLEANER
Address: 4010 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
UNKNOWN MATERIAL	25 Gal.	Sewer

Cause: Deliberate
Source: Commercial/Industrial
Waterbody:

Record Close

Date Spill Closed: 05/09/2006

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0650193

Spill Date/Time

Spill Date: 04/24/2006 Spill Time: 12:00:00 PM
Call Received Date: 05/09/2006 Call Received Time: 08:57:00 AM

Location

Spill Name: J & J DRIVE IN CLEANERS
Address: 4010 AUSTIN BLVD
City: ISLAND PARK County: NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
PERC	UNKNOWN	Drinking Water , Sewer

Cause: Deliberate
Source: Commercial/Industrial
Waterbody:

Record Close

Date Spill Closed: 11/28/2006

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 0912348

Spill Date/Time

Spill Date: 06/05/2009 **Spill Time:** 12:00:00 PM
Call Received Date: 02/18/2010 **Call Received Time:** 12:00:00 PM

Location

Spill Name: EXPRESS SERVICE STATION
Address: 3980 AUSTIN BLVD
City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Soil , Groundwater

Cause: Unknown

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Return To Results](#)

[Refine This Search](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1
Spill Number: 1000139

Spill Date/Time

Spill Date: 04/05/2010 Spill Time: 09:30:00 AM
Call Received Date: 04/05/2010 Call Received Time: 10:08:00 AM

Location

Spill Name: SHELL S/S
Address: 4096 AUSTIN BLVD
City: ISLAND PARK County: NASSAU

Spill Description

Material Spilled Amount Spilled Resource Affected

Gasoline UNKNOWN Groundwater

Cause: Unknown

Source: Gasoline Station or other PBS Facility

Waterbody:

Record Close

Date Spill Closed: Not closed

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Return To Results](#)

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**NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Spill Incidents Database Search Results

Record Count: 7 Rows: 1 to 7

[Export XLS](#)[Export CSV](#)

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	8910634	02/07/1990	EMPIRE POINT MARINA	NASSAU	ISLAND PARK	2 EMPIRE BLVD
2.	9212892	02/17/1993	RESIDENCE	NASSAU	ISLAND PARK	92 OR 95 EMPIRE BLVD
3.	0012822	03/04/2001	EMPIRE MARINA	NASSAU	ISLAND PARK	END OF EMPIRE BLVD
4.	0325526	03/24/2004	FORMER MARINA	NASSAU	ISLAND PARK	EMPIRE BLVD
5.	1208941	11/04/2012	FEHLING RESIDENCE	NASSAU	ISLAND PARK	4 EMPIRE BLVD
6.	1210292	11/13/2012	CAPUTO RESIDENCE	NASSAU	ISLAND PARK	80 EMPIRE BLVD
7.	1214848	12/17/2012	EMPIRE POINT MARINA	NASSAU	ISLAND PARK	2 EMPIRE BLVD

[Refine This Search](#)



NEW YORK STATE
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 1

Spill Number: 8910634

Spill Date/Time

Spill Date: 02/07/1990 **Spill Time:** 11:40:00 AM

Call Received Date: 02/07/1990 **Call Received Time:** 11:40:00 AM

Location

Spill Name: EMPIRE POINT MARINA

Address: 2 EMPIRE BLVD

City: ISLAND PARK **County:** NASSAU

Spill Description

Material Spilled	Amount Spilled	Resource Affected
------------------	----------------	-------------------

Waste Oil/Used Oil	UNKNOWN	Soil
--------------------	---------	------

Cause: Housekeeping

Source: Institutional, Educational, Gov., Other

Waterbody: SHELL CREEK

Record Close

Date Spill Closed: 08/15/1990

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.



Bulk Storage Database Search Details

Facility Information

Site No.: 1-000100
Status: Active
Expiration Date: 01/25/2016
Site Type: CBS
Site Name: GLEN COVE SEWAGE TREATMENT PLANT
Address: 100 MORRIS AVENUE UNIT #3
Locality: GLEN COVE
State: NY
Zipcode: 11542
County: NASSAU

Owner(s) Information

Facility Owner: NASSAU COUNTY DEPT. OF PUBLIC WORKS
1194 PROSPECT AVE . WESTBURY, NY . 11590

Tank Information

*Tank Information withheld (not releaseable under Freedom of Information Law)
in accordance with Public Officers Law Sections 86.5, 87.2(f), 89.5(a)(1)(1-a)*

[Return To Results](#)

[Refine This Search](#)



Bulk Storage Database Search Details

[First Site](#)

[Previous Site](#)

Facility Information

Site No.: 1-000063
Status: Unregulated/Closed
Expiration Date:
Site Type: PBS
Site Name: USA PETROLEUM
Address: 3880 LONG BEACH RD.
Locality: ISLAND PARK
State: NY
Zipcode: 11558
County: NASSAU

Owner(s) Information

Facility Owner: SERVICE STATION REALTY CORP.
38 GEORGIA AVE. ISLAND PARK, NY. 11558
Mail Contact: SERVICE STATION REALTY CORP.
38 GEORGIA AVE. ISLAND PARK, NY. 11558

Tank Information

4 Tanks Found

Tank No	Tank Location	Status	Capacity (Gal.)
<input type="text" value="1"/>	Underground	Unregulated	4000
<input type="text" value="2"/>	Underground	Unregulated	4000
<input type="text" value="3"/>	Underground	Unregulated	4000
<input type="text" value="4"/>	Underground	Unregulated	4000

[Refine This Search](#)



Bulk Storage Database Search Details

Tank Information

[Next Tank](#)

[Last Tank](#)

Site No: 1-000063
Site Name: USA PETROLEUM
Tank No: 1
Tank Location: Underground
Tank Status: Unregulated
Tank Install Date: 07/01/1986
Tank Closed Date:
Tank Capacity: 4000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 06 - Fiberglass Reinforced Plastic (FRP)
Tank Internal Protection: None
Tank External Protection: Fiberglass
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Tank Leak Detection: In-Tank System (ATG)
Overfill: High Level Alarm
Spill Prevention: Catch Basin
Dispenser: Suction Dispenser
Pipe Location: Underground/On-ground
Pipe Type: None
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Unknown

[Refine This Search](#)

[Return To Facility](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#) [Previous Tank](#) [Next Tank](#) [Last Tank](#)

Site No: 1-000063
Site Name: USA PETROLEUM
Tank No: 2
Tank Location: Underground
Tank Status: Unregulated
Tank Install Date: 07/01/1986
Tank Closed Date:
Tank Capacity: 4000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 06 - Fiberglass Reinforced Plastic (FRP)
Tank Internal Protection: None
Tank External Protection: Fiberglass
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Tank Leak Detection: In-Tank System (ATG)
Overfill: High Level Alarm
Spill Prevention: Catch Basin
Dispenser: Suction Dispenser
Pipe Location: None
Pipe Type: None
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Unknown

[Refine This Search](#)

[Return To Facility](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#) [Previous Tank](#) [Next Tank](#) [Last Tank](#)

Site No: 1-000063
Site Name: USA PETROLEUM
Tank No: 3
Tank Location: Underground
Tank Status: Unregulated
Tank Install Date: 07/01/1986
Tank Closed Date:
Tank Capacity: 4000 gal.
Product Stored: Gasoline
Percentage: 100%
Tank Type: 06 - Fiberglass Reinforced Plastic (FRP)
Tank Internal Protection: None
Tank External Protection: Fiberglass
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Tank Leak Detection: In-Tank System (ATG)
Overfill: High Level Alarm
Spill Prevention: Catch Basin
Dispenser: Suction Dispenser
Pipe Location: None
Pipe Type: None
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Unknown

[Refine This Search](#)

[Return To Facility](#)



Bulk Storage Database Search Details

Tank Information

[First Tank](#)

[Previous Tank](#)

Site No: 1-000063
Site Name: USA PETROLEUM
Tank No: 4
Tank Location: Underground
Tank Status: Unregulated
Tank Install Date: 07/01/1986
Tank Closed Date:
Tank Capacity: 4000 gal.
Product Stored: Diesel
Percentage: 100%
Tank Type: 06 - Fiberglass Reinforced Plastic (FRP)
Tank Internal Protection: None
Tank External Protection: Fiberglass
Tank Secondary Containment: None
Tank Leak Detection: Groundwater Well
Tank Leak Detection: In-Tank System (ATG)
Overfill: High Level Alarm
Spill Prevention: Catch Basin
Dispenser: Suction Dispenser
Pipe Location: None
Pipe Type: None
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Unknown

[Refine This Search](#)

[Return To Facility](#)

County Records

Gomez, Joshua

From: FC.FOIL <FC.FOIL@nassaucountyny.gov>
Sent: Wednesday, June 03, 2015 2:17 PM
To: Gomez, Joshua
Subject: Electronic FOIL Tectonic: 95 Main Street, East Rockaway & 3875 Long Beach Road

95 Main Street

A check of the computer fails to reveal any items of an environmental nature.

The computer fails to reveal evidence of any environmental items, issues or violations (no tanks, no spills, no releases, etc.).

3875 Long Beach Road

The Nassau County Fire Marshal does not maintain an inspection file for the this premise.

Daniel Dutton
Fire Marshal I
(516) 573-9948 (Desk)
ddutton@nassaucountyny.gov

Industrial Division
(516) 573-9940 (NCFM Industrial Division Main #)
(516) 573-9974 (Fax)

Office of Nassau County Fire Marshal
1194 Prospect Avenue
Westbury, NY 11590
(516) 573-9901 (NCFM Main #)

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EDWARD P. MANGANO
COUNTY EXECUTIVE



LAWRENCE E. EISENSTEIN, M.D., F.A.C.P.
COMMISSIONER

**NASSAU COUNTY
DEPARTMENT OF HEALTH**
200 COUNTY SEAT DRIVE
MINEOLA, NY 11501
516 227-9691
FAX: 516 227-9613

April 24, 2015

Joshua Gomez
Tectonic Engineering
PO Box 37
Mountainville, NY 10953

Re: K&K Outbard, Inc.
3875 Long Beach Rd.
Island Park

Dear Joshua Gomez:

In accordance with your request for records concerning the above referenced property under the Freedom of Information Law, the Bureau of Environmental Protection has reviewed its records and no files were found to exist in this Bureau.

Please contact me (516) 227-9691 if you have any questions concerning this file search.

Very truly yours,
Elizabeth Jean-Francois
Elizabeth Jean-Francois
Bureau of Environmental Protection

EJF:cs

Electronic FOIL Tectonic: 95 Main Street, East Rockaway & 3875 Long Beach Road

FC.FOIL

To: Gomez, Joshua

Sent: 6/3/2015 2:16 PM

95 Main Street

A check of the computer fails to reveal any items of an environmental nature.

The computer fails to reveal evidence of any environmental items, issues or violations (no tanks, no spills, no releases, etc.).

|

3875 Long Beach Road

The Nassau County Fire Marshal does not maintain an inspection file for the this premise.

Daniel Dutton

Fire Marshal I

(516) 573-9948 (Desk)

ddutton@nassaucountyny.gov

Industrial Division

(516) 573-9940 (NCFM Industrial Division Main #)

(516) 573-9974 (Fax)

Office of Nassau County Fire Marshal

1194 Prospect Avenue

Attachment 4

New York State Historic Preservation
Programmatic Agreement (PA)

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

WHEREAS, the Agreement was executed on May 10, 2013; and

WHEREAS, to alleviate the need to negotiate additional agreements when new disasters are declared and thereby minimize delays in the delivery of assistance by the Federal Emergency Management Agency (FEMA), the Agreement, which only covered Hurricane Sandy in those affected counties, will be extended for five additional years from the date of the execution of the Amended Agreement and will cover all Federally declared disasters in all counties in New York State; and

WHEREAS, only FEMA disaster response and recovery programs authorized by Sections IV and V of the Stafford Act are included in the Agreement, so to comprehensively cover FEMA programs and thereby more effectively integrate historic preservation compliance considerations into the delivery of FEMA assistance, the Amended Agreement will also include FEMA non-disaster programs as listed in Appendix A; and

WHEREAS, because the staffing level at the New York State Historic Preservation Office (SHPO) will vary over the term of this Amended Agreement, it provides for SHPO to request at the beginning of each Federally-declared disaster an extension of the review time allowed in Stipulation I.E.2.a. and I.E.2.b; and

WHEREAS, as a result of expanding the geographical area to include all of New York State in this Amended Agreement, additional Indian Tribes and Indian Nations may have sites of religious and cultural significance on or off Tribal and National Lands in this area, and these Indian Tribes and Indian Nations have been invited to sign this Amended Agreement, and Stipulations relating to their participation have been amended or added to clarify roles, responsibilities and process; and

WHEREAS, Indian Tribes and Indian Nations reside in New York State and henceforth references to Indian Tribe(s) in the Amended Agreement have been amended to include both Indian Tribe(s) and Nation(s) (Tribe(s)/Nation(s)); and

WHEREAS, since the execution of the Agreement, the Prototype Programmatic Agreement was agreed to by FEMA, the Advisory Council on Historic Preservation (ACHP), the National Conference of State Historic Preservation Officers (NCSHPO), and thus, this Agreement is being revised to better reflect the Prototype Agreement; and

WHEREAS, Stipulations II.B.1 and II.B.2. refer only to Expedited Review for Emergency Undertakings for the Hurricane Sandy disaster declaration, and as such, the stipulations have been broadened to include Expedited Review for Emergency Undertakings for the additional federally declared disasters; and

WHEREAS, the New York State Office of Emergency Management has changed its name and will hereafter be known as the New York State Division of Homeland Security and Emergency Services (DHSES); and

WHEREAS, Annual Reports of the past year's activity under this Amended Agreement will commence on December 31, 2015, rather than biannual reports because of the substantial amount of time that is required to prepare such report, and

WHEREAS, a process to approve amendments to the Agreement is provided for Other Federal Agencies referenced in Stipulation I.A.3. who may utilize the Agreement to satisfy their Section 106 responsibilities.

NOW THEREFORE, in accordance with Stipulation IV.A.1. of the Agreement, the signatories, invited signatories and consulting party agree to amend the Agreement, provided complete with all its Appendices below, as follows:

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE ST. REGIS MOHAWK TRIBE,
THE CAYUGA NATION,
OTHER PARTICIPATING TRIBES,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

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

WHEREAS, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes and Nations (Tribe(s)/Nation(s)) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR); Executive Order 13407 (2006); and the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

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

WHEREAS, FEMA, the ACHP, and the National Council of Historic Preservation Officers (NCSHPO) have determined that FEMA's Section 106 requirements can be more effectively and efficiently implemented and delays to the delivery of FEMA assistance minimized if a programmatic approach is used to stipulate roles and responsibilities, exempt certain Undertakings from Section 106 review, establish protocols for consultation, facilitate identification and evaluation of historic properties, and streamline the assessment and resolution of adverse effects; and

WHEREAS, in order to implement its Programs, FEMA will provide assistance to the State of New York that may provide monies and other assistance to eligible subgrantees, and as such, DHSES that is typically responsible for administering funds provided under these Programs, has

participated in this consultation, and has been invited to enter into this Agreement as an invited signatory party; and

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

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

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

WHEREAS, notwithstanding the aforementioned invitation to enter into an agreement, FEMA has invited the Delaware Nation, the Delaware Tribe of Indians, the Cayuga Nation of New York, the Oneida Nation of New York, the Oneida Nation of Wisconsin, the Onondaga Nation, the Seneca-Cayuga Tribe of Oklahoma, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, the Tonawanda Band of Seneca Indians, and the Tuscarora Nation, each as an invited signatory party to fulfill the requirements of Section 106; and

WHEREAS, notwithstanding the aforementioned invitation to enter into an agreement, FEMA has invited the Saint Regis Mohawk Tribe and the Seneca Nations of Indians.

WHEREAS, FEMA may invite additional Tribe(s)/Nation(s) that may have sites of religious and cultural significance to enter into the terms of this Agreement; and

WHEREAS, the Delaware Tribe of Indians and the Stockbridge-Munsee Community Band of Mohicans who executed the original Sandy Agreement have agreed to execute the Amended Agreement; and

WHEREAS, the Delaware Nation, the St. Regis Mohawk Tribe and the Cayuga Nation have accepted FEMA invitation to enter into the Amended Agreement; and

WHEREAS, the Oneida Nation of New York, the Onondaga Nation, the Seneca Nation of Indians, and the Tonawanda Band of Seneca Indians of New York have indicated that they may enter into the Amended Agreement; and

WHEREAS, the Oneida Nation of Wisconsin, the Seneca-Cayuga Tribe of Oklahoma, the Shinnecock Nation, and the Tuscarora Nation of New York have not responded to FEMA's invitation to enter into this Agreement; and

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

WHEREAS, in anticipation or in the immediate aftermath of the Disaster Declaration, impacted communities in the State of New York and/or affected Tribe(s)/Nation(s) may conduct critical preparedness and response and recovery activities to safeguard public health and safety and to restore vital community services and functions. Some of these activities may become Undertakings requiring Section 106 review subject to the terms of this Agreement, and FEMA shall coordinate the appropriate review as warranted; and

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

STIPULATIONS

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

I. GENERAL

A. Applicability

1. This Agreement was initiated for DR-4085-NY (Hurricane Sandy) and will remain in effect for a period of 5 years from date of the execution of the Amended Agreement and will apply activities assisted by FEMA to all disaster and non-disaster grant programs in all of New York State after the execution of the Amended Agreement by all signatory parties.
2. For FEMA undertakings that also are within the jurisdiction of the Federal Communications Commission (FCC) and within the scope of its Section 106 Programmatic Agreements for communication facilities, FEMA defers Section 106 review in accordance with the ACHP Program Comment of October 23, 2009. The approval of funding for the FEMA Undertaking will be conditioned on the compliance of the subgrantee with FCC's applicable Section 106 review, including any required consultation with affected Tribe(s)/Nation(s). FEMA will notify the SHPO when it

applies the ACHP Program Comment to an Undertaking. FEMA remains responsible for any FEMA Undertakings it determines are outside of the jurisdiction of the FCC.

3. With the written concurrence of the ACHP, FEMA, and SHPO, Other Federal Agencies providing financial assistance for the type of activities covered under the terms of this Agreement as outlined in Appendix A may satisfy their Section 106 responsibilities for such activities by accepting and complying in writing with the terms of this Agreement.
 - a. "Other Federal Agencies" may include States and units of local government who have assumed environmental responsibilities of the U.S. Department of Housing and Urban Development and, acting as the Responsible Entity pursuant to 24 CFR Part 58, are responsible for environmental review, decision-making and action.
 - b. In such situations, the other Federal Agency shall notify the Signatories in writing of its intent to use this Agreement to achieve compliance with its Section 106 requirements, and consult with the Signatories regarding its Section 106 compliance responsibilities. Resumes of staff who meet the Secretary's Professional Qualification Standard(s) and will review Second Tier projects in accordance with Appendix B of this Agreement shall be provided to FEMA and the SHPO/THPO.
 - c. When amendments are made to the body of this Agreement, Other Federal Agencies are required to sign an amendment to their previously executed Addendum referencing the amended Agreement and acknowledging their willingness to comply with its terms. Federal agencies relinquish their rights to use this Agreement if such an amendment to their Addendum is not executed within 3 months of the date the amended Agreement is executed by SHPO, FEMA and ACHP.
 - d. Other Federal Agencies are not required to sign an amendment to their Addendum in the event amendments are made to Appendix A, B and C of this Agreement; however, Other Federal Agencies agree to abide by amendments to these Appendices upon written notice by FEMA to the Federal Preservation Officer (FPO) of the Other Federal Agency(s) providing the funding referenced in the Addendum(s) to the Agreement.
4. This Agreement may apply to Undertakings involving multiple Federal agencies and where some or all of the Federal agencies involved in the Undertaking may designate FEMA as the lead Federal agency pursuant to 36 CFR § 800.2(a)(2) with appropriate notification to the ACHP. FEMA will act on the collective behalf of the agencies to fulfill all Section 106 responsibilities. Federal agencies that do not designate FEMA as the lead Federal agency will be responsible for doing a separate consultation pursuant to Section 106 and 36 CFR Part 800.
5. In the event of a Stafford Act major disaster or emergency declaration (Declaration), State, Tribal and local governments may lack the capability to perform or to contract for emergency work, and instead request that the work be accomplished by a Federal

agency. Through a mission assignment (MA), FEMA may direct appropriate Federal agencies to perform the work. This Agreement will apply to such Federal assistance undertaken by or funded by FEMA pursuant to Titles IV and V of the Stafford Act and 44 CFR Part 206.

6. If SHPO has reviewed and approved an Undertaking submitted by a subgrantee that was the result of damage from a disaster Declaration before FEMA has established an Undertaking for that same project, and FEMA confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of the Undertaking as reviewed by the SHPO has not changed, and SHPO/Tribal concurrence is documented, FEMA shall document these findings to the project files in order to confirm that the requirements of Section 106 have been satisfied.
7. If another Federal program or Federal agency has reviewed and approved an Undertaking under Section 106 of the NHPA within the past five years, FEMA has no further requirement for Section 106 review provided that it confirms that the scope and effect [as defined by 36 CFR § 800.16(i)] of the Undertaking as reviewed by the previous agency has not changed, and SHPO/Tribal concurrence is documented. FEMA shall document these findings to the project files in order to confirm that the requirements of Section 106 have been satisfied.
8. Should FEMA, in consultation with SHPO, DHSES, and Participating Tribe(s)/Nation(s), determine that the previous Section 106 review was insufficient or involved interagency disagreements on eligibility, effect, or mitigation, FEMA shall conduct additional Section 106 review in accordance with the terms of this Agreement.
9. FEMA has determined that the following types of activities have limited or no potential to affect historic properties and FEMA has no further Section 106 responsibilities, pursuant to 36 CFR § 800.3(a)(1):
 - a. Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for owner occupied home repair and replacement, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. For ground disturbing activities, and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), 206.117(b)(4) (permanent housing construction), and 206.117(c)(1)(vi) (privately owned access routes), FEMA will conduct Section 106 review.
 - b. Administrative actions such as personnel actions, travel, procurement of services, supplies (including vehicles and equipment) for the support of day-to-day and emergency operational activities, and the temporary storage of goods provided storage occurs within existing facilities or on previously disturbed soils.
 - c. Preparation, revision, and adoption of regulations, directives, manuals, and other guidance documents.

- d. Granting of variances, and actions to enforce Federal, State, or local codes, standards or regulations.
- e. Monitoring, data gathering, and reporting in support of emergency and disaster planning, response and recovery, and hazard activities.
- f. Research and development of hazard warning systems, hazard mitigation plans, codes and standards, and education/public awareness programs.
- g. Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding.
- h. Assistance provided for training, management and administration, exercises, and mobile/portable equipment purchases; with the exception of potential ground-disturbing activities and modification of existing structures.
- i. Community Disaster Loans for funding to perform governmental functions for any eligible jurisdiction in a designated disaster area that has suffered a substantial loss of tax and other revenue.
- j. Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements.
- k. Funding the administrative action of acquiring properties in buyout projects e.g., surveys, legal fees, non-destructive abatement activities), excluding the real estate transaction and demolition. Per Item III.D, DHSES shall advise its subgrantees that they may jeopardize Federal funding if work is performed without all required local, State and Federal licenses, permits or approvals, including the completion of the Section 106 process.
- l. Reimbursement of a subgrantee's insurance deductible, when the deductible is the total FEMA eligible cost for the project.
- m. Labor, equipment and materials used to provide security in the Disaster Declaration area, including lease, rental, purchase or repair of equipment or vehicles and payment for staff and contract labor.
- n. Application of pesticides to reduce adverse public health effects, including aerial and truck-mounted spraying.
- o. Unemployment assistance.
- p. Distribution of food coupons.
- q. Legal services.

r. Crisis counseling.

10. The terms of this Agreement will not apply to Undertakings on Tribal (reservation lands) unless the affected Tribe(s)/Nation(s) have concurred in writing.

11. Any FEMA Programs authorized by the United States Congress in the future may be included in this Agreement in accordance with Stipulation IV.A, Amendments. Any change in the FEMA name, Programs, or organizational structure will not affect this Agreement.

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

1. FEMA:

a. FEMA will use Federal, Tribal, State, subgrantee, or contractor staff whose qualifications meet the Secretary of the Interior's (Secretary's) Professional Qualifications Standards (Professional Qualifications) set forth in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (Qualified), in completing identification and evaluation of historic properties and in making determinations of effects. FEMA will review any National Register eligibility determination and make its own findings of effect resulting from the performance of these activities prior to submitting such determinations to the SHPO and Participating Tribe(s)/Nation(s).

i. FEMA acknowledges that Tribe(s)/Nation(s) possess special expertise in assessing the National Register eligibility of properties with religious and/or cultural significance to them. Tribal leaders and, as appropriate, their representatives shall decide who meets qualifications/standards as defined by their Tribe(s)/Nation(s) for review of undertakings affecting properties with religious and/or cultural significance to Tribe(s)/Nation(s).

b. FEMA will coordinate with the LPC to help LPC ensure that subgrantees apply for permits in all Declarations that include any of the five counties that make up the City of New York.

i. If an Undertaking as defined by 36 CFR § 800.5 has the potential to adversely affect an LPC designated property or one calendared for designation, then FEMA will provide LPC with the same documentation that is provided to SHPO and Participating tribe(s)/Nation(s).

ii. When LPC notifies FEMA that an Undertaking is subject to further LPC review and permitting, FEMA EHP may approve the project and will notify the Grantee that the subgrantee is responsible for obtaining a permit from LPC.

- iii. FEMA will request LPC to be a consulting party on any Memorandum of Agreement (MOA) that is written to resolve adverse effects to buildings that are LPC designated or proposed landmarks.
- c. FEMA alone shall conduct all project consultation with participating (Tribe(s)/Nation(s)). In accordance with 36 CFR § 800.2(c)(4), FEMA may authorize the Grantee, or a subgrantee through the Grantee, to initiate the Section 106 process with the SHPO and other consulting parties, assist in identifying other consulting parties with a demonstrated interest in the Undertaking, and prepare any necessary analyses and documentation, but FEMA will remain legally responsible for determinations of National Register eligibility and findings of effect recommended by the authorized party. FEMA shall follow the process set forth in Stipulation I.B.1.a, FEMA Roles and Responsibilities, above and notify the SHPO in writing when a Grantee or subgrantee has been authorized to initiate consultation on FEMA's behalf.
- d. Prior to authorizing the release of funds for individual undertakings requiring grant conditions pursuant to this Agreement, FEMA will inform DHSES of all stipulations and conditions and ensure that they are understood so they can be adequately conveyed to subgrantees. Typically, for Recovery this will occur through the use of project-specific language and/or conditions incorporated into a Project Worksheet, HMGP approval letter, and potentially also a project-specific MOA prepared for the Undertaking, to include the grantee and (when identified) the subgrantee's obligation to protect and report unexpected discoveries involving a previously unidentified historic property, human remains, or affected a known historic property in an unanticipated manner (see Stipulation III.B. Unexpected Discoveries). FEMA will work in partnership with DHSES to provide subgrantees with guidance on in-kind repair pursuant to The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995 (Treatment Standards), 36 CFR Part 68, or the most updated version, and techniques to avoid or minimize adverse effects to historic properties.
- e. FEMA shall provide the signatories and invited signatories with a biannual report for the previous time period on December 31, 2014. Thereafter, an annual report will be provided on December 31st of each year that this Agreement is in effect. This report will summarize the actions taken to implement the terms of this Agreement, statistics on Undertakings reviewed, and recommend any actions or revisions to be considered, including updates to the appendices.
- f. FEMA will confer with signatories and invited signatories to this Agreement as necessary and within 30 days after issuance of the report, to review the report and/or discuss issues and concerns in greater detail.
- g. FEMA shall convene the initial scoping meeting with the signatories and invited signatories as soon as practicable following the Disaster Declaration and provide

specific points of contact and other pertinent information about the Disaster Declaration.

- h. FEMA shall ensure that all documentation resulting from Undertakings reviewed pursuant to this Agreement shall be consistent with applicable SHPO and Tribal guidelines and the confidentiality provisions of 36 CFR § 800.11(c).
- i. FEMA will notify in writing the FPO(s) of Other Federal Agencies providing the funding referenced in the Addendum(s) to the Agreement regarding any proposed amendments to the Agreement.

2. SHPO:

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

- g. The SHPO may assist local jurisdictions or DHSES with advance planning efforts to consider historic properties related to their preparedness, homeland security, response, recovery, and mitigation programs, for which FEMA funding may be requested.
 - h. The SHPO will coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.
 - i. The SHPO shall participate in reviews convened by FEMA to review the effectiveness of this Agreement in accordance with Stipulation I.B.1(e).
3. LPC:
- a. LPC will review FEMA Undertakings that have the potential to adversely affect an LPC designated property or a property that is calendared for designation using FEMA consultation documents that are provided to SHPO and Participating Tribe(s)/Nation(s) so that LPC may notify FEMA whether or not an LPC property may be affected by the Undertaking and will require a LPC permit.
 - b. LPC understands that if it does not respond to FEMA's submittal of Undertakings to them within the timeframes outlined in Stipulation I.E, i.e. within 4 days under emergency conditions, 15 days for IA and PA Undertakings and 30 days for HMGP Undertakings, FEMA will assume that none of the Undertakings are subject to LPC review and permitting and will proceed with the Undertaking.
4. DHSES:
- a. DHSES shall ensure that its subgrantees understand conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement and that failure to comply with the terms of this Agreement and any project-specific conditions could jeopardize FEMA funding.
 - b. Subgrantee government and private non-profit agencies will be advised in DHSES applicant briefings and program materials that FEMA funding may be jeopardized unless all local, State and Federal permits, licenses and approvals are received and any required conditions and best practices are met. LPC reviews and permits will be discussed in briefings held for NYC agencies and private non-profits in all Declarations that include any of the five counties that make up the City of New York. The official notice to a subgrantee that an Undertaking is subject to special conditions or best practices issued by FEMA or another regulatory or consulting agency, or subject to further LPC review will be the project approval document specifying the project scope and limits, and containing all conditions and caveats, including an approved Project Worksheet (PW) for a Public Assistance project, and an approved Application for an HMGP project.

- c. DHSES will participate in an initial scoping meeting for the Disaster Declaration.
- d. DHSES will notify FEMA as soon as possible of any proposed change to the approved scope of work and direct the subgrantee that implementing the changes to the proposed scope of work prior to FEMA approval may jeopardize funding.
- e. DHSES shall ensure that its subgrantees are made aware through the use of project specific language and/or conditions incorporated into Project Worksheets and their attachments, HMGP approval letters, project specific MOA's or any subgrant agreement, that in the event of an unexpected discovery involving an Undertaking that has affected a previously unidentified historic property, human remains, or affected a known historic property in an unanticipated manner, of the subgrantee's responsibility to comply with Stipulation III.B, Unexpected Discoveries. This shall include any scope of work involving ground disturbance, and resultant contracts to execute work, and provide for the protection of and notification protocols for unexpected discoveries of cultural materials and human remains.
- f. If a Signatory Tribe assumes the role of Grantee for projects on Tribal lands, it will assume the same responsibilities as outlined in Stipulation I.B.4. of this Agreement, Roles and Responsibilities of the Signatories.

C. Tribal Consultation

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

4. FEMA shall invite affected Tribe(s) to participate in the initial scoping meeting within their geographic area of interest for each Declaration.

D. Public Participation

1. FEMA recognizes that the views of the public are essential to informed decision making throughout the Section 106 review process. FEMA will notify the public of proposed Undertakings in a manner that reflects the nature, complexity, and effect(s) of the Undertaking, the likely public interest given FEMA's specific involvement, and any confidentiality concerns of affected Tribe(s)/Nation(s), and private individuals and businesses.
2. FEMA will consult with DHSES, the subgrantee, SHPO, and Participating Tribe(s)/Nation(s) to determine if there are individuals or organizations with a demonstrated interest in historic properties that should be made aware of an Undertaking. If such parties are identified or identify themselves to FEMA, FEMA will provide them with information regarding the Undertaking and its effect on historic properties, consistent with the confidentiality provisions of 36 CFR § 800.11(c).
3. In accordance with the outreach strategy developed for an Undertaking in consultation with the SHPO and Participating Tribe(s)/Nation(s), for involving the public, FEMA will identify the appropriate stages for seeking public input during the Section 106 process.
4. FEMA will consider all views provided by the public regarding an Undertaking and will consider all written requests of individuals and organizations to participate as consulting parties, and in consultation with the SHPO and Participating Tribe(s)/Nation(s), determine which should be consulting parties. FEMA will invite any individual or organization that will assume a specific role or responsibility outlined in a Section 106 agreement document to participate as an invited signatory party in that agreement document.
5. FEMA also may provide public notices and the opportunity for public comment or participation in an Undertaking through the public participation process of the National Environmental Policy Act (NEPA) and its implementing regulations set out at 44 CFR Part 10 or superseding FEMA NEPA implementing procedures, and/or Executive Orders 11988 and 11990 relating to floodplains and wetlands as set out in 44 CFR Part 9, and Executive Order 12898, Environmental Justice, provided such notices specifically reference Section 106 as a basis for public involvement.
6. Should a member of the public object in writing to implementation of the Agreement's terms, FEMA will notify the other signatories in writing and take the objection into consideration. FEMA shall consult with the objecting party and, if that party so requests, the other Signatories, for not more than 30 days. In reaching its decision regarding the objection, FEMA shall take into consideration all comments from these parties. Within 15 days after closure of this consultation period, FEMA shall provide the other parties with its final decision in writing.

E. Timeframes and Communications

1. All time designations will be in calendar days unless otherwise stipulated. If any signatory or invited signatory does not object to FEMA's determination related to a proposed action within an agreed upon timeframe, FEMA may proceed to the next step in the review process as described in Stipulation II, Project Review.
2. Due to the varied nature of Undertakings, the individual response times to FEMA's requests for comment/concurrence will vary. These response times are contingent upon FEMA ensuring that its findings and determinations are made by Qualified staff and supported by documentation as required by 36 CFR § 800.11(d) and 36 CFR § 800.11(e), and consistent with FEMA guidance.
 - a. For Emergency Undertakings as outlined in Stipulation II.B, Expedited Review of Emergency Undertakings, the SHPO and Participating Tribe(s)/Nation(s) will respond to any FEMA request for comments within three (3) days after receipt, unless FEMA determines the nature of the emergency action warrants a shorter time period.
 - b. For Undertakings associated with the Individual Assistance (IA) and Public Assistance (PA) programs, the review time shall be a maximum of fifteen (15) days for delineation of the Area of Potential Effects (APE), determinations of National Register eligibility, and findings of effect.
 - c. For the Hazard Mitigation Grant Program (HMGP) and all non-disaster grant programs, the response time for each request for concurrence shall be a maximum of thirty (30) days.
 - d. Should the SHPO have insufficient staff to commit to review and comment within the timeframes in Stipulation I.E.2.a. and I.E.2.b. above, the SHPO may within the first 15 days after a Disaster Declaration, provide a written request to the other signatory, invited signatory parties and the concurring party, if participating, to increase the timeframes to 30-days review for Undertakings associated with the PA Program and 7 days for a response time to comment on requests for emergency undertakings. FEMA will provide a written approval within 15 days of the receipt of SHPO's request provided that the parties consult during this period to seek ways to resolve the problem of insufficient staff. The suspension of the timeframes as described above will apply only to that Federal Declaration.

II. PROJECT REVIEW

A. Programmatic Allowances

1. If FEMA determines an Undertaking conforms to one or more of the allowances in Appendix B of this Agreement, FEMA will complete the Section 106 review process

by documenting this determination in the project file, without SHPO and Tribal(s)/Nation(s) review or notification.

2. If the Undertaking involves a National Historic Landmark (NHL), FEMA shall notify the SHPO and Participating Tribe(s)/Nation(s) and the NHL Program Manager in the NPS Northeast Regional Office that the Undertaking conforms to one or more allowances. FEMA will provide information about the proposed scope of work for the Undertaking and the allowance(s) enabling FEMA's determination.
3. If FEMA determines any portion of an Undertaking's scope of work does not conform to one or more allowances listed in Appendix B, FEMA shall conduct expedited or standard Section 106 review, as appropriate, for the entire Undertaking in accordance with Stipulation II.B, Expedited Review for Emergency Undertaking, or Stipulation II.C, Standard Project Review.
4. Allowances may be revised and new allowances may be added to this Agreement in accordance with Stipulation IV.A.3, Amendments.

B. Expedited Review for Emergency Undertakings

1. Determine Expedited Review

- a. As part of the Disaster Declaration process, FEMA will define the time interval during which the disaster causing incident occurs (the incident period, as defined in 44 CFR § 206.32(f)). FEMA may approve Federal assistance and/or funding for emergency work (as defined in 44 CFR § 206.201(b)) that occurs during the incident period, including work already completed, in response to an immediate threat to human health and safety or improved property. FEMA will conduct expedited review of emergency Undertakings from October 27, 2012, the beginning of the incident period, until January 27, 2013, for the Hurricane Sandy disaster declaration only.
- b. For the other federally declared disasters declared after the Amended Agreement has been executed, FEMA may conduct expedited review of emergency Undertakings for 30 days from the beginning of the incident period pursuant to 36 CFR § 800.12(d).
- c. If FEMA determines it is necessary to extend the expedited review period beyond the initial 30 days, FEMA shall, in 30-day increments as needed, request in writing, prior to the expiration of the expedited review period, an extension from ACHP and notify SHPO, Participating Tribe(s)/Nation(s), and DHSES.

2. Conduct Expedited Reviews

- a. If the emergency Undertaking is an immediate rescue and salvage operations conducted in response to an event to preserve life and property, FEMA has no Section 106 review responsibilities in accordance with 36 CFR § 800.12(d); or
- b. If the Undertaking meets one or more of the Allowances in Appendix B of this Agreement, FEMA will complete the Section 106 review process pursuant to Stipulation II.A.1, Programmatic Allowances.
- c. If FEMA determines that the emergency Undertaking would adversely affect a historic property during this expedited review period:
 - i. To the extent practicable FEMA may propose treatment measures that would address adverse effects during implementation, and request the comments of the SHPO and/or the affected Tribe(s)/Nation(s) within 3 days of receipt of this information unless FEMA determines the nature of the emergency warrants a shorter time period. FEMA may elect to consult with the SHPO and/or the affected Tribe(s)/Nation(s) regarding the emergency Undertaking at any point before or during the implementation of an emergency Undertaking if FEMA determines circumstances are appropriate for expedited consultation.
 - ii. FEMA may provide this information through written requests, telephone conversations, meetings, or electronic media. In all cases, FEMA will clarify that an “expedited review” is being requested for the Undertaking.
 - iii. FEMA will take into account any timely comments provided by SHPO and/or the affected Tribe(s)/Nation(s) in making decisions on how to proceed
 - iv. Should the SHPO and/or Participating Tribe(s)/Nation(s) not comment within 7 days, FEMA may fund the emergency Undertaking based on the available information. This will complete the Section 106 review for the Undertaking.
 - v. FEMA shall notify the SHPO and participating Tribe(s)/Nation(s)) of the final decision, indicating how any comments received were considered in reaching that decision.

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

1. FEMA may need to carry out debris removal activities involving the potential demolition and removal of buildings and structures that are damaged beyond repair or that are completely collapsed and/or disassembled by the actions of the declared event and therefore must be removed for health and safety reasons. Damage to historic properties by the effects of natural disasters to such a degree that demolition is required for health and safety reasons is not an adverse effect as defined under Section 106 of NHPA. However, FEMA is required by the NHPA to determine if its specific actions in

response to disasters will cause adverse effects to any historic properties. After FEMA Public Assistance Program (PA) determines a property initially eligible for demolition, FEMA EHP will review these projects using the following expedited emergency process outlined below:

2. FEMA EHP will evaluate all properties proposed for demolition to determine if they are listed in the National Register or have previously been determined to be eligible for the National Register. If a property has not been previously evaluated for National Register eligibility, FEMA will make a determination whether or not the property is eligible for the National Register. Historic properties include both those above the ground (buildings and structures) and below the ground (archaeological sites and artifacts).
3. FEMA's evaluation will include a database review of SHPO information to identify previously-identified historic properties, field review and photography, and additional research of properties that are more than 45 years of age, including archaeological analysis if necessary.
4. FEMA EHP will evaluate all properties proposed for demolition to determine if they are LPC designated or calendared for designation. This will include a database review at <http://geo.nycnet.doitt.nycgovmap/> for designated properties and <http://a810-bisweb.nyc.gov/bisweb/bsqpm01.jsp> (New York City Buildings Department) for calendared properties.
5. FEMA will conduct an analysis of effects for any historic property identified for demolition or for any demolition that will affect other historic properties within an Area of Potential Effects (APE) and will determine if the project will result in adverse effects. The APE shall include properties within the view shed of the Undertaking that are LPC designated or calendared. The APE for historic properties that are not located within a designated National Register or LPC historic district, or within a geographic area that is eligible as a National Register district, will be the building footprint. For all others, FEMA will determine a project-specific APE. FEMA will also provide information to the SHPO for these properties that describes the specific nature of the damage to each property.
6. FEMA will document its findings concerning each property that is proposed for demolition and will submit a report to the SHPO and other consulting parties, as appropriate that includes two (2) photographs of each property (more if associated resources are present) and text that briefly but adequately explains FEMA's determination of National Register eligibility and effects. These reports will be submitted via the SHPO's digital information system NY CRIS.
7. SHPO will review the reports, provide its concurrence or ask for more information via electronic mail within three (3) business days. If SHPO does not concur with FEMA's finding for any property, both agencies will conduct further consultation as soon as possible to clarify FEMA's determinations or to resolve any disagreements.

8. To the extent practicable, demolition of every structure will be carried out following low impact protocols, which entail limiting the ground disturbance to the footprint of the existing structure, limiting the use of heavy equipment on the property, pushing all foundation materials into the building basement and emphasizing that the contractors make reasonable efforts to avoid or minimize harm to any archaeological deposits. In addition, FEMA's PA Program does not fund the removal of intact slabs, further ensuring that these undertakings will likely have minimal impact on archaeological resources. In most instances, FEMA will make the determination that no historic properties will be affected by the demolition.
9. In cases where a demolition site is considered to be archaeologically sensitive, monitoring will be required by an archaeologist who meets the Professional Standards. This determination will be made on a case-by case-basis by FEMA in consultation with the SHPO and other consulting parties. Eligibility determinations, assessment of effects and resolution of adverse effects will be made subsequent to identification of an archeological property. Uprooted trees and exposed stumps will be removed in accordance with the Stump Removal Policy in Appendix E.
10. Demolition of eligible historic buildings/structures may be adverse and may require development of a Memorandum of Agreement (MOA) to mitigate any adverse effects. If FEMA determines that any property demolition is an Undertaking that will result in adverse effects, it will enter into consultation with the SHPO and other appropriate consulting parties to develop an MOA to mitigate the adverse effects as required under Section 106. FEMA may choose to identify, in consultation with the SHPO, standard treatment measures to mitigate adverse effects to multiple properties.
11. This agreement only pertains to the residential structure itself and does not include the demolition or removal of any other infrastructure on these properties, including sidewalks, driveways, pools, retaining walls or similar structures that would not be eligible for FEMA Public Assistance funding.

D. Standard Project Review

For Undertakings not exempt from further Section 106 review, FEMA will ensure that the following standard project review steps are implemented. In the interest of streamlining, FEMA may combine some of these steps during consultation in accordance with 36 CFR § 800.3(g).

1. Consulting Parties: FEMA will consult as appropriate with the SHPO and affected Tribe(s)/Nation(s) to identify any other parties that meet the criteria to be consulting parties and invite them to participate in the Section 106 review process. FEMA may invite others to participate as consulting parties as the Section 106 review proceeds. FEMA shall invite any individual or organization that will assume a specific role or responsibility outlined in an MOA or Programmatic Agreement to participate as an invited signatory to the agreement.

2. Area of Potential Effects:

- a. For standing structures, qualified staff shall define the APE as the individual structure when the proposed Undertaking is limited to the repair or rehabilitation (as defined in 36 CFR § 68.3(b)(6) and 36 CFR § 68.2(b)) of a structure located outside of a National Register listed or eligible historic district.
- b. For all other undertakings, qualified staff will determine the APE in consultation with the SHPO and Participating Tribe(s)/Nation(s). FEMA may also consider information provided by other parties, such as local governments, LPC, local preservation advocacy organizations, and the public, when establishing the APE.

3. Identification and Evaluation: Qualified staff shall determine, in consultation with the SHPO and Participating Tribes Tribe(s)/Nation(s) if the APE contains historic properties, including archaeological sites or properties of religious or cultural significance, that are listed in or potentially eligible for the National Register, or LPC designated and calendared properties. This may include the review of preliminary documentation collected by DHSES or the subgrantee in coordination with the SHPO.

- a. Level of Effort: FEMA shall make a reasonable and good faith effort to identify historic properties in accordance with 36 CFR § 800.4(b)(1). FEMA may consult with the SHPO to determine the level of effort and methodology necessary to identify and define the limits of archaeological properties. For historic properties of religious and cultural significance to Participating Tribe(s)/Nation(s), FEMA shall consult with the Tribe(s)/Nation(s) to identify geographic areas where properties may be affected by an Undertaking and determine the necessary level of effort to identify and evaluate or avoid any such historic properties. FEMA may also consult with LPC regarding identification and treatment of archaeological properties.
- b. National Historic Landmarks: When FEMA identifies an Undertaking with the potential to affect an NHL, FEMA shall notify the Secretary of the Interior (Secretary) through the NHL Program Manager in the NPS Northeast Regional Office in addition to the SHPO and Participating Tribe(s)/Nation(s). The purpose of this notification is to ensure early coordination for the Undertaking which FEMA later may determine adversely affects the NHL as outlined in Stipulation II.C.8.
- c. Determinations of Eligibility: FEMA shall review or determine National Register eligibility based on identification and evaluation efforts, and consult with SHPO and Participating Tribe(s)/Nation(s) regarding these determinations. Should the SHPO or Participating Tribe(s)/Nation(s) disagree with the determination of eligibility, FEMA shall either:
 - i. may elect to either continue consultation with the objecting party until the objection is resolved;
 - ii. Treat the property as eligible for the National Register; or

- iii. Obtain a determination of eligibility from the Keeper of the National Register in accordance with 36 CFR § 63.2(d)-(e) and 36 CFR § 800.4(c)(2).
4. Findings of No Historic Properties Affected: FEMA shall make a finding of “no historic properties affected” under the following circumstances:
 - a. If no historic properties are present in the APE;
 - b. The Undertaking is designed to avoid historic properties, including archaeological sites or properties of religious or cultural significance to Participating Tribe(s)/Nation(s);
 - c. The Undertaking does not affect the character defining features of a historic property.
 - d. FEMA shall notify the SHPO, Participating Tribe(s)/Nation(s), and any other consulting parties of this finding and provide supporting documentation in accordance with 36 CFR § 800.11(d) and applicable documentation standards. Unless the SHPO or Participating Tribe(s)/Nation(s) objects to the finding pursuant to the appropriate timeframe outlined in Stipulation I.E.2. Timeframes and Communications, the Section 106 review of the Undertaking will have concluded.
 - e. If the SHPO or Participating Tribe(s)/Nation(s) objects to a finding of “no historic properties affected”, FEMA may elect to consult with the objecting party to resolve the disagreement.
 - i. If the objection is resolved, FEMA may proceed with the action in accordance with the resolution. FEMA also may elect to reconsider effects on the historic property by applying the criteria of adverse effect pursuant to Stipulation II.D.5, Application of the Criteria of Adverse Effect.
 - ii. If FEMA is unable to resolve the disagreement, it will forward the finding and supporting documentation to the ACHP and request that the ACHP review FEMA’s finding in accordance with 36 CFR § 800.4(d)(1)(iv)(A) through 36 CFR § 800.4(d)(1)(iv)(C). FEMA will consider the ACHP’s recommendation in making its final determination. If FEMA’s final determination is to reaffirm its “no historic properties affected” finding, the Section 106 review of the Undertaking will have concluded. Otherwise, FEMA will proceed to Stipulation II.D.5. below.
5. Application of the Criteria of Adverse Effect: If FEMA finds an Undertaking may affect identified historic properties in the APE, including properties of religious or cultural significance to Participating Tribe(s)/Nation(s), or if a consulting party objects to the finding of “no historic properties affected,” FEMA will apply the criteria of adverse effect to historic properties within the APE(s), taking into account the views of

the consulting parties and public concerning effects in accordance with 36 CFR § 800.5(a).

- a. If FEMA determines that an Undertaking does not meet the adverse effect criteria or, for a standing structure, that the Undertaking meets the Treatment Standards, FEMA shall propose a finding of “no adverse effect” in accordance with 36 CFR § 800.5(b).
 - i. FEMA shall notify the SHPO, Participating Tribe(s)/Nation(s), and all other consulting parties of its finding and provide supporting documentation pursuant to 36 CFR §800.11(e) and applicable documentation standards.
 - ii. Unless a consulting party objects within the appropriate timeframe, FEMA will proceed with its “no adverse effect” determination and complete the Section 106 review.
 - iii. If a consulting party objects to a finding of “no adverse effect,” FEMA will elect to consult with the objecting party to resolve the disagreement.
 - 1.) If the objection is resolved, FEMA will proceed with the undertaking in accordance with the resolution, or;
 - 2.) If the objection cannot be resolved, FEMA will forward its findings and supporting documentation to the ACHP and request that the ACHP review the findings in accordance with 36 CFR § 800.5(c)(3)(i-ii). FEMA will consider the ACHP’s comments in making its final determination.
- b. If FEMA finds the Undertaking may have an adverse effect, FEMA shall request through DHSES that the subgrantee revise the scope of work to substantially conform to the Standards for standing structures, or avoid or minimize adverse effects for archaeological properties, in consultation with the SHPO, Participating Tribe(s)/Nation(s), and any other consulting parties.
 - i. If the subgrantee modifies the scope of work to avoid the adverse effect, FEMA shall notify the consulting parties, and provide supporting documentation. Unless a consulting party makes a timely objection, FEMA shall proceed with its “no adverse effect” determination and complete the Section 106 review.
- c. If an Undertaking will not be modified to avoid adverse effects FEMA will initiate consultation to resolve the adverse effect(s) in accordance with Stipulation II.D.6, Resolution of Adverse Effects.

6. Resolution of Adverse Effects: If FEMA determines that an Undertaking will adversely affect a historic property, it shall resolve the effects of the Undertaking in consultation with SHPO, DHSES, Participating Tribe(s)/Nation(s), subgrantee, ACHP, if participating, and any other consulting parties, by one of the following methods depending upon the nature and scale of the adverse effects as well as the determination of the historic property's significance on a local, state or national level.
 - a. Abbreviated Consultation Process: After taking into consideration the nature of the historic properties affected and the severity of the adverse effect(s), FEMA may propose to resolve the adverse effect(s) of the Undertaking through the application of Treatment Measures outlined in Appendix C as negotiated with the SHPO, DHSES, Participating Tribe(s)/Nation(s). FEMA will not propose to use the abbreviated Consultation process if the Undertaking may affect an NHL. The application of these Treatment Measures will not require the execution of a Memorandum of Agreement (MOA) or Programmatic Agreement.
 - i. FEMA will notify the consulting parties in writing of its proposed use of a specific Treatment Measure, or combination of Treatment Measures with the intent of expediting the resolution of adverse effects and provide documentation as required by 36 CFR § 800.11(e) and subject to the confidentiality provisions of 36 CFR § 800.11(c), as well as provide the ACHP with an adverse effect notice in accordance with 36 CFR § 800.6(a)(1) and notify them of FEMA's intent to apply the Treatment Measure(s). Unless a consulting party or the ACHP objects within fifteen (15) days of receipt of FEMA's proposal, FEMA will proceed with the use of Treatment Measure(s) and will complete Section 106 review.
 - ii. If any of the consulting parties or the ACHP objects within the 15 day review and comment period to the resolution of adverse effects through the application of the Abbreviated Consultation Process, FEMA shall consult further with the consulting parties to explore options for resolution of the adverse effect(s). If consultation is not successful after an additional 15 day period, FEMA shall request that the ACHP arbitrate the consultation and help identify a final resolution of the adverse effect(s). If no consensus is reached, FEMA shall resolve the adverse effect(s) using procedures outlined below in Stipulation I.I.E.6.b, Memorandum of Agreement.
 - iii. Because funding and implementation details of Treatment Measure(s) for specific Undertakings may vary by program, FEMA will provide written notice to the consulting parties within sixty (60) days of the completion of the Treatment Measure(s). This written notice will serve as confirmation that the Treatment Measure(s) for a specific Undertaking have been implemented. FEMA will also include information pertaining to the completion of Treatment Measures in the biannual or annual report pursuant to Stipulation I.B.1.e, FEMA Roles and Responsibilities.

- b. Memorandum of Agreement (MOA): If the Abbreviated Consultation Process is determined infeasible or is objected to by any of the consulting parties, FEMA, in consultation with the other consulting parties, will develop an MOA in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties. If the ACHP was not previously notified of the adverse effect, FEMA will provide the documentation outlined in 36 CFR § 800.11(e) and the ACHP will have 15 days to review the undertaking and determine if its participation is necessary to complete the consultation process. The MOA may also include feasible treatment measures that serve an equal or greater public benefit in promoting the preservation of historic properties in lieu of more traditional treatment measures. Should the execution of an MOA not be appropriate given the nature and significance of historic properties, scale of adverse effects, or include one or more complex Undertakings, FEMA shall resolve the adverse effects using the procedures outlined below in Stipulation II.E.6.c, Programmatic Agreement.
- c. Programmatic Agreement: Should the execution of an MOA be inappropriate given the similar nature of effects on historic properties, the inability to determine effects prior to approval of an Undertaking, or where other circumstances warrant, FEMA, the SHPO, DHSES, Participating Tribe(s)/Nation(s), the ACHP, as appropriate, and any other consulting party may consult to develop a Programmatic Agreement in accordance with 36 CFR § 800.14(b) to identify programmatic conditions or treatment measures to govern the resolution of potential or anticipated adverse effects from certain complex project situations for an Undertaking or for multiple but similar Undertakings by a single subgrantee.

III. OTHER CONSIDERATIONS

- A. Changes to an Approved Scope of Work: DHSES is required to notify FEMA and will require its subgrantees to notify it immediately when there are proposed changes to an approved scope of work for an Undertaking.
 - 1. If FEMA determines the change meets a Programmatic Allowance or has no effect on the property, FEMA shall approve the change.
 - 2. If the change can be modified to meet a Programmatic Allowance, or conform to any applicable SOI Standards, FEMA shall conclude its Section 106 review responsibilities.
 - 3. If FEMA determines that the change does not meet an Allowance, FEMA shall initiate consultation pursuant to Stipulation II.D, Standard Project Review.
- B. Unexpected Discoveries: Consistent with the Stipulation of Section 1.B, FEMA shall prepare, and DHSES shall transmit, PWs and approval letters specifying the steps a subgrantee should take in the event of unexpected discovery involving a previously

identified historic property, human remains, or affected a known historic property in an unanticipated manner.

1. Upon notification, the subgrantee will immediately stop construction activities in the vicinity of the discovery; and take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, Participating Tribe(s)/Nation(s), and any other consulting parties. As soon as possible, the subgrantee will contact: local law enforcement and the county coroner/medical examiner (for human remains), DHSES, SHPO, and FEMA using points of contact identified in Attachment F. FEMA will immediately coordinate with the SHPO, notify Participating Tribe(s)/Nation(s) and any other consulting parties that may have an interest in the discovery, and consult to evaluate the discovery for National Register eligibility. The phone numbers of consulting parties to be immediately contacted are included in Appendix F and will be update by FEMA and distributed to the consulting parties to this agreement should they change.
2. FEMA will consult with the consulting parties in accordance with the review process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan with timeframes to identify the discovery, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal and State statutes.
3. In cases where discovered human remains are determined to be American Indian, FEMA shall consult with the appropriate Tribal representatives and SHPO. In addition, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007).
4. FEMA will coordinate with DHSES and the subgrantee regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.

C. Curation

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

entity, FEMA and DHSES will ensure curation of the collection(s) in accordance with Stipulation III.C.1 above.

D. Review of Undertakings Initiated Before Initiation or Completion of Section 106 Review

1. DHSES shall advise its subgrantees that they may jeopardize Federal funding if work is performed without all required local, State and Federal licenses, permits or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats, including an approved Project Worksheet (PW) for a Public Assistance project, and an approved Application for an HMGP project.
2. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a subgrantee who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO, Participating Tribe(s)/Nation(s), and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the subgrantee, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.
3. In circumstances where FEMA determines a subgrantee has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA will determine if the Undertaking would have required Section 106 review in accordance with Stipulation II.D, Standard Project Review.
4. If FEMA determines no Section 106 review or consultation with SHPO and Participating Tribe(s)/Nation(s) would have been required pursuant to Stipulation II.D, Standard Project Review, FEMA will document this determination to the project files and consider the project Section 106 compliant.
5. If FEMA determines the Undertaking would have required Section 106 review, FEMA will coordinate with SHPO and Participating Tribe(s)/Nation(s) to determine if consultation is feasible.
 - a. If after coordination with the SHPO and affected Participating Tribe(s)/Nation(s), FEMA determines that consultation is feasible, FEMA will review the Undertaking in accordance with Stipulation II.D, Standard Project Review.
 - b. If after coordination with the SHPO and Participating Tribe(s)/Nation(s), FEMA determines that review is infeasible, FEMA will document that the project is noncompliant with Section 106, and the FEMA program then will make a funding eligibility decision.

6. FEMA will ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the biannual or annual reports, as described in Stipulation I.B.1.e.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any signatory or invited signatory to the terms of the Agreement determines that the Agreement cannot be fulfilled, or that an amendment to the terms of this agreement must be made, the signatories and the invited signatories will consult for no more than 30 days to seek amendment of the Agreement.
2. This Agreement may be amended only upon the written consensus of the signatories. This Stipulation does not apply to amendments made to Appendices A, B, and C pursuant to Stipulation IV.A.3, Amendments, below.
3. Appendix A (FEMA Programs), Appendix B (Programmatic Allowances) and Appendix C (Treatment Measures) may be amended at the request of FEMA, a signatory party, or an invited signatory party in the following manner:
 - a. FEMA, on its own behalf or on behalf of another signatory or invited signatory, shall notify all signatory and invited signatory parties to this Agreement of the intent to add to or modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all signatory and invited signatory parties.
 - b. If no signatory party or invited signatory objects in writing within 15 days of receipt of FEMA's proposed addition or modification, FEMA will date and sign the amended Appendix and provide a copy of the amended Appendix to all signatory and invited signatory parties.

B. Dispute Resolution

1. Should any signatory or invited signatory to this Agreement object in writing within 30 days to the terms of this Agreement, FEMA will consult with the objecting party for not more than 30 days to resolve the objection.
2. If the objection is resolved within 30 days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within 30 days that the objection cannot be resolved, FEMA will forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within 30 days of receipt, ACHP will:

- a. Concur in FEMA's proposed resolution; or
 - b. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the objection; or
4. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. FEMA will take the resulting comment into account. FEMA will take into account any ACHP recommendations or comments, and any comments from the other signatories and invited signatories, in reaching a final decision regarding the objection in accordance with 36 CFR § 800.7(c)(4). The signatories will continue to implement all other terms of this Agreement that are not subject to objection.
 5. Should ACHP not respond within 30 days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection.
 6. FEMA will provide the signatories with its final written decision regarding any objection brought forth pursuant to this Stipulation.
 7. FEMA may authorize any disputed action to proceed, after making its final decision.
 8. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, FEMA will notify the other signatories and invited signatories in writing and take the objection into consideration. FEMA will consult with the objecting party and, if that party so requests, the other signatories and invited signatories, for not more than 21 days. In reaching its decision regarding the objection, FEMA will take into consideration all comments from these parties. Within 15 days after closure of this consultation period, FEMA will provide the other parties with its final decision in writing. FEMA's decision will be final.
 9. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with Stipulation II.D.3.c, Determinations of Eligibility.

C. Severability, Termination and Suspension

1. In the event any provision of this Agreement shall be deemed contrary to, or in violation of, any applicable existing law or regulation of the United States of America and/or the State New York, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, DHSES, or Participating Tribe(s)/Nation(s), may terminate this Agreement by providing 30 days' written notice to the other signatory and invited signatory parties, provided that the parties consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA will comply with 36 CFR Part 800. Upon such determination,

FEMA will provide all other signatories and invited signatories with written notice of the termination of this Agreement.

3. A Participating Tribe(s)/Nation(s) may notify the other signatories and invited signatories that it is fully withdrawing from participation in the Agreement. Following such a withdrawal, FEMA will review undertakings that may affect historic properties of religious and cultural significance to the Tribe(s)/Nation(s) in accordance with 36 CFR §§ 800.3 through 800.7 or an applicable alternative under 36 CFR § 800.14. Withdrawal from this Agreement by a Participating Tribe(s)/Nation(s) does not terminate the Agreement. A Tribe(s)/Nation(s) that has withdrawn from the Agreement may at any time that this Agreement remains in effect notify FEMA, DHSES, and SHPO in writing that it has rescinded its notice withdrawing from participation in the Agreement.
4. This Agreement may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

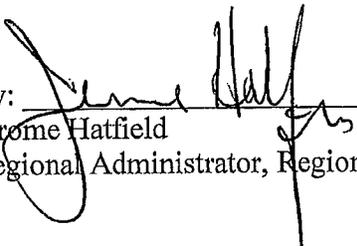
1. The Amended Agreement shall remain in effect from the date of final signature for a period not to exceed 5 years unless otherwise extended pursuant to Stipulation IV.D.2., or terminated pursuant to Stipulation IV.C.2. or IV.C.4. Severability and Termination. The Agreement shall remain in effect for Declarations made prior to expiration of the Agreement to minimize delays of FEMA assistance.
2. The Signatories and Invited Signatories may collectively agree to execute this Agreement to cover additional calendar years, or portions thereof, provided that the original agreement has not expired or if the Agreement has expired while a new agreement is in preparation.

E. Execution and Implementation

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

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE ST. REGIS MOHAWK TRIBE,
THE CAYUGA NATION,
OTHER PARTICIPATING TRIBES,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signatory
FEDERAL EMERGENCY MANAGEMENT AGENCY

By:  _____ Date: 10/30/14

Jerome Hatfield
Regional Administrator, Region II

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
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THE ST. REGIS MOHAWK TRIBE,
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OTHER PARTICIPATING TRIBES,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

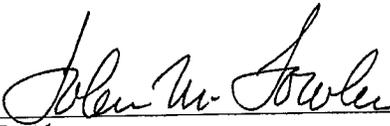
Signatory

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 10/16/14
By: Ruth Pierpont
Director

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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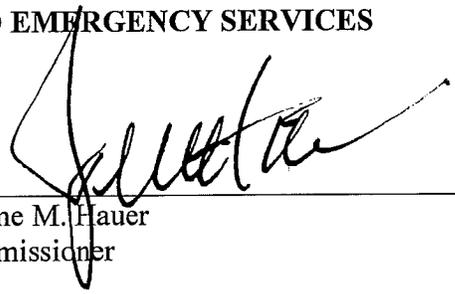
Signatory
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 10/29/14
John M. Fowler
Executive Director

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
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THE CAYUGA NATION,
OTHER PARTICIPATING TRIBES,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory

**THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES**

By: 
Jerome M. Hauer
Commissioner

Date: 11/4/14

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE ST. REGIS MOHAWK TRIBE,
THE CAYUGA NATION,
OTHER PARTICIPATING TRIBES,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory
CAYUGA NATION OF NEW YORK

By: _____ Date: _____
Clint Halfdown
Chief

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory
THE DELAWARE NATION

By: _____ Date: _____
Clifford Peacock
President

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory
THE DELAWARE TRIBE OF INDIANS

By: _____ Date: _____
Paula Pechonick
Chief

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory
ONEIDA INDIAN NATION

By: _____ Date: _____
Ray Halbritter
Nation Representative

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory
ONONDAGA NATION

By: _____ Date: _____
Irving Powless
Chief

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signatory

SENECA NATION OF INDIANS

By: _____ Date: _____

President

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory

THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

By: Wallace A Miller Date: 11-7-14
Wallace Miller
President

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signatory
ST. REGIS MOHAWK TRIBE

By: _____ Date: _____
Ron LaFrance, Jr.
Chief

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Invited Signatory

TONAWANDA BAND OF SENECA INDIANS OF NEW YORK

By: _____ Date: _____

Darwin Hill
Chief

By: _____ Date: _____

Roger Hill
Chief

**STATEWIDE PROGRAMMATIC AGREEMENT AMONG
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ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Concurring Party

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

By: Meenakshi Srinivasan Date: 10/9/14
Meenakshi Srinivasan
Chair

APPENDIX A

FEMA Program Summaries

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

Disaster Response and Recovery Programs

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

Public Assistance Program (PA)

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

Individual Assistance Programs (IA)

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

Fire Management Assistance Grant Program (FMAG)

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

Hazard Mitigation Grant Program (HMGP)

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

Non-Disaster Programs

Pre-Disaster Mitigation Program (PDM)

The PDM program provides competitive grants to States, Territories, Tribe(s)/Nation(s), and local governments for hazard mitigation planning and the implementation of mitigation projects prior to

a disaster event. Activities may include planning, buyouts, retrofits, relocations, elevations, minor flood control projects, and vegetative fuels reduction.

Flood Mitigation Assistance Program (FMA)

The FMA Program provides grants to States, Territories, Tribal entities, and communities to assist in their efforts to reduce or eliminate the risk of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Programs (NFIP).

Assistance to Firefighters Grant Program (AGF)

The AFG program provides funding for purchase of equipment and retrofit or construction of fire stations to improve first responder capabilities.

State Homeland Security Program (SHSP)

This core assistance program provides funds to build capabilities at the state and local levels and to implement the goals and objectives included in state homeland security strategies and initiatives in the State Preparedness Report.

Urban Areas Security Initiative (UASI) Program

The Urban Areas Security Initiative program focuses on enhancing regional preparedness in major metropolitan areas. The UASI program directly supports the National Priority on expanding regional collaboration in the National Preparedness Guidelines and is intended to assist participating jurisdictions in developing integrated regional systems for prevention, protection, response and recovery.

Metropolitan Medical Response System (MMRS) Program

The MMRS program supports the integration of emergency management, health, and medical systems into a coordinated response to mass casualty incidents caused by any hazard. Successful MMRS grantees reduce the consequences of a mass casualty incident during the initial period of a response by having augmented existing local operational response systems before the incident occurs.

Citizen Corps Program (CCP)

The Citizen Corps mission is to bring community and government leaders together to coordinate community involvement in emergency preparedness, planning, mitigation, response and recovery.

State Homeland Security Program Tribal (SHSP Tribal)

To provide supplemental funding to directly eligible Tribe(s)/Nation(s), to help strengthen the nation against risks associated with potential terrorist attacks. Pursuant to the 9/11 Act, "a directly eligible tribe applying for a grant under section 2004 [SHSP] shall designate an individual to serve as a tribal liaison with [DHS] and other Federal, state, local, and regional government officials concerning preventing, preparing for, protecting against and responding to acts of terrorism."

Nonprofit Security Grant Program (NSGP)

NSGP provides funding support for target-hardening activities to nonprofit organizations that are at high risk of a terrorist attack and are located within one of the specific UASI-eligible urban areas.

Operation Stonegarden (OPSG)

The intent of OPSG is to enhance cooperation and coordination among local, State and Federal law enforcement agencies in a joint mission to secure the United States borders along routes of ingress from international borders to include travel corridors in States bordering Mexico and Canada, as well as States and territories with international water borders.

Transit Security Grant Program (TSGP)

The TSGP provides grant funding to the nation's key high-threat urban areas to enhance security measures for their critical transit infrastructure including bus, ferry and rail systems.

Freight Rail Security Grant Program (FRSGP)

The FRSGP funds security training for frontline employees, the completion of vulnerability assessments, the development of security plans within the freight rail industry and GPS tracking systems for railroad cars transporting toxic inhalation materials.

Intercity Passenger Rail (Amtrak)

The purpose of the Intercity Passenger Rail (IPR) is to create a sustainable, risk-based effort to protect critical surface transportation infrastructure and the traveling public from acts of terrorism, major disasters and other emergencies within the Amtrak rail system.

Port Security Grant Program (PSGP)

The PSGP provides grant funding to port areas for the protection of critical port infrastructure from terrorism. PSGP funds are primarily intended to assist ports in enhancing maritime domain awareness, enhancing risk management capabilities to prevent, detect, respond to and recover from attacks involving improvised explosive devices (IEDs), weapons of mass destruction (WMDs) and other non-conventional weapons, as well as training and exercises and Transportation Worker Identification Credential (TWIC) implementation.

Intercity Bus Security Grant Program (IBSGP)

The IBSGP provides funding to create a sustainable program for the protection of intercity bus systems and the traveling public from terrorism. The program seeks to assist operators of fixed-route intercity and charter bus services in obtaining the resources required to support security measures such as enhanced planning, facility security upgrades and vehicle and driver protection events.

Trucking Security Program (TSP)

TSP funding will be awarded to eligible applicants to implement security improvement measures and policies deemed valuable by DHS as indicated in the *Security Action Items* publication of June 26, 2008. These items are primarily focused on the purchase and installation or enhancement of equipment and systems related to tractor and trailer tracking systems. Additionally, the TSP will provide funding to develop a system for DHS to monitor, collect and analyze tracking information; and develop plans to improve the effectiveness of transportation and distribution of supplies and commodities during catastrophic events.

Buffer Zone Protection Program (BZPP)

The BZPP provides funding to increase the preparedness capabilities of jurisdictions responsible for the safety and security of communities surrounding high-priority pre-designated Tier-1 and Tier-critical infrastructure and key resources (CKIR) assets, including chemical facilities, financial institutions, nuclear and electric-power plants, dams, stadiums and other high-risk/high-consequence facilities, through allowable planning and equipment acquisition.

Emergency Management Performance Grants (EMPG)

The purpose of the EMPG program is to assist State and local governments in enhancing and sustaining all-hazards emergency management capabilities.

Interoperable Emergency Communications Grant Program (IECGP)

IECGP provides governance, planning, training and exercise and equipment funding to States, territories, and local and Tribal governments to carry out initiatives to improve interoperable emergency communications, including communications in collective response to natural disasters, acts of terrorism and other man-made disasters. According to the legislation that created IECGP, all proposed activities must be integral to interoperable emergency communications and must be aligned with the goals, objectives, and initiatives identified in the grantee's approved statewide Communication Interoperability Plans (SCIP). IECGP will also advance DHS near-term priorities that are deemed critical to improving interoperable emergency communications and are consistent with goals and objectives of the National Emergency Communications Plan.

Emergency Operations Center (EOC) Grant Program

The EOC grant program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable Emergency Operations Centers (EOCs) with a focus on addressing identified deficiencies and needs. This program provides funding for construction or renovation of a State, local, or tribal governments' principal EOC. Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard.

Driver's License Security Grant Program

The purpose of the Driver's License Security Grant Program is to prevent terrorism, reduce fraud, and improve the reliability and accuracy of personal identification documents that States and territories issue.

Integrated Public Alert and Warning System (IPAWS)

The Integrated Public Alert and Warning System (IPAWS) was established by Executive Order 13407 in 2006. In the event of a national emergency, the President may use IPAWS to send a message to the American people quickly and simultaneously through multiple communications pathways. FEMA has identified several radio transmission sites across the nation with significantly powerful signals for this purpose, and FEMA is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmitters, which provide significantly powerful signals for this purpose, and is responsible for upgrading, maintaining, and managing the agency installed and owned auxiliary fuel systems at each of these radio transmission sites.

Homeland Security Grant Program (HSGP)

The HSGP plays an important role in the implementation of the National Preparedness System (NPS) by supporting the building, sustainment, and delivery of core capabilities essential to achieving the National Preparedness Goal (NPG) of a secure and resilient Nation. HSGP is comprised of three interconnected grant programs including (1) the State Homeland Security Program (SHSP), (2) the Urban Areas Security Initiative (UASI) and the Operation Stonegarden (OPSG). Together, these grant programs and other future projects that may be included under the HSGP fund a range of preparedness activities, including planning, organization, equipment purchase, training, exercises, and management and administration.

APPENDIX B

Programmatic Allowances

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

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

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

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

Tier I Allowances

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

A. Debris and Snow Removal

1. Debris removal and collection, including removal of snow, uprooted trees, limbs and branches from public rights of way, public area and the transport and disposal of such waste to existing licensed waste facilities or landfills. Uprooted trees and exposed stumps must be removed in accordance with the stump removal policy in Appendix E. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads.

2. Removal of debris from private property provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools are left in place.
3. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
4. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
5. Dewatering flooded developed areas by pumping.

B. Temporary Structures and Housing

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

C. Recreation and Landscaping

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

II. BUILDINGS

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

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

A. Roads and Roadways

- 1. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
- 2. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
- 3. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
- 4. Re-establishment, armoring and/or upgrading of existing roadway ditches.

5. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, traffic surveillance systems.
6. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
7. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is allowed.

B. Airports

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

C. Rail Systems

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

Tier II Allowances

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

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

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

B. Recreation and Landscaping

1. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).

2. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).

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

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

D. Cemeteries

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

II. BUILDINGS

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

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

B. Utilities and Mechanical, Electrical, and Security Systems

1. In-kind repair or replacement, or limited upgrading of interior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems. This allowance does not provide for the installation of new exposed ductwork.
2. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not highly visible from the street.
3. Replacement or installation of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does

not damage or cause the removal of character-defining architectural features and can be easily removed in the future. New fire detection systems with exposed electric conduit are allowed in unfinished basements and historically-unfinished upper floors, and attics.

4. Installation of building communication and surveillance security systems, such as cameras, closed-circuit television, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future.
5. Installation of building access security devices, such as card readers, enhanced locks, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.
6. New exposed ductwork, air handler units and electric conduit in unfinished basements and historically-unfinished upper floors, and attics.

C. Windows and Doors

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

D. Exterior Walls, Cornices, Porches, and Foundations

1. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
2. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.

3. In-kind repair or replacement of signs or awnings.
4. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
5. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
6. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
7. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
8. Strengthening of foundations and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring.
9. In-kind repairs or replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.

E. Roofing

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

F. Weatherproofing and Insulation

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

G. Structural Retrofits

1. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior: attic bracing, cross bracing on pier and post foundations;

fasteners; collar ties; gussets; tie downs (roof to wall, wall to foundation); strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.

2. Replacement, repair or installation of lightning rods.
3. Earthquake bracing used on refrigerators and against-the-wall shelving in schools and other public facilities

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

A. Roads and Roadways

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

B. Bridges

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

IV. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged (Note, these Allowances do not refer to those communication towers that are covered under Stipulation of I.A.2. of this Agreement that fall within the jurisdiction of the FCC).

A. General

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

B. Generators and Utilities

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

C. Communication Equipment/Systems and Towers

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

4. Installation of new temporary (not to exceed 12 months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures older than 45 years and occurs within previously disturbed soils.
5. Installation of new communication towers, less than 200 feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures older than 45 years, occurs within previously disturbed soils and is not within 500 feet of the boundaries of a historic property.

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

A. Canal Systems

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

B. Breakwaters, Seawalls, Revetments, and Berms

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

C. Dams, Levees, and Floodwalls

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

D. Fish Hatcheries

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

E. Waste-Water Treatment Lagoon Systems

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

VI. OTHER PROGRAM ACTIVITIES

A. Elevation, Demolition, and Reconstruction

1. Activities related to the elevation, demolition and/or reconstruction of buildings or structures less than 45 years of age so long as the proposed activities substantially conform to the original footprint and/or are performed in previously disturbed soils including any staging area, and the buildings or structures are not located within or adjacent to a National Register or LPC historic district.

B. Safe Rooms

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

APPENDIX C

Treatment Measures

When avoidance or minimization of adverse effects is not appropriate, the following Treatment Measures are suggested for the resolution of adverse effects:

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

A. Recordation Package

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

submit full copies of the approved Digital Photography Package to _____ for permanent retention.

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

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

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

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

C. Tribal Treatment Plan

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

D. Public Interpretation

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

to consult throughout implementation of the plan until all agreed upon actions have been completed by the designated responsible party.

E. Historical Context Statements and Narratives

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

F. Oral History Documentation

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

G. Historic Property Inventory

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

responsible party will use staff or contractors that meet the Secretary's Professional Qualifications for the appropriate discipline.

H. National Register and National Historic Landmark Nominations

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

I. Geo-References of Historic Maps and Aerial Photographs

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

(TEMPLATE)

APPENDIX D

**TO THE STATEWIDE PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES,
THE DELAWARE TRIBE OF INDIANS,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
(ADDITIONAL XXX TRIBES/NATIONS HERE)
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

WHEREAS, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes and Nations (Tribe(s)/Nation(s)) and other eligible entities through programs (Programs) set forth in Appendix A, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No. 103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR); Executive Order 13407 (2006); and the Sandy Recovery Improvement Act, Pub. L. No. 113-2 (2013); and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

WHEREAS, FEMA consulted with New York State Division of Homeland Security and Emergency Services (DHSES), the New York State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP) and [insert others here] to develop and execute a Programmatic Agreement (PA) for its disaster recovery activities in [insert date of PA execution]; and

WHEREAS, [federal agency will fill in name, statutory authority, and undertaking]; and

WHEREAS, Stipulation [insert number here] of this PA allows Other Federal Agencies to fulfill their Section 106 responsibilities for their undertakings that projects addressed in this PA by fully accepting all the terms of the PA and executing this Addendum;

NOW, THEREFORE, [federal agency] has determined to accept the terms and conditions of the PA and thereby take into account the effects of its undertakings and satisfy its Section 106 responsibilities.

EXECUTION AND IMPLEMENTATION of this Addendum to the PA evidences that [federal agency] has taken into account the effects of its undertaking on historic properties, and that through the execution of this Addendum and implementation of the PA, the [federal agency] will satisfy its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced [program or undertaking].

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

_____ Date: _____
[name]
[title]

NEW YORK STATE HISTORIC PRESERVATION OFFICER

_____ Date: _____
[name]
[title]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

_____ Date: _____
[name]
[title]

[OTHER FEDERAL AGENCY]

_____ Date: _____
[name]
[title]

APPENDIX E

Stump Removal Guidance

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

APPENDIX F

Contact Information for Discoveries

FEMA: Mary Neustadter
Deputy Regional Environmental Officer
FEMA Regional Office (212) 680-8677
212-680-8677 (desk)
917-561-3292 (cell)

SHPO: 518-237-8643

DHSES: Richard Lord
Agency Preservation Officer and Chief of Mitigation Programs
518-292-2304

**AMENDMENT TO
APPENDIX D TO THE
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY
AGREEMENT (AGREEMENT)
REGARDING ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM
IN THE STATE OF NEW YORK**

WHEREAS, the Agreement was executed on May 10, 2013; and

WHEREAS, Appendix D for the State of New York was fully executed on August 6, 2013; and

WHEREAS, Appendix D allowed the New York State Homes and Community Renewal (NYS HCR) as the Responsible Entity for New York state activities outside New York City to fulfill its Section 106 responsibilities pursuant to 24 CFR 58 by following the terms and conditions of the Agreement for its administration of Community Development Block Grant – Disaster Recovery (CDBG-DR) funds appropriated under the Disaster Relief and Appropriations Act of 2013 (Public Law 1133-2, January 29, 2013); and

WHEREAS, evaluation of the first year of the Agreement has led signatory parties to propose changes to the Agreement to enhance compliance with Section 106 and to extend its duration and scope; and

WHEREAS, the signatories to Appendix D have had an opportunity to review those changes to the Agreement and concur that they will benefit from the implementation of the Agreement by NYSHCR for the administration of CDBG-DR funds related to Hurricane Sandy and CDBG-DR appropriations for future federally-declared disasters affecting the State of New York outside of New York City; and,

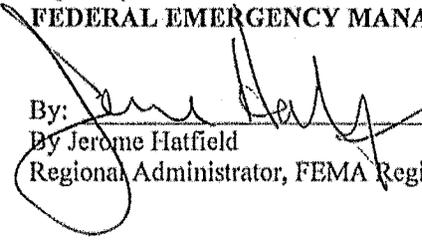
NOW THEREFORE, in accordance with Stipulation IV.A.1. of the Agreement, the signatories to Appendix D accept the terms and conditions of the amended Agreement (attached), and as appropriate under 24 CFR 58, NYSHCR shall follow the amended Agreement and thereby take into account the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in the State of New York outside New York City.

EXECUTION AND IMPLEMENTATION

This amendment to Appendix D of the Agreement may be implemented in counterparts, with separate signature pages, and will become effective on the date of final signature of the Signatory Parties.

AMENDMENT TO
APPENDIX D TO THE
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY
AGREEMENT (AGREEMENT)
REGARDING ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM
IN THE STATE OF NEW YORK

Signatory:
FEDERAL EMERGENCY MANAGEMENT AGENCY

By: 
By Jerome Hatfield
Regional Administrator, FEMA Region II

Date: 1/20/15

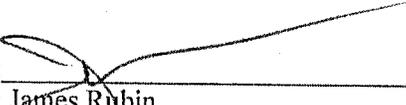
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THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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REGARDING ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM
IN THE STATE OF NEW YORK

Signatory:
NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 12/17/14
By: Ruth Pierpont
New York Deputy Commissioner/New York Deputy State Historic Preservation Officer

**AMENDMENT TO
APPENDIX D TO THE
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
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THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY
AGREEMENT (AGREEMENT)
REGARDING ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM
IN THE STATE OF NEW YORK**

Signatory:
NEW YORK STATE HOMES AND COMMUNITY RENEWAL

By: 
By: James Rubin
Director of the Governor's Office of Storm Recovery

Date: 2/10/14

**AMENDMENT TO
APPENDIX D TO THE
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY
AGREEMENT (AGREEMENT)
REGARDING ADMINISTRATION OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM
IN THE STATE OF NEW YORK**

Signatory:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

Date: 6/23/15



Preserving America's Heritage

January 23, 2015

Mr. James Rubin
Executive Director
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12231

Ref: *Amendment to the Addendum to the Programmatic Agreement regarding the Administration of the Community Development Block Grant-Disaster Recovery Program in the State of New York*

Dear Mr. Rubin:

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

We commend the New York State Homes and Community Renewal for working closely with the New York State Historic Preservation Officer and the Federal Emergency Management Agency to develop and execute this amendment which will administer disaster recovery activities using funds from the U.S. Department of Housing and Urban Development.

We are available to provide any assistance you may need while implementing the agreement. If you have any questions, please contact Ms. Jaime Loichinger at (202) 517-0219, or via e-mail at jloichinger@achp.gov.

Sincerely,

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

Attachment 5

Letter to Environmental Review Record on Historic
Properties Compliance

PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

(845) 534-5959 FAX: (845) 534-5999
www.tectonicengineering.com

July 29, 2015

Letter to Environmental Review Record (ERR) on Historic Properties Compliance Determination Per CFR 58.5(a)(1)-(4) for CDBG-DR Economic Development Program Case Fitting with Tier II Standards in the ‘Programmatic Agreement Among FEMA, the NY State Historic Preservation Officer, NY State Office of Emergency Management, Advisory Council on Historic Preservation, Et Al, As a Result of Superstorm Sandy’

Overview – This letter describes the environmental compliance determination and associated findings for case 059-ED-33651-2013 titled K&K Outboard, Inc. Such findings are consistent with federal laws and authorities in Code of Federal Regulations (CFR) Section 58.5(a)(1)-(4). Based on the Responsible Entity’s, the NY State Division of Housing & Community Renewal’s (DHCR) analysis and descriptions herein, this project fits within an assigned standard of no effect or limited effect on “Historic Properties.” This is because the activities, when implemented, will correspond with the Programmatic Agreement among the FEMA, the NY State Historic Preservation Officer, the NY State Office of Emergency Management, the Advisory Council on Historic Preservation, Et Al, As a Result of Hurricane Sandy, 68 pages, as amended January 2015 (hereafter SHPO PA).

Appendix B. ‘Programmatic Allowances’ - A 10-page SHPO PA Attachment, Appendix B, defines activities that will not disrupt historic resources. This Environmental Review Record (ERR) Determination documents how the proposed scope of work corresponds with Tier II allowances.

Assigned Allowances - Case 059-ED-33651-2013 at 3875 Long Beach Road, Town of Hempstead, Nassau County, New York, Section 42, Block 177, Lot 33. The age of structures is circa 1977 (38 years) per assessment data. The proposed scope of work includes grant assistance approved for mitigation work for in-place dock piling replacement \$96,000.00. A photo of the property is included at the end of this document. The specific Programmatic SHPO PA Appendix B. Allowances assigned are as follows:

SHPO PA Appendix B. Tier II Allowances, I. Ground Disturbing Activities and Site Work, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged. C. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers 1. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers in area of previously disturbed soils.

Conclusion – Through coordination with DHCR, Tectonic Engineering & Surveying has documented the rationale for assigning Tier II SHPO compliance determinations for case 059-ED-33651-2013. This determination is provided consistent with applicable requirements and this

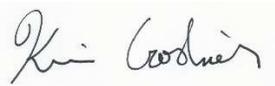
PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

(845) 534-5959 FAX: (845) 534-5999
www.tectonicengineering.com

case achieves the necessary level of historic preservation compliance. This case does not require review by SHPO and it is not necessary to provide SHPO with notification of the Determination. This documentation will be placed in the ERR for reference. Moreover, it is DHCR's responsibility to ensure that its agents, assisted owners, and involved contractors are aware of limitations on work prompted by invoking the Allowance(s). Should any potential change occur in a scope, or a major change be necessitated during construction which may cause permissible allowance(s) to be exceeded, this may require further environmental review. Work may need to be halted until there is Responsible Entity confirmation that such review is completed, or is not required according to Section 106 or other applicable laws and authorities.

Additionally, there is no need to engage in consultation with Tribal Historic Preservation Officers given the limited scope of the mitigation construction work, consisting of mostly in-kind repairs involving facilities that existed in the same location prior to the Disaster. Thus, as there is no new ground disturbance in previously undisturbed areas associated with these activities, there is no reasonable expectation to affect tribal resources.

Because Tier II Allowances must be applied by a person possessing Secretary of the Interior Professional Qualifications, I certify that I meet that standard.



Kim Croshier,
Project Historian
Tectonic Engineering & Surveying

PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

(845) 534-5959 FAX: (845) 534-5999
www.tectonicengineering.com

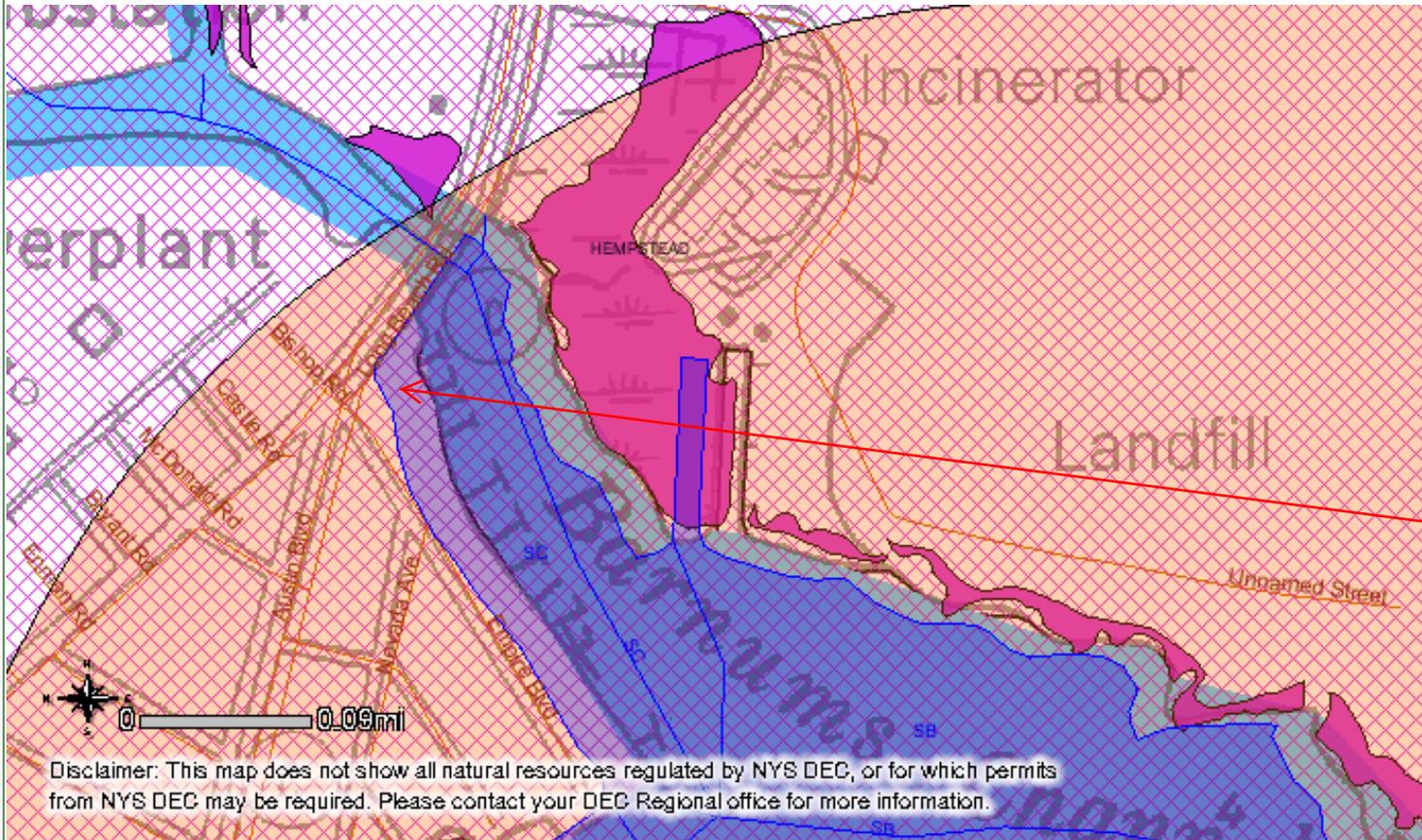
Photo of Property:



End of Document.

Attachment 6

NYSDEC Environmental Resource Map, USFWS
NWI Map, New York State Coastal Boundary
Maps, USFWS Coastal Barrier Resources Maps,
and New York State Tidal Wetlands Maps and
Environmental Justice Maps



Visible Layers

-  Classified Streams
-  Classified Ponds
-  State-Regulated Freshwater Wetlands

-  Wetland Checkzone
-  State-Regulated Freshwater Wetlands
-  Rare Plants and Rare Animals

- Significant Natural Communities Buffered**
-  Natural Communities Nearby
-  Significant Natural Communities
-  Interstate Highways
-  Adirondack Park Boundary
-  Counties

3875 Long Beach Rd
Island Park, NY

Disclaimer: This map does not show all natural resources regulated by NYS DEC, or for which permits from NYS DEC may be required. Please contact your DEC Regional office for more information.

MinX: 614516, MaxX: 615664, MinY: 4497223, MaxY: 4496696



U.S. Fish and Wildlife Service National Wetlands Inventory

059-ED-33651-2013

Apr 16, 2015



Wetlands

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

Riparian

- Herbaceous
- Forested/Shrub

Riparian Status

- Digital Data

3875 Long Beach Rd
Island Park, NY

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

User Remarks:

Welcome to the NYS Coastal Boundary Map

059-ED-38651-2013



Search

Address:

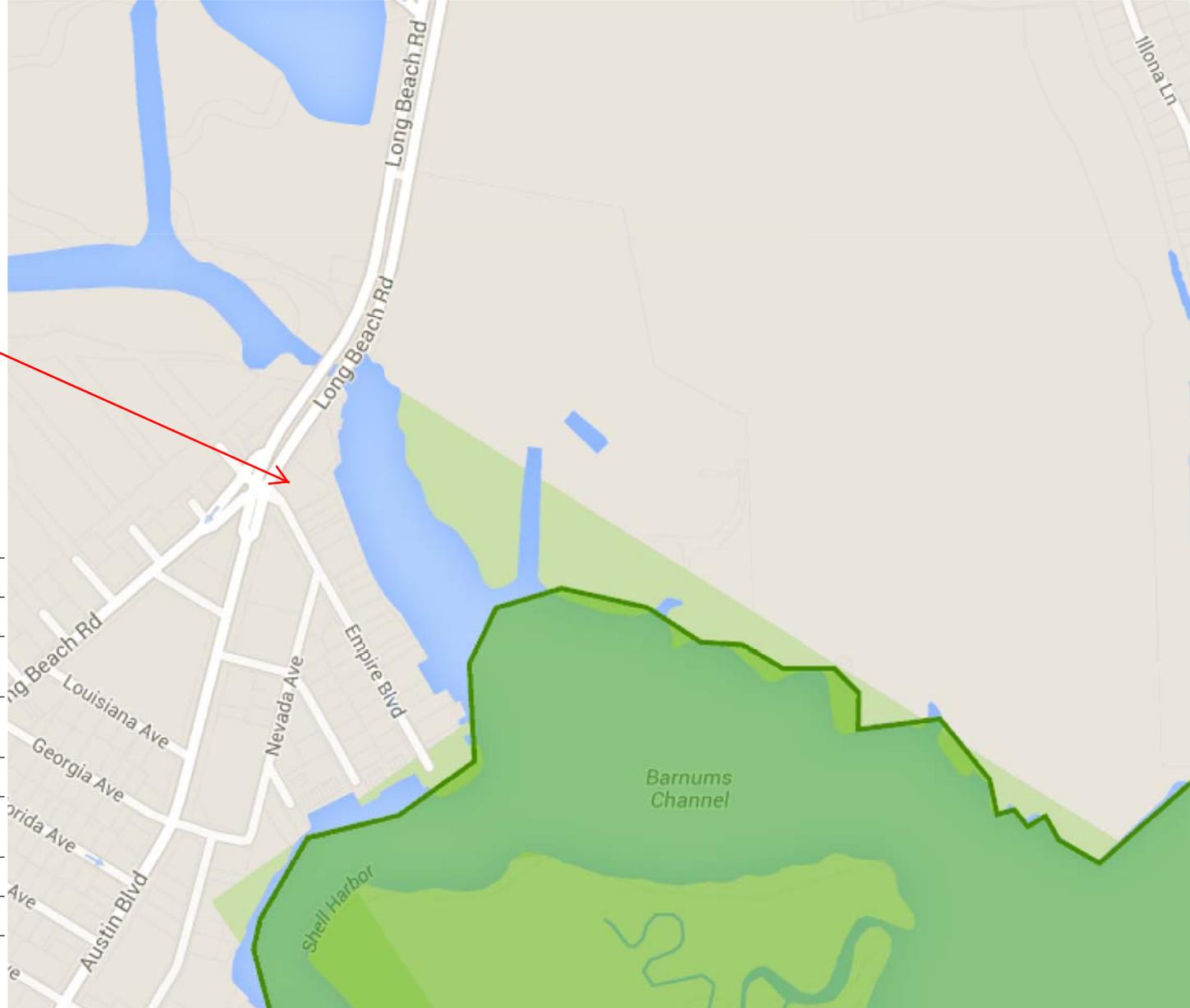
3875 Long Beach Rd
Island Park, NY

Find Address

Please note that the address marker is automatically placed along the street while certain activities may take place along the waterward property boundary. Please make sure to click and drag the marker to the exact location of the proposed activity for an accurate assessment of whether or not the activity would be located within any DOS Special Management Areas.

Layers

- Landward Coastal Boundary
- Scenic Areas
- Local Waterfront Revitalization Areas
- Local Waterfront Revitalization Program Communities
- Significant Coastal Fish and Wildlife Habitats
- DOS Identified Canals
- Long Island Sound CMP (excludes LWRP communities)
- Federally Owned Lands
- Native American Lands





U.S. Fish and Wildlife Service

Coastal Barrier Resources System Mapper - Beta

Zoom History



Measure Streets Imagery/Labels Topo USGS Topo

3875 Long Beach Rd
Island Park, NY

Find Location

CBRS Enter CBRS unit number(e.g. Q01P) Find CBRS

Available Layers

Oceanside

- CBRS Buffer Zones
- CBRS Units

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

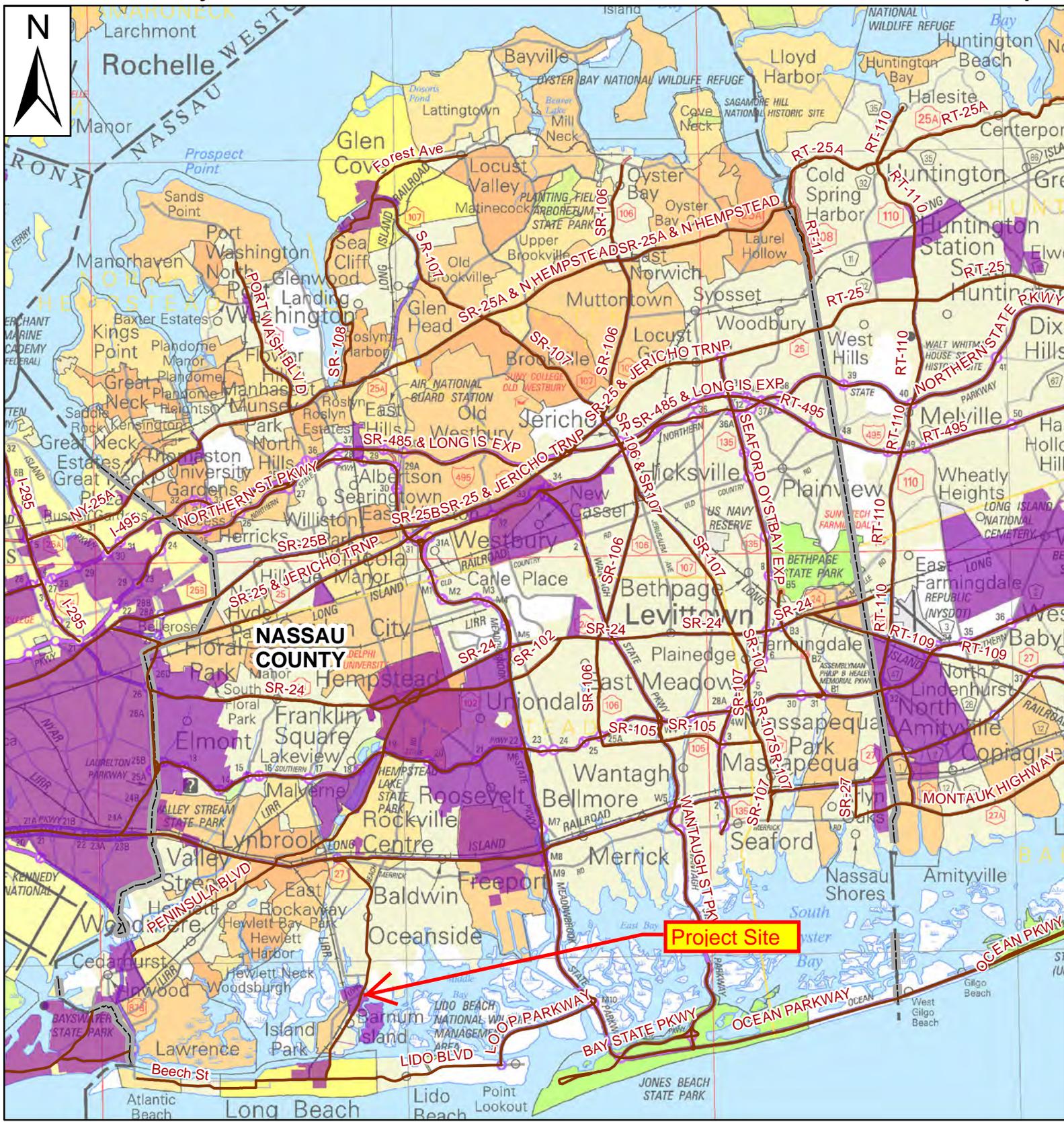
- CBRS Buffer Zone



Map Scale: 1:9028 Lat: 40.6130, Lng: -73.6446

Potential Environmental Justice Areas in Nassau County, New York

Click on any Potential EJ Area outlined in blue for a detailed map



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

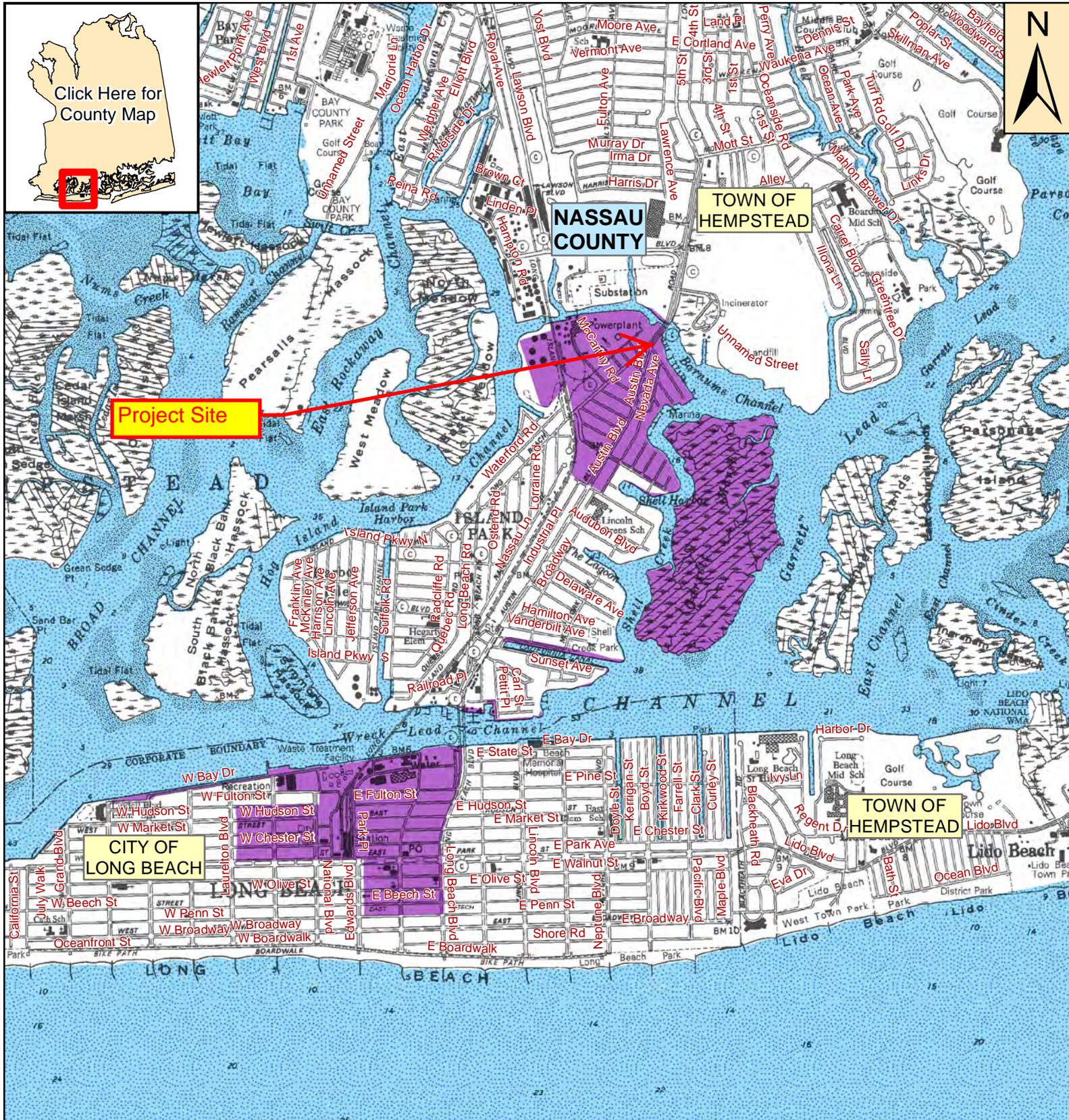
- Potential EJ Area
- County Boundary



For questions about this map contact:
 New York State Department of Environmental Conservation
 Office of Environmental Justice
 625 Broadway, 14th Floor
 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Hempstead (south detail) and City of Long Beach, Nassau County, New York



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

- Potential EJ Area
- County Boundary
- Waterways

0 0.2 0.4 0.6 0.8 1 Miles

SCALE: 1:30,000

For questions about this map contact:
 New York State Department of
 Environmental Conservation
 Office of Environmental Justice
 625 Broadway, 14th Floor
 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us



Attachment 7

Section 7 Compliance

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



Joe Martens
Commissioner

June 04, 2015

Joshua Gomez
Tectonic
PO Box 37, 70 Pleasant Hill Road
Mountainville, NY 10953

Re: K&K Outboard # 059-ED-33651-2013 - proposed removal and disposal of dock pilings, and installation of new pilings at 3875 Long Beach Road, Island Park
Town/City: Hempstead. County: Nassau.

Dear Joshua Gomez :

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, or may occur, on your site or in the immediate vicinity of your site. Note also that the Middle Hempstead Bay Significant Coastal Fish & Wildlife Habitat is in the vicinity of your site.

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 appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



**The following state-listed animals have been documented
in the vicinity of your project site.**

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.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species have been documented near the project site, generally within 0.5 mile. Potential onsite and offsite impacts from the project may need to be addressed.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Common Tern <i>Breeding</i>	<i>Sterna hirundo</i>	Threatened	2439

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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

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, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



The following rare plants, rare animals, and significant natural communities have been documented in the vicinity of your project site.

We recommend that potential onsite and offsite impacts of the proposed project on these species or communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Field surveys of the project site may be necessary to determine the status of a species at the site, particularly for sites that are currently undeveloped and may still contain suitable habitat. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following significant natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. They are either occurrences of a community type that is rare in the state, or a high-quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Wetland/Aquatic Communities			
Low Salt Marsh			High-quality Occurrence of Uncommon Community Type
Hempstead Bay Wetlands: This is a large marsh in a complex, five-bay system with variable tidal range. The marsh is missing two principal marsh types, backbarrier fringe marsh and mainland fringe marsh. May be underestimated in size by a factor of 2-3. Some areas are unditched and appear to have adequate tide circulation.			313
High Salt Marsh			High-quality Occurrence of Uncommon Community Type
Hempstead Bay Wetlands: This is a large marsh in a complex system of five bays with variable tidal range. There are large concentrations of mid-lagoon marshes. The marsh is missing nearly all backbarrier fringe marsh and mainland fringe marsh due to heavy shoreline and barrier spit development.			6966
Salt Panne			High-quality Occurrence of Uncommon Community Type
Hempstead Bay Wetlands: This is a large salt panne in a complex system of tidal bays with variable tidal range. Two principal marsh types, backbarrier fringe marsh and mainland fringe marsh are nearly eliminated by shoreline development and barrier spit stabilization. The marsh may be slightly underestimated in size. Some areas are unditched with well-developed pannes.			8325

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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the rare animals and plants in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, from NatureServe Explorer at www.natureserve.org/explorer, and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.



**The following rare plants and rare animals have
historical records
at your project site, or in its vicinity.**

The following rare plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier, and/or there is uncertainty regarding their continued presence. There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown.

If suitable habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there. We recommend that any field surveys to the site include a search for these species, particularly at sites that are currently undeveloped and may still contain suitable habitat.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NYS LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Vascular Plants			
Retorse Flatsedge	<i>Cyperus retrorsus</i> var. <i>retrorsus</i>	Endangered	Critically Imperiled in NYS
1899-09: Oceanside.			10160

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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

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From: Jennifer Goebel - NOAA Affiliate [<mailto:jennifer.goebel@noaa.gov>]
Sent: Monday, June 29, 2015 11:21 AM
To: Shultz, Alicia (NYSHCR); Greene, Daniel (STORMRECOVERY)
Cc: Mark Murray-Brown - NOAA Federal; Kimberly Damon-Randall - NOAA Federal
Subject: Consultation Request - Community Development Block Grant for Disaster Recovery

Dear Alicia,

Your May 8, 2015, letter requested information on the presence of ESA-listed species under our jurisdiction at the site for the above-referenced project, located at 3875 Long Beach Road in the unincorporated Barnum Island hamlet, within the Town of Hempstead, Nassau County, New York.

No federally listed or proposed threatened or endangered species under our jurisdiction are expected to occur in the vicinity of your proposed project, and thus no direct or indirect effects are expected. The Protected Resources Division does not intend to offer additional comments on this project. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact Jennifer Goebel (978-281-9373; Jennifer.Goebel@noaa.gov).

Magnuson-Stevens Fishery Conservation and Management Act

The Habitat Conservation Division will provide a separate response to your request for consultation regarding Essential Fish Habitat. Please contact Melissa Alvarez (732-872-3116; Melissa.Alvarez@noaa.gov) of our Habitat Conservation Division regarding any EFH questions.

--
> > > >

Jennifer S. Goebel
Public Affairs: 978-281-9175 (cell 617-335-4301)
Protected Resources Division: 978-281-9373
Greater Atlantic Regional Fisheries Office
NOAA Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Long Island Field Office

340 Smith Road

Shirley, NY 11967

Phone: (631) 286-0485 Fax: (631) 286-4003

http://www.fws.gov/northeast/nyfo

To: Alicia Shultz

Date: July 1, 2015

USFWS File No:

Regarding your: [X] letter [] FAX [] E-mail dated: May 8, 2015

For project: K and K Marine

Located: 3875 Long Beach Rd, Island Park

In Town/County: Hempstead

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- [X] Acknowledges receipt of your "no effect" determination. No further ESA coordination or consultation is required.
[] Acknowledges receipt of your determination. Please provide 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 other 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 area is current.

Pursuant to the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.),

- [] Requests additional time for review. [] Is taking no action pursuant to FWCA due to lack of funding.
[] Is providing FWCA comments (see attached). [] Has no objection pursuant to the FWCA.
[] Will provide FWCA comments separately. [] Is taking no action pursuant to the FWCA at this time but would like to be kept informed of project developments.

USFWS Contact(s):

[Handwritten signature]

Date

7/1/2015

Supervisor:

Date

Attachment 8

Permit Documentation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1

SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790

P: (631) 444-0365 | F: (631) 444-0360

www.dec.ny.gov

NO PERMIT NECESSARY

July 14, 2015

Jeff Kalibat
K & K Outboard Inc.
3875 Long Beach Rd.
Island Park, NY 11558

Re: Application #1-2820-01029/00015
K & K Outboard Property: 3875 Long Beach Road
NCTM# 43-177-(1-19) & 43-178-(9-14)

Dear Mr. Kalibat:

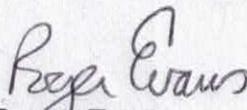
The Department of Environmental Conservation (DEC) has completed a review of your application for a tidal wetlands permit to replace pilings five feet higher in-place.

Based on the information you submitted, DEC has determined that this type of work is listed in the Tidal Wetlands Land Use Regulations (6NYCRR Part 661.5) as an activity that is not regulated. Therefore, no permit is required under the Tidal Wetlands Act (Article 25) of the Environmental Conservation Law.

Be advised, any additional work or modification to the project as described, may require DEC authorization. Please contact this office if such activities are contemplated.

Please note that this letter does not relieve you of the responsibility of obtaining any necessary permits or approvals from other agencies or local municipalities.

Sincerely,


Roger Evans
Regional Permit Administrator

cc: BOH-TW
File



Department of
Environmental
Conservation



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278-0090

REGULATORY BRANCH

SUBJECT: Permit Application File Number NAN-2015-00878-EYR by K & K Outboard Inc. for Piling Replacement in Barnums Channel off Hempstead Bay in the Village of Island Park, Town of Hempstead, Nassau County, New York

1. PERMITTEE:

K & K Outboard Inc.
3875 Long Beach Rd
Island Park, New York 11558
(516) 431-1865

2. On July 24, 2015, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization to replace in place thirty-four (34) 12-inch diameter timber pilings. The project is located in the Village of Island Park, Town of Hempstead, Nassau County, New York.

3. The specific applicant-provided details are as shown on the attached dated permit drawings.

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 3 MAINTENANCE in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated February 21, 2012 (77 FR 10184). The subject work may be performed without further authorization from this office provided it complies with Sections A through D, Number 3 MAINTENANCE; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2012 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

http://www.nan.usace.army.mil/Portals/37/docs/regulatory/geninfo/natp/NWP_PN_30MA_Y12.pdf

TOWN OF HEMPSTEAD
DEPARTMENT OF
CONSERVATION AND WATERWAYS

PERMIT

STRUCTURES IN WATERWAYS

Type of Use: Commercial () Residential ()
Permit Number 5422 Date 3/10/15
Sec. 43 Block 177 Lot/s 1-13,14-18
Issue to Kalibat Family Ltd. Partnership
Address 3875 Long Beach Road, Island Park, New York 11558
Name of Waterway (s) Barnums Creek

A permit to construct and maintain in safe condition:

maintain existing marina structures per Plan

dated 2/4/15

GENERAL CONDITIONS

1. No structure shall infringe on adjacent property owner's riparian rights or in any way cause a hazard to navigation.
2. This permit must be conspicuously displayed at the site of work.
3. Permit issued subject to inspection at all times.
4. All bulkheading to be constructed wholly within property line of ownership.
5. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, N.Y.S. Dept. of Environmental Conservation or local government which may be required.
6. The permittee has accepted expressly, by the execution of the application, the full legal responsibility for all damages, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and has agreed to indemnify and save harmless the Town from suits, actions, damages and costs of every name and description, resulting from the said project.


PERMIT ADMINISTRATOR



JOINT APPLICATION FORM



For Permits/Determinations to undertake activities affecting streams, waterways, waterbodies, wetlands, coastal areas and sources of water withdrawal.

New York State

You must separately apply for and obtain separate Permits/Determinations from each involved agency prior to proceeding with work. Please read all instructions.

US Army Corps of Engineers (USACE)

<p>APPLICATIONS TO</p> <p>1. NYS Department of Environmental Conservation</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> Stream Disturbance</p> <p><input checked="" type="checkbox"/> Excavation and Fill in Navigable Waters</p> <p><input type="checkbox"/> Docks, Moorings or Platforms</p> <p><input type="checkbox"/> Dams and Impoundment Structures</p> <p><input checked="" type="checkbox"/> 401 Water Quality Certification</p> <p><input type="checkbox"/> Freshwater Wetlands</p> <p><input checked="" type="checkbox"/> Tidal Wetlands</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p> <p><input type="checkbox"/> Coastal Erosion Management</p> <p><input type="checkbox"/> Wild, Scenic and Recreational Rivers</p> <p><input type="checkbox"/> Water Withdrawal</p> <p><input type="checkbox"/> Long Island Well</p> <p><input type="checkbox"/> Aquatic Vegetation Control</p> <p><input type="checkbox"/> Aquatic Insect Control</p> <p><input type="checkbox"/> Fish Control</p> <p><input type="checkbox"/> Incidental Take of Endangered/Threatened Species</p>	<p>2. US Army Corps of Engineers</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> Section 404 Clean Water Act</p> <p><input type="checkbox"/> Section 10 Rivers and Harbors Act</p> <p><input checked="" type="checkbox"/> Nationwide Permit(s) - Identify Number(s):</p> <p>_____</p> <p>_____</p> <p>Preconstruction Notification -</p> <p><input type="checkbox"/> Y / <input type="checkbox"/> N</p> <p><input checked="" type="checkbox"/> I am sending this application to this agency.</p>	<p>3. NYS Office of General Services</p> <p>Check all permits that apply:</p> <p><input type="checkbox"/> State Owned Lands Under Water</p> <p><input type="checkbox"/> Utility Easement (pipelines, conduits, cables, etc.)</p> <p><input type="checkbox"/> Docks, Moorings or Platforms</p> <p><input type="checkbox"/> I am sending this application to this agency.</p>	<p>4. NYS Department of State</p> <p>Check if this applies:</p> <p><input type="checkbox"/> Coastal Consistency Concurrence</p> <p><input type="checkbox"/> I am sending this application to this agency.</p>
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5. Name of Applicant (use full name)		Applicant must be:	
K & K Outboard Inc.		<input checked="" type="checkbox"/> Owner	
Mailing Address 3875 Long Beach Rd.		<input checked="" type="checkbox"/> Operator	
Post Office City Island Park		<input checked="" type="checkbox"/> Lessee	
State NY Zip Code 11558		(check all that apply)	
Telephone (daytime) 516-431-1865		Taxpayer ID (If applicant is NOT an individual):	
Email kandkob@optonline.net		112228645	

6. Name of Facility or Property Owner (if different than Applicant)	
Kalibat Family Limited Partnership	
Mailing Address 3875 Long Beach Rd.	
Post Office City Island Park	
State NY Zip Code 11558	
Telephone (daytime) 516-431-1865	Email kandkob@optonline.net

7. Contact/Agent Name	
Jeff Kalibat	
Company Name K & K Outboard Inc.	
Mailing Address 3875 Long Beach rd.	
Post Office City Island Park	
State NY Zip Code 11558	
Telephone (daytime) 516-431-1865	
Email kandkob@optonline.net	

8. Project / Facility Name		Property Tax Map Section / Block / Lot Number	
K & K Outboard Inc.		43/177/1 thru 19 and 43/178/9 thru 14	
Project Location - Provide directions and distances to roads, bridges and bodies of waters:			
40.615,73.642			
Street Address, if applicable		Post Office City	State Zip Code
3875 Long Beach Rd.		Island Park	NY 11558
Town / Village / City		County	
Island Park		Nassau	
Name of USGS Quadrangle Map		Stream/Water Body Name	
DEC Environmental resource Map		Barnums Channel	
Location Coordinates: Enter NYTMs in kilometers, OR Latitude/Longitude			
NYTM-E	NYTM-N	Latitude	Longitude
		40.615735	73.642622

For Agency Use Only	DEC Application Number:	USACE Number:
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JOINT APPLICATION FORM - PAGE 2 OF 2
Submit this completed page as part of your Application.

9. Project Description and Purpose: Provide a complete narrative description of the proposed work and its purpose. Attach additional page(s) if necessary. Include: description of current site conditions and how the site will be modified by the proposed project; structures and fill materials to be installed; type and quantity of materials to be used (i.e., square ft of coverage and cubic yds of fill material and/or structures below ordinary/mean high water) area of excavation or dredging, volumes of material to be removed and location of dredged material disposal or use; work methods and type of equipment to be used; pollution control methods and mitigation activities proposed to compensate for resource impacts; and where applicable, the phasing of activities. **ATTACH PLANS ON SEPARATE PAGES.**

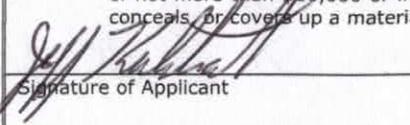
During Sandy storm, the floats floated over the pilings. We are now planning to replace float pilings 5' higher to stop that from occurring, if a storm like Sandy was to happen again.

Proposed Use: <input type="checkbox"/> Private <input type="checkbox"/> Public <input checked="" type="checkbox"/> Commercial	Proposed Start Date: December 2015	Estimated Completion Date: December 2016
Has Work Begun on Project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain.		
Will Project Occupy Federal, State or Municipal Land? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please specify.		

10. List Previous Permit / Application Numbers (if any) and Dates:
DEC 1-2820-01029/00001-1 9/25/90 Army Corp 15974 12/24/90

11. Will this project require additional Federal, State, or Local Permits including zoning changes? Yes No If yes, please list:
Army Corps & Town of Hempstead

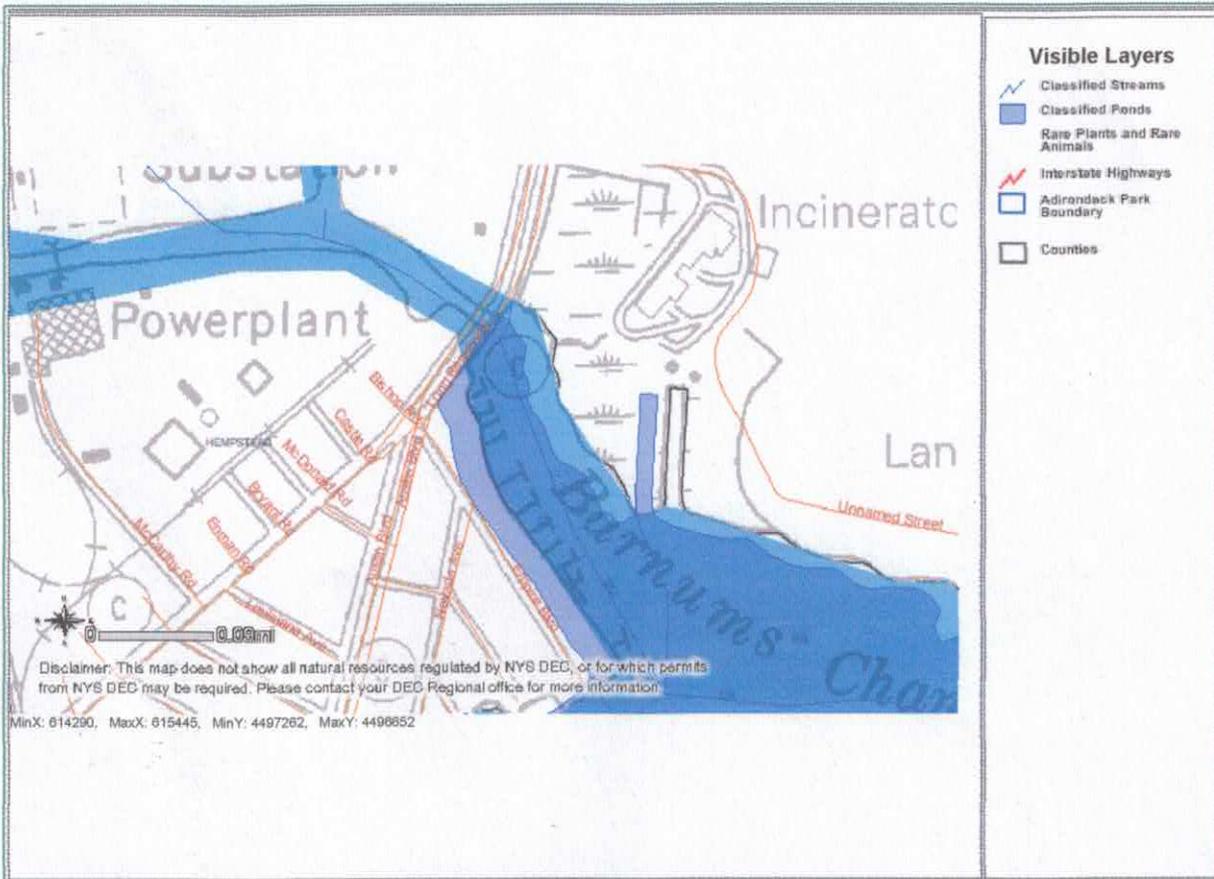
12. Signatures. If applicant is not the owner, both must sign the application.
I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

	Jeff Kalibat	President	
Signature of Applicant	Printed Name	Title	Date
Signature of Owner	Printed Name	Title	Date
Signature of Agent	Printed Name	Title	Date

For Agency Use Only	DETERMINATION OF NO PERMIT REQUIRED		
	Agency Project Number _____		
	has determined that No Permit is required from this Agency for the project described in this application.		
	(Agency Name)		
Agency Representative: Name (printed) _____	Title _____		Date _____
	Signature _____		Date _____

[print page] [close window]

Please set your printer orientation to "Landscape".



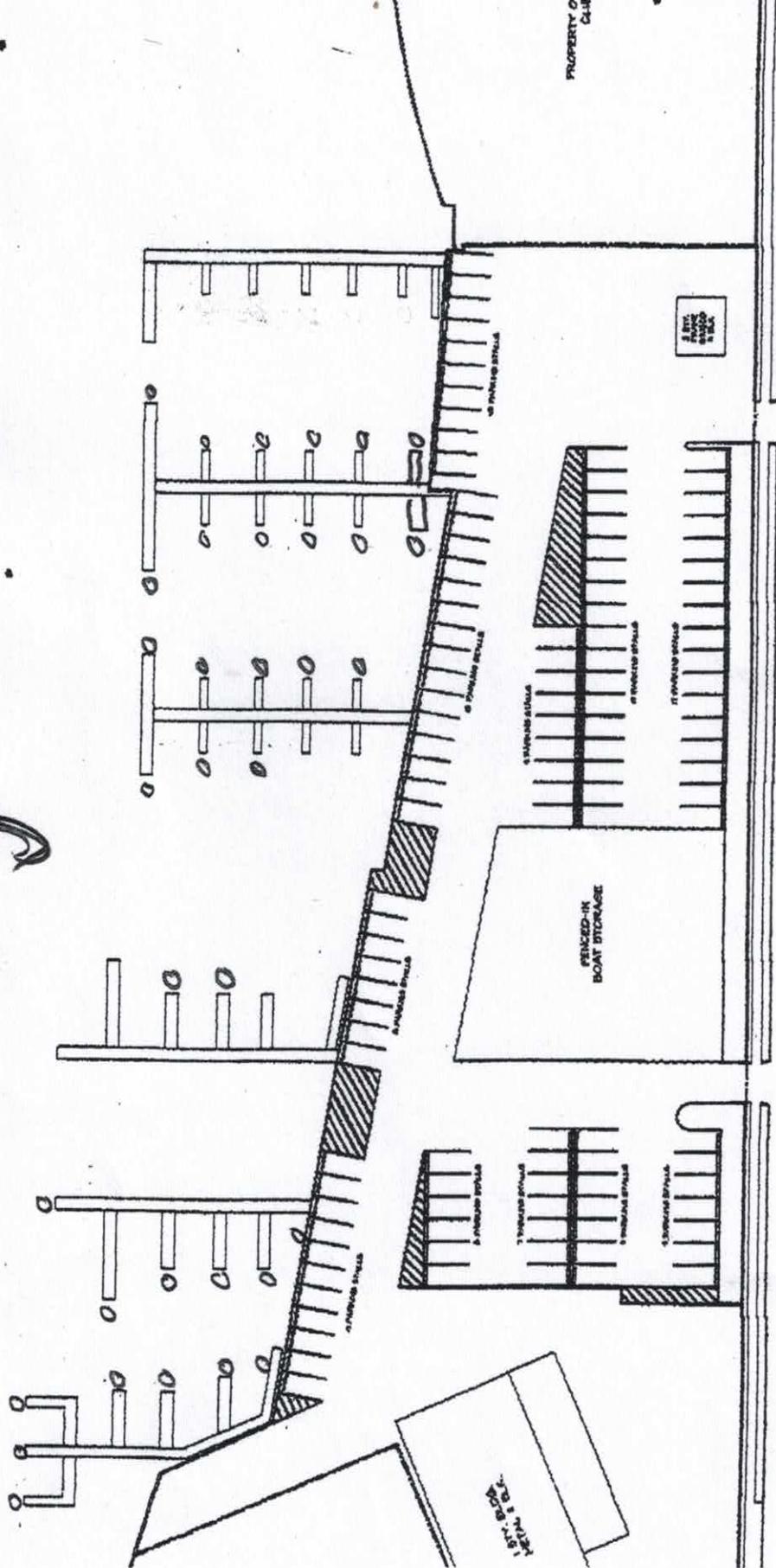
Disclaimer: This map was prepared by the New York State Department of Environmental Conservation using the most current data available. It is deemed accurate but is not guaranteed. NYS DEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

K & K OUTBOARD INC.

3875 LONG BEACH RD.

ISLAND PARK, N.Y. 11558

*Replacing Pilings Securing Floats
Total 34 Piling*



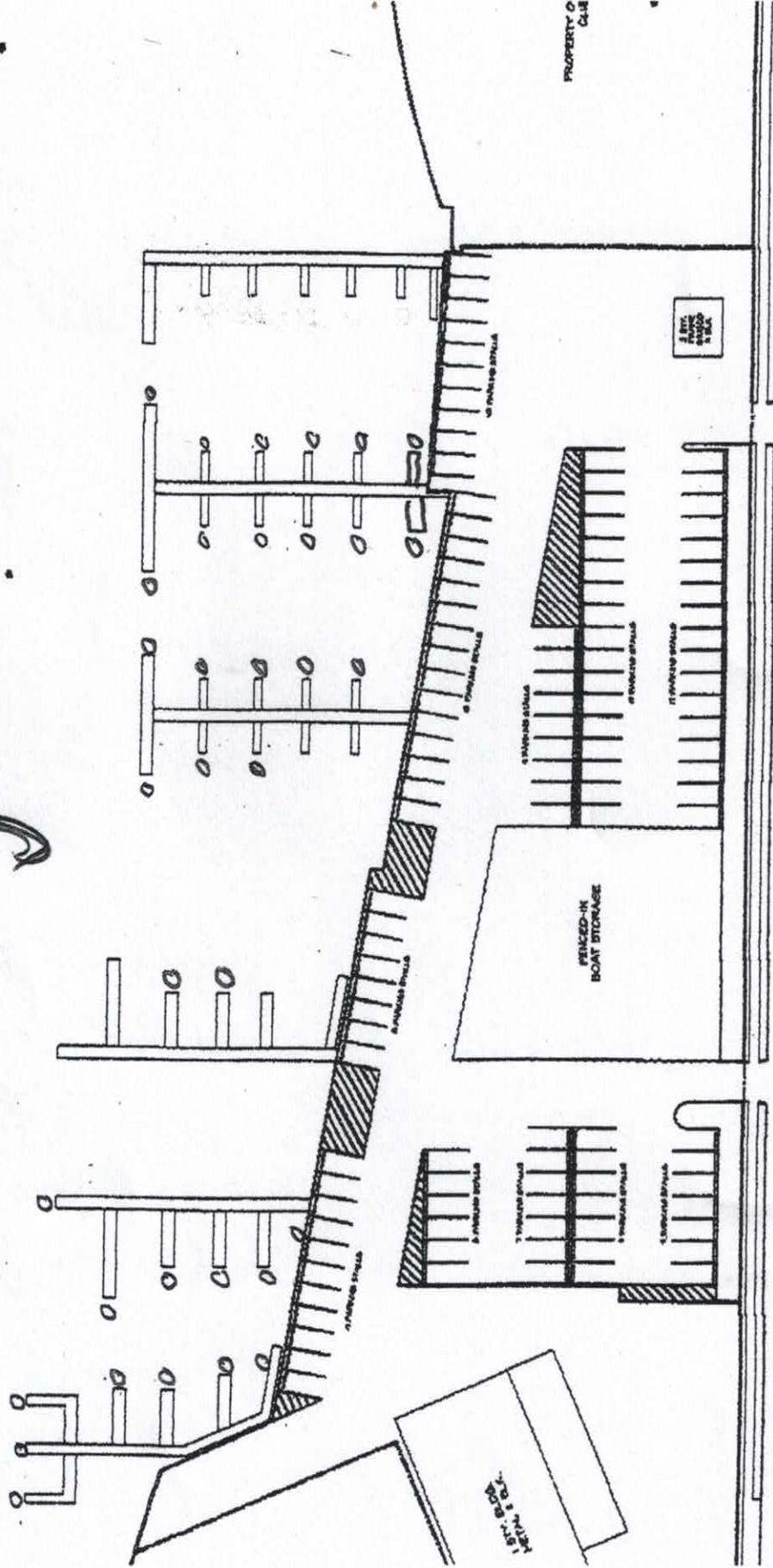
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K & K OUTBOARD INC.

3875 LONG BEACH RD.

ISLAND PARK, N.Y. 11558

*Replacing Piling Securing Floats
Total 34 Piling*



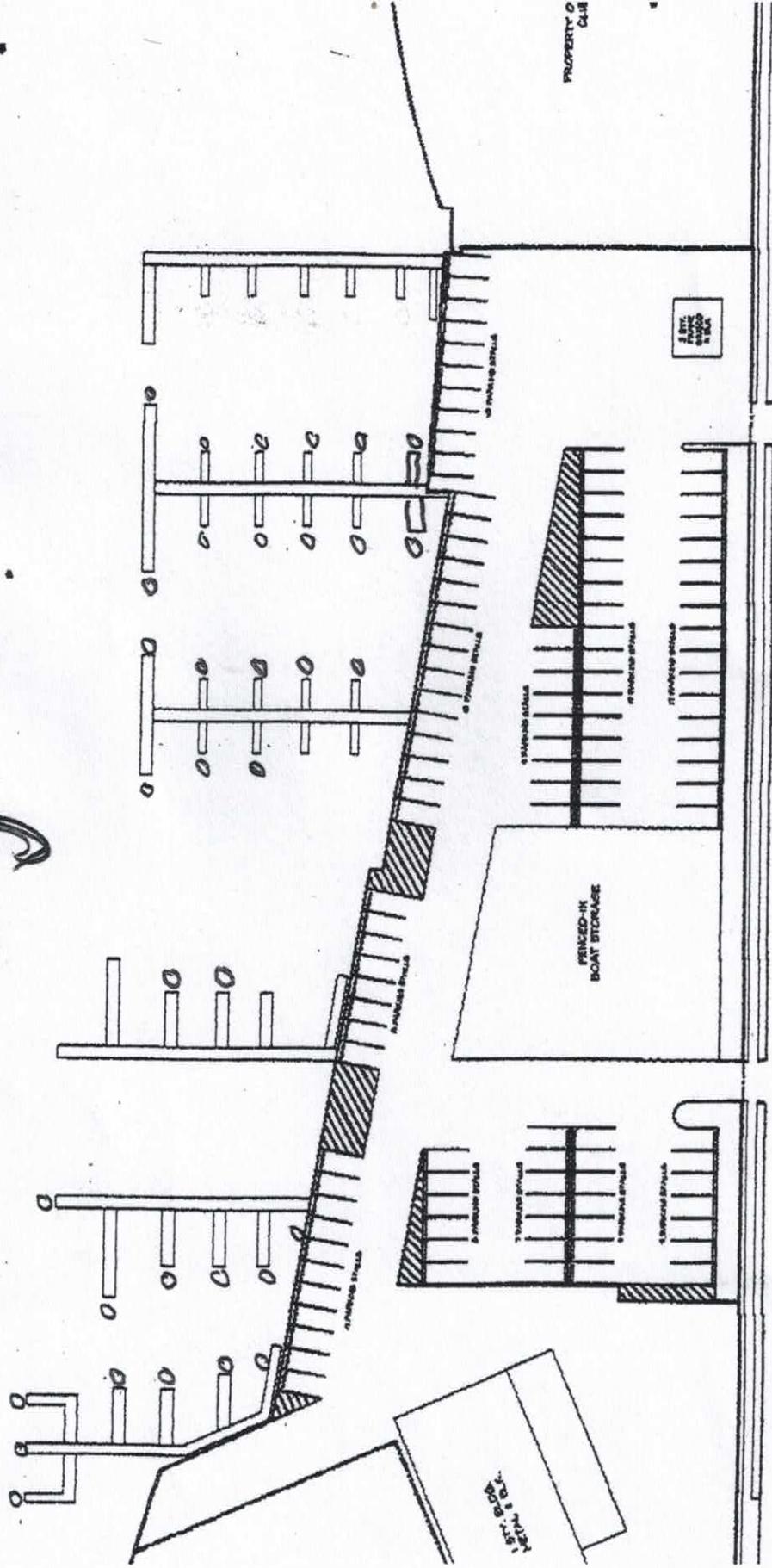
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K & K OUTBOARD INC.

3875 LONG BEACH RD.

ISLAND PARK, N.Y. 11558

*Replacing Piling Securing Floats
Total 34 Piling*



EMPIRE BLVD.

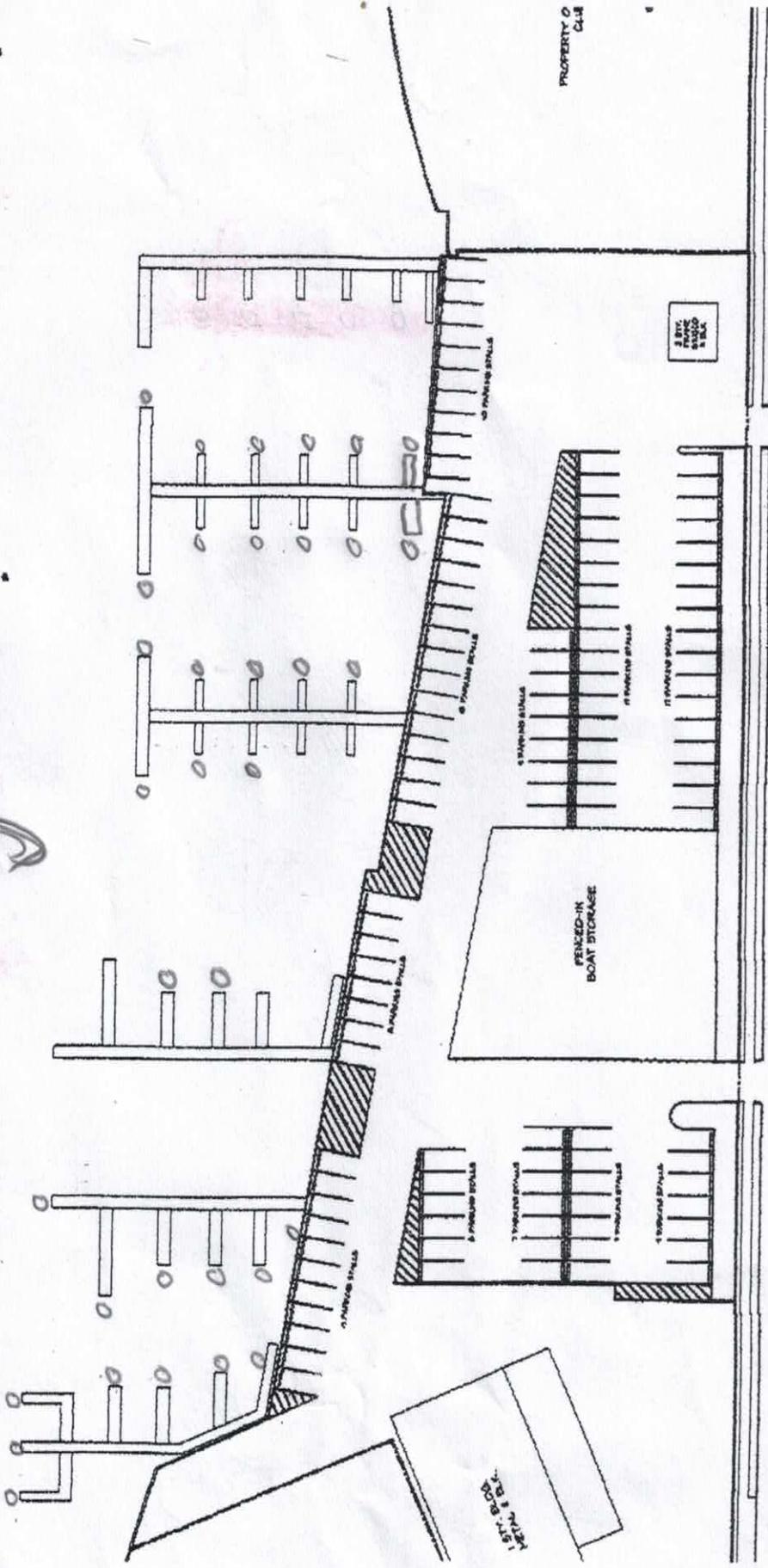
PROPERTY OF CLUB

K & K OUTBOARD INC.

K & K OUTBOARD INC.

K & K OUTBOARD INC.
3875 LONG BEACH RD.
ISLAND PARK, N.Y. 11558

*Replacing Piling Securing Floats
Total 34 Piling*



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Attachment 9

Executive Orders Compliance Analysis –
Wetlands Protection (EO11990)
& Floodplain Management (EO11988)

Project 059-ED-33651-2013 EO11990 Wetlands Protection
& EO11988 Floodplain Management Determination

***Commercial & Economic Development Initiative within NY State Community Development
Block Grant Disaster Recovery Program***

October 10, 2015

Introduction & Overview - The purpose of Executive Order 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” This report contains the analysis prescribed by 24 CFR Part 55.

This project involves Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for building replacement and other in-kind business infrastructure repairs for a single business impacted by the Superstorm Sandy. Based on the type of land use and facility, local building and floodplain management regulatory compliance, and other case characteristics, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain. Moreover, in the March 5, 2013 Federal Register Notice, HUD expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery” (78 FR 14335). Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives.

Description of Proposed Action & Land Use

K&K Outboard, Inc., is a full service marina located at 3875 Long Beach Road, in the unincorporated Hamlet of Barnum Island, within the Town of Hempstead, Nassau County, New York. Based on County Assessment data, this commercial property is Section 43, Block 177, and Lot 33. The Property Description depicts a 0.4467 acre lot.

The proposed mitigation support involves a limited grant award of \$96,000 for the purchase and installation of new pilings as mitigation work. During Superstorm Sandy, the pilings were short enough that the docks floated out of position and caused total destruction of the floats and damage to everything they hit. Parts of the marina with existing tall pilings are still being used today. All work is proposed. A previous environmental review for separate activities categorized under 24 CFR 58.35(b)(4) for this applicant was completed on April 14, 2015 and is included in the Environmental Review Record.

Applicable Regulatory Procedure Per EO 11988

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the use in the floodplain if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed.

Based on online data, including data managed and updated by U.S Fish & Wildlife Service (USFWS) and New York Department of Environmental Conservation (NYSDEC), there are

wetlands on the property and the proposed work will represent new construction in wetlands, since pursuant to 24 CFR §55, an action to replace existing pilings with upgraded, taller ones involves “any structures or facilities begun after the effective date of Executive Order 11990” (24 CFR §55.2(b)(8)). Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on wetlands and floodplain.

According to 24 CFR §55, the activity planned to replace impacted building(s) and/or structure(s) occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. The total amount of damage reported after Superstorm Sandy for this project does not exceed the substantial improvement threshold of 50% in 24 CFR §55.2(b)(10). However, as construction in wetlands is proposed, an eight-step determination process set forth in §55.20 applies. The following analysis examines each step in the wetland and floodplain management determination process.

Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.

The location of the proposed action, per the applicable FEMA flood map Firmette, is within the 100-year floodplain (SFHA - AE Zone). There is an established Base Flood Elevation (BFE) of nine (9) feet across the property. The proposed action occurs in an area that is designated federal wetlands (estuarine and deepwater classification) and NYS tidal wetlands designation Littoral Zone (LZ). The southwest corner of the property appears to be in an area of limited wave action.

Step 2. Initiate Public Notice for Early Review of Proposal.

Because the proposed project is in floodplain and wetlands, the Governor’s Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding for reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice and corresponding 15-day public comment period started on April 30, 2015 with the "Notice of Early Public Review of a Proposed Activity in wetlands and 100-Year Floodplain." being published in Newsday newspaper, with the 15-day period expiring on May 15, 2015. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on April 28, 2015: Federal Emergency Management Agency (FEMA); U.S Fish & Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); New York Department Environmental Conservation; and New York State Office of Emergency Management. The notice was also sent to Nassau County and the Town of Hempstead. (See Attachments 1 and 2 of this Floodplain Management EO11988 and Protection of Wetlands Determination EO11990 for the newspaper notice affidavit and the matching letter distribution to these agencies).

Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain (or 500-year Floodplain if a Critical Action) or Wetland.

The program is structured to provide eligible businesses with loan or grant assistance for activities necessary to restore storm-damaged businesses, including through damage reimbursements, and support for rehabilitation, reconstruction, elevation, and/ or other mitigation

activities. This small business suffered damage during Superstorm Sandy, and as such potential alternatives must be considered in order to try and mitigate the amount of damage from future flood events.

One potential alternative is to relocate the business out of the 100-year floodplain; however, this marina is functionally dependent on water-access. Moreover, given the built-up nature of this area, securing an alternative site that would function for this business would be difficult. Further, this business moving to an alternative location would not prevent this location from being occupied and, thus, unmitigated future damage would still occur. As such, relocation is not considered a viable option.

Another alternative would be for no action to occur, meaning the applicant would not be receiving grant funds to mitigate future damages. The ability for the owner to successfully mitigate any future damages from floods would be impeded due to the lack of financial support; which means the property would be more vulnerable. This could greatly impact this business and the surrounding community, as recovery would be greatly impaired due to lack of support. Accordingly, the 'no action' decision would neither support this business's recovery nor help the community recover from the devastating storms.

Due to the number of developed parcels within this community, prohibition of rehabilitation within floodplain is not practicable. Applicants who chose to rebuild substantially damaged structures within floodplain using CDBG-DR grant funds must adhere to the elevation requirements for commercial buildings in order to mitigate or avoid future damages.

The above identified alternatives will be re-evaluated in response to public comments received.

Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.

Floodplain Evaluation – The focus of floodplain evaluation should be on adverse impacts to lives and property and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - A Unified National Program for Floodplain Management, two definitions commonly used in evaluating actions in floodplain are "structural" and "non-structural" activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

Natural moderation of floods

As the applicant's site is one of many developed parcels situated within the 100-year floodplain, the continued occupancy may potentially result in future direct impacts to property during certain severe floods and related natural disasters. However, the direct effects to this property would be

no greater than those expected to the other adjacent, occupied properties within this floodplain, and they should be less with improvements.

Living resources such as flora and fauna

This land use may constitute a type of business where, after flooding, materials used in operations could potentially be released into the environment, thereby having unquantifiable potential to impact water quality maintenance and ecological resources. A potential impact that may arise is that materials used or stored on-site would be caused to be released into the environment, such as a result of wind or floodwaters. However, this would be more likely if there are not non-structural and structural floodproofing techniques in place, such as if materials are not stored in water-tight containers, and/or said containers break or migrate out of a non-enclosed building due to lack of proper preparation. A qualitative evaluation suggests the potential would be relatively small, and if such releases do occur, it is likely as part of a potential area-wide impact. In such an instance, floatable debris could contribute to litter, and if there were minor amounts of chemicals used onsite, floodwaters may induce rapid dilution. Given the nature of this business, the potential for an acute or chronic level of water quality impact from this site is very low.

Impacts to Property & Lives

The action does present potential to impact commercial occupancy of floodplain, but it does not impact residential structures or directly cause modification of the 100-year floodplain. The project does not alter floodplain because it does not in any way directly or physically modify the floodplain through new ground disturbance – it only replaces the structure in-place. Moreover, supporting the recovery of small businesses is an essential component of recovery in storm-affected communities, as recognized by the March 2013 Federal Register Notice.

Occupancy of this floodplain in this developed area has taken place over an extended recent history. According to Nassau County's Multi-Jurisdictional Hazard Mitigation Plan, most of Barnum Island is in High or Moderate Flood Risk areas. A review of the same Plan shows a high rate of repetitive loss. Considering context of the area, this action represents an activity at only one parcel among others located within contiguous floodplain. Thus, funding this project does constitute continued support of floodplain occupancy and development. In the event of severe flooding and associated natural hazards in the future, there is potential for further damage to this property, business disruption, and impacts to this small business.

The predominantly in-kind and in-place rehabilitation of the Site sustains area property values and community character within a district and neighborhood that has been settled for a long time. It enables continued viability of this small business, which might otherwise degrade, or cease to exist, without support in rehabilitating facilities, restarting business operations, and/or recouping some revenue lost as a result of the disaster. Similarly, the proposed investment supports area residences by sustaining a recreational asset. With sustained operations here, the market is not disrupted in that customers are required to travel greater distances. Support to sustain this business also helps ensure a diverse economic base. If this project/ activity were not funded, there probably would be other undefined, undesirable indirect impacts to lives and the area economy, on a short- and long-term basis, such as relating to economic multipliers and support that this business provides to surrounding businesses, as it purchases products and services. Support sustaining this land use also supports the regional recreation economy as discussed more

below.

Cultural resources such as archaeological, historic & recreational aspects

The substantially damaged structures appear to be less than 45 years of age. There is no local certified government. The scope of work includes in-place piling replacement, and the historic properties determination is that there would be no or limited effect as a result of the funded rehabilitation. Without support, building resources could degrade causing loss of development character and identify for the area that depends on community character and sense of place as a driver for recreation and tourism.

Agricultural, aquacultural, & forestry resources

The Nassau County area has several agricultural sites located in the flood zone, as well as undeveloped woodlands. There is substantial agriculture and fishing industry in Nassau and Suffolk Counties on Long Island, including aquaculture in the form of oyster farming. While there appears to be a higher concentration of aquaculture on Eastern Long Island, per the 2012 State Comptrollers Report Agriculture in Long Island and Agricultural Production by Commodity Group in Long Island (2007), aquaculture represents 2.9% of the economy at a \$7.5 million sales revenue. It is possible that if there is a materials release from this property, it could potentially affect natural resources including agricultural and forestry. However, while it is conceivable that flooding of a business like this could be part of a cumulative influence on such resources, the impact attributable to this use could not have been quantitatively derived, and the potential impact, with planning for and practice of non-structural management practices, is considered minor.

Wetland Evaluation –The purpose of wetland evaluation is to consider factors relevant to a proposal’s effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.

The project location is in wetlands that are designated tidal wetlands (NYSDEC) and estuarine/deep-water (USFWS). These wetlands are not freshwater wetlands and, therefore, are not directly used for water supply. However, these tidal wetlands and deep-water estuarine wetlands along the coast can serve to absorb the force of storm waters and tidal erosion. These areas help protect upland soil and freshwater resources. The replacement of the existing pilings with new, taller pilings is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards. This is because the proposed action does not include reshaping, dredging, or filling of the wetland. Rather, the pilings will make this property and surrounding area safer from future damages as the floating dock system cannot float free. The proposed action will not decrease the area of the wetland, it will only replace existing pilings in-place.

Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.

The proposed action will not further affect the natural systems/ wetlands at this preexisting developed marina parcel, which is located on a canal that is fully developed with other marinas, commercial properties, and residential properties. The proposed work is for in-place piling replacement. The applicant shall comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits, when they are acquired. As the work will not increase the area of dock work and will occur in the footprint of the previously existing pilings, it is presumed that there will not be new adverse impacts on the existing flora/fauna, habitat, natural hydrologic function, or natural resources at the location.

Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.

The proposed scope of work does not involve changing the area of the wetland by dredging, diking, filling, or by some other means. Consequently, there are no cost increases attributed to necessary mitigation measures to minimize harm to wetlands that may result from such use.

Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.

This functionally dependent marina offers the public recreational access to waterways in the area. According to the Outdoor Industry Association's two page fact sheet New York The Outdoor Recreation Economy, outdoor recreation generates \$338 Billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional and local economy and the subject business is an example of a constituent part of this aspect of the economic base. It is presumed that market demand for marina services is strong and if the service here were disrupted, consumer demand could not simply shift to other marinas located in wetlands and floodplains because of finite supply.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.

Given the scope of repairs and the proposed funding support, it is a direct policy requirement to specify standards that mitigate flood risk. Due to the damage the property sustained during Superstorm Sandy, there are mitigation measures in the form of taller pilings.

However, it is still reasonable to promote business owner awareness of future risks of natural hazards, including flooding, plus the physical, social and economic impacts that potential events could convey, including through potential for future physical damage to property and equipment. It is reasonable to promote business owner awareness of the available best management practices, and the potential to perform business strategic planning and identify the multiple possible actions they might undertake to define and prepare for and prevent the potential impacts of many future hazards they may face. There are free resources available to aid such preparedness planning found at the link: <http://www.ready.gov/business>. Also, the applicant could consider participating in The Clean Marina Initiative, an incentive-based program promoted by the National Oceanic and Atmospheric Administration that offers information about

engaging in marina-specific operating and maintenance procedures in order to protect coastal water quality.

Step 6. Reevaluate the Alternatives and Proposed Action.

The relocation alternatives within floodplain would not change the business requirements, and the location of the community on an island means that there are few spaces that are not within floodplain. The areas that are outside flood zone are impracticable in terms of the businesses' basic requirements to achieve an acceptable level of service as a marina. Alternative locations within flood zone are already occupied, and/ or lack the functional space required by such a recreational business, or already serve important purposes such as forestry, agriculture, or other recreation pursuits such as hunting or fishing clubs, or locations for museums.

The “no action” alternative would not address the need this business has for help in funding their mitigation. Without the funding this grant provides, the business would be unable to successfully complete the restoration of the basic business marina service facilities and they would remain vulnerable to damage in future flooding events.

Therefore, the alternatives examined are not considered desirable or possible and the action to fund building rehabilitation and business continuity at this business is still practicable in light of exposure to flood hazards in floodplain, possible adverse impacts on floodplain, the extent to which it may aggravate current hazards to other floodplains, and the potential to disrupt natural and beneficial functions and values of floodplains. Moreover, the March 2013 Notice in the Federal Register strongly recommends that grantees engage in a robust policy for ensuring recovery of small business affected by storm events, as such recovery is essential to the continued vitality of surrounding communities. Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives. Furthermore, an award under this Program requires that all substantially damaged structures adhere to the latest elevation requirements per State and Federal regulations as this business has done. As such, the impact on a floodplain would be less than with both the “no action” and relocation alternatives.

The impacts of these alternatives will be re-evaluated in response to any public comments received.

Step 7. Issue Findings and Public Explanation.

It is the finding of this report that there is no better alternative than to provide funding for the flood mitigation of this small business. The location within floodplain cannot be avoided due to requirements of a marina and land economics, in terms of the high expected cost of land outside floodplain and the high development costs of relocating the business. However, not funding any actions would mean that this small business would struggle to recover, much less be able to mitigate any future damages. A final notice, formally known as “Notice of Policy Determination” was published in accordance with 24 CFR 55, for a 7-day comment period. (See Attachments 3 and 4 of this Floodplain Management EO11988 and Protection of Wetlands Determination EO11990 for the notice and the distribution to local, state and federal agencies). *The 7-day comment period started with notice publishing in New York Newsday newspaper (eastern edition) on May 26, 2015 and the 7-day period expired June 2, 2015. No public comments were received.* The notice describes the reasons why the project must be located in the

floodplain, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

The responsible entity will make available educational materials regarding best practices for businesses located in floodplains. It will also require the business to demonstrate proof of current flood insurance. It is acknowledged there is a continuing responsibility by the responsible entity, New York State Housing Trust Fund/ Division of Homes and Community Renewal, to ensure, to the extent feasible and necessary, compliance with Steps 5 through 7.

Attachment 1
Notice of Early Public Review
Floodplain Management and Protection of Wetlands
Executive Order 11988 & 11990



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



NOTICE OF EARLY PUBLIC REVIEW OF A PROPOSED ACTIVITY IN 100-YEAR FLOODPLAIN AND WETLANDS April 30, 2015

The Governor's Office of Storm Recovery (GOSR), operating under auspices of New York State Homes & Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. The purpose of this early notice is to identify that GOSR is undertaking the decision-making process required by federal Executive Order (EO) 11988 and 11990 in accordance with HUD regulations at 24 CFR §55.20 (Subpart C-Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment to determine the potential effect that implementing business mitigation activity at the functionally dependent business location below could potentially have on wetlands and the 100-year floodplain. The project is part of the New York Rising Small Business Grant Program and consists of the physical mitigation project described below. GOSR is conducting this review in order to determine whether or not funding assistance should be granted.

Project Name: The business proposed to receive storm mitigation support is K&K Outboard, Inc. (Project # 059-ED-33651-2013). The water-dependent marina's address is 3875 Long Beach Road, Island Park (Town of Hempstead), Nassau County, N.Y.

Brief Description of Project: K&K Outboard's docks and pilings were damaged during Superstorm Sandy. The water-based business is located on a densely developed channel with other water-based uses and residential properties. During Superstorm Sandy, rising water caused the docks to float off of the existing pilings at the marina, causing total destruction of the floats and damage to infrastructure which the docks hit. The proposed funding is \$96,000 for infrastructure mitigation for the purchase and installation of taller pilings in place of the current pilings. Taller pilings will prevent the docks from coming loose during high water events. Portions of the marina with existing tall pilings are still in use today.

This work will be located in the 100-year floodplain (SHFA–Zone AE), within NYS tidal wetlands (Littoral Zone), and within federal estuarine/deep-water wetlands. Since the action will include new construction (new piling installation in-place of smaller pilings) in wetland and 100-year floodplain, Executive Orders 11990 and 11988 require that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands. Proof of all applicable local, federal and state environmental permits will be required as a condition of funding. The action will be evaluated to consider potential to use a location out of wetlands/ floodplain, in addition to alternative methods to avoid wetland and floodplain impacts. There are multiple purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness,

25 Beaver Street | New York, NY 10004 | Recovery Hotline: 1-855-NYS-Sandy | www.stormrecovery.ny.gov



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



when the federal government determines it will participate in actions taking place in floodplain, it must inform those who may be put at greater or continued risk.

Comments or requests for information from the public are invited and will be received for fifteen (15) days from the date of this publication. Any individual, group, or agency may submit written comments on the actions to: Attention Daniel Greene, Certifying Officer, Governor's Office of Storm Recovery, NYS Housing Trust Fund Corporation, 25 Beaver Street, 5th Floor, New York, New York, 10004. Comments may also be submitted via email at NYS-CDBG_DR_ER@nysocr.org or by telephone, excepting public holidays, at (212) 480-4644 weekdays from 9:00 AM - 5:00 PM.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Greene".

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
NYS Housing Trust Fund Corporation

Attachment 2
Notice of Early Public Review Affidavit
Floodplain Management and Protection of Wetlands
Executive Order 11988 & 11990

NEWSDAY AFFIDAVIT OF PUBLICATION

TECTONIC
PO BOX 37 PLEASANT HILL RD
MOUNTAINVILLE, NY 10953

STATE OF NEW YORK)

Legal Notice No. 0021079547

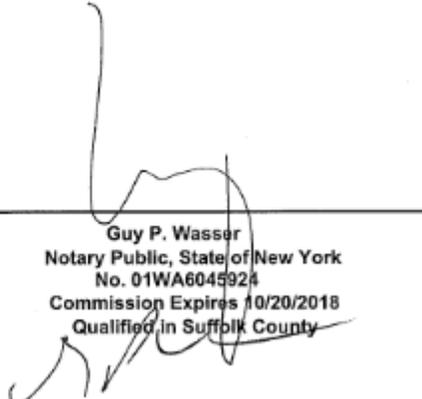
:SS.:

COUNTY OF SUFFOLK)

R. Lopes of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Thursday April 30, 2015 Nassau

SWORN to before me this
30 Day of April, 2015.



Guy P. Wasser
Notary Public, State of New York
No. 01WA6045924
Commission Expires 10/20/2018
Qualified in Suffolk County

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49 Nassau Ave., Freeport,
NY 11520, Nassau County
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LEGAL NOTICES

LEGAL NOTICE 21079567
NOTICE OF EARLY PUBLIC
REVIEW OF A PROPOSED
ACTIVITY IN 100-YEAR
FLOODPLAIN AND
WETLANDS
April 30, 2005

The Governor's Office of Storm Recovery (GOSR), operating under auspices of New York State Homes & Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) program. The purpose of this early notice is to identify the decision-making process required by Federal Executive Order (EO) 11988 and 11990 in accordance with HUD regulations of 20 CFR 955.20 (Subpart C-Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment to determine the potential effect that implementing business mitigation activity of the functionally dependent business location below could potentially have on wetlands and the 100-year floodplain. The project is part of the New York Rising Small Business Grant Program and consists of the physical mitigation project described below. GOSR is conducting this review in order to determine whether or not funding assistance should be granted.

Project Name: The business proposed to receive storm mitigation support is K&K Outboard, Inc. (Project # 069-ED-33051-3215). The water-dependent business's address is 3875 Long Beach Road, Island Park (Town of Hempstead), Nassau County, N.Y. Brief Description of Project: K&K Outboard's docks and pilings were damaged during Superstorm Sandy. The water-based business is located on a densely developed channel with other water-based uses and residential properties. During Superstorm Sandy, rising water caused the docks to float off of the existing pilings at the marina, causing total destruction of the floats and damage to infrastructure which the docks sit. The proposed funding is \$96,200 for infrastructure mitigation for the purchase and installation of taller pilings in place of the current pilings. Taller pilings will prevent the docks from coming loose during high water events. Portions of the marina with existing tall pilings are still in use today.

This work will be located in the 100-year floodplain (SHEA-Zone AE), within NY's tidal wetlands (General Zone), and within federal estuarine/deep-water wetlands. Since the action will include new construction (new piling installation in-place of eroded pilings) in wetland and 100-year floodplain Executive Orders 11990 and 11988 require that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands. Proof of all applicable local, federal and state environmental permits will be required as a condition of funding. The action will be evaluated to consider potential to use a location out of wetland or floodplain, in addition to alternative methods to avoid wetlands and floodplain impacts. There are multiple purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplain, it must inform those who may be put at greater or continued risk. Comments or requests for information from the public are invited and will be received for fifteen (15) days from the date of this publication. Any individual, group, or agency may submit written comments on the actions to: Attention Daniel Greene, Certifying Officer, Governor's Office of Storm Recovery, NYS Housing Trust Fund Corporation, 25 Beaver Street, 5th Floor, New York, New York, 10004. Comments may also be submitted via email at NYSCDBG_DIR_EIR@nyshr.org or by telephone, excluding public holidays, at (212) 484-6444 weekdays from 9:00 AM - 5:00 PM. Daniel Greene, Certifying Officer, Governor's Office of Storm Recovery, NYS Housing Trust Fund Corporation

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Legal Notice 21079547
 NOTICE OF PUBLIC
 HEARING ON A PROPOSED
 ACTION IN 100-YEAR
 FLOODPLAIN AND
 WETLANDS
 April 28, 2015

The Governor's Office of Storm Recovery (GOSR), operating under auspices of New York State Homes & Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) program. The purpose of this notice is to identify that GOSR is undertaking the decision-making process required by Federal Executive Order (EO) 11988 and 11989 in accordance with HUD regulations at 24 CFR 595.20 (Subpart C-Procedure for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment to determine the potential effect that implementing business mitigation activity at the residentially dependent business location below could potentially have on wetlands and the 100-year floodplain. The project is part of the New York Rising Small Business Grant Program and consists of the physical mitigation project described below. GOSR is conducting this review in order to determine whether or not funding assistance should be granted.

Project Name: The business project to receive storm mitigation support is K&K Cement, Inc. (Project, a 600-10-3363-2014). The water-dependent marina's address is 112 Long Beach Road, Island Park (Town of Hempstead), Nassau County, N.Y.

Brief Description of Project: K&K Cement's docks and pilings were damaged during Superstorm Sandy. The water-based business is located on a densely developed fringe with other water-based uses and residential properties. During Superstorm Sandy, high water created the docks to float off of the existing pilings at the marina, causing total destruction of the boats and damage to infrastructure which the docks fit. The proposed funding is provided for structural mitigation for the purchase and installation of taller pilings in place of the current pilings. Taller pilings will prevent the docks from coming loose during high water events. Portions of the marina with existing tall pilings are still in use today.

This work will be located in the 100-year floodplain (SDFPA-zone AE), within NYS tidal wetlands (State Zone), and within Federal estuarine/deep-water wetlands. Since the action will include new construction (steel piling installation in place of smaller pilings) in wetland and 100-year floodplain, Executive Orders 11980 and 11988 require that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands. Proof of all applicable local, federal and state environmental permits will be required as a condition of funding. The action will be evaluated to consider potential to use a location out of wetland/s/ floodplain, in addition to alternative methods to avoid wetland and floodplain impacts. There are multiple purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, educate public notice is an important public education tool. The dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification of those floodplains. Third, as a matter of fairness, when the federal government determines it will participate in actions being done in floodplain, it must inform those who may be put at greater or conflicting risk. Comments or requests for information from the public are invited and will be received for fifteen (15) days from the date of this publication. Any individual, group, or agency may submit written comments on the actions to: Catherine Gould Draves, Certifying Officer, Governor's Office of Storm Recovery, NYS Housing Trust Fund Corporation, 12 Beaver Street, 5th Floor, New York, New York, 10004. Comments may also be submitted via email at NYSOSR_DR@nysosr.org or by telephone, excluding public holidays, at (212) 465-4644 weekdays from 9:00 AM - 5:00 PM. David Goepig, Certifying Officer, Governor's Office of Storm Recovery, NYS Housing Trust Fund Corporation

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Attachment 3
Final Notice
Floodplain Management and Protection of Wetlands
Executive Order 11988 & 11990



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



FINAL NOTICE & PUBLIC REVIEW OF A PROPOSED ACTIVITY IN 100-YEAR FLOODPLAIN AND WETLAND May 26, 2015

The Governor's Office of Storm Recovery (GOSR), operating under auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the Responsible Entity for direct administration of the U.S. Dept. of Housing & Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. The purpose of this notice is to identify that GOSR is advancing the decision-making process required by federal Executive Orders 11988 and 11990 in accordance with HUD regulations at 24 CFR 55.20 (Procedures for Making Determinations on Floodplain Management and Protection of Wetlands), and invites public comment on the potential effect that implementing business restoration at the site below would potentially have on 100-year floodplain and wetlands. The project is part of the New York Rising Small Business Grant Program and consists of the physical restoration activities described below. GOSR is conducting this review in order to consider the project's potential impacts on 100-year floodplain and wetlands so as to determine whether or not assistance should be granted.

Project Name: The business proposed to receive storm mitigation support is K&K Outboard, Inc. (Project # 059-ED-33651-2013). The water-dependent marina's address is 3875 Long Beach Road, Island Park, Nassau County, New York.

Brief Description of Project: K&K Outboard's docks and pilings were damaged during Superstorm Sandy. The water-based business sits on a densely developed channel with other water-based uses and residential properties. During Superstorm Sandy, rising water caused the docks to float off of the existing pilings at the marina, causing total destruction of the floats and damage to infrastructure which the docks hit. Proposed funding is for infrastructure mitigation, including \$96,000 for the purchase and in-place installation of taller pilings, so as to prevent the docks from coming loose during future high water events. This business is functionally dependent on water access and, thus, necessitates its location in the 100-year floodplain and wetlands. Applicable local, state, and federal permits will be acquired for all in-water work before the projects commence.

There are multiple purposes for this notice. First, people who may be affected by activities in floodplains and wetlands and those who have an interest in protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about wetland and floodplain development facilitates federal efforts to reduce the risks associated with the occupancy and modification

25 Beaver Street | New York, NY 10004 | Recovery Hotline: 1-855-NYS-Sandy | www.stormrecovery.ny.gov



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in the floodplain and wetland, it must inform those who may be put at greater or continued risk.

Evaluating Impacts & Alternatives: The marina is functionally dependent on water access and, thus, its location in floodplain and wetland. Since the action is located within the Federal Emergency Management Agency's (FEMA) 100-year floodplain and federally designated wetlands, national Executive Orders 11988 and 11990 requires that the project not be supported if there are practicable alternatives to development in floodplain and wetland. One alternative considered includes relocation outside of the floodplain. However, moving this functionally dependent waterside business to an area outside of flood zone is impracticable in terms of the business's basic requirement to be located on the water. The "no action" alternative would not address the need this business has for funding for their rehabilitation. This option would neither support the business or the community in recovering from Superstorm Sandy.

Determination: The risk of location and development in the 100-year floodplain and wetlands have been identified herein. Based on further consideration of the project, including the results of early notice that provided opportunity for public comment, as well as review that includes hazard management analysis and the potential to maintain floodplain and wetland value, the alternatives are considered neither feasible nor desirable. GOSR has reevaluated the alternatives and determined there is no practicable alternative. It is proposed that this project remains at this location. GOSR is notifying the public with these proposed findings. The detailed analysis is available for consideration by request.

Comments from the public are invited and will be received until the 8th day after the date of this publication. Any individual, group, or agency may submit written comments on the actions to Daniel Greene, Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, New York, 10004. Written comments may also be submitted via email at NYSCDBG_DR_ER@nysocr.org. Comments may be received by telephone at (212) 480-4644 Monday through Friday, 9:00 AM - 5:00 PM.

Sincerely,

Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
NYS Housing Trust Fund Corporation
NYS Homes and Community Renewal

Attachment 4
Final Notice Affidavit
Floodplain Management and Protection of Wetlands
Executive Order 11988 11990

Attachment 10

General Coastal Consistency Determination



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 29, 2013

HOUSING
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AFFORDABLE HOUSING
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NEW YORK MUNICIPAL
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TOBACCO SETTLEMENT
FINANCING
CORPORATION

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources
State of New York
Department of State
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231-0001

Re: Program Update/Introduction of all Programs, and Request for General Consistency Concurrence for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)

Dear Mr. Zappieri:

On June 26, 2013, New York State Homes and Community Renewal (NYSHCR) submitted a letter (via email) to the State of New York Department of State (DOS) requesting concurrence that the proposed activities for the 1-4 unit rehabilitation action are covered by the DOS general consistency concurrence criteria. On July 3, DOS provided a response letter (project # F-2013-0533 FA) stating that the proposed activities in the June 26 letter meet the general consistency concurrence criteria, and the DOS has no objection to funding.

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

Recently, NYSHCR has been directed to proceed with completing all Environmental Review Records (ERRs) for the entire Program. Therefore, the purpose of this letter is to provide DOS notice of the Program actions updates and to obtain written confirmation from DOS that the proposed activities will be in compliance with general consistency concurrence criteria. Actions in the Program that were not described in the June 26 letter include Rehabilitation, Buy out, Acquisition, and Economic Development, as described below.

Program Overview

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

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

Compliance

NYSHCR is anticipating it will be responsible for preparing approximately 133 Environmental Review Records (ERRs), covering the various actions within the various counties. Because of the large extent of the Program, it is appropriate to coordinate with DOS, so NYSHCR, as the Responsible Entity (RE), can accurately document compliance.

NYSHCR is requesting a program comprehensive response letter from DOS, covering all actions (in addition to the July 3 letter), that can be included in all Tier 1 ERRs to document that coordination with DOS is being completed, and general consistency concurrence criteria will be met. The prior correspondence between NYSHCR and DOS is included in **Attachment C** for reference.

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

Sincerely,



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

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

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

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

Attachment B- List of Affected Counties

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

Heather Spitzberg

From: Heather Spitzberg
Sent: Friday, April 26, 2013 12:43 PM
To: jeffrey.zappieri@dos.ny.gov; denise.caldwell@dos.ny.gov
Subject: Consistency Determinations For Disaster Recovery Projects

Hi,

I'm an Environmental Analyst with NYS HCR. I believe that I've worked with both of you in the past.

HCR's Office of Community Renewal (OCR) is going to be administering millions of dollars to rehabilitate homes that have been damaged by Hurricanes Sandy, Lee & Irene. It is CDBG-DR (Disaster Recovery) funding from HUD and will be directly administered by OCR through local non-profits and municipalities. The potential project descriptions are below. We anticipate that most of the properties will be in a Coastal Zone.

Specific sites have not yet been chosen. We are currently drafting our NEPA review, which will be a Programmatic Review, with preparation of individual site specific checklists as sites are chosen.

As this will be entirely rehabilitation of existing structures in their existing footprints, do we need to undertake a Federal Consistency Review for each project, or can we do this on the Programmatic level? If we can do a Programmatic response from DOS, what do you need from OCR? If we need to submit individual consistency reviews, can we discuss how to expedite that process with your office?

If you think we need to discuss further by phone, please let me know.

Thanks so much for your help.

Heather

Program Description:

Scattered Sites

The Following NY Counties: Albany, Broome, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington and Westchester

The New York State Homes & Community Renewal (HCR) Office of Community Renewal (OCR) intends to enter into subrecipient agreements with non-profit and municipal entities to fund activities eligible under the **Housing Assistance Program** section of the State of New York Action Plan for Community Development Block Grant Program - Disaster Recovery (CDBG-DR). The CDBG-DR was approved under the Department of Housing and Urban Development Appropriations Act of 2013 (Public Law 113-2).

A site specific environmental checklist will be completed for each individual site that is chosen to receive an award and be kept on file at the offices of each subrecipient.

The program activities include replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes (including flood-proofing and mitigation). The program activities may also include necessary utility connection replacements and repair or replacement of minor accessory/appurtenant residential structures. The following five programs will be undertaken:

1. Recreate NY Smart Home Repair and Reconstruction

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including Condominiums, Co-Ops and Garden Apartments.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

2. Recreate NY Smart Home Resilience

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including: Condominiums, Co-Ops and Garden Apartments.
- Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.
- Will cover costs to mitigate future damage.

3. Small Multi-Family Repair and Reconstruction

- Available to owners of multi-unit (3-7 units) residential buildings located outside of New York City including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

4. Small Multi-Family Mitigation

- Available to owners of multi-unit (3-7) residential buildings located outside of New York City, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- Will cover costs to mitigate future damage.

5. Large Multi-Family Mitigation

- Available to owners of multi-unit properties with eight or more units located outside of New York City including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. New York City will administer its own CDBG-DR programs directly.
- Property is located within a 100-year floodplain and sustained damage as a result of the disaster.
- Will cover costs to mitigate future damage.

Heather M. Spitzberg, Esq.
Environmental Analyst
NYS Homes and Community Renewal
38-40 State Street
4th Floor, Hampton Plaza
Albany, NY 12207

(518) 486-3379 (phone)
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STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 3, 2013

Ms. Heather M. Spitzberg, Esq.
NYS Homes and Community Renewal
38-40 State Street
4th Floor, Hampton Plaza
Albany, New York 12207

Re: F-2013-0533(FA)
NYS Homes and Community Renewal
Replacement, rehabilitation or reconstruction of a
structure or facility, in kind, on the same site,
including upgrading buildings to meet building or fire
codes (including flood-proofing and mitigation). The
program activities may also include necessary utility
connection replacements and repair or replacement of
minor accessory/appurtenant residential structures.
General Concurrence - No Objection To Funding

Dear Ms. Spitzberg:

The Department of State received the information you submitted regarding the above matter on June 26, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of HUD funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2013-0533(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources

JZ/dc



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 18, 2013

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

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

General Concurrence with Program; No Objection to Funding

Dear Ms. Spitzberg:

The Department of State received your letter request (dated August 29, 2013) for our agency's review and comprehensive program response. This submission included the program overview, descriptions of program components and objectives, current updates, and reference to additional supporting materials.

The Department of State has determined that this program is generally consistent with the policies and purposes of the New York State Coastal Management Program (NYSCMP). We anticipate that any substantial modifications or additions to the CDBG-DR program will be further coordinated on an ongoing basis with the Department of State.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact me at (518) 474-6000.

Sincerely,

Jeff Zappieri
Manager of Consistency Review
Office of Planning & Development

JZ/ts

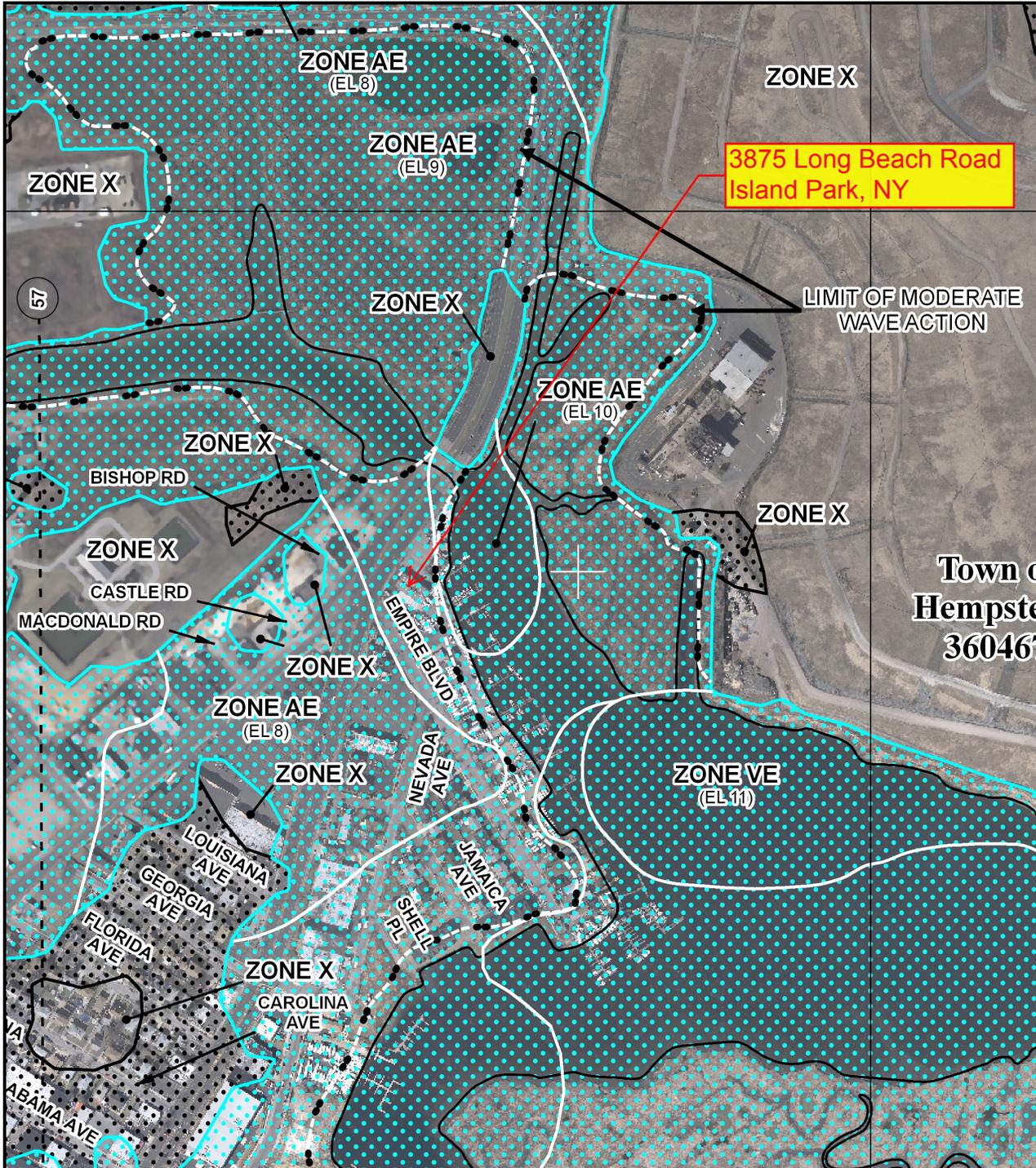
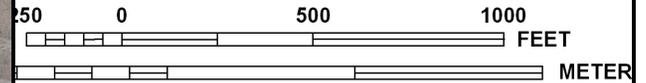
cc: Robin Keegan, NYSHCR
Chris Leo, NYSHCR

Attachment 11

FEMA Firmette



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0307G

FIRM

FLOOD INSURANCE RATE MAP

for NASSAU COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
HEMPSTEAD, TOWN OF	360467
ISLAND PARK, VILLAGE OF	360471
LONG BEACH, CITY OF	365338

PANEL 307 OF 366

MAP SUFFIX: G

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
36059C0307G

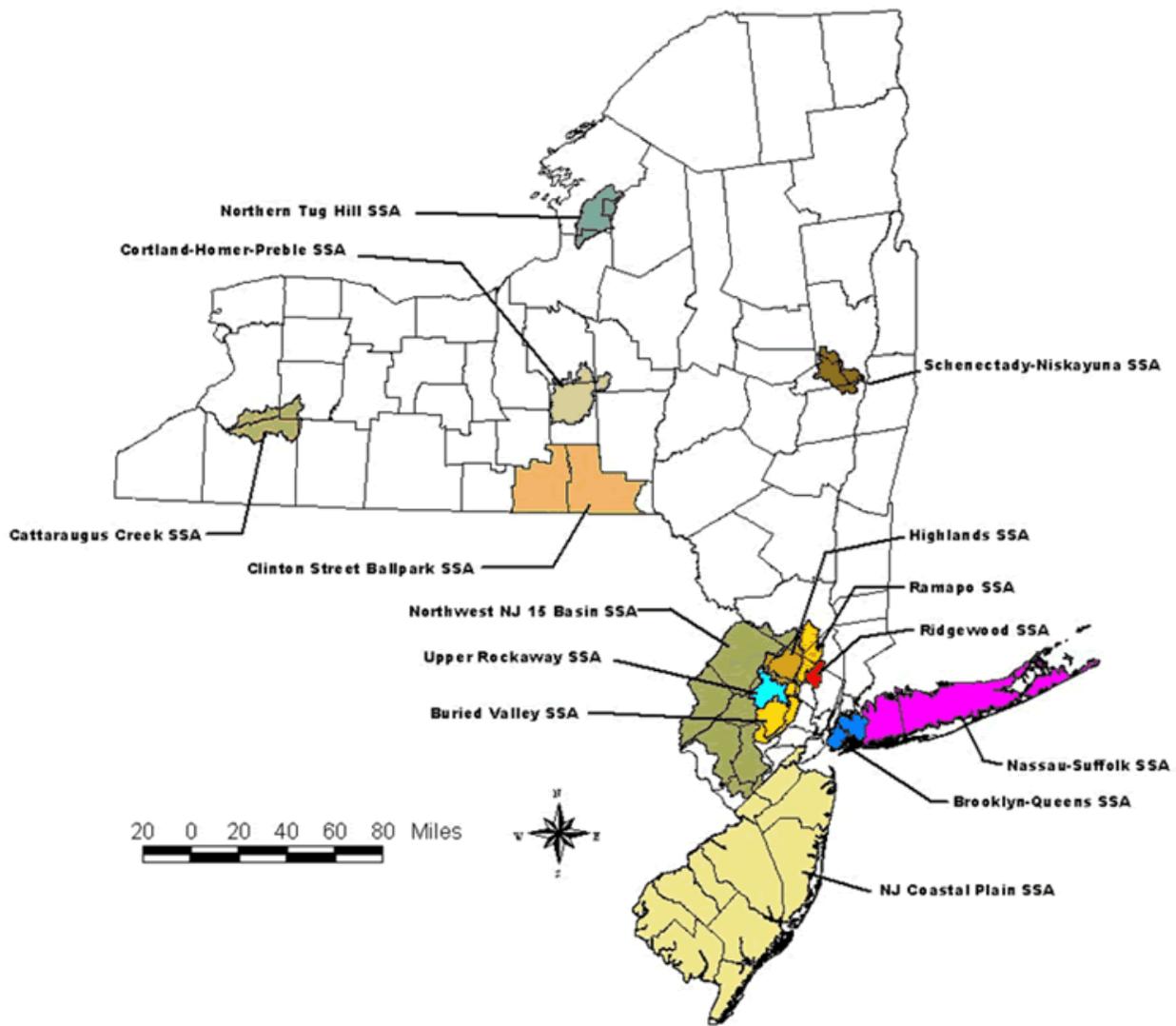
MAP REVISED
SEPTEMBER 11, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Attachment 12

Sole Source Aquifer Map



<http://www.epa.gov/region02/water/aquifer/>