

T & M PROPERTY MANAGEMENT, INC.

ENVIRONMENTAL ASSESSMENT



New York State Governor's Office of Storm Recovery
August 19, 2016

**T & M PROPERTY MANAGEMENT, INC. - SMALL BUSINESS GRANT PROGRAM
PROJECT #103-ED-433-13
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:	Lori A. Shirley, Certifying Officer, GOSR
Project Name:	T & M Property Management, Inc.
Funding Recipient:	T & M Property Management, Inc.
Federal Agency:	U.S. Department of Housing & Urban Development (HUD)
Project #:	103-ED-433-13
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:	519 South Great Neck Road, Town of Babylon, Suffolk County, NY 11726
Project County:	Suffolk County
Estimated Project Cost:	\$100,000.00
Project Sponsor Address:	Governor’s Office of Storm Recovery 38-40 State Street, Hampton Plaza Albany, NY 12207
Primary Contact/ Person To Direct Comments:	Lori A. Shirley, Certifying Officer, GOSR
E-Mail address:	<i>Lori.Shirley@nyschr.org</i>
Telephone Number:	(518) 474-0755
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:  _____</p> <p>NAME: Lori A. Shirley Title/Agency: Certifying Officer, GOSR Date: August 19, 2016</p>
Environmental Assessment Prepared By:	Tectonic Engineering & Surveying PO Box 37, 70 Pleasant Hill Road Mountainville, NY 10953

Introduction:

T & M Property Management, Inc. (Applicant) is a real estate holding company that owns the Subject Property located at 519 South Great Neck Road, within the Hamlet of Copiague in the Town of Babylon, Suffolk County, New York (see Project Location on topographic and aerial maps in **Attachment 1**). C&D Marine Service, Inc. is the business tenant on the Subject Property, which operates a full service marina that performs various services, including boat engine installation, tune-ups, waxing and detailing, fiberglass work, shrink wrapping, and hull painting. C&D Marine Service, Inc. also accommodates dockage needs and stores boats over the winter. The Subject Property is located along Great Neck Creek, which is an inlet of Great South Bay. The surrounding waterfront properties along Great Neck Creek include residential properties and marinas. The storm surge during Superstorm Sandy caused extensive damage to the entire marina and destroyed a portion of the bulkhead on the Subject Property beyond repair. There are holes in the bulkhead where wave action and/or debris collided with the wooden sheathing. In addition, debris carried by the storm knocked several of the piles off center and the bank behind the bulkhead partially eroded away. Damage from the storm resulted in business interruption for several weeks.

Project Activities: The Applicant is requesting Community Development Block Grant - Disaster Recovery (CDBG-DR) program funding for future marina infrastructure repair and rehabilitation and restoration of marina function. The activities for which funding is requested are reviewed within this environmental assessment.

The HUD CDBG-DR funding would provide to the Applicant \$100,000.00 for future construction activities that involve removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns at a 12-inch higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6-inch x 8-inch whalers and 8-inch x 8-inch bottom whalers; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits. Federal permits required for the project activities include USACE Nationwide Permits No. 3 (Maintenance) and No. 19 (Minor Dredging), for which no pre-construction notice is required (**Attachment 2**). New York State Department of Environmental Conservation (NYSDEC) GP-1-13-001 Tidal Wetland Bulkhead Replacement with Dredging General Permit #1-4720-03413/00008 (authorized 6/2/2016/1/2016 and expires 3/11/2019) was obtained and is included in **Attachment 2**. Additionally, the Town of Babylon might require a dredging permit and site plan review and permit for bulkhead replacement.

Background & Context: According to Suffolk County’s Multi-Jurisdictional Hazard Mitigation Plan, 2014, “the waterfront area of the town is highly developed, primarily with residences” (Page 9.2-1). The Town of Babylon is subject to frequent flooding, coastal erosion, Nor’easters, and shallow groundwater flooding and occasional hurricanes (Page 9.2-7).

The marina infrastructure was damaged during Superstorm Sandy when water and wind damaged the bulkhead located on the Subject Property. This marina service business is functionally dependent on a location on the waterway as it requires being able to launch boats in the water, as well as to seasonally or transiently dock boats.

Statement of Purpose & Need for the Project: The funding assistance will provide subsidy for the repair of damages from Superstorm Sandy and will allow for the marina to continue its operations at the Subject Property. The marina business is dependent on its waterfront location which allows access for boats directly to the Great Neck Creek. Great Neck Creek is a stream in Suffolk County located close to Howell Point, Copiague Neck and Copiague Harbor among others. 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	<p>The Subject Property is assessed as a marina (570) (http://www.propertyshark.com), which according to New York State Property Type Classification and Ownership Code, “improvements include docks and piers, boat storage facilities, repair shops, etc.” The rehabilitation work involved rehabilitation of existing infrastructure and was consistent with the existing land use; therefore, it did not change the character of the area.</p> <p>The Subject Property is not located in an area that is included in a NYSDEC watershed plan. http://www.dec.ny.gov/chemical/99985.html</p>
Compatibility and Urban Impact	1	<p>The proposed rehabilitation work to the marina is consistent with the developed area along Great Neck Creek. There are other marinas and residential properties with water access within the vicinity of the business. The project will not increase urban areas or the density of buildings or structures on land. The project will support the local economy by aiding the recovery of this business, which provides recreational and commercial access to local waterways.</p>
Slope	1	<p>Per the United States Geological Survey (USGS) Topographic Map (Attachment 1), the Subject Property is located on a relatively flat area of land adjacent to Great Neck Creek. The project will not involve a change in slope on-site or in the surrounding area. The scope of work will not significantly alter the slope or displace the coastal floodplain, and it is designed to undertake improvements that prevent potential undesirable erosion of the marina and surrounding properties.</p>
Erosion	2	<p>The repair/ replacement of the bulkhead will help to mitigate future erosion. The proposed construction work will not alter any new surface areas as the construction will be in-kind and in-place rehabilitation. Thus, the proposed actions are consistent with New York State storm-water management plans and are consistent with best management practices as set forth in the New NYSDEC GP-1-13-001 Tidal Wetland Bulkhead Replacement with Dredging General Permit #1-4720-03413/00008 that the Applicant acquired (Attachment 2).</p>
Soil Suitability	1	<p>U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) maps provide information on soil types and properties that influence development of building sites. The information is intended for land use planning, evaluating land use alternatives, and for planning site investigations prior to design and construction. (See attached USDA Soil Map). According to the NRCS soil map data, the soil on the terrestrial portion of the property is fill land, sandy (Attachment 3).</p> <p>Considering the proposed scope of work is for bulkhead rehabilitation and minor dredging, and does not include the new construction of buildings or</p>

		<p>extensive subsurface foundations, it is expected that the designs and specifications used in construction will appropriately address soil suitability constraints.</p> <p>No potential undesirable impacts are anticipated to the soil, and the site should be improved in terms of its landscape stability.</p>
Hazards and Nuisances including Site Safety	1	<p>The project activities do not involve actions that would involve potential recognized environmental hazards or contamination. Based on a review of available environmental records for the Subject Property and surrounding area, the Subject Property is unlikely to contain 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. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II ESA is not warranted. As such, no further action is required at this time. Maps, NYSDEC and U.S. Environmental Protection Agency (EPA) reports, Freedom of Information Law (FOIL) responses, and site inspection documents are provided in the case 103-ED-433-13 HUD Environment Standards Review, annexed hereto as Attachment 4.</p>
Energy Consumption	1	<p>The proposed project will not expand the existing business relative to conditions prior to Superstorm Sandy or increase long-term energy consumption. Thus, no impacts to energy consumption will occur.</p>

Noise - Contribution to Community Noise Levels	1	<p>This proposed project will not generate excessive noise during the short-term period of physical work and work will adhere to local municipal noise control standards.</p>
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	1	<p>This proposed project will not involve physical work that would substantively affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality will result. Generally, it is recommended to ensure acceptable air quality during these temporary activities through minimization of volatile organic compounds, nitrogen oxides emissions, and fugitive dust. Precautionary measures include avoiding prolonged idling during operation of gas-powered construction equipment and implementing 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.</p> <p>This project is located in Suffolk County, which is listed as a current nonattainment county for ozone.</p> <p>Suffolk County: 8-Hour Ozone (2008) New York-N. New Jersey-Long Island, NY-NJ-CT - (Marginal)</p> <p>https://www3.epa.gov/airquality/greenbook/</p>
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	1	<p>The rehabilitation work will involve construction work at an existing business, specifically related to bulkhead replacement and associated dredging. No visual impact will occur. The project will involve in-kind, in-place replacement of a bulkhead along a creek that is lined with other bulkheads, therefore, the project is consistent with surrounding uses, and the project is proposed at an appropriate scale that will not detract from the</p>

		current aesthetic quality of the area.
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Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The proposed project will not induce any change in the demographic character of the area.
Displacement	1	The proposed project will not displace individuals or families, destroy jobs, local businesses, or community facilities, or disproportionately affect particular populations.
Employment and Income Patterns	1	The proposed project will not adversely affect employment opportunities or income patterns. Short-term construction jobs resulted from the project. Moreover, the construction work will rehabilitate this small business after storm damage and allow for the continued operation of this marina and the continued employment opportunities offered by this small business.

Community Facilities & Services	Code	Source or Documentation
Educational Facilities	1	The proposed project will involve bulkhead replacement and associated minor dredging 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 will not introduce any new development that would require additional retail services or other commercial facilities.
Health Care	1	The proposed project will not introduce any new development that would require the availability of routine or emergency health services.
Social Services	1	The proposed project will not impact social services. Social services are provided by a range of non-profit and government agencies.
Solid Waste	1	The proposed project will not introduce any new development that would generate solid wastes.
Waste Water	1	The proposed project will not introduce development that would generate waste water.
Storm Water	1	The proposed project will involve bulkhead replacement and associated minor dredging at an existing business and will not increase the area of impervious surfaces or change the character of the structures on the Subject Property. Thus, it will not adversely affect storm water runoff.
Water Supply	1	The proposed project will not introduce any new development that would increase the demand for water.
Public Safety - Police	1	The proposed project will not introduce any new development that would generate additional demand for police services.
- Fire	1	The proposed project will not introduce any new development that would generate additional demand for fire services.
- Emergency Medical	1	The proposed project will not generate new demand for emergency medical services.
Open Space and Recreation - Open Space	1	The proposed project will involve bulkhead replacement and associated minor dredging at an existing business, and will not introduce new development that would generate demand for open space resources or impede open space access. Moreover, work will allow the continued use of the Subject Property as a marina, which by the nature of its business, allows access to open space (Great South Bay) and recreational opportunities.
- Recreation	1	The proposed project will not introduce new development that would generate demand for recreational resources and nor will it impede recreational access. The proposed work at this existing business will

		rehabilitate a marina which provides recreational and commercial access to watercourses.
- Cultural Facilities	1	<p>Based on a Section 106 project review, in accordance with a determination by the State Historic Preservation Office (SHPO) received on June 28, 2016, this project had no effect on historic properties. No further action will be required. See SHPO letter of determination annexed hereto as (Attachment 5).</p> <p>No potential effects to Tribal Resources are anticipated. Notice of the proposed activity was sent to the Shinnecock and Unkechaug Nations. A no effect response has been received from the Shinnecock Nation and no response has been received from the Unkechaug Nation. (Attachment 5)</p> <p>If there is any unanticipated discovery of cultural resources, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
Transportation	1	The proposed project will involve minor dredging and repairs at an existing business, and besides limited trips generated by construction vehicles during a short window of construction, the project will not introduce new development that generates continuing demand for transport or transport services.

Natural Features	Code	Source or Documentation
Water Resources	1	The proposed project will involve bulkhead replacement and associated minor dredging at an existing business. Therefore, the project will not introduce new demand for groundwater or surface water as water supply or introduce septic flows that may affect groundwater. The project activities and materials for construction of bulkheads will be in accordance with local, state, and federal regulations and conditions set forth in permits required for the proposed work which includes USACE Nationwide Permits No. 3 (Maintenance) and No. 19 (Minor Dredging), NYSDEC GP-1-13-001 Tidal Wetland Bulkhead Replacement with Dredging General Permit #1-4720-03413/00008 and any permits required by the Town of Babylon (Attachment 2).
Surface Water	1	The nearest surface water body is Great Neck Creek, to which the marina entrance opens up to on the eastern side of the marina. The project will not generate demand for surface water resources, and the project will not have long-term impacts to surface waters.
Unique Natural Features and Agricultural Lands	1	According to NYSDEC's Environmental Resource Map, the Subject Property is not located in a significant natural community or significant natural community buffer (Attachment 6). The Subject Property is a marina and is not agricultural land.

Vegetation and Wildlife	1	<p>The proposed project will involve bulkhead replacement and associated minor dredging at an existing business. The bulkhead replacement will be completed in-kind and in-place.</p> <p>According to information reviewed on the NYSDEC Environmental Resource Mapper at http://www.dec.ny.gov/imsmaps/ERM/viewer.htm, the Subject Property is not located within NYSDEC's designated rare, threatened or endangered species generalized review area per the Natural Heritage Program (NHP) (Attachment 6). The NHP indicated that there are no records of rare or state-listed animals or plants, or significant natural communities in the project area or in its immediate vicinity (Attachment 7).</p> <p>The United States Fish and Wildlife Services (USFWS) Trust Resource List for the project area indicates that the Piping Plover (<i>Charadrius melodus</i>), Red Knot (<i>Calidris canutus rufa</i>), Roseate Tern (<i>Sterna dougallii dougallii</i>), Sandplain Gerardia (<i>Agalinis acuta</i>), Seabeach Amaranth (<i>Amaranthus pumilus</i>), and the Northern Long-eared Bat (<i>Myotis septentrionalis</i>) should be considered in an effects analysis for the project area (Attachment 7). An analysis of possible effects resulted in a "No Effect" determination for this project and was submitted to the USFWS. Thus, it is determined that the project will not have an effect on the aforementioned species and no further Endangered Species Act coordination or consultation is required (Attachment 7).</p> <p>National Marine Fisheries Service (NMFS) Maps for the Atlantic Coast indicate that the completed project occurred within the range of several sea turtle species, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). After a review of the project activities in relation to the listed marine species, it has been concluded that there will be "No Effect" on the listed marine species as a result of the project activities. This "No Effect" determination is included in Attachment 7.</p> <p>If there is any unanticipated discovery of threatened or endangered species, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
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ENVIRONMENTAL ASSESSMENT WORKSHEET

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.*

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 immediately adjacent to the Subject Property per the USFWS National Wetlands Inventory maps. Additionally, there are NYSDEC tidal wetlands’ associated 300-foot buffer located on the Subject Property. The project activities and the potential project impacts are discussed in the <i>Floodplain Management Determination (EO11988)</i> for this project, annexed hereto as Attachment 8. It is concluded there is a reasonable basis to proceed with funding for the proposed activities within wetland and floodplain.</p> <p>The following permits have been or will be obtained for the project activities to be completed on the Subject Property:</p> <p>Dredging:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> USACE Nationwide Permit No. 19 (Minor Dredging) <input checked="" type="checkbox"/> NYSDEC Article 25 - Tidal Wetlands <input checked="" type="checkbox"/> NYSDEC Article 15 - Excavation and Fill in Navigable Waters <input checked="" type="checkbox"/> Water Quality Certification Under Section 401 of the Clean Water Act <input checked="" type="checkbox"/> Town of Babylon, if required <p>Bulkhead Replacement:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> USACE Nationwide Permit No. 3 (Maintenance) <input checked="" type="checkbox"/> NYSDEC Article 25 – Tidal Wetlands <input checked="" type="checkbox"/> NYSDEC Article 15 – Excavation and Fill in Navigable Waters <input checked="" type="checkbox"/> Water Quality Certification Under Section 401 of the Clean Water Act <input checked="" type="checkbox"/> Town of Babylon, if required <p>The Applicant obtained the NYSDEC GP-1-13-001 Tidal Wetland Bulkhead with Dredging General Permit #1-4720-03413/00008 (authorized 2/1/2016 and expires</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<p>3/11/2019) which includes authorizations for NYSDEC Article 25 - Tidal Wetlands, NYSDEC Article 15 - Excavation and Fill in Navigable Waters, and Water Quality Certification Under Section 401 of the Clean Water Act (Attachment 2).</p> <p>Watershed Analysis The project is not located in one of the 47 identified watersheds with watershed plans in NYS. Thus, compliance with watershed plan regulations is not applicable for this project.</p> <p>http://www.dec.ny.gov/chemical/99985.html</p> <p>Permits obtained for the proposed activities are included in Attachment 2. <u>As a condition of funding, proof of the aforementioned permits or other documentation of compliance will be required. Funds for the work will not be released to the Applicant until the appropriate documentation is provided.</u></p>
Coastal Zone Management [Coastal Zone Management Act, 1972, sec. 307 (c) and (d)]	B	<p>The project is not located within the NYS Coastal Boundary (Attachment 6). The State of New York Department of State (DOS) has determined that this proposed project meets the Department’s general consistency concurrence criteria, and that the DOS has no objection to the use of U.S. Housing and Urban Development funds for the proposed activity. A copy of the DOS general consistency concurrence and the coastal zone consistency determination document are attached in Attachment 9.</p> <p>Proposed actions are consistent with the New York State Coastal Management Program, annexed hereto as Attachment 9.</p>
Historic Preservation [36 CFR Part 800]	B	<p>Based on a Section 106 project review, in accordance with a determination by the State Historic Preservation Office (SHPO) received on June 28, 2016, this project had no effect on historic properties. No further action will be required. See SHPO letter of determination annexed hereto as Attachment 5.</p> <p>No potential effects to Tribal Resources are anticipated. Notice of the proposed activity was sent to the Shinnecock and Unkechaug Nations. A no effect response has been received from the Shinnecock Nation and no response has been received from the Unkechaug Nation. (Attachment</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<p>5).</p> <p>If there is any unanticipated discovery of cultural resources, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
Floodplain Management [Executive Order 11988; 24 CFR Part 55]	A	<p>The Subject Property is located within 100-year floodplain (SFHA-AE Zone) per the FEMA Flood Insurance Rate Map 36103C0842H, effective date September 25, 2009 (See the FEMA Firmette in Attachment 6). Compliance is documented in the <i>Floodplain Management Determination (EO 11988)</i>, annexed hereto as Attachment 8.</p>
Sole Source Aquifers [40 CFR 149]	B	<p>The Subject Property is located above the Nassau-Suffolk Sole Source Aquifer (Attachment 10). Project activities will occur on a previously developed property. The proposed project activities were reviewed according to the non-housing project activity initial screen criteria form included in Attachment 10. Based on this review, the project does not meet criteria which would require this project to be forwarded to the Environmental Protection Agency (EPA) for preliminary sole source aquifer review. Therefore, there is compliance with this section and no further action is necessary.</p>
Endangered Species Act [50 CFR 402]	B	<p>The proposed project involves bulkhead replacement and associated minor dredging at an existing business. The bulkhead replacement will be completed in-kind and in-place.</p> <p>According to information reviewed on the NYSDEC Environmental Resource Mapper at http://www.dec.ny.gov/irmsmaps/ERM/viewer.htm, the Subject Property is not located within NYSDEC's designated rare, threatened or endangered species generalized review area per NHP (Attachment 6). The NHP indicated that there are no records of rare or state-listed animals or plants, or significant natural communities in the project area or in its immediate vicinity (Attachment 7).</p> <p>The USFWS Trust Resource List for the project area indicates that the Piping Plover (<i>Charadrius melodus</i>), Red Knot (<i>Calidris canutus rufa</i>), Roseate Tern (<i>Sterna dougallii dougallii</i>), Sandplain Gerardia (<i>Agalinis acuta</i>), Seabeach Amaranth (<i>Amaranthus pumilus</i>), and the Northern Long-eared Bat (<i>Myotis septentrionalis</i>) should</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<p>be considered in an effects analysis for the project area (Attachment 7). An analysis of possible effects resulted in a “No Effect” determination for this project and was submitted to the USFWS. Thus, no further Endangered Species Act coordination or consultation is required, and it is determined that the project will not have an effect on the aforementioned species (Attachment 7).</p> <p>National Marine Fisheries Service (NMFS) Maps for the Atlantic Coast indicate that the proposed project is located within the range of sea turtles and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). After a review of the project activities in relation to the listed marine species, it has been concluded that there will be “No Effect” on the listed marine species as a result of project activities. This “No Effect” determination is included in Attachment 7.</p> <p>If there is any unanticipated discovery of threatened or endangered species, then work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.</p>
Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]	B	Not Applicable. The U.S. Department of the Interior and the NYSDEC designate the Carmans, Peconic, and Nissequogue Rivers as scenic rivers within Suffolk County. The project area is not located adjacent to these watercourses.
Clean Air Act [40 CFR Parts 6, 51, 93]	B	<p>This project will involve bulkhead replacement and associated minor dredging at an existing business and will not involve physical work that would substantively affect the NYSDEC Air Quality State Implementation Plan (SIP). No significant impacts on air quality resulted.</p> <p>Generally, it is recommended to ensure acceptable air quality during these temporary activities through minimization of volatile organic compounds, nitrogen oxides emissions, and fugitive dust. Precautionary measures include avoiding prolonged idling during operation of gas-powered construction equipment and implementing 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.</p>
Farmland Policy Act [7 CFR Part 658]	B	Not Applicable. The proposed project is located at a previously existing developed marina property, and does not involve agricultural lands.

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Environmental Justice [Executive Order 12898]	B	<p>This project area is not located in a State-identified EJ area (Attachment 11).</p> <p>Moreover, this project will provide rehabilitation at a storm-damaged, small business and will support business continuity. The project will not contribute to or promote environmental injustice.</p>
Noise Abatement and Control [24 CFR Part 51, Subpart B]	B	<p>The proposed use is not a noise-sensitive use. This project will not generate excessive noise during the short-term period of physical work and work will adhere to local noise control standards.</p>
Toxic/Hazardous/ Radioactive Materials, Contamination, Chemicals, or Gases [24 CFR 58.5(i)(2)]	B	<p><u>Subject Property Records Review</u></p> <p>County Records: The Subject Property is not located within 3,000 feet of a toxic or solid waste landfill site. A request for Bulk Storage records for the Subject Property has been submitted to the Suffolk County Department of Health Services, which indicated no records possessed or maintained by this agency.</p> <p>EPA Records: The Subject Property is not listed on an EPA Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list. A review of the EPA Facilities Database indicates that a water discharger facility, C & D Marina Service, Inc., is located on the Subject Property. C & D Marina Service, Inc. was previously in non-compliance of the Clean Water Act (CWA) for two (2) quarters due to permit schedule violations but is currently in compliance.</p> <p>NYSDEC Records: The Environmental Remediation Database indicates that three spills were reported on the Subject Property. The first (1st) spill occurred on February 9, 1996 and involved an unknown amount of gasoline released into the soil on the Subject Property. The spill was closed by the NYSDEC the same day that it was reported. The second (2nd) spill occurred on November 24, 2003 and involved an unknown amount of an unknown petroleum substance released into the soil on the Subject Property. The spill was closed by the NYSDEC on December 6, 2004. The third (3rd) spill occurred on June 18, 2007 and involved an unknown amount of raw sewage, motor oil and gasoline released into the soil on the Subject Property. The spill was closed by the NYSDEC on October 10, 2007. A fourth (4th) spill was reported at a nearby property on Dolphin Drive; however,</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<p>the spill record name is “Suspect 519 Marina.” The spill occurred on November 4, 1991 and involved an unknown amount of diesel fuel released into the surface water of Great Neck Creek. The spill was closed by the NYSDEC on December 19, 1991. A spill being closed means that the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary or the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). As such, these spills are not likely to have an adverse environmental effect on the Subject Property due to the closed status of the spill reports and of the minor nature of the spills. The Subject Property is not listed as an environmental remediation site and has no bulk storage records.</p> <p>Environmental Site Inspections: A site inspection was performed on the Subject Property on February 4, 2016. During this inspection, the inspector did not observe any visible evidence of explosive or hazardous materials on the property, and there was no evidence of underground or aboveground storage tanks. Additionally, an asbestos clearance inspection was performed on March 8, 2016. At the time of inspection, no suspect asbestos materials were observed. The site inspection documentation and Asbestos Clearance Report are included in Attachment 4.</p> <p><u>Surrounding Properties Records Review</u></p> <p>EPA Records: There are 16 EPA hazardous waste and water discharger facilities located within 3,000 feet of the Subject Property. Of the 16 facilities, 14 have no violations reported at the facility and, therefore, are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Subject Property.</p> <p>The following two (2) facilities are identified below because violations have been reported at the facility.</p> <p>Rite Aid #10633 is a hazardous waste facility located approximately 2,000 feet northwest of the Subject Property. The facility is currently in non-compliance of the Resource Conservation and Recovery Act (RCRA) due to general listing violations. Although this facility has violations, it is not likely to have an adverse</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<p>environmental effect on the Subject Property due to the nature of the violations and the distance from the Subject Property.</p> <p>RMP Marine is a water discharger facility located approximately 2,500 feet northeast of the Subject Property. The facility is currently in non-compliance of the CWA due to permit schedule violations. This facility is not likely to have an adverse environmental effect on the Subject Property because of the nature of the violation and the distance from the Subject Property.</p> <p>NYSDEC Records: A review of the NYS Environmental Remediation, Bulk Storage, and Spill Databases resulted in the identification of 11 spills located on properties near the Subject Property. All 11 spills have been closed by the NYSDEC and are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Subject Property.</p> <p>In Summary: The scope of work for the Subject Property will involve significant ground disturbance to replace an existing bulkhead. Although the scope of work involves significant ground disturbance, it is unlikely that the groundwater or marine sediments on the Subject Property are still impacted by the previous spills because all of the spills have been apparently cleaned up and/or closed by the NYSDEC. As a result, the funded activities do not involve actions that would involve potential recognized environmental conditions/contamination. Therefore, a Phase I ESA or Phase II Investigation is not warranted. As such, no further action is required at this time. Maps, NYSDEC and EPA reports, FOIL responses, site inspection documentation and the Asbestos Clearance Report are annexed hereto as Attachment 4.</p> <p>If impacted (contaminated) soils or fill materials are tentatively identified during construction activities, work shall be halted, and a specific sampling and health and safety plan will be developed to manage and investigate the soils.</p> <p>The project activities are not being performed on a residential structure and, therefore, HUD's Lead Safe Housing Rules do not apply with regard to lead-based paint (LBP).</p>

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
		<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>Based on the EPA’s Map of Radon Zones, the Subject Property is located within Zone 3, which has a predicted average indoor radon screening level less than 2 pCi/L (Low Potential). Due to the low potential for elevated indoor radon levels and that all funded work was performed on outdoor, non-building structures, no additional steps are required for radon mitigation.</p>
Explosive and Flammable Operations [24 CFR Part 51 C]	B	Acceptable separation distance requirements do not apply to this rehabilitation, mitigation, and economic development project because the definition 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. The environmental review for this project/activity involves a proposal to fund proposed rehabilitation of an existing non-residential development that existed prior to the disaster. Pursuant to Part 51 Subpart C ‘HUD-assisted project’ Definition (in 51.201), it does not involve increasing residential or business densities, converting the type of use of a building to habitation, or making a vacant building habitable; therefore, there is not a requirement to comply under 24 CFR Part 51 Subpart C.
Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 Subpart D]	B	The project will not involve acquisition; therefore, airport clear zone requirements are not applicable (also confirming compliance with 58.6).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.6 and Other State Laws	Status Determination (A or B)	Compliance Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	A	Based on the Flood Insurance Rate Map 36103C0842H (effective date September 25, 2009), the Subject Property is located within Special Flood Hazard Area (100-year floodplain). Since this project involves replacement of a bulkhead and National Flood Insurance Program (NFIP) insurance is not available for bulkheads, proof of NFIP insurance is not required. See the attached FEMA Firmette (Attachment 6).
Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	B	Not applicable. The Subject Property is not located in a Coastal Barrier Resource Area System Unit, Otherwise Protected Area, or its adjacent area (within 150 feet of a Coastal Barrier Resource System unit) (Attachment 6).
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 is not within one mile of a military airport or 2,500 feet of any civil airport. Therefore, no impacts would result.

SUMMARY OF FINDINGS

The HUD CDBG-DR funding would provide the Applicant funding for the proposed bulkhead replacement, including minor dredging and excavation associated with bulkhead replacement. These project activities are consistent with the marina use at this business location. The proposed project will allow the continued operation of the business as a marina, and the mitigation work will benefit the marina by increasing protection of the marina basin. This project will also increase the resiliency of the Applicant's business and surrounding properties from future storm surges. Funding this proposed work will provide the Applicant with financial support, which will enable the business to continue operation at this location. 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 and that there will be no direct or cumulative adverse environmental impacts. The proposed work will limit the impact of future storm surges across the marina and the surrounding neighborhood.

The work will occur in previously disturbed areas, and impacts to flora and fauna will be limited to the short-term duration of construction-related activities. As documented in this environmental review record, there will be no impacts to rare, threatened, or endangered species as a result of this project. The project will comply with coastal policies, and this proposed project will have beneficial impacts for coastal resiliency for the marina and the surrounding neighborhood.

ALTERNATIVES TO THE PROPOSED ACTION

Alternatives & Project Modifications Considered [24 CFR 58.40(e), Ref. 40 CFR 1508.9]

One potential alternative is to relocate the business to avoid potential future impacts at its current location. However, the marina business is functionally dependent on its location on the water. Thus, locating the business outside of 100-year floodplain and wetland buffer is not practicable. Finding other suitable locations for this marina business elsewhere, within a reasonable distance of the current location, is anticipated to be difficult due to the highly developed area and occupancy of coastal land.

No Action Alternative [24 CFR 58.40(e)]

The "no action" alternative means that there would not be assistance provided for the bulkhead replacement and associated minor dredging. Without assistance, the business could struggle to provide services to its customers. Moreover, the "no action" alternative would leave the business and the surrounding properties vulnerable to future flood events and would impede the business owner's ability to mitigate future flood damages. This action would greatly affect this business and the surrounding community, as recovery would be greatly impaired due to lack of financial support. Thus, the "no action" alternative would not support this business's recovery nor help the community recover from this storm.

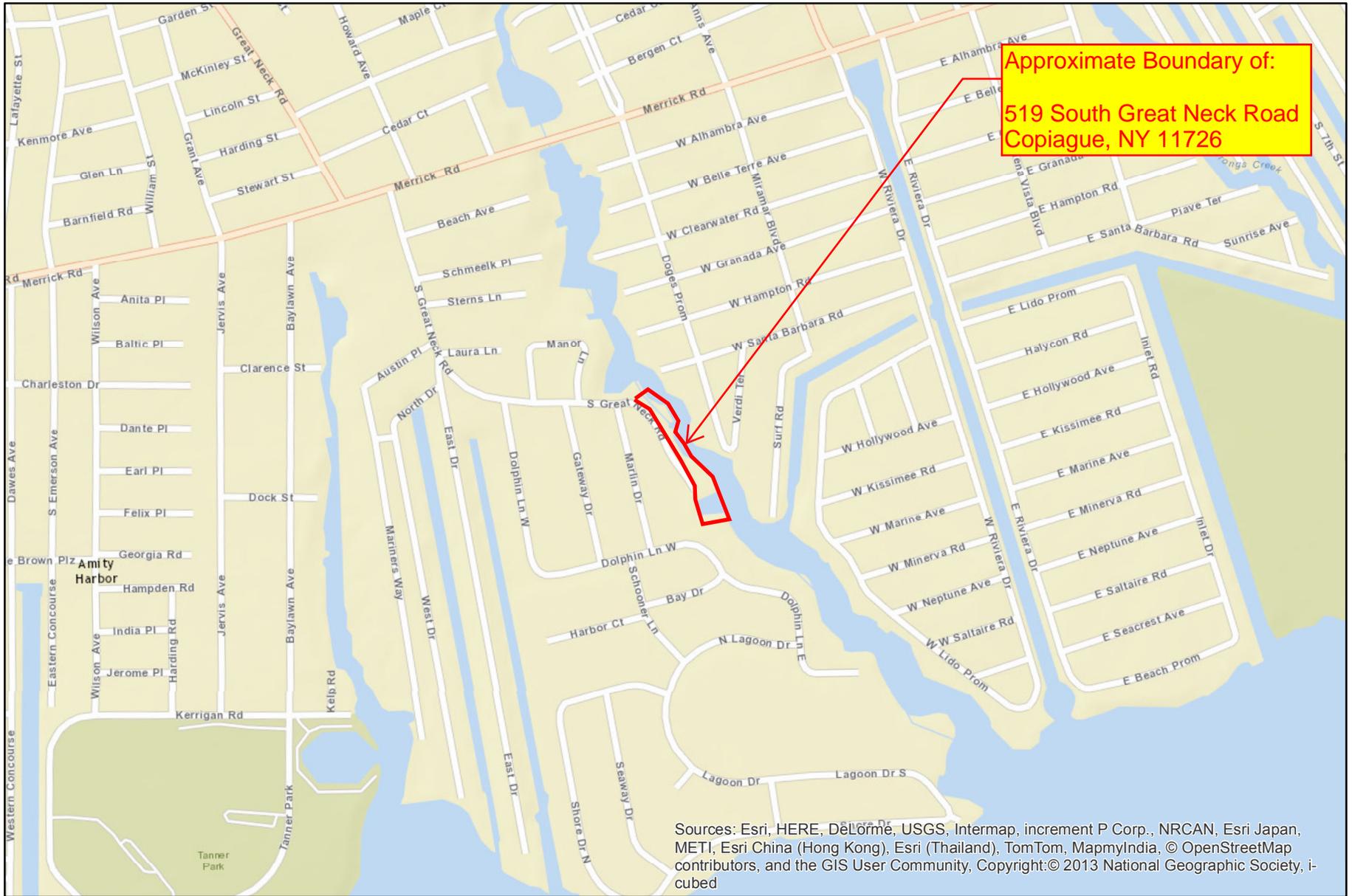
Mitigation Measures Recommended [24 CFR 58.40(d), 40 CFR 1508.20]

To prevent future flood damage and erosion, the Applicant will replace an existing damaged bulkhead that was significantly damaged by Superstorm Sandy. Taller, stronger pilings will be installed against the new bulkhead to prevent dock damage in the future. The bulkhead and boardwalk will be elevated 12 inches to help withstand storm surge. The project activities will be completed in accordance with local, state, and federal regulations and conditions set forth in permits required for the proposed work which includes USACE Nationwide Permits No. 3 (Maintenance) and No. 19 (Minor Dredging), NYSDEC GP-1-13-001 Tidal Wetland Bulkhead Replacement with Dredging General Permit #1-4720-03413/00008 and any permits required by the Town of Babylon (**Attachment 2**).

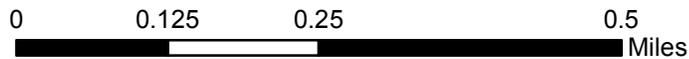
This review does not address all federal, state and local requirements. Acceptance of federal funding requires the recipient to comply with all federal, state and local laws. **Failure to provide**

Attachment 1

Project Location Maps



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



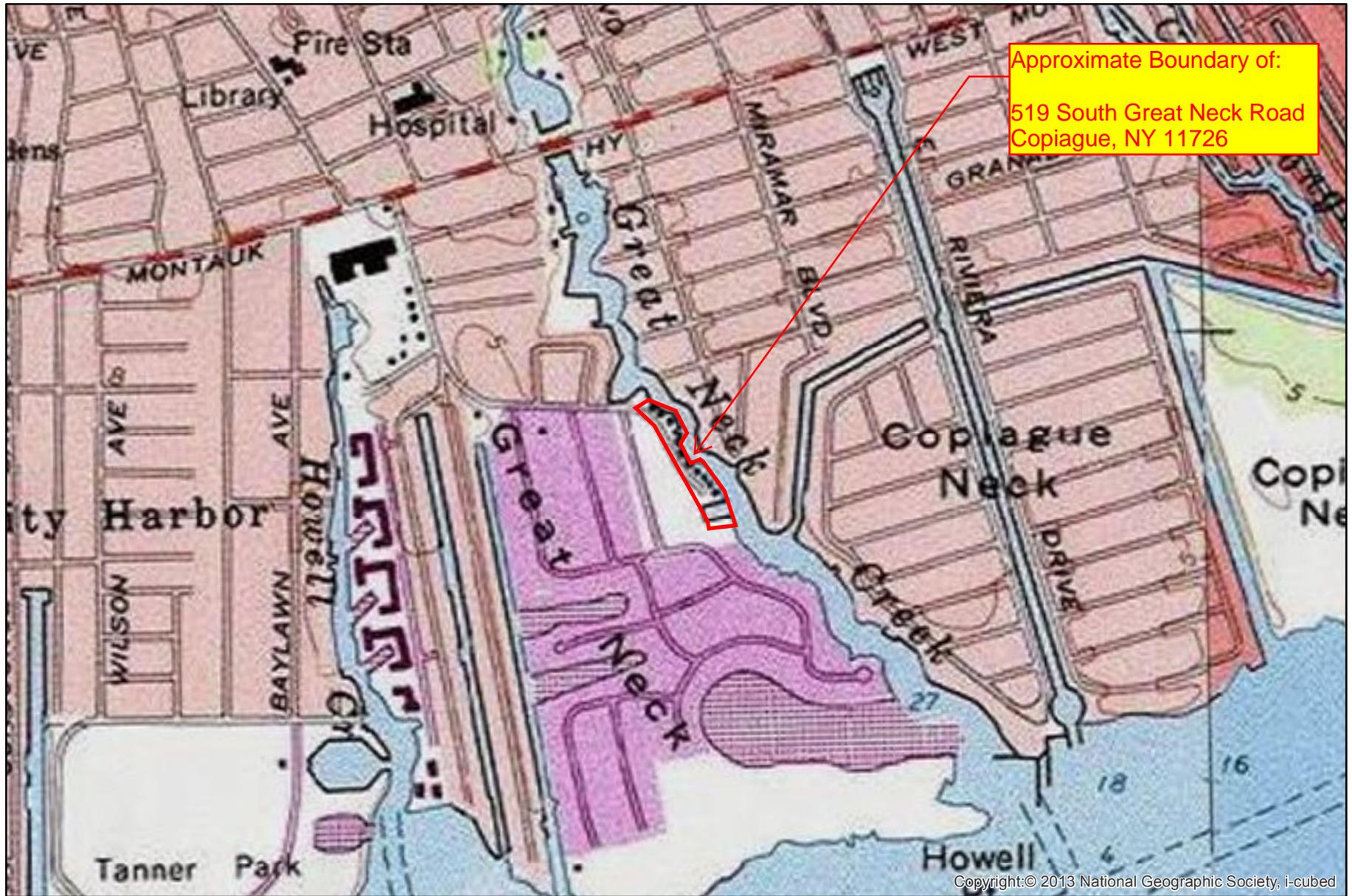
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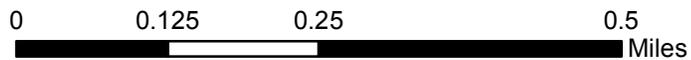
Practical Solutions, Exceptional Service

Street Map
 T & M Property Management, Inc.
 519 South Great Neck Road
 Copiague, NY 11726
 Suffolk County





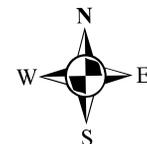
Approximate Boundary of:
 519 South Great Neck Road
 Copiague, NY 11726



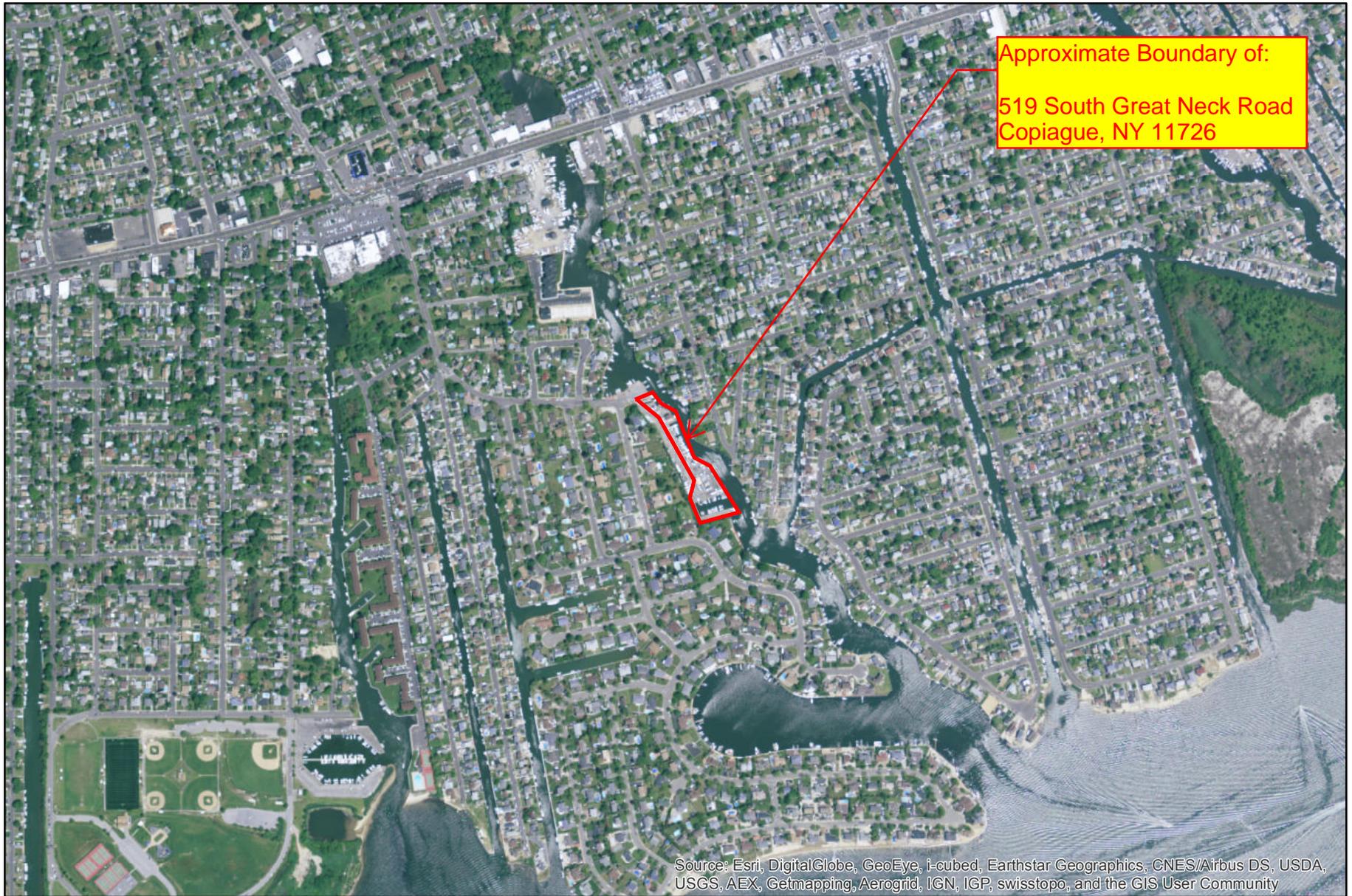
Practical Solutions, Exceptional Service

1:10,000

Topographic Map
 T & M Property Management, Inc.
 519 South Great Neck Road
 Copiague, NY 11726
 Suffolk County



Copyright:© 2013 National Geographic Society, i-cubed



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.125 0.25 0.5 Miles

1:10,000



Practical Solutions, Exceptional Service

Aerial Map
T & M Property Management, Inc.
519 South Great Neck Road
Copiague, NY 11726
Suffolk County



Attachment 2

Environmental Permits



**Part 2 – PROJECT AUTHORIZATION BY NYSDEC
for GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit**

For NYSDEC Use Only

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is AUTHORIZED.

Effective Date of Authorization

Expiration Date of Authorization

Additional Information

This permit only authorizes the replacement of bulkheads. Reconstruction of piers and other boat mooring structures are not authorized by this permit, but may be authorized by other permit(s).

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is NOT AUTHORIZED.

Additional Information

NYSDEC Authorization

Authorized Signature

Date

Printed Name

DEC Permit ID

Title

cc

Address NYS Department of Environmental Conservation
Region I
SUNY @ Stony Brook
50 Circle Drive
Stony Brook, NY 11790-3409



New York State Department of Environmental Conservation
REQUEST FOR AUTHORIZATION for
GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit
 Under the Environmental Conservation Law Article 25 and 15

1. Name Applicant
 Telephone: 631-956-3984 Email: CDmarine@optonline.net
 Mailing Address: 519 S. Great Neck Road
 Post Office City: Copiague State: NY Zip: 11726
 Applicant Must be (check all that apply): Owner Operator Lessee
 Taxpayer ID (if applicant is NOT an individual): 33-1048738

2. Name of Property Owner (if different than Applicant)
 Telephone: _____ Email: _____
 Mailing Address: _____
 Post Office City: _____ State: _____ Zip: _____
 RECEIVED
 JAN 26 2016

3. Contact / Agent Name
 Telephone: 631-956-3984 Email: DPAT321@AOL.COM
 Mailing Address: 843 E. Bay Dr
 Post Office City: West Islip State: NY Zip: 11795
 NYSDEC REGION 1 ENVIRONMENTAL PERMITS

4. Project / Facility Name CTD marine
 Project Location - street address, if applicable, or provide directions and distances to roads, bridges and bodies of water:
 Great Neck Creek
 519 S. Great Neck Rd Copiague NY 11726
 Property Tax Map Section / Block / Lot Number: 0100 191.06 03.00 042.00 Proposed Start Date: 2-15-16 Estimated Completion Date: 3-15-16
 Town / Village / City: COPIAGUE Stream/Waterbody Name: Great Neck Creek
 County: Suffolk Name of USGS Quadrangle Map: _____
 Location Coordinates: Enter NYTMs in kilometers OR Latitude/Longitude in degrees, minutes, seconds
 NYTM - E: 636.7 NYTM - N: 4502.2 Latitude: 41°39'33.7 Longitude: 73°22'58.5"

5. Description of Project
 Remove wood bulkhead approx 200 linear ft of damaged bulkhead
 Replace with C-100 9000, Navy style - elevate bulkhead 12"

6. Certification. I have read this permit and will construct this project in compliance with the terms and conditions of the permit and the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor. As a condition of this permit I accept full legal responsibility for all damage direct or indirect of whatever nature and by whomever suffered arising out of the project described herein and agree to indemnify and save harmless the state from suits actions damages and costs of every name and description resulting from this project.
 If applicant is not the owner both must sign the application. If you are submitting this application electronically you may print your name and check the box that certifies you are the responsible applicant or property owner in lieu of providing an original signature.

Signature of Applicant: *Donna Paterno* Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Applicant
 Signature of Owner: *Donna Paterno* Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Owner
 Signature of Agent / Contact: _____ Printed Name: _____ Date: _____

No work is authorized until the permittee receives the signed
 Part 2 - PROJECT AUTHORIZATION BY NYSDEC



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-1-13-001
Tidal Wetland Bulkhead Replacement with Dredging

Permittee and Facility Information

Permit Issued To:

Applicant Listed on
Request for Authorization

Facility:

Facility Listed on
Request for Authorization

Applicable DEC Region(s): 1

General Permit Authorized Activity: This General Permit applies only in areas on the south shore of Long Island, west of the Robert Moses Causeway to the Queens County border.

Areas excluded from this General Permit include: areas of vegetated tidal wetlands; any ocean shore; the ocean front of Long Beach Island; and all of the Jones Beach State Park and Robert Moses State Park Barrier Islands, including:

- Oak Beach
- Oak Island
- Captree State Park
- Gilgo State Park
- Gilgo Beach State Park
- Gilgo Beach
- West Gilgo Beach
- Tobay Beach Town Park
- Jones Beach State Park
- Cedar and Over Look Town Parks
- Robert Moses State Park

An individual permit is required for projects in these excluded areas.

This General Permit is for:

- A. The removal and replacement of a functional and lawfully existing bulkhead (including returns and parallel capping boardwalks) in the same location as the existing bulkhead.
 - The replacement bulkhead may be up to 18 inches higher in elevation than the existing bulkhead.
 - If a bulkhead is non-functional, an individual permit must be obtained.
- B. Maintenance dredging associated with replacement of the functional bulkhead, with the placement of the resulting dredged material behind the replacement bulkhead or elsewhere on the project site. Dredging is limited to:
 - 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and
 - a depth of -4 feet at Mean Low Water.
 - Dredging in areas of bayfront is prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish.



Any proposed alteration or change in the bulkhead location or configuration or dredge area at an individual site is not authorized by this General Permit; such work will require an individual permit.

This General Permit is valid strictly for the activities listed in this General Permit Authorized Activity. Any other structures that are shown on the project plan (e.g., docks, cantilivered decks, boat lifts and floats, etc.) that are not lawfully existing, will not be validated or "legalized" by this use of this permit. Structures that are not lawfully existing are subject to possible Department legal action.

Permit Authorizations

Tidal Wetlands - Under Article 25

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: STUART M FOX, Deputy Chief Permit Administrator

Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: _____

Stuart M. Fox

Date: 3 / 12 / 14

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following
Permits: WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN
NAVIGABLE WATERS; TIDAL WETLANDS**

1. Request for Authorization Prior to the use of this General Permit for a project, the applicant must submit a Request for Authorization Form and the following information to the Regional Permit Administrator:

- a. Project location map
- b. Project plans
- b. Survey depicting the bulkhead
- c. Recent color photographs of the site
- d. Permission to Inspect Property Supplement.

Upon review of the project, the NYSDEC Regional Permit Administrator will determine if the project can be issued under this General Permit. Written confirmation of authorization must be received prior to any work.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the permittee to obtain an individual permit. Exclusions may be due to situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered species habitat, sensitive submerged aquatic vegetation or vegetated tidal wetlands. NYSDEC may limit or exclude dredging from the proposed project. Applicants may pursue the limited or excluded dredging in a standard permit process.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or applicant's agent.

3. Bulkhead Replacement A functional bulkhead (including returns and parallel capping boardwalks) may be replaced. Bulkhead height shall be no more than 18 inches higher than the height of the existing bulkhead.

4. Bulkhead Materials Material used in construction of bulkheads shall be limited to treated wood, naturally rot-resistant untreated wood, vinyl, plastic, fiberglass or steel.

5. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland



- and/or water body. (Note "E." below for handling wash water.)
- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.
 6. **Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
 7. **No Disturbance** There shall be no disturbance to protected buffer areas (areas previously designated as such and to remain in a natural and/or undisturbed state by the Department or another governmental agency or public entity) as a result of the permitted activity, except for disturbance necessary for bulkhead replacement and restoration.
 8. **Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.
 9. **Complete Bulkhead Prior to Backfilling** The new bulkhead shall be completed prior to placement of any fill material behind such structures.
 10. **Dredging** Dredging associated with bulkhead replacement shall only occur in the area 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and a depth of -4 feet at Mean Low Water.
 11. **Bay-Front Dredging Prohibition Period** Dredging is specifically prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish in areas of bayfront, or as specified on the Request for Authorization Part 2 - Project Authorization by NYSDEC.
 12. **One-time Dredging Only** Dredging shall be undertaken only once in association with the bulkhead replacement.
 13. **Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.
 14. **No Hydraulic Dredging** Hydraulic dredging is not allowed.
 15. **Dragline Prohibited** The use of a dragline for dredging is strictly prohibited.
 16. **No Side-casting or Temporary Storage** Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.
 17. **Disposal of Materials** Any material dredged or excavated to facilitate placement of the bulkhead shall be retained on the project site above the reach of high water or behind the completed wall to prevent its entry into the water. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction is not authorized by this General Permit and requires an individual site-specific permit.



18. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
19. **Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.
20. **No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.
21. **Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or within 30 days of commencement of work, whichever comes first. The disturbed areas must be stabilized with appropriate vegetation (grasses, etc.).
22. **Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.
23. **Seed, Mulch Disturbed Areas** If seeding is impracticable due to the time of year, a temporary mulch shall be applied within 5 days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the permit expiration date.
24. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.
25. **Equipment Storage** The storage of construction equipment and materials shall be confined to within the project work site and upland areas landward of the bulkhead or barge.
26. **Docks, Floats** Installation of additional docks or floats is not authorized by this permit.
27. **No Structures on Pilings** No structures are to be constructed on pilings without further authorization of the Department.
28. **Remove, Replace Mooring Structures** Mooring structures attached to or in proximity to the bulkhead or within the project area may be temporarily removed in order to facilitate bulkhead replacement. These structures may be replaced with the same material, in the same dimensions, in the same configuration and in the same location as they were prior to bulkhead replacement.
29. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.



30. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

31. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

32. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

33. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).



The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK
50 CIRCLE RD
STONY BROOK, NY 11790-3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands, Excavation & Fill in Navigable Waters, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Summary of the 2012 Nationwide Permits

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 1 – Aids to Navigation	10	None	PCN not required	None	
NWP 2 – Structures in Artificial Canals	10	None	PCN not required	None	
NWP 3 – Maintenance	10/404				Does not authorize: maintenance dredging for the primary purpose of navigation; beach restoration; or new stream channelization or stream relocation projects.
(a) Repair, rehabilitation, or replacement of previously authorized, currently serviceable structures or fills		Authorizes only minor deviations for maintenance	PCN not required	Added “requirements of other regulatory agencies” to allow minor deviation changes. Limit stream channel modification to the minimum necessary for the maintenance activity.	
(b) Discharges associated with removal of accumulated sediments and debris in the vicinity of existing structures, including intake and outfall structures and associated canals		200 feet from structure; minimum necessary to restore capacity intake or outfall or associated canal	all activities	Removed “and within” and “immediate” from removal of accumulated sediments and debris in the vicinity of existing structures. Clarifies that the activity can include the placement of new or additional riprap in order to qualify for the NWP.	
(c) Temporary structures, fills, and work necessary to conduct maintenance activity			PCN not required	None	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations
NWP 4 – Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities	10/404	None	PCN not required	Added fish aggregating devices to list of examples of authorized structures or activities.	Does not authorize impoundments or artificial reefs. Does not authorize covered oyster trays or clam racks.
NWP 5 – Scientific Measurement Devices	10/404	25 cubic yards for weirs and flumes	PCN not required	Added meteorological stations, current gages, and biological observation devices to the list of examples. Added requirement that devices and any associated structures or fills be removed upon completion of the use and restored to pre-construction elevations to maximum extent practicable.	
NWP 6 – Survey Activities	10/404	1/10-acre for temporary pads	PCN not required	Added language stating the backfilling of exploratory trenches must not drain a water of the U.S. Added sample plots or transects for wetland delineations to list of examples. Replaced the 25 cubic yard limit for temporary work pads with a 1/10-acre limit.	Does not authorize fills for roads. Does not authorize permanent structures. Does not authorize fill associated with recovery of historic properties.
NWP 7 – Outfall Structures and Associated Intake Structures	10/404	None	all activities	None	Activity must comply with National Pollutant Discharge Elimination System Program.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 8 – Oil and Gas Structures on the Outer Continental Shelf	10	None	all activities	Changed Mineral Management Service to Bureau of Ocean Energy Management	Limited to facilities in areas leased by the Bureau of Ocean Energy Management of the Department of the Interior.
NWP 9 – Structures in Fleeting and Anchorage Areas	10	None	PCN not required	None	Applies to structures, buoys, and other devices placed in anchorage or fleeting areas established by the U.S. Coast Guard.
NWP 10 – Mooring Buoys	10	None	PCN not required	None	Non-commercial, single boat mooring buoys
NWP 11 – Temporary Recreational Structures	10	None	PCN not required	None	Structures must be removed within 30 days after use discontinued.
NWP 12 – Utility Line Activities	10/404	1/2 acre of waters of the U.S. for each single and complete project	PCN required if: <ul style="list-style-type: none"> • A section 10 permit is required • Mechanized land clearing in forested wetlands for the right-of-way • Discharge results in the loss of >1/10 acre 	Clarified locations when copies of PCN would be sent by Corps to NOAA National Ocean Service for charting (coastal United States; Great Lakes, and U.S. territories). For overhead utility lines, added requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.
Utility lines			PCN required if: <ul style="list-style-type: none"> • utility line exceeds 500 linear feet in waters of the U.S. • utility line runs parallel to a stream bed within jurisdictional area 		Must restore area to pre-construction contours.
Utility line substations			PCN required if: <ul style="list-style-type: none"> • Discharge results in the loss of >1/10 acre 		
Foundations for overhead utility line towers, poles, and anchors			PCN required if: <ul style="list-style-type: none"> • Discharge results in the loss of >1/10 acre 		Separate footings for each tower leg should be used where feasible.
Access roads			PCN required if: <ul style="list-style-type: none"> • above-grade permanent access roads exceeding 500 feet; • permanent access roads constructed with impervious materials 	Clarify that access road is included with other utility line activities that comprise a single and complete project, including the 1/2-acre that applies to each single and complete project.	Access roads must be constructed to minimize adverse effects to waters of the U.S.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 13 – Bank Stabilization	10/404	<ul style="list-style-type: none"> 500 feet along the bank (unless waived by DE) 1 cubic yard per running foot (unless waived by DE) 	PCN required if: <ul style="list-style-type: none"> >500 linear feet in length >1 cubic yard per running foot along bank below OHWM or HTL discharges into special aquatic sites 	Added language authorizing temporary structures, fills and work necessary to construct the activity. Invasive plant species may not be used for bioengineering or vegetative bank stabilization.	Activity cannot impair surface water flow into or out of waters of the U.S. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations.
NWP 14 – Linear Transportation Projects	10/404	<ul style="list-style-type: none"> 1/2 acre in non-tidal waters of the U.S. 1/3 acre in tidal waters of the U.S. 	PCN required if: <ul style="list-style-type: none"> >1/10 acre discharges into special aquatic sites 	None	Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. Does not authorize storage buildings, parking lots, train stations, aircraft hangars, or other non-linear transportation features.
NWP 15 – U.S. Coast Guard Approved Bridges	404	None	PCN not required	Clarified that the construction of the bridge structure must be authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 and other applicable laws.	Causeways and approach fills for bridges are not authorized by this NWP; those activities require separate section 404 authorization.
NWP 16 – Return Water From Upland Contained Disposal Areas	404	None	PCN not required	Clarified that disposal site may be in an area that has no waters of the United States.	
NWP 17 – Hydropower Projects	404	None	all activities	None	Applies to activities licensed by the Federal Energy Regulatory Commission or activities exempt from licensing requirements.
NWP 18 – Minor Discharges	10/404	<ul style="list-style-type: none"> 25 cubic yards discharged below plane of OHWM/HTL 1/10-acre of waters of the U.S. 	PCN required if: <ul style="list-style-type: none"> >10 cubic yards discharged below plane of OHWM/HTL discharges into special aquatic sites 	None	Does not authorize discharges for stream diversions.
NWP 19 – Minor Dredging	10/404	25 cubic yards below plane of OHWM/MHWM	PCN not required	None	Does not authorize dredging or degradation through siltation of coral reefs, submerged aquatic vegetation beds, anadromous fish spawning areas, or wetlands.
NWP 20 – Response Operations for Oil and Hazardous Substances	10/404	None	PCN not required	Changed title. Also authorizes approved regional or local contingency plans, as well as temporary structures and fills for spill response training exercises.	Authorizes activities subject to the National Oil and Hazardous Substances Pollution Contingency Plan.
NWP 21 – Surface Coal Mining Activities	10/404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Added 1/2-acre limit and limits losses of stream beds to 300 linear feet unless district engineers waives in writing for intermittent and ephemeral streams. Agency coordination required for proposed waivers of the 300 linear foot limit. Does not authorize valley fills. Added definition of “valley fill.”	Activities that were verified under the 2007 NWP 21 may be reauthorized without the limits, if the permittee submits a written request to the DE for reauthorization by February 1, 2013. Expansions in waters of the U.S. are not eligible for reauthorization. To be reauthorized, the district engineer must issue a written verification.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 22 – Removal of Vessels	10/404	None	PCN required if: <ul style="list-style-type: none"> if vessel listed or eligible for National Register of Historic Places activities in special aquatic sites 	None	Does not authorize maintenance dredging, shoal removal, or river bank snagging. Disposal of removed vessel in waters of the U.S. may require separate authorizations from EPA and Corps
NWP 23 – Approved Categorical Exclusions	10/404	None	PCN required for certain activities listed in RGL 05-07	None	Categorical exclusions must be approved by the Office of the Chief of Engineers. See RGL 05-07 for list of agencies and their activities that are currently eligible for NWP 23.
NWP 24 – Indian Tribe or State Administered Section 404 Program	10	None	PCN not required	None	Does not authorize activities in navigable waters that require only a section 10 permit.
NWP 25 – Structural Discharges	404	None	PCN not required	None	Structure may require section 10 permit if located in navigable waters of the U.S. Does not authorize structures that support buildings or similar structures.
NWP 27 – Aquatic Habitat Restoration, Establishment, and Enhancement Activities	10/404	None	PCN required for most activities, except for those activities that require reporting and a 30-day review period (e.g., activities under a binding agreement between the landowner and an agency)	Added rehabilitation or enhancement of tidal streams and tidal wetlands. Authorize discharges to restore stream channels after removing water control structures or fills. Clarified activities that may be authorized to re-establish wetland or stream hydrology. Authorize the re-establishment of submerged aquatic vegetation and tidal wetlands in areas where those habitats previously existed. Clarified that changes in wetland plant communities that occur after restoring wetland hydrology are not considered conversions. Clarified that compensatory mitigation is not required for NWP 27 activities. Included stream restoration or enhancement in the types of activities authorized, as long as they are included in the agreements. Activities subject to the reporting provision must include information on baseline ecological conditions, such as a delineation of wetlands, streams, and other aquatic habitats. Added U.S. Forest Service to the list of agencies in the notification provision.	Does not authorize stream channelization. Does not authorize relocation or conversion of tidal waters. Does not authorize conversion of natural wetlands or streams, except for relocation activities.
NWP 28 – Modifications of Existing Marinas	10	Previously authorized marina area	PCN not required	None	Does not authorize dredging, additional slips, dock spaces, or expansion in waters of the U.S.
NWP 29 – Residential Developments	10/404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit.	For residential subdivisions, the aggregate total loss of waters of the U.S. cannot exceed 1/2-acre.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 30 – Moist Soil Management for Wildlife	404	None	PCN not required	None	Authorizes only on-going activities. Does not authorize construction of new dikes, roads, water control structures, etc. Does not authorize conversion of wetlands to uplands. Does not authorize impoundments. Does not authorize net loss of aquatic functions and services.
NWP 31 – Maintenance of Existing Flood Control Facilities	10/404	Maintenance baseline approved by DE	all activities	Added that the NWP authorizes the removal of vegetation from levees associated with a flood control project, in those cases where a Corps permit is required. Clarified that disposal site may be in an area that has no waters of the United States.	PCN must indicate location of dredged material disposal sites and baseline information.
NWP 32 – Completed Enforcement Actions	10/404	<ul style="list-style-type: none"> 5 acres of non-tidal waters 1 acre of tidal waters also see text of NWP 	Notification through non-judicial settlement agreement with Corps, court decision, consent decree, or settlement agreement	None	
NWP 33 – Temporary Construction, Access, and Dewatering	10/404	None	all activities	Clarified that temporary fills must be deposited in an area that has no waters of the United States.	Associated primary activity must be authorized by Corps or U.S. Coast Guard, or be exempt from permit requirements. PCN must include restoration plan.
NWP 34 – Cranberry Production Activities	404	10 acres, and activity cannot result in net loss of wetland acreage	all activities	None	Does not authorize discharges in waters of the U.S. for attendant features, such as warehouses, processing facilities, or parking areas.
NWP 35 – Maintenance Dredging of Existing Basins	10	Dredging to previously authorized depths or controlling depths, whichever is less	PCN not required	None	Dredged material must be deposited at upland site.
NWP 36 – Boat Ramps	10/404	<ul style="list-style-type: none"> 50 cubic yards, unless waived by DE 20 foot width, unless waived by DE 	PCN required if: <ul style="list-style-type: none"> >50 cubic yards >20 feet wide 	Clarified that district engineers must make written determinations of minimal effects when waiving the limits of 50 cubic yard and/or the 20 feet in width. Clarified that excavated materials must be removed to an area that has no waters of the United States.	Section 10 permit required if dredging navigable water is necessary for access to boat ramp. No material in special aquatic sites.
NWP 37 – Emergency Watershed Protection and Rehabilitation	10/404	None	all activities	Updated reference to the U.S. Forest Service Burned Area Emergency Rehabilitation Handbook (FSH 2509.13). Also clarified the permittee should wait 45 calendar days before proceeding with the activity if the DE has not yet issued a verification letter.	In general, permittee should wait until District Engineer issues verification, but may proceed immediately if there is an unacceptable hazard to life or significant loss of property or economic hardship will occur.
NWP 38 – Cleanup of Hazardous and Toxic Waste	10/404	None	all activities	None	Does not authorize the establishment of new disposal sites or the expansion of existing disposal sites.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 39 – Commercial and Institutional Developments	10/404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Added requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities. Removed prohibition against constructing oil or gas wells.	Does not authorize construction of new golf courses or new ski areas.
NWP 40 – Agricultural Activities	404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Modified 300 linear foot limit so that it applies to all streams, not just drainage ditches constructed in streams.	NWP can be used for agricultural activities, regardless of whether applicant is USDA participant. Does not authorize aquaculture ponds.
NWP 41 – Reshaping Existing Drainage Ditches	404	None	PCN required if: <ul style="list-style-type: none"> Reshaping greater than 500 linear feet of drainage ditch 	None	Reshaping drainage ditch cannot increase capacity of ditch or drain additional waters of the U.S. Does not authorize relocation of drainage ditches constructed in waters of the U.S.
NWP 42 – Recreational Facilities	404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit.	Authorizes variety of recreational facilities, except for hotels, restaurants, racetracks, stadiums, arenas, or similar facilities (these may be authorized by NWP 39).
NWP 43 – Stormwater Management Facilities	404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	PCN required if: <ul style="list-style-type: none"> Construction or expansion of stormwater management facilities 	Clarified that district engineers must make written determinations of minimal effects when waiving the 300 linear foot limit for losses of intermittent or ephemeral stream bed. Agency coordination required for proposed waivers of the 300 linear foot limit. Clarified that stormwater management facilities determined to be waste treatment systems under 33 CFR 328.3(a)(8) are not waters of the United States and generally §404 permits are not required for maintenance activities. Added low impact development integrated management features to the examples of facilities authorized.	Does not authorize construction of new stormwater management facilities in perennial streams. Maintenance does not require PCN if limited to restoring original design capacities.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 44 – Mining Activities	10/404	<ul style="list-style-type: none"> 1/2 acre of non-tidal waters of U.S. 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Added 300 linear foot limit for any activity causing the loss of stream bed, unless waived for intermittent and ephemeral stream. Agency coordination required for proposed waivers of the 300 linear foot limit.	PCN must include reclamation plan if reclamation is required by other statutes.
NWP 45 – Repair of Uplands Damaged by Discrete Events	10/404	Restore uplands to pre-event ordinary high water mark	all activities	Clarified beach restoration or nourishment is not authorized by this NWP. Clarified that the NWP authorizes discharges of dredged or fill material associated with the restoration of uplands.	PCN must be submitted to district engineer within one year of date of damage. Work must start or be under contract within two years of date of damage.
NWP 46 – Discharges in Ditches	404	1 acre of non-tidal waters of U.S.	all activities	None	NWP does not authorize discharges into ditches constructed in streams or other waters of the U.S., or in streams that have been relocated in uplands. Does not authorize discharges that increase the ditch capacity and drain additional jurisdictional waters.
NWP 48 – Existing Commercial Shellfish Aquaculture Activities	10/404	1/2-acre limit for impacts to submerged aquatic vegetation in new project areas	PCN required if: <ul style="list-style-type: none"> activity includes species not previously cultivated in waterbody change from bottom culture to floating or suspended dredge harvesting, tilling, or harrowing in submerged aquatic vegetation activity is in a new project area 	Project area clarified as lease or permit area approved by state or local agency or an area identified through a treaty, easement, lease, deed, or contract. Removed the reporting requirement for activities that do not require a PCN. Added new activities, with a 1/2-acre limit in areas with submerged aquatic vegetation. Defines “aquatic nuisance species.” Aquatic nuisance species not allowed and nonindigenous species not allowed unless currently cultivated. Changed PCN thresholds. Identifies information required for PCN.	Does not authorize nonindigenous species not previously cultivated in the waterbody, aquatic nuisance species, or attendant features such as docks or staging areas. Does not authorize the deposition of shell material back into waters of the U.S. as waste.
NWP 49 – Coal Remining Activities	10/404	Limited to sites that were previously mined for coal, but new mining may be conducted in adjacent areas if the newly mined area is less than 40 percent of the area being remined plus any unmined area needed for reclamation	all activities	Clarified how the 40% of newly mined area is determined. Corps will review the SMCRA determination regarding the amount of previously unmined area necessary for the reclamation and make an independent determination of the amount needed.	Permittee must demonstrate net increase in aquatic resource functions through reclamation; activities must be authorized by the Department of Interior, Office of Surface Mining , or by states with approved programs under Title IV and V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure; prospective permittee must receive written authorization prior to commencing the activity

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
NWP 50 – Underground Coal Mining Activities	10/404	<ul style="list-style-type: none"> • 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	Added 1/2-acre limit and a 300 linear foot limit for any activity causing the loss of stream bed. The 300 linear foot limit may be waived for intermittent and ephemeral streams through a written determination made by the DE. Agency coordination required for proposed waivers of the 300 linear foot limit.	Activities must be authorized by the Department of Interior, Office of Surface Mining, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or are currently being processed as part of an integrated permit processing procedure. If reclamation required, a copy of the plan must be submitted with PCN. Does not authorize coal preparation and processing activities outside of the mine site. Prospective permittee must receive written authorization prior to commencing the activity
NWP 51 – Land-Based Renewable Energy Generation Facilities	10/404	<ul style="list-style-type: none"> • 1/2 acre of non-tidal waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) 	all activities	new NWP	Authorizes construction, expansion or modification of land-based renewable energy production facilities, including attendant features. If only activity requiring DA authorization is utility line, then NWP 12 shall be used. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. Requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, and the Clearinghouse will evaluate potential effects on military activities. Agency coordination required for proposed waivers of the 300 linear foot limit.

Nationwide Permit	Statutory Authority	Limits	Pre-Construction Notification (PCN) Threshold	Changes in 2012	Other Information
<p>NWP 52 – Water-Based Renewable Energy Generation Pilot Projects</p>	<p>10/404</p>	<ul style="list-style-type: none"> • 1/2 acre of waters of U.S. • 300 linear feet of stream bed (DE can waive for intermittent and ephemeral streams) • No more than 10 generation units 	<p>all activities</p>	<p>new NWP</p>	<p>Authorizes construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features. Limited to "pilot projects." Placement of a transmission line on bed of a navigable water of U.S. from generation unit to land-based collection facility is considered a structure under Section 10 and is not considered a loss of waters of the U.S. Prohibits activities in coral reefs. Structures in anchorage areas must comply with U.S. Coast Guard requirements. Does not authorize structures in established danger zones, restricted areas, etc. Upon completion of pilot project, associated structures and/or fills must be removed unless authorized by separate DA permit. Utility lines transferring energy to a distribution system, regional grid, or other facility are generally considered to be separate single and complete linear projects. Requirement for DE to send PCN and verification letter to Department of Defense Siting Clearinghouse, and the Clearinghouse will evaluate potential effects on military activities. An activity located on existing maintained Corps project requires separate approval under 33 USC 408. Agency coordination required for proposed waivers of the 300 linear foot limit.</p>

Attachment 3

USDA NRCS Soils Map and
Supplemental Information



United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Suffolk County, New York



Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<http://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil scientists classified and named the soils in the survey area, they compared the

Custom Soil Resource Report

individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report Soil Map



Map Scale: 1:1,890 if printed on A portrait (8.5" x 11") 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 1:20,000.

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: Suffolk County, New York
 Survey Area Data: Version 13, Sep 24, 2015

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

Date(s) aerial images were photographed: Data not available.

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

Suffolk County, New York (NY103)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Fs	Fill land, sandy	6.8	64.6%
W	Water	3.7	35.4%
Totals for Area of Interest		10.5	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 intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Custom Soil Resource Report

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.

Suffolk County, New York

Fs—Fill land, sandy

Map Unit Setting

National map unit symbol: 9x6s
Mean annual precipitation: 45 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 225 days
Farmland classification: Not prime farmland

Map Unit Composition

Fill land, sandy: 75 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Fill Land, Sandy

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 7s

Minor Components

Atsion

Percent of map unit: 5 percent
Landform: Depressions

Walpole

Percent of map unit: 5 percent

Muck

Percent of map unit: 5 percent
Landform: Marshes, swamps

Wareham

Percent of map unit: 5 percent
Landform: Depressions

Berryland

Percent of map unit: 5 percent
Landform: Depressions

W—Water

Map Unit Setting

National map unit symbol: 9x85
Mean annual precipitation: 45 to 50 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 150 to 225 days
Farmland classification: Not prime farmland

Custom Soil Resource Report

Map Unit Composition

Water: 100 percent

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

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Attachment 4

HUD Environmental Standards Review

Case 103-ED-433-13 HUD Environmental Standards Review

Property Address: 519 South Great Neck Road, Copiague, New York 11762

Introduction

The purpose of this review is to ensure that the project complies with U.S. Department of Housing and Urban Development (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 Subject Property referenced in the title of this document complies with the following criteria:

- (i) is not Listed on an U.S. Environmental Protection Agency (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

Records Review for the Subject Property

County Records: The Subject Property is not located within 3,000 feet of a toxic or solid waste landfill site. A request for Bulk Storage records for the Subject Property has been submitted to the Suffolk County Department of Health Services, which indicated no records possessed or maintained by this agency.

EPA Records: The Subject Property is not listed on an U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list. A review of the EPA Facilities Database indicates that a water discharger facility, C & D Marina Service, Inc., is located on the Subject Property. C & D Marina Service, Inc. was previously in non-compliance of the Clean Water Act (CWA) for two (2) quarters due to permit schedule violations but is currently in compliance.

New York State Department of Environmental Conservation (NYSDEC) Records: The Environmental Remediation Database indicates that three spills were reported on the Subject Property. The first (1st) spill occurred on February 9, 1996 and involved an unknown amount of gasoline released into the soil on the Subject Property. The spill was closed by the NYSDEC the same day that it was reported. The second (2nd) spill occurred on November 24, 2003 and involved an unknown amount of an unknown petroleum substance released into the soil on the Subject Property. The spill was closed by the NYSDEC on December 6, 2004. The third (3rd) spill occurred on June 18, 2007 and involved an unknown amount of raw sewage, motor oil and gasoline released into the soil on the Subject Property. The spill was closed by the NYSDEC on October 10, 2007. A fourth (4th) spill was reported at a nearby property on Dolphin Drive; however, the spill record name is “Suspect 519 Marina.” The spill occurred on November 4, 1991 and involved an unknown amount of diesel fuel released into the surface water of Great Neck Creek. The spill was closed by the NYSDEC on December 19, 1991. A spill being closed means that the records and data submitted indicate that the necessary cleanup and removal actions have

been completed and no further remedial activities are necessary or the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). As such, these spills are not likely to have an adverse environmental effect on the Subject Property due to the closed status of the spill reports and of the minor nature of the spills. The Subject Property is not listed as an environmental remediation site and has no bulk storage records.

Environmental Site Inspections: A site inspection was performed on the Subject Property on February 4, 2016. During this inspection, the inspector did not observe any visible evidence of explosive or hazardous materials on the Subject Property, and there was no evidence of underground or aboveground storage tanks. Additionally, an asbestos clearance inspection was performed on March 8, 2016. At the time of inspection, no suspect asbestos materials were observed. The site inspection documentation and Asbestos Clearance Report are included at the end of this report.

Records Review for the Surrounding Properties

EPA Records: There are 16 EPA hazardous waste and water discharger facilities located within 3,000 feet of the Subject Property. Of the 16 facilities, 14 have no violations reported at the facility and therefore are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Subject Property.

The following two (2) facilities are identified below because violations have been reported at the facility.

Rite Aid #10633 is a hazardous waste facility located approximately 2,000 feet northwest of the Subject Property. The facility is currently in non-compliance of the Resource Conservation and Recovery Act (RCRA) due to general listing violations. Although this facility has violations, it is not likely to have an adverse environmental effect on the Subject Property due to the nature of the violations and the distance from the Subject Property.

RMP Marine is a water discharger facility located approximately 2,500 feet northeast of the Subject Property. The facility is currently in non-compliance of the CWA due to permit schedule violations. This facility is not likely to have an adverse environmental effect on the Subject Property because of the nature of the violation and the distance from the Subject Property.

NYSDEC Records: A review of the NYS Environmental Remediation, Bulk Storage, and Spill Databases resulted in the identification of 11 spills located on properties near the Subject Property. All 11 spills have been closed by the NYSDEC and, thus, are not considered a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Subject Property.

In Summary: Based on the project description, the scope of work for the Subject Property will involve significant ground disturbance to replace an existing bulkhead. Although the scope of work involves significant ground disturbance, it is unlikely that the groundwater or marine sediments on the Subject Property are still impacted by the previous spills because all of the spills have been apparently cleaned up and/or closed by the NYSDEC. As a result, 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 II Investigation is not warranted. As such, no further action is required at this time. Maps, NYSDEC and EPA reports, Freedom of Information Law (FOIL) responses, site inspection documentation and the Asbestos Clearance Report 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 RCRA, the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) for sites listed under the CERCLA

(otherwise known as Superfund), EPA's Toxic Release Inventory Database (TRI), and the EPA Radiation Information Database (RADInfo).

Tectonic reviewed the NYSDEC Remedial Site Database to assess whether the Subject Property is registered as a NYS Superfund or Environmental Restoration site. The NYSDEC Environmental Remediation 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 requested and, if available, reviewed Suffolk County records, retained by the Suffolk County Department of Health Services, to determine if the Subject Property has an underground storage tank (besides 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 Subject Property. A desktop review of Google Earth was used in conjunction with a map of active municipal landfills (provided by the NYSDEC) in determining whether there was a landfill within 3,000 feet of the Subject Property.

Maps

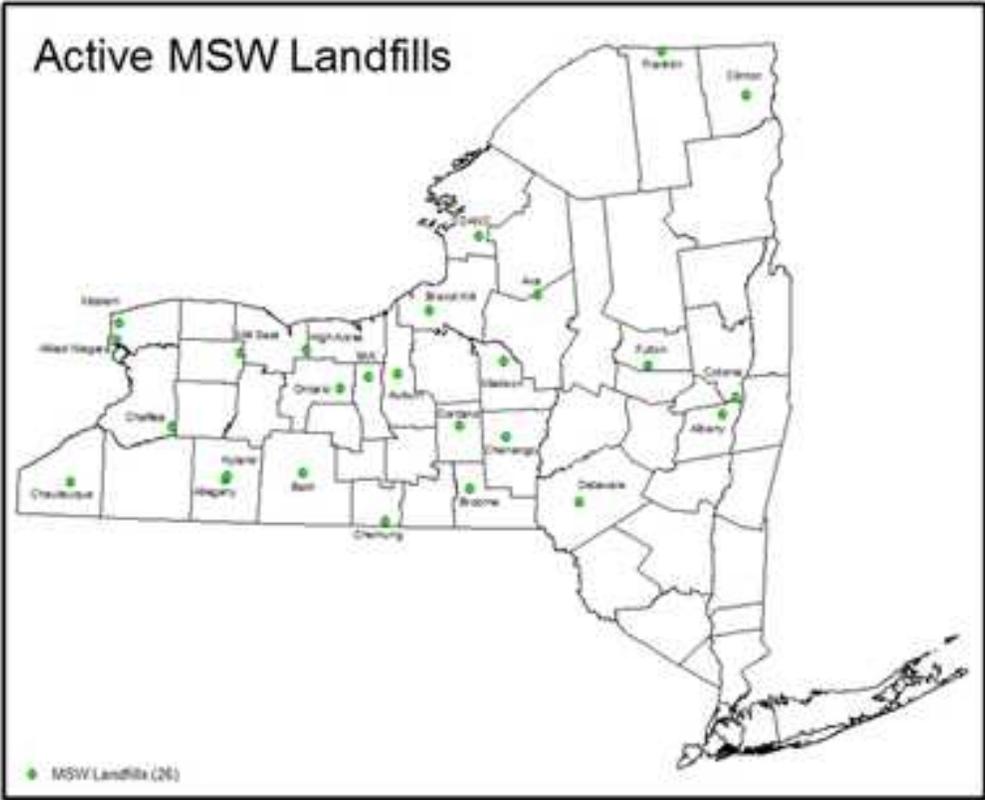


Figure 1: Active municipal solid waste landfills in New York (NYSDEC).

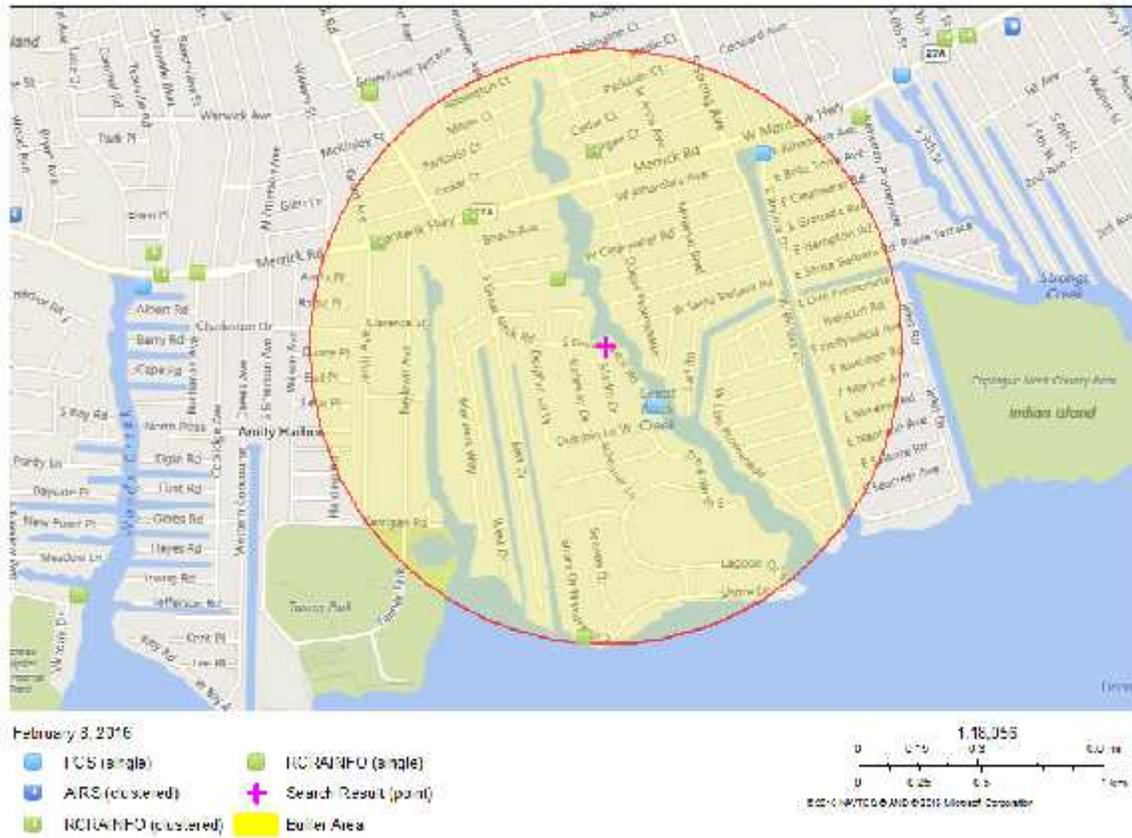


Figure 2: Hazardous waste sites and handlers (green marker), toxic release sites (blue marker), Superfund and Brownfield sites (orange markers), and facilities regulated by the U.S. EPA for radiation and radioactivity (pink marker). The Subject Property is indicated by a purple cross symbol, and a 3,000 foot buffer around the Subject Property is represented by the red circle.



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Created: 02/08/2016

0 65 130 195 Feet

Environmental Remediation Database

- Brownfield Cleanup
- Environmental Restoration
- State Superfund
- RCRA
- Voluntary Cleanup

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.



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0 625 1,250 2,500 Feet

Bulk Storage Database

- Petroleum Bulk Storage
- Chemical Bulk Storage
- Major Oil Storage Facility

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.

**U.S. EPA Reports for the Subject
Property and Properties Contiguous to
the Subject Property**

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



Detailed Facility Report

Facility Summary

RITE AID #10633
 901 MERRICK RD, COPIAGUE, NY 11726 ⓘ
 FRS (Facility Registry Service) ID: 110044987707
 EPA Region: 02
 Latitude: 40.66955
 Longitude: -73.3923
 Locational Data Source: FRS
 Industry: Health and Personal Care Stores
 Indian Country: N



Enforcement and Compliance Summary ⓘ

Area	Site ID	Date of Last Inspection	Inspection Status	CRRA (EPCRA) Compliance (%)	CRRA Significant Violations	MSWIS (Resource Conservation and Recovery Act) (RCRA) Compliance (%)	MSWIS Significant Violations	MSWIS (Title VI) Compliance (%)	MSWIS Significant Violations	MSWIS (Title VIII) Compliance (%)	MSWIS Significant Violations
RCRA	1	02/20/2018	Noncompliance	0	0	1	0	0	0	0	0

Regulatory Information

Clean Air Act (CAA): No Information
 Clean Water Act (CWA): No Information
 Resource Conservation and Recovery Act (RCRA): Active
 (H) LQG (NYR000190843)
 Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

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

Facility/System Characteristics

Facility/System Characteristics

Code	Name	Address	City	State	Zip	Plant Address Line	Plant Name	Lat/Long	Language
001	001	001	001	001	001		001	001	001

Facility Address

Code	Name	Address	City	State	Zip	Plant Address Line	Plant Name
001	001	001	001	001	001	001	001

Facility SIC (Standard Industrial Classification) Codes

Facility NAICS (North American Industry Classification System)

Form	Number	DATE	DATE
No records found			

Codes

Form	Number	DATE	DATE
ICR	0700010001	4/01	04/01/2004

Facility Tribe Information

Facility Name	OSHA ID	Indian Tribe Name
No records found		

Enforcement and Compliance

Compliance Monitoring History (5 years)

Form	Form ID	Form	Inspected Title	Last Agency	Date	Results
ICR	0700010001	ICR	COMPLIANCE EVALUATION DIRECTOR ON SITE	USE	04/01/04	Violation Or Condition Issue Not Found

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Form	Form ID	Compliance Summary Data	Inspection	Number of	Violations Or Conditions Issue Not Found
ICR	0700010001	0	1	0	0

Three Year Compliance Status by Quarter

| Form | Form ID | Form | Form |
|------|------------|------|------------|------|------------|------|------------|------|------------|------|------------|------|------------|------|------------|------|------------|
| ICR | 0700010001 |

Informal Enforcement Actions (5 Years)

Form	Form ID	Type of Action	Last Agency	Date
ICR	0700010001	NO VIOLATIONS	USE	04/01/04

Formal Enforcement Actions (5 Years)

Form	Form ID	Type of Action	Last Agency	Date	Results	Formal Description
No records found						

ICIS (Integrated Compliance Information System) Case History (5 years)

Form	Form ID	Form															
No records found																	

Environmental Conditions

Water Quality

Form	Form ID	Form															
No records found																	

Waterbody Designated Uses

Form	Form ID	Form															
No records found																	

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Detailed Facility Report

Facility Summary

RPM MARINE
711 WEST MONTAUK HIGHWAY,
LINDENHURST, NY 11757

FRS (Facility Registry Service) ID: 110019454204
 EPA Region: 02
 Latitude: 40.671
 Longitude: -73.381
 Locational Data Source: NPDES
 Industry: Marinas
 Indian Country: N



Enforcement and Compliance Summary

Media	Reg ID	Date of Last Inspection	Current Compliance Status	Other (1) (2) (3)	Other Regulatory Violation	Initial Enforcement Action (1 year)	Final Enforcement Action (1 year)	Facility has Final Enforcement Action (1 year)	EPA Case#	Facility Data EPA Case ID
CWA	1	08/08/2015	Non-compliance	42	0	-	-	-	-	-

Related Reports

- [CWA Pollutant Loadings Report](#)
- [CWA Effluent Charts](#)

Regulatory Information

Clean Air Act (CAA): No Information
 Clean Water Act (CWA): Minor, Permit Effective (NYR00E653)
 Resource Conservation and Recovery Act (RCRA): No Information
 No Information
 Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

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

Facility/System Characteristics

Facility/System Characteristics

System	Status	OMB/EPA	Location	Status	Area	Facility Registration Date	Index County	Latitude	Longitude
001		110019454204					02	40.671	-73.381

State	System	Facility	System	Status	Area	First Inspection Date	Active/Ready	Lat/Long	Longitude
CT	CWA	110019454204	Class Ground Feed Control Facility	Active	State Water Pollution	08/03/17	0	41.471	-71.931

Facility Address

State	System	Facility	Facility Name	Facility Address
CT	CWA	110019454204	SPM MARIETTE	711 WEST MORTGAGE ROAD, LINCOLN, CT 06245
CT	CWA	110019454204	SPM MARIETTE	711 WEST MORTGAGE ROAD, LINCOLN, CT 06245

Facility SIC (Standard Industrial Classification) Codes

System	SIC Code	SIC Title	SIC Desc
CT	110019454204	440	Marietta

Facility NAICS (North American Industry Classification System) Codes

System	NAICS Code	NAICS Description
No data recorded.		

Facility Tribe Information

Tribe Name	EPA ID	State/Territory
No data recorded.		

Enforcement and Compliance

Compliance Monitoring History (5 years)

State	System ID	System	Inspection Type	Lead Agency	Date	Rating
CT	110019454204	SPM	Inspection	State	08/03/17	

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

State	System ID	System SIC (Standard Industrial Classification)	Description	Compliance	Compliance (of 1)
CT	110019454204			08/03/17	1

Three Year Compliance Status by Quarter

State	Program/Inspection/Action 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
CT	CWA (Source ID: 110019454204)	08/01/2017	01/01/2018	04/01/2018	07/01/2018	10/01/2018	01/01/2019	04/01/2019	07/01/2019	10/01/2019	01/01/2020	04/01/2020	07/01/2020	10/01/2020
	Facility Level Status	0	0	0	0	0	0	0	0	0	0	0	0	0
	SIC Compliance (e.g., 110019454204)	0	0	0	0	0	0	0	0	0	0	0	0	0
	Facility Status Violation													
CT	Schedule Event (e.g., 110019454204)	08/21/17	01/21/18	04/21/18	07/21/18	10/21/18	01/21/19	04/21/19	07/21/19	10/21/19	01/21/20	04/21/20	07/21/20	10/21/20
CT	Schedule Event (e.g., 110019454204)	08/21/17	01/21/18	04/21/18	07/21/18	10/21/18	01/21/19	04/21/19	07/21/19	10/21/19	01/21/20	04/21/20	07/21/20	10/21/20
CT	Schedule Event (e.g., 110019454204)	08/21/17	01/21/18	04/21/18	07/21/18	10/21/18	01/21/19	04/21/19	07/21/19	10/21/19	01/21/20	04/21/20	07/21/20	10/21/20

TRI Facility ID	Year	Total Air Releases	Water Pollution	Off-Site Transfers (2015) (Public Owned Treatment Works)	Unauthorized Disposal	Storage/Leak	Total On-site Releases	Total Off-site Releases
No data reported								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data reported

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	47%	Water Area	36.4%
Center Latitude	42.271	Water Area	37%	Population Density	5,287 people
Center Longitude	-73.351	Population Density	5,287 people	Population in Public Access	113
Total Persons	186,223	Percent Minority	34%	Percent Below Poverty Level	16.9%

Race/Ethnicity	Persons (%)	Age Breakdown	Persons (%)
White	81,862 (43.9%)	Under 17 years old	2,928 (1.5%)
African American	11,379 (6.1%)	18-24 years old	21,921 (11.8%)
Hispanic or Latino	10,276 (5.5%)	25-34 years old	21,301 (11.5%)
Asian or Pacific Islander	3,214 (1.7%)	35-44 years old	14,720 (7.9%)
Native American	302 (0.2%)		
Other	68,229 (36.6%)		

Education Level (Persons 17 & older)	Persons (%)	Income Breakdown	Household (%)
Less than 9th Grade	3,428 (1.8%)	Less than \$15,000	2,301 (1.2%)
9th-12th Grade	54,111 (28.7%)	\$15,000 - \$24,999	4,394 (2.3%)
High School Diploma	84,348 (45.3%)	\$25,000 - \$34,999	3,886 (2.0%)
Some College/BA or eq.	11,791 (6.3%)	\$35,000 - \$49,999	6,422 (3.4%)
BA or MA or More	15,745 (8.4%)	More than \$50,000	17,284 (9.1%)

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Detailed Facility Report

Facility Summary

C & D MARINA
 519 S GREAT NECK RD, BABYLON, NY 11702

FRS (Facility Registry Service) ID: 110043438517
 EPA Region: 02
 Latitude: 40.664
 Longitude: -73.385
 Locational Data Source: NPDES
 Industry: Marinas
 Indian Country:



Enforcement and Compliance Summary

Media	Reg. ID	Date of Last Inspection	Current Compliance Status	Open CWA Clean Compliance (CWA)	Open Significant Violations	Unresolved Enforcement Actions (CWA)	Resolved Enforcement Actions (CWA)	Penalties Due (CWA)	Penalties Paid (CWA)	EPA Case ID	Penalties Due (EPA Case)	Penalties Paid (EPA Case)
CWA	-	-	No Violation	0	0	-	0	\$1,000	-	-	-	-

Related Reports

- [CWA Pollutant Loading Report](#)
- [CWA Effluent Charts](#)

Regulatory Information

Clean Air Act (CAA): No Information
 Clean Water Act (CWA): Minor, Permit Effective (NYR00E371)
 Resource Conservation and Recovery Act (RCRA): No Information
 No Information
 Safe Drinking Water Act (SDWA): No Information

Other Regulatory Reports

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

Facility/System Characteristics

Facility/System Characteristics

System	Name	Identifier	Location	Status	Area	Facial Exposure Date	Index County	Latitude	Longitude
FW		110043438517						40.664	-73.385

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 (Miles)	3	Land Area	94%	Household Units	11,807
Center Latitude	40.609	Water Area	36%	Working Population	10,101
Center Longitude	-79.201	Population Density	5,100/sq mi.	Household Income: Median	417
Total Population	61,711	Female/Male	51%	Female/Male Family Income	14,311

Race/Ethnicity	Persons (%)	Age Distribution	Persons (%)
White	51,122 (82.8%)	0-17 years old (youth)	1,197 (1.9%)
African American	10,778 (17.5%)	18-24 years old (young adults)	26,401 (42.8%)
Hispanic/Latino	14,879 (24.1%)	25-34 years old (adults)	15,317 (24.8%)
Asian/Pacific Islander	1,331 (2.1%)	35-44 years old (adults)	11,771 (19.1%)
American Indian	108 (0.2%)		
Other/Multi-racial	2,492 (4.0%)		

Education Level (Persons 25 & Over)	Persons (%)	Income Distribution	Persons (%)
Less than High School	1,100 (5.5%)	Less than \$1,000	1,570 (6.2%)
High School Graduate	4,207 (21.3%)	\$1,000 - \$1,999	3,870 (14.9%)
Some College/Associate Degree	22,808 (116.4%)	\$2,000 - \$4,999	4,550 (17.6%)
Bachelor's Degree	35,411 (177.1%)	\$5,000 - \$9,999	1,404 (5.4%)
Postgraduate	14,282 (71.4%)	Greater than \$10,000	11,204 (43.5%)

**NYSDEC Reports for Spills Located
on or Within Close Proximity to the
Subject Property**



Spill Incidents Database Search Results

Record Count: 8 Rows: 1 to 8

<input type="button" value="Export XLS"/>		<input type="button" value="Export CSV"/>				
Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address	
1. <input type="text" value="6700772"/>	04/06/1967	RESIDENCE	Suffolk	OOP ASUE	380 SOUTH GREAT NECK ROAD	
2. <input type="text" value="9514303"/>	02/09/1995	Spill Number: 9514303	Suffolk	OOP ASUE	519 SOUTH GREAT NECK ROAD	
3. <input type="text" value="0206024"/>	09/11/2002	JOSEPH SOLAZZO RESIDENCE	Suffolk	OOP ASUE	370 SOUTH GREAT NECK RD	
4. <input type="text" value="0206034"/>	09/11/2002	SOLAZZO RESIDENCE	Suffolk	OOP ASUE	370 SOUTH GREAT NECK ROAD	
5. <input type="text" value="0325378"/>	11/24/2003	CD MARINE SERVICE	Suffolk	OOP ASUE	519 SOUTH GREAT NECK ROAD	
6. <input type="text" value="L700795"/>	03/16/2007	C & D MARINA	Suffolk	OOP ASUE	519 SOUTH GREAT NECK ROAD	
7. <input type="text" value="1210336"/>	11/13/2012	250 SOUTH GREAT NECK RD (HURRICANE SANDY)	Suffolk	OOP ASUE	250 SOUTH GREAT NECK RD	
8. <input type="text" value="1216238"/>	03/09/2013	LEAKING MANHOLE	Suffolk	OOP ASUE	GA. EWAY DR/SOUTH GREAT NECK RD	



Spill Incidents Database Search Results

Record Count: 5 Rows: 1 to 5

[Export XLS](#)

[Export CSV](#)

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1	910833E	11/04/1991	SUSPECTED MARINA	Suffolk	COPIAGUE	ON CANAL 38 DOLPHIN LANE
2	990275F	06/10/1999	UNKNOWN	Suffolk	COPIAGUE	38 DOLPHIN DRIVE
3	040243F	06/04/2004	POLLUTANT RESIDENCE	Suffolk	COPIAGUE	18 DOLPHIN DRIVE WEST
4	100249F	06/03/2010	CANAL	Suffolk	COPIAGUE	4 DOLPHIN DRIVE
5	1003734	07/08/2010	UNKNOWN	Suffolk	COPIAGUE	47 DOLPHIN LANE

[Refine This Search](#)



Spill Incidents Database Search Results

Record Count: 6 Rows: 1 to 6

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

	Spill Number	Date Spill Reported	Spill Name	County	City/Town	Address
1.	9012674	03/11/1991	UNKNOWN NAME	Suffolk	COPIAGUE	MANOR & HOLLYWOOD
2.	9502718	06/02/1995	DIANE EVERETT RESIDENCE	Suffolk	COPIAGUE	32 MANOR LANE
3.	9504111	07/06/1995	UNK	Suffolk	COPIAGUE	320 LAFAYETTE ST/MANOR
4.	9614175	03/06/1997	Spill Number: 9614175	Suffolk	COPIAGUE	LAKE STREET/MANOR
5.	L409421	11/21/2004	HIDDEN HARBOR MARINA	Suffolk	COPIAGUE	MANOR LANE
6.	1210318	11/14/2012	HARRISAN RESIDENCE	Suffolk	COPIAGUE	32 MANOR LANE

[Refine This Search](#)

**NYS Community Development Block Grant Disaster Recovery (CDBG-DR)
 NY Rising Small Business Recovery Program**

This is a confidential internal document and is not for distribution

DC#: Draft Assessment Inspection Workbook

Document Control:
 Revision 5.0 – December 14, 2015

Assessor's Checklist

The assessor assigned to each property shall ensure the following items are completed prior to leaving the subject property:

- 1 . Form 1 ISA – Recommendation for Reconstruction
- 2 . Sketches
- 3 . Mold Investigation Form
- 4 . Universal/Household Waste Inventory Sheet
- 5 . Environmental Questionnaire

REVISION CONTROL

Date	Revision #	Revised By	Comments
7/24/13	0	Michael Baranello	Document Created
9/5/13	1	Michael Baranello	
9/8/13	2	Michael Baranello	Streamlined Inspection Record
9/9/13	3	Michael Baranello	Removed HQS Checklist
9/10/13	4	Michael Baranello	Added Hazmat Assessment Checklist
9/12/13	4.2	Michael Baranello	Updated Environmental Questionnaire
9/14/13	4.3	Michael Baranello	General Revisions
12/14/15	5.0	Margaret Egiziaco	General revisions for Small Business' use: Deletion of Right of Entry Form, edits to language to apply to the inspection of non-structural item(s) and to Small Business

NYS Community Development Block Grant Disaster Recovery (CDBG-DR)
NY Rising Small Business Recovery Program

This is a confidential internal document and is not for distribution

DC#: Draft – Recommendation for Reconstruction Procedure

Document Control:
Revision 5.0 – December 14, 2015

INITIAL SITE ASSESSMENT
RECOMMENDATION FOR RECONSTRUCTION

Upon arrival at the subject property the assessor shall make a determination as to whether the non-structural item(s) should be reconstructed based on a condition evaluation as follows:

- If the non-structural item(s) have already been demolished.
- If the local municipality has determined the non-structural item(s) are either unsafe or has determined that demolition is required, and has labelled the item(s) as such.
- If, in the assessor's opinion, the non-structural item(s) are not safe to go near due to damage.
- If, in the assessor's opinion, the structural integrity of the non-structural item(s) have been compromised.
- If, in the assessor's opinion, there is a threat of imminent danger.

According to the U.S. Occupational Safety & Health Administration the term ***imminent danger*** means any conditions or practices which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through normal procedures.

If any of these conditions exist the assessor shall not go near the structure; the assessor shall notify their supervisor immediately; and the assessor shall fully complete the attached Form 1 – Initial Site Assessment Recommendation for Reconstruction.

Imminent danger due to environmental circumstances does not necessarily require reconstruction. However, the assessor shall use all precautions and personal protective equipment required for the nature of the environmental circumstances encountered.

**FORM 1: INITIAL SITE ASSESSMENT
RECOMMENDATION FOR RECONSTRUCTION**

Inspector Name: Matthew Barboni	Inspection Date: 2/04/16
---------------------------------	--------------------------

Damaged Property Information

Applicant Name: Donna Paterno
Damaged Property Address: 519 South Great Neck Road, Copiague, NY 11726
Applicant ID Number: 103-ED-00433-2013
GPS Coordinates: 40°39'51.9"N 73°23'06.0"W

Total Loss Evaluation: (check all that apply)

		Non-structural Item(s) Not Present
		Non-structural Item(s) Tagged for Demolition by city/county
		Non-structural Item(s) Unsafe to Go Near
		Structure Type is MHU with apparent related storm damage
		Major structural deterioration beyond repair
		Moisture damage/mold/toxicity
		Extensive damage to: _____

Inspector Must Document Condition with Photos and Provide Details below:

<table border="1" style="margin: auto;"> <tr> <td style="padding: 5px;">N/A</td> </tr> </table>	N/A
N/A	

Related Storm Damage Verification:

I observed that the identified damages are consistent with damages caused by flooding and/or high winds commonly seen in the aftermath of Superstorm Sandy, Hurricane Irene, and/or Tropical Storm Lee.	
Inspector Name:	
Inspector Signature:	N/A
Date:	

SKETCHES



MOLD INVESTIGATION FORM

Damaged Property Address: 519 South Great Neck Road, Copiague, NY 11726

Inspector: Matthew Barboni

Date: 2/04/16

Application ID.: 103-ED-00433-2013

Business Name: T & M Property Management

Use the chart below to rate the surfaces of the room for water/mold related damage.

Under condition, use the following scale of 0 to 4:

0 = No visible signs of water/mold damage, intact

1 = Visible water stains only

2 = Visible mold, with or without water stains

3 = Visible mold (with or without water stains) and some damage to the base material (peeling wallpaper, warped wood, etc.)

4 = Mold and water damage so extensive that it affects the structural integrity of the surface

Item(s)	Rating: at Worst Area of Mold	Total Square Feet Affected at Worst Mold Area

In the second column, note the number of square feet of the surface affected by the condition coded in the first column.

Comments, if applicable:

N/A

Department of Housing and Urban Development Appropriation Act, 2013
 The Community Development Block Grant Program Disaster Recovery Program

**NY RISING SMALL BUSINESS RECOVERY PROGRAM
 SUPPLEMENTAL ENVIRONMENTAL CHECKLIST**

Damaged Property Address: 519 South Great Neck Road, Copiague, NY 11726

Application ID: 103-ED-00433-2013

Business Name: T & M Property Management

Date of Inspection: 2/04/16

TO BE COMPLETED BY THE FIELD INSPECTOR; ATTACH ANY SPECIFIC NOTES, PHOTOS, AND ADDITIONAL MATERIAL:

	Yes	No	Compliance Data Attach Supporting Material
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Based on your observations from the Property , is there any visible apparent evidence of explosive or fire-prone materials such as liquid propane, gasoline, or other storage tanks on, adjacent to or visible from the Property? If yes, provide details.
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Based on your observations from the Property, is there any visible apparent evidence that the project site is near a commercial or industrial property? Property is commercial If yes, which company and the approximate distance.
3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Based on your observations from the Property, is there any visible apparent evidence of foundations cracking or settling, basement flooding, etc. in the area of the site? If yes, specify.
4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Based on your observations from the Property, there any visible apparent evidence of any natural areas or parks, or are there any ponds or parks adjacent to the site? If yes, specify.
5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there any visible apparent indication of any of the following on the Property (check all that apply): <input type="checkbox"/> distressed vegetation <input type="checkbox"/> oil/chemical spills <input type="checkbox"/> waste material/containers <input type="checkbox"/> loose/empty drums, barrels <input type="checkbox"/> soil staining, pools of liquid <input type="checkbox"/> abandoned machinery, cars, <input type="checkbox"/> transformers, fill/vent pipes, refrigerators, etc. pipelines, drainage structures If yes, attach photos and note where on the Property these
6	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is there any visible apparent evidence of an underground or above-ground storage tank on the Property? If yes, specify which one and the location. Also specify the tank contents if possible. Please take a photograph of any tank(s).
7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Are there active rills and gullies on the Property? If yes, provide photographs.

**NY RISING SMALL BUSINESS RECOVERY PROGRAM
SUPPLEMENTAL ENVIRONMENTAL CHECKLIST**

	Yes	No	Compliance Data Attach Supporting Material
8	<input type="checkbox"/>	X	Is there any visible apparent indication of mold on the Property? If yes, describe location and extent.
9	<input type="checkbox"/>	X	Is there any visible apparent evidence of asbestos, lead-based paint, or hazardous materials present in the structure? If yes, specify. Are removal plans or third-party clearance reports or operations and maintenance plans available from the property owner? If yes, attach copies.
10	<input type="checkbox"/>	X	Are there other unusual conditions visibly apparent on Property? Explain and attach supporting material. Please take photographs,

Inspector's Signature: By signing this document I agree that I performed, or am familiar with, the site inspection(s) that are described above and certify that, to the best of my knowledge, the information provided is true and correct.

Printed Name: Matthew Barboni

Firm: Armand/Hill

Signature: 

Date: 2/04/16

Property address: T & M Property Management
519 South Great Neck Road, Copiague, NY 11726

Application ID: 103-ED-00433-2013

ASBESTOS CLEARANCE REPORT (SMALL BUSINESS PROGRAM)

Applicant: Donna Paterno

Property: 519 South Great Neck Road
Copiague, NY 11726
631-956-3984

Applicant No.: 103-ED-433-13

Type of Loss: Hurricane

Inspector: Gunar Cagatay
NYS DOL Cert.: 15-16719 Exp. Date: 9/2016

Management Planner: Eget, John
NYS DOL Cert.: 88-12697 Exp. Date: 12/2016

Laboratory: NA - No Samples Collected
Address: NA
ELAP No.: NA

Inspection Date: 3/8/2016

Finding: At the time of the assessment, no damaged suspect asbestos materials were observed. As a result of the Inspector's observations, the Management Planner does not recognize any current conditions requiring an abatement action.

VISUAL ASSESSMENT OVERVIEW

Guidelines used for the assessment were established by the United States Environmental Protection Agency (EPA) in the Guidance for Controlling Asbestos Containing Materials in Buildings, Office of Pesticides and Toxic Substances, DOC #560/5-85-024, and 40 CFR Part 763, Asbestos Hazard Emergency Response Act (AHERA) and the New York State Department of Labor’s (NYSDOL) Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Cited as 12 NYCRR Part 56).

Field information was organized in accordance with AHERA concept of homogeneous area (HA). That is, suspect asbestos containing materials (ACM) with similar age, appearance, and texture were grouped together, sampled and assessed for condition. If the suspect ACM was observed to be in damaged condition, samples were collected and submitted for laboratory analysis to determine asbestos content, if any. Suspect ACM observed to be in undamaged condition which in its current state does not present a hazard, was not sampled during the survey.

The number of samples collected from each damaged suspect asbestos material, if any, were determined by the type of material (surfacing, thermal system insulation or miscellaneous) and amount of material observed. Bulk samples of suspect asbestos material collected during the survey were analyzed by Polarized Light Microscopy (PLM) with dispersion staining, as described in 40 CFR Part 763, the National Emissions Standard for Hazardous Air Pollutants (NESHAPS) and New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP). NYSDOH has recently revised the PLM Stratified Point Counting Method. The new method, “Polarized Light Microscopy Methods for Identifying and Quantitating Asbestos in Bulk Samples” can be found as Item 198.1 in the ELAP Certification Manual. ELAP has determined that analysis of non-friable organically bound materials (NOBs) and ceiling tiles containing cellulose is not reliably performed by PLM. Therefore, if PLM yields negative results for these materials, they must be confirmed as a non-asbestos material using Transmission Electron Microscopy (TEM).

The Inspector’s observation and Management Planner’s findings are based upon the condition of noted suspect asbestos materials at the time of the assessment. Any change to the condition of the materials subsequent to the assessment may require additional assessment activities.

SITE SPECIFIC INFORMATION

The assessment conducted at the property was performed by a NYSDOL Certified Asbestos Inspector. The purpose of the assessment was to determine if any suspect material(s) located on the property were in damaged condition or if debris was observed as evidence of an uncontrolled release of asbestos material. The assessment was characterized by a close visual inspection of all accessible areas. Following completion of the site assessment, a NYSDOL Management Planner reviewed the results of the assessment and laboratory results for any samples that may have been collected. The intent of the Management Planner’s review was to determine if a potential asbestos hazard is present.

At the time of the assessment, no damaged suspect asbestos materials were observed. As a result, no suspect ACM was sampled for laboratory analysis.

Area/Room ID	Material Description	Location(s)
Office, Bathroom, Shop Area	No Damaged Suspect ACM Observed	Office, Bathroom, Shop Area

CONCLUSIONS AND RECOMMENDATIONS

At the time of the assessment, no damaged suspect ACM was observed. As a result of the Inspector's observations, the Management Planner does not recognize any current conditions requiring an abatement action.

While no asbestos condition requiring a corrective action was noted at the time of the assessment, suspect asbestos materials at the property are present and may contain asbestos. In lieu of confirmation that materials at the property are non-asbestos by laboratory testing, the appropriate precautions should be taken prior to and/or during renovation, repair, and maintenance activities including measures that are required by federal, State, and local regulations. Guidance on asbestos safety and code requirements can be found in the EPA Toxic Substances manual: *Guidance for Controlling Asbestos Containing Materials in Buildings (EPA 560/5-85-024)* and NYSDOL's *Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Cited as 12 NYCRR Part 56)*.

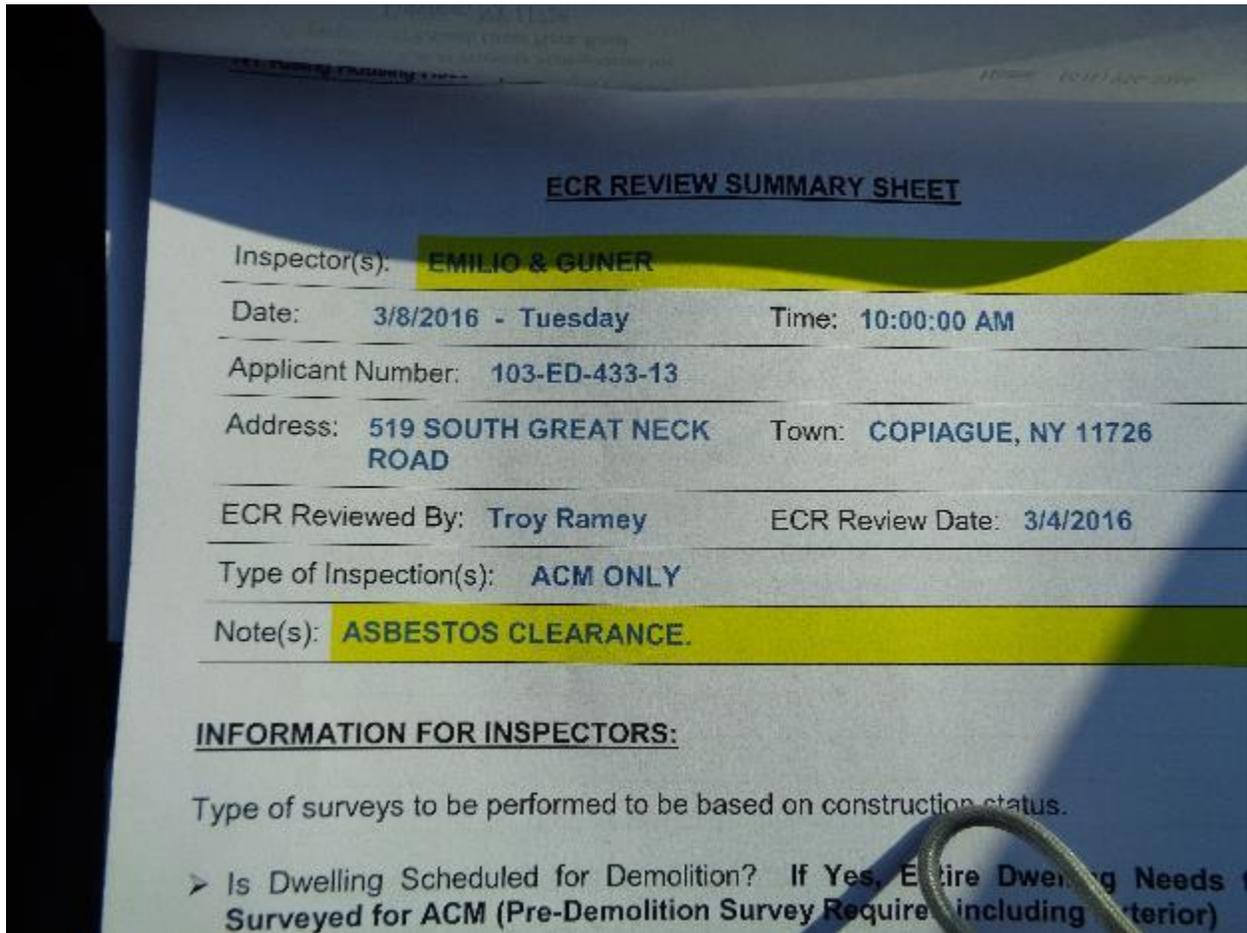
Eric Strumza 

Reviewed By: NYSDOL Inspector

3/11/2016

Date

PHOTOS



























ASBESTOS CLEARANCE SURVEY AND MANAGEMENT PLANNER REVIEW FORM

Applicant Number: 103-ED-433-13

Address: 519 South Great Neck Road Copiague, NY

Asbestos Inspector's Name: Guner Casatay

Date Survey Performed: 3/8/16

List all rooms/areas of the house surveyed (includes yards and non-living areas such as attics, crawl spaces, etc.). The entire house must be visually surveyed, even areas that were not storm damaged. Use room/area descriptions from the drawings attached to the Estimated Cost of Repairs (ECR). For homes that were demolished and a new home has been constructed, only a survey of the yard is required. If suspect debris is present in the yard on unpaved areas, the debris and soil beneath shall be sampled separately (3 samples of each required).

- Exterior survey only. Storm damaged house was demolished. New house has been constructed.
- Exterior survey only. Storm damaged house was demolished. House has not been rebuilt at time of survey

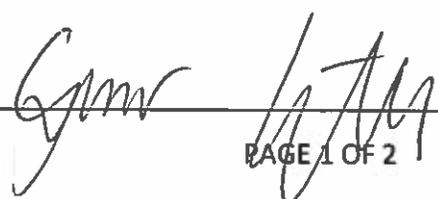
Listing of Rooms/Areas of Home Observed:

Office		
Bathroom		
Shop Area		

List all rooms/areas of the house where damaged suspect asbestos-containing material was observed in the table below. Samples shall be collected and documented using the approved chain-of-custody form. Number of samples to be collected shall be based upon the type and quantity of damaged suspect material. If no damaged suspect materials were observed, indicate such below.

Listing of Rooms/Areas of Home with Damaged Suspect ACM:

No damaged suspect asbestos containing materials were observed. No samples collected

Inspector's Signature: 

STATE OF NEW YORK - DEPARTMENT OF LABOR
ASBESTOS CERTIFICATE



GUNER CAGATAY
CLASS(EXPIRES)
D INSP(09/16)



CERT# 15-16719
DMV# 800423436

MUST BE CARRIED ON ASBESTOS PROJECTS

**OPERATIONS & MAINTENANCE (O&M) PLAN
FOR
ASBESTOS-CONTAINING MATERIALS
AND
ASSUMED ASBESTOS CONTAINING MATERIALS**

Rev. 1: September 26, 2014

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STATEMENT TO PROPERTY OWNER(S):

This document is referred to as an Operations and Maintenance Plan, (O&M Plan). The format and design of an O&M is essentially to serve as an action plan for monitoring materials that contain asbestos and safeguarding against a disturbance to those materials that can render the asbestos airborne where the dust can be inhaled and become harmful to those exposed to it. The disturbances to asbestos containing materials (ACM) are expected to come as a result of ordinary repairs and maintenance tasks undertaken at a facility as part of everyday operations and maintenance activities.

Absent a laboratory test on a material that declares it to be non-asbestos (1-percent asbestos or less), or a written statement from the manufacturer of the material that states the material is free of asbestos, it must be assumed that some level of asbestos exists within the matrix of the material. This O&M Plan refers to these materials as "Assumed ACM". "Assumed ACM" shall be treated as a confirmed ACM until laboratory testing is performed on the material.

Any work involving the disturbance of ACM or Assumed ACM shall be performed by a licensed New York State Asbestos Contractor. It is recommended that property owners hire a New York State licensed asbestos consulting firm to prepare a site specific O&M Plan if the presence of ACM or Assumed ACM is determined at the site.

1.0 EXECUTIVE SUMMARY

The principal objective of this Operations & Maintenance Plan (O&M Plan) is to help to minimize exposure of residents to asbestos fibers that may become airborne as a result of direct or incidental disturbance to Asbestos Containing Materials (ACM) or Assumed ACM. This O&M Plan has been provided as a required element of the Tier 1 Programmatic Environmental Review Record for the Community Development Block Grant – Disaster Recovery Program, Recreate NY. This O&M Plan outlines work practices aimed at the following:

1. Maintaining confirmed ACM/Assumed ACM in good condition;
2. Ensuring proper cleanup of asbestos fibers, if released;
3. Preventing potential release of asbestos fibers,
4. Monitoring the current condition of the ACM/Assumed ACM.

2.0 INTRODUCTION

The U.S. Environmental Protection Agency's (USEPA) 1985 publication "Guidance for Controlling Asbestos-Containing Materials in Buildings" (EPA 560/5-85-024) recommends that an asbestos O&M Plan be established once the presence of ACM has been identified. This O&M Plan has been established to fulfill the recommendations in the USEPA guidance document, and is based on the regulatory requirements for schools under the Toxic Substances Control Act (TSCA) Title II, also referred as the Asbestos Hazard Emergency Response Act (AHERA), and specified by: EPA Regulations in 40 CFR Part 763, Subpart E.

The primary purpose of an O&M Plan is to 1) clean up asbestos fibers previously released, 2) prevent the release of asbestos fibers into the environment, by minimizing ACM disturbance and/or damage, and 3) monitor the condition of ACM/Assumed ACM. The O&M Plan shall continue to be utilized until all ACM/Assumed ACM is known to have been removed from the facility. The O&M Plan will establish a process that helps the user safeguard against ACM/Assumed ACM disturbance during building repairs and renovations; maintain an inventory of all ACM/Assumed ACM in the building; provides training for the proper management of ACM/Assumed ACM; and defines periodic re-inspection of areas which contain ACM/Assumed ACM.

2.1 SCOPE

This O&M Plan applies only to ACM/Assumed ACM; it **does not** pertain to any other hazards that may be present, including but not limited to:

- Lead Exposure
- Universal Waste or Household Hazardous Waste
- Electrical Shock
- Exposure to Chemicals, Caustics, and Corrosives
- Fire and Burns
- Ladder Usage
- Lifting Heavy Objects
- Power Equipment and Tools
- Slips, Trips and Falls
- Unsafe Work Practices
- Confined Space Entry

2.2 RELATED DOCUMENTS

This O&M Plan was developed utilizing the following guidance documents and regulations:

- *Managing Asbestos in Place - A Building Owner's Guide to Operations and Maintenance Programs for Asbestos-Containing Materials* (Green Book) (EPA publication 20T-2003). [http://yosemite.epa.gov/r10/OWCM.NSF/d14dabb756dc1fb3882565000062f164/41a5f555a9cad81388256508007d2086/\\$FILE/inPlace.pdf](http://yosemite.epa.gov/r10/OWCM.NSF/d14dabb756dc1fb3882565000062f164/41a5f555a9cad81388256508007d2086/$FILE/inPlace.pdf)
- *Guidance for Controlling Asbestos-Containing Materials in Buildings* (Purple Book) (EPA publication 560/5-85-024). http://www.wbdg.org/ccb/EPA/epa_560585024.pdf
- *USEPA Asbestos in Schools* Title 40 CFR Part 763 Subpart E. <http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol31/pdf/CFR-2011-title40-vol31-part763-subpartE.pdf>
- *OSHA Construction Industry Standard for Asbestos* Title 29 CFR Part 1926.1101. https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_id=10862&p_table=standards

- *New York State Department of Labor (NYSDOL) Industrial Code Rule 56 Title 12 New York Code of Rules and Regulations (NYCRR) Part 56.*
<http://www.labor.ny.gov/formsdocs/wp/CR56.pdf>

Property owners should become familiar with other applicable Federal, state, and local regulations which requires compliance.

2.3 ENVIRONMENTAL INSPECTION REPORT

The O&M Plan was developed to address the findings of the asbestos inspection report prepared for properties in the NY Rising program, or assumed ACM in the absence of an asbestos inspection by a qualified environmental professional. It does not apply to those materials that were subjected to testing and analysis, and confirmed to be non-asbestos containing by a New York State Department of Health accredited laboratory. Where environmental inspections were conducted, the property owner should refer to the asbestos survey report prepared for their property by the NY Rising Program. The results contained in that report are specific to the materials and areas surveyed as noted in the report. Materials that are not specifically addressed in that report must be assumed to contain asbestos, and as such, appropriate precautions should be taken during renovation, repair, and maintenance activities that impact these Assumed ACM. These include:

- Flooring Systems, including ceramic tile and grout beds, 9" x 9" floor tile and associated mastics, 12" x 12" floor tile and associated mastics, vinyl flooring and paper backing materials, carpet mastics and adhesives;
- Window Systems, including window glazing, window caulking and varnishes and stains;
- Wall and Structural Systems, to cinderblock, drywall /taping compound materials and plaster wall systems;
- Insulation and Thermal System Insulation, interior and attic vermiculite insulation, pipe and pipe joint insulation on heating systems and domestic water systems;
- Surfacing Materials, ceiling and wall textured paint and knock off materials;
- Miscellaneous Materials such as wallboard and wainscot adhesives, old electrical fixture insulation blankets, old electrical system wires, old electrical boxes, asphalt roofing shingles, roof tars.

3.0 OPERATIONS AND MAINTENANCE PLAN

A successful O&M Plan will address notification, surveillance, work controls, work practices, record keeping and training. The disturbance of ACM/Assumed ACM is regulated by US EPA and the New York State Department of Labor (NYSOL). Companies and personnel who disturb ACM/Assumed ACM are required to meet certain training and licensing/certification requirements. Additionally, licenses/certificates are required for companies and personnel who perform support operations for an asbestos related project (i.e., inspections, project design, air sampling, etc.). Property owners are responsible to verifying that companies and personnel who perform work on their properties have obtaining the proper licenses and certificates for the project.

3.1 O&M PLAN OBJECTIVES

The principal objective of this O&M Plan is to help minimize exposure of the property owners and tenant occupants to asbestos fibers. To accomplish this objective, the O&M Plan includes work practices to maintain ACM/Assumed ACM in good condition, ensure proper cleanup of asbestos fibers if released, prevent release of asbestos fibers, and monitor the condition of the ACM/Assumed ACM.

3.2 O&M PLAN MANAGEMENT

Management of the O&M Plan includes the following elements: surveillance and reinspection, work controls/permitting, specific work practices for limiting asbestos fiber release, record keeping procedures and personnel training.

3.2.1 Visual Reinspection (Periodic Surveillance)

Visual re-inspection or “periodic surveillance” as recommended by EPA of all ACM or Assumed ACM should be conducted every six months by a properly trained person contracted by the property owner. This periodic surveillance will evaluate the current condition of known ACM and Assumed ACM to determine the relative degree of damage and assess the likelihood of future fiber release. Maintaining a set of photographs, which document the condition of the ACM or Assumed ACM is recommended. The findings of these periodic surveillance actions must be recorded on the Reinspection of Asbestos-Containing Materials/Assumed ACM Form (including all photos) found in Attachment B and maintained by the property owners.

If during the periodic surveillance, there is reason to believe that damage has occurred to the ACM or Assumed ACM, the dust or debris should be tested to confirm if asbestos is present in this material. The suspect ACM, and suspect asbestos-contaminated dust must be sampled by an individual certified by the New York State Department of Labor as an Asbestos Inspector. If asbestos contamination is found, or non-friable ACM has become friable, then removal and cleanup must be performed by a certified asbestos abatement contractor, also licensed by NYSDOL. If the amount of debris is significant, special work controls should be used. In addition, if there is reason to believe that damage has occurred to the ACM or Assumed ACM, area air testing is recommended. The design and performance of the air testing should be performed by a qualified asbestos consultant, with a valid NYSDOL asbestos handling license. (www.labor.ny.gov/workerprotection/safetyhealth/active%20asbestos%20contractor%20list.shtm)

3.2.2 Work Controls/Permitting

This O&M Plan institutes a program to control work activities that could damage the ACM or Assumed ACM. Any planned disturbance to ACM/Assumed ACM through contracted activities must be preceded by the removal and disposal of the impacted ACM/Assumed ACM by a licensed asbestos abatement contractor.

The Property owner may arrange with a qualified consultant to collect bulk samples of the Assumed ACM to verify if the presumed material is ACM or non-ACM, prior to its disturbance. Any asbestos related work activities performed by a retained licensed asbestos abatement contractor should be designed and monitored by a qualified and licensed asbestos consultant.

3.2.3 Asbestos Work Practices

The O&M procedures, which must be conducted by a New York State Licensed Asbestos Contractor, are limited to wet-cleaning methods on surfaces with dust accumulation.

Maintenance procedures, including general housekeeping procedures, can be placed in one of three categories as follows:

- *Those procedures which are unlikely to involve any direct disturbance of ACM or Assumed ACM; for example, cleaning floors or shelves with a damp cloth;*

- *Those which may cause incidental disturbance of ACM or Assumed ACM; for example, drilling holes in an area of drywall where ACM or Assumed ACM may be present;.*
- *Those which involve intentional, small-scale manipulation or disturbance of ACM or Assumed ACM; for example, pipe repairs, or drilling holes in an area of the ceiling or floors where ACM or Assumed ACM is known to be present.*

While the Property owner may perform any of the aforementioned tasks themselves, it is recommended that all O&M procedures which involve maintenance, renovation or emergency responses beyond the basic procedures outlined above will be contracted to qualified and licensed asbestos consulting firms and/or contractors.

Certain activities performed by the O&M Contractor that impact ACM/Assumed ACM should be performed using dust control measures such as HEPA-filtered vacuums and personal respiratory protection (at a minimum, the use of a half-face negative pressure respirator with N95 filter cartridges – refer to the National Institute for Occupational Safety and Health – NIOSHH – for information related to air purifying respirators). These activities include anything that would be likely to release fibers from the ACM or Assumed ACM. For instance, fiber releases can occur when workers drill, cut, grind, break, or saw through asbestos-containing floor tiles, or other wall, ceiling or floor surfaces where ACM and Assumed ACM may be present. These activities and any similar activities have the potential to expose ACM or Assumed ACM and perhaps release fibers from the ACM or Assumed ACM.

O&M Plan approved cleaning practices include the use of wet-wipe cleaning of surfaces such as floors and other horizontal surfaces. For example, proper cleaning will involve the use of wet-cleaning (mopping) practices to pick up dust or debris. The sanding of asbestos flooring materials will release asbestos fibers into the air and therefore should not be performed. Dry sweeping or dusting can result in asbestos fibers being resuspended in to the building's air and therefore should not be used. Wet cloths, rags or mops that have been used to pick up suspect asbestos fibers or debris should not be allowed to dry but immediately sealed inside of a plastic bag and disposed of in accordance with local requirements.

A qualified and properly licensed asbestos consultant should be retained to evaluate and make recommendations. In the event of an accidental release, the area of the release should be immediately isolated by closing doors or by evacuation of the space. If asbestos fibers could enter your building's heating, ventilation and air conditioning (HVAC) system, that system should be

shut down and sealed off. The cleanup of such a release should be performed only by a qualified asbestos abatement contractor.

ATTACHMENT A

GLOSSARY

GLOSSARY

Air Monitoring: The process of measuring the airborne fiber content of a known volume of air collected during a specific period of time. The acceptable procedure for airborne asbestos measurement by Phase Contrast Microscopy (PCM) is the OSHA reference method specified in Appendix A of 29 CFR 1926.1101. The acceptable procedure for airborne asbestos measurement by transmission electron microscopy (TEM) is the method specified in Electron Microscope Measurement of Airborne Asbestos Concentrations (EPA Report 500/2-77178 (Rev. 1978) and EPA Contract No. 68-02-3266 (1984)).

Asbestos: Any hydrated mineral silicate separable into commercially usable fibers, including, but not limited to, chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that has been chemically treated and/or altered. Asbestos also includes ACM, as defined below.

Asbestos Abatement: Procedures to control fiber release from asbestos-containing materials, or presumed asbestos-containing materials. Includes removal, encapsulation, enclosure, repair, and operations and maintenance.

Asbestos Abatement Contractor: An individual and/or business properly licensed and certified to perform asbestos abatement. The contractor is responsible for the proper completion of project activities in accordance with federal, state and local regulations.

Asbestos-Containing Material (ACM): Material composed of asbestos of any type in an amount greater than 1-percent, either alone or mixed with other fibrous or non-fibrous materials.

Asbestos-Containing Waste Material: Asbestos-containing material or asbestos-contaminated objects requiring disposal.

Asbestos Hazard Emergency Response Act (AHERA): An EPA regulation published in the October 30, 1987, *Federal Register* covering asbestos-containing building materials in schools.

Asbestos Survey: The inspection of a building or portion of a building to determine the location of all ACM present. Usually an asbestos survey includes the collection of bulk samples for analysis by a laboratory.

Assumed Asbestos-Containing Material (Assumed ACM): Any material suspected of containing asbestos, for which bulk sampling and subsequent laboratory analysis have not been performed to verify the presence or absence of asbestos. Assumed ACM must be treated, handled and disposed of as ACM, unless bulk sampling and laboratory analysis have determined the material to be non-ACM.

Bulk Material Sample: A representative sample of a material collected by a certified asbestos inspector for asbestos analysis.

Condition Assessment: The determination of a material's overall condition and potential risk. The following information is typically included in an assessment: a description of any physical damage, water damage, delamination etc.; degree of accessibility of the material; degree of activity near the material; and location in or near an air plenum or other heating, ventilation and air conditioning (HVAC) equipment.

Deterioration: The condition of ACM or Assumed ACM in which the integrity of the material worsens. Deterioration includes physical damage, water damage, air erosion and delamination of a material.

EPA: United States Environmental Protection Agency.

Fiber Release Episode: Any uncontrolled or unintentional disturbance of ACM or Assumed ACM resulting in visible emission.

Friable Asbestos: ACM or Assumed ACM, that, when dry, may be easily crumbled, pulverized or reduced to powder by hand pressure; includes previously non-friable material after it becomes damaged to the extent that when dry, it may be crumbled, pulverized or reduced to powder by hand pressure.

HEPA Filter: A high-efficiency particulate air filter capable of removing particles 0.3 micron or larger in diameter with 99.97 percent efficiency.

HEPA Vacuum: A vacuum system equipped with HEPA filtration.

Miscellaneous Material: Any suspect asbestos-containing material on structural components, structural members or fixtures, such as floor and ceiling tiles, mastics, transite, etc.; does not include surfacing material or thermal system insulation.

Non-Friable Asbestos: ACM that, when dry, may not be crumbled, pulverized or reduced to powder by hand pressure.

OSHA: Occupational Safety and Health Administration, United States Department of Labor.

Personal Protective Equipment: Includes items such as HEPA filtered respirators, disposable protective clothing, gloves, boots, etc.

Renovation: Altering in any way one or more facility components.

Surfacing Material: Any material that is sprayed-on, troweled-on or otherwise applied to surfaces for acoustical, fireproofing, decorative or other purposes.

Suspect Asbestos-Containing Material: Any material which is suspect for containing asbestos and which must be sampled to determine asbestos content, if any. New York State Department of Labor asbestos regulations at 12 NYCRR 56 (Industrial Code Rule 56) contains a partial list of all suspect ACM. Some common materials which are suspect ACM include plaster, pipe insulation, floor tile, etc. Materials which are not considered suspect include fiberglass, wood, plastic, etc.

Thermal System Insulation (TSI): Any material applied to pipes, fittings, boilers, breeching, tanks, ducts or other interior structural components to prevent heat loss or gain, or water condensation or for other purposes.

ATTACHMENT B

**REINSPECTION OF
ASBESTOS-CONTAINING MATERIAL (ACM)/
ASSUMED ASBESTOS-CONTAINING MATERIAL FORM**

**REINSPECTION OF
ASBESTOS-CONTAINING MATERIAL (ACM)/
ASSUMED ACM
(TO BE COMPLETED EVERY 6 MONTHS OR
WHEN RENOVATIONS ARE BEING PERFORMED)**

Please complete a separate form for each functional space where an asbestos-containing material (ACM), presumed asbestos-containing material (Assumed ACM) has been identified and is inspected. Separate forms must be completed when two types of ACM or Assumed ACM are located within the same room.

Address: _____

ACM or Assumed ACM Inspected: _____

Functional Space/Room: _____

Activities that occur around the ACM or Assumed ACM:

The ACM or Assumed ACM is located (circle one) 1) in an air plenum 2) in an air stream 3) in neither an air stream or an air plenum

ACM or Assumed ACM Accessibility: _____

Abatement Status: (Circle one):

The material has been 1) removed 2) encapsulated 3) enclosed 4) repaired 5) no abatement

Assessment: (If yes to any statement, explain your response)

1) Is there physical damage? (Describe damage and significance with respect to friability or potential to release dusts)

2) Is there water damage?

3) Is there damage due to delamination?

4) Other observations:

RECOMMENDED ACTION(S):

Signed: _____

Date: _____

ATTACHMENT C

SUMMARY OF ABATEMENT ACTIVITIES FORM

SUMMARY OF ABATEMENT ACTIVITIES FORM

The intent of this form is to provide a record of the evaluation of any activities that have affected or disturbed asbestos-containing materials (ACM) or presumed asbestos-containing materials (Assumed ACM).

ADDRESS: _____

General Description of Work: _____

Dates of Work: _____

Contractor Performing Work: _____

NYS Asbestos Handler's License No./Expiration Date:

Evaluation of work practices to contain the release of asbestos fibers or lead-containing dusts, and procedures to clean up the work area: _____

Evaluation of equipment and procedures used to protect workers: _____

Consultant Performing Air Sampling/Project Monitoring: _____

Date background air samples collected: _____

Date(s) during abatement air samples collected: _____

Any asbestos exceedences during abatement? Yes _____ No _____

Evaluation of controls employed if asbestos exceedences occurred: _____

NY Rising O&M Plan for Small Business

Date final clearance air samples collected: _____

Contractor submit results of exposure monitoring samples – Yes: _____ No: _____

If no, what exposure monitoring data was used: _____

Waste Manifest Log				
Waste Manifest Number	Date Transported	Transporter Name and NYSDEC Waste Permit Number	Disposal Facility Name Address and USEPA Permit Number	Date Completed Manifest Returned

Signed: _____

Date: _____

1/25/16

APPLICATION FOR PUBLIC ACCESS TO RECORDS Suffolk County Department of Health Services

For office use only

Date:	1/19/16
Office(s):	PC
Tracking #:	F122924

INSTRUCTIONS TO APPLICANT: Please complete Section I of this form. Do not leave any areas blank. Mail or fax a completed application to the Freedom of Information Officer listed below.

SECTION I: To be completed by Applicant.

Date of Application: 1/19/2016 Applicant Represents: Tectonice Engineering & Surveying Consultants
 Applicant's Name (Please print): Rebecca Lindemann
 Applicant's Address: 70 Pleasant Hill Road, Mountainville NY, 10953
 Applicant's Phone #: 845-534-5959 Applicant's Email: RLindemann@tectonicengineering.com
 Applicant's Signature: _____

Describe the record sought and if in regard to a property include a **complete tax map number (District, Section, Block & Lot in the proper format)**. Supply all relevant information that will help locate the record desired: date(s), a file title, reference number, the physical address, and property type (commercial/residential/subdivision).

T&M Property Management
519 South Great Neck Road
Copogue, NY 11726
Parcel ID: 0101010000 20000 100 1

I HEREBY APPLY TO:

- Inspect the following record
- Receive a copy of the following document(s)

PROVIDE REQUEST TO:

Acting Freedom of Information Officer: Michelle Rosen
 Agency Name: Suffolk County Department of Health Services
 Address: 3500 Sunrise Highway, Suite 124
Post Office Box 9006
Great River, NY 11739-9006
 Fax #: 631-854-0156

SECTION II - For use by Freedom of Information Officer (or designee) only

- Approved. Call to arrange an appointment to inspect the requested record.
 Contact Person: _____ Phone #: _____
- Records not possessed or maintained by this agency.
- Records cannot be found after diligent search.
- Denied. Reason for denial: _____
- Document(s) enclosed as requested.
- Receipt of this request is acknowledged. There will be a delay in supplying the requested record until payment of reproduction fee is received. The following fee applies \$ _____
- Other: _____

Signature: [Signature] Title: OPC Date: 1/25/16

Section III - Notice to applicant

You have the right to appeal a denial of this application in writing to the Office of the County Attorney within 30 days of the denial. Information as to the person to contact is shown below. The contacted person must respond to you in writing within ten business days of receipt of your appeal.

Suffolk County Attorney
 H. Lee Dennison Bldg., 6th floor
 100 Veterans Memorial Highway
 Hauppauge, NY 11788
 Business Telephone: (631) 853-4049

Attachment 5

Section 106 Determination



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

June 28, 2016

Josh Gomez
Tectonic Engineers
70 Pleasant Hill Road
Mountainville, NY 10953

Re: GOSR/ NYSDHCR/ CDBG-DR/ 1-4720-03413/00008
103-ED-433-13/ T & M Property Management
Removal, Disposal and Replacement of Bulkhead
519 South Great Neck Road, Copiague/ Suffolk County

16PR01400

Dear Mr. Gomez:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the materials submitted June 22, 2016 in accordance with Title 54, Section 306108 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, it continues to be the opinion of SHPO that there will be No Historic Properties Affected by the proposed undertaking.

If I can be of further assistance, please contact me at (518) 268-2187 or Larry.moss@parks.ny.gov

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Kim Croshier
Thomas King, GOSR



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

June 27, 2016

Bryan Polite, Chairman
Shinnecock Nation
P.O. Box 5006
Southampton, NY 11969

Re: **REVISED SCOPE** for Section 106 Discussion CDBG-DR, New York Rising Small Business Grant Program, T & M Property Management, Inc., 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York (Project # 103-ED-433-13)

Dear Chairman Polite,

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR) is acting under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery (“CDBG-DR”) funds from the United States Department of Housing and Urban Development (“HUD”). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis. GOSR proposes to provide grant funding for the rehabilitation and other in-kind business infrastructure repairs for a single business impacted by Superstorm Sandy. In accordance with Section 101(d)(6)(B) of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 302706(b)), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action. This consultation is being sent to the Shinnecock Indian Nation and the Unkechaug Nation.

Area of Potential Effect: T & M Property Management, Inc., is located at 519 South Great Neck Road in the Hamlet of Copiague, Town of Babylon, Suffolk County, New York with parcel ID number: 0100191000300042001. The storm surge during Superstorm Sandy caused extensive damage to the entire marina and damaged a portion of the bulkhead on the Subject Property beyond repair. There are holes in the bulkhead where wave action and/or debris collided with the wooden sheathing. In addition, debris carried by the storm knocked several of the piles off center and the bank behind the bulkhead partially eroded away. This Subject Property is located along the Great

Neck Creek which is an actively maintained basin where numerous boats travel and is accessed via the Great South Bay. The project location maps are provided with this letter for your reference.

Proposed Project Description: CDBG-DR funding would provide the Applicant funding for future marina infrastructure repair, restoration, and rehabilitation of marina function. Future construction activities included removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns and 12” higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6" x 8" walers and 8" x 8" bottom walers; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits. **Scope of work has been revised from previous submittal (February 25, 2016) to increase the bulkhead replaced from 137 feet to 200 feet.**

Projects are reviewed, as necessary by Project Historian, Kim Croshier, of Tectonic Engineering and Surveying Consultants, P.C. A SHPO concurrence indicating that no historic properties will be affected, dated March 10, 2016, is included with this letter. However, the scope of work for this project has been updated since the original SHPO submission. GOSR submitted the revised scope to New York State Historic Preservation Office (SHPO) in accordance with the NHPA for consultation on June 22, 2016. If SHPO’s response requires further consultation, or indicates that historic and/or archaeological concerns exist due to the project, GOSR will submit SHPO’s response for your review.

With this letter, GOSR respectfully submits for your review the attached documentation for the proposed project described herein. If the Area of Potential Effect encompasses historic properties of religious or cultural significance to your Nation, please respond within 30 days or sooner. Additionally, please indicate if there are other sources of information or other parties, Nations, Tribes, or members of the public you believe should be included in the consultation process. Please respond by email or in writing to the address listed below.

Mr. Thomas J. King
Assistant General Counsel and Certifying Officer
Governor’s Office of Storm Recovery
99 Washington Avenue
Suite 1224
Albany, New York 12260

I am available to answer any questions that you may have regarding this action. If you have any questions, please feel free to contact me at (518) 473-0015 or via email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King, Esq.
Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery

Enclosures:
Project Location Maps
NY State Historic Preservation Office Letter

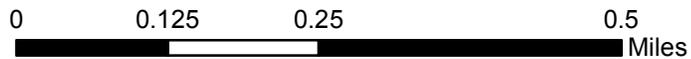
Electronic letter sent to:
Ray Clendenin Jr.
Tribal File Clerk
Shinnecock Indian Nation
P.O. Box 5006
Southampton, NY 11969



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



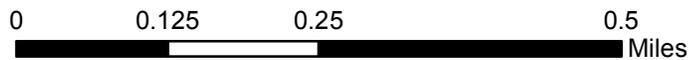
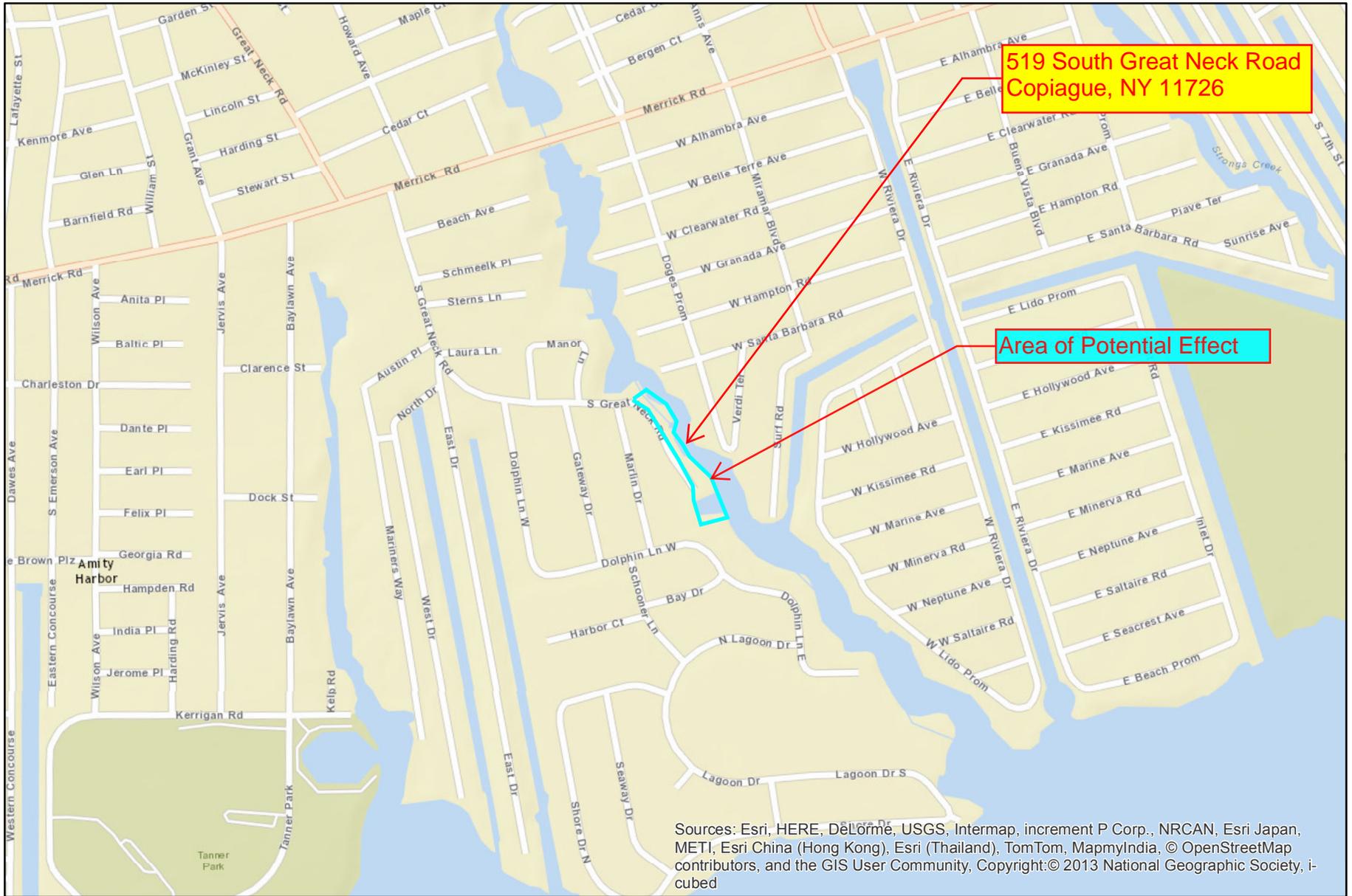
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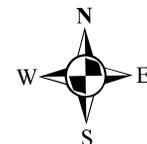
Aerial Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County

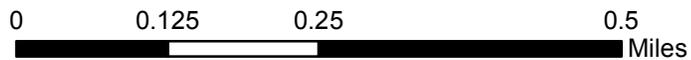
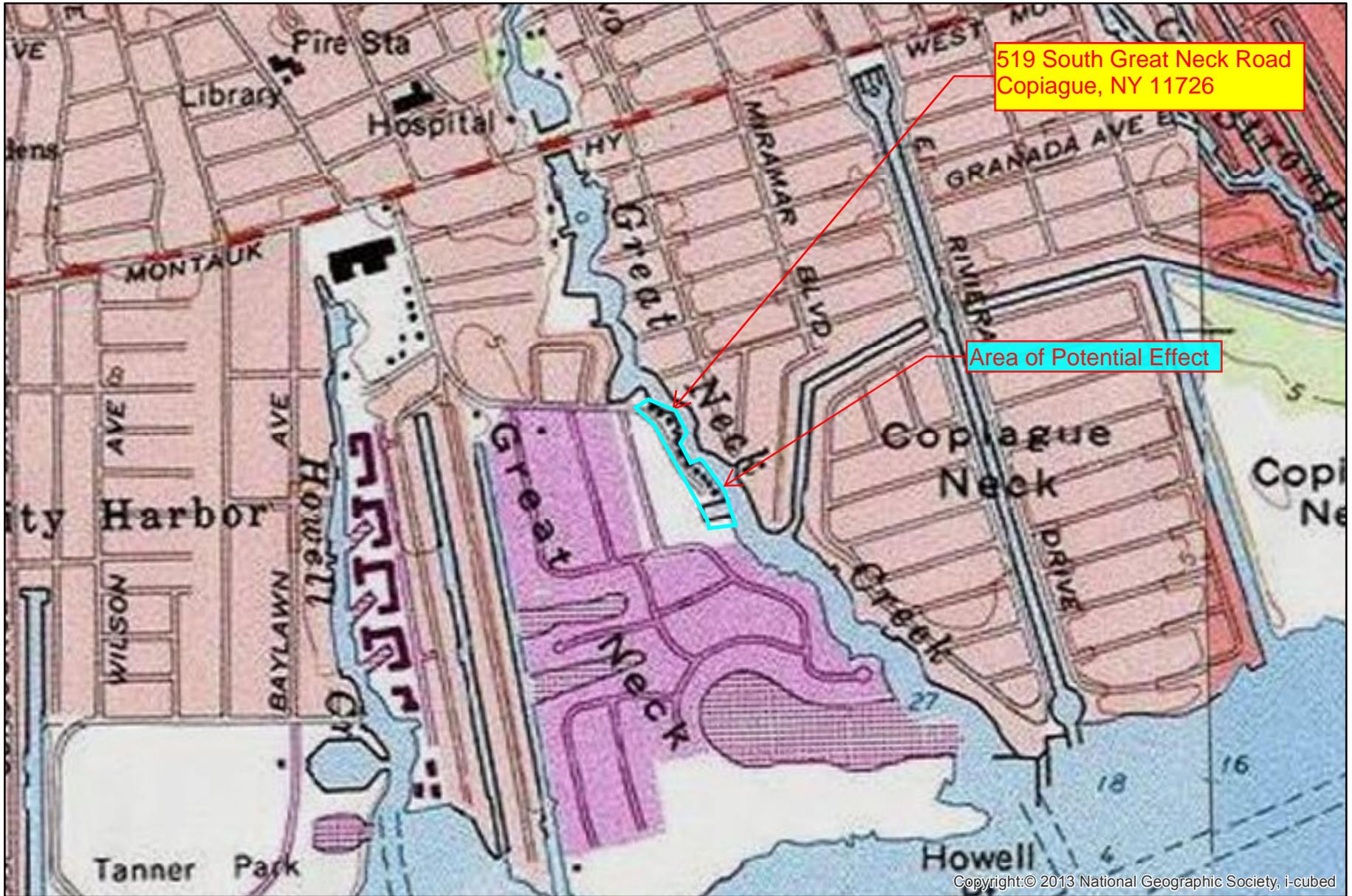




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Street Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





Practical Solutions, Exceptional Service

1:10,000

Topographic Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 10, 2016

Josh Gomez
Tectonic Engineers
70 Pleasant Hill Road
Mountainville, NY 10953

Re: GOSR/ NYSDHCR/ CDBG-DR/ 1-4720-03413/00008
103-ED-433-13/ T & M Property Management
Removal, Disposal and Replacement of Bulkhead
519 South Great Neck Road, Copiague/ Suffolk County

16PR01400

Dear Mr. Gomez:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Title 54, Section 306108 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, it is the opinion of SHPO that there will be No Historic Properties Affected by the proposed undertaking.

If I can be of further assistance, please contact me at (518) 268-2187 or Larry.moss@parks.ny.gov.

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Kim Croshier
Thomas King, GOSR



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

June 27, 2016

Harry B. Wallace, Chief
Unkechaug Nation
207 Poospansk Lane
Mastic, NY 11950

Re: **REVISED SCOPE** for Section 106 Discussion CDBG-DR, New York Rising Small Business Grant Program, T & M Property Management, Inc., 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York (Project # 103-ED-433-13)

Dear Chief Harry Wallace:

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR) is acting under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery (“CDBG-DR”) funds from the United States Department of Housing and Urban Development (“HUD”). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis. GOSR proposes to provide grant funding for the rehabilitation and other in-kind business infrastructure repairs for a single business impacted by Superstorm Sandy. In accordance with Section 101(d)(6)(B) of the National Historic Preservation Act of 1966, as amended (54 U.S.C. 302706(b)), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action. This consultation is being sent to the Shinnecock Indian Nation and the Unkechaug Nation.

Area of Potential Effect: T & M Property Management, Inc., is located at 519 South Great Neck Road in the Hamlet of Copiague, Town of Babylon, Suffolk County, New York with parcel ID number: 0100191000300042001. The storm surge during Superstorm Sandy caused extensive damage to the entire marina and damaged a portion of the bulkhead on the Subject Property beyond repair. There are holes in the bulkhead where wave action and/or debris collided with the wooden sheathing. In addition, debris carried by the storm knocked several of the piles off center and the bank behind the bulkhead partially eroded away. This Subject Property is located along the Great

Neck Creek which is an actively maintained basin where numerous boats travel and is accessed via the Great South Bay. The project location maps are provided with this letter for your reference.

Proposed Project Description: CDBG-DR funding would provide the Applicant funding for future marina infrastructure repair, restoration, and rehabilitation of marina function. Future construction activities included removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns and 12” higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6" x 8" walers and 8" x 8" bottom walers; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits. **Scope of work has been revised from previous submittal (February 25, 2016) to increase the bulkhead replaced from 137 feet to 200 feet.**

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With this letter, GOSR respectfully submits for your review the attached documentation for the proposed project described herein. If the Area of Potential Effect encompasses historic properties of religious or cultural significance to your Nation, please respond within 30 days or sooner. Additionally, please indicate if there are other sources of information or other parties, Nations, Tribes, or members of the public you believe should be included in the consultation process. Please respond by email or in writing to the address listed below.

Mr. Thomas J. King
Assistant General Counsel and Certifying Officer
Governor’s Office of Storm Recovery
99 Washington Avenue
Suite 1224
Albany, New York 12260

I am available to answer any questions that you may have regarding this action. If you have any questions, please feel free to contact me at (518) 473-0015 or via email at Thomas.King@stormrecovery.ny.gov.

Sincerely,

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Thomas J. King, Esq.
Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery

Enclosures:
Project Location Maps
NY State Historic Preservation Office Letter



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



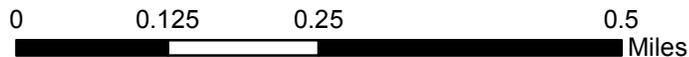
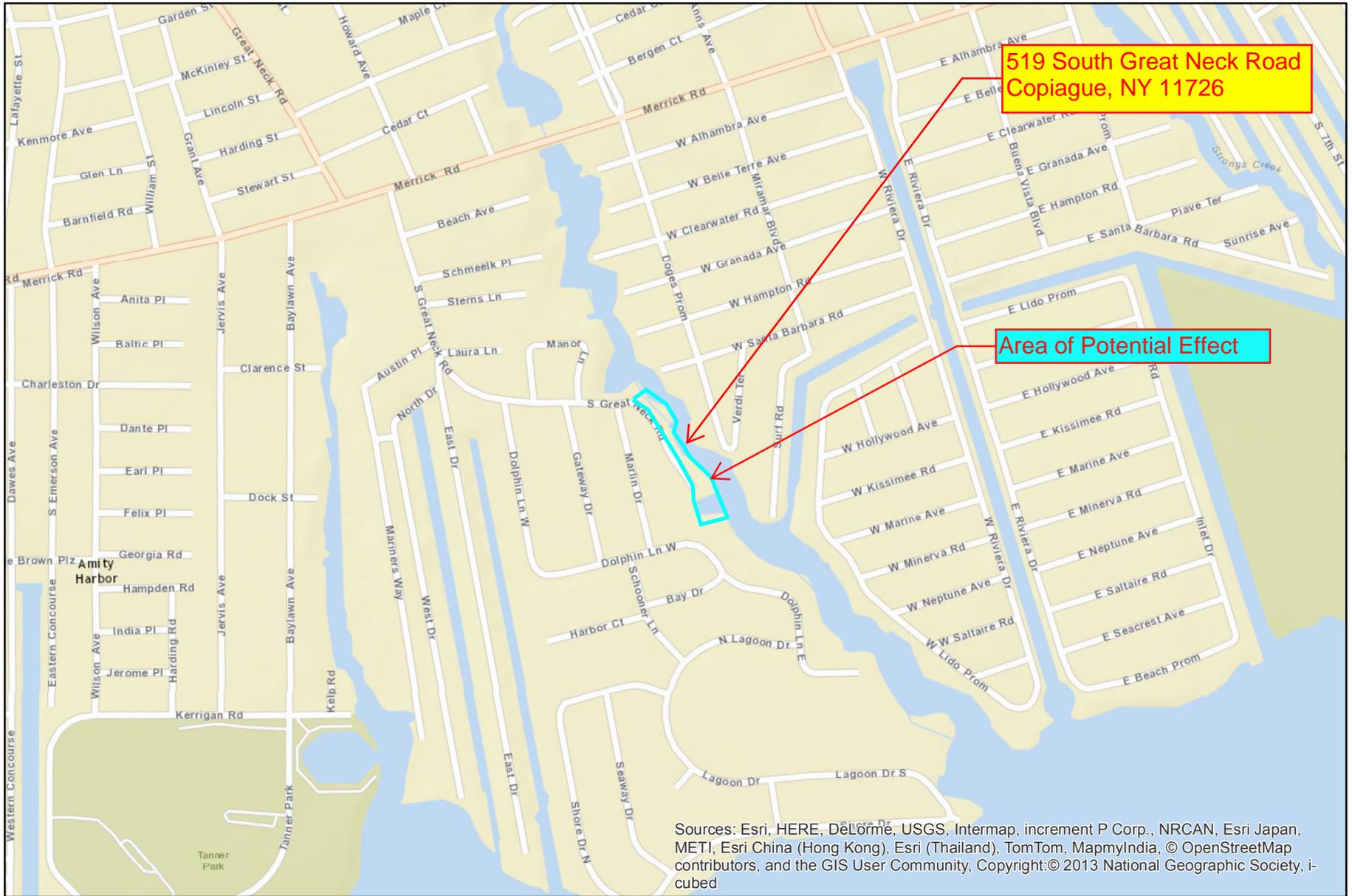
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Aerial Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County

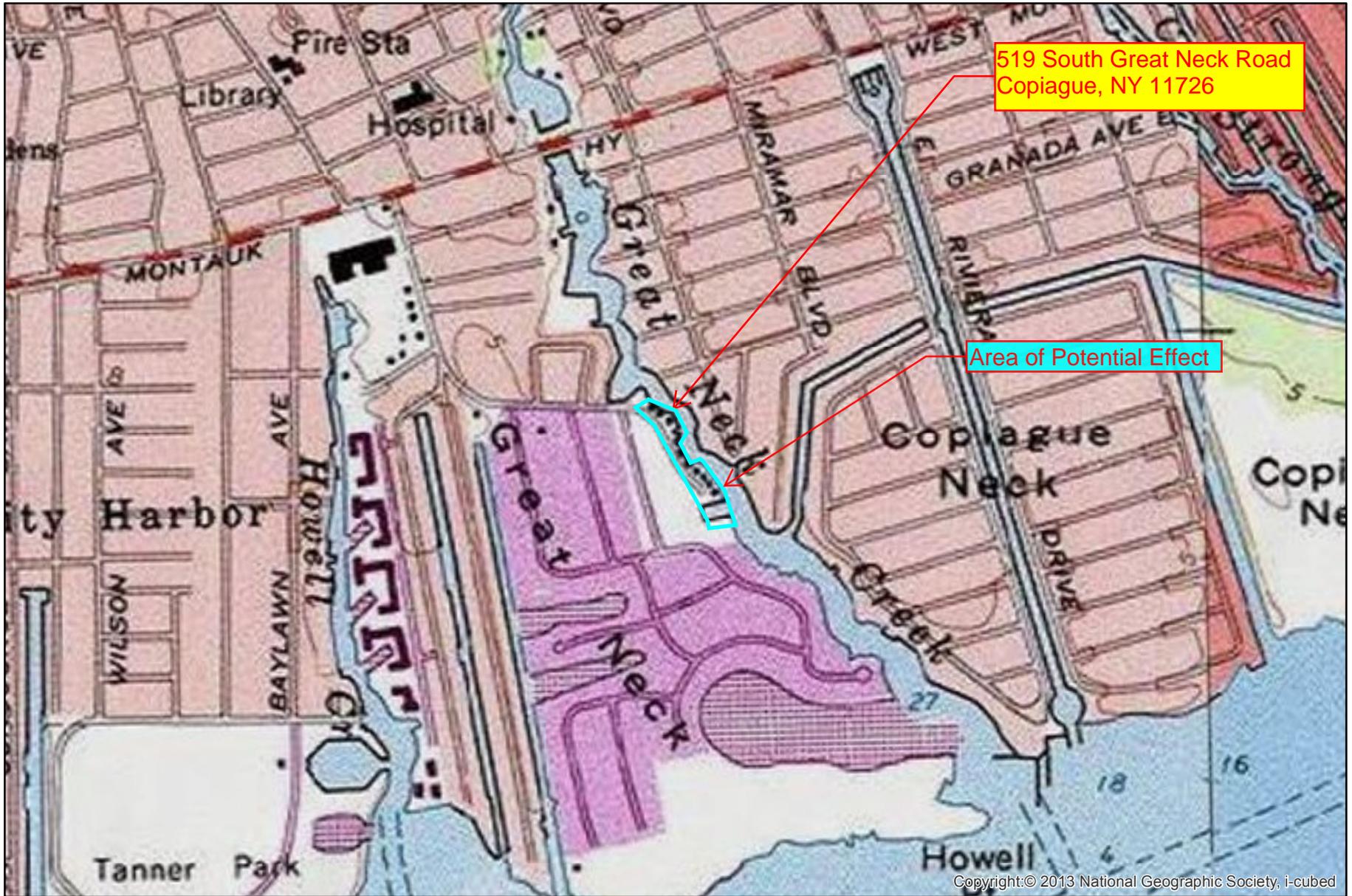




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Street Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County







Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 10, 2016

Josh Gomez
Tectonic Engineers
70 Pleasant Hill Road
Mountainville, NY 10953

Re: GOSR/ NYSDHCR/ CDBG-DR/ 1-4720-03413/00008
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16PR01400

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If I can be of further assistance, please contact me at (518) 268-2187 or Larry.moss@parks.ny.gov.

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Kim Croshier
Thomas King, GOSR



SHINNECOCK INDIAN NATION

Shinnecock Indian Territory
P.O. Box 5006 Southampton, New York 11969-5006
Phone (631) 283-6143 Fax (631) 283-0751

*The oldest self-governing
Tribe of Indians in the United States*

March 28, 2016

Thomas J. King, Esq.
Certifying Environmental Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, New York 12210

Re: Response to Section 106 Compliance for CDBG-DR, New York Rising Small Business Program, 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York 11726

Dear Mr. King,

Thank you for inviting the Shinnecock Indian Nation (the Nation) to provide information on whether the project activities at 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York 11726 encompasses historic properties of religious or cultural significance. The Nation's Legal Department has been designated the task of responding to National Historic Preservation Act (NHPA) Section 106 consultation and information requests as the Nation does not yet have a Historic Preservation Office.

The Nation is the one of the oldest self-governing Indian Nations in the State of New York and is a federally recognized Indian tribe (75 Fed. Reg. 60810, Oct. 1, 2010). The elected governing body of the Nation is a seven member Council of Trustees. The Nation exerts the authority and responsibility to protect the heritage and traditions of the Shinnecock People and acknowledges that the Nation's Legal Department is best qualified to review these materials.

The Nation may potentially have ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony within both disturbed and undisturbed locations in the project area. The Nation's area of interest, as recognized by the New York Mayor's Office, includes the New York City counties of Bronx, New York (Borough of Manhattan), Queens, and Richmond (Borough of Staten Island), and the Long Island counties of Suffolk and Nassau. The Nation appreciates the opportunity to participate in this process where the unearthing of Indian burial sites has occurred all over Long Island, many of which have gone unreported and/or desecrated.¹

¹ See e.g., GAYNELL STONE, THE SHINNECOCK INDIANS: A CULTURE HISTORY, 28-29 (Vol. VI. Lexington: Ginn Custom Publishing, 1983). The archeological site at Strong Neck holding skulls and long bones was raided by individuals seeking profit and was further desecrated through wanton destruction. Burials at Strong Neck were shallow, about six or seven inches below the surface and contained six skeletons – five adults and one small child.

The most recent unearthing of the Nation's ancestral remains occurred in Water Mill in the South Fork in 2006 at the former St. James Hotel development site on Montauk Highway.² Although human remains were not expected to be disturbed during the development in Water Mill, Shinnecock oral history indicates a seasonal Indian village existed in the South Fork.³ This property was later purchased by the Town of Southampton through its Community Preservation Fund, to be held in perpetuity.⁴ Previously, in 2003, the Nation's ancestral remains were also uncovered on private property in Shelter Island.⁵

Furthermore, private landowners and archeological excavations have unearthed several ancestral remains and funerary objects at the Sugar Loaf Indian Burial Site throughout the early to mid twentieth century. The New York State Department of Environmental Conservation and the Town of Southampton has designated this site as a Critical Environmental Area (CEA) in 1990 after the Sugar Loaf Hill archaeological site was destroyed in the 1980s. The Sugar Loaf site in the Shinnecock Hills is a notable historic area that was once considered to be the most significant Indian burial site in the State of New York by the New York State Museum and Science Service. The Sugar Loaf site was radiocarbon dated to approximately 1043 B.C, +/- 300 years.⁶ The area was known to have a large burial pit in the center of the hill, as well as smaller burial pits scattered around the area.⁷ The burial pits were believed to "have approximated 30 feet in length, 18-23 feet in breadth, and 5-8 1/2 feet in maximum depth. The smaller, apparently individual burial pits, measured some 6 feet in diameter by 3-8 feet in depth."⁸ In addition to human remains, excavations of the area also produced a large number of associated burial items such as pottery, fishing hoods, chipped stone, and other items. Because of these excavations, the digging of foundations for new buildings could easily disturb the final resting places of the Nation's ancestors for which many tribal members are currently protesting.⁹

Excavations have also occurred on the western end of Long Island within the Area of Interest. Specifically, excavations of a burial pit at Aqueduct in Queens County in 1982 revealed the remains of an adult female in a flexed position with an infant buried near her knees.¹⁰ A shell layer was placed over the deceased to a depth of five inches and shards of pottery were also found in the pit.¹¹ The burial pit also indicated that a fire was built over the grave of shells as part of the burial ceremony.¹² Remains were also found in Port Washington in 1977 where sixteen pits had human burials, mostly children.¹³ The remains were buried in depths ranging from eighteen to forty inches.¹⁴

The Nation's historical cultural resources and ancestral remains are deserving of such protection as are those of our sister tribes and their descendants. As such, the Nation requests that the

² Nicole Controneo, *Calls to Preserve Indian Sites After a Skull Is Unearthed*, THE NEW YORK TIMES, (Dec. 31, 2006), <http://query.nytimes.com/gst/fullpage.html?res=9B02E1DF1F31F932A05751C1A9609C8B63>.

³ *Id.*

⁴ Stacey Altherr, *Town mulls laws to preserve burial sites*, NEWSDAY (Oct. 15, 2012), <http://www.newsday.com/long-island/towns/town-mulls-laws-to-preserve-burial-sites-1.4117748>.

⁵ *Id.*

⁶ William A. Ritchie, "The Stony Brook Site And Its Relation to Archaic and Transitional Cultures on Long Island," The State Education Department, State Museum And Science Service, Bulletin 372, 75 (1959).

⁷ *Id.* at 50.

⁸ *Id.*

⁹ Michael Wright, *Shinnecocks Protest New Development at Sugar Loaf*, 27EAST (Apr. 10, 2013), <http://www.27east.com/news/article.cfm/General-Interest-Southampton/458740/Shinnecocks-Protest-New-Development-At-Sugar-Loaf>.

¹⁰ STONE, *supra* note 1, at 29-30.

¹¹ *Id.* at 30.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

historic tribes on Long Island (or their descendants) be added as parties and be offered the chance to provide information including Montauk and the Matinecock. The potential for an adverse effect should be noted in association with the Section 106 compliance factor along with an indication that mitigation may be required if discovery is made during construction.

In addition, per New York State Law, the Nation's burial grounds are eligible to be preserved by the Office of Parks, Recreation and Historic Preservation.¹⁵ Indian cemeteries and burial grounds on New York State lands, in consultation with Native Americans, are eligible for preservation as a place of historic interest.¹⁶ Any excavation or destruction of the area would have to be permitted by the Office of Parks, Recreation and Historic Preservation, and violators would be subject to a misdemeanor and a \$10,000.00 fine.¹⁷

The Nation welcomes the NY Rising Governor's Office of Storm Recovery's commitment to initiating consultation with tribes to resolve compliance especially where groundbreaking activities occur on previously undisturbed soil and there is the potential for discovery of human or archeological remains. Where not only ancestral remains but also funerary and sacred objects are potentially present in the project area, the Shinnecock Indian Nation and other historic tribes of Long Island must be notified and consulted including the Montauk and the Matinecock. From there, the Nation anticipates coordinated efforts to pursue archaeological investigations, make detailed documentation, preserve materials, and initiate a construction protection plan to avoid destruction and desecration of historic properties and cultural resources.

Should you have any questions, please contact the Nation's Legal Department at Legal@shinnecock.org or call to speak with Shinnecock Tribal Attorney Kelly Dennis or Tela Troge at (631) 283-6143.

Sincerely,



Kelly Dennis, Esq.
Tribal Attorney
Shinnecock Legal Department

¹⁵ N.Y. Indian Law § 12-a.

¹⁶ *Id.*

¹⁷ N.Y. Educ. Law § 233.

Attachment 6

NYSDEC Environmental Resource Map

USFWS NWI Map

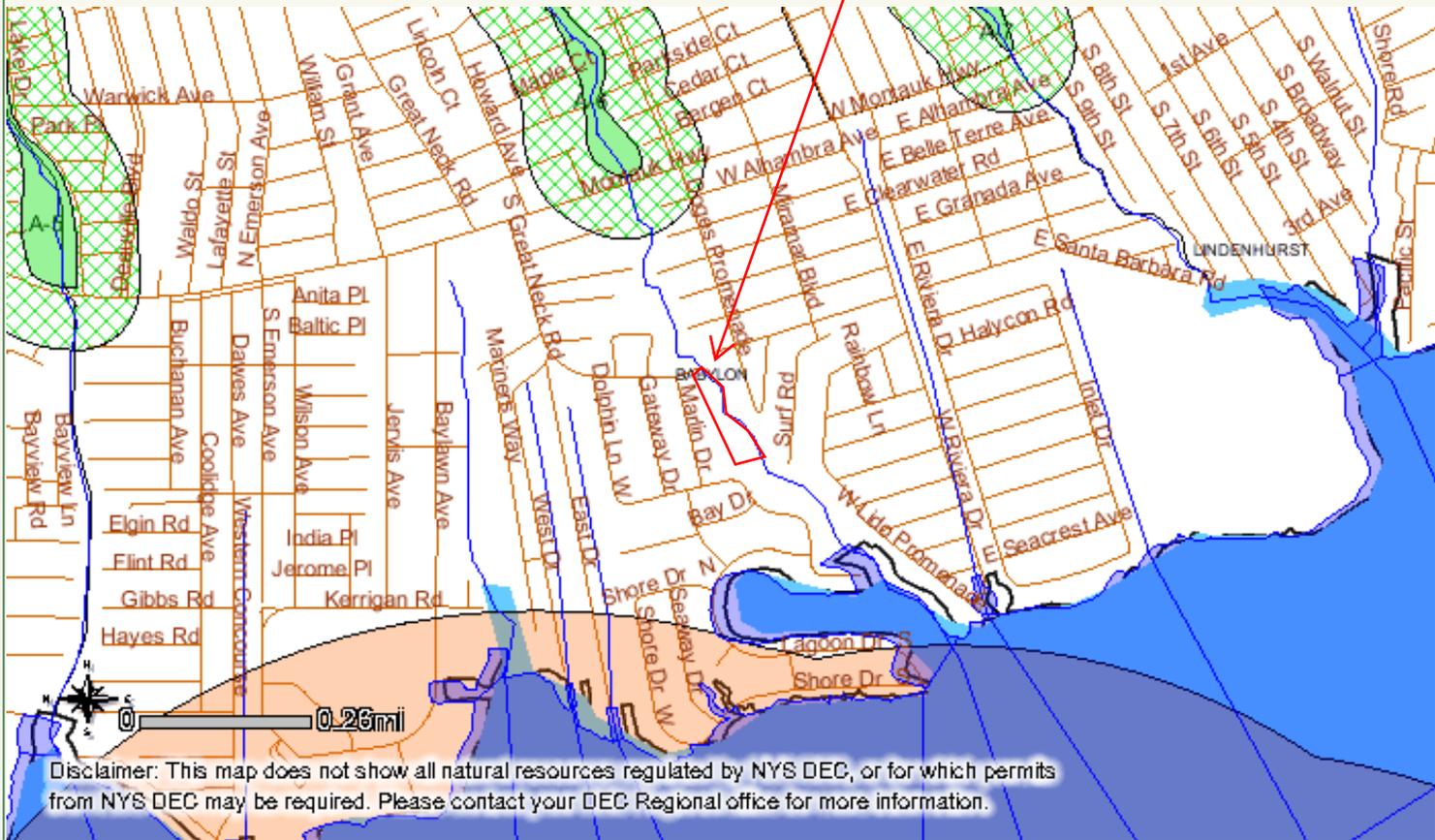
NYS Coastal Boundary Map

Tidal Wetland Map

Coastal Barrier Resource Map

FEMA Firmette

Approximate Boundary of:
 519 South Great Neck Road
 Copiague, Suffolk County, NY 11726
 Project # 103-ED-433-13



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.

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
-  Counties



U.S. Fish and Wildlife Service National Wetlands Inventory

Approximate Boundary of:
519 South Great Neck Road
Copiague, Suffolk County, NY 11726
Project # 103-ED-433-13



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

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:

519 South Great Neck Road, Copiague, Suffolk County, NY 11726

Welcome to the NYS Coastal Boundary Map



Search

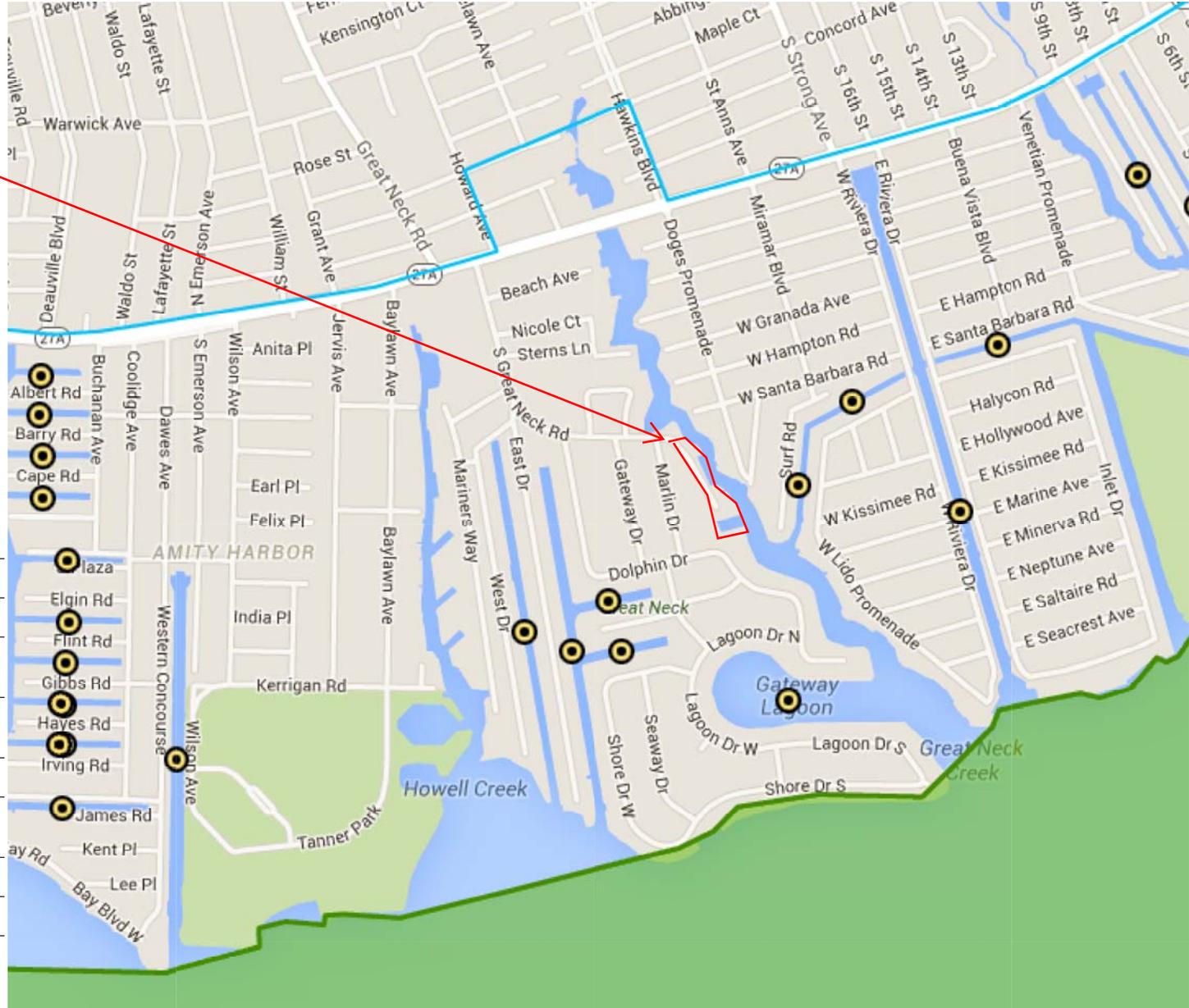
Address:

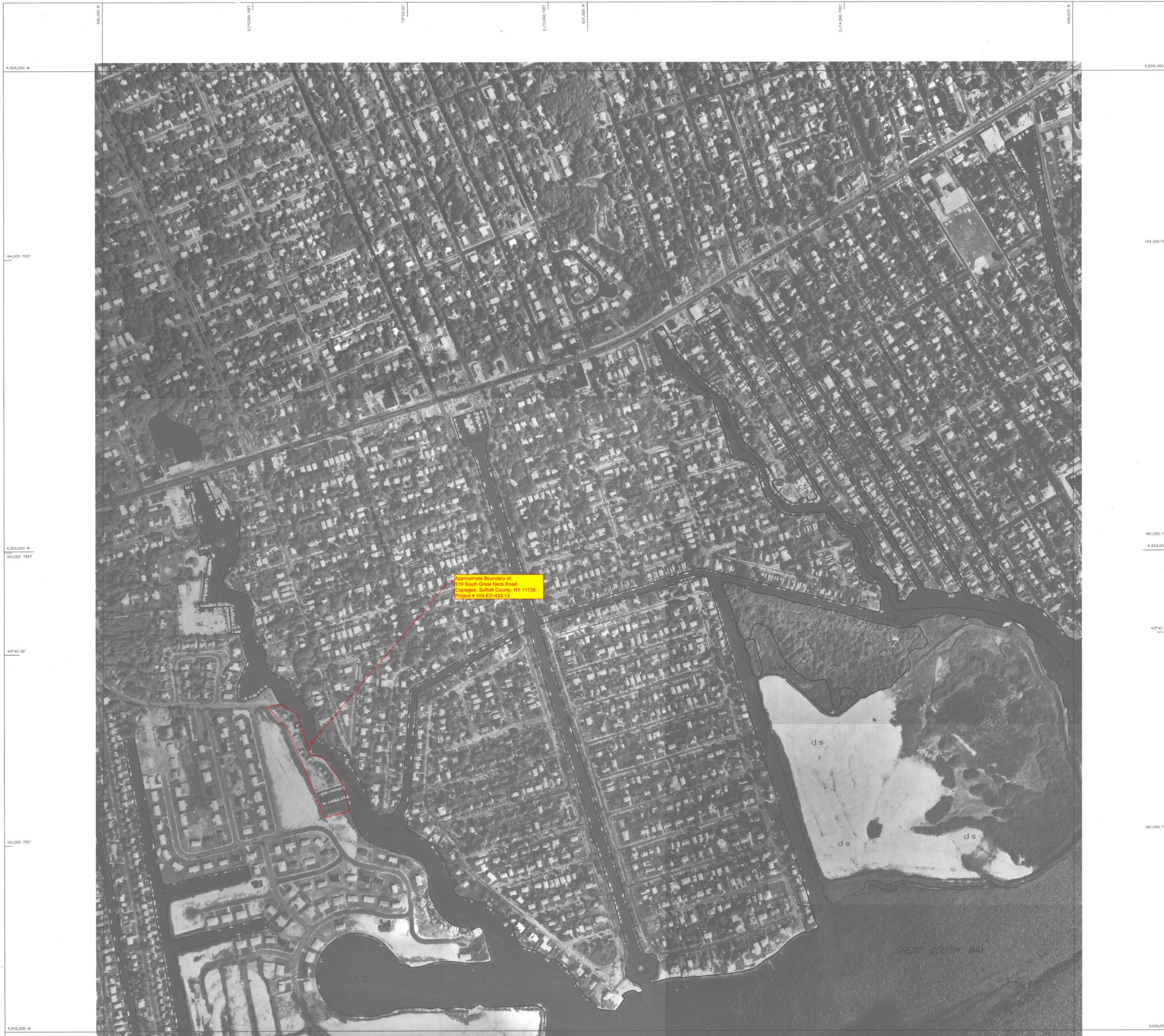
Approximate Boundary of:
519 South Great Neck Road
Copiague, Suffolk County, NY 11726
Project # 103-ED-433-13

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





Approximate Boundary of:
 515 South Great Neck Road
 Copiague, Suffolk County, NY 11726
 Project # 103-ED-433-13

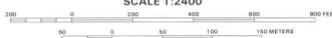
TIDAL WETLANDS MAP

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 MAP 636-502

INDEX MAP NUMBER 2

COPIES OF TIDAL WETLAND MAPS AND INDEX MAPS ARE AVAILABLE FROM
 NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 BUILDING NUMBER 40, STATE UNIVERSITY OF NEW YORK
 STONY BROOK, NEW YORK 11794

SCALE 1:2400



LEGEND

POLITICAL BOUNDARIES:

- State —————
- County —————
- Town or City —————
- Incorporated Village —————
- Park or Reservation —————

WETLANDS CATEGORIES:

- IM Intertidal Marsh
- HM High Marsh or Salt Meadow
- FM Coastal Fresh Marsh
- SM Coastal Shoals, Bars and Mudflats
- FC Formerly Connected Tidal Wetlands
- ds Dredge Spoil
- LZ Littoral Zone
- Areas adjacent to tidal wetlands
- Landward extent of tidal wetlands
- Wetlands category boundaries

Photograph prepared by Earth Satellite Corporation Mark Hurd
 Aerial Survey, Inc. from color infrared photographs taken 10
 August through 9 October 1974.
 Position and scale of Aerial image based on best fit to New
 York State Department of Transportation 7.5 minute plani-
 metric maps.

New York Transverse Mercator Grid shown at 1000 meter
 intervals.
 Latitude and longitude ticks shown at 1 minute intervals.
 2000 feet ticks based on the New York Plane Coordinate Grid,
 Long Island Zone.

Approximate location of political boundary lines based on New
 York State Department of Transportation 7.5 minute plani-
 metric maps.

Available Layers

- CBRS Buffer Zones ?
- CBRS Units ?

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

- CBRS Buffer Zone

Approximate Boundary of:
519 South Great Neck Road
Copiague, Suffolk County, NY 11726
Project # 103-ED-433-13



Zoom History

← → ↻

Vertical zoom slider

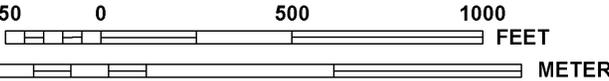


Approximate Boundary of:
 519 South Great Neck Road
 Copiague, Suffolk County, NY 11726
 Project # 103-ED-433-13

National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0842H

FIRM
 FLOOD INSURANCE RATE MAP

for SUFFOLK COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
AMITYVILLE, VILLAGE	360788
OF	
BABYLON, TOWN OF	360790
LINDENHURST, VILLAGE OF	360798

PANEL 842 OF 1026
 MAP SUFFIX: H
 (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
 36103C0842H

MAP REVISED
 SEPTEMBER 25, 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 7

NHP Record Request Response

NHP Record Request

USFWS No Effect Determination

NMFS No Effect Determination

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



February 12, 2016

Joshua Gomez
Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road
Mountainville, NY 10953

Re: CBDG-Disaster Recovery Small Business Grant Program -- T&M Property Management Inc (103-ED-433-13)

Town/City: Babylon.

County: Suffolk.

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.

We have no records of rare or state-listed animals or plants, or significant natural communities at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on 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 resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the Natural Heritage Database. Your project may require additional review or permits; 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,

A handwritten signature in black ink that reads "Nick Conrad".

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

Tectonic Engineering & Surveying Consultants P.C.
70 Pleasant Hill Road,
Mountainville, NY 10953

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

January 19, 2016

Information Services
New York Natural Heritage Program
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, New York 12233-4754

VIA EMAIL: NaturalHeritage@dec.ny.gov

RE: New York Natural Heritage Program Record Request - Small Business Grant Program Proposed Projects, Batch 5 dated January 19, 2016 (*List of projects attached to this letter*)

To Whom It May Concern:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. Tectonic Engineering & Surveying Consultants P.C. is assisting GOSR with the environmental review for projects funded under the Small Business Grant Program, and these projects are processed on a case-by-case basis.

Pursuant to Article 11 of the New York State (NYS) Environmental Conservation Law (ECL) and Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), we respectfully request a search of the NYS Department of Environmental Conservation (DEC) New York Natural Heritage Program's records, providing Tectonic with a determination as to the potential effects of proposed construction activities on New York State Threatened and Endangered Species on, or within proximity of, the projects in the attached list.

For each project, a street map, topographic map, and aerial image showing the site location are attached (site location maps). Also, attached for each project are the Environmental Assessment Form (EAF) mapper findings summary for the site location. Your assistance with this matter is greatly appreciated.

Please notify us of your findings related to this information as soon as possible. If you have additional information or have questions concerning the evaluation, please contact me at JGomez@tectonicengineering.com or 845-534-5959.

Thank you.

Sincerely,

TECTONIC ENGINEERING AND SURVEYING CONSULTANTS P.C.



Joshua Gomez
Environmental Scientist II

Enclosures:

Batch 5 Project List

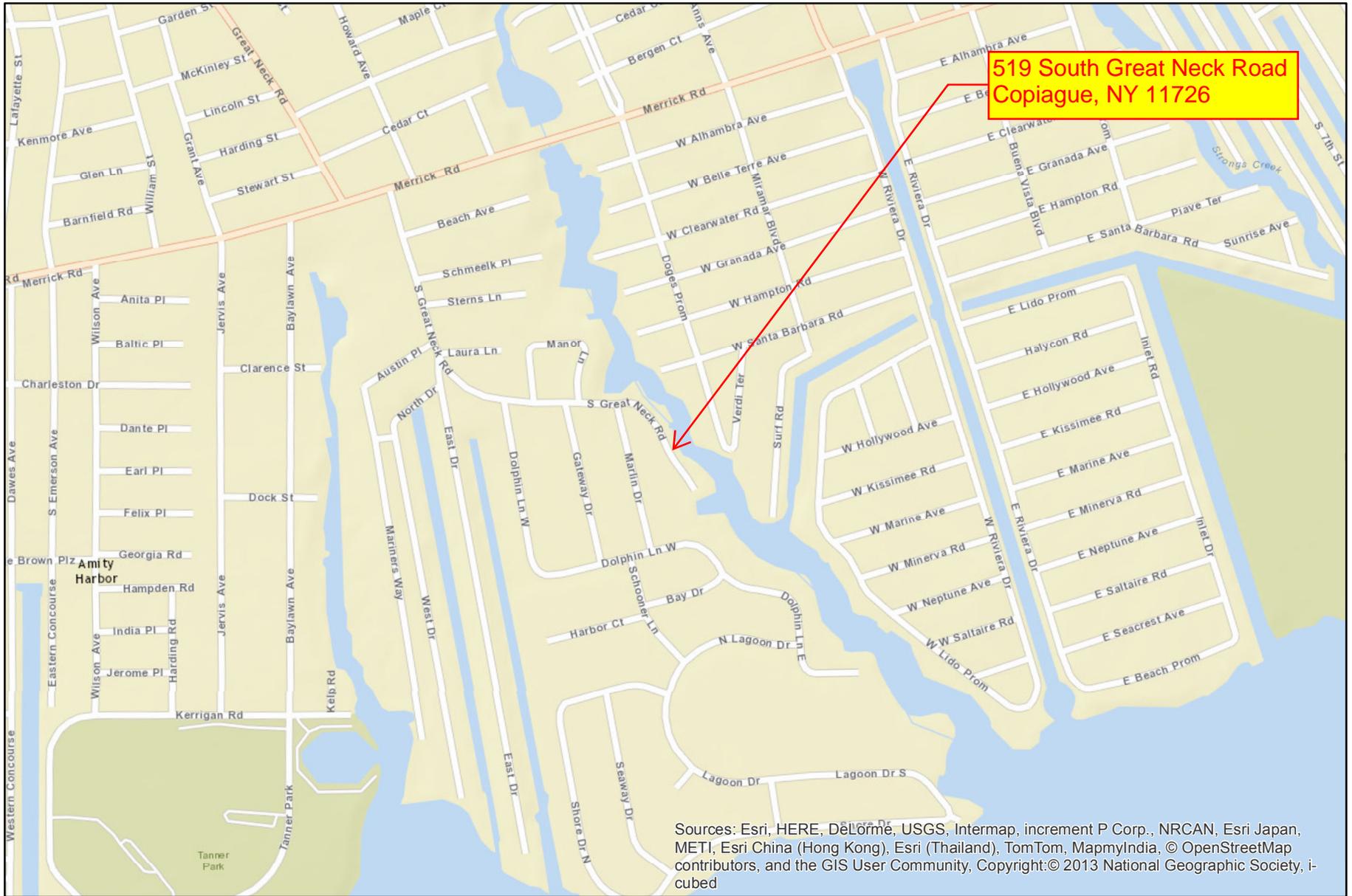
- A) **Project A – Moore’s Motel and Resort**
(039-ED-33252-2013)
 - Site Location Maps
 - EAF Mapper Findings
- B) **Project B – Rainbow Marine Associates LLC**
(103-ED-33686-2013)
 - Site Location Maps
 - EAF Mapper Findings
- C) **Project C – JJAZZ, Inc. dba Mille Grazie Pizzeria**
(059-ED-33757-2013)
 - Site Location Maps
 - EAF Mapper Findings
- D) **Project D – 74 Woodcleft LLC**
(059-ED-33849-2013)
 - Site Location Maps
 - EAF Mapper Findings
- E) **Project E – 120 Main Street Corporation**
(103-ED-33602-2013)
 - Site Location Maps
 - EAF Mapper Findings
- F) **Project F - T&M Property Management Inc**
(103-ED-433-13)
 - Site Location Maps
 - EAF Mapper Findings

NHP Program Inquiry - Batch 5 dated January 19, 2015 - GOSR Small Business Grant Program

Project	GOSR Project ID	Applicant Name	Applicant Address	Project Work Description
A.	039-ED-33252-2013	Moore's Motel and Resort	14672 Main Street, Prattsville, Greene County, NY 12468	Completed work: involved interior and exterior work on building structures located on this property. Work included a concrete wall, a retaining wall, sheet-rocking, equipment replacement, fixtures, a channel drain, a fire suppression system, recharges, a water block/jacket, an illuminated sign, vinyl removal, tiling, grouting, step stools and grout, paint/materials, quarry materials, gravel supplies, floor tiles, doors, primer, hardware, furniture movers, electrical hardware and door equipment, door and window materials, snow plows, stones, flooring, fuel, equipment, lumber, mason mix and equipment, sheetrock compound, a sound board, cement, melamine, lumber, air filters, chairs, pencils, plywood, gutter, vent materials, and concrete construction.
B.	103-ED-33686-2013	Rainbow Marine Associates LLC	185 Sumpwams Avenue, Babylon, Suffolk County, NY 11702	Proposed work (not yet completed): Proposed construction including the removal and disposal of a 77-foot section of deteriorated timber bulkhead adjacent to an existing building, and then supply and install a new 77-foot Navy-type bulkhead. In addition to this work, an anchor system will be installed and dredging will take place to backfill, as allowed by permits.
C.	059-ED-33757-2013	JJASZ, Inc. dba Mille Grazie Pizzeria	2063 Hempstead Turnpike, East Meadow, Nassau County, NY 11554	Proposed work (work not yet completed): Replacement of the awning (2'6" high x 14' 6" wide x 1' 2" projection), including heavy wall aluminum tubing, and welded frame, and installation on the store front.
D.	059-ED-33849-2013	74 Woodcleft LLC	74 Woodcleft Avenue, Freeport, Nassau County, NY 11520	Completed work: Repairing a workshop on the property. Demolition work on the workshop building included the removal of interior and exterior walls, removal of insulation and outer sheathing and the removal of flooring, and removal of debris from the premises. Construction activities included supporting the upper structure by creating a new 36" x 18" footing with 2 courses of cement block and rebar reinforcing. The upper structure was then set on the new foundation footings. Completed renovation construction included framing and sheathing outer walls and installing insulate R-19 and Ty-Vac water shield. New siding was applied to match existing siding. New doors and frames were installed on the 2nd floor office including the installation of two double doors. In addition, sheathing, sheetrocking, taping, spackling and painting of interior walls occurred. V.C.T. sheet-metal flooring was installed. The roof and gutters were repaired. A 500 square foot drop ceiling with lighting was installed. New plumbing supply and work sinks were installed. A propane fired heating system was installed. Three phase electric service and outlets, as required, were installed.
E.	103-ED-33602-2013	120 Main Street Corporation	120 Main Street, Islip, Suffolk County, NY 11750	Proposed work (work not yet completed): Roof repairs including the removal of two layers of shingles plus the remaining corrugated roof on a 1 1/2 story high roof. The original deck and underlayment will be inspected and repaired as necessary. The 15-pound felt paper and 25-year 3-tab composition roof shingles will be installed. The re-roofing activities will include the continuous ridge vents, drip edge, and flashing. All refuse will be removed and the premises will be broom-swept upon completion of the construction.

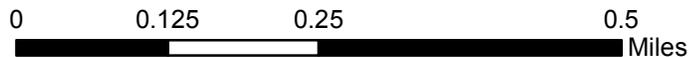
F.	103-ED-433-13	T&M Property Management Inc	519 South Great Neck Road, Copiague, Suffolk County, NY 11726	<p>Proposed work (work not yet completed): The removal and disposal of approximately 137 feet of Navy/Smooth Face bulkhead with zero returns.</p> <p>Details: C-Loc 9000 Sheathing planks, 20 feet in length with 6" x 8" whalers and a 8" x 8" bottom whaler, will be used. Pilings will have a 12-inch butt x 25 feet long, spaced on 6-foot centers. Tie rods will be 1-inch x 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system. All lumber will be pressure treated and all hardware will be hot dipped galvanized.</p>
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Project F



**519 South Great Neck Road
Capiague, NY 11726**

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



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Street Map
T&M Property Management Inc
519 South Great Neck Road
Capiague, NY 11726
Suffolk County





519 South Great Neck Road
Copsiague, NY 11726

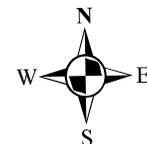
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Practical Solutions, Exceptional Service

1:10,000

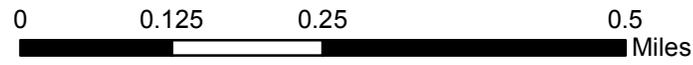
Topographic Map
T&M Property Management Inc
519 South Great Neck Road
Copsiague, NY 11726
Suffolk County



Copyright:© 2013 National Geographic Society, i-cubed



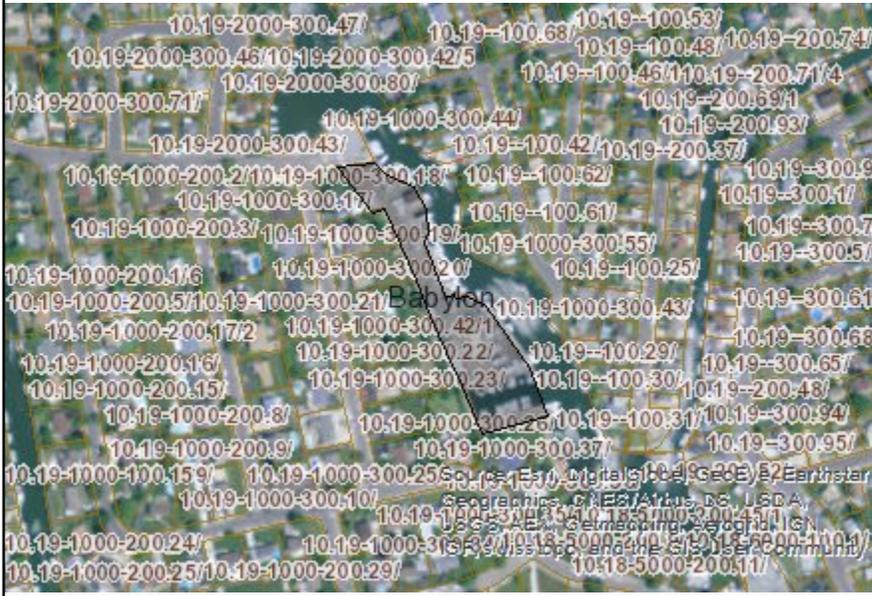
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



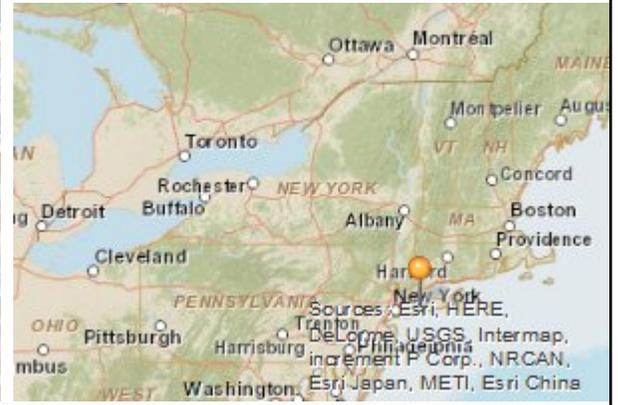
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Aerial Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	No
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Sole Source Aquifer Names:Nassau-Suffolk SSA
E.2.n. [Natural Communities]	No

E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

June 14, 2016

Mr. Steve Papa
U.S. Fish and Wildlife Service
Long Island Field Office
340 Smith Road
Shirley, NY 11967

VIA EMAIL: steve_papa@fws.gov

Re: Notice of No Effect for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), Economic Development - Small Business Grant Program Proposed Projects, Batch 17 dated June 14, 2016 (*List of projects attached to this letter*)

Dear Mr. Papa:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the United States Fish and Wildlife Service (USFWS), New York Field Office's online project review process. GOSR has made a "No Effect" determination for the projects described herein pursuant to Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat 755). This letter requests acknowledgement of this determination from the USFWS.

We have reviewed the projects in the attached list according to USFWS procedures. We completed our reviews on June 14, 2016 and are submitting this project review package to notice the USFWS of the "No Effect" determination made for the proposed projects pursuant to Section 7 of the ESA. We are

submitting case materials so that the USFWS can acknowledge the determination made by GOSR that the proposed projects will have “No Effect” on endangered/threatened species or critical habitat for species under USFWS jurisdiction for each project. If the USFWS does not respond within 30 days from submittal of this form, then GOSR may presume that its determination for each project is informed by the best available information and its project responsibilities under Section 7 of the ESA have been fulfilled.

For each project, a street map, topographic map, and aerial image showing the site location are attached (site location maps). Also, attached for each project are the USFWS official species list and IPaC trust resource report for the site location. We are also providing a link to the kmz files of the project locations separately from this letter. Your assistance with this matter is greatly appreciated.

For additional information please contact me at (518) 474-0647 or Alicia.Shultz@nyshcr.org.

Sincerely,

Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, New York 12207

Batch 17 Project List Enclosures:

A) Project A – Vanderbilt Wharf Marina, Inc.
103-ED-32365-2013

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

B) Project B – Maple Avenue Marina, LLC
103-ED-33675-2013

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

C) Project C – Three Mile Harbor Marina, LLC
103-ED-32585-2013

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

D) Project D – Freeport Boatmen’s Realty Corp.
059-ED-486-13

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

E) Project E – Demi’s Place (REVISED SCOPE)
059-ED-33042-2013

- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

F) Project F – T&M Property Management Inc. (REVISED SCOPE)
(103-ED-433-13)

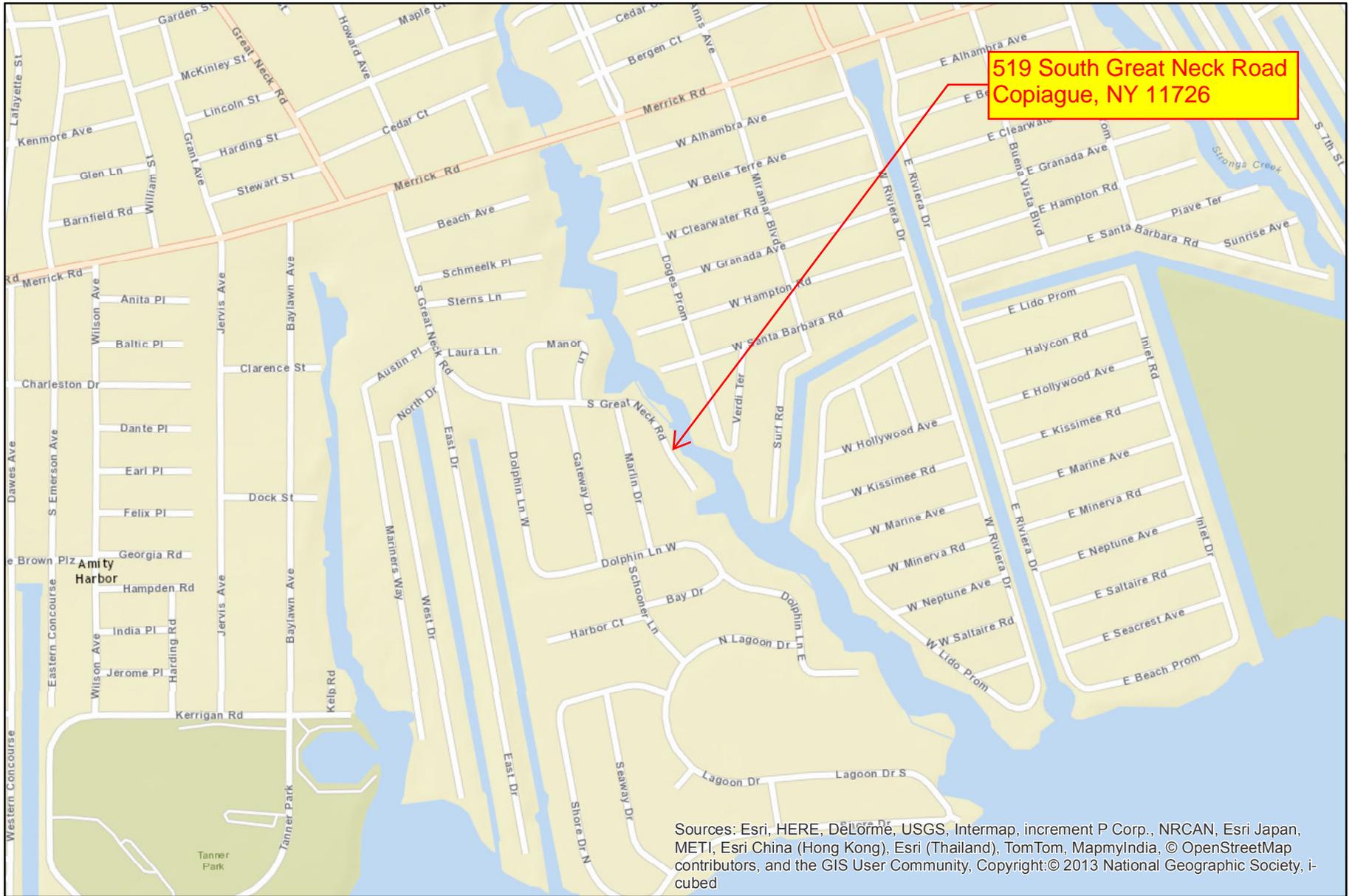
- Site Location Maps
- USFWS Official Species List
- IPaC Trust Resource Report

USFWS ESA Submission - Batch 17 dated June 14, 2016 - GOSR Small Business Grant Program

Project	GOSR Project ID	Applicant Name	Applicant Address	Project Work Description	GOSR Project Review ESA Determination
A.	103-ED-32365-2013	Vanderbilt Wharf Marina, Inc.	445 Vanderbilt Boulevard, Oakdale, NY 11769	<p>Completed work: Purchase and installation of six (6) piles in the marina for boat slips and the removal of oil slicks, debris and soil deposits. Soil deposits from the storm were removed from inside the restaurant building.</p> <p>Future work: Elevating the restaurant 4 feet and 4 inches onto a masonry cement block foundation and associated electrical and plumbing; securing the structure; applying vinyl siding; adding decks on the south and west side of the building; installing ramps and steps; expanding existing bathrooms for increased accessibility; and spreading clean fill on the Subject Property to make it level.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-eared Bat as threatened and endangered species that could be in the project area (Attachment A). A "No Effect" determination is appropriate because the project is located in previously disturbed areas which are not known to support or provide habitat for any rare, threatened or endangered plant or animal species. Moreover, the project only involves cleaning the Subject Property and elevating, expanding and improving/rehabilitating existing structures and grading previously disturbed soils. Therefore, the project will not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
B.	103-ED-33675-2013	Maple Avenue Marina, LLC	121 Maple Avenue, Bay Shore, NY 11706	<p>Completed work: Erected temporary chain-link gates at the north entrance and west entrance of the Subject Property; installed and energized security and work lighting; rigged containment booms along marina perimeter at bulkhead; pumped water off the Subject Property; collected and removed all solid debris; shoveled, swept, and power-washed the Subject Property; demolished and removed damaged floating dock; recovered and re-blocked damaged salvageable boats; removed damaged blocking materials and yard equipment; replaced load centers, 125V 30A receptacles, and 50A 250/125V receptacles on docks; furnished and installed replacement dockside boxes; and energized and tested all locations.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-eared Bat as threatened and endangered species that could be in the project area (Attachment B). A "No Effect" determination is appropriate because the project is located in previously disturbed areas which are not known to support or provide habitat for any rare, threatened or endangered plant or animal species. Moreover, the project only involved securing and cleaning the Subject Property and replacing existing infrastructure. Therefore, the project did not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
C.	103-ED-32585-2013	Three Mile Harbor Marina, LLC	6 Boat Yard Road, East Hampton, NY 11937	<p>Future work: Replace 75 existing pilings with greenheart pilings that are taller and wider. The new pilings will be 10 to 12 inches in diameter and 39 feet long, with a minimum height of 14 feet above mean high water. Forty of the pilings replaced will be for the floating docks in place, and thirty-five of the pilings replaced will be free standing pilings at the end of slips for tying up boats.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-eared Bat as threatened and endangered species that could be in the project area (Attachment C). A "No Effect" determination is appropriate because the project is proposed to replace existing infrastructure located in previously disturbed areas which do not support or provide habitat for any rare, threatened, or endangered plant or animal species. Therefore, the project activities will not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
D.	059-ED-486-13	Freeport Boatmen's Realty Corp.	540 Guy Lombardo Avenue, Freeport, NY 11520	<p>Completed work: Electrical work included furnishing and installing a new 400-amp mast service with eighteen (18) 30-amp meters, one (1) 100-amp meter, one (1) 400-amp main disconnect, a trough at load side for future connection of dockside power, and one (1) new 100-amp panel for the office with a new power feed; relocating panels to the new location; grounding new service per code; and coordinating with Freeport Power for re-connection of power. See annexed spreadsheet for details of approved expenses.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-eared Bat as threatened and endangered species that could be in the project area (Attachment D). A "No Effect" determination is appropriate because the project involved rehabilitating and replacing existing infrastructure located in previously disturbed areas which do not support or provide habitat for any rare, threatened, or endangered plant or animal species. Therefore, the project activities did not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
E.	059-ED-33042-2013	Demi's Place	4163 Austin Boulevard, Island Park, NY 11558	<p>Completed work: Building repairs to bathroom fixtures, walls, and counters, and the purchase and installation of a water heater. Bathroom repairs involved the replacement of a toilet and sink, the replacement of sheetrock, the application of joint compound, and the priming and painting of the replaced sheetrock. Repairs were made to the counters in the café. An anti-microbial agent was applied to all affected surfaces.</p> <p>Scope of work revised from previous "no effect" submittal (Batch 11 on March 23, 2016) to include the purchase and installation of a water heater within an existing building.</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment E). A "No Effect" determination is appropriate because the work was conducted within a previously existing building which does not support or provide habitat for any rare, threatened, or endangered plant or animal species. Therefore, the project activities did not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>

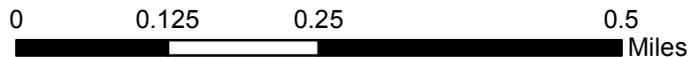
F.	103-ED-433-13	T&M Property Management Inc.	519 Great Neck Road, Copiague, Suffolk County, NY 11726	<p>Future construction activities that involve removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns and 12" higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6" x 8" whalers and 8" x 8" bottom whalers; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits.</p> <p>Scope of work revised from previous submittal (Batch 8 on January 19, 2016) to <i>increase the bulkhead replaced from 137 feet to 200 feet</i> .</p>	<p>The USFWS Official Species List shows the Piping Plover, Red Knot, Roseate Tern, Sandplain Gerardia, Seabeach Amaranth, and Northern Long-Eared Bat as threatened and endangered species that could be in the project area (Attachment F). A "No Effect" determination is appropriate because the project is located in previously disturbed areas which do not support or provide habitat for any rare, threatened or endangered plant or animal species. The existing bulkhead in the project area means that there are no sandy beaches, vegetated shorelines, dunes, coastal overwash flats, trees, or other habitat associated with the listed species for this area. Therefore, the project would not affect any natural habitats containing such species or any designated or proposed critical habitat.</p>
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Project F



519 South Great Neck Road
Copiague, NY 11726

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



1:10,000

Street Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





519 South Great Neck Road
Copsiague, NY 11726

0 0.125 0.25 0.5 Miles



Practical Solutions, Exceptional Service

1:10,000

Topographic Map
T&M Property Management Inc
519 South Great Neck Road
Copsiague, NY 11726
Suffolk County



Copyright:© 2013 National Geographic Society, i-cubed



519 South Great Neck Road
Copiague, NY 11726

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.125 0.25 0.5 Miles



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Practical Solutions, Exceptional Service

Aerial Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





United States Department of the Interior



FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
PHONE: (631)286-0485 FAX: (631)286-4003

Consultation Code: 05E1LI00-2016-SLI-0108

January 15, 2016

Event Code: 05E1LI00-2016-E-00088

Project Name: T&M Property Management Inc

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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

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

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

Attachment



United States Department of Interior
Fish and Wildlife Service

Project name: T&M Property Management Inc

Official Species List

Provided by:

Long Island Ecological Services Field Office
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Consultation Code: 05E1LI00-2016-SLI-0108

Event Code: 05E1LI00-2016-E-00088

Project Type: Federal Grant / Loan Related

Project Name: T&M Property Management Inc

Please Note: The FWS office may have modified the Project Name and/or Project Description, so it may be different from what was submitted in your previous request. If the Consultation Code matches, the FWS considers this to be the same project. Contact the office in the 'Provided by' section of your previous Official Species list if you have any questions or concerns.



United States Department of Interior
Fish and Wildlife Service

Project name: T&M Property Management Inc

Endangered Species Act Species List

There are a total of 6 threatened or endangered species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Birds	Status	Has Critical Habitat	Condition(s)
Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	Final designated	
Red Knot (<i>Calidris canutus rufa</i>)	Threatened		
Roseate tern (<i>Sterna dougallii dougallii</i>) Population: northeast U.S. nesting pop.	Endangered		
Flowering Plants			
Sandplain gerardia (<i>Agalinis acuta</i>)	Endangered		
Seabeach amaranth (<i>Amaranthus pumilus</i>)	Threatened		
Mammals			
Northern long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened		



United States Department of Interior
Fish and Wildlife Service

Project name: T&M Property Management Inc

Critical habitats that lie within your project area

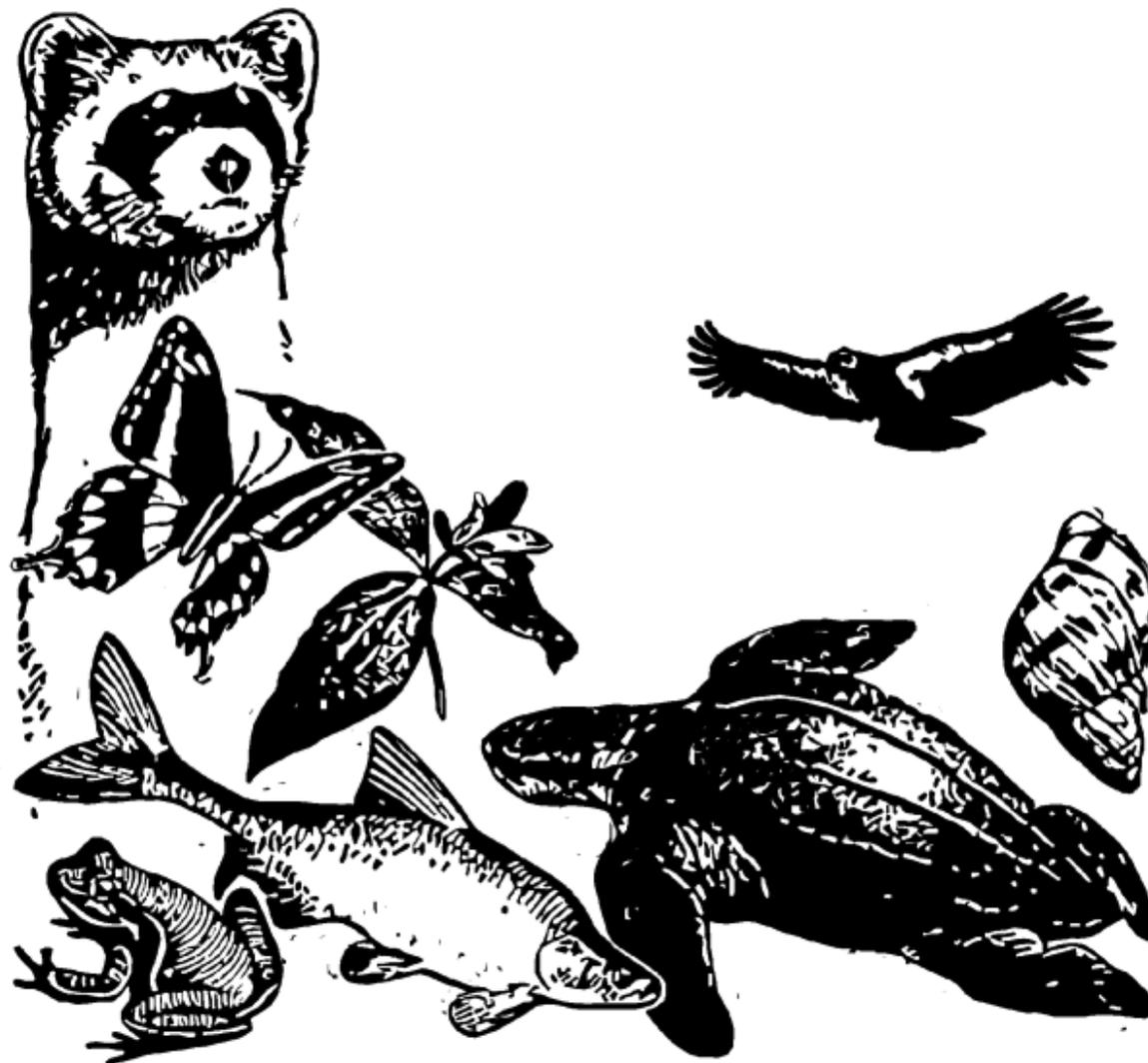
There are no critical habitats within your project area.

T&M Property Management Inc

IPaC Trust Resource Report

Generated January 15, 2016 12:31 PM MST, IPaC v2.3.2

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the [Endangered Species Program](#) of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require FWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

[Section 7](#) of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list from the Regulatory Documents section in IPaC.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Birds

Piping Plover <i>Charadrius melodus</i>	Threatened
CRITICAL HABITAT There is final critical habitat designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B079	
Red Knot <i>Calidris canutus rufa</i>	Threatened
CRITICAL HABITAT No critical habitat has been designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0DM	
Roseate Tern <i>Sterna dougallii dougallii</i>	Endangered
CRITICAL HABITAT No critical habitat has been designated for this species. https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B07O	

Flowering Plants

Sandplain Gerardia *Agalinis acuta* Endangered

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=Q24K

Seabeach Amaranth *Amaranthus pumilus* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=Q2MZ

Mammals

Northern Long-eared Bat *Myotis septentrionalis* Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the [Bald and Golden Eagle Protection Act](#).

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

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

Additional information can be found using the following links:

- Birds of Conservation Concern
<http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Conservation measures for birds
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Year-round bird occurrence data
<http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/akn-histogram-tools.php>

The following species of migratory birds could potentially be affected by activities in this location:

American Oystercatcher <i>Haematopus palliatus</i> Year-round https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G8	Bird of conservation concern
American Bittern <i>Botaurus lentiginosus</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3	Bird of conservation concern
Black Skimmer <i>Rynchops niger</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0EO	Bird of conservation concern
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HI	Bird of conservation concern
Blue-winged Warbler <i>Vermivora pinus</i> Season: Breeding	Bird of conservation concern
Canada Warbler <i>Wilsonia canadensis</i> Season: Breeding	Bird of conservation concern
Fox Sparrow <i>Passerella iliaca</i> Season: Wintering	Bird of conservation concern

Great Shearwater <i>Puffinus gravis</i> Season: Migrating	Bird of conservation concern
Gull-billed Tern <i>Gelochelidon nilotica</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0JV	Bird of conservation concern
Hudsonian Godwit <i>Limosa haemastica</i> Season: Migrating	Bird of conservation concern
Least Bittern <i>Ixobrychus exilis</i> Season: Breeding	Bird of conservation concern
Least Tern <i>Sterna antillarum</i> Season: Breeding	Bird of conservation concern
Marbled Godwit <i>Limosa fedoa</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0JL	Bird of conservation concern
Pied-billed Grebe <i>Podilymbus podiceps</i> Year-round	Bird of conservation concern
Prairie Warbler <i>Dendroica discolor</i> Season: Breeding	Bird of conservation concern
Purple Sandpiper <i>Calidris maritima</i> Season: Wintering	Bird of conservation concern
Red Knot <i>Calidris canutus rufa</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0DM	Bird of conservation concern
Rusty Blackbird <i>Euphagus carolinus</i> Season: Wintering	Bird of conservation concern
Saltmarsh Sparrow <i>Ammodramus caudacutus</i> Season: Breeding	Bird of conservation concern
Seaside Sparrow <i>Ammodramus maritimus</i> Year-round	Bird of conservation concern
Short-eared Owl <i>Asio flammeus</i> Season: Wintering https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HD	Bird of conservation concern
Snowy Egret <i>Egretta thula</i> Season: Breeding	Bird of conservation concern
Upland Sandpiper <i>Bartramia longicauda</i> Season: Breeding https://ecos.fws.gov/tess_public/profile/speciesProfile.action?sPCODE=B0HC	Bird of conservation concern
Wood Thrush <i>Hylocichla mustelina</i> Season: Breeding	Bird of conservation concern
Worm Eating Warbler <i>Helmitheros vermivorum</i> Season: Breeding	Bird of conservation concern

Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

Refuge data is unavailable at this time.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

DATA LIMITATIONS

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

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

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

DATA EXCLUSIONS

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

DATA PRECAUTIONS

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

Wetland data is unavailable at this time.



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

MEMORANDUM FOR THE RECORD

August 2, 2016

**RE: NMFS No Effect Determination
T&M Property Management, Inc. (Project # 103-ED-433-13)
519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk
County, New York**

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. This letter serves to document the review of species protected by the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS) for a single project proposed to receive CDBG-DR assistance, pursuant to section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act (MMPA). Our supporting analysis is provided below.

Project Description

T & M Property Management, Inc. (Applicant) is a real estate holding company located at 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York (Subject Property). Based on Suffolk County Assessment data, this commercial property is identified as Parcel #01001910003000042001. The Subject Property is identified on the enclosed street map, topographic map, and aerial map in **Attachment 1**.

Superstorm Sandy caused flooding resulting in damages at the Subject Property. CDBG-DR assistance will provide funding to the Applicant for future construction activities that involve removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns at a 12" higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6" x 8" walers and 8" x 8" bottom walers; pilings

will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. The proposed Project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits. **Scope of work has been revised from previous “No Effect” determination letter on March 30, 2016 (Attachment 2) to increase the bulkhead that is being replaced from 137 feet to 200 feet.** A “No Objection” response to the previously submitted determination letter was received on March 30, 2016 (**Attachment 3**).

All work will be conducted in accordance with necessary permits from the New York State Department of Environmental Conservation (NYSDEC), United States Army Corps of Engineers Nationwide Permit 3, and the Town of Babylon. Permits already obtained are included in **Attachment 4**.

Description of the Action Area

The action area is defined as “all areas to be affected directly or indirectly by the Federal action and not merely the immediate area involved in the action” (50CFR§402.02). For this Project, located at approximately 40.665380° N 73.386057° W, the action area includes the shoreline of Great Neck Creek, as well as adjacent sections of the creek that may be impacted by turbidity. Great Neck Creek is a tidal waterway that flows into Great South Bay. The shoreline of Great Neck Creek is lined with bulkheads that protect residential and commercial properties (see aerial map in **Attachment 1**).

NMFS Listed Species in the Action Area

There are five species of sea turtles and two species of fish listed under the Endangered Species Act that occur or have the potential to occur in the action area and may be adversely affected by the proposed action. ESA species include:

Sea Turtles

Loggerhead Turtle (*Caretta caretta*) (76 FR 58868; Recovery plan: NMFS & USFWS 2008)

Kemp’s Ridley Turtle (*Lepidochelys kempii*) (35 FR 18319; Recovery plan: NMFS *et al.* 2011)

Green Turtle (*Chelonia mydas*) (81 FR 20057; Recovery plan: NMFS & USFWS 1991)

Hawksbill Turtle (*Eretmochelys imbricata*) (35 FR 8491; Recovery plan: NMFS & USFWS 1993)

Leatherback Turtle (*Dermochelys coriacea*) (35 FR 849; Recovery plan: NMFS & USFWS 1992)

Fish

Atlantic Sturgeon (*Acipenser oxyrinchus oxyrinchus*) (32 FR 4001; Recovery plan: NMFS 1998)

Shortnose Sturgeon (*Acipenser brevirostrum*) (32 FR 4001; Recovery plan: NMFS 1998)

Sea Turtles

All sea turtle species require two habitat types: oceanic habitat for foraging and breeding and beach habitat to nest and lay eggs. All reproductive female sea turtles travel to sandy beaches to lay eggs during the summer months, often migrating hundreds, and sometimes thousands of miles to nesting beach sites. The beach that individual female sea turtles choose to nest in is usually the same beach where they were born and they usually return to the same beach every time they nest.

Loggerhead Sea Turtle

The loggerhead sea turtle is the most abundant sea turtle occurring in the United States. This reddish-brown turtle averages 3 feet in length and weighs 300 pounds. The loggerhead sea turtle has five or more large lateral plates on each side between the vertebral and marginal plates and two pairs of prefrontal plates on the conspicuously large, block-like head. It feeds on crabs and other crustaceans, mollusks, jellyfish and sometimes fish and eelgrass. Loggerheads forage along the inshore and coastal waters of the Gulf of Mexico, the Florida Keys and north along the eastern seaboard as far as New England. Within its range, this species inhabits warm waters on continental shelves and areas among islands. Their primary nesting sites are along the east coast of Florida, with additional sites in Georgia, the Carolinas, and occasionally Virginia. In a few instances, loggerhead nests have been documented along southern New Jersey beaches. Juvenile loggerheads regularly inhabit Long Island Sound and the eastern bays. Some adults can be found along the ocean shore and in New York Harbor. Loggerheads may become stranded on New York City and Long Island beaches during summer migration.

The presence of loggerhead sea turtles in the Project area is unlikely. This species may occur in the coastal waters of Long Island (see Estimated Range of Sea Turtles in **Attachment 5**); however, their presence in shallow waters adjacent to the shoreline where bulkheads are typically installed would be rare due to lack of preferred habitat. If such a species is present, it would be a transient presence with a limited temporal duration.

Kemp's Ridley Sea Turtle

The Kemp's ridley sea turtle is the second most abundant endangered sea turtle found in the New York Bight area, occurring from late June into October. The Kemp's ridley turtle is the smallest member of the sea turtle family, and is also considered the most endangered. Adults grow to a length of 20-28 inches and weigh 80-110 pounds. Kemp's ridley sea

turtles have a distinctive round to heart-shaped shell that ranges in color from gray-brown to olive to black. The underside is yellowish on adults and white on juveniles. Prey items include crabs, fish, jellyfish, squid, snails, clams, starfish and some marine vegetation. Kemp's ridley sea turtles are distributed throughout the Gulf of Mexico and U.S. Atlantic seaboard, from Florida to New England. Most nesting by this species is restricted to a 20-mile stretch of Gulf beach near Rancho Nuevo, Mexico. Preferred habitats include sheltered areas along the coastline, such as large estuaries, bays and lagoons. Waters off of Long Island have been identified as critical habitat for Kemp's ridley sea turtles ranging in age from two to five years. Kemp's ridley sea turtles have also been observed in Jamaica Bay.

The presence of Kemp's ridley sea turtles in the Project area is unlikely. This species may occur in the coastal waters of Long Island (see Estimated Range of Sea Turtles in **Attachment 5**); however, their presence in shallow waters adjacent to the shoreline where bulkheads are typically installed would be rare due to lack of preferred habitat. If such a species is present, it would be a transient presence with a limited temporal duration.

Green Sea Turtle

The green sea turtle is distributed widely throughout the world's tropical and semi-tropical oceans, although populations of this once abundant sea turtle have drastically declined. The green sea turtle has four large costal plates on each side of its smooth-edged shell and is olive-brown to black above and yellowish-white below. It is named for the color of its body fat. The head has one pair of prefrontal plates. The largest of the hard-shelled turtles, this species can reach 4 feet in length and weigh 500 pounds. In the Atlantic Ocean, green sea turtles are found from Massachusetts south to Florida, and throughout the Gulf of Mexico and the Caribbean Sea. They inhabit shallow waters such as shoals and lagoons with submerged vegetation including grasses and algae. Inlets, bays and estuaries are preferred habitats. Green turtles rarely nest north of Georgia. However, during summer – early fall, juveniles and adults range north to Long Island Sound and the New York Bight.

The presence of green sea turtles in the Project area is unlikely. This species may occur in the coastal waters of Long Island (see Estimated Range of Sea Turtles in **Attachment 5**); however, their presence in shallow waters adjacent to the shoreline where bulkheads are typically installed would be rare due to lack of preferred habitat. If such a species is present, it would be a transient presence with a limited temporal duration.

Hawksbill Sea Turtle

The hawksbill sea turtle derives its name from the hooked beak formed by its yellowish jaws. It is the only sea turtle with overlapping carapace scales. Hawksbill sea turtles have two pairs of prefrontal plates between the eyes. The adult's keeled shell is amber with streaks of red-brown, black-brown or yellow and the underside is whitish-yellow, occasionally with black spots. Adult females range from 24-38 inches in length and weigh

60-190 pounds. The hawksbill sea turtle is an omnivore, eating mostly algae, sea grasses, soft corals, crustaceans, mollusks, sponges, jellyfish and sea urchins. Coral reefs, lagoons, inlets and bays are ideal habitats. Nesting occurs on remote, clean beaches, usually under some type of vegetative cover on isolated beaches in the Gulf of Mexico and the Caribbean Sea. Hawksbill sea turtles are found globally, including the Atlantic, Pacific and Indian oceans, the Persian Gulf, and the Red and Mediterranean seas. In the western Atlantic, they can be found from Cape Cod, Massachusetts south to northern Brazil.

Hawksbill sea turtles may occur in the coastal waters of Long Island (see Estimated Range of Sea Turtles in **Attachment 5**); however, preferred habitat consists of warm, coastal shoal water with abundant submerged vegetation, which is not present in the action area. Hawksbill sea turtles are not expected to occur within the Project area.

Leatherback Sea Turtle

The leatherback sea turtle is the largest living turtle, reaching up to 6 feet in length and weighing up to 1,300 pounds. The barrel-shaped body is covered with leathery skin and has ridges or keels that run lengthwise down the back and underside, dividing it into 8 sections above and 6 below. This turtle also has disproportionately large front flippers, which allow it to swim for long periods of time and cover great distances. The shell is dark black, blue or brown and speckled with white dots or patches. Prey items include soft food such as jellyfish and tunicates. Nesting takes place primarily on high energy beaches, which have coarse sand, are adjacent to deep water, and are subject to erosion. Nesting occurs from Georgia to the U.S. Virgin Islands. Leatherback sea turtles range along the U.S. Atlantic coast from the Gulf of Maine south to east-central Florida. Populations commonly range farther north than other sea turtles because of their ability to maintain a warmer core body temperature over longer periods of time. Leatherbacks are found in the waters off of Long Island from May through November.

The presence of leatherback sea turtles in the Project area is unlikely. This species may occur in the coastal waters of Long Island (see Estimated Range of Sea Turtles in **Attachment 5**); however, their presence in shallow waters adjacent to the shoreline where bulkheads are typically installed would be rare due to lack of preferred habitat. If such a species is present, it would be a transient presence with a limited temporal duration.

Fish

Atlantic Sturgeon

The Atlantic sturgeon is a long-lived and highly migratory species that spends most of its adult life at sea along the Atlantic coastline from Labrador to Florida. Atlantic sturgeon reach maturity between 12 and 15 years of age before migrating into coastal rivers to spawn every 2-5 years (Everly and Boreman, 1999). Mature males typically enter the Hudson-Raritan estuary starting in April and at least some may remain as late as November. Adult

females enter the estuary in mid-May and migrate directly to the spawning grounds, which are often deep channel or off-channel habitats, before quickly returning to marine waters (Bain, 1997). In the Hudson River, spawning occurs upstream of the salt-front as larvae are thought to be intolerant of saline environments. Atlantic sturgeon eggs are demersal and adhesive, and the larvae remain close to the river bottom for some time (Everly and Boreman, 1999). After spending up to the seven years of life in freshwater, Atlantic sturgeon migrate out to sea to spend the rest of their lives. Only during spawning season do adult sturgeons return to large coastal rivers and estuaries. In New York, Atlantic sturgeon are generally found in the deeper portions of the Hudson River, and while occasionally found as far upriver as Albany, young fish are rarely seen upstream of Hudson (see Map of Estimated Range of Atlantic Sturgeon Distinct Population Segments in **Attachment 6**).

The Atlantic sturgeon is not likely to be present in the intertidal and shallow water depths within the Project area. Moreover, juvenile and adults of this species are highly mobile and could easily avoid the Project area during construction.

Shortnose Sturgeon

The shortnose sturgeon is a long-lived, bottom feeding, anadromous fish that move up the Hudson River in April-May to spawn in freshwater sites north of Coxsackie. Males spawn every other year and females every third year. Newly-hatched fry are poor swimmers and drift with the currents along the bottom. As they grow and mature, the fish move downriver into the most brackish parts of the lower Hudson. After spawning, adults distribute throughout the deepest channels of the estuary to forage on benthic invertebrates. As water temperatures decline in the late fall, adults typically concentrate in a few over-wintering areas near Kingston and Haverstraw Bay (Bain, 1997). Shortnose sturgeons occur from the Saint John River in New Brunswick to the Saint Johns River in Florida. In New York State, the shortnose sturgeon is only found in the lower portion of the Hudson River from the southern tip of Manhattan upriver to the Federal dam at Troy (see New York State Fish Atlas Shortnose Sturgeon Sighting Map in **Attachment 7**).

The shortnose sturgeon is unlikely to occur in the Project area, instead preferring the deeper, freshwater tidal reaches of the Hudson River Estuary.

Effects Determination

Habitat Modification

There is no sea turtle or sturgeon critical habitat in the action area. While these species may occur in the coastal waters of Long Island, their presence in shallow waters adjacent to the shoreline is unlikely. Bulkhead replacement with minor dredging will not change the use of the area by the above listed species or diminish the quality of the habitat such that there

would be an effect to an individual that can be meaningfully measured, detected, or evaluated.

Water Quality Effects from Dredging

Concentration of total suspended solids (TSS) is not expected to reach levels that would have an adverse effect on sea turtles or sturgeon. Any increase in turbidity and suspended sediment will be minor and temporary such that there will be no impairment of movement of individual animals. Sturgeon and sea turtles are highly mobile and could avoid sediment plumes with minor movements to alter course away from such disturbance. Incidental take caused by water quality effects from dredging is not expected to occur. All work will be conducted in accordance with necessary permits from the NYSDEC, United States Army Corps of Engineers Nationwide Permit 3, and the Town of Babylon (**Attachment 4**).

Vessel Traffic

Completion of the Project will not result in an increased number of vessels in the action area and, thus, there is no increased risk of vessel strike in the future. This Project involves rehabilitation of an existing bulkhead and minor dredging associated with it. The proposed use is consistent with the current use, and vessel traffic will not increase above existing levels. Any increase in vessel traffic during construction will be small, localized and temporary.

Conclusions

Due to the location of the Project in an area where sea turtles and sturgeon are unlikely to occur and the minor temporal and geographic extent of the Project, there are no plausible routes of effects to these species. Therefore, we conclude that the Project will have “No Effect” on the loggerhead turtle, Kemp’s ridley turtle, green turtle, hawksbill turtle, leatherback turtle, atlantic sturgeon, or shortnose sturgeon. The above mentioned species may occur in the action area and may be present at the time of the Project, but it would require a series of rare events to occur in a particular sequence in order to impact individuals of the above listed species. We certify that we have used the best scientific data available to complete this analysis.

For additional information, please contact me by email at Alicia.Shultz@nyshcr.org or by telephone at (518) 474-0647.

Sincerely,

Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

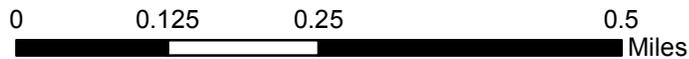
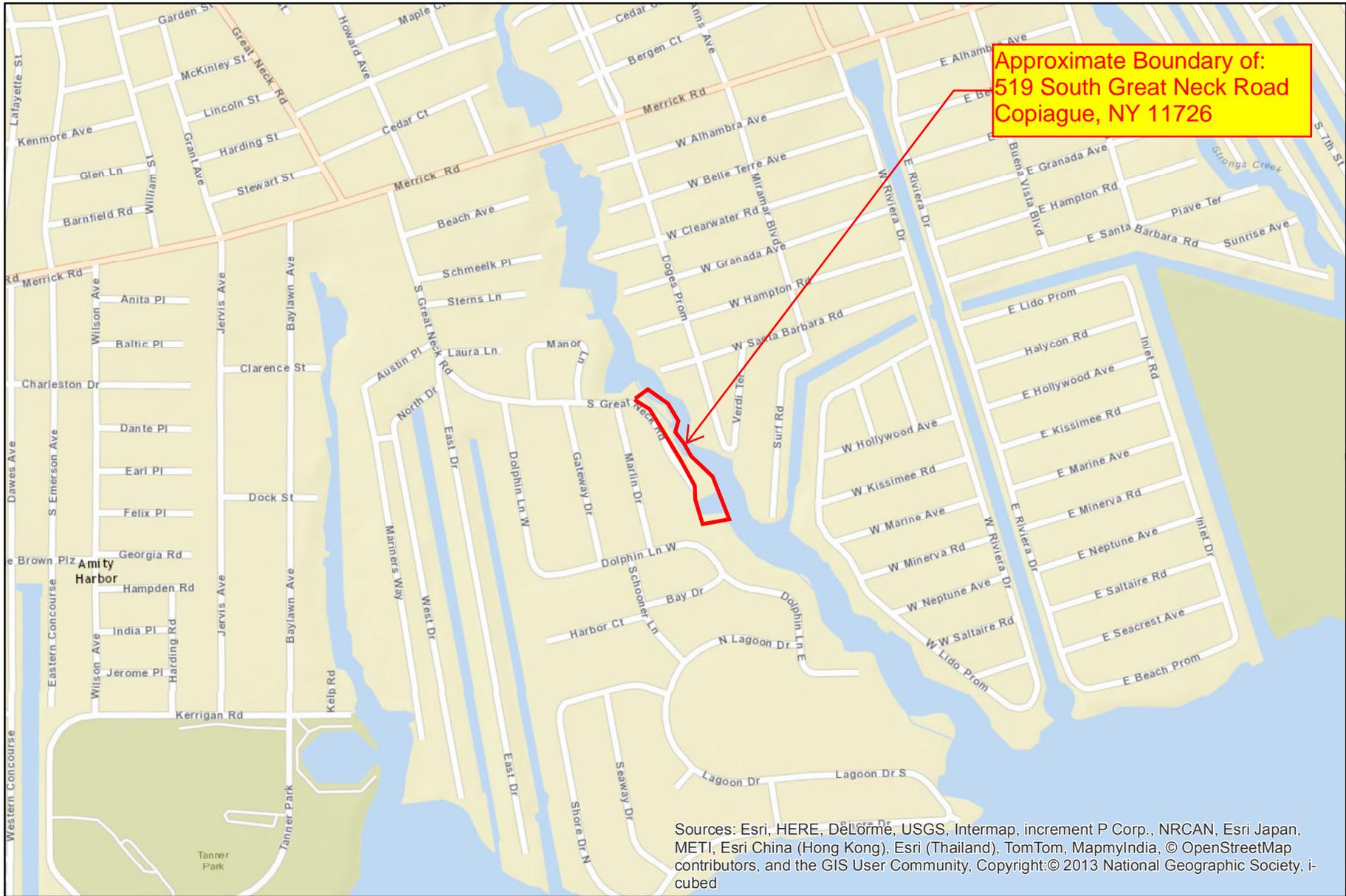
Attachments:

- 1) Project Location Maps
- 2) Previous “No Effect” determination, March 30, 2016
- 3) “No Objection” response to “No Effect” determination, March 30, 2016
- 4) Environmental Permits
- 5) Map of Estimated Range of Sea Turtles
- 6) Map of Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs)
- 7) New York State Fish Atlas Shortnose Sturgeon Sighting Map

Literature Cited:

Bain, M.B. 1997. Atlantic and Shortnose Sturgeons of the Hudson River: Common & Divergent Life History Attributes. *Environmental Biology of Fishes* 48:347-358.
Everly AW, Boreman J. 1999. Habitat Use and Requirements of Important Fish Species Inhabiting the Hudson River Estuary: Availability of Information. NOAA Tech Memo NMFS NE 121; 75 p.

Attachment 1



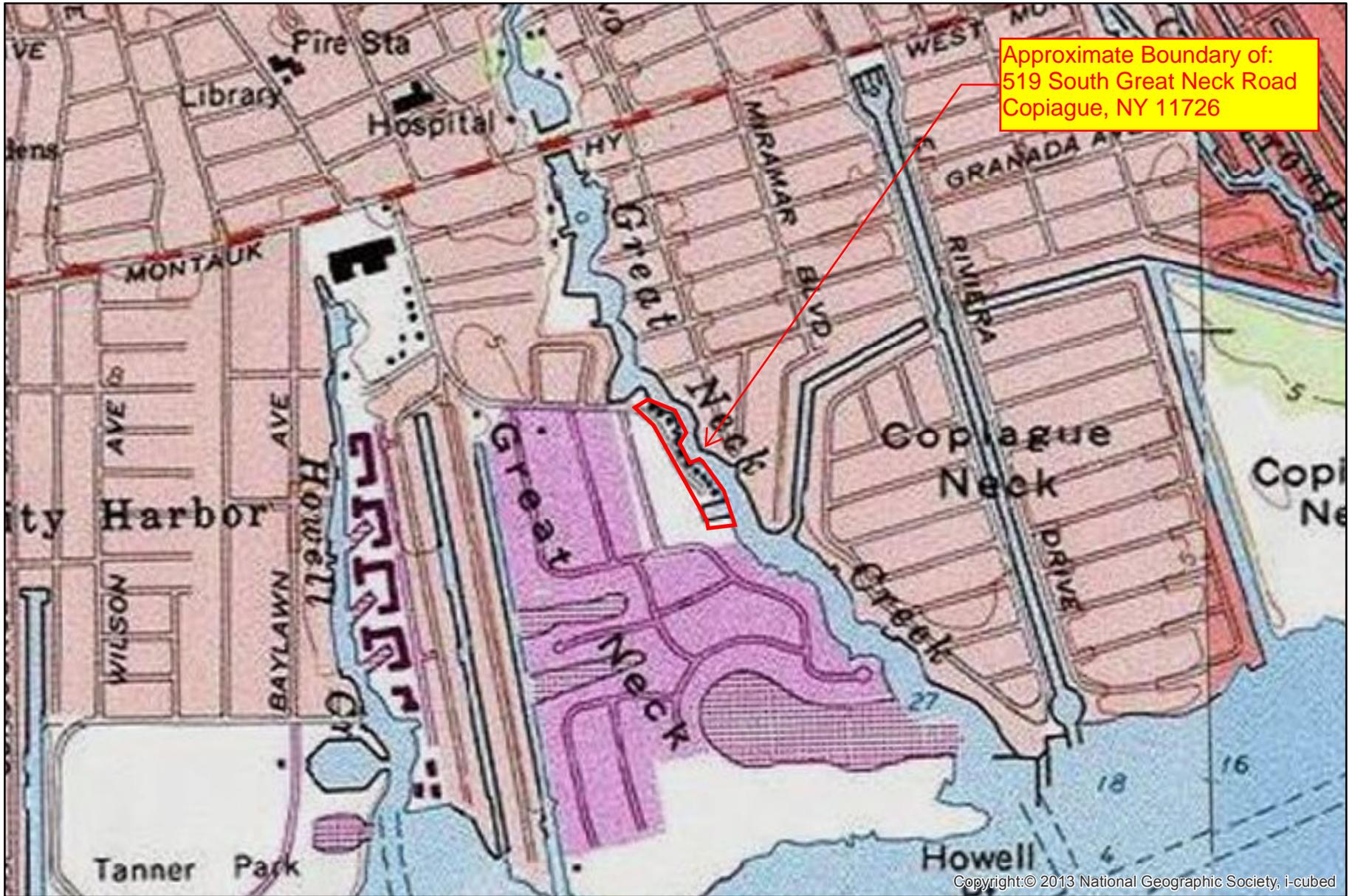
1:10,000



Practical Solutions, Exceptional Service

Street Map
 T&M Property Management Inc
 519 South Great Neck Road
 Capiague, NY 11726
 Suffolk County







Approximate Boundary of:
519 South Great Neck Road
Copiague, NY 11726

Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.125 0.25 0.5 Miles

1:10,000



Practical Solutions, Exceptional Service

Aerial Map
T&M Property Management Inc
519 South Great Neck Road
Copiague, NY 11726
Suffolk County



Attachment 2



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

March 30, 2016

Mr. Daniel Marrone
Protected Resources Division
NMFS Greater Atlantic Regional Fisheries Office
55 Great Republic Drive
Gloucester, MA 01930

VIA EMAIL: daniel.marrone@noaa.gov

Re: Notice of No Effect Determination
T & M Property Management, Inc.
519 South Great Neck Road, Hamlet of Copiague, Suffolk County, New York
(Project #103-ED-433-13)

Dear Mr. Marrone:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. This letter requests acknowledgement from the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) and the Marine Mammal Protection Act (MMPA), for a single project proposed to receive CDBG-DR assistance. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the NMFS Greater Atlantic Region Section 7 Program Guidance.

We have reviewed the above-referenced project according to NMFS procedures. We completed our review on 3/30/16 and are submitting our project review package to request no objection of the determination for a proposed project pursuant to Section 7 of the ESA. We are submitting case materials so that NMFS can indicate no objection with the determination that the proposed project has “No Effect” on endangered and/or threatened species or critical habitat for marine species under NMFS jurisdiction.

Species Data

NMFS Endangered Species Maps for the Atlantic Coast indicate that the project site is located within the estimated range of Atlantic Sturgeon (Endangered) Distinct Population Segments (DPSs) and Sea Turtles. The NMFS Endangered Species Maps are included in **Attachment 1**.

Project Description

T & M Property Management is a real estate holding company located at 519 South Great Neck Road, Hamlet of Copiague, Town of Babylon, Suffolk County, New York (Subject Property). Based on Suffolk County Assessment data, this commercial property is identified as Parcel #01001910003000042001. The Subject Property is identified on the enclosed street map and USGS topographic map in **Attachment 2**.

As a result of Superstorm Sandy, the business experienced damages from flooding. CDBG-DR assistance will provide funding to the Applicant for future construction activities that involve the removal and disposal of an existing 137-foot bulkhead and replacing it with a new 137-foot navy/smooth face bulkhead with zero returns. The new bulkhead will be installed to the following specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6" x 8" whalers and an 8" x 8" bottom whaler; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and be completed in accordance with applicable local, state, and federal permits. Future Construction-related grant assistance is approved for \$100,000.00 in mitigation in replacing the bulkhead. The locations of proposed project activities are included in **Attachment 3**.

Analysis

The following analysis was used to determine any potential effect the proposed project activities could have on the Atlantic Sturgeon and Sea Turtles.

Atlantic Sturgeon

Atlantic Sturgeon is an anadromous fish. They are benthic feeders (bottom of a body of water) and typically forage on benthic invertebrates. Atlantic Sturgeon spend most of their life in brackish water and migrates into freshwater to spawn. Spawning adults migrate upriver in spring from April to May. In some areas, a small spawning may also occur in the fall. According to the USFWS Status Review, spawning occurs in flowing water between the salt front and fall line of large rivers. Sturgeon eggs are: 1) deposited in fast-flow waters, 2) highly adhesive, and 3) deposited on the bottom, usually on hard surfaces.

Sea Turtles including the Green Sea Turtle (Chelonia mydas), Hawksbill Turtle (Eretmochelys imbricate), Kemp's Ridley Turtle (Lepidochelys kempii), Leatherback Turtle (Dermochelys coriacea), and Loggerhead Turtle (Caretta caretta).

Green Turtles use beaches for nesting, open ocean convergence zones, and coastal areas for benthic feeding. In the U.S. Atlantic and Gulf of Mexico waters, Green Turtles can be found from Texas up to Massachusetts. The greatest threats to this turtle are harvesting of eggs and adults and incidental capture in fishing gear.

Hawksbill Turtles are most commonly associated with healthy coral reefs. Additionally, post-hatchlings are believed to occupy pelagic environments (open waters). The threats to this species include loss of coral reef habitat, harvesting of eggs and meat, and commercial use of nesting beaches.

Kemp's Ridley Turtles occupy neritic habitat (muddy/ sandy bottoms) where they feed on crabs, fish, and mollusks, and can be found along the Atlantic seaboard. Threats to this species include incidental capture in fishing gear and egg collection.

Leatherback Turtles are generally open ocean animals but are also known to forage in coastal waters. Atlantic Leatherbacks are largely found in Canada which is one of the largest seasonal foraging populations of leatherbacks in the Atlantic. Threats to the Leatherback Turtles include the harvesting of eggs and turtles and incidental capture in fishing gear.

Loggerhead Turtles generally occupy beaches (nesting), water, and nearshore coastal areas. Threats to this species include incidental capture in fishing gear and direct harvest of the species.

Generally, Sea Turtles lay their eggs during the summer months along the border of sand dunes under the sand to allow the hot sand to incubate the eggs. Once hatched, the juvenile turtles enter the water.

No open ocean habitat will be affected. The project activities do not include activities that are listed as threats to each of the individual Sea Turtle species. Additionally, the project will not occur in an area listed as critical habitat for any of the listed Sea Turtles or Atlantic Sturgeon and future construction work will be completed in an existing, pre-disturbed marina basin. Therefore, this proposed project would have no effect on the Atlantic Sturgeon or listed Sea Turtle species.

NYSDEC Permit

Project activities at the Subject Property will be completed in accordance with New York State Department of Environmental Conservation (NYSDEC) permits issued to the Applicant, described below and included in **Attachment 4**. NYSDEC Permit No GP-1-13-001 is issued to the Applicant for tidal wetland bulkhead replacement with dredging. The NYSDEC Permit No. GP-1-13-001 has an expiration date of March 11, 2019. Special conditions of the Applicant's NYSDEC permit include:

- Permit No. GP-1-13-001: No reconstruction of piers and other boat mooring

structures. Only authorizes the replacement of bulkheads.

Due to the location and timing of project activities and that they will be performed in compliance with the NYSDEC permit, it is our determination that the project activities will have “No Effect” on the marine species or their critical habitat listed above under NMFS jurisdiction. Therefore, we are seeking no objection to this “No Effect” determination.

For additional information, please contact me by email at Alicia.Shultz@nyshcr.org by telephone at (518) 474-0647.

Sincerely,

A rectangular box containing a handwritten signature in cursive that reads "Alicia Shultz".

Alicia Shultz
Community Developer – Environmental Services
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Attachments:

- 1) NMFS Endangered Species Map
- 2) Subject Property Maps (Street Map and USGS Map)
- 3) Location of Project Activities Map
- 4) NYSDEC Environmental Permit

Attachment 3

Subject: FW: Notice of No Effect Determination - T & M Property Management, Inc. - 103-ED-433-13

From: Daniel Marrone - NOAA Federal [<mailto:daniel.marrone@noaa.gov>]
Sent: Wednesday, March 30, 2016 3:25 PM
To: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Cc: Gievers, Andrea <AGievers@tectonicengineering.com>
Subject: Re: Notice of No Effect Determination - T & M Property Management, Inc. - 103-ED-433-13

Hi Alicia,
We have no objection to your no effect determination.
Dan

On Wed, Mar 30, 2016 at 3:15 PM, Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org> wrote:

Dear Mr. Marrone:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development - Small Business Grant Program. The attached letter requests acknowledgement from the National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS), pursuant to Section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Marine Mammal Protection Act (MMPA), for a single project proposed to receive CDBG-DR assistance. The environmental review for projects funded under the Small Business Grant Program are processed on a case-by-case basis in accordance with the NMFS Greater Atlantic Region Section 7 Program Guidance.

Sincerely

Alicia Shultz

Community Developer - Environmental Services

New York State Homes & Community Renewal

38-40 State St., 408N, Hampton Plaza, Albany, NY 12207

Attachment 4



**Part 2 – PROJECT AUTHORIZATION BY NYSDEC
for GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit**

For NYSDEC Use Only

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is AUTHORIZED.

Effective Date of Authorization

Expiration Date of Authorization

Additional Information

This permit only authorizes the replacement of bulkheads. Reconstruction of piers and other boat mooring structures are not authorized by this permit, but may be authorized by other permit(s).

Use of General Permit GP-1-13-001, Tidal Wetland Bulkhead With Dredging General Permit for the project described on Part 1 – Request for Authorization is NOT AUTHORIZED.

Additional Information

NYSDEC Authorization

Authorized Signature

Date

Printed Name

DEC Permit ID

Title

cc

Address NYS Department of Environmental Conservation
Region I
SUNY @ Stony Brook
50 Circle Drive
Stony Brook, NY 11790-3409



New York State Department of Environmental Conservation
REQUEST FOR AUTHORIZATION for
GP-1-13-001 Tidal Wetland Bulkhead Replacement With Dredging General Permit
 Under the Environmental Conservation Law Article 25 and 15

1. Name Applicant
 Telephone: 631-956-3984 Email: CDmarine@optonline.net
 Mailing Address: 519 S. Great Neck Road
 Post Office City: Copiague State: NY Zip: 11726
 Applicant Must be (check all that apply): Owner Operator Lessee
 Taxpayer ID (if applicant is NOT an individual): 33-1048738

2. Name of Property Owner (if different than Applicant)
 Telephone: _____ Email: _____
 Mailing Address: _____
 Post Office City: _____ State: _____ Zip: _____
 RECEIVED
 JAN 26 2016

3. Contact / Agent Name
 Telephone: 631-956-3984 Email: DPAT321@AOL.COM
 Mailing Address: 843 E. Bay Dr
 Post Office City: West Islip State: NY Zip: 11795
 NYSDEC REGION 1 ENVIRONMENTAL PERMITS

4. Project / Facility Name CTD marine
 Project Location - street address, if applicable, or provide directions and distances to roads, bridges and bodies of water:
 Great Neck Creek
 519 S. Great Neck Rd Copiague NY 11726
 Property Tax Map Section / Block / Lot Number: 0100 191.06 03.00 042.00 Proposed Start Date: 2-15-16 Estimated Completion Date: 3-15-16
 Town / Village / City: COPIAGUE Stream/Waterbody Name: Great Neck Creek
 County: Suffolk Name of USGS Quadrangle Map: _____
 Location Coordinates: Enter NYTMs in kilometers OR Latitude/Longitude in degrees, minutes, seconds
 NYTM - E: 636.7 NYTM - N: 4502.2 Latitude: 41°39'33.7 Longitude: 73°22'58.5"

5. Description of Project
 Remove wood bulkhead approx 200 linear ft of damaged bulkhead
 Replace with C-100 9000, Navy style - elevate bulkhead 12"

6. Certification. I have read this permit and will construct this project in compliance with the terms and conditions of the permit and the Environmental Conservation Law and applicable regulations. I understand that any false or inaccurate statements made in the application for this permit are punishable as a Class A misdemeanor. As a condition of this permit I accept full legal responsibility for all damage direct or indirect of whatever nature and by whomever suffered arising out of the project described herein and agree to indemnify and save harmless the state from suits actions damages and costs of every name and description resulting from this project.
 If applicant is not the owner both must sign the application. If you are submitting this application electronically you may print your name and check the box that certifies you are the responsible applicant or property owner in lieu of providing an original signature.

Signature of Applicant: Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Applicant
 Signature of Owner: Printed Name: Donna Paterno Date: 1-20-16
 By checking this box, I certify that I am the responsible Owner
 Signature of Agent / Contact: _____ Printed Name: _____ Date: _____

No work is authorized until the permittee receives the signed
 Part 2 - PROJECT AUTHORIZATION BY NYSDEC



PERMIT
Under the Environmental Conservation Law (ECL)

GENERAL PERMIT GP-1-13-001
Tidal Wetland Bulkhead Replacement with Dredging

Permittee and Facility Information

Permit Issued To:

Applicant Listed on
Request for Authorization

Facility:

Facility Listed on
Request for Authorization

Applicable DEC Region(s): 1

General Permit Authorized Activity: This General Permit applies only in areas on the south shore of Long Island, west of the Robert Moses Causeway to the Queens County border.

Areas excluded from this General Permit include: areas of vegetated tidal wetlands; any ocean shore; the ocean front of Long Beach Island; and all of the Jones Beach State Park and Robert Moses State Park Barrier Islands, including:

- Oak Beach
- Oak Island
- Captree State Park
- Gilgo State Park
- Gilgo Beach State Park
- Gilgo Beach
- West Gilgo Beach
- Tobay Beach Town Park
- Jones Beach State Park
- Cedar and Over Look Town Parks
- Robert Moses State Park

An individual permit is required for projects in these excluded areas.

This General Permit is for:

- A. The removal and replacement of a functional and lawfully existing bulkhead (including returns and parallel capping boardwalks) in the same location as the existing bulkhead.
 - The replacement bulkhead may be up to 18 inches higher in elevation than the existing bulkhead.
 - If a bulkhead is non-functional, an individual permit must be obtained.
- B. Maintenance dredging associated with replacement of the functional bulkhead, with the placement of the resulting dredged material behind the replacement bulkhead or elsewhere on the project site. Dredging is limited to:
 - 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and
 - a depth of -4 feet at Mean Low Water.
 - Dredging in areas of bayfront is prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish.



Any proposed alteration or change in the bulkhead location or configuration or dredge area at an individual site is not authorized by this General Permit; such work will require an individual permit.

This General Permit is valid strictly for the activities listed in this General Permit Authorized Activity. Any other structures that are shown on the project plan (e.g., docks, cantilivered decks, boat lifts and floats, etc.) that are not lawfully existing, will not be validated or "legalized" by this use of this permit. Structures that are not lawfully existing are subject to possible Department legal action.

Permit Authorizations

Tidal Wetlands - Under Article 25

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 3 / 12 / 14 Expiration Date: 3 / 11 / 19

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

General Permit Authorized by

Permit Administrator: STUART M FOX, Deputy Chief Permit Administrator

Address: NYSDEC HEADQUARTERS
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: _____

Stuart M. Fox

Date: 3 / 12 / 14

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS



NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: WATER QUALITY CERTIFICATION; EXCAVATION & FILL IN NAVIGABLE WATERS; TIDAL WETLANDS

1. Request for Authorization Prior to the use of this General Permit for a project, the applicant must submit a Request for Authorization Form and the following information to the Regional Permit Administrator:

- a. Project location map
- b. Project plans
- b. Survey depicting the bulkhead
- c. Recent color photographs of the site
- d. Permission to Inspect Property Supplement.

Upon review of the project, the NYSDEC Regional Permit Administrator will determine if the project can be issued under this General Permit. Written confirmation of authorization must be received prior to any work.

NYSDEC retains the right to exclude a proposed activity from authorization under this General Permit, and to require the permittee to obtain an individual permit. Exclusions may be due to situations where the NYSDEC has identified a particular resource concern that may be impacted by the proposed activity, such as endangered species habitat, sensitive submerged aquatic vegetation or vegetated tidal wetlands. NYSDEC may limit or exclude dredging from the proposed project. Applicants may pursue the limited or excluded dredging in a standard permit process.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by the applicant or applicant's agent.

3. Bulkhead Replacement A functional bulkhead (including returns and parallel capping boardwalks) may be replaced. Bulkhead height shall be no more than 18 inches higher than the height of the existing bulkhead.

4. Bulkhead Materials Material used in construction of bulkheads shall be limited to treated wood, naturally rot-resistant untreated wood, vinyl, plastic, fiberglass or steel.

5. Wood Preservatives

- a. Pressure treated wood used for construction of in-water structures must have undergone a treatment process approved (stamped or otherwise marked as certified) by the American Wood Preservative Association.
- b. Wood treated with Pentachlorophenol (PCP) must not be used in wetlands or surface waters.
- c. The use of creosote treated wood is prohibited both in the water and upland areas.
- d. Chromated Copper Arsenate (CCA) pressure treated wood must be clean and free of CCA surface deposits. Wood with surface deposits must be washed for at least 5 minutes under running water prior to use. The washing must occur greater than 100 feet landward of any regulated wetland



and/or water body. (Note "E." below for handling wash water.)

- e. Any wood debris such as sawdust or wash water must not enter any water body, including wetlands or protected buffer areas.
6. **Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
7. **No Disturbance** There shall be no disturbance to protected buffer areas (areas previously designated as such and to remain in a natural and/or undisturbed state by the Department or another governmental agency or public entity) as a result of the permitted activity, except for disturbance necessary for bulkhead replacement and restoration.
8. **Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.
9. **Complete Bulkhead Prior to Backfilling** The new bulkhead shall be completed prior to placement of any fill material behind such structures.
10. **Dredging** Dredging associated with bulkhead replacement shall only occur in the area 10 feet seaward of the bulkhead on bulkheaded canals, or 5 feet seaward of the bulkhead on bayfronts, and a depth of -4 feet at Mean Low Water.
11. **Bay-Front Dredging Prohibition Period** Dredging is specifically prohibited from January 15th through September 30th of each year to protect spawning shellfish and/or spawning finfish in areas of bayfront, or as specified on the Request for Authorization Part 2 - Project Authorization by NYSDEC.
12. **One-time Dredging Only** Dredging shall be undertaken only once in association with the bulkhead replacement.
13. **Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment.
14. **No Hydraulic Dredging** Hydraulic dredging is not allowed.
15. **Dragline Prohibited** The use of a dragline for dredging is strictly prohibited.
16. **No Side-casting or Temporary Storage** Excavated sediment shall be placed directly into the approved disposal/dewatering site or conveyance vehicle. No side-casting (double dipping) or temporary storage of dredged material is authorized.
17. **Disposal of Materials** Any material dredged or excavated to facilitate placement of the bulkhead shall be retained on the project site above the reach of high water or behind the completed wall to prevent its entry into the water. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction is not authorized by this General Permit and requires an individual site-specific permit.



18. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.
19. **Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.
20. **No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.
21. **Stabilize Disturbed Areas** All areas of soil disturbance resulting from this project shall be stabilized immediately following project completion or within 30 days of commencement of work, whichever comes first. The disturbed areas must be stabilized with appropriate vegetation (grasses, etc.).
22. **Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.
23. **Seed, Mulch Disturbed Areas** If seeding is impracticable due to the time of year, a temporary mulch shall be applied within 5 days and final seeding shall be performed at the earliest opportunity when weather conditions favor germination and growth; but not more than six months after project completion and no later than the permit expiration date.
24. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.
25. **Equipment Storage** The storage of construction equipment and materials shall be confined to within the project work site and upland areas landward of the bulkhead or barge.
26. **Docks, Floats** Installation of additional docks or floats is not authorized by this permit.
27. **No Structures on Pilings** No structures are to be constructed on pilings without further authorization of the Department.
28. **Remove, Replace Mooring Structures** Mooring structures attached to or in proximity to the bulkhead or within the project area may be temporarily removed in order to facilitate bulkhead replacement. These structures may be replaced with the same material, in the same dimensions, in the same configuration and in the same location as they were prior to bulkhead replacement.
29. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.



30. State May Require Site Restoration If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

31. State Not Liable for Damage The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

32. State May Order Removal or Alteration of Work If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

33. Precautions Against Contamination of Waters All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. Water Quality Certification The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).



The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC REGION 1 HEADQUARTERS
SUNY @ STONY BROOK
50 CIRCLE RD
STONY BROOK, NY 11790-3409

4. Submission of Renewal Application The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands, Excavation & Fill in Navigable Waters, Water Quality Certification.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

Attachment 5

Estimated Range of Sea Turtles

77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

This figure depicts a best estimate of the range of sea turtles in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Sea turtle species in the NER include loggerhead, Kemp's ridley, leatherback and greens sea turtles. Hawksbill sea turtles are rare in the NER and not included in this figure.

Sea turtles move north into these waters in the spring, arriving in the more southern waters of the mid-Atlantic in mid-April/May and the Gulf of Maine in June. In the fall, this trend is reversed with the most turtles leaving NER waters by the end of November. Outside of these times, sea turtle presence in NER waters is considered unlikely.

Data sources considered in the development of the sea turtle estimated range include sightings and trackline data from OBIS-SEAMAP (2009), stranding and entanglement data, and environmental data (e.g., salinity, temperature).

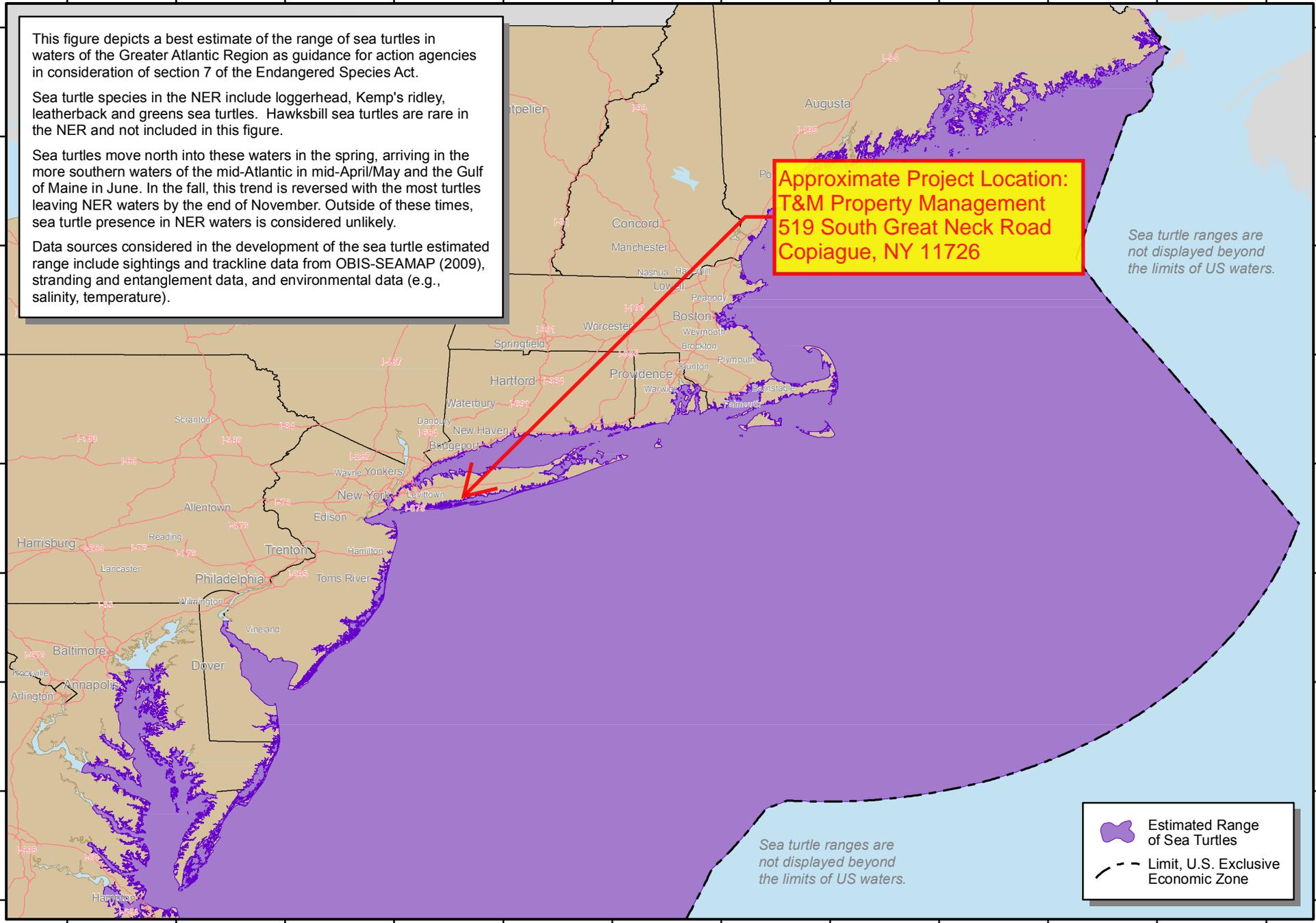
**Approximate Project Location:
T&M Property Management
519 South Great Neck Road
Copiague, NY 11726**

Sea turtle ranges are not displayed beyond the limits of US waters.

Sea turtle ranges are not displayed beyond the limits of US waters.

 Estimated Range of Sea Turtles

 Limit, U.S. Exclusive Economic Zone



Attachment 6

Estimated Range of Atlantic Sturgeon Distinct Population Segments (DPSs)

78°W 77°W 76°W 75°W 74°W 73°W 72°W 71°W 70°W 69°W 68°W 67°W 66°W

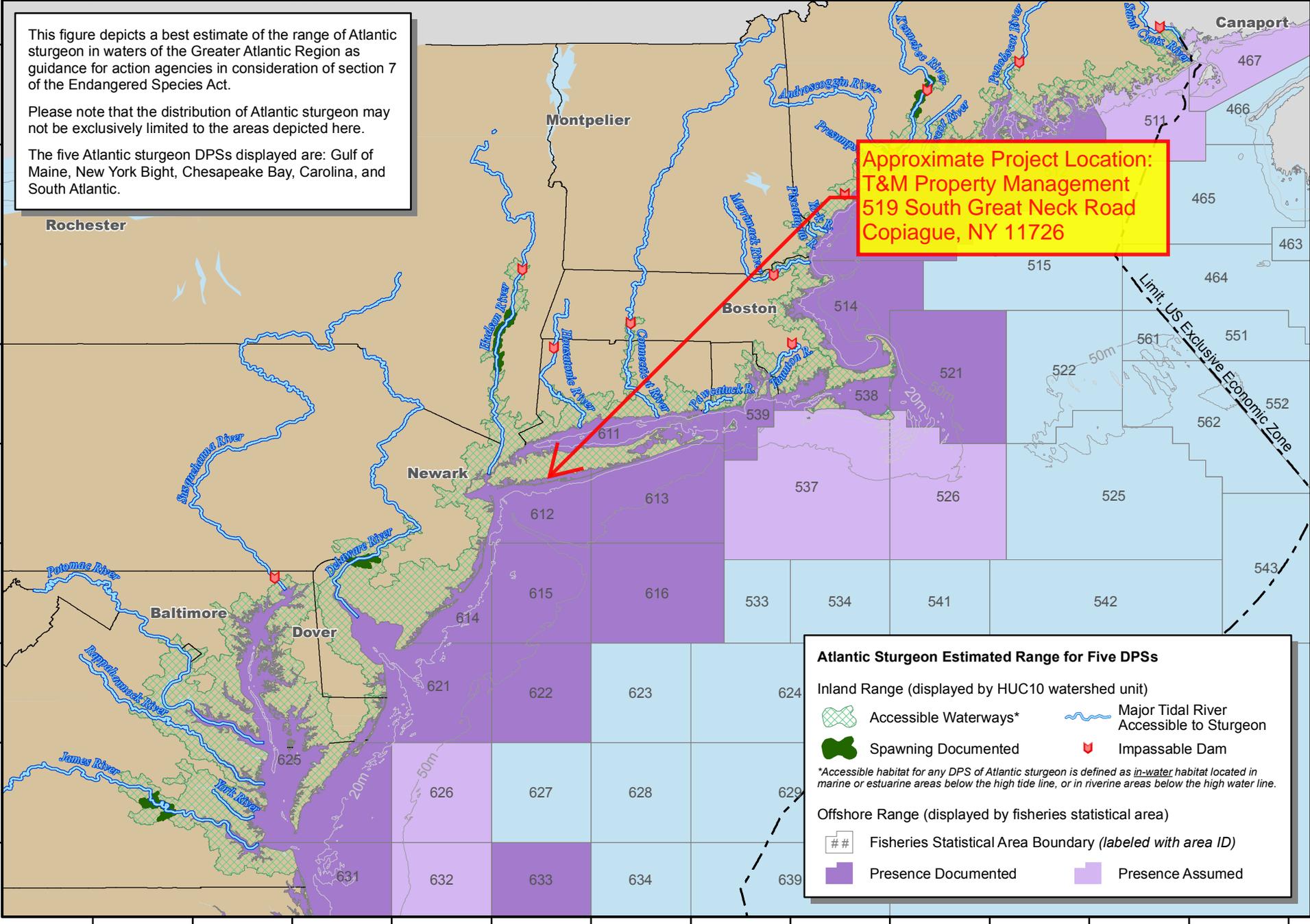
45°N
44°N
43°N
42°N
41°N
40°N
39°N
38°N
37°N

This figure depicts a best estimate of the range of Atlantic sturgeon in waters of the Greater Atlantic Region as guidance for action agencies in consideration of section 7 of the Endangered Species Act.

Please note that the distribution of Atlantic sturgeon may not be exclusively limited to the areas depicted here.

The five Atlantic sturgeon DPSs displayed are: Gulf of Maine, New York Bight, Chesapeake Bay, Carolina, and South Atlantic.

Approximate Project Location:
T&M Property Management
519 South Great Neck Road
Copiague, NY 11726



Atlantic Sturgeon Estimated Range for Five DPSs

Inland Range (displayed by HUC10 watershed unit)

- Accessible Waterways*
- Spawning Documented

Offshore Range (displayed by fisheries statistical area)

- Fisheries Statistical Area Boundary (labeled with area ID)
- Presence Documented
- Presence Assumed

Major Tidal River Accessible to Sturgeon

Impassable Dam

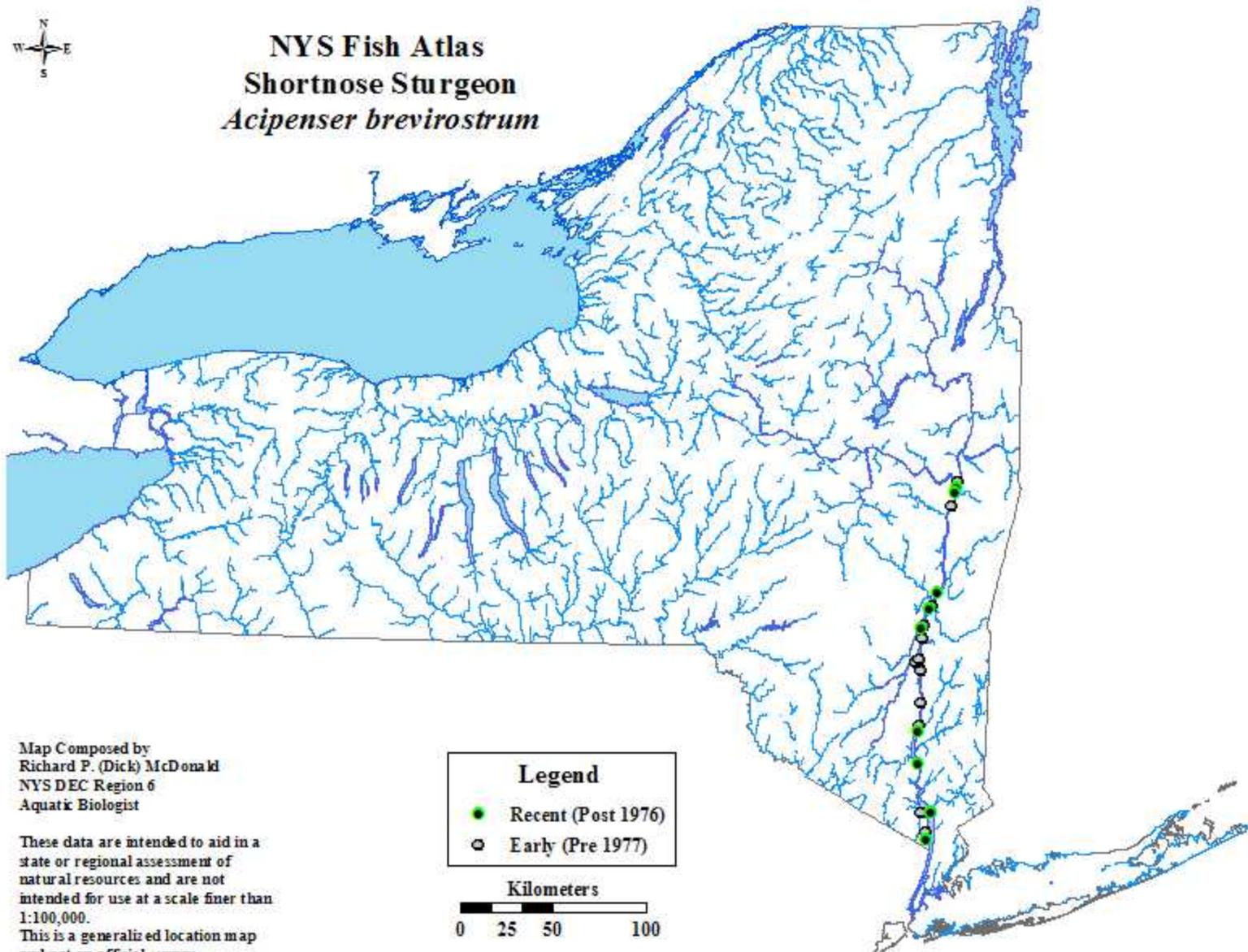
*Accessible habitat for any DPS of Atlantic sturgeon is defined as in-water habitat located in marine or estuarine areas below the high tide line, or in riverine areas below the high water line.

Limit, US Exclusive Economic Zone

Attachment 7



NYS Fish Atlas
Shortnose Sturgeon
Acipenser brevirostrum



Map Composed by
Richard P. (Dick) McDonald
NYS DEC Region 6
Aquatic Biologist

These data are intended to aid in a
state or regional assessment of
natural resources and are not
intended for use at a scale finer than
1:100,000.
This is a generalized location map
and not an official survey.

Legend

- Recent (Post 1976)
- Early (Pre 1977)

Kilometers

0 25 50 100

Attachment 8

Floodplain Management Determination
(EO 11988)

Project 103-ED-433-13 EO 11988 Floodplain Management Determination
***Commercial & Economic Development Initiative within NY State Community Development Block
Grant Disaster Recovery Program***
August 19, 2016

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 in-kind and in-place business infrastructure repairs for a single business impacted by Superstorm Sandy. The analysis that follows focuses on floodplain impacts, as there are no direct wetland impacts associated with this project. Based on the “non-substantial” level of work, and other case characteristics, it is concluded that there is a reasonable basis to proceed with funding for this project. Moreover, in the March 5, 2013 Federal Register Notice, the Department of Housing and Urban Development (HUD) expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. HUD’s allocation of funding is based on “unmet economic revitalization needs.” 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

T & M Property Management, Inc. is a real estate holding company that owns the Subject Property located at 519 South Great Neck Road, within the hamlet of Copiague in the Town of Babylon, Suffolk County, New York. C & D Marine Service, Inc. is the business tenant on the Subject Property, which operates a full service marina that performs various services, including boat engine installation, tune-ups, waxing and detailing, fiberglass work, shrink wrapping, and hull painting. C & D Marine Service, Inc. also accommodates dockage needs and stores boats over the winter. Based on Suffolk County Assessment data, this commercial property is known as Parcel ID 0100191000300042001. The Property Description shows that the Subject Property is 2.3 acres.

The HUD CDBG-DR funding would provide to the Applicant \$100,000.00 for future construction activities that involve removing and disposing off-site an existing 200-foot bulkhead and replacing it with a new 200-foot navy/smooth face bulkhead with zero returns and at a 12-inch higher elevation. The new bulkhead will be installed to these or similar specifications: C-Loc 9000 sheathing planks will be 20 feet in length with 6-inch x 8-inch walers and 8-inch x 8-inch bottom walers; pilings will have a 12-inch butt by 25 feet long, spaced on 6-foot centers; tie rods will be 1-inch by 20 feet long, spaced on 6-foot centers and fastened to a continuous anchor log system; all lumber will be pressure treated; and all hardware will be hot dipped galvanized. The associated decking will be removed. The area behind the old bulkhead will be dug out, the materials stockpiled and reused, and the area will be backfilled and graded to the height of the new bulkhead. This proposed project will involve minor dredging and excavation associated with the bulkhead replacement and will be completed in accordance with local, state, and federal permits. Federal permits required for the project activities include USACE Nationwide Permits No. 3 (Maintenance) and No. 19 (Minor Dredging), for which no pre-construction notice is required (**Attachment 2**). New York State Department of Environmental Conservation (NYSDEC) GP-1-13-001 Tidal Wetland Bulkhead Replacement with Dredging General Permit #1-4720-03413/00008 (authorized 6/2/2016/1/2016 and expires 3/11/2019) was obtained and is included in **Attachment 2**. Additionally, the Town of Babylon might require a dredging permit and a site plan review and permit for bulkhead replacement.

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 the U.S. Fish and Wildlife Service (USFWS) and NYSDEC, there are mapped wetlands adjacent to the Subject Property. The project involves minor dredging, which will involve the disturbance of a riverine corridor adjacent to the Subject Property. However, this disturbance will be associated with the replacement of the existing bulkhead in an active marina. There will be no new construction in the wetlands adjacent to the Subject Property. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses exclusively on floodplains.

According to 24 CFR §55, the proposed bulkhead replacement and minor dredging will 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. 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). This is evidenced by Program materials indicating that there was not a substantial damage determination and improved property value data shows the cost of funded repairs is less than the total value which is shown to be in excess of \$370,000.00. As such, the abbreviated five-step floodplain determination process in §55.20 is allowed. The following analysis examines each step in a 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 6 feet across the Subject Property.

As this project triggers abbreviated process, there was not a requirement to perform ***Step 2. Initiate Public Notice for Early Review of Proposal*** and ***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.***

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.

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 a 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 Subject Property 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.

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 without non-structural and structural flood proofing 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 on the Subject Property, floodwaters may induce rapid dilution. Given the nature of this business, the potential for an acute or chronic level of water quality impact from the Subject Property is low.

Impacts to Property & Lives

The action does present potential to impact commercial occupancy of the floodplain, but it does not impact residential structures or directly cause modification of the 100-year floodplain. The proposed project will not alter the floodplain because it will not directly or physically modify the floodplain through new construction – it only involves in-kind and in-place rehabilitation. 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 since the early 1800's. According to Suffolk County's Multi-Jurisdictional Hazard Mitigation Plan, 2014, "the waterfront area of the town is highly developed, primarily with residences" (Page 9.2-1). The Town of Babylon is subject to frequent flooding, frequent coastal erosion, frequent Nor'easters, frequent shallow groundwater flooding, and occasional hurricanes (Page 9.2-7). Considering the context of the area, this action represents an activity at only one parcel among others that are located within the contiguous floodplain. Thus, funding this project/ activity does constitute indirect continued support of floodplain occupancy and development for this business. 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 in-kind and in-place rehabilitation of the Subject Property 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 damaged as a result of the disaster. Similarly, the proposed funding supports the area by sustaining an asset. With sustained operations at the Subject Property, the market is not disrupted by causing customers to travel greater distances for similar services. Funding to sustain this business also helps ensure a diverse economic base. If this project were not funded, there may be other undefined, undesirable indirect impacts to lives and the area economy, on a short- and long-term basis, such as impacts related to economic multipliers and the support that this business provides to surrounding businesses, as it purchases products and services.

Cultural resources such as archaeological, historic & recreational aspects

There are no recorded historic properties listed on or deemed eligible for the State and National Register

of Historic Places adjacent to the Subject Property. The New York State Historic Preservation Office confirmed on March 10, 2016 that this project has had no effect on historic resources. Without support, building resources could degrade and there could be loss of development character and identity for the building and 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 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 wholesale fish and bait services is strong and if the service here were disrupted, consumer demand could not easily shift to other facilities located in the floodplain because of finite supply.

Agricultural, aquacultural, & forestry resources

The Suffolk County area has several agricultural sites located in the flood zone, as well as undeveloped woodlands. There are substantial agriculture and fishing industries 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.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts to and from the 100-Year Floodplain (Including the 500-Year Floodplain for a Critical Action) and to Restore and Preserve its Natural and Beneficial Functions and Values.

Given that proposed rehabilitation funding by this program is very limited and does not rise to the level of substantial reconstruction, and considering the individual property scale, it is not financially feasible to specify mitigation measures such as elevating the building, dry flood proofing it, or promoting strategic retreat such as through government acquisition. However, it is 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, buildings, supplies, and equipment.

It is reasonable to promote business owner awareness of actions they can take to define and prepare for the impacts of many hazards they may face. Ready is a national public service advertising campaign designed to educate and empower Americans to prepare for and respond to emergencies including natural and man-made disasters. Ready offers 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 (NOAA) that offers information about engaging in marina-specific operating and maintenance procedures in order to protect coastal water quality. More information can be found at the link: <http://features.coastalboating.net/TheGoodGuys/NOAACleanMarinas.html>.

Step 6. Reevaluate the Alternatives and Proposed Action.

The action to fund rehabilitation and business continuity at this small business is still practicable in light of exposure to flood hazards in the floodplain, possible adverse impacts on the 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 Federal Register Notice

strongly recommends that the grantee engage in a robust policy for ensuring small business recovery affected by the 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.

One potential alternative is to relocate the business to avoid potential future impacts at its current location. However, the marina business is functionally dependent on its location on the water. Thus, locating the business outside of 100-year floodplain and wetland buffer is not practicable. Finding other suitable locations for this marina business elsewhere, within a reasonable distance of the current location, is anticipated to be difficult due to the highly built up area and occupancy of coastal land.

The “no action” alternative means that there would not be assistance provided for bulkhead replacement or associated minor dredging. Without assistance, the business could struggle to provide services to its customers. Moreover, the “no action” alternative would leave the business and the surrounding properties vulnerable to future flood events and would impede the business owner’s ability to mitigate future flood damages. This action would greatly affect this business and the surrounding community, as recovery would be greatly impaired due to lack of financial support. Thus, the “no action” alternative would not support this business’s recovery nor help the community recover from this storm.

As this project triggers abbreviated process, there was not a requirement to perform **Step 7. Issue Findings and Public Explanation**. This means that a final notice, formally known as a “Notice of Policy Determination” will not be published.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation, is the responsible entity. The responsible entity will make available educational materials regarding best practices for businesses located in the floodplain. 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 to ensure, to the extent feasible and necessary, compliance with the steps herein.

Attachment 9

Department of State

Coastal Consistency Determination



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

April 21, 2016

Mr. Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources
New York State Department of State
One Commerce Plaza
99 Washington Avenue
Albany, New York 12231-0001

Re: CDBG-DR Program – T & M Property Management, Inc.
519 South Great Neck Road, Copiague, Suffolk County, New York 11726
(Project 103-ED-433-13)

Dear Mr. Zappieri:

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's Housing Trust Fund Corporation, was established to aid the statewide recovery of disaster-affected communities in New York State. GOSR is administering a U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant for Disaster Recovery (CDBG-DR), including the Economic Development-Small Business Grant Program. On behalf of GOSR, please find the enclosed coastal zone consistency materials for your review.

T & M Property Management, Inc. is a real estate holding company which experienced flooding, wind damage, and power outages, resulting in damage to bulkhead and business interruption for several weeks as a result of Superstorm Sandy. Donna and Charles Paterno, owners of T & M Property Management, Inc., have applied for CDBG-DR funding for the cost of future mitigation for replacing a 137-foot bulkhead. Ground disturbance will be in previously disturbed soils as a result of the proposed activities.

The business is located in the Town of Babylon, though the street address is 519 South Great Neck Road, Copiague, Suffolk County, New York 11726. T & M Property Management, Inc. leases this property to C&D Marine Service Inc. The project location is shown on maps included in the annexed Attachments. Based on the project description and a review of available environmental records for the property and surrounding area, the funded activities do not include activities that would involve potential recognized

environmental conditions/contamination.

The project is not located within a State-approved local waterfront revitalization program area or a State-approved regional coastal management program. None of the activities are located within a Coastal Barrier Resource System Unit.

GOSR is acting as the Responsible Entity in accordance with 24 C.F.R. Part 58—Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. GOSR has prepared the attached Federal Consistency Assessment Form to certify that the proposed project is consistent with New York’s Coastal Management Program. At this time, we are requesting that the New York State Department of State concur with the attached certification.

Thank you for taking the time to review the enclosed materials. Please do not hesitate to contact me by email at Thomas.King@stormrecovery.ny.gov or by telephone at (518) 473-0015 should you have any questions or require additional information.

Sincerely,

Thomas J. King, Esq.
Assistant General Counsel and Certifying Officer
Governor’s Office of Storm Recovery

Attachments:

Attachment A – Federal Consistency Form

Attachment B – Detailed Project Description and Policy Analysis

Attachment C – Site Maps

ATTACHMENT A
Federal Consistency Form

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

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

A. **APPLICANT** (please print)

1. Name: T & M Property Management, Inc. (Project 103-ED-433-13)
2. Address: 519 South Great Neck Road, Copiague, Suffolk County, NY 11726
3. Telephone: Area Code (631) 956-3984

B. **PROPOSED ACTIVITY:**

1. Brief description of activity:

Community Development Block Grant- Disaster Recovery funding for proposed future work involving the replacement of a 137-foot bulkhead damaged during Superstorm Sandy.

2. Purpose of activity:

Repair damages caused by Superstorm Sandy and provide support to independently-owned and operated small businesses that suffered loss as a result of Superstorm Sandy.

3. Location of activity:

<u>Suffolk</u>	<u>Copiague</u>	<u>519 South Great Neck Road</u>
County	City, Town, or Village	Street or Site Description

4. Type of federal permit/license required: HUD CDBG-DR funding from NYS as Responsible Entity

5. Federal application number, if known: Application Project Number: 103-ED-433-13

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

NYSDEC Permit #1-4720-03413/5

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

- | | |
|---|--------|
| 1. Will the proposed activity result in any of the following: | YES/NO |
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | — — |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44) | — — |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1) | — — |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20) | — — |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9,10) | — — |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29) | — — |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | — — |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35) | — — |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35) | — — |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33) | — — |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) | — — |
| l. Adverse effect upon land or water uses within the State's small harbors? (4) | — — |
| 2. Will the proposed activity affect or be located in, on, or adjacent to any of the following: | YES/NO |
| a. State designated freshwater or tidal wetland? (44) | — — |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17) | — — |
| c. State designated significant fish and/or wildlife habitat? (7) | — — |
| d. State designated significant scenic resource or area? (24) | — — |
| e. State designated important agricultural lands? (26) | — — |
| f. Beach, dune or Barrier Island? (12) | — — |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | — — |
| h. State, county, or local park? (19, 20) | — — |
| i. Historic resource listed on the National or State Register of Historic Places? (23) | — — |
| 3. Will the proposed activity require any of the following: | YES/NO |
| a. Waterfront site? (2, 21, 22) | — — |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5) | — — |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16) | — — |
| d. State water quality permit or certification? (30, 38, 40) | — — |
| e. State air quality permit or certification? (41, 43) | — — |
| 4. Will the proposed activity occur within and/or affect an area covered by a State-approved local waterfront revitalization program, or State-approved regional coastal management program?
(see policies in program document*) | — — |

D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

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

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

Applicant/Agent's Name: Donna Paterno / Tym Property Management Inc.
Address: 519 S. Great Neck Rd. Copiague NY 11726
Telephone: Area Code (831) 956-3984
Applicant/Agent's Signature: [Signature] Date: 4/21/16

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Planning and Development, Attn: Consistency Review Unit, One Commerce Plaza-Suite 1010, 99 Washington Avenue, Albany, New York 12231.**

- a. Copy of original signed form.
- b. Copy of the completed federal agency application.
- c. Other available information which would support the certification of consistency.

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

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

*These state and local documents are available for inspection at the offices of many federal agencies, Department of environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

ATTACHMENT B
Detailed Project Description and Policy Analysis

Project: T & M Property Management, Inc. (Project 103-ED-433-13)

Location: 519 South Great Neck Road, Copiague, Suffolk County, New York 11726

Introduction

The project analyzed herein is proposed to receive U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program–Disaster Recovery (CDBG-DR) funding for future mitigation construction consisting of the replacement of a 137-foot bulkhead. Funding for this work is administered by the New York Rising Small Business Grant Program.

Background and Existing Conditions

T & M Property Management, Inc. (Applicant) is a real estate holding company that experienced flooding, wind damage, and power outages during Superstorm Sandy resulting in damage to its bulkhead interrupting business operation for several weeks as a result of Superstorm Sandy. The business is located in the Town of Babylon, though the street address is 519 South Great Neck Road, Copiague, Suffolk County, New York 11726. The Applicant's property consists of a marina operation on the south shore of Long Island.

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for the direct administration of this HUD CDBG-DR program. An environmental review is being prepared to assist GOSR in its determination whether to grant CDBG-DR funding for the proposed project. The decision to grant CDBG-DR funding will be dependent on the environmental reviews required under the National Environmental Policy Act of 1969 (NEPA) pursuant to 24 CFR Part 58. The action is considered a Type II action under the New York State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR Part 617.

Purpose and Need

The purpose of the funding is for the repair of damages caused by Superstorm Sandy and to provide support to independently-owned and operated small businesses that suffered losses as a result of Superstorm Sandy.

Proposed Project

The Applicant is anticipated to receive CDBG-DR funding for the cost of future mitigation construction work consisting of the replacement of an existing 137-foot bulkhead with a new 137-foot navy/smooth face bulkhead with zero returns. The new bulkhead would be installed to the following specifications: C-Loc 9000 sheathing planks 20' in length with 6" by 8" whalers and an 8" by 8" bottom whaler; 12" by 25' pilings spaced on 6' centers; 1" by 20' tie rods spaced on 6' centers and fastened to a continuous anchor log system; pressure treated lumber; and hot dipped galvanized hardware. The proposed project would involve minor dredging and excavation associated with the bulkhead replacement in accordance with local, state, and federal permits.

No ground disturbance would occur outside previously disturbed soils as a result of the proposed activities. The proposed project is located within the 100-year floodplain. The project is not located within a State-approved local waterfront revitalization program area or a State-approved regional coastal management program area. None of the activities are located within a Coastal Barrier Resource System Unit.

FCAF Section	Coastal Management Plan (CMP) Policy	Proposed Project Consistency with CMP
1c	1- Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, Industrial, cultural, recreational and other compatible uses.	Consistent with the policy, the proposed project activities would restore and revitalize the business's waterfront by replacing bulkheads necessary for the continued existing use of the marina after damages sustained from Superstorm Sandy. This proposed project will allow for the business's continued commercial use, which provides access to waterways for commercial and recreational activities.
1h	<p>15 - Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.</p> <p>35 - Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State dredging permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, importance agricultural lands, and wetlands.</p>	Consistent with these policies, all dredging activities included in the proposed project would be conducted in a manner that meets existing New York State Department of Environmental Conservation permit requirements protecting significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands. Additionally, the proposed project is limited to the replacement of an existing structure and would not alter or interfere with natural coastal processes which supply beach materials.
2a	44 - Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	Consistent with the policy, the proposed project activities would not destruct any previously undisturbed tidal wetlands and would benefit the economic and social redevelopment for generally compatible uses of the business. The proposed project activities would require and comply with a

		New York State Department of Environmental Conservation Tidal Wetlands permit.
2b	<p>11 - Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.</p> <p>12 - Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.</p> <p>17 - Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.</p>	<p>The proposed project is located in a FEMA designated 100-year floodplain (SFHA Zone AE). The proposed project would include dredging activities to replace a bulkhead. This proposed project does not involve construction of residential buildings in a coastal erosion or coastal high hazard area, and so human lives would not be endangered by the proposed project.</p> <p>The proposed project activities would be limited to the in-place replacement of a pre-existing bulkhead in a previously developed area. Therefore, damage to natural resources avoided as no work is proposed in previously undisturbed areas.</p> <p>The proposed project would limit future damages to the Applicant's property; therefore, it is consistent with all of these policies.</p>
3a	<p>2 - Facilitate the siting of water dependent uses and facilities on or adjacent to coastal waters.</p> <p>21 - Water dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related uses along the coast.</p> <p>22 - Development when located adjacent to the shore will provide for water related recreation whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.</p>	<p>The proposed project would support an existing marina that provides access for waterfront recreation and the visual enjoyment of the waterfront. The proposed project does not involve new development. Thus, this proposed project is in conformance with these policies.</p>

<p>3c</p>	<p>13 - The construction or reconstruction of erosion protection structures shall be undertaken only if they have reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.</p> <p>14 - Activities and development including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.</p> <p>16 - Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.</p>	<p>The in-kind reconstruction of the bulkhead is reasonably expected to last upwards of 30 years, if properly constructed and maintained. However, natural disasters could potentially result in damage and require repairs and/or reconstruction.</p> <p>The proposed project would consist of the in-kind replacement of a pre-existing bulkhead. Therefore, there would be no measurable increase in erosion or flooding at the site or at other locations.</p> <p>The proposed project activities would be limited to the in-place replacement of a pre-existing bulkhead in a previously developed area. Continuation of the current use is planned. Thus, the proposed project is in conformance with these policies.</p>
<p>3d</p>	<p>30 - Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to State and National water quality standards.</p> <p>38 - The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.</p>	<p>The proposed project does not involve discharges of municipal, industrial, or commercial pollutants into coastal waters. As such, policy thirty (30) does not apply.</p> <p>The waters at this marina are brackish and are not used for drinking water. The Applicant will acquire the appropriate permits to perform the bulkhead work so that work would be in compliance with federal, state, and local permits. The proposed project is limited to previously disturbed areas. As such, with adherence to required permit stipulations, the proposed project would not affect the quality or</p>

	<p>40 - Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to State water quality standards.</p>	<p>quantity of surface water and groundwater supplies at this site and is in compliance with policy thirty-eight (38).</p> <p>This project would not involve effluent discharges from a major steam electric generating or industrial facility into coastal waters. As such, policy forty (40) is not applicable to this project.</p>
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ATTACHMENT C

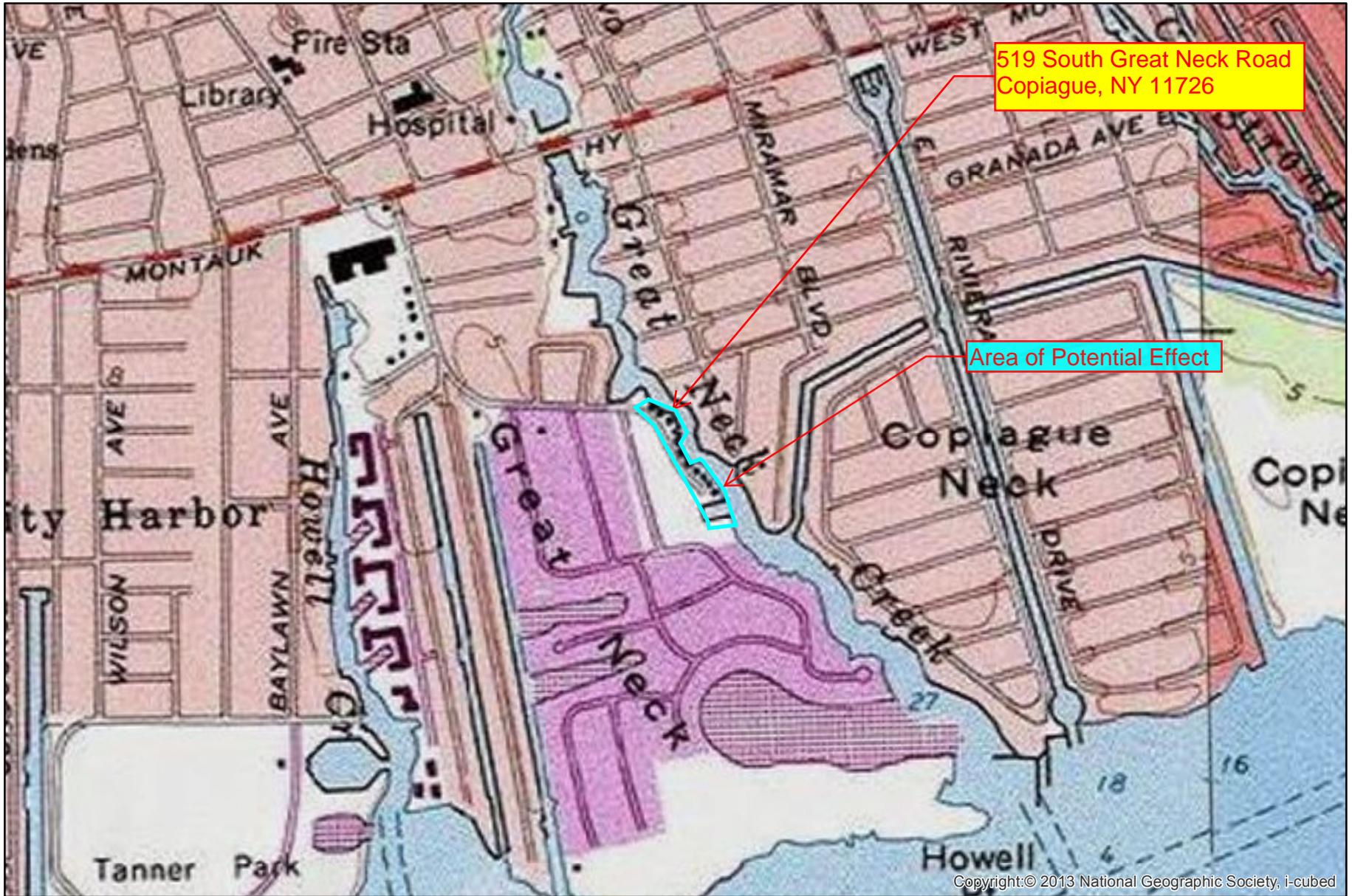
Site Maps



1:10,000

Street Map
T & M Property Management Inc.
519 South Great Neck Road
Copiague, NY 11726
Suffolk County





Copyright:© 2013 National Geographic Society, i-cubed



1:10,000

Topographic Map
T & M Property Management Inc.
519 South Great Neck Road
Copiague, NY 11726
Suffolk County



STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

June 6, 2016

Thomas King, Esq.
Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, New York 12231

Re: F-2016-0341(FA)
GOSR - T & M Property Management, Inc.
Project #103-ED-433-13
Funding for the cost of future mitigation for replacing a
137' bulkhead damaged during Super Storm Sandy
Town of Babylon, Suffolk County
General Concurrence - No Objection To Funding

Dear Mr. King:

The Department of State received the information you submitted regarding the above matter on 4/21/2016.

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 U. S. Housing and Urban Development 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-2016-0341(FA).

Sincerely,

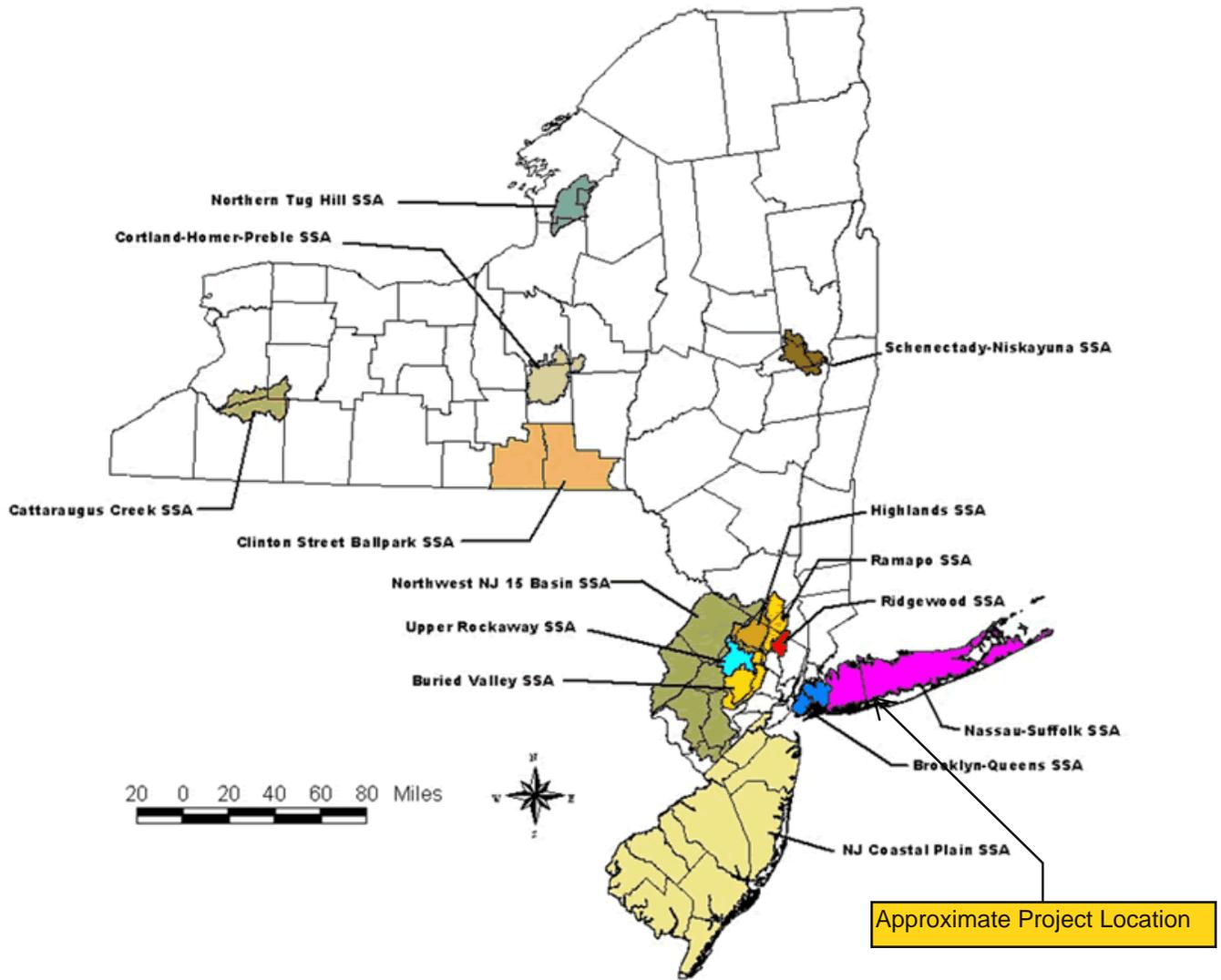


Jeffrey Zappieri
Supervisor, Consistency Review Unit
Office of Planning and Development

JZ/ks/dc

Attachment 10

Sole Source Aquifer Map and
Initial Screen Criteria



<http://www.epa.gov/region02/water/aquifer/>

ATTACHMENT 2.A

NON-HOUSING/PROJECT ACTIVITY INITIAL SCREEN CRITERIA

The following list of criteria questions are to be used as an initial screen to determine which **non-housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For housing projects/activities see Attachment 2.B) If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and any other pertinent information should then be forwarded to EPA at the address below.

Any project/activity not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded.

CRITERIA QUESTIONS	YES	NO	N/A
1. Is the project/activity located within a currently designated or proposed groundwater sensitive area such as a special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area, etc.? [This information can be obtained from the County or Regional Planning board, the local health department, the State health department or the State environmental agency.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Is the project/activity located within a one half mile radius (2640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3. Will the project/activity include or directly cause (check appropriate items):

	YES	NO	N/A
construction or expansion of solid waste disposal, recycling or conversion facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion or closure of landfills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of water supply facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of on-site wastewater treatment plants or sewage trunk lines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of gas or petroleum trunk lines greater than 1320 feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of railroad spurs or similar extensions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
construction or expansion of municipal sewage treatment plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

4. Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents

5. Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons?
(Please give what assurance they are done in a proper manner.)

6. Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit?

This attachment was completed by:

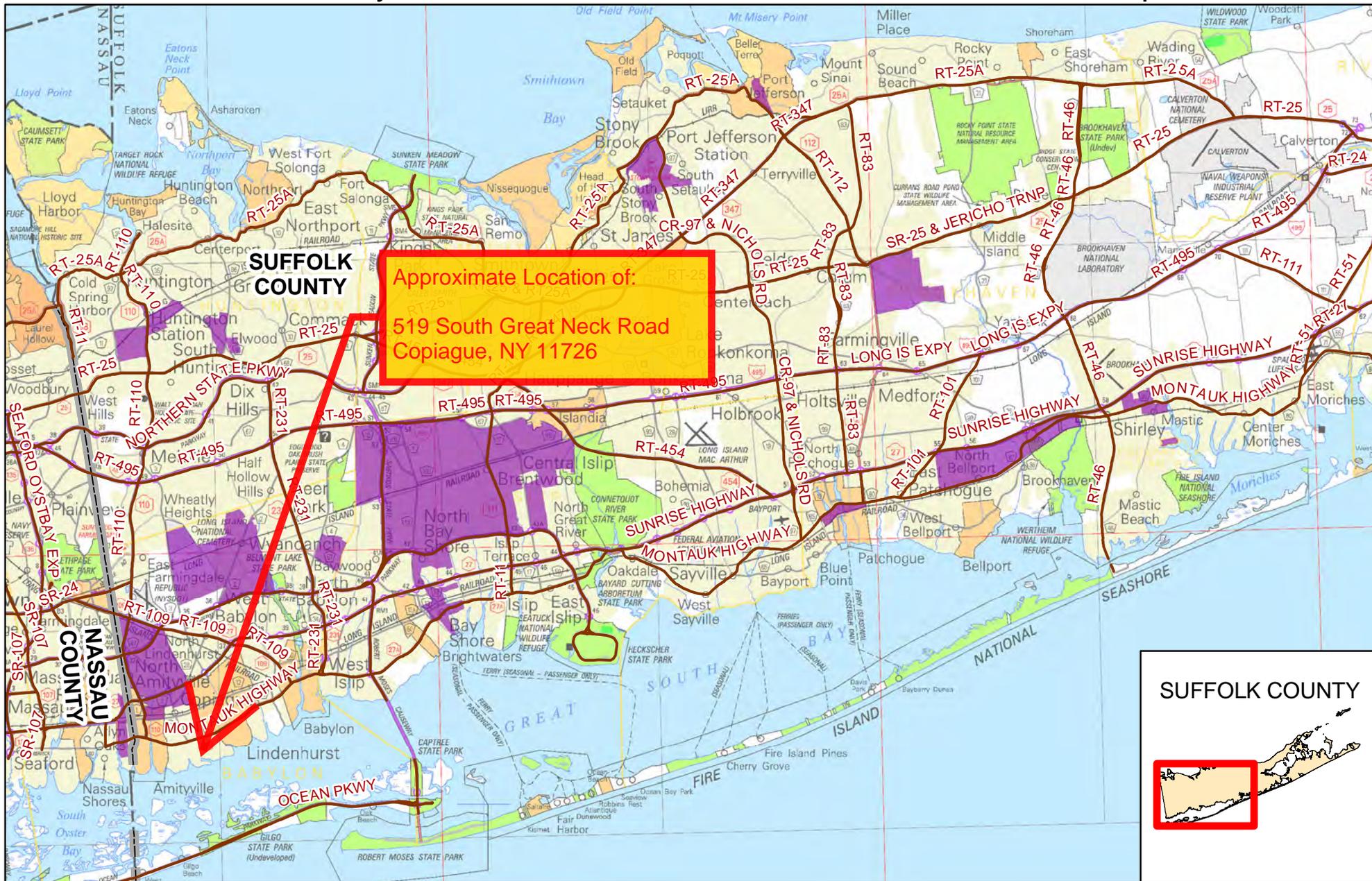
Name: Emily Cheadle
Title: Environmental Planner/GIS Analyst
Address: Tectonic Engineering
70 Pleasant Hill Road
Mountainville, NY 10953
Telephone number: (845) 534-5959
Date: August 19, 2016

Attachment 11

Environmental Justice Maps

Potential Environmental Justice Areas in Western Suffolk County, New York

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



Approximate Location of:
 519 South Great Neck Road
 Copiague, NY 11726



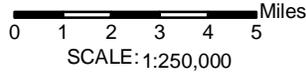
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Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

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

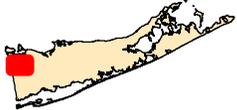


SUFFOLK COUNTY



Potential Environmental Justice Areas in the Town of Huntington Suffolk County, New York

Click Here for
County Map



**TOWN OF
HUNTINGTON**

**SUFFOLK
COUNTY**

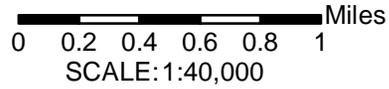
**NASSAU
COUNTY**

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

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies

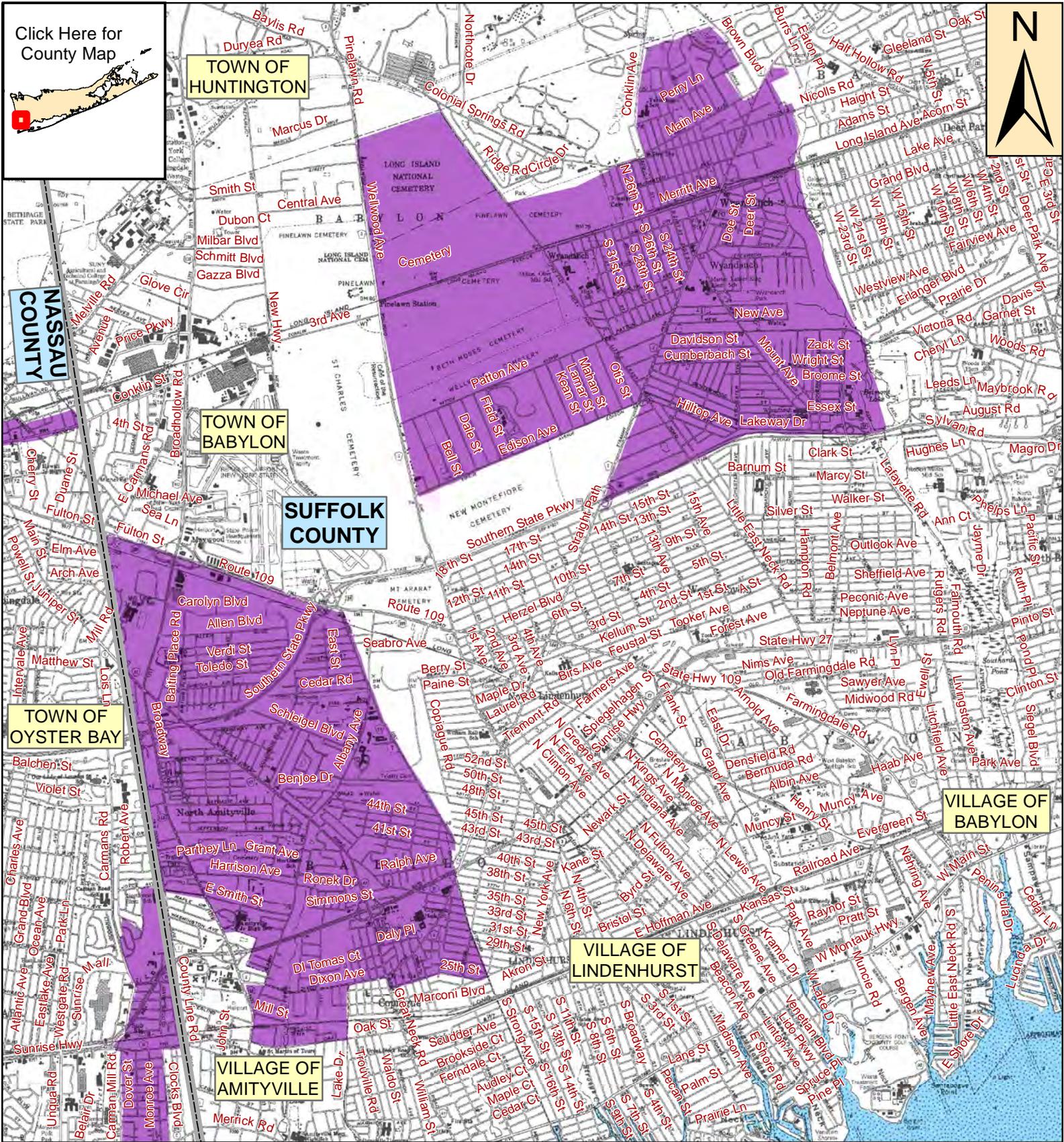


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Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Babylon Suffolk County, New York

Click Here for County Map



Legend

- Potential EJ Area
- County Boundary
- Waterways

Miles
0 0.2 0.4 0.6 0.8 1

SCALE: 1:50,000

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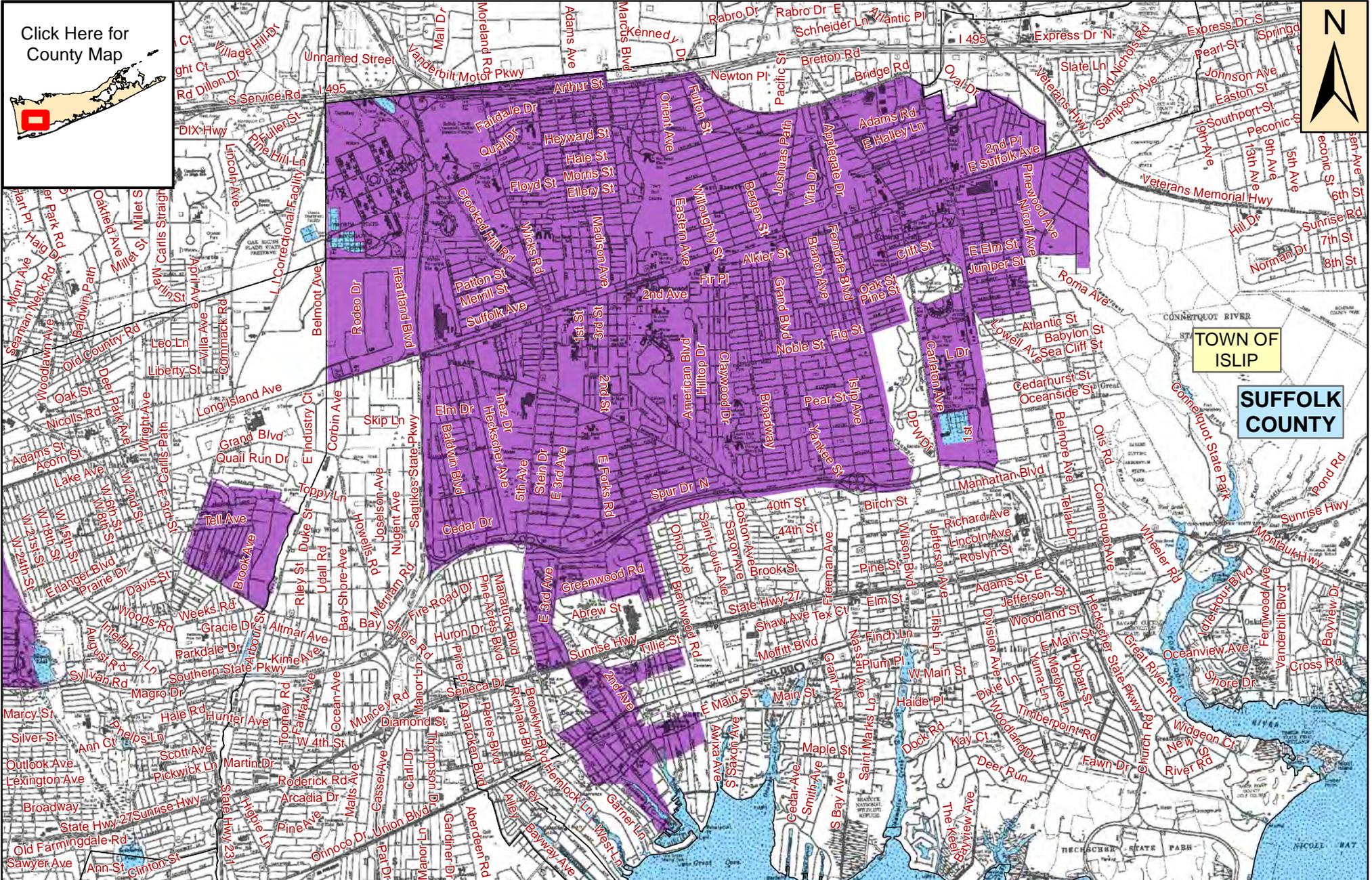
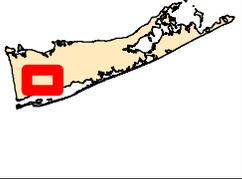
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

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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 Islip, Suffolk County, New York

Click Here for County Map



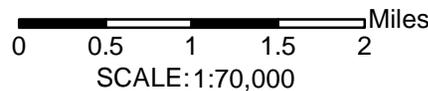
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Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

- Potential EJ Area
- County Boundary
- Waterbodies

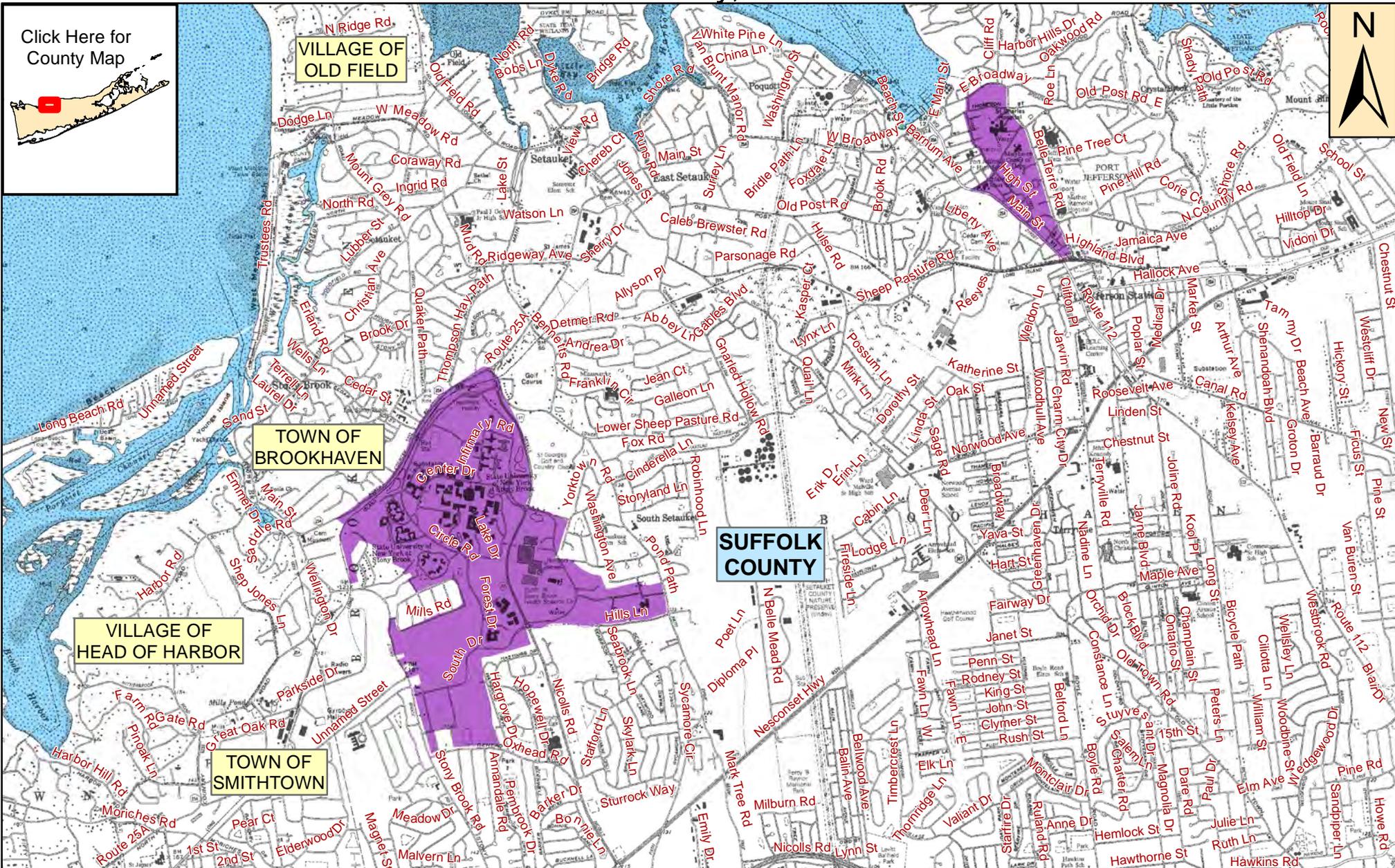


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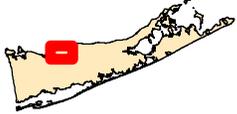


Potential Environmental Justice Areas in the Town of Brookhaven (north detail)

Suffolk County, New York



Click Here for County Map



SUFFOLK COUNTY

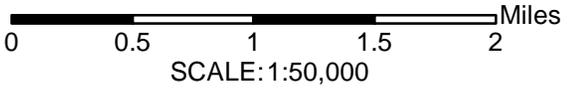
VILLAGE OF OLD FIELD

TOWN OF BROOKHAVEN

VILLAGE OF HEAD OF HARBOR

TOWN OF SMITHTOWN

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies



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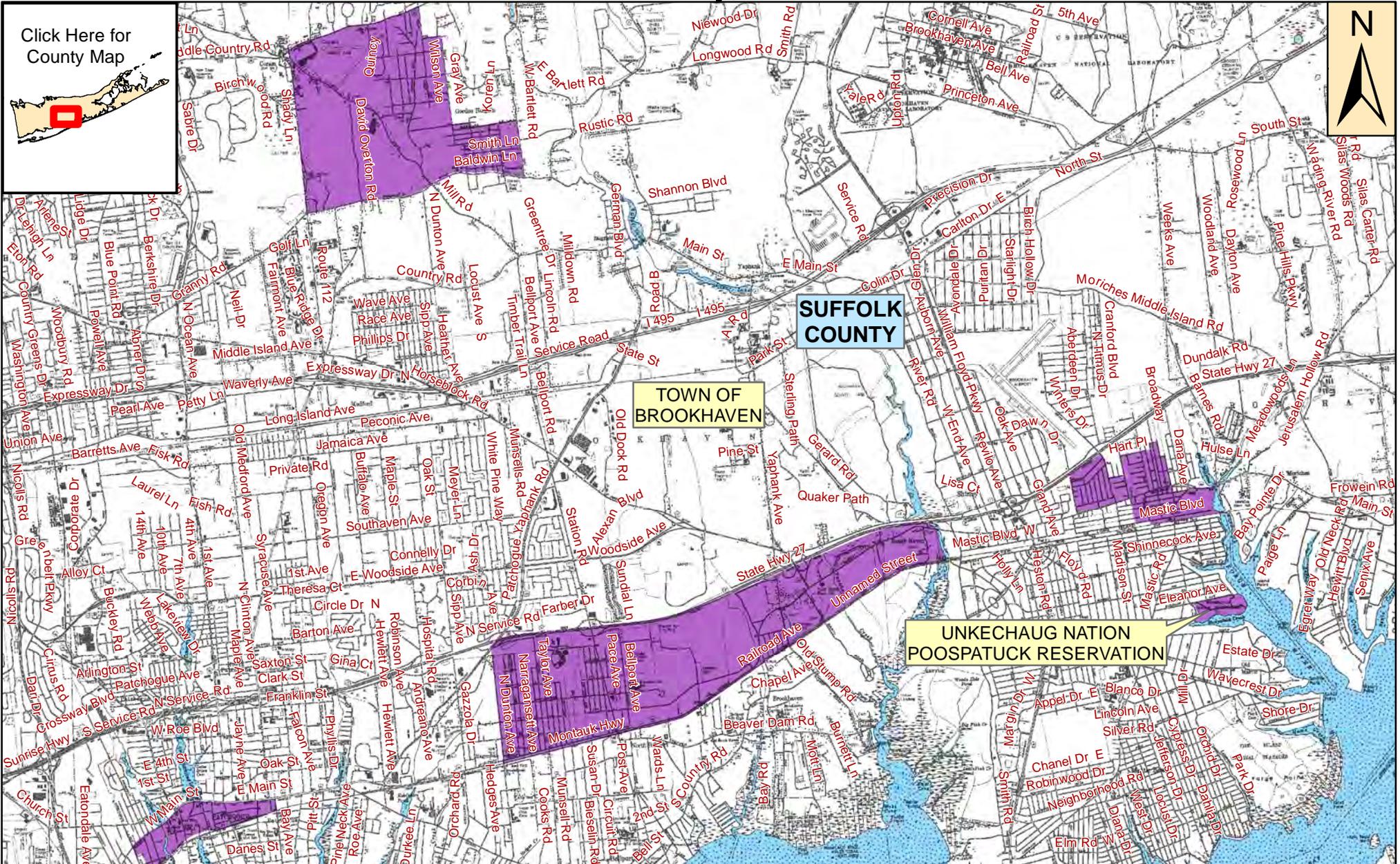
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

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Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Brookhaven (south detail)

Suffolk County, New York

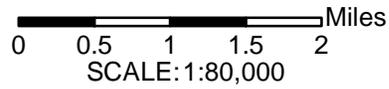


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 - Waterbodies



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