

**Tier 1 Environmental Review Record
Community Development Block Grant – Disaster Recovery
NY Rising Buyout and Acquisition Program:
Rockland County, NY**

**PREPARED FOR:
NEW YORK STATE HOMES AND COMMUNITY RENEWAL
38 – 40 STATE STREET
ALBANY, NY 12207-2804**

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MARCH 2014

| ERR Project Summary | |
|-------------------------------------|--|
| Responsible Entity: | New York State Homes and Community Renewal |
| Certifying Officer: | Ms. Amy Zamenick, Senior Attorney, NYS Homes and Community Renewal |
| Project Name: | NY Rising Buyout and Acquisition Program |
| Federal Agency: | U.S. Department of Housing and Urban Development |
| Project Sponsor: | New York State Homes and Community Renewal |
| Program Name: | New York State Community Development Block Grant - Disaster Recovery |
| Project Site Address: | Individual Residential Sites |
| Project County: | Rockland County, New York |
| Estimated Project Cost: | \$ |
| Project Sponsor Address: | New York State Housing Trust Fund Corporation 38-40 State Street Albany, NY 12207 |
| Primary Contact's Name: | Amy Zamenick |
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| Telephone Number: | (518) 473-4732 |
| Project NEPA Classification: | 24 CFR 58.36 Environmental Assessment |
| 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 under 24 CFR Part 58.</p> <p style="text-align: center;"></p> <hr/> <p>NAME: Ms. Amy Zamenick Title/Agency: Senior Attorney/NYS Homes and Community Renewal Date: 14 March 2014</p> |

Table of Contents

| | |
|--|------------|
| List of Tables and Figures | iii |
| List of Exhibits | iii |
| List of Appendices | iii |
| Acronyms and Abbreviations | iv |
| | |
| 1.0 NY Rising Buyout and Acquisition Program in Rockland County, NY | 1 |
| 1.1 Background..... | 1 |
| 1.2 Community Development Block Grant-Disaster Recovery | 2 |
| 1.3 Program Location..... | 5 |
| 1.4 Current Conditions and Trends..... | 7 |
| 1.5 Damage Assessments and Need..... | 10 |
| 1.6 Recovery Measures..... | 15 |
| 1.7 Program Description..... | 16 |
| 1.8 Buyouts | 19 |
| 1.9 Acquisitions | 20 |
| 1.10 Alternatives to the Proposed Action | 22 |
| 1.11 Cumulative Effects..... | 24 |
| 1.12 Summary..... | 26 |
| | |
| 2.0 Tiering of Environmental Review | 27 |
| 2.1 Tier 1 Environmental Review..... | 27 |
| 2.2 Tier 2 Environmental Review..... | 28 |
| | |
| 3.0 Conditions for Approval and Mitigation | 29 |
| 3.1 General..... | 29 |
| 3.2 Historic Preservation..... | 29 |
| 3.3 Floodplain Management and Flood Insurance..... | 29 |
| 3.4 Wetlands Protection and Water Quality | 30 |
| 3.5 Vegetation and Wildlife..... | 31 |
| 3.6 Soil Erosion..... | 31 |
| 3.7 Storm Water | 31 |
| 3.8 Noise | 32 |
| 3.9 Air Quality | 32 |
| 3.10 Hazardous Materials | 32 |
| 3.11 Solid Waste..... | 34 |
| 3.12 Transportation..... | 34 |
| 3.13 Airport Clear Zones and Accident Potential Zones | 34 |
| 3.14 Coastal Barrier Resources..... | 35 |
| 3.15 Explosive and Flammable Operations | 35 |
| 3.16 Farmland Policy Act | 35 |
| 3.17 Environmental Justice..... | 36 |

| | | |
|------------|---|-----------|
| 4.0 | Eight-Step Decision Making Process..... | 37 |
| 4.1 | Eight-Step Decision Making Process for Proposed Action in the Floodplain..... | 38 |
| 4.2 | Eight-Step Decision Making Process for Proposed Action in a Wetland..... | 44 |
| 5.0 | Evaluation of Effects and Summary of Findings and Conclusions | 45 |
| 6.0 | List of Sources, Agencies and Persons Consulted | 46 |

Tables and Figures

| | | |
|-----------|---|----|
| Table 1: | Rockland County Demographics | 6 |
| Figure 1: | Rockland County Land Use Map..... | 9 |
| Figure 2: | Rockland County Verified Applicant Address Map..... | 14 |

Exhibits

- Exhibit 1: NEPA Environmental Assessment Checklist
- Exhibit 2: Environmental Assessment Worksheet
- Exhibit 3: Buyout Site-Specific Checklist
- Exhibit 4: Acquisition Site-Specific Checklist
- Exhibit 5: Site-Specific Checklist Template
- Exhibit 6: DASNY Site Inspection Checklist

Appendices

- Appendix A: Rockland County USGS Topographic Maps
- Appendix B: Rockland County USDA Soil Survey Maps
- Appendix C: Rockland County FEMA Flood Insurance Rate Maps
- Appendix D: Rockland County Wetlands Maps
- Appendix E: Rockland County Land Use and Zoning Map
- Appendix F: Rockland County Potential Environmental Justice Area Maps
- Appendix G: Rockland County Wild, Scenic, or Recreational Rivers
- Appendix H: Rockland County Sole Source Aquifer Map and Memorandum of Understanding
- Appendix I: USFWS Natural Resources of Concern
- Appendix J: Farmland Protection Checklist
- Appendix K: NYSDEC Air Quality Consultation Letter
- Appendix L: NYSDOS Coastal Consistency Consultation
- Appendix M: NY Natural Heritage Program Consultation
- Appendix N: NY Historic Preservation Programmatic Agreement
- Appendix O: HUD Noise Abatement and Explosive Operations Email
- Appendix P: NMFS Consultation Letters
- Appendix Q: USFWS Consultation Letters
- Appendix R: Rockland County Floodplain Management Plan and Public Notices
- Appendix S: Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF)

Acronyms and Abbreviations

| | |
|---------|---|
| ABFE | Advisory Base Flood Elevation |
| ACM | Asbestos Containing Material |
| ASD | Acceptable Separation Distance |
| BFE | Base Flood Elevation |
| BMP | Best Management Practice |
| C&D | Construction and Debris |
| CAA | Clean Air Act |
| CBRA | Coastal Barrier Resources Act |
| CBRS | Coastal Barrier Resources System |
| CDBG-DR | Community Development Block Grant for Disaster Recovery |
| CDC | Centers for Disease Control and Prevention |
| CEA | Critical Environmental Area |
| CFR | Code of Federal Regulations |
| EJ | Environmental Justice |
| EMS | Emergency Medical Services |
| EPA | Environmental Protection Agency |
| ERR | Environmental Review Record |
| ESA | Endangered Species Act |
| FEMA | Federal Emergency Management Agency |
| FEMA IA | Federal Emergency Management Agency Individual Assistance |
| FIRM | Flood Insurance Rate Maps |
| FMV | Fair Market Value |
| FONSI | Finding of No Significant Impact |
| HCR | New York State Homes and Community Renewal |
| HTFC | Housing Trust Fund Corporation |
| HUD | Housing and Urban Development |
| MOU | Memorandum of Understanding |
| MS4 | Municipal Separate Storm Sewer Systems |
| NEPA | National Environmental Policy Act |
| NFIP | National Flood Insurance Program |
| NHPA | National Historic Preservation Act |
| NMFS | National Marine Fisheries Service |
| NOAA | National Oceanographic and Atmospheric Administration |
| NOIRROF | Notice of Intent to Request Release of Funds |
| NPS | National Park Service |
| NRCS | Natural Resources Conservation Service |
| NWI | National Wetlands Inventory |
| NY | New York |
| NYC | New York City |
| NYCRR | New York Code, Rules and Regulations |
| NYS | New York State |
| NYSDEC | New York State Department of Environmental Conservation |
| NYSDOS | New York State Department of State |
| O&R | Orange and Rockland |

Acronyms and Abbreviations (continued)

| | |
|---------|---|
| OCR | Office of Community Renewal |
| OPRHP | Office of Parks, Recreation and Historic Preservation |
| OSHA | Occupational Safety and Health Administration |
| PEA | Programmatic Environmental Assessment |
| P-FIRMS | Preliminary Flood Insurance Maps |
| QEP | Qualified Environmental Professional |
| RE | Responsible Entity |
| RRP | Repair, Renovation, and Painting |
| SEQR | State Environmental Quality Review Act |
| SFHA | Special Flood Hazard Area |
| SHPO | State Historic Preservation Office |
| SIP | State Implementation Plan |
| SNAP | Supplemental Nutrition Assistance Program |
| SWPPP | Storm Water Pollution Prevention Plan |
| THPO | Tribal Historic Preservation Office |
| USACE | U.S. Army Corps of Engineers |
| USDA | U.S. Department of Agriculture |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | U.S. Geological Survey |

1.0 NY Rising Buyout and Acquisition Program in Rockland County, NY

1.1 Background

In 2011, Rockland County received extensive damage caused by Hurricane Irene. The ninth named storm and first hurricane of the 2011 Atlantic hurricane season, Irene originated east of the Lesser Antilles in the Caribbean Sea as a well-defined Atlantic tropical wave. Having formed a closed center of circulation, on August 20, 2011, the system was designated as Tropical Storm Irene. Growing in intensity, Tropical Storm Irene made landfall in the island of St. Croix the same day, then a second landfall in Puerto Rico early on August 21, 2011. While crossing Puerto Rico, Irene strengthened into a Category 1 hurricane. Shortly before making four landfalls in the Bahamas, Irene peaked as a 120 mph (195 km/h) Category 3 hurricane. Hurricane Irene lessened in intensity as it crossed the Bahamas and struck North Carolina as a Category 1 hurricane on August 27, 2011. With Hurricane Irene's path projected to strike much of the East Coast, states of emergency and hurricane warnings were declared for several states, including New York State (NYS). Governor Andrew Cuomo declared a state of emergency on August 26, 2011. Shelters were prepared, and hundreds of thousands of people across NYS were evacuated from their homes.

Rain associated with Hurricane Irene began in Rockland County on the afternoon of August 27, with flooding beginning the next morning. On August 28, 2011, Hurricane Irene made landfall in NYS with tropical storm force winds and causing disastrous flash flooding, especially in the eastern part of Upstate New York. A mandatory evacuation of residences along the Hudson River was enforced by local police. The storm surge inundated some areas of the Town of Stony Point. Cedar Pond Brook and its tributaries overflowed their banks and flooded roads, blocking access by emergency vehicles. The concrete embankment walls of the Minisceongo Creek were damaged during Hurricane Irene. Erosion along creek beds exposed some buried power lines, which forced power shutdowns. Orange and Rockland Utilities reported that nearly 22,000 people were without power in Rockland County due to Hurricane Irene. A Spring Valley man who was electrocuted after coming into contact with a downed power line was the only reported fatality in Rockland County resulting from Hurricane Irene.

In total for the United States, Hurricane Irene caused widespread destruction, 49 confirmed fatalities, and nearly \$15.6 billion in damage, making it the seventh (7th) costliest hurricane in United States history.

In 2012, Rockland County was again devastated by impacts of Hurricane Sandy. On October 24, 2012, the National Atmospheric Administration predicted that there was a 90% chance that Hurricane Sandy would impact the Mid-Atlantic and New England states, including NYS. In response to this prediction, Governor Andrew Cuomo proactively requested federal emergency assistance prior to Hurricane Sandy's landfall, and President Obama signed an emergency declaration for NYS. New York City (NYC) issued the second (2nd) mandatory evacuation on record on October 28, 2012, evacuating residents in flood zones A and V. NYC also opened 76 public shelters.

Hurricane Sandy, one of the largest Atlantic hurricanes to reach the United States on record, resulted in great devastation along the NYS coast on October 29, 2012. Flooding and high winds along the coast and overland flooding damaged communities throughout NYS. Fourteen (14) counties, including Rockland County, were declared federal disaster areas. Two (2) million utility customers in NYS lost power, with some blackouts lasting up to three (3) weeks. The storm damaged or destroyed as many as 300,000 housing units, affected or closed over 2,000 miles of roads, produced catastrophic flooding in subways and tunnels, and damaged major power transmission systems. Sixty (60) New Yorkers died as a result of Hurricane Sandy. This destruction came in the wake of Hurricane Irene, which had damaged Rockland County only one (1) year prior to Hurricane Sandy, and was particularly devastating to an economy just recovering from the financial crisis.

Rockland County and several municipalities throughout the county declared states of emergency during Hurricane Sandy. On October 29, 2012, mandatory evacuations were ordered for some West Nyack neighborhoods and sections of Stony Point. Hurricane Sandy's storm surge crashed into Rockland County with waves up to twelve (12) feet damaging buildings and infrastructure. Boats along the Hudson River were carried ashore by the storm surge, and properties along the river were covered with mud and debris. The Stony Point sewage plant experienced flooding in the basement of the main control building. Several county roads and highways throughout Rockland County were closed due to flooding and fallen trees that were toppled by high winds. Nearly 80% of Rockland County residents were without power during Hurricane Sandy.

In total for the United States, Hurricane Sandy caused catastrophic damage, 73 direct and 87 indirect fatalities, and at least \$68 billion in damage, making it the second (2nd) costliest hurricane in United States history.

1.2 Community Development Block Grant-Disaster Recovery

Hurricane Sandy was the catalyst for the allocation of disaster relief funds under the Community Development Block Grant—Disaster Recovery (CDBG-DR). These funds are being used to assist not only counties that were devastated by Hurricane Sandy, but also counties that were severely impacted by Hurricane Irene and/or Tropical Storm Lee in 2011. Rockland County incurred severe damage from Hurricane Sandy, as well as damage from Hurricane Irene the previous year.

Following damage assessments performed by the U.S. Federal Emergency Management Agency (FEMA), President Obama also signed into law the “Disaster Relief Appropriations Act, 2013” (Public Law 113-20, approved January 29, 2013), which included \$16 billion in funding for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, as well as economic revitalization in the most impacted and distressed areas resulting from recent storm events.

The U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the CDBG-DR pursuant to the Disaster Relief Appropriations Act of 2013. The CDBG-DR program is designed to address the needs of NYS communities devastated by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. This funding was disbursed in two (2) phases. On Tuesday, March 5, 2013, HUD published Federal Register Notice 5696-N-01, which established the requirements and processes for the first \$1.7 billion in federal CDBG-DR aid appropriated by the United States Congress and allocated to NYS for disaster relief. On October 28, 2013, HUD published Federal Register Notice 5696-N-06, which issued a second (2nd) allocation of \$2.097 billion to NYS.

The Disaster Relief Appropriations Act requires grantees to submit an action plan to the HUD Secretary “detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas.”

As required by the CDBG-DR program, NYS submitted to the HUD Secretary the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan) (issued April 25, 2013; amended June 20 2013; July 3, 2013; September 25, 2013; November 7, 2013; draft amendment February 18, 2014). The Action Plan is supplemented by the *NY Rising Housing Recovery Program Homeowner Guidebook* (Guidebook) (revised December 12, 2013). The Action Plan describes the proposed use of HUD CDBG-DR funding to meet the unmet housing, economic development, community planning, and infrastructure needs of impacted communities. In the Action Plan, NYS identified more than \$6 billion in damage to residential structures in the areas most impacted by Hurricane Sandy and other recent eligible disaster events, such as Hurricane Irene and Tropical Storm Lee.

The Action Plan is being used as a guide by NYS Homes and Community Renewal (HCR), through its Office of Community Renewal (OCR) and the Housing Trust Fund Corporation (HTFC), for the distribution of CDBG-DR funding. The Action Plan helps to define how NYS will effectively use any available funding to recover and rebuild, and just as importantly, to stimulate economic growth in every affected community through a community-driven planning process.

The plan is based on six (6) key principles:

1. *Building back better and smarter* – As New Yorkers repair the significant damage wrought by Hurricane Sandy, the State will use the opportunity not to replace damaged buildings with the same structures, but to invest in additional mitigation to prevent similar damage from recurring.
2. *State-led, community-driven recovery* – NYS is collaborating closely with local governments and other organizations to ensure a coordinated and holistic response, while looking to individual communities to develop forward-looking local recovery plans that meet their specific needs.
3. *Recovery from Irene and Lee* – The recovery efforts will also extend to those communities still recovering from Hurricane Irene and Tropical Storm Lee.
4. *Leveraging private dollars* – NYS will undertake programs that will help unlock capital markets and increase the amount of low-interest financing of key projects by reducing the risk for private sector lenders.

5. *Spending accountability and transparency* – To make certain that funds are spent appropriately and responsibly, NYS will put rigorous spending accountability systems in place and employ an independent auditing firm.
6. *Urgency in action* – The recovery is a long-term endeavor but people need help today, so the projects and programs have been shaped to achieve the fastest delivery and best support possible.

To meet these objectives, NYS has established a number of individual programs to provide assistance for housing, economic development, resilience and retrofit, community planning and redevelopment, and public infrastructure. The NY Rising Buyout and Acquisition Program is designed to purchase one- (1) and two- (2) unit residential properties and vacant lots from voluntary applicants in order to relocate residents out of the most flood and storm-damage prone areas, in some cases leaving the properties as open space for flood attenuation, and in other cases redeveloping properties in a more resilient manner for future reuse.

HCR is acting as the Responsible Entity (RE) under 24 CFR Part 58—Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities. As the RE, HCR will complete environmental reviews for all NY Rising Programs in compliance with the National Environmental Policy Act (NEPA) and HUD environmental review standards. For the purpose of environmental reviews and in compliance with HUD rules, HCR will conduct Tier 1 Programmatic Environmental Assessments (PEAs) for the NY Rising Programs on a county-by-county basis as follows:

- 1-4 unit residential properties
- 5+ unit residential properties
- Buyouts and Acquisitions¹
- Bulkhead repairs for residential properties

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

¹ The Tier 1 PEAs for Buyouts and Acquisitions will be completed separately for the counties within New York City: Bronx, Kings, New York, Queens, and Richmond Counties.

1.3 Program Location

The geographic scope for the NY Rising Buyout and Acquisition Program described herein is the jurisdictional area of Rockland County, covering approximately 127,360 acres, of which 17,500 acres (excluding surface water) are located within floodplains. Program activities are expected to take place in enhanced target zones and on individual residential properties throughout the communities in Rockland County, especially those most affected by Hurricane Irene and Hurricane Sandy. Property owners of any location within the county that sustained damage from Hurricane Irene and/or Hurricane Sandy are able to apply for the program. According to FEMA Individual Assistance (FEMA IA) data from November 2013, as many as 5,347 residential properties, including at least 94 multi-family housing structures, sustained damage from Hurricane Irene and/or Hurricane Sandy in Rockland County. As of the date of this PEA, no enhanced target zones have been identified in Rockland County. The number of potential structures impacted is subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be verified until applications for assistance are reviewed and determined eligible for the program.

| Table 1 | | | | | | |
|---|-----------------|-------------------|-------------------|-------------------|----------------|--------------------|
| Rockland County Demographics | | | | | | |
| Source: U.S. Census Bureau (census.gov) 2010 Census | | | | | | |
| | Rockland | Town of | Town of | Town of | Town of | Town of |
| | County | Clarkstown | Haverstraw | Orangetown | Ramapo | Stony Point |
| | Total | Total | Total | Total | Total | Total |
| Population | 311,687 | 84,187 | 36,634 | 49,212 | 126,595 | 15,059 |
| Average Household Size | 3.01 | 2.84 | 2.96 | 2.59 | 3.58 | 2.84 |
| Elderly 65+ | 13.4% | 15.9% | 12.3% | 17.2% | 10.4% | 15.6% |
| Below Poverty | 10.9% | 5.0% | 10.9% | 5.6% | 18.6% | 4.1% |
| Race | | | | | | |
| Caucasian | 65.3% | 67.0% | 40.1% | 76.2% | 65.6% | 79.8% |
| Black / African American | 11.1% | 9.0% | 12.6% | 5.6% | 15.1% | 3.2% |
| Hispanic | 15.7% | 11.7% | 41.0% | 9.7% | 13.6% | 12.8% |
| Asian | 6.1% | 10.4% | 4.3% | 6.9% | 4.0% | 2.6% |
| American Indian & Alaska Native | 0.2% | 0.1% | 0.1% | 0.1% | 0.2% | 0.1% |
| Native Hawaiian & Pacific Islander | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |
| Housing | | | | | | |
| Total | 104,057 | 30,314 | 12,809 | 18,611 | 36,754 | 5,569 |
| Occupied | 99,242 | 29,234 | 12,170 | 17,826 | 34,731 | 5,281 |
| Owner-Occupied | 68,806 | 23,253 | 7,599 | 12,857 | 20,759 | 4,338 |
| Renter-Occupied | 30,436 | 5,981 | 4,571 | 4,969 | 13,972 | 943 |
| Vacant | 4,815 | 1,080 | 639 | 785 | 2,023 | 288 |
| 1-2 Unit Homes | 73.3% | 81.7% | 66.0% | 74.7% | 66.0% | 87.3% |

1.4 Current Conditions and Trends

Rockland County is located in southeastern New York, approximately fifteen (15) miles northwest of NYC. The county occupies a total area of approximately 199 square miles, of which 174 square miles are land and 25 square miles are water. Rockland County is bordered by Orange County to the northwest and north; Putnam County to the northeast (across the Hudson River), Westchester County to the east (also across the Hudson River); Passaic County, New Jersey to the west; and Bergen County, New Jersey to the south. Rockland County is the smallest county in NYS outside of NYC. The county's elevations range from 1,283 feet atop Rockhouse Mountain to sea level along the Hudson River. The county encompasses five (5) towns and 19 incorporated villages, and several unincorporated villages and hamlets.

According to the 2010 U.S. Census, the population of Rockland County was 311,687. Recent 2012 Census data estimates an increase in population to 317,757. Approximately 65.3% of the population identifies as Caucasian, 15.7% identifies as Hispanic, 11.1% of the population identifies as Black or African-American, 6.1% identifies as Asian, and 0.2% of the population identifies as American Indian or Alaskan Native. (See Table 1: Rockland County Demographics on page 6.) In Rockland County, 13.4% of the population is over the age of 65. As of 2011 (the latest data available), the median household income of Rockland County is \$84,661, and the median value of owner-occupied housing units is \$465,100. Approximately 10.9% of the county's population has an income below the poverty line.

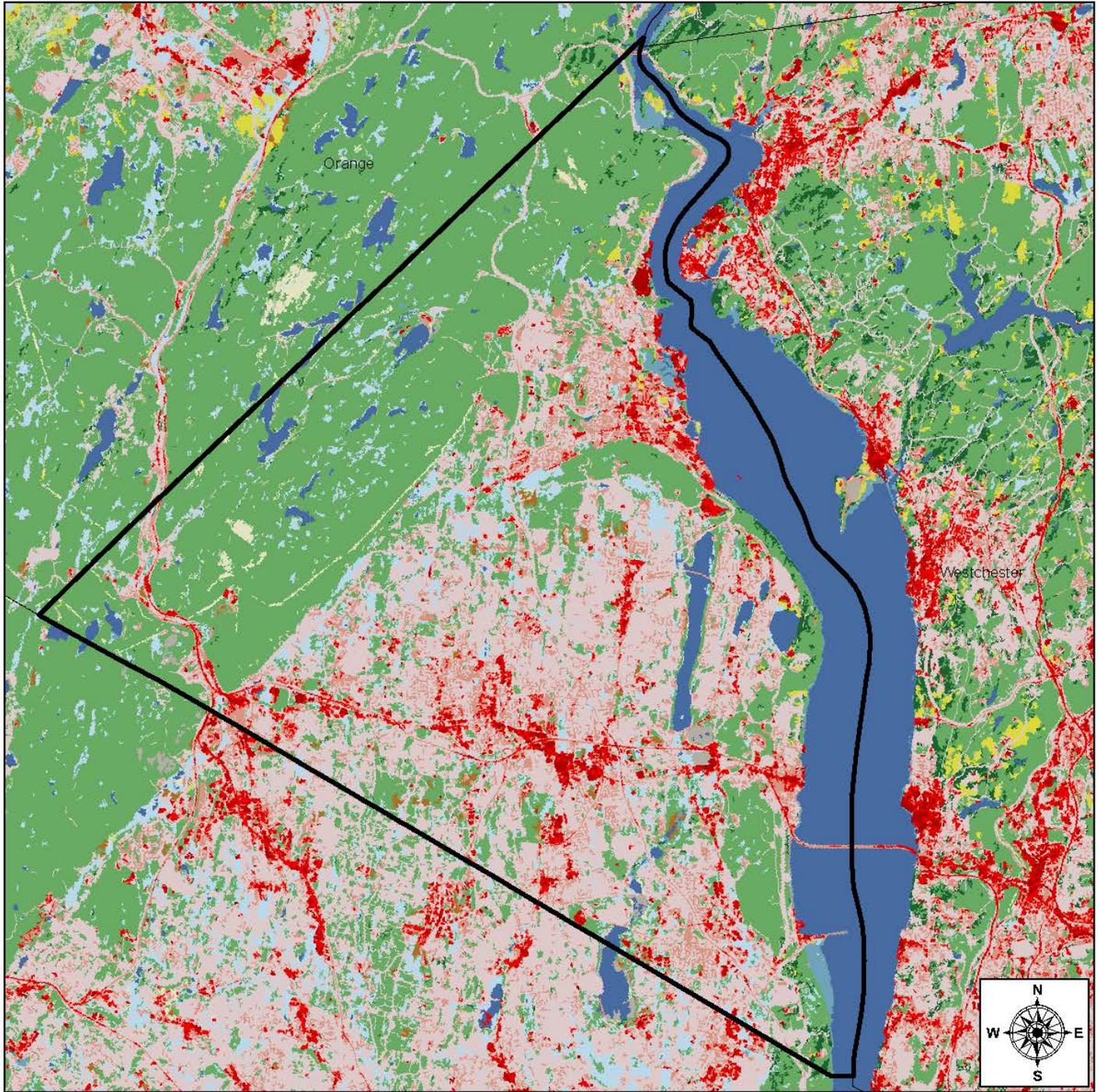
The predominant land use in Rockland County is agriculture, parks, and open space, with approximately 39% of the land in the county devoted to these uses. (See Figure 1: Rockland County Land Use Map on page 9.) This open space is, in part, due to Rockland County's status as a Preserve America community². These parks provide walking and hiking trails, ball fields, dog runs, historic sites, ponds, streams, salt marshes, and equestrian trails. Some popular state parks include Bear Mountain State Park on the northernmost tip of the county, Harriman State Park also along the county's northern boundary, and Nyack Beach State Park along the Hudson River, with trails connecting to Rockland Lake State Park. The Palisades Interstate Park Commission also operates two (2) golf courses in Rockland Lake State Park with views of the park.

Residential use represents approximately 32% of the total land area. About 95.4% of Rockland County's housing is occupied. Of this, approximately 29.2% is renter-occupied. Approximately 73.3% of all housing in Rockland County is comprised of one to two (1-2) unit homes (2012 American Community Survey, 1-Year Estimates). The median monthly expenses for owner-occupied homes is \$3,024, and 88% of owners paid \$2,000 or more per month in housing expenses. Approximately 42% of owners with a mortgage pay 35% or more of their household income in housing costs in Rockland County.

² A Preserve America community is recognized for the protection and celebration of its heritage by encouraging people to experience and appreciate local historic resources through education and heritage tourism programs, as well as using their historic assets for economic development and community revitalization.

Institutional uses, including utilities, schools, and government facilities, comprise approximately 8.5% of the total land area and are widely dispersed throughout the county. Transportation use accounts for approximately 8.3% of the land use, while commercial, office and industrial uses account for approximately 4.7%. Approximately 7.5% of the county can be classified as vacant or unspecified land use.

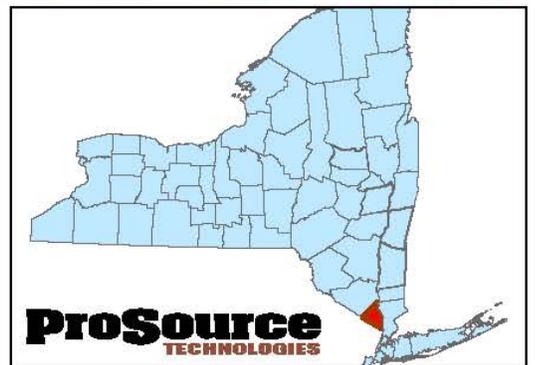
Figure 1: Rockland County Land Use Map



Legend

- | | |
|--|--|
|  Open Water |  Dwarf Scrub |
|  Perennial Ice/Snow |  Shrub/Scrub |
|  Developed, Open Space |  Grassland/Herbaceous |
|  Developed, Low Intensity |  Beaches |
|  Developed, Medium Intensity |  Sandy Areas Other than Beaches |
|  Developed, High Intensity |  Bare Exposed Rock |
|  Barren Land (Rock, Sand, Clay) |  Pasture/Hay |
|  Shrub and Bush Rangeland |  Cultivated Crops |
|  Deciduous Forrest |  Woody Wetlands |
|  Evergreen Forrest |  Herbaceous Wetlands Emergent |
|  Mixed Forrest | |

Source: FEMA "Land_Use_20131120" arcgis on fema-services2.esri.com_80 (user)



1.5 Damage Assessments and Need

On August 27, 2011, Hurricane Irene brought heavy rains and a substantial storm surge to Rockland County. The storm caused flooding, fallen trees, property damage, and power outages throughout the county. Hurricane Irene's storm surge inundated some areas of the Town of Stony Point.

Emergency shelters opened across Rockland County as some communities received evacuation recommendations as the county prepared for the arrival of Hurricane Irene. The potential impact of the storm led officials to call for residents to prepare to survive for 96 hours without power, phone service and even the ability to travel due to downed trees. Evacuations were recommended for Paradise Avenue and Ladik, Liberty, Ohio and Michigan streets in Piermont; Beach Road, West Shore Drive, Jones Point, Grassy Point and the Bar Mar Trailer Park in Stony Point; and Union Road, Stonehouse Drive, Zeissner Place, Anthony Drive, Clayton Road, Morris Road and areas around Memorial Park in Spring Valley. Forty-four (44) homes in Haverstraw were evacuated because of exposed gas transmission lines. A mandatory evacuation of residences along the Hudson River was enforced by local police.

Rockland County's many streams, creeks, and rivers reached capacity. Officials reported that some waterways, including the Ramapo River crested to new highs, flooding the surrounding communities. Heavy rains also caused some trees to uproot while others were blown over by wind gusts reaching 85 miles per hour. Erosion along creek beds exposed some buried power lines, which forced power shutdowns. Orange and Rockland Utilities (O&R) reported that half of their 300,000 customers were without power. Parts of the New York State Thruway and Palisades Interstate were flooded and closed in Rockland County.

On October 29, 2012, Hurricane Sandy made landfall over the NYS coastline. Flooding and high winds along the coast, along with overland flooding, damaged communities throughout NYS, adding to damage suffered the year before from Hurricane Irene. In particular, communities within Nassau, Suffolk, Rockland, and Westchester Counties suffered substantial damage. These four (4) counties were identified by HUD as the most impacted and distressed counties within NYS, excluding NYC.

The Rockland County residents living near the Hudson River were impacted most severely by Hurricane Sandy. In addition to the storm's strong winds, these residents faced an unprecedented storm surge with a high tide increased by a full moon. The residents of Stony Point's Bar-Mar Trailer Park were given a mandatory evacuation order before the storm hit; however, some residents stayed in their homes and needed to be evacuated during the peak of the storm. Evacuations were also mandated for West Nyack neighborhoods south of the Lake DeForest dam and the Grassy Point section of Stony Point. Some victims of Hurricane Sandy whose homes were inundated lived for months in a shelter set up at the Stony Point Center.

Along the Hudson River, the storm surge from Hurricane Sandy pushed boats ashore and littered the land with debris. Many areas were left slick with mud from eroded riverbanks. In Nyack, police closed streets leading down to the riverfront, and closed Memorial Park. The heavy rainfall from Hurricane Sandy caused widespread flooding to homes and roads throughout Rockland County.

In the business district in Piermont, police and firefighters blocked off streets with flares as they helped pump water out of the basements. Route 59 was closed in West Nyack at the Palisades Center mall, and sections of Route 9W in the Congers, Valley Cottage, and Upper Nyack areas were closed. Route 17 in the Sloatsburg-Tuxedo area was closed and a mud slide on the New York State Thruway in Ramapo closed northbound lanes.

Hurricane Sandy also caused widespread power outages in Rockland County. O&R repair crews reported that the damage caused by Hurricane Sandy was the worst in company history. In most cases, fallen trees were the cause of the power outage. High winds during the storm, with gusts up to 70 miles per hour toppled trees onto power lines and created dangerous live wire situations. Hurricane Sandy caused approximately 230,000 power outages, close to double the 120,000 power outages caused by Hurricane Irene. In addition to knocking down power lines, Hurricane Sandy also caused significant damage to O&R's transmission and distribution systems, destroying transformers, ten (10) substations, and several distribution circuits, including fourteen (14) transmission lines.

Due to the widespread power outages in Rockland County, many residents resorted to using generators as a stopgap measure. As many of these generators were gas powered, the county faced an increase in gas demand. This increase in demand, compounded by a major reduction in supply caused by power outages at gas terminals, led to a lack of operating gas stations.

Even after Hurricane Sandy had passed, the mayors of Piermont and South Nyack issued curfews because of the danger posed by the lingering storm damage.

According to FEMA IA data from April 2013, more than 1,430 homes were damaged by Hurricane Irene, and more than 766 homes were damaged by Hurricane Sandy in Rockland County. These numbers account for 5.3% of all housing damage in NYS caused by Hurricane Irene and 0.6% of all housing damage in NYS caused by Hurricane Sandy. More recent FEMA IA data from November 2013 estimates that as many as 5,347 residential properties in total sustained damage from Hurricane Irene and/or Hurricane Sandy in Rockland County. In determining the impact on housing during its inspection process, FEMA uses the following definitions:

Moderate Damage: Moderate structure damage includes less than six (6) inches of water on the first (1st) occupied floor of the dwelling. Other event types, such as fire, may have visible soot and ash that impacts habitability requiring professional cleaning. Access to the dwelling can be considered minor due to conditions such as minor washouts requiring some road fill that prevents routine access to the dwelling. The initial damage assessments conducted by FEMA in Rockland County determined that at least 245 houses and townhomes sustained moderate damage from Hurricane Irene with flooding of less than six (6) inches to the first (1st) floor of the home. Similar data for Hurricane Sandy has not yet been made available.

Substantial Damage: Substantial structure damage should be noted with water levels greater than six (6) inches and less than four (4) feet on the first (1st) occupied floor of the dwelling. Items that can comprise substantial damage include collapsed chimney, furnace damage, water heater damage, exterior siding damage, roof damage affecting one or both sides of the dwelling, compromised windows, and/or compromised doors. Access to the dwelling can be considered substantial when access is blocked with down trees or a private road is substantially washed out. Damage assessments in Rockland County following Hurricane Irene determined that at least 126 houses and townhomes had flooding between six (6) inches and four (4) feet to the first (1st) floor. One (1) home was also reported to have a blocked access road. Similar data for Hurricane Sandy has not yet been made available.

Major Damage: Major damage is identified when approximately four (4) feet of water, or more, occurred on the first (1st) occupied floor of the dwelling. Other items can substantiate major damage, such as collapsed foundation walls and/or piers, significant separation in the walls from the dwelling, and/or wind events that have removed/damaged the majority of the roof and/or wall components. Access to the dwelling can be considered major when the only access is by a bridge that has collapsed. FEMA IA data from November 2013 estimated that at least 30 houses and townhomes in Rockland County sustained major damage from Hurricane Irene with flooding of more than four (4) feet to the first floor of the dwelling. Another five (5) homes also had flooding on the second (2nd) floor. Similar data for Hurricane Sandy has not yet been made available.

Many community members throughout Rockland County lost homes, property, and businesses. A large number of these residents are still displaced, and many businesses remain closed.

FEMA initial damage assessments also show that at least 1,029 houses and townhomes in Rockland County had flooding in a basement or crawlspace following Hurricane Irene. These numbers are only for dwellings identified as a house or townhome. FEMA initial damage assessments from Hurricane Sandy containing detailed information have not yet been made available.

As of the date of this PEA, there have been a total of 212 applications for CDBG-DR assistance through the NY Rising Program in Rockland County. Approximately 45.7% of all NY Rising applications have been from low- to moderate-income individuals. Of the applications in Rockland County, approximately 16.5% are for reimbursement for repairs that have been completed, suggesting that 83.5% of applicants still have ongoing and unfinished repairs to their homes that were damaged by Hurricane Irene or Hurricane Sandy. The application process is ongoing, and in Rockland County, 66 applicant addresses have been verified and mapped (see Figure 2: Rockland County Verified Applicant Address Map on page 14).

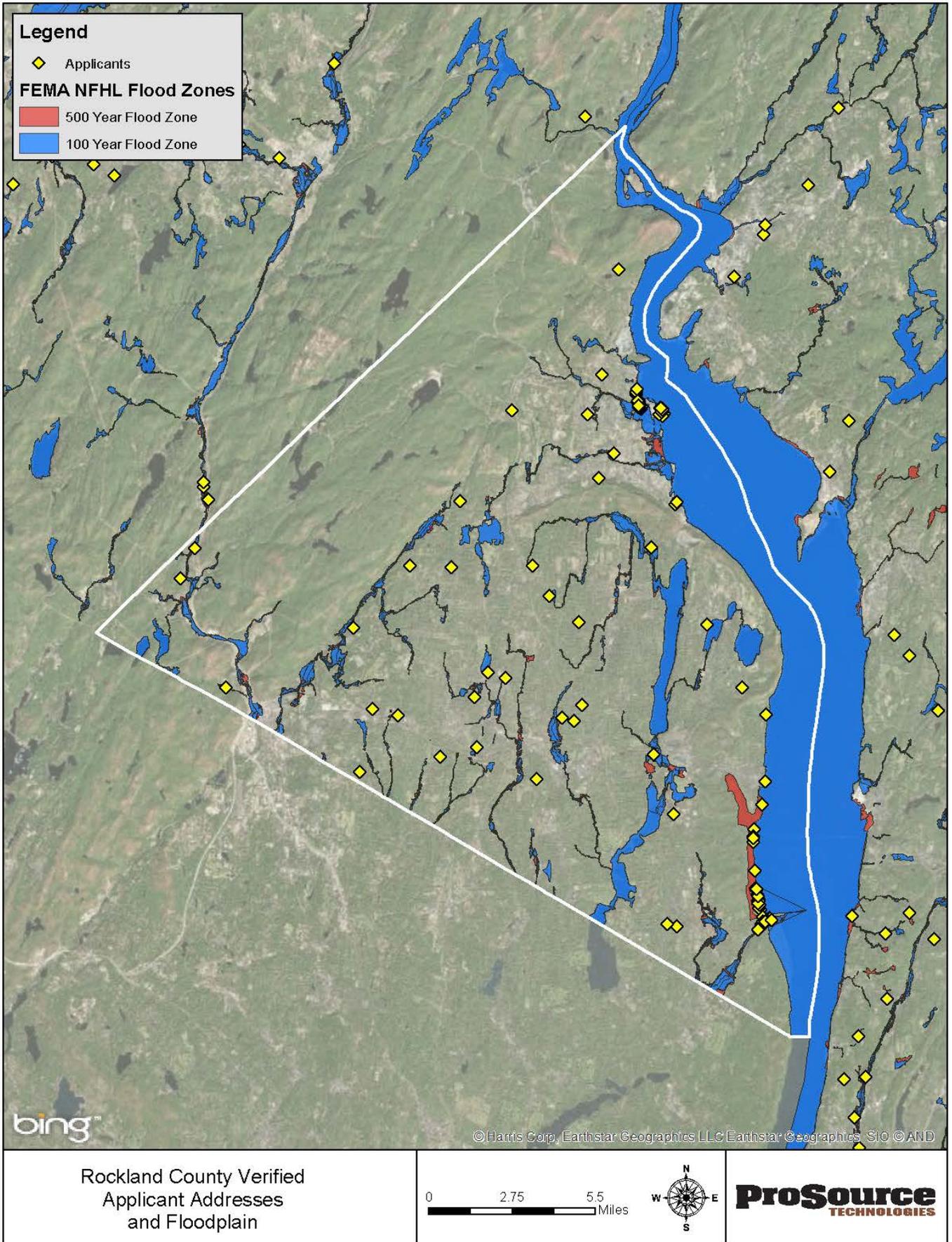
NYS recognizes that without federal assistance through the CDBG-DR program, residents of its storm-damaged communities would not be able to rehabilitate their homes to comply with housing construction standards within an acceptable period of time, nor would they be able to relocate away from the neighborhoods that are most vulnerable to repeated storm damage.

Owners of partially damaged residential buildings and units, as well as tenants, would make repairs as they are able, which would not necessarily be code-compliant or resilient to future weather extremes. Individuals in storm damaged homes might continue to live in these areas that are especially vulnerable to flooding and storm damage. These areas would not be used for open space and flood attenuation. Residents displaced from their damaged housing units would continue to seek shelter with family and friends, through various public service agencies or non-profit organizations.

In addition to the difficulty that owners of these storm-damaged houses would face in rehabilitating their homes, many individuals may not be able to obtain or afford flood insurance in these high-risk areas. These individuals would not only be exposed to future risk, but would lack any sort of financial coverage to help rebuild in the event of future storms. Not only would structural conditions of damaged residential buildings continue to deteriorate, but property values would continue to drop, slum and blight conditions would increase, all posing a continuing burden on the county's tax base and services.

As allocated to Rockland County, the CDBG-DR funds available are considered essential to recovering the county's overall vitality. For the NY Rising Buyout and Acquisition Program addressed in this Tier 1 PEA, the CDBG-DR funds will facilitate the Buyout and Acquisition of one to two (1-2) unit residential properties, allowing homeowners to relocate away from the areas that faced the most severe hurricane damage. The purposes of the proposed action are to relocate as many homeowners as possible out of high flood risk areas and improve the storm attenuation characteristics of the community. The program is needed to improve storm attenuation, allow for some properties to be redeveloped with more resilient and modern structures in the future, and increase impacted communities' resiliency to future storm damage.

Figure 2: Rockland County Verified Applicant Addresses Map



1.6 Recovery Measures

In January, and subsequently in April of 2013, FEMA released its Advisory Base Flood Elevation (ABFE) Maps for some counties affected by Hurricane Sandy. These maps were created to provide the “best available data” on flood risk for areas impacted by the storm and assist homeowners with decision making on how best to rehabilitate their homes. These were to be replaced by Preliminary Flood Insurance Rate Maps (P-FIRMS) once they were updated by FEMA. However, the P-FIRMS have not yet been published. In light of this fact, HUD issued its newest “best available data” as preliminary work maps, which advise that reconstruction program sites be elevated to one foot above the BFE.

Also in response to Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee, NYS developed the Action Plan to help define how the State will effectively use all available funding to recover and rebuild. The Buyout portion of the program will increase communities’ resiliency to climate change and severe storm risk by purchasing homes from willing sellers, demolishing existing structures and allowing the properties to revert back to a natural state, thus, restoring the beneficial characteristics of the floodplain. The Acquisition portion of the program will increase communities’ resilience by purchasing impacted properties from willing sellers, enabling current residents to relocate from harm’s way, while allowing those who wish to remain in the neighborhood and rehabilitate their homes to do so without creating a “gap tooth” effect. The future use of the land recovered under the acquisition program is unknown at this time; however, some parcels may be rehabilitated while others will have the structures demolished and may be redeveloped in the future. Although some assistance in the form of FEMA Public Assistance grant money for infrastructure repairs and grant money for repairing the concrete embankments of the Minisceongo Creek was given to the county immediately after Hurricanes Sandy and Irene, there still remains a great need for housing recovery assistance in Rockland County.

In addition to funding the Buyout and Acquisition of residential properties, under the Action Plan, NYS is also allocating CDBG-DR funding for housing recovery for one to four (1-4) unit residential properties, rehabilitation of 5+ unit multi-family residential properties, bulkhead repairs, and economic development for businesses damaged by the aforementioned storms. These actions are important in assisting NYS in making a more complete recovery after being devastated by three (3) severe storm events in a short time span.

The action covered by this PEA is the Buyout and Acquisition of one to two (1-2) unit residential properties in Rockland County that were damaged or destroyed by Hurricane Sandy and Hurricane Irene. The Buyout portion of the program is needed to help reduce the number of residences that could be impacted by future storms and improve the abilities of communities to withstand future storms by increasing the areas with storm attenuation characteristics. The Acquisition portion of the program is needed to acquire homes or empty lots in an area where other homeowners have damaged properties, but want to stay, and support a broader reconstruction effort in these areas.

Additionally, many counties initiated programs to help rebuild after the storms and increase resiliency of communities to future extreme weather events. The Rockland County Multi-Jurisdictional Natural Hazard Mitigation Action Plan represents the collective efforts of private citizens, elected and appointed government officials, business leaders, and volunteers of non-profit organizations to initiate programs for rebuilding and increasing resiliency of communities in the event of future extreme weather events.

One of the primary objectives of this plan is to help prioritize mitigation projects for the county, as the impact and future implications of Hurricane Sandy events are better understood. The goal in this undertaking is to harden facilities, infrastructure, and individual residences to the potential damage from natural disasters in the future. Under the Disaster Mitigation Act of 2000 (Public Law 106-390), state and local governments that maintain an approved Hazard Mitigation Plan will be eligible for certain pre- and post-disaster project funding to help protect their communities. These types of recovery measures taken by Rockland County will complement the rehabilitation and resiliency efforts to individual homes under the NY Rising Programs, making the repair and mitigation efforts more effective, leading to a more complete recovery of the county.

1.7 Program Description

The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two (1-2) unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Participation in the NY Rising Buyout and Acquisition Program is voluntary. NYS will not use its power of eminent domain to force any homeowner to sell their property. The property owners must apply to the NY Rising Buyout and Acquisition Program and decide whether to accept the accompanying conditions.

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and which present a greater risk to people and property, will be identified by NYS and its local partners for this program as “enhanced target zones.” NYS will make purchases inside the enhanced target zones as “Buyouts,” as defined by HUD. Properties outside of these enhanced target zones will be purchased as “Acquisitions.” These two (2) purchasing options are detailed below.

Program Requirements

The following basic program eligibility requirements apply to the NY Rising Buyout and Acquisition Program:

- The home must be located within one (1) of the counties designated a disaster area.
- The residential property was damaged as a direct result of one (1) of these storms:
 - Hurricane Irene: (8/26/2011)
 - Tropical Storm Lee: (9/7/2011)
 - Hurricane Sandy: (10/29/12)
- Housing to be assisted must be owned by the person(s) occupying the unit as their primary residence at the time of one (1) of the three (3) storms. Ownership is defined as holding fee simple title supported by a deed recorded with the County Recorder.
- Properties which are occupied by a tenant year-round are also eligible for purchase.

- The correct documents are essential for HTFC to obtain good title to a property, and all documents necessary to establish the seller(s) title and extinguish all other ownership interests and claims must be recorded before (or together with) closing the HTFC purchase transaction. Examples include satisfaction of judgment, discharge of mortgage, affidavit of survivorship, change of owner name, etc.
- Properties must be in compliance with Environmental Code 24 CFR Part 58.
- The property must be inside a 100-year floodplain for Buyouts and may be located in a 500-year floodplain for Acquisitions.
- The property was substantially damaged (damages equal or exceed 50% of the Fair Market Value [FMV] prior to the event, as determined by a local authorized official).
- The property must be a one- to two-unit (1-2) home, such as a single family house or a duplex. Vacant land that falls within the defined enhanced target zones and/or land that is contiguous to a primary residence (of the property owner) is eligible for assistance.
- The property is wholly residential in character.
- Property taxes must be current or in process of being made current.
- Property owners who lost ownership of their homes due to foreclosure are ineligible for assistance.
- Non-residential structures that are not attached to the residence are ineligible for assistance.
- Properties located where federal assistance is not permitted are ineligible for assistance.
- Second (2nd) homes and vacation properties are not eligible. A property is considered a Second Home for the purposes of this program if:
 - The home is not rented out at any time during the year but it is a second home regardless of the number of days of use by the household.
 - The home is rented out for part of the year and the owner uses the home more than fourteen (14) days, or more than 10% of the number of days during the year.

Ownership with Other Individuals

- Property owners who owned and occupied a structure at the time of the storm that is located on land that they owned along with other individuals (e.g., owned together with their family) must be treated as a property owner on owned land and are eligible.
- All property owners of the property to be purchased must voluntarily agree to sell the property to HTFC. Any property owner of a recorded interest in the property who refuses to agree to sell the property has the power to veto the transaction and prevent the purchase.

Deceased Owner

- If any owner of a property is deceased, whether before or after the storm event, the Executor (or Administrator) of the estate must join in the sale of the Property to HTFC.
- Surrogate's Court consideration and approval is required before HTFC buys real property from any probate estate.

Reverse Mortgage

- Owners with a reverse mortgage at the time of the storm are eligible, provided the remainder of the term of the reverse mortgage is more than five (5) years when the application is submitted.

Gift of Property

- A gift of property (property transfer made without exchange or payment) made post-storm is eligible.
- Gifts of property made prior to the storm are eligible and residency is established in the same manner as other properties.
- For the purpose of the Program, a gift of property must be in writing, notarized, and recorded in the public record.
- The Program reserves the right to demand any award amount to be paid back in full to the state if, at any time, a determination is made that a transfer of money between the two (2) parties had occurred in conjunction with the gift of property.

Property Held in Trust

- Property held in trust for the benefit of natural persons can be eligible as long as at least one (1) of the occupants at the time of the storm was a current beneficiary of the trust. The trustee's powers must include the ability to encumber the property with liens.
- If the trustee's powers do not include the ability to encumber the property with liens, the beneficiaries with an interest in the damaged property must sign the closing documents along with the trustee.
- The following is required to confirm eligibility:
 - The Property owner must provide a copy of the trust document.
 - The trust document or an abstract or extract of the trust must be recorded in the conveyance records of the county in which the damaged property is located and may be recorded post-storm, if necessary.
 - The applicable award agreement and/or declarations must be executed by trustee(s) unless the trust distributes the property to a beneficiary, in which event the beneficiary receiving the property must execute the applicable award agreement and/or declarations. If the property was not serving as the primary residence for the current beneficiaries or trustee, the property owner(s) is not eligible for assistance.

Other Ownership Issues

- Contract for deed is not eligible unless the property owner converts his/her contract to full ownership prior to receiving funding assistance from the Program.
- Rent or lease-to-own is not eligible unless the property owner converts their contract to full ownership prior to receiving funding assistance from the Program.
- Conditional sale contracts are not eligible unless the property owner converts their contract to full ownership prior to receiving funding assistance from the Program.
- The following legal documents are proof that a property owner was purchasing a home on a contract as identified above:
 - Notarized contract dated and executed prior to the incident date for review by the Program's legal staff.
 - Notarized and executed contract that was filed prior to the incident date in the conveyance records of the county.
- Proof that a contract has been completed and title conveyed to the purchaser is provided by one of the following:
 - Presentation to the customer representative of a notarized, executed conveyance document from the seller to the contract purchaser.

- Evidence of recordation of the title in the name of the property owner in the conveyance records of the county.

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

1.8 Buyouts

Enhanced Buyouts will occur in select pre-defined enhanced target zones, which will be determined in consultation with county and local governments, as well as local residents. Homes inside an enhanced target zone will be eligible for purchase starting at 100% of the property and its improvements' pre-storm FMV. The program will also include an incentive(s) ranging from 5% - 15% on top of the pre-storm FMV of property acquired through the Buyout program, as detailed below.

After the property is purchased, all structures on the property will be demolished. Reconstruction will not occur on lots in these areas. Buyout properties will be maintained in perpetuity as coastal buffer zones or other non-residential/commercial uses; vacant or undeveloped land in these targeted areas may also be purchased. These properties will be subject to a conservation easement or deed restriction.

The HTFC will hold title to the property until the property is transferred to another owner with restrictions on use. The Buyouts will reduce the number of residents in harm's way in the high risk flood areas and allow the properties to be part of the communities' efforts to increase resiliency to future storms.

The CDBG-DR funds will be used for the following specific activities for the Buyout of one to two (1-2) unit storm-damaged residential properties:

- All customary costs associated with the purchase of private property, including:
 - Appraisals
 - Legal fees
 - Surveys
 - Title preparation
 - Insurance
- Site work and property maintenance costs, including:
 - Securing of the site
 - Environmental remediation
 - Backfill
 - Grading
 - Revegetation of the property with local, native plant species
- Demolition of structures on the property

5% Relocation Incentive:

NYS will provide this incentive to residents who participate in a Buyout in an enhanced target zone if they permanently relocate and provide evidence of the purchase of a new primary residence in the same county as their storm-damaged property. The rationale is to protect and preserve the community and facilitate the reclamation of land in high risk areas for natural protection against future damage. NYC residents who participate in NYS's Buyout program will be eligible for the relocation incentive for permanent relocation anywhere within the five (5) counties of NYC.

10% Enhanced Buyout Incentive:

In an effort to relocate homeowners out of the high risk enhanced target zones and protect as many as possible from future disasters, NYS will seek the maximum level of homeowner participation by offering this individual incentive so that as much land as possible in these areas can be returned to and reclaimed by nature, land that will be maintained in perpetuity as coastal buffer zones. This level of incentive was selected to ensure that a sufficient incentive is available, as the number of properties involved will need to be significant in these areas to produce the intended outcome.

10% Group Buyout Incentive:

In the rare areas where the purchase of a group of properties together makes sense to re-purpose that area, NYS believes that graduated incentives are an essential component to induce homeowners to sell their properties. Outside the enhanced target zones, NYS may, in rare circumstances, provide a 10% Group Buyout Incentive to certain very limited clusters of homeowners (i.e., two to ten [2-10] consecutively located properties) whose properties are in the floodplain but not in an identified enhanced target zone. This incentive may be necessary in certain rare cases to facilitate the reclamation of a concentrated area of high risk properties and to avoid the patchwork effect of purchasing all but one (1) or two (2) properties in a cluster of properties.

As of the date of this PEA, there have not been any enhanced target zones identified in Rockland County.

1.9 Acquisitions

NYS will purchase applicant properties located outside of enhanced target zones as Acquisitions. Once a property is purchased, the existing structures on the property may be rehabilitated or the structure may be demolished to allow for future redevelopment. NYS will purchase the property, complete all Phase II environmental testing and soil remediation as necessary for the program site, and secure the site in such a manner that the site will not adversely impact adjacent properties or owners. Once the site has been secured, NYS may demolish the existing structures, completing any asbestos and hazardous materials survey and abatement. During this time, the properties would be unoccupied. The post-purchase fate of acquired properties will be determined in consultation with local officials to ensure that the properties best serve the future goals of the community and will be in accordance with local zoning and land use plans. Because the future use of acquired properties has not yet been determined, this Tier 1 PEA only analyzes the environmental effects through the short-term securing of the property and demolition activities that will take place on some of the properties. Once the future use of an acquired property has been determined, additional environmental assessments will be completed as necessary.

The CDBG-DR funds will be used for the following specific activities for the Acquisition of one to two (1-2) unit storm-damaged residential properties and vacant lots:

- Customary costs associated with the Acquisition of private property, including:
 - Appraisals
 - Legal fees
 - Title fees
 - Surveys
 - Title preparation
 - Title report
 - Title insurance
 - Transfer tax
 - Title fees (adjustments, water/sewer, violations, etc)
 - Liability insurance
- Site work and property maintenance costs, including:
 - Site security
 - Fencing
 - Environmental remediation
 - Backfill
 - Grading
 - Real Estate Taxes
 - Utility management
 - Property maintenance
 - Violations
 - Working capital
- Demolition of structures on the property, including:
 - Demolition and removal of structures
 - Permits and filing fees
 - Lead abatement
 - Asbestos abatement
- Any customary costs associated with the potential future disposition of property, including:
 - Marketing and advertising
 - Broker Fees
 - Legal fees
 - Program administration costs

NYS will use the 2013 Federal Housing Administration loan limits as the ceiling for the purchase price for properties that participate in this program. Purchase offers must begin with the post-storm FMV of the property. In these instances, however, NYS proposes to supplement this post-storm FMV with an added homeowner resettlement incentive equal to a maximum of the difference between the post-storm and pre-storm values of the property.

Such an incentive is necessary to allow homeowners inside flood-prone areas that have sustained damage to their primary residence who are otherwise unable or unwilling to repair their home and seek to relocate to a safer, less flood-prone area, the ability to do so.

Furthermore, this resettlement incentive recognizes the uncertainty of post-storm values of storm-damaged homes, relative to the high costs associated with relocation, therefore affording homeowners the maximum amount of assistance necessary to make this life-altering change. This resettlement incentive will help homeowners to remain in the community and contribute to its overall recovery from the disaster, while also ensuring that acquired land, if redeveloped, will be redeveloped in a safer, more resilient manner for the future occupants of the area.

1.10 Alternatives to the Proposed Action

After a consideration of the following alternatives, NYS has determined that the best practicable alternative is the Proposed Action. The alternative actions considered are as follows:

No Action Alternative

Under the No Action alternative, the funding for the proposed Buyout and Acquisition of residential properties in high flood risk areas of Rockland County would not be authorized. There would be no purchase of properties.

Homeowners would not relocate outside of the high flood risk areas. The storm attenuation characteristics of the community would not be improved. Homeowners would not be assisted in relocating outside of the high flood risk areas. Under the No Action alternative, the flood damaged and destroyed residential properties would remain under their current ownership.

The homeowners would be responsible for the repair and rehabilitation of their properties. The homeowners may apply for other programs for financial assistance in the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area. The communities' storm attenuation characteristics would remain the same.

Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs would be limited, not completed to current building codes, and would not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions. The communities' ability to attenuate the effects of future storm events would be decreased. Therefore, the No Action alternative would neither address NYS's need to relocate as many homeowners as possible out of high flood risk areas nor improve the storm attenuation properties of the affected communities.

Action Alternative – 3+ Unit Residential Properties

Under this alternative, the funding for the Buyout and Acquisition program would be authorized for residential properties damaged or destroyed by Hurricane Sandy and Hurricane Irene in Rockland County. However, the funding would not be limited to one- to two- (1-2) unit residential properties as discussed in the Action Plan. All residential properties in Rockland County that were damaged or destroyed by the storms would be considered under the NY Rising Buyout Program.

This alternative would satisfy the need to relocate homeowners out of high flood risk areas. In enhanced target zones this alternative would satisfy the goal to improve the storm attenuation properties of the affected communities. The residents of properties with more than two (2) units would be relocated outside of the high risk areas resulting in fewer residents at risk from future storms. The properties themselves would be converted to open space, resulting in strengthening of the communities' storm attenuation characteristics.

Outside of enhanced target zones, this alternative would satisfy the need to allow some current homeowners to relocate out of high flood risk areas if they desire, while still allowing some residents who wish to remain in their homes the ability to do so, without creating a gap-tooth effect. The residents of properties with more than two (2) units would be eligible for Acquisitions, potentially leading to more properties that could be redeveloped.

Due to the higher costs associated with 3+ unit residential properties, if the NY Rising Buyout and Acquisition Program were to include 3+ unit residential properties, fewer properties overall could be included in the program. This alternative would lead to fewer properties reverting back to open space and fewer properties being rehabilitated or redeveloped in a more resilient manner. This alternative would not meet the goal of greater community storm resiliency through storm attenuation buffer areas and improved building resiliency.

Limited Action Alternative – Acquisitions Only

Under this alternative, the funding for an Acquisition program would be authorized for residential properties damaged or destroyed by Hurricane Irene and/or Hurricane Sandy in Rockland County. However, the funding would not be authorized for the Buyout of any properties.

NYS would purchase damaged properties. Once purchased, debris would be removed from the premises. Structures on the property could be rehabilitated or demolished. The properties would then be transferred or sold to new owners for redevelopment or future occupancy. This alternative would be more cost effective than the enhanced NY Rising Buyout and Acquisition Program, as it would not have the same Buyout incentives. More properties could be purchased with the CDBG-DR funding, and a greater number of homeowners could receive assistance.

This alternative would temporarily satisfy the need to relocate homeowners out of high flood risk areas until redevelopment is complete and other residents moved in. It would not satisfy the goal to improve the storm attenuation properties of the affected communities as there would be no increase in open space to absorb the effects of future storms. It would also not satisfy the goal of permanently relocating residents out of the areas that are most vulnerable to repeated storm damage.

Limited Action Alternative – Traditional Buyouts Only

Under this alternative, only funding for a traditional Buyout program, in which NYS purchased properties and demolished structures to restore the floodplain to a natural state, would be authorized for residential properties damaged or destroyed by Hurricane Sandy or Hurricane Irene in Rockland County. However, the funding would not be authorized for the Acquisition of any properties.

This alternative would satisfy the need to relocate homeowners out of high flood risk areas and the goal to improve the storm attenuation characteristics of the affected communities; however, it would not satisfy the need to maintain flexibility for the future use of properties, nor allow for the potential for newer, more resilient construction. It would also not satisfy the need to maintain the residential character of some neighborhoods.

If NYS purchased homes as Buyouts outside of specific enhanced target zones, a gap-tooth effect would occur, as some residents may choose to stay in their current home. Under this alternative, NYS could also only purchase homes in specified enhanced target zones. Homeowners outside of enhanced target zones would not be eligible to have their property acquired by NYS, leading to some residents continuing to live in homes that have not been properly repaired.

Action Alternative—Repair and Reconstruction

Under this alternative, individual property owners would receive assistance to repair or reconstruct their homes. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms.

The cost of the NY Rising Buyout and Acquisition Program may be greater in the short-term than the cost of repairing and rebuilding in a more resilient manner in the existing developed parcels; however, this cost will prevent the expenditure of funding for future repairs to homes in areas that are the most vulnerable to repeated storm damage.

Under the repair and reconstruction alternative, there would be a far smaller increase in communities' resiliency to future storm damage and flooding. The alternative of repairing or reconstructing homes would not meet the goals of the NY Rising Buyout and Acquisition Program, which are to reduce the number of residents in the high risk flood areas, increase the amount of open space for storm attenuation, and allow for potential redevelopment of acquired properties with safer structures.

1.11 Cumulative Effects

Flood Risk

Many existing homes in Rockland County are older, and therefore, were not built to current standards and codes. In some areas, flood information was not available, not applicable at the time, or not taken into account when these homes were built. The areas which experienced flood damage from the recent storms, are at risk for flooding in future storms. Climate change poses increasing risk of flooding as sea levels rise and storms become more intense.

Flood risk maps have been, and are being revised to account for the projected increasing flooding due to climate change. Building codes have been and are being changed to reflect these changes in flood risk.

The NY Rising Buyout and Acquisition Program in Rockland County will result in the demolition of homes in enhanced target zones and the restoration of these properties to natural conditions. The program will create open space for flood attenuation, which will mitigate the future flood risk for nearby neighborhoods. The Acquisition of substantially damaged homes will also include resiliency measures that will mitigate the flood risk of future storms as any reuse of these properties will take currently available flood risk and building codes into account.

Construction Impacts

While there is the potential for a cumulative impact from the generation of construction debris from the demolition of a great number of homes through the NY Rising Buyout and Acquisition Program in conjunction with the repair and reconstruction activities from other NY Rising Housing Recovery Programs, most of the impact will be mitigated. Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the environment. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the NY Rising Buyout and Acquisition Program in Rockland County will be in accordance with all local, state, and federal regulations as part of the acceptance of assistance funding.

Green Building and Energy Efficiency

Any eventual repair or redevelopment of acquired properties would involve the installation of modern appliances, utilities, and insulation which will result in more efficient use of energy, particularly less overall energy use for heating and cooling. All future use of the acquired properties would be in accordance with current Rockland County building codes and standards resulting in improvements over the energy efficiency of the demolished buildings. This will result in an overall long-term positive impact on the natural environment.

Land Use

Land use policies are also changing regarding development along the shore and banks of waterways. Rockland County and affected community land use policies and plans regarding mitigation of flood risk have been considered as part of this assessment. Municipalities are revising building codes to incorporate requirements for flood and storm mitigation measures along the shore and riverbanks. The demolition of Buyout homes reflects these changing land use policies by prohibiting redevelopment of properties in the areas most prone to storm damage. These land use policies will also be taken into account for any future reuse of Acquisition properties, and resiliency measures that will be implemented for any future reuse of these properties should lead to less debris caused by storms as buildings are more able to withstand hurricane impacts and better drainage will lead to less flooding.

1.12 Summary

Buyout actions undertaken by the described NY Rising Buyout and Acquisition Program will take place in enhanced target zones within the 100-year floodplain. While enhanced target zones will be located in the areas most vulnerable to storm damage, no enhanced target zones have been identified in Rockland County at this time. Acquisition activities will take place on individual residential properties throughout Rockland County. While Acquisition activities are expected to be located primarily in the high risk floodplains, the exact location of these properties are not yet fully known, as the program is still accepting applications. After considering the alternatives, HCR has determined that there is no practicable alternative other than to proceed with the proposed program. While there are some inherent risks to living in a floodplain that cannot be completely avoided, the individual actions undertaken by the described NY Rising Buyout and Acquisition Program will result in fewer residents in the areas most susceptible to future flood hazards and contribute to the communities' storm attenuation characteristics. The program will also result in future use of the acquired properties that takes known flood risks into account and incorporates mitigation measures. The program will provide a positive financial impact on the neighborhoods and communities in Rockland County.

2.0 Tiering of Environmental Review

The NY Rising Buyout and Acquisition Program is tiered for the environmental review process in accordance with HUD tiering regulations found at 24 CFR Part 58.15. A tiered approach is used when actual site locations have not yet been determined and allows the environmental review process to be streamlined by evaluating impacts of functionally and geographically aggregated activities. This Tier 1 programmatic level environmental review provides guidelines for Tier 2 reviews to ensure that no extraordinary circumstances exist beyond the issues identified and evaluated in this document. Tier 2 reviews document environmental impacts on a site-specific level. In accordance with 24 CFR Part 58.22, no choice-limiting actions will take place at a particular site until a Tier 2 Checklist is completed for that site. HCR is acting as the RE under the HUD NEPA regulations.

2.1 Tier 1 Environmental Review

Tier 1 PEAs assess the individual and cumulative environmental impacts of program activities on a specific geographical area. Tier 1 PEAs may also be prepared when the environmental impacts are generic or common to a class of actions, or to other activities that are not location specific. The PEA can serve as a foundation and reference document to allow the efficient completion of Supplemental or Individual Environmental Assessments for the individual actions described in the PEA.

This Tier 1 PEA was specifically designed to evaluate the environmental impacts of the NY Rising Buyout and Acquisition Program in Rockland County. With the PEA in place, the environmental review process required by NEPA and its associated environmental laws will be streamlined.

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

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

Based upon completion of this Tier 1 PEA, environmental review of the proposed program indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to NEPA, with the possible exception of the subject areas listed below.

2.2 Tier 2 Environmental Review

Based on the completion of this environmental assessment, the following subject areas require Tier 2 site-specific analysis before it can be concluded that the activities at a specific program site would have no significant environmental impacts on an individual site. These authorities are referenced under HUD's regulations at 24 CFR Part 58.5:

- Wetland Protection (Executive Order 11990)
- Historic Preservation (36 CFR Part 800)
- Floodplain Management (Executive Order 11988; 24 CFR Part 55)
- Endangered Species Act (50 CFR Part 402)
- Toxic Chemicals and Radioactive Materials (24 CFR Part 58, Sec 5(i)(2))

Tier 2 site-specific reviews will include desktop evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will also include direct field observation with photographs and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project planned for a residential site will proceed without further notice to the public. If impacts cannot be identified and mitigated during the site-specific reviews, then that site may be subject to further studies, treated as a separate project, subject to agency consultations, and the environmental review process may require the publishing or posting of notices for that individual site. Each completed Tier 2 site-specific checklist and supporting documents will be submitted to HCR for review and approval before individual site work or construction begins.

3.0 Conditions for Approval and Mitigation

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

3.1 General

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

3.2 Historic Preservation

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

The qualified Historic Preservation professional is staff at NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If the primary reviewer is not able to determine compliance for a site based on the Programmatic Agreement (See Appendix N), the site will be sent for further review to OPRHP and all recommendations made by OPRHP will be incorporated into the program design. HCR will review each site during the Tier 2 environmental assessment for compliance with the Programmatic Agreement.

3.3 Floodplain Management and Flood Insurance

In December 2012, FEMA issued ABFEs through its National Flood Insurance Program (NFIP). The ABFEs increased the anticipated depth of tidal flooding during the 100-year flood in many areas and correspondingly increased the area expected to be inundated by such a flood. In areas where preliminary ABFE maps have been developed, those maps will govern. In areas where no preliminary ABFE maps exist, FEMA Base Flood Elevations (BFE) data will be referenced for application of the Program within the county. Each site will be reviewed for its location with regard to the floodplain ABFE or BFE maps.

All development within Special Flood Hazard Areas (SFHAs) is subject to floodplain development regulations. When a NYS entity funds a project, Rule 6 Part 502 of the New York Code, Rules and Regulations (NYCRR) requires that when existing structures receive substantial improvements, the lowest floor (including basement) of each building in flood hazard areas must be constructed at least one (1) foot above the BFE. Finally, each participating community has a local regulation for flood damage prevention that contains specific standards for any development in SFHAs. Where no BFE exists, the lowest floor needs to be at least three (3) feet above the highest adjacent grade where technically feasible.

Any rehabilitation and mitigation work to substantially damaged structures conducted under the Acquisition portion of the program will comply with the relevant regulations or codes. Any future redevelopment will be subject to the above floodplain regulations. A separate environmental assessment must be completed at the time that redevelopment is proposed. Flood insurance will be required for all Acquisition properties under the NY Rising Buyout and Acquisition Program.

The Buyout portion of the program demolishes the existing structures and retains them as open space in perpetuity. NYS is not repairing existing buildings or constructing new buildings under this portion of the program, and under 24 CFR Part 55.12(c)(3), the eight-step decision making process for action taking place in a floodplain or for action taking place in a wetland does not apply to the Buyout activities of the program (see Section 4.0 Eight-Step Decision Making Process). Also, because structures are being demolished and there will be no future residents, flood insurance will not be required for Buyout properties.

HCR completed the eight-step decision making process required under 24 CFR part 55.20 and Executive Order 11988—Floodplain Management for the NY Rising Buyout and Acquisition Program for Rockland County on August 21, 2013. (See Section 4.1 Eight-Step Decision Making Process for a Proposed Action in the Floodplain and Appendix R: Floodplain Management Plan and Public Notices.)

3.4 Wetlands Protection and Water Quality

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

Part of Rockland County lies over the Ramapo Sole Source Aquifer and the Ridgewood Sole Source Aquifer. There are no Wild and Scenic Rivers within Rockland County, as designated by the U.S. Department of the Interior.

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

3.5 Vegetation and Wildlife

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

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

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

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

3.6 Soil Erosion

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

3.7 Storm Water

All sites will be evaluated for the need to comply with storm water permitting requirements, such as a NYSDEC general permit or local Municipal Separate Storm Sewer Systems (MS4) permit. If multiple adjacent sites are involved, the sites will be aggregated for construction storm water compliance. HCR will obtain all appropriate permits before demolition activities commence.

3.8 Noise

Temporary increases in noise levels due to demolition activities will be minimized through compliance with local noise ordinances, including time-of-day work limitations and construction of temporary noise barriers. During demolition, NYS will outfit all equipment with operating mufflers.

HCR has determined that noise regulations under 24 CFR Part 51 Subpart B do not apply to disaster recovery programs which meet the definition under Part 51.101(a)(3), which states, “[t]he policy does not apply to research demonstration projects which do not result in new construction or reconstruction, flood insurance, interstate land sales registration, or any action or emergency assistance under disaster assistance provisions or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster.” The NY Rising Buyout and Acquisition Program provides disaster assistance using CDBG-DR funding for the purpose of saving lives and protecting property, public health, and public safety.

The NY Rising Buyout and Acquisition Program will remove debris and wreckage from purchased properties, including the demolition of substantially damaged dwellings. These activities will protect public safety through the removal of unsafe structures and help to protect human life by relocating residents who are unwilling or unable to rehabilitate their homes out of unsafe housing. These activities meet the definition under 24 Part 51.101(a)(3) for exempt activities and no further assessment will be required.

3.9 Air Quality

All activities will comply with applicable federal, state, and local laws and regulations regarding demolition and construction equipment emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the NY State Implementation Plan (SIP). NYS will use all necessary measures to minimize equipment emissions and fugitive dust emissions created during program activities, such as demolition of existing structures. Practices for minimizing equipment emissions include the use of diesel particulate filters, fuel-borne filters, fuel-borne catalysts, and diesel oxidation. NYS will also ensure that catalytic converters on all construction equipment are operating efficiently, and engines and exhaust systems will be properly maintained. The preferred method for dust suppression is water sprinkling.

3.10 Hazardous Materials

HCR is charged with the overall inspection for hazardous materials for this program. HCR, in conjunction with designated agencies or consultants under HCR’s direction, will provide Qualified Environmental Professionals (QEPs) to perform on-site visits, where required. QEPs are experienced persons with the skills to look for and recognize hazardous materials and their conditions generally, and the most common types of residential contamination found in this geographic area. The reports generated by QEPs will be reviewed by HCR, or consultants with environmental assessment experience under HCR’s direction, to confirm that all issues are appropriately addressed.

HCR will review the checklists as part of the creation and endorsement of the Tier 2 forms. Phase I Environmental Site Assessments will also be completed in the Tier 2 environmental reviews before any property is purchased.

Structures to be demolished may include lead-based paint and asbestos-containing materials. Program activities will conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (12 NYCRR Part 56); the National Emission Standard for Asbestos—Standard for demolition and renovation (40 CFR Part 61.145); and National Emission Standard for Asbestos—Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150).

All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, the U.S. Environmental Protection Agency (EPA) Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” The Guidelines complement regulations that have been issued by HUD, the EPA, and the Occupational Safety and Health Administration (OSHA), and policies from the Centers for Disease Control and Prevention (CDC). In general, these regulations apply to housing constructed prior to 1978.

Precautions will be taken during demolition activities to protect workers and the public from hazardous dust that may contain lead, PCBs, mercury, or asbestos.

Mold can have an adverse effect on human health and is a very common problem in flooded homes. Per HCR policy, all homes will be inspected for mold contamination. Some situations will require extra precautions to limit the distribution of airborne mold spores during demolition.

Site-specific assessments will identify any toxic or radioactive substances on, adjacent to, or near the target Buyout residential properties. Where site-specific assessments do not adequately reveal past land use near target residential properties, screening of historical land use will be used to assess the potential hazard to occupants of the home. Hazards of concern include, but may not be limited to, hydrocarbon-associated vapors and radon gas.

When the target residential property is on or within 3,000 feet of a potentially hazardous site, a QEP will determine if the potential hazard requires remediation. There may be some residential properties with improper storage and excessive accumulation of toxic substances (i.e. petroleum products, pesticides, cleaning substances). Initial site inspection of residential properties may document the presence of abandoned and otherwise non-working vehicles with the potential for leakage of toxic materials. Barrels or tanks with petroleum products or other potentially toxic substances may be identified. A soil management plan may be written for sites that are present with hazardous substances. Depending on the site-specific environmental assessment of the degree and extent of the hazard, the applicant may be responsible for the removal of such items before the program can proceed.

3.11 Solid Waste

HCR will develop and implement a solid waste management plan for demolition debris. The plan will identify and describe the areas for temporary storage of debris, haul routes for vehicles, and the facilities that would receive the waste.

This plan will develop policies and procedures to maximize the amount of debris that can be recycled and reused to minimize the landfilling of waste and to avoid exceeding the maximum daily capacities of the selected solid waste facilities. This plan will identify the feasibility of local, temporary processing facilities, such as those that can break down concrete for reuse.

All solid waste must be properly segregated and disposed of at any of New York's 79 regulated (permitted) construction & demolition (C&D) debris processing facilities and 279 registered C&D debris processing facilities and in accordance with applicable regulations. All hazardous waste must be segregated and disposed of at an appropriately licensed facility. Materials will be separated from C&D debris to be recycled or to be reused for a specific use. Material that is not recovered would be sent to a municipal solid waste landfill or to a C&D debris landfill.

3.12 Transportation

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

3.13 Airport Clear Zones and Accident Potential Zones

Based on guidance provided by HUD in Fact Sheet #D1, the National Plan of Integrated Airport Systems was reviewed for civilian, commercial service airports within the vicinity of the program area, as projects located within 2,500 feet of a civil airport will require consultation with the appropriate civil airport operator. No known military airports are located within 15,000 feet of the project area. Under the Buyout portion of the program the structures on the property will be demolished and there will be no future redevelopment of these parcels, therefore a Tier 2 review of proximity to airports will not be necessary. For the Acquisition portion of the program, HCR will review each site for its location within the airport clear zones and potential accident zones in the Tier 2 site-specific review.

3.14 Coastal Barrier Resources

Under the Coastal Barrier Resources Act (CBRA) of 1982, sites lying within the federally protected areas of the John C. Chaffee Coastal Barrier Resources System (CBRS) are ineligible for most new federal expenditures and financial assistance. The Coastal Barrier Improvement Act of 1990 expanded the CBRS and added a new category of “otherwise protected areas.” In general, some storm-damaged properties may be located close to or within the CBRS, and in accordance with 24 CFR 5.6(c), no CDBG-DR funding will be used for Acquisition sites located within a regulated area. Each site will be reviewed for its proximity to the CBRS, and sites that are within the regulated area will be ineligible for funding. Under the Buyout portion of the program, NYS will demolish the structures on the property and the land will remain open in perpetuity. The Buyout activities of the NY Rising Buyout and Acquisition Program are consistent with CBRA and no further review is required. However, no part of Rockland County lies within the federally-protected CBRS.

3.15 Explosive and Flammable Operations

Acceptable Separation Distance (ASD) requirements under 24 CFR Part 51 subpart C do not apply to the activities of the NY Rising Buyout and Acquisition Program as the definition for HUD assisted projects at 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations (See Appendix O: HUD Noise Abatement and Explosive Operations Email). The NY Rising Buyout and Acquisition Program will not need to apply 24 CFR Part 51 Subpart C because there would be no future occupation of the Buyout properties under the NY Rising Buyout and Acquisition Program, and no current occupants of the Acquisition properties under the Program. The requirements of 24 CFR Part 51 Subpart C will be evaluated under a separate environmental assessment for any redevelopment of Acquisition properties if the redevelopment will increase population density.

3.16 Farmland Policy Act

The Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.) discourages federal activities that would convert farmland to nonagricultural purposes. Existing residential properties will be purchased under the NY Rising Buyout and Acquisition Program, and the structures on some program sites will be demolished to create open space or allow for future reuse of the properties. The program will not convert farmland to nonagricultural purposes and will not violate the Farmland Policy Protection Act. (See Appendix J: Farmland Protection Checklist.)

3.17 Environmental Justice

According to the EPA, environmental justice (EJ) is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. The goal behind EJ is for all people to enjoy the same degree of protection from environmental and health hazards and have a healthy environment in which to live, learn, and work. The CDBG-DR program will not have a negative impact on EJ as applicants will be treated equally, regardless of origin, race, or age, etc. This program may have a positive impact on EJ as priority will be given to applicants whose income is below 80% of the median income, or in the case of multi-family housing, where at least 51% of tenants are of low- or moderate-income. These individuals are most in need of assistance in rehabilitating or reconstructing their living environment, and the program will help to remedy the environmental and health hazards caused by the recent storms.

The state will pay particular attention to the needs of the most vulnerable populations; the elderly and disabled, minority populations, low- to moderate-income residents, and others. NYS and its partners will be conducting extensive outreach to ensure that available resources are made available to the populations with the greatest needs.

4.0 Eight-Step Decision Making Process

Under 24 CFR Part 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain. 24 CFR Part 55.20 implements Executive Order 11988—Floodplain Management. The order requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. Under this order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action. In addition, federal agencies are required to demonstrate that all practicable alternatives have resulted in the reduction or elimination of the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain. This eight-step process includes assessing all practicable alternatives and incorporating public review.

According to 24 CFR Part 55.12—Inapplicability of 24 CFR part 55 to certain categories of proposed actions, the decision-making steps in Parts 55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to actions under any HUD program involving the “repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects...and one- to four-family properties, in communities that are in the Regular Program of the NFIP and are in good standing, provided that the number of units is not increased more than 20%, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under §55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.”

According to 24 CFR Part 55.12 (c), the eight-step decision making process for action taking place in a floodplain or for action taking place in a wetland does not apply to:

- (3) The approval of financial assistance for restoring and preserving the natural and beneficial functions and values of floodplains and wetlands, including through Acquisition of such floodplain and wetland property, but only if:
 - (i) The property is cleared of all existing structures and related improvements;
 - (ii) The property is dedicated for permanent use for flood control, wetland protection, park land, or open space; and
 - (iii) A permanent covenant or comparable restriction is placed on the property’s continued use to preserve the floodplain or wetland from future development.

The Buyout actions to take place under the NY Rising Buyout and Acquisition Program fall within the exemption found at 24 CFR Part 55.12(c)(3); however, the eight-step decision making process laid out 24 CFR 55.20 for action taking place in a floodplain, including a floodplain management plan and public notices, was completed for the NY Rising Buyout and Acquisition Program in Rockland County on August 21, 2013.

Under Executive Order 11990—Protection of wetlands, an agency must find “that there is no practicable alternative to such construction, and that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.” Furthermore, the “agency shall also provide opportunity for early public review of any plans or proposals for new construction in wetlands.” HUD’s current wetland protection policy to comply with Executive Order 11990 is use the eight-step decision making process provided in 24 CFR Part 55.22 modified for wetlands.

This section demonstrates how the eight-step decision making process is applied to the NY Rising Buyout and Acquisition program for proposed actions in the floodplain and for proposed actions in the wetlands.

4.1 Eight-Step Decision Making Process for Proposed Action in the Floodplain

Description of Proposed Activities in the SFHA

NYS was awarded funding, to be administered by HCR, to provide financial assistance to homeowners whose primary residences were substantially damaged by Hurricane Sandy, Hurricane Irene, and/or Tropical Storm Lee within various NSY Counties, including Rockland County. HCR is awarding this funding in accordance with the Action Plan. The Action Plan provides for, among other things, assistance to owners of substantially damaged one to two (1-2) unit residential properties in Rockland County, NY within the 100-year floodplain by purchasing those properties and relocating residents out of the most flood-prone areas of the county.

The proposed activities include the purchasing of substantially damaged properties, short-term site security and mitigation measures, and demolition of existing structures.

Executive Order 11988 and 24 CFR Part 55

Projects located within a SFHA are subject to Executive Order 11988 as implemented by 24 CFR Part 55. Under 24 CFR Part 55, an eight-step decision making process must be completed for proposed actions taking place in the floodplain. Information on where SFHAs are located is available on FIRMs published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data (such as ABFEs) or preliminary and final FIRMs.

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

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

The SHFA covers large areas of Rockland County. A total of 17,500 acres of floodplain is mapped within the county boundary. (Base GIS review of FEMA BFE data).

24 CFR Part 55.1(c)

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

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

24 CFR Parts 55.11 & 55.20

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

Base Flood Elevations

In December 2012, FEMA issued ABFEs through its NFIP. The ABFEs increased the anticipated depth of tidal flooding during the 100-year flood in many areas and a corresponding increase in the area expected to be inundated by such a flood. In areas where preliminary ABFE maps have been developed those maps will govern. In areas where no preliminary ABFE maps exist, FEMA BFE data will be referenced for application of the Program within the County.

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

The geographic scope for the NY Rising Buyout and Acquisition Program described herein is the jurisdictional area of Rockland County, covering approximately 127,360 acres, of which 17,500 acres are located within floodplains. Program activities are expected to take place in enhanced target areas and on individual residential properties throughout the communities in Rockland County, especially those most affected by Hurricane Irene and Hurricane Sandy. Property owners of any location within the county that sustained damage from Hurricane Irene and/or Hurricane Sandy are able to apply for the program.

At this time, no enhanced target areas have been identified in Rockland County. The number of potential structures impacted is subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be verified until applications for assistance are reviewed and determined eligible for the program. The majority of the program applicants will be located in a NFIP “V” or “A” zone, as indicated on the FIRM.

According to FEMA IA data from November 2013, as many as 5,347 residential properties sustained damage from Hurricane Irene and/or Hurricane Sandy in Rockland County. It is expected that many of these residences are within the SHFA.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a floodplain, and involve the affected and interested public in the decision making process.

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

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News on September 10, 2013. (See Appendix R: Rockland County Floodplain Management Plan and Public Notices.) The 15-day period expired on September 25, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 10, 2013: FEMA; the USFWS; the EPA; the U.S. Army Corps of Engineers (USACE); the National Park Service (NPS); the National Oceanographic and Atmospheric Administration (NOAA); NMFS; NYSDEC; the OPRHP; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Rockland County and the towns and villages within Rockland County.

HCR received **zero (0)** public comments on this notice.

Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain

The proposed action of the NY Rising Buyout and Acquisition Program will purchase substantially damaged one to two one to two (1-2) unit homes from willing sellers, demolish structures on all Buyout and potentially some Acquisition properties, and temporarily secure Acquisition sites against future damage. The Program will benefit homeowners whose primary residences sustained substantial damage from Hurricane Sandy and/or Hurricane Irene. The residence must be located in Rockland County.

The alternatives to the proposed action that will be considered are as follows:

Rehabilitation Grants: NYS would issue grant awards to assist homeowners with elevation and reconstruction of damaged properties and reimburse homeowners for repairs already completed. This alternative would identify all homes within the floodplain that were damaged by Hurricane Sandy and Hurricane Irene. Each property owner would then be provided funds to repair the damage to their property. This program would require that any grant recipients elevate their property to updated elevation standards.

No Action: This alternative would offer no assistance to homeowners in the affected area. As such, home owners would be allowed to rebuild according to modern standards, demolish damaged properties, or leave their homes in their present condition. Many homeowners would be unable to recover from the devastation of Hurricane Sandy and Hurricane Irene. Further reconstruction would be parcel by parcel and result in wide variation in the safety and building standards of the affected parcels.

Buyouts (proposed action): NYS will purchase and demolish damaged properties to allow the floodplain to restore to its natural state. This process will use grant funds to purchase properties from willing sellers affected by Hurricane Sandy and Hurricane Irene. Once purchased, improvements on the property, such as single and multi-family homes, will be removed. The vacant land will then revert to its natural state.

Acquisitions (proposed action): NYS will purchase damaged properties for the purpose of rehabilitation, reconstruction, and/or demolition and future redevelopment. This process will use grant funds to acquire parcels from willing sellers affected by Hurricane Sandy and Hurricane Irene. The specific details of reuse of acquired properties are unknown at this time, and will be determined on a site-specific basis. Depending on the condition of the parcel, homes on the property may either be reconstructed or demolished and assessed for future redevelopment in a manner consistent with local comprehensive plans and zoning regulations.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain

HCR has evaluated the alternatives to taking the proposed action in the floodplain, and has determined that the proposed activities must take place in the floodplain.

While there is the potential for a cumulative impact from the generation of debris from the demolition and reconstruction of a great number of homes through the proposed action in conjunction with the other NY Rising Programs, most of the impact will be mitigated. Direct and indirect impacts on the floodplain from short-term mitigation, site security, and demolition activities under the NY Rising Buyout and Acquisition Program will be minimal as these program sites are already developed with residential buildings.

The Program will facilitate the removal of debris and wreckage from applicant properties, and will protect public safety through the relocation of residents out of the most flood-prone areas. Under the Buyout portion of the program, once the property is purchased, any structures that remain on-site will be demolished and the area will be returned as close as practical to natural conditions and allowed to remain open space in perpetuity. This will allow the land to naturally provide a buffer and to mitigate future flooding.

The Acquisition portion of the program will allow for potential redevelopment of the property in the future. The effect of the Acquisition activities will be the promotion of community revitalization by preventing undeveloped parcels from being scattered throughout otherwise developed areas. While there are some inherent risks to developing in a floodplain or area which experiences severe weather that cannot be completely avoided, any future redevelopment of acquired parcels will be replaced with safe modern construction to minimize the impacts associated with the occupancy of the floodplain.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain and to restore and preserve its natural and beneficial values.

Regarding the Buyout portion of the program, restoring the Rockland County shoreline to its natural state will minimize threats to life and property, as well as restore and preserve natural and beneficial floodplain values. By preventing construction and reconstruction of homes in this area, this program will reduce the population within the floodplain, exposing fewer people to the effects of natural disasters. Further, since the land will be free of costly improvements, future storm damage will be minimized. By removing manmade buildings and infrastructure in this area, the floodplain will be returned to its natural state. All backfill soil will have low clay content to facilitate stormwater infiltration and be free of contaminants and deleterious materials to facilitate the return of the Buyout properties to a natural condition. As such, this program will not merely limit damage to the floodplain, but actually restore and improve upon the natural and beneficial floodplain values.

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

Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the floodplain. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the NY Rising Buyout and Acquisition Program will be in accordance with all local, state, and federal regulation as part of the acceptance of assistance funding.

The program will also implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters. Soil compaction would be controlled by minimizing program activities in vegetated areas, including lawns. BMPs, such as silt fence and erosion prevention, may be implemented if required by permits or agency discretion. Work in areas of soils with high wind erosion potential may have to occur only during calm weather conditions or include additional watering and other dust suppression mitigation methods. Thorough planning, engineering review, and design through the local permitting process will minimize soil erosion and damage to the floodplain that could result from program activities on sites with marginal soil properties.

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

HCR has reevaluated the proposed action and determined that the NY Rising Buyout and Acquisition Program is still practicable in light of its exposure to flood hazards in the floodplain. As the properties are already developed with one to two (1-2) unit dwellings, the Program will not aggravate current hazards to the floodplain, nor will the Program disrupt floodplain values.

HCR also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: Rehabilitation Grants and No Action. These alternatives do not meet the goals of the NY Rising Buyout and Acquisition Program. Because the proposed action is specifically designed to relocate residents out of areas most vulnerable to flooding, assist homeowners who are unable or unwilling to repair their substantially damaged homes, and increase communities' resiliency to future flooding by restoring the storm attenuation characteristics of the floodplain and providing an option for future resilient repair or redevelopment for individual parcels in developed neighborhoods.

Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain, publish a final notice.

It is HCR's determination that there is no better alternative than to provide funding for the proposed action in the floodplain. This is due to the need to: 1) restore the area to its natural condition to maintain the value of our floodplains; 2) limit excessive spending to rebuild properties in flood prone areas; 3) prevent future high-value damage to land improvements by preventing the construction of such improvements in flood-prone areas; 4) minimize detrimental impacts on human health; 5) promote the redevelopment of damaged inland parcels consistent with current land use; and 6) remove damaged improvements to allow for future construction that meets with modern elevation and construction standards.

In accordance with 24 CFR Part 55, a 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News on October 2, 2013. The 7-day period expired on October 9, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on October 2, 2013: FEMA, the USFWS, the EPA, the USACE, the NPS, NOAA, NMFS, NYSDEC, the OPRHP; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to Rockland County and the towns and villages within Rockland County. The notice described the reasons why the project must be located in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received have been considered.

HCR received **zero (0)** public comments on this notice.

Step Eight: Implement the Action

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

4.2 Eight-Step Decision Making Process for Proposed Action in a Wetland

It is HUD's current policy to use the same eight-step process for proposed action in a floodplain, modified for wetlands, to comply with Executive Order 11990—Protection of Wetlands. This eight-step process will take place on a site-specific basis if a site is determined to be in a wetland, as defined by HUD and Executive Order 11990.

Under Executive Order 11990, wetlands are defined as “those areas inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

The demolition of residential properties in Rockland County may take place in or next to wetlands. All sites will be evaluated during the Tier 2 site-specific environmental assessment for location with regard to wetlands using NYSDEC and USFWS NWI maps. On-site wetlands delineation and coordination with NYSDEC and the USACE will take place for all sites determined to be in or near a wetland. If the on-site inspection determines that the project will impact a wetland, the eight-step decision making process outlined in 24 CFR Part 55.20, modified for wetlands will be completed, including public notices for proposed project activities of the NY Rising Buyout and Acquisition Program that are in or adjacent to wetlands.

5.0 Evaluation of Effects and Summary of Findings and Conclusions

In 2011, Rockland County was impacted by Hurricane Irene and was again impacted by Hurricane Sandy in 2012. This Tier 1 Programmatic Environmental Assessment has resulted in a Finding of No Significant Impact (FONSI) for the NY Rising Buyout and Acquisition Program in Rockland County, NY. In accordance with the December 11, 2012 HUD memorandum regarding Environmental Review Processing During Emergencies and Following Disasters under 24 CFR Part 58, the FONSI and Notice of Intent to Request Release of Funds (NOIRROF) public notices will be published together on the same date in order to combine public comment periods and facilitate the efficient review of this environmental assessment.

Programmatic compliance for certain environmental factors has been evaluated at the Tier 1 level so that further review for these factors is not necessary at the Tier 2 site-specific level. This Tier 1 PEA has also identified the environmental compliance factors which must be evaluated during the Tier 2 site-specific environmental assessments, and laid out the criteria and procedures for ensuring compliance.

Certain categories evaluated in the NEPA Checklist and Environmental Assessment Worksheet may have the potential for adverse effects. Program sites will be evaluated on the Tier 2 level to determine any potential adverse effects for that site. If adverse impacts are found to exist, appropriate mitigation measures will be required in order to comply with NEPA and HUD Environmental Standards. These mitigation measures are identified in Section 3 and may include: 1) modification of the site-specific project scope to avoid or minimize effects on historic or cultural resources, 2) flood hazard prevention and mitigation, 3) wetland protection, 4) modification of site-specific project scope to avoid or minimize effects on threatened or endangered species, and 5) standard construction BMPs to minimize project generated noise.

The environmental assessment checklists used to complete this Tier 1 assessment are included in the Statutory and Environmental Assessment Checklists section. Maps, agency consultations, and research supporting the Tier 1 environmental assessment are presented in the Appendices.

Individual actions undertaken by the described NY Rising Buyout and Acquisition Program will take place in enhanced target zones and on individual residential properties throughout Rockland County. While many of these activities will take place in the 100-year floodplain, the exact location of all potential enhanced target zones or program sites is not yet known. After considering the alternatives, HCR has determined that there is no practicable alternative other than to proceed with the proposed program. While there are some inherent risks to living in a floodplain or area which experiences severe weather that cannot be completely avoided, the individual actions undertaken by the described NY Rising Buyout and Acquisition Program will result in fewer residents in the areas most susceptible to future flood hazards and contribute to the communities' storm attenuation characteristics. The program will also result in better reuse of the acquired properties and will provide a positive financial impact on the neighborhoods and communities in Rockland County.

6.0 List of Sources, Agencies and Persons Consulted

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3. New York State. Department of Agriculture & Markets. <http://www.agriculture.ny.gov/AP/agservices/agricultural-districts.html>
4. New York State. Department of Environmental Conservation, Region 2 Office: Landfills. <http://www.dec.ny.gov/chemical/23681.html>
5. New York State. Department of Environmental Conservation, Region 2 Office: Federally Protected Plants. <http://www.dec.ny.gov/animals/7133.html>
6. New York State. Department of Environmental Conservation, Region 2 Office: List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State. <http://www.dec.ny.gov/animals/7494.html>
7. New York State. Department of Environmental Conservation, Region 2 Office: Unique Geologic Features. <http://www.dec.ny.gov/permits/53826.html>
8. New York State. Department of Environmental Conservation, Region 2 Office: Critical Environmental Areas. <http://www.dec.ny.gov/permits/25131.html>
9. New York State. Department of Environmental Conservation, Region 2 Office: List of New York State Wildlife Management Areas. <http://www.dec.ny.gov/outdoor/8297.html>
10. New York State. Department of Environmental Conservation, Region 2 Office: Potential Environmental Justice Areas in the Village of Haverstraw, Rockland County, New York. http://www.dec.ny.gov/docs/permits_ej_operations_pdf/rocklandej.pdf
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17. Rockland County. Rockland Tomorrow: Rockland County Comprehensive Plan. https://rocklandgov.com/files/4513/5067/1656/Rockland_Tomorrow.pdf
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29. United States Fish and Wildlife Service. Endangered Species New York. <http://www.fws.gov/northeast/nyfo/es/colistcurrent.pdf>
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Exhibit 1:
NEPA Environmental Assessment Checklist

NEPA Environmental Assessment Checklist

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

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

| Land Development | Code | Source or Documentation |
|---|-------------|---|
| Conformance with Comprehensive Plans and Zoning | 1 | <p>The most current plan with policy recommendations for Rockland County is the Rockland County Comprehensive Plan prepared in March 2011. This plan addresses long-term development in Rockland County and includes recommendations for economic growth, population retention, and policies to encourage compatible land uses.</p> <p>Buyout The Buyout program will convert properties within the floodplain in storm-impacted areas to open space or other non-residential/non-commercial uses. Once all targeted properties are converted, much of the resulting open space will be contiguous and, therefore, compatible with the surrounding land uses. The Buyout program would not require any changes to existing land use designations as the land would revert to open space. The appropriate permits for demolition activities would be obtained.</p> <p>Acquisition Property purchased under the Acquisition program would not likely result in any changes in land use designations. Efforts to temporarily secure the structure or the property against future storm events will not result in any permanent changes in land use designations. The Acquisition properties may be demolished under this program for future redevelopment. Appropriate permits for demolition activities will be obtained. Anticipated redevelopment will be consistent with current land use. If new development is proposed that is not consistent with current land use, additional environmental review will be done to ensure that any proposed development is consistent with the Rockland County Comprehensive Plan.</p> <p>Source: 13, 16, 17 (list of sources is on page 45)</p> |

| Land Development | Code | Source or Documentation |
|--------------------------------|------|--|
| Compatibility and Urban Impact | 2 | <p>Buyout The Buyout program will create new open space throughout Rockland County, primarily in low-lying areas prone to flooding or close to the shoreline primarily on the eastern end of the County. The proposed Buyout program in Rockland County fits with all of the regional and local plans, particularly with regard to conserving and creating open space. The conversion to open space land use and reduction in housing density is compatible with the visual character and quality of each area. Creating the open space will establish a larger buffer between the areas identified with potential for future flooding and residential uses.</p> <p>Acquisition Property purchased under the Acquisition program would not result in any changes in compatibility and urban impact. Efforts to temporarily secure the structure or the property against future storm events will not result in any permanent changes in land use that could be incompatible with surrounding land uses. Redevelopment will be consistent with current land use (1-2 unit residential structures) and provide an urban design and compatibility benefit by revitalizing the appearance and sustainability of these properties. For any proposed new development other than 1-2 unit residential development, additional environmental review may be done to ensure that any proposed redevelopment is consistent with the Rockland County Comprehensive Plan and is compatible with existing structures.</p> <p>Source: 13, 16, 17</p> |
| Slope | 1 | <p>According to the U.S. Geological Survey (USGS) topographic map (see Appendix A, Rockland County USGS Topographic Map), slopes are generally less than 5% within Rockland County outside the Ramapo Mountain Range.</p> <p>Buyout The Buyout program will return properties to natural conditions. As part of this program, the properties will be backfilled and graded following removal of any structures. Because these properties are already developed, adverse effects to slope are not anticipated.</p> <p>Acquisition Property purchased under the Acquisition for redevelopment program will not affect slopes on properties. Any effects from minor short-term adjustments including soil amendment or replacement of eroded soils pending redevelopment within a localized area on a property are considered negligible. Appropriate permits for demolition activities will be obtained. Because these properties are already developed, adverse effects to slope resulting from demolition are not anticipated. If new development is proposed subsequent to this action, additional environmental review may be done to ensure that any proposed development does not impact slope.</p> <p>Source: 7, 18, 32</p> |

| Land Development | Code | Source or Documentation |
|------------------|------|---|
| Erosion | 4 | <p>According to the USGS topographic map (see Appendix A), Rockland County is generally flat with slopes of less than 5% outside the Ramapo Mountain Range.</p> <p>Buyout Buyout areas will generally be in floodplain areas subject to erosion and loss of soil especially from storm activity. Buyout properties will be graded and revegetated following demolition activities to prevent erosion. There will be a short-term increase in the potential for erosion from the site disturbance. As required by the Soil Erosion Conditions for Approval, BMPs, such as silt fence and erosion prevention, may be implemented, if required by permits or agency discretion. These BMPs will reduce the potential for erosion. There will be a short-term increase in the potential for erosion due to the site disturbance during demolition. A Storm Water Pollution Prevention Plan (SWPPP) per the NYSDEC regulations will be implemented on-site during demolition to reduce the potential for erosion. Short-term BMPs, such as silt fence and erosion prevention, will be implemented to mitigate erosion where highly erodible soils are present, if required by permits or agency discretion (see Soil Erosion Conditions for Approval). State and local permitting requirements will incorporate BMPs (erosion blanketing, phasing, and sequencing of construction) to eliminate erosion impacts for program locations that require excavation or soil modification. Demolition and incidental grading will be carried out in a manner to avoid the discharge or fill into waters of the U.S. during demolition. Work in areas of soils with high wind erosion potential may have to be scheduled only during calm weather conditions or include additional watering and other dust suppression mitigation methods.</p> <p>Buyout properties will be graded and seeded immediately following demolition to minimize erosion and runoff. Soil disturbance that will substantially increase the erosion potential is not anticipated.</p> <p>Acquisition Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolition will require the same mitigations methods and have the same impacts as discussed for the Buyout of properties described above.</p> <p>Source: 32</p> |

| Land Development | Code | Source or Documentation |
|------------------|------|--|
| Soil Suitability | 4 | <p>The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) provides map information regarding soil types and their properties that can influence the development of building sites and is intended for land use planning, evaluating land use alternatives, and for planning site investigations prior to design and construction (see Appendix B, Rockland County USDA Soil Survey Map).</p> <p>Rating class terms designated by the NRCS indicate the extent to which the soils are limited by all of the soil features that affect building site development, and include, “not limited,” “somewhat limited,” and “very limited.”</p> <p>According to review of the NRCS soils map data for “Dwellings and Small Commercial Buildings” ratings for the 72 soil types mapped within Rockland County, 33 soil types have ratings of very limited, 28 somewhat limited, and 24 not limited. Reasons for the assigned ratings include flooding, slope, shrink-swell, depth to saturated zone, depth to hard bedrock, ponding, organic matter content, and subsidence, or lack thereof. Some soil types are not rated (e.g., beaches, duneland, etc.).</p> <p>Buyout The Buyout program will return the land to open space, for which soil suitability issues will be minimal. BMPs, including silt fences, will be employed for stabilization from potential erosion during the revegetation process.</p> <p>Acquisition The suitability of the soils present will have to be considered for any efforts to demolish for future redevelopment, secure the property, or increase the short-term resiliency of the structure or property against future storm events.</p> <p>Source: 7, 18, 32</p> |

| Land Development | Code | Source or Documentation |
|---|-------------|--|
| Hazards and Nuisances including Site Safety | 4 | <p>Buyout The Buyout program will include demolition of structures. These structures could contain asbestos, lead-based paint, or other toxic materials. HCR is responsible for the overall inspection of hazardous materials for this program. According to the Hazardous Materials Conditions for Approval, QEPs may inspect sites for evidence of contamination from hazardous materials. If hazardous materials are found or assumed to be present, they would be managed appropriately, as called for in the Hazardous Materials Conditions for Approval.</p> <p>Typical effects of construction/demolition actions may include the presence of heavy equipment, which could pose safety issues to nearby populations. Construction and demolition would be addressed under existing regulations governing construction activity in NYS, Rockland County, and local municipalities.</p> <p>Acquisition Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolition for redevelopment will require the same mitigation methods and have the same impacts as discussed for the Buyout of properties described above.</p> <p>Source: 4, 33, 35</p> |
| Energy Consumption | 2 | <p>Buyout The Buyout program will not expand the housing stock relative to conditions prior to recent storm events and will not increase long-term energy consumption. Demolition activities could involve the use of fossil fuel energy consumption unless explicitly prohibited by local ordinances. The reversion of properties to open space and related natural uses will result in a net decrease in energy consumption from the absence of buildings requiring energy consumption. This will result in a beneficial impact to energy consumption at the subject properties.</p> <p>Acquisition The Acquisition program will not expand the housing stock relative to conditions prior to recent storm events and will not increase long-term energy consumption. Newly constructed 1-2 unit homes will be more energy-efficient than the homes being demolished as a result of the program, due to incorporation of modern, energy efficient building materials and practices.</p> <p>Source: 13</p> |

| Land Development | Code | Source or Documentation |
|--|-------------|--|
| <p>Noise - Contribution to Community Noise Levels</p> | <p>4</p> | <p><i>Buyout</i> Demolition of structures associated with the Buyout program will result in temporary increases in noise levels due to activities involving heavy equipment and truck operations. These increases will be mitigated by implementing the Noise Conditions for Approval, including outfitting of equipment with mufflers, and compliance with local noise ordinances including time-of-day work limitations. The reversion of properties to open space and related natural uses will result in a net decrease in noise levels associated with these properties.</p> <p><i>Acquisition</i> The Acquisition for Redevelopment Program is anticipated to result in the same amount of development that existed at pre-Hurricane Irene and Hurricane Sandy levels, and will not result in any significant increase in ambient noise levels. Demolition and efforts to temporarily secure the structure or the property against future storm events could result in temporary increases in noise levels due to heavy equipment and truck operations. These increases will be mitigated by implementing the Noise Conditions for Approval, including outfitting of equipment with mufflers and compliance with local noise ordinances including time-of-day work limitations.</p> <p>Source: 35</p> |

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| <p>Air Quality</p> <p>Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels</p> | <p>4</p> | <p>Rockland County is located in a "non-attainment" area for inhalable particulate matter (PM_{2.5}) and is classified as "marginal" for the 8-hour ozone standard per EPA's "Counties Designated Nonattainment" map at http://www.epa.gov/airquality/greenbook/.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the SIP.</p> <p>Conforming to a SIP means that an action will not:</p> <ul style="list-style-type: none"> • Cause or contribute to a new violation of any standard in any area; • Increase the frequency or severity of any existing violation of any standard in any area; or • Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. <p>Buyout</p> <p>The Buyout of properties will involve demolition of structures and site restoration. These activities could result in vehicle and fugitive dust emissions that could result in a short-term impact to air quality. Project activities will be completed on existing residential developed sites and would not substantively affect the SIP due to the implementation of standard BMPs that control dust and other emissions during construction. Air quality impacts will be short-term and localized. No significant impacts on air quality will result and further assessment is not required.</p> <p>Buyout activities, including demolition, will include implementation of the Air Quality Conditions for Approval as stated in the project description. These conditions include compliance with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the NY SIP. All necessary mitigation measures will be used to minimize fugitive dust emissions created during the demolition of existing structures. The preferred method for dust suppression is water sprinkling. The reversion of properties to open space and related natural uses will result in a long-term net decrease in air emissions due to home heating and cooling, and vehicles related to those existing properties.</p> <p>Acquisition</p> <p>Acquisition activities, including demolition, will include implementation of the Air Quality Conditions for Approval as stated in the project description. These conditions include compliance with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the NY SIP. Project activities will be completed on existing residential developed sites and would not substantively affect the NY SIP due to the implementation of standard BMPs that control dust and other emissions during construction.</p> <p>Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolition for redevelopment will require the same mitigation methods and have the same impacts as discussed for the Buyout of properties described above.</p> <p>Source: 20</p> |
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| Land Development | Code | Source or Documentation |
|---|----------|--|
| <p>Environmental Design</p> <p>Visual Quality - Coherence, Diversity, Compatible Use and Scale</p> | <p>2</p> | <p>The most current plan with policy recommendations for Rockland County is the Rockland County Comprehensive Plan prepared in March 2011. This plan addresses long-term development in Rockland County and includes recommendations for economic growth, population retention, and policies to encourage compatible land uses.</p> <p><i>Buyout</i> The Buyout program will convert properties in the floodplain in storm-impacted areas to open space or other non-residential, non-commercial uses. These uses will involve restoration of the natural features of the land, and will enhance the visual quality of the site and its surroundings.</p> <p>Once all targeted properties are converted, the resulting open space will be compatible with the surrounding land uses in terms of both visual quality and scale. The coherence of the landscape will be improved with the restoration of its natural use and will provide a benefit to neighboring communities, resulting in a beneficial impact. The program will have a beneficial effect by improving the visual appearance of neighborhoods by removing unsightly structures destroyed by recent storm events and returning the landscape to a more natural appearance.</p> <p><i>Acquisition</i> Demolition and efforts to temporarily secure the structure or the property against future storm events will improve the visual values and environmental design over the short-term as storm damage is repaired and decisions on disposition of these properties are made. If new development is proposed subsequent to this action that does not involve redevelopment of 1-2 unit housing, additional environmental review will be done to ensure that any proposed development is consistent with the Rockland County Comprehensive Plan.</p> <p>Source: 12, 13, 16, 17</p> |

| Socioeconomic | Code | Source or Documentation |
|-------------------------------|-------------|---|
| Demographic Character Changes | 3 | <p>According to the US Census, in general, the population of Rockland County is approximately 65.3% Caucasian, and the dominant minority is Hispanic, comprising 15.7% of the population. Approximately 11.1% of the total population is Black or African American. About 13.4% of the population is above the age of 65. Roughly 10.9% of the population's income is below the poverty level. See Appendix K for the Rockland County Potential Environmental Justice Area Maps.</p> <p><i>Buyout</i> One of the objectives of the Buyout program is to relocate residents to similar housing in safer areas of the county. As such, the Buyout program may result in a change in the population and demographics of Rockland County if residents choose to relocate outside the county. With the large population of Rockland County, this potential change will not be substantial enough to change the demographic character of the county as a whole.</p> <p><i>Acquisition</i> One of the objectives of the Acquisition program is to relocate residents to similar housing in safer areas of the county and redevelop properties in a resilient manner for future residents. As such, the Acquisition program may result in a slight change in the population and demographics of Rockland County if residents choose to relocate outside the county. With the large population of Rockland County, this potential change will not be substantial enough to change the demographic character of the county as a whole.</p> <p>Source: 13, 16, 17</p> |

| Socioeconomic | Code | Source or Documentation |
|---------------|------|--|
| Displacement | 3 | <p>One of the primary objectives of NYS's response to recent storm events and CDBG-DR funding is to avoid the permanent displacement of residents.</p> <p>The Buyout and Acquisition programs will, by definition, only relocate the residents of the dwellings who agree to participate in the program. In accordance with <i>State of New York Action Plan for CDBG-DR</i> (April 2013), HCR is expected to, and is making, a concerted effort to minimize displacement of persons or entities and assist those displaced as a result of the disasters. If an individual person or entity is displaced as a result of the CDBG-DR investment, NYS will provide assistance as required through the Uniform Relocation Act Requirements. The program also encourages willing sellers to relocate within the county through an incentive of 5% over the pre-storm FMV of their home.</p> <p>The Buyout program will result in displacement. The program is voluntary and based on willing sellers applying for program funds. Buyouts are designed to provide the pre-storm FMV to willing sellers so that they will gain adequate compensation to relocate within Rockland County. Residents will be compensated such that they will be able to relocate to similar housing in safer areas within Rockland County.</p> <p>The Buyout and Acquisition programs will be applied to all willing sellers, regardless of race, age, or income status. As such, the Buyout and Acquisition program will not substantially alter the demographic characteristics of Rockland County.</p> <p>Source: 13, 16, 17</p> |

| Socioeconomic | Code | Source or Documentation |
|--------------------------------|-------------|---|
| Employment and Income Patterns | 3 | <p>As of 2012, the average median household income of Rockland County is \$84,661, and roughly 10.9% of the population's income is below the poverty level. The industries with the largest employment earning in the county are educational, healthcare, social services, professional services, scientific services, management services, and retail.</p> <p>The relocation of residents in the Buyout and Acquisition areas is not expected to alter their employment or income status, or that of Rockland County, since they could continue to retain their current jobs and income. However, if the customer base of a small business is diminished, localized economic effects could occur. These effects could include economic losses to local business, and could result in the loss of the affected local businesses if its income is diminished to the extent that it is no longer feasible to operate in that area.</p> <p>In addition, residents moving out of the Buyout and Acquisition areas will result in a reduction in the tax base within these affected municipalities as residential properties are converted to open space or redeveloped at a later date.</p> <p><u>Buyout</u> The Buyout program will increase employment and income patterns in the short-term through demolition and site restoration. There will likely be a temporary increase in employment and income from an increase in activities associated with demolition and disposal of materials and converting the property to open space. If residents of properties included in the Buyout program choose to relocate outside Rockland County, there may be a reduction in county-wide workforce levels, but not necessarily employment levels. To the extent that these residents relocate within Rockland County and purchase housing of comparable value, this will not result in an overall tax base reduction for the county. In addition, the number of residences and the demand for residential infrastructure and services will decline in the Buyout areas, as well.</p> <p><u>Acquisition</u> If new development is proposed subsequent to this action, there may be additional employment and income associated with new construction. To the extent that these residents relocate within Rockland County and purchase housing of comparable value, this will not result in an overall tax base reduction for the county.</p> <p>Source: 13, 16, 17</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|---|
| Educational Facilities | 3 | <p><i>Buyout</i> There are approximately 64 public schools operated by the 8 school districts in Rockland County, and 62 non-public schools. The proposed incentives will encourage many students displaced by recent storm events to return to their local school or a nearby school in Rockland County. If relocation in the same school district does not occur, some school districts in other parts of Rockland County may see a slight increase in enrollment from displaced families, and those districts in the affected areas may see decreased enrollment. If this increase in other school districts is realized, it will not be significant, as these students will likely be spread throughout the county.</p> <p><i>Acquisition</i> Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect educational facilities, as changes in enrollment will be similar to those described for the Buyout program.</p> <p>Source: 13, 16, 17</p> |
| Commercial Facilities | 3 | <p><i>Buyout</i> The Buyout program will not result in a significant effect on existing commercial establishments. Through the incentive program, residents remaining in Rockland County will likely continue to frequent commercial establishments if they are able to remain living in the same neighborhood or one very nearby in Rockland County. If this does not occur, some commercial establishments in the areas affected by recent storm events may experience a decrease in revenue if residents move to another part of Rockland County. Commercial establishments in other parts of Rockland County may experience a very slight increase in revenue which will be an economic benefit to these businesses, especially those that experienced a loss in revenue since the storm.</p> <p><i>Acquisition</i> Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not have a significant effect on commercial facilities and will be similar to those described for the Buyout program.</p> <p>Source: 13, 16, 17</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|---|
| Health Care | 3 | <p>Buyout There are four hospitals and numerous health care facilities in Rockland County. The Buyout program will not result in a large increase in demand on the health care system. There is a potential for health care facilities near the affected areas to experience a decrease in demand as the local population decreases. Some localized health care facilities away from the impacted areas may see a slight increase in demand as people relocate. If this increase is realized, it will not be significant, as displaced residents will likely be spread throughout the county. The overall population of Rockland County is expected to remain at or below pre-storm levels, so there will be no substantial increase in the demand for health care facilities.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not increase demand for health care facilities.</p> <p>Source: 13, 16, 17</p> |
| Social Services | 3 | <p>Social services are provided by a range of non-profit, local, state and federal agencies. The Rockland County Department of Social Services provides child support enforcement services; Supplemental Nutrition Assistance Program (SNAP) benefits (food stamps); temporary financial, housing, medical, and home energy assistance; and protective and preventive services for vulnerable children and adults.</p> <p>Buyout The Buyout program will not result in a large increase in demand on social services. There is a potential for some social service facilities located near the affected areas to experience a decrease in demand as the local population decreases. Some localized social service facilities located away from the impacted areas may see a slight increase in demand as people relocate. If this increase is realized, it will not be substantial as displaced residents will likely be spread throughout the county and the overall population of Rockland County is expected to remain at or below pre-storm levels, so there will be no substantial increase in the demand for social services.</p> <p>Acquisition Efforts to secure the property or increase the short-term resiliency of the structure or property against future storm events will not affect the overall demand for social services and will be similar to those described for the Buyout program.</p> <p>Source: 13, 16, 17</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|---|
| Solid Waste | 4 | <p>The Rockland County Solid Waste Management Authority oversees composting facilities within the county, recycling programs, and the implementation of the program to source-separate waste generated within county facilities.</p> <p><i>Buyout</i> The Buyout program will generate substantial quantities of solid waste from building demolition and removal and will include implementation of the Solid Waste Conditions for Approval as stated in the project description.</p> <p>All solid waste must be properly segregated and disposed of at any of the county landfills. All hazardous waste (ACM, lead, etc.) will be segregated and disposed of at an appropriately licensed facility. Materials can be separated from C&D debris to be recycled or to be reused for a specific use. Material that is not recovered is sent to a municipal solid waste landfill or to a C&D debris landfill. Facilities and landfills will be determined based on proximity to site-specific properties.</p> <p><i>Acquisition</i> Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolish sites for redevelopment will generate C&D debris. This debris will be managed as discussed above for the Buyout program and will include implementation of the Solid Waste Conditions for Approval as stated in the project description. Facilities and landfills will be determined based on proximity to the different areas and capacities.</p> <p>Source: 4</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|--|
| Waste Water | 3 | <p>The Rockland County Sewer District #1 assures the proper construction of sewage disposal facilities, administers state health and local environmental laws, and coordinates reviews with other agencies. Wastewater management in the county is accomplished through a combination of sewers and treatment plants operated by the County, sewage districts, municipalities, and private entities. On-site septic systems are common as well.</p> <p>Buyout The Buyout program will not generate wastewater because no new construction will take place, and demolition of residential homes and conversion to open space does not generate a substantial amount of waste water, so the Buyout program will not result in a significant demand on Rockland County’s sewage treatment plants or the other independent treatment facilities operating in the county.</p> <p>Acquisition Demolition and efforts to temporarily secure the structure or the property against future storm events will not result in any wastewater impacts as they would not result in generating additional wastewater. BMPs will be implemented during demolition to avoid impacts from the decommissioning and/or removal and disconnection of septic systems and sewage facilities.</p> <p>Source: 13, 16</p> |

| Community Facilities and Services | Code | Source of Documentation |
|-----------------------------------|------|---|
| Storm Water | 3 | <p>Storm water, storm water runoff, and water quality are managed through multiple Rockland County programs primarily through the Department of Environmental Services.</p> <p>Buyout All Buyout sites will be evaluated for the need to comply with storm water permitting requirements, including NYSDEC general permits or local MS4 permits. If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.</p> <p>Removing existing residential buildings and converting the land to open space will decrease the amount of runoff going into the local storm water system. Creating open space and replacing existing impervious surfaces, such as building foundations and associated impervious surfaces such as driveways and patios, will enable rainwater to percolate into the ground at a faster rate, thereby reducing the amount of storm water runoff into the local storm water corridor system, and likely increasing storm water runoff into the groundwater recharge basins. Demands on the local storm water corridor system will decrease due to an increase in percolation in the Buyout areas, but increase on the groundwater system. Any potential increase in storm water run-off to the ground water system is not expected to exceed capacity of this infrastructure.</p> <p>Acquisition Demolition and efforts to temporarily secure the structure or the property against future storm events will not result in any storm water impacts. All Acquisition sites will be evaluated for the need to comply with storm water permitting requirements such as NYSDEC general permits or local MS4 permits. If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.</p> <p>Source: 13, 16, 17</p> |
| Water Supply | 1 | <p>In Rockland County, the community water is provided by United Water of New York, small water companies, and onsite private wells. Each supplier serves a geographical area and independently operates their respective supply system.</p> <p>Buyout Under the Buyout program, no additional demands will be placed on the Rockland County water supply as no new residences are being built. Demand may decline if residents choose to relocate outside the county. Adjustments and consolidation of water delivery systems and utilities may be needed to maintain services to residents not involved with the Buyout.</p> <p>Acquisition Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolish sites for redevelopment will not result in any increase in water demand.</p> <p>Source: 13, 16, 17</p> |

| Community Facilities and Services | Code | Source of Documentation |
|---|-------------|---|
| <p>Public Safety</p> <p>Police</p> | <p>3</p> | <p>Police services are provided by Rockland County, as well as local police departments.</p> <p><i>Buyout</i></p> <p>The Buyout program will not result in additional housing units and will not increase the demand on the police services in Rockland County. Through the proposed incentive program, many families displaced by recent storm events may be able to return to their local neighborhoods in Rockland County. If relocation in the same neighborhood does not occur, some police departments in Rockland County may see a slight increase in demand from displaced families. If this increase is realized, it will not be significant as residents will likely be spread throughout Rockland County. Police services in the affected areas may decrease as the population is reduced. But the overall population in Rockland County is not expected to change, so there will be no substantial increase in demand for services from local police precincts as new residences are not being added and existing residents will likely remain in the county. Debris from demolition activities will be managed to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary. Creating open space will benefit the area by creating a protective buffer from future flooding hazards.</p> <p><i>Acquisition</i></p> <p>Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolish sites for redevelopment will have no direct effects on police services. Any relocation due to Acquisition will have the same minor impacts as discussed for the Buyout program above.</p> <p>Source: 14</p> |

| Community Facilities and Services | Code | Source of Documentation |
|-----------------------------------|------|---|
| Fire | 3 | <p>Fire protection and response is provided by municipal and volunteer fire departments throughout the county. The Rockland County Office of Fire & Emergency Services provides technical response assistance and emergency management coordination to the fire and emergency medical services (EMS) agencies within the county.</p> <p>Buyout</p> <p>The Buyout program will not result in additional housing units and will not increase the demand on the fire departments in Rockland County. Through the proposed incentive program, many families displaced by Recent storm events may be able to return to their local neighborhoods in Rockland County. If relocation in the same neighborhood does not occur, some fire departments in Rockland County may see a slight increase in demand from displaced families. If this increase is realized, it will not be substantial as residents will likely spread throughout the county. Service demands of some fire departments in the affected areas may decrease as the population is reduced. The overall population in Rockland County is not expected to change, so there will be no significant adverse effects on local fire departments as new residences are not being added, and existing residents will likely remain in the county. Debris from demolition activities will be managed as to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary. Creating open space will benefit the area by reducing the amount of derelict properties, which pose potential fire hazards.</p> <p>Acquisition</p> <p>Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolition for redevelopment will have no direct effects on fire services. Any relocation due to Acquisition will have the same minor impacts as discussed for the Buyout program above.</p> <p>Source: 15</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|--|
| Emergency Medical Services | 3 | <p>The Rockland County EMS, which is a division of the Rockland County Department of Health, provides technical response assistance and emergency management coordination for emergency medical services within the county.</p> <p><i>Buyout</i> The Buyout program will not result in additional housing units and will not increase the demand on the local emergency medical departments. Through the proposed incentive program, many families displaced by recent storm events may be able to return to their local neighborhoods in Rockland County. If relocation in the same neighborhood does not occur, some emergency medical departments in Rockland County may see a slight increase in demand from displaced families. If this increase is realized, it will not be substantial. Demands on emergency medical services in the affected areas may decrease as the population is reduced, The overall population in Rockland County is not expected to change, so there will be no significant adverse effects on local emergency medical departments as new residences are not being added, and existing residents will likely remain in the county. Debris from demolition activities will be managed to not impede response time in local neighborhoods. It is possible debris or trucks may temporarily block access, though this will be minor and temporary.</p> <p><i>Acquisition</i> Efforts to secure the property, increase the short-term resiliency of the structure or property against future storm events, or demolish sites for redevelopment will not significantly affect EMS. Any relocation due to Acquisition will have the same minor impacts as discussed for the Buyout properties above.</p> <p>Source: 15</p> |

| Community Facilities and Services | Code | Source of Documentation |
|---|-------------|---|
| <p>Open Space and Recreation</p> <p>Open Space</p> | 2 | <p>Open space areas are widely distributed throughout Rockland County and include parklands, wetlands, and tidal environments. The most current plan with policy recommendations for Rockland County is the Rockland County Comprehensive Plan prepared in March 2011. That plan discussed the need for preserving open spaces in the county.</p> <p>Buyout</p> <p>The Buyout program will significantly increase the amount of open space in the affected area. Under this program, residential buildings will be purchased and demolished, and open space with native vegetation will be created and remain in perpetuity. This open space will act as a buffer against future flood hazards, potentially reduce the impact of future storms, and provide additional land for public uses such as recreation or community gatherings.</p> <p>Acquisition</p> <p>Under this program, residential buildings will be purchased, demolished, and redeveloped in a consistent manner. Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will have no effect on open space.</p> <p>Source: 13, 16, 17</p> |
| Recreation | 1 | <p>Rockland County contains a wide variety of both developed and undeveloped recreation areas. Many of these areas are located near or adjacent to coastal open space, tidal wetlands, and parklands. Recreational opportunities vary by location but include fishing, hiking, canoeing, and hunting.</p> <p>Buyout</p> <p>The Buyout program will reduce the population of local neighborhoods impacted by recent storm events but increase the amount of land potentially used for recreation. This will not result in any new significant demand on recreational facilities in the county.</p> <p>Acquisition</p> <p>Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will have no effect on recreation.</p> <p>Source: 13, 16, 17</p> |
| Cultural Facilities | 1 | <p>Buyout</p> <p>The Buyout program will not result in an increase in demand on cultural facilities, as there will be no increase in population.</p> <p>Acquisition</p> <p>Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will not create any additional demand for, nor affect cultural facilities.</p> <p>Source: 13, 16, 17</p> |

| Community Facilities and Services | Code | Source of Documentation |
|--|-------------|---|
| Transportation | 3 | <p><i>Buyout</i> The Buyout program will likely generate an increase in vehicular traffic during the demolition. This impact will be temporary and end when all demolition, debris removal and conversion to open space is complete. Any disruption to transportation will be managed through Intelligent Transportation Systems implemented by the relevant municipality.</p> <p>Vehicular traffic will likely decrease in the areas impacted by recent storm events in the long-term due to a decrease in the local population. Through the proposed incentive program, residents displaced by recent storm events may be able to remain in the local neighborhood in Rockland County. If relocation in the same neighborhood does not occur, vehicular traffic in other areas in Rockland County may see a slight increase from displaced families. If this increase is realized, it will not be substantial.</p> <p><i>Acquisition</i> Efforts to demolish sites for redevelopment, secure the property, or increase the short-term resiliency of the structure or property against future storm events will not significantly affect transportation and could involve short-term increase in vehicular traffic as discussed above for the Buyout program.</p> <p>Source: 13, 16, 17</p> |

| Natural Features | Code | Source of Documentation |
|------------------|------|---|
| Water Resources | 4 | <p>All of Rockland County is located over the Ramapo sole source aquifer (see Appendix D, Sole Source Aquifers). Most of Rockland County is connected to municipal water supplies; however, some areas have private wells and are not connected to community systems.</p> <p>Because these programs will occur on lands already containing residences, water supplies are already established. Hazardous materials, especially stored liquids such as fuels and pesticides in existing buildings and on or adjacent to program properties could be released during demolition and transported to groundwater through percolation. Potential hazardous materials and wastes will be assessed and remediated and all applicable federal, state, and local laws and regulations complied with, as described in the Hazardous Materials Conditions for Approval. These procedures will minimize the potential for contamination of groundwater from building demolition and site restoration. Tier 2 mitigation plans will be developed, as necessary, to minimize impacts on groundwater as the locations of participating properties are determined. No site-altering activities will occur until mitigation plans are implemented.</p> <p>After demolition, removal, and land restoration, there will be beneficial long-term effects on water resources from the removal of impervious surfaces, adding to recharge and filtering, and removal of potential sources of pollution from vehicles, solvents, and nitrite pollution from sewage and septic systems. There will also be slight reduction in localized pumping and overall demand, perhaps reducing the rate of seawater infiltration.</p> <p>Source: 19, 36</p> |

| Natural Features | Code | Source of Documentation |
|------------------|------|---|
| Surface Water | 4 | <p>Rockland County has abundant fresh surface water resources. Within the county, there are 14 county-regulated streams and rivers and numerous lakes and ponds. Rockland County's water supply comes entirely from sources within the county's borders. There are no Wild and Scenic Rivers within Rockland County, as designated by the U.S. Department of the Interior. There are also no Wild, Scenic, or Recreational Rivers as designated by the NYSDEC within Rockland County.</p> <p>All sites will be evaluated for the presence of wetlands during Tier 2, and if project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990. These include the permits under Sections 401 and 404 of the Clean Water Act, and any applicable local or state permits.</p> <p>The Wetlands and Water Quality and the Soil Erosion Conditions for Approval will be implemented during soil disturbances associated with demolition and land restoration. These measures will minimize erosion and deposition of sediment and eroded soil in on-site and off-site wetlands and waters.</p> <p>Buyout Buyouts will be limited to the footprint of the affected properties. They are generally not expected to include surface water bodies but could be adjacent to water. Earthwork associated with demolition, backfill, and grading have the potential for short-term adverse impacts on surface waters from erosion, sedimentation, and hazardous materials.</p> <p>Buyouts will result in a decrease in impervious surfaces where implemented, thus reducing the quantity of runoff. In some instances, establishing coastal buffer zones will allow surface waters to flood in a more natural way onto pervious, vegetated lands.</p> <p>Acquisition Demolition activities under the Acquisition for Redevelopment Program will be limited to the footprint of the affected properties. They are generally not expected to include surface water bodies but could be adjacent to water. Earthwork associated with demolition, backfill, and grading have the potential for short-term adverse impacts on surface waters from erosion, sedimentation, and hazardous materials. Mitigation measures will be utilized.</p> <p>Source: 11, 12, 24, 30, 31, 37, 38</p> |

| Natural Features | Code | Source of Documentation |
|--|------|--|
| Unique Natural Features and Agricultural Lands | 1 | <p>The NYSDEC indicates Upper Grandview and Environs, and the Palisades Slope Area, Sparkill Creek Area, and Pier Area as the only designated Critical Environmental Areas (CEAs) within Rockland County. One NYSDEC-designated Unique Geologic Feature, Bear Mountain Chattermarks, is located within the county.</p> <p>The USDA NRCS provides map information regarding soil types that are considered Prime Farmland and Farmland of Statewide Importance. According the NRCS soils data, there are no soil types within Rockland County that are defined as Prime Farmland or Farmland of Statewide Importance. As such, adverse effects to agricultural resources are not anticipated. There are no agricultural districts in Rockland County.</p> <p>Buyout None of the Buyout properties are expected to be identified as farmlands. If the Buyout program does occur on agricultural land, the demolition and site restoration activities will not result in agricultural land use conversion. The Program will have no effect on CEAs or Unique Natural Features.</p> <p>Acquisition None of the Acquisition properties are expected to be identified as farmlands. If the Acquisition program does occur on agricultural land, the demolition and site restoration activities will not result in agricultural land use conversion. Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will have no effect on CEAs, Unique Natural Features, or agricultural lands.</p> <p>Source: 3, 7, 8, 9, 25, 31, 34, 40</p> |

| | | |
|-------------------------|---|---|
| Vegetation and Wildlife | 4 | <p>Information has been requested from the NYSDEC New York Natural Heritage Program (Appendix M), the USFWS (Appendix N), and NMFS (Appendix O). Consultation with these agencies has been initiated for the program, and written responses have been received.</p> <p>Section 7 of the ESA requires the Action Agency (HCR) to make a determination of effect on any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the Action Agency. HCR is acting as HUD's designated representative for this program. The determination of effect and USFWS consultation will be carried out as described in the Vegetation and Wildlife Conditions for Approval.</p> <p>In accordance with the August 7, 2013 and September 25, 2013 letters from USFWS, each site will be reviewed under Tier 2 to determine the level of adverse effect in accordance with USFWS Seven-Step Project Review Process and/or other compliance review tools as directed by USFWS. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.</p> <p>There are two federally listed species that are known to occur in Rockland County. Locations and habitats of these species are described in Appendix N, USFWS Consultation Letters. No program sites are anticipated to include habitat for these species in their project footprint; however, further Tier 2 review will be conducted as necessary.</p> <p>HCR will comply with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act as described in the Vegetation and Wildlife Conditions of Approval. According to the NYSDEC and USFWS, there are no National Wildlife Refuges found within Rockland County. (See Appendix P, USFWS Natural Resources of Concern).</p> <p>Buyout The NY Rising Buyout and Acquisition Program will result in an increase of the total area of vegetated lands in Rockland County and increase the total area of wildlife habitat. The magnitude of beneficial ecological effects from the program will be commensurate with the total area of lands in the program that, after demolition and site restoration, could provide habitat for wildlife. Potential adverse effects from implementing the program include the proliferation of weeds from disturbed soils and a potential increase in nuisance wildlife, such as raccoons and skunks, from creating additional habitat in urban settings. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site-specific level.</p> <p>Acquisition Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will have limited effects on vegetation and wildlife. No program sites are anticipated to include habitat for federally listed species in their disturbance footprint. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site-specific level.</p> <p>Source: 5, 6, 8, 9, 25, 26</p> |
|-------------------------|---|---|

Exhibit 2:
Environmental Assessment Worksheet

Environmental Assessment Worksheet

Program Name and Description:

Program Name: Hurricane Sandy Disaster Recovery Program – CDBG-DR

Location: Scattered Sites, Rockland County, New York

Activities included in the project: Funding to rebuild businesses in Rockland County damaged during Hurricane Sandy, and to protect businesses from future storm damage.

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

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B) | Compliance Documentation |
|--|--------------------------------------|--|
| Flood Disaster Protection Act [Flood Insurance; §58.6(a)] | A | The program is located within the SFHA based on a review of the FEMA FIRMs, for Rockland County, New York (see Appendix E). All sites will be reviewed for their location within the floodplain and if they are in the SFHA, the applicant will be required to purchase and maintain flood insurance. Compliance requirements will be determined in a Tier 2 environmental review. Source: 22 |
| Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)] | B | There are no sites in Rockland County located within the CBRA, and no HUD funding will be used in a CBRA. Source: 12, 24, 31 |

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B) | Compliance Documentation |
|--|--------------------------------------|--|
| Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)] | B | <p><i>Buyout</i> Under the Buyout program, the properties would have no occupants; therefore, §58.6(d) is not applicable.</p> <p><i>Acquisition</i> No known civil airports are located within 2,500 feet and no known military airports are located within 15,000 feet of the program area; therefore, §58.6(d) is not applicable.</p> <p>Source: 1, 2</p> |
| Wetland Protection [Executive Order 11990] | A | <p>All sites will be evaluated for the presence of wetlands in accordance with NYSDEC and the USFWS NWI maps, and, if necessary, an on-site wetlands inspection and delineation will occur (See Appendix G: Wetlands Maps and/or USFWS website). If project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990. If Executive Order 11990 is triggered, the eight-step decision making process under 24 CFR Part 55.20 modified for wetlands will be completed.</p> <p>Compliance requirements will be determined in a Tier 2 environmental review.</p> |
| Coastal Zone Management [Coastal Zone Management Act, 1972] | B | <p>This program has been reviewed by NYS Department of State (NYSDOS), which made a “general concurrence determination” based on the fact the program involves Buyout, Acquisition, demolition, and construction of 1-2 unit homes. (See Appendix H: NYSDOS Coastal Consistency Consultation).</p> |
| Historic Preservation [36 CFR Part 800] | A | <p>Program sites may contain historic properties or be located adjacent to historic properties. A Programmatic Agreement (See Appendix I) with the SHPO has been executed, and all properties will be reviewed under Section 106 of the National Historic Preservation Act for compliance with the Programmatic Agreement and forwarded to NYS OPRHP for further review as required by the Programmatic Agreement. If the primary reviewer is not able to determine compliance from a project based on the Programmatic Agreement (See Appendix I), the project will be sent for further review to OPRHP and all recommendations made by OPRHP will be incorporated into the project design. Each site will be reviewed for compliance with the Programmatic Agreement in a Tier 2 environmental review.</p> |

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B) | Compliance Documentation |
|--|--------------------------------------|--|
| Floodplain Management [Executive Order 11988; 24 CFR Part 55] | A | <p>Buyout Program sites are located within a 100-year floodplain, and although the program activities are exempt from the eight-step decision making process under 24 CFR Part 55.21(c)(3), the Buyout program has been reviewed in accordance with 24 CFR Part 55.20 and will be reviewed to ensure compliance with the floodplain management plan (See Appendix F: Floodplain Management Plan and Public Notices). Compliance requirements will be determined in a Tier 2 environmental review.</p> <p>Acquisition Program sites are in a 100-year or 500-year floodplain, and the Acquisition for redevelopment program has been reviewed in accordance with 24 CFR Part 55.20 and will be reviewed to ensure compliance with the floodplain management plan. (See Appendix F: Floodplain Management Plan and Public Notices). Compliance requirements will be determined in a Tier 2 environmental review.</p> |
| Sole Source Aquifers [40 CFR Part 149] | B | <p>The entirety of Rockland County is designated as a sole source aquifer (see Appendix D, Sole Source Aquifers). The proposed program will occur in areas where water services have already been established and is expected to have no effect on sole source aquifers.</p> <p>A memorandum of understanding (MOU) between HUD and the EPA lists the activities that would not create a significant hazard to public health including “projects identified as exempt in 24 CFR 58.34 ‘Exempt Activities.’”</p> <p>58 CFR Part 58.34 (a) (10) covers “assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration.”</p> |

| | | |
|--|----------|--|
| <p>Endangered Species Act [50 CFR Part 402]</p> | <p>A</p> | <p>Information has been requested from the NYSDEC New York Natural Heritage Program (Appendix M), the USFWS (Appendix N), and NMFS (Appendix O). Consultation with these agencies has been initiated for the program, and written responses have been received.</p> <p>Section 7 of the U.S. ESA requires the Action Agency (HCR) to make a determination of effect on any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the Action Agency. HCR is acting as HUD's designated representative for this program. The determination of effect and USFWS consultation will be carried out as described in the Vegetation and Wildlife Conditions for Approval. In accordance with the August 7, 2013 and September 25, 2013 letters from USFWS, each site will be reviewed under Tier 2 to determine the level of adverse effect in accordance with USFWS Seven-Step Project Review Process and/or other compliance review tools as directed by USFWS. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.</p> <p>There are two federally listed species that are known to occur in Rockland County. Locations and habitats of these species are described in Appendix N, USFWS Consultation Letters. No program sites are anticipated to include habitat for these species in their project footprint; however, further Tier 2 review will be conducted as necessary.</p> <p>HCR will comply with the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act as described in the Vegetation and Wildlife Conditions of Approval.</p> <p>According to the NYSDEC and USFWS, there are no National Wildlife Refuges found within Rockland County. (See Appendix P, USFWS Natural Resources of Concern).</p> <p>Buyout The NY Rising Buyout and Acquisition Program will result in an increase of the total area of vegetated lands and the total area of wildlife habitat in Rockland County. The magnitude of beneficial ecological effects from the program will be commensurate with the total area of lands in the program that, after demolition and site restoration, could provide habitat for wildlife. Potential adverse effects from implementing the program include the proliferation of weeds from disturbed soils and a potential increase in nuisance wildlife, such as raccoons and skunks, from creating additional habitat in urban settings. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site-specific level.</p> <p>Acquisition Demolition, redevelopment, and efforts to temporarily secure the structure or the property against future storm events will have limited effects on vegetation and wildlife. No program sites are anticipated to include habitat for federally listed species in their disturbance footprint. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site-specific level.</p> |
|--|----------|--|

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B) | Compliance Documentation |
|--|--------------------------------------|---|
| Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)] | B | <p>There are no Wild and Scenic Rivers within Rockland County, as designated by the U.S. Department of the Interior and NYSDEC. Ramapo River is Designated by NYSDEC as a recreational river within Rockland County.</p> <p>The proposed program will be confined to existing residential lots, and will not disturb the bed or banks of rivers. Implementation of best management practices for erosion and sediment control and management of hazardous substances will prevent introduction of sediment and contaminants into the rivers.</p> |
| Clean Air Act [40 CFR Parts 6, 51, 93] | B | <p>Program activities will be completed on existing residential developed sites and structures, and would not substantively affect the NY SIP due to the implementation of standard BMPs that control dust and other emissions during construction. Air quality impacts will be short-term and localized. No significant impacts on air quality will result and further assessment is not required. The program will comply with the SIP, and further assessment is not required. The program will include implementation of the Air Quality Conditions for Approval as stated in the project description (See Appendix C: NYSDEC Air Quality Consultation).</p> |
| Farmland Policy Act [7 CFR Part 658] | B | <p>The program will not convert farmland to nonagricultural purposes and, therefore, will not invoke the Farmland Policy Protection Act. Further assessment is not required (See Appendix J: Farmland Protection Checklist).</p> |
| Environmental Justice [Executive Order 12898] | B | <p>The program is not expected to result in environmental justice impacts, as it is intended to relocate as many homeowners as possible out of high flood risk areas regardless of origin, race, age, etc. Homes and applications in Environmental Justice (EJ) Areas will be treated the same as homes and applications in non-EJ areas and will have equal opportunity (See Appendix K: Potential Environmental Justice Areas Map).</p> |
| Noise Abatement and Control [24 CFR Part 51, Subpart B] | B | <p>Demolition and redevelopment activities could cause temporary increases in noise levels. Temporary increases in noise levels will be mitigated with implementation of the Noise Conditions for Approval as stated in the project description. HUD has determined that its Part 51 noise regulations are not applicable to a disaster recovery program which meets the definition of 24 CFR Part 51.101(a)(3) for emergency assistance under disaster provisions or appropriations provided to save lives, protect property, protect public health and safety, and remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster (See Appendix L: HUD Noise Abatement and Explosive Operations Email.).</p> |

| Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6 | Status Determination (A or B) | Compliance Documentation |
|--|--------------------------------------|---|
| Explosive and Flammable Operations [24 CFR Part 51 C] | B | <p><i>Buyout</i> Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. The environmental review for housing Buyout has determined that program activities will not increase the number of dwelling units, and is not required to apply 24 CFR Part 51 Subpart C (See Appendix L: HUD Abatement and Explosive Operations Email).</p> <p><i>Acquisition</i> The requirements of 24 CFR Part 51.201 will not apply to program sites that are redeveloped at the same or less density as the current use. If there are redevelopment sites that will increase the population density, then a separate environmental review will be completed to assure compliance in accordance with the HUD Acceptable Separation Distance Guidebook prior to any redevelopment activities.</p> |

| | | |
|---|----------|--|
| <p>Toxic Chemicals and Radioactive Materials [24 CFR Part 58, Sec 5(i)(2)]</p> | <p>A</p> | <p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property; however, there will be no future occupancy for the Buyout properties.</p> <p>A Phase I Environmental Site Assessment will be prepared by a QEP for each property to determine the presence or absence of recognized environmental conditions. Based on the findings of the Phase I Environmental Site Assessment, additional investigation work will be conducted where required. If required, the site will be remediated in accordance with all applicable city, state, and federal regulations. Any remediation will be appropriately scheduled and coordinated with any demolition and/or redevelopment activities.</p> <p>All solid waste materials will be managed and transported in accordance with the state’s solid and hazardous waste rules. Structures to be redeveloped or demolished may include lead-based paint and asbestos-containing materials; program activities will conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (12 NYCRR Part 56); the National Emission Standard for Asbestos—Standard for demolition and renovation (40 CFR Part 61.145); and National Emission Standard for Asbestos—Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150); EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” The Guidelines complement regulations that have been issued by HUD, the EPA, and OSHA, and policies from the CDC. In general, these regulations apply to housing constructed prior to 1978.</p> <p>Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. Some situations will require extra precautions to limit the distribution of airborne mold spores during demolition.</p> <p>According to the EPA, Rockland County is located in Radon Zone 3. Zone 3 counties have a predicted average indoor radon screening level less than 2 pCi/L. Radon mitigation will not be necessary for program sites in Rockland County as the properties will be demolished.</p> <p>Compliance requirements will be determined in a Tier 2 environmental review. This review will include site-specific assessments to identify any toxic or radioactive substances on, adjacent to, or near the subject properties.</p> |
| <p>Airport Clear Zones and Accident Potential Zones [24 CFR Part 51 D]</p> | <p>B</p> | <p>No known civil airports are located within 2,500 feet and no known military airports are located within 15,000 feet of the program area.</p> |

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

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

PREPARER SIGNATURE:



PREPARER NAME:

James Rose, Tetra Tech, Inc.

DATE:

8 November 2013

PREPARER SIGNATURE:



PREPARER NAME:

Revised by: Jonathan Lipinski, ProSource Technologies, LLC

DATE:

Revised on: 19 February 2014

PREPARER SIGNATURE:



PREPARER NAME:

Revised by: Rebecca A. Steffen, ProSource Technologies, LLC

DATE:

Revised on: 19 February 2014

Exhibit 3:

Buyout Site-Specific Checklist

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development Appropriation Act, 2013

The Community Development Block Grant Program Disaster Recovery Program –
Housing Assistance Programs – Rockland County Buyout Program

Parcel ID#:

Property address:

Building construction date:

Description of project work: Following purchase of a property, the land would remain a coastal buffer zone in perpetuity. Structures on the properties would be removed, the land would be backfilled and graded, and the soil would be revegetated using locally appropriate, native plant species.

Will any ground disturbance be conducted?

SEQRA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the SEQR Negative Declaration for Type I Actions (6NYCRR Section 617.4) dated: _____.

NEPA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the Tier 1 and FONSI dated: _____.

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

Finding of Tier 2 Review:

The proposed activity complies with environmental requirements for funding. The closeout items must be completed. The closeout items are listed at the end of this document.

The proposed activity does not comply with environmental requirements for funding for the following reasons; i.e permanent impact to wetland or inconsistency with the coastal program.

A finding cannot be made without (describe missing or needed information or documentation).

TIER 2 SITE SPECIFIC CHECKLIST
Page 2 of 5

Parcel ID#:

Project Address:

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

Check "A" if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check "B" if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|---|---|---|---|
| Procedures to comply with Related Laws at 24 CFR 58.6 | | | |
| Flood Disaster Protection Act of 1973 | | X | The property is located in a Special Flood Hazard area. However, the buildings are scheduled to be demolished and the area will be green space. No flood insurance is required. |
| Coastal Barrier Resources Act | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Runway Clear Zones (development) | | X | Not applicable. Under this program, the property will have no occupants. |
| Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements | | | |
| Historic Properties | | | |
| Floodplain Management | | X | Buyout actions to take place under the NY Rising Buyout and Acquisition Program fall within the exemption found at 24 CFR Part 55.12(c)(3); however, the 8-Step Process in 24 CFR Part 55.20 was completed under the Rockland County Floodplain Management Plan. A notice for final public review was published on October 2, 2013. |
| Wetland Protection | | | |
| Coastal Zone Management | | X | This program has been reviewed by the New York Department of State (NYS DOS), which made a "general concurrence determination" based on the fact that the program involves buyout and acquisition. |
| Sole Source Aquifers | | X | The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers. |

TIER 2 SITE SPECIFIC CHECKLIST
Page 3 of 5

Parcel ID#:

Project Address:

| | | | |
|-----------------------------|---|---|---|
| Endangered Species | | | |
| Wild and Scenic Rivers | | X | Not applicable. The property is not located along a wild and scenic river as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result and further assessment is not required. |
| Air Quality | | X | The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required. |
| Farmlands Protection | | X | The program will not convert farmland to nonagricultural purposes and, therefore, would not violate the Farmland Policy Protection Act. |
| Noise Abatement and Control | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Thermal/ Explosive Hazards | | X | Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to buyout or acquire properties for deconstruction of housing that existed prior to the disaster where the number of dwelling units is decreased, is not required to apply 24 CFR Part 51 Subpart C. |
| HUD Environmental Standards | | | |
| Environmental Justice | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Asbestos & Lead-Based Paint | X | | An asbestos survey will be performed by qualified professionals prior to any disturbance of suspected materials. Structures to be reconstructed or 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), 40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants, Subpart A – General Provisions and Subpart M National Emissions Standards for Asbestos, the Asbestos Hazard Emergency Response Act (AHERA), the Asbestos School Hazard Abatement Reauthorization Act (ASHARA) along with the requirements of OSHA 29 CFR 1910.134, 29 CFR 1910.1101 and the Worker Protection Rule 40 CFR Part 763 Subpart G. |
| Radon | | X | Not applicable. Under this program, the property will have no occupants. |

TIER 2 SITE SPECIFIC CHECKLIST
Page 4 of 5

Parcel ID#:

Project Address:

ADDITIONAL SEQRA REVIEW

Check "A" if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check "B" if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|--|----------|----------|---|
| National Natural Landmark | | | |
| Significant Wildlife Habitat | | | |
| Unique or Unusual Landforms | | | |
| Aesthetic Resources, Open Space and Recreation | | | |
| State Protected Waterbody | | | |
| Critical Environmental Areas | | | |
| Historic Properties | | | |
| Agricultural and Markets Law | | | |

TIER 2 SITE SPECIFIC CHECKLIST
Page 5 of 5

Parcel ID#:

Project Address:

TO BE FILLED OUT BY PERSON WHO PREPARED DOCUMENT:

Prepared by:

Signature

Date:

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

This Site Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

Attachments:
Reference Maps

Closeout items required and date received:

| Closeout Item | Date Received |
|----------------------|----------------------|
| | |

Exhibit 4:

Acquisition Site-Specific Checklist

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development Appropriation Act, 2013

The Community Development Block Grant Program Disaster Recovery Program –
Housing Assistance Programs – Rockland County Acquisition Program

Parcel ID#:

Property address:

Building construction date:

Description of project work: Acquisition. Property to be secured. Future reuse not yet determined and will be the subject of additional environmental review once determination is made.

Will any ground disturbance be conducted?

SEQRA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the SEQR Negative Declaration for Type I Actions (6NYCRR Section 617.4) dated: _____.

NEPA CLASSIFICATION

It is the finding of NYSHCR that the activity(ies) proposed in this NYS CDBG-DR project falls within the scope of the Tier 1 and FONSI dated: _____.

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

Finding of Tier 2 Review:

- The proposed activity complies with environmental requirements for funding. The closeout items must be completed. The closeout items are listed at the end of this document.
- The proposed activity does not comply with environmental requirements for funding for the following reasons; i.e permanent impact to wetland or inconsistency with the coastal program
- A finding cannot be made without (describe missing or needed information or documentation).

TIER 2 SITE SPECIFIC CHECKLIST
Page 2 of 5

Parcel ID#:

Project Address:

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

Check "A" if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check "B" if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|---|---|---|--|
| Procedures to comply with Related Laws at 24 CFR 58.6 | | | |
| Flood Disaster Protection Act of 1973 | | | |
| Coastal Barrier Resources Act | | X | Not applicable. The property is not located within a designated Coastal Barrier Resources System. |
| Runway Clear Zones (development) | | X | Not applicable. Under this program, the property will have no occupants. If the status of the properties changes, an additional review will be completed at that time. |
| Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements | | | |
| Historic Properties | | | |
| Floodplain Management | | | |
| Wetland Protection | | | |
| Coastal Zone Management | | X | This program has been reviewed by the New York Department of State (NYS DOS), which made a "general concurrence determination" based on the fact that the program involves buyout and acquisition. |
| Sole Source Aquifers | | X | The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers. |
| Endangered Species | | | |

TIER 2 SITE SPECIFIC CHECKLIST
Page 3 of 5

Parcel ID#:

Project Address:

| | | | |
|-----------------------------|--|---|--|
| Wild and Scenic Rivers | | X | Not applicable. The property is not located along a wild and scenic river as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result and further assessment is not required. |
| Air Quality | | X | The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required. |
| Farmlands Protection | | X | The program will not convert farmland to nonagricultural purposes and, therefore, would not violate the Farmland Policy Protection Act. |
| Noise Abatement and Control | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Thermal/ Explosive Hazards | | X | Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to buyout or acquire properties for deconstruction of housing that existed prior to the disaster where the number of dwelling units is decreased, is not required to apply 24 CFR Part 51 Subpart C. |
| HUD Environmental Standards | | | |
| Environmental Justice | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Asbestos & Lead-Based Paint | | | |
| Radon | | X | The house is not located in a Radon Zone 1 or 2 county, according to the EPA Map of Radon Zones for NYS. No additional steps are required for radon mitigation. |

TIER 2 SITE SPECIFIC CHECKLIST
Page 4 of 5

Parcel ID#:

Project Address:

ADDITIONAL SEQRA REVIEW

Check "A" if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check "B" if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|--|---|---|---|
| National Natural Landmark | | | |
| Significant Wildlife Habitat | | | |
| Unique or Unusual Landforms | | | |
| Aesthetic Resources, Open Space and Recreation | | | |
| State Protected Waterbody | | | |
| Critical Environmental Areas | | | |
| Historic Properties | | | |
| Agricultural and Markets Law | | | |

TIER 2 SITE SPECIFIC CHECKLIST
Page 5 of 5

Parcel ID#:

Project Address:

TO BE FILLED OUT BY PERSON WHO PREPARED DOCUMENT:

Prepared by:

Signature

Date:

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

This Site Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

Attachments:
Reference Maps

Closeout items required and date received:

| Closeout Item | Date Received |
|----------------------|----------------------|
| | |

Exhibit 5:
Site-Specific Checklist Template

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development Appropriation Act, 2013

Community Development Block Grant Program Disaster Recovery Program –
NY Rising Buyout and Acquisition Program in Rockland County, NY

Parcel#:
Property address:
Building construction date:
Description of project work:
Will any ground disturbance be conducted?

SEQRA CLASSIFICATION

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

Check the applicable classification:

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

NEPA CLASSIFICATION
(from Attachment A)

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

Check the applicable classification.

- Categorically Excluded as defined in 24 CFR 58.35(a).
- Other - not categorically excluded (24 CFR 58.35(a) and (b)) An Environmental Assessment Checklist was completed at the Tier 1 level.
- Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

TIER 2 SITE SPECIFIC CHECKLIST
Page 2 of 11

Parcel#:

Project Address:

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

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|--|---|---|---|
| Procedures to comply with Related Laws at 24 CFR 58.6 | | | |
| Flood Disaster Protection Act of 1973 | | | <p><i>Is the property located in a Special Flood Hazard Area (SFHA)?</i></p> <p><i>a. No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located in a Special Flood Hazard Area.</p> <p><i>b. Yes – Create map to document. Will the site be a buyout or acquisition?</i></p> <p><i>If buyout, put an X in column B. Add text:</i> The property is located in a Special Flood Hazard area. However, the buildings are scheduled to be demolished and the area will be a greenspace. No flood insurance is required.</p> <p><i>c. If acquisition, put an X in Column A. Add text:</i> The property is located in a Special Flood Hazard Area, and proof of insurance is required.</p> |
| Coastal Barrier Resources Act | | | <p><i>Is the property located within 150 feet of a Coastal Barrier Resources System?</i></p> <p><i>a. No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located within 150 feet of a designated Coastal Barrier Resources System.</p> <p><i>Yes – create map to document. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Runway Clear Zones (development) | | | <p><i>Is the property located within 2500 feet of a civil airport runway?</i></p> <p><i>a. No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not located within 2500 feet of a Runway Clear Zone.</p> <p><i>b. Yes – create map to document. Mark column A. Add text:</i> If redevelopment of this parcel will increase population density, notification, including written documentation of the notification, must be given to the purchaser that the property is within a Runway Clear Zone.</p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 3 of 11

Parcel#:

Project Address:

| Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements | | |
|---|---|---|
| Historic Properties | | <p>1) <i>Are the project activities covered by the Tier 1 Allowances in the Programmatic Agreement? (in particular, are those activities limited to repair and retrofit* of a building less than 45 years old?)</i></p> <p>a) <i>Yes – review concluded. Put an X in Column B and add text:</i> In accordance with the Programmatic Agreement, the house was constructed in [year] and is less than 45 years old and does not need to be reviewed for eligibility for the National Register.</p> <p>b) <i>No – Go to Step 2.</i></p> <p>2) <i>An architectural historian will be reviewing all houses and their attached structures that are 45 years and older. The historian will make a recommendation on whether the house is eligible for the National Register and you will be provided with the report.</i></p> <p>a) <i>If the historian determines it is not eligible for the National Register, then put an X in Column B and add text:</i> Based on a Section 106 project review in accordance with the Programmatic Agreement, the house and its attached structures are not eligible for the National Register.</p> <p>b) <i>If the historian determines it is eligible for the National Register and the activities meet the Tier 2 allowances, then review concluded. Put an X in Column B and add text:</i> The project complies with Tier II Allowance(s) according to allowance letter # _____ [insert allowance letter number]. [Add supporting discussion.]</p> <p>a) <i>If the historian determines it is eligible for the National Register and the activities do not meet the Tier 2 allowances then: A Qualified professional will undertake a Section 106 project review in accordance with the Programmatic Agreement, coordinate with HCR, and add text documenting that review process.</i></p> |
| Floodplain Management | X | <p><i>If buyout, select:</i> The 8-Step Process in 24 CFR Part 55.20 was completed under the Rockland County Floodplain Management Plan. A notice for final public review was published on October 2, 2013. By restoring the floodplain to its natural state, this program mitigates the potential for future damage from flooding and promotes public safety by removing dwellings from the path of natural disasters. Further, it enhances the environment by restoring the seaside area to its natural floodplain condition.</p> <p><i>If acquisition select:</i> The 8-Step Process in 24 CFR Part 55.20 was completed under the Rockland County Floodplain Management Plan. A notice for final public review was published on October 2, 2013. A policy to prohibit redevelopment in the floodplain is not considered practicable due to the great number of parcels within the floodplain. Grantees must adhere to elevation and other requirements outlined in the Floodplain Management Plan.</p> |
| Wetland Protection | | <p><i>Are project activities to be conducted within wetlands identified through the National Wetlands Inventory or New York State Department of Conservation (NYSDEC) or their adjacent areas (within 100 feet of NYSDEC freshwater wetlands or 300 feet of NYSDEC tidal/coastal wetlands)?</i></p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 4 of 11

Parcel#:

Project Address:

| | | |
|-------------------------|---|---|
| | | <p>a) <i>No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property boundary is greater than 300 feet from a tidal wetland and greater than 100 feet from a freshwater wetland.</p> <p>i) <i>Yes (activities in the wetland) – Coordinate with HCR regarding additional compliance steps.</i></p> <p>ii) <i>Yes (activities in the tidal/coastal wetland buffer only) – create map to document. Are the project activities a compatible use under Tidal Wetlands Land Use Regulations (6NYCRR Part 661.5 http://www.dec.ny.gov/permits/6347.html)?</i></p> <p>1) <i>Yes – Review concluded. Put an X in Column B and add text:</i> The property is adjacent to a wetland; however, project activities are exempt under 6 NYCRR Part 661.5.</p> <p>2) <i>No. Is there a functional and substantial man-made structure (including, but not limited to paved streets, highways, railroads, bulkheads, sea walls and rip-rap walls), a minimum of 100 feet in length, running parallel to all sides of the wetland (like a barrier) between the house and the waterbody? Note that garages and sheds do not count. Yes – Review concluded. Put an X in Column B and add text:</i> There is a [type of structure] which is a functional and substantial fabricated structure, a minimum of 100 feet in length, located between the house and the wetland and, therefore, the house is not located in an adjacent area as defined in 6 NYCRR Part 661.4.</p> <p>3) <i>No. If project activities located in the tidal/coastal wetland buffer are not a compatible use or occur in the freshwater wetland buffer, then determine whether only a NYSDEC permit is needed (not U.S. Army Corps jurisdictional determination).</i></p> <p>A) <i>If yes, only a NYSDEC needs to be obtained, then put an X in Column A and add text:</i> Project activities will be conducted in the wetlands buffer. A New York State Department of Environmental Conservation permit will be obtained prior to conducting project activities.</p> <p>B) <i>No. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Coastal Zone Management | X | This program has been reviewed by the New York Department of State (NYSDOS), which made a “general concurrence determination” based on the fact that the program involves buyout and acquisition. |
| Sole Source Aquifers | X | The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers. |
| Endangered Species | | <i>Determine if the project activities will have “no effect” on or “is not likely to adversely affect” any federal or state protected (listed or proposed) rare, threatened or endangered species nor adversely modify designated critical habitats. [This finding is to be based on the review of designated critical habitats, consultation with U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) or NYSDEC, or through a special study completed by a biologist or botanist. A determination of “no effect” based on</i> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 5 of 11

Parcel#:

Project Address:

| | | | |
|-----------------------------|--|---|--|
| | | | <p><i>the well-documented absence of listed species and critical habitats does not require USFWS or NYSDEC concurrence.] To make this determination:</i></p> <p><i>a) Review NYSDEC Resource Mapper for known occurrences. See list of species for your county (FWS 8/7/13 letter) and if new FWS GIS layers apply.</i></p> <p><i>b) Review GAP land use maps for suitable habitat</i></p> <p><i>c) Is a protected species documented or is suitable habitat present?</i></p> <p><i>i) No – review concluded. Create map to document. Put an X in Column B and add text: Not applicable. According to information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/ismaps/ERM/viewer.htm, no rare, threatened or endangered species are known to exist in the property’s vicinity. The property is located in a [high/medium/low (choose one)] -density residential development and does not support or provide habitat for any rare, threatened or endangered plant or animal species. Therefore, the project would not affect any natural habitats containing such species or any designated or proposed critical habitat.</i></p> <p><i>ii) Yes - create map to document. Will the project activities have an effect on the documented protected species or suitable habitat (project activities inside the house, replacing siding or roof, painting, etc.)?</i></p> <p><i>1) No. Put an X in Column B and add text: Not applicable. According to information reviewed from the New York State Environmental Resource Mapper at http://www.dec.ny.gov/ismaps/ERM/viewer.htm and the guidance provided by the U.S. Fish and Wildlife Service, rare, threatened or endangered species are known to exist in the property’s vicinity. However, the project activities will have no effect on the documented rare, threatened or endangered plant or animal species and any natural habitats containing such species or any designated or proposed critical habitat.</i></p> <p><i>2) Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Wild and Scenic Rivers | | X | Not applicable. The property is not located along a wild and scenic river as designated by the U.S. Department of the Interior and the New York State Department of Environmental Conservation. No impacts would result and further assessment is not required. |
| Air Quality | | X | The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required. |
| Farmlands Protection | | X | The program will not convert farmland to nonagricultural purposes and, therefore, would not violate the Farmland Policy Protection Act. |
| Noise Abatement and Control | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |

TIER 2 SITE SPECIFIC CHECKLIST
Page 6 of 11

Parcel#:

Project Address:

| | | | |
|-----------------------------------|---|---|---|
| | | | |
| Thermal/ Explosive Hazards | | X | Acceptable separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. Therefore, the environmental review for grants to buyout or acquire properties for deconstruction of housing that existed prior to the disaster where the number of dwelling units is decreased, is not required to apply 24 CFR Part 51 Subpart C. |
| HUD Environmental Standards | | | <p><i>Is the property:</i></p> <ul style="list-style-type: none"> • <i>Listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list?</i> • <i>Located within 3,000 feet of a toxic or solid waste landfill site?</i> • <i>Known to contain an underground storage tank other than a residential fuel tank?</i> • <i>Known or suspected to be contaminated by toxic chemicals or radioactive materials?</i> <p>a) <i>No – review concluded. Create map to document. Put an X in Column B and add text:</i> Not applicable. The property is not listed on a U.S. Environmental Protection Agency (EPA) Superfund National Priorities or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) list or equivalent State list, is not located within 3,000 feet of a toxic or solid waste landfill site, does not have an underground storage tank other than a residential fuel tank, and is not known or suspected to be contaminated by toxic chemicals or radioactive materials.</p> <p>b) <i>Yes. Create map to document. Consult with an environmental professional to determine if the hazard could impact the residences at the property.</i></p> <p>c) <i>No – review concluded. Put an X in column B and add text: _____ [insert issue] was identified in the area of the property. However, based on _____ [insert reason why not a problem] it is not expected to pose a hazard to the residents of the property. No further review is necessary.</i></p> <p>d) <i>Additional coordination with HCR required. Add text:</i> Additional study will be completed to assess if a hazard is present that could affect the health and safety of occupants or conflict with the intended utilization of the property.</p> <p><i>Add discussion on Phase I results.</i></p> |
| Environmental Justice | | X | Not applicable. Compliance was determined in the Tier 1 Environmental Assessment. |
| Asbestos & Lead-Based Paint | X | | <p><i>For acquisitions: was the house constructed prior to 1978?</i></p> <p>a) <i>No – review concluded. Put an X in Column A. Add text:</i> The house was constructed after 1978 and is not expected to contain lead-based paint. An asbestos survey will be performed by qualified professionals prior to any disturbance of suspected materials. Structures to be reconstructed or 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</p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 7 of 11

Parcel#:

Project Address:

| | | | |
|-------|--|---|--|
| | | | <p>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><i>b) Yes – review concluded. Put an X in Column A. Add text:</i> The house was constructed prior to 1978. Asbestos and lead-based paint surveys will be performed by qualified professionals and a clearance report will be submitted prior to any disturbance of suspected materials. Structures to be reconstructed or 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. All project activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts B, H, and J.</p> |
| Radon | | X | <p>The house is not located in a Radon Zone 1 or 2 county, according to the EPA Map of Radon Zones for NYS. No additional steps are required for radon mitigation.</p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 8 of 11

Parcel#:

Project Address:

ADDITIONAL SEQRA REVIEW

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

| Area of Statutory - Regulatory Compliance | A | B | Compliance Discussion Attach Supporting Material |
|---|---|---|--|
| National Natural Landmark | | | a) <i>No – Is the property located at or adjacent to a National Natural Landmark? If no, then put an X in Column B and add text: Not applicable. There are no national natural landmarks located at or adjacent to the property.</i> b) <i>If yes, then coordinate with HCR regarding additional compliance steps.</i> |
| Significant Wildlife Habitat | | | <i>Is the property located in, adjacent to, or less than 100 feet away from a Significant Coastal Fish and Wildlife Habitat?</i> a) <i>No – review concluded. Put an X in Column B and add text: Not applicable. Based on a review of NYSDEC designated Significant Coastal Fish and Wildlife Habitats (SCFWH), no SCFWHs are located in or substantially contiguous to the property.</i> b) <i>Yes – Will the project result in the removal of any portion of a significant wildlife habitat?</i> i) <i>No – review concluded. Put an X in Column B and add text: Not applicable. The project activities will not result in the removal of any portion of a Significant Coastal Fish and Wildlife Habitat.</i> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 9 of 11

Parcel#:

Project Address:

| | | | |
|--|--|--|---|
| | | | <p><i>ii) Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Unique or Unusual Landforms | | | <p><i>Is the property located in, adjacent to, or less than 100 feet away from a unique or unusual landform?</i></p> <p>a) <i>No – Review Concluded. Put an X in Column B and add text:</i> Not applicable. The property is not located in or substantially contiguous to a unique or unusual landform.</p> <p>b) <i>Yes – Create map to document.</i></p> <p>i) <i>Will the project activities result in modification or destruction of, or inhibit access, to any unique or unusual land forms located on or substantially contiguous to the property?</i></p> <p>(1) <i>No – review concluded. Put an X in Column B and add text:</i> Not applicable. The project will not affect the quantity or quality of _____ [insert name of that unique or unusual landform].</p> <p>(2) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Aesthetic Resources, Open Space and Recreation | | | <p><i>Is the property located in, adjacent to, or within 100 feet away from an aesthetic resource, open space or recreational area?</i></p> <p>a) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to an aesthetic resource, open space or recreation area.</p> <p>b) <i>Yes – Create map to document. Will the project activities result in land use obviously different from, or in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource, or result in a loss of recreational opportunities or a reduction of an open space resource?</i></p> <p>i) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The project activities will not significantly affect the quantity or quality of _____ [insert name of that aesthetic resource, open space or recreational area] or recreational opportunities associated with it.</p> <p>ii) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |
| State Protected Waterbody | | | <p><i>Is the property located in, adjacent to, or less than 100 feet away from any waterbody (e.g., streams, rivers, etc.) designated as protected [Article 15 the Environmental Conservation Law (ECL)]?</i></p> <p>a) <i>No – review concluded. Create map to document. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a state protected waterbody.</p> <p>b) <i>Yes – create map to document. Will the project result in the disturbance of the waterbody or its natural bank (i.e., undeveloped land within 50 feet of mean high water (MHW) line)?</i></p> <p>i) <i>No – review concluded. Put an X in Column B. Add text:</i> The project activities will not result in the disturbance of a waterbody located within 50 feet of the mean high water (MHW) line.</p> <p>ii) <i>Yes – Create a map to document. Coordinate with HCR regarding additional compliance steps.</i></p> |
| | | | <p><i>Is the property located in, adjacent to, or less than 100 feet away from a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617?</i></p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 10 of 11

Parcel#:

Project Address:

| | | |
|------------------------------|--|--|
| Critical Environmental Areas | | <p>a) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The property is not located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 617.</p> <p>b) <i>Yes. Will the project activities result in:</i></p> <ul style="list-style-type: none"> • <i>A reduction in the quantity of the resource?</i> • <i>A reduction in the quality of the resource? Or</i> • <i>Affect the use, function or enjoyment of the resource?</i> <p>i) <i>No – review concluded. Put an X in Column B. Add text:</i> Not applicable. The project activities will not result in a reduction in the quantity or quality of the ____ [name that CEA], nor affect the use, function or enjoyment of the ____ [name that CEA]. <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |
| Historic Properties | | <p><i>Is the house a National Register of Historic Places (NRHP)-listed property or located adjacent to a NRHP listed property or a Historical District?</i></p> <p>a. <i>No – review concluded. Place X in Column B. Add text:</i> Not applicable. The house is not a historic property or located adjacent to a historic property; therefore, there is no potential effect on historic properties.</p> <p>b. <i>Yes. Coordinate with a qualified professional to evaluate the potential impact to adjacent historic properties and coordinate with HCR.</i></p> |
| Agricultural and Markets Law | | <p><i>Is the property located within 500 feet of agricultural land?</i></p> <p>a. <i>No – review concluded. Place X in Column B. Add text:</i> This project will comply with the New York State Agriculture and Markets Law.</p> <p>b. <i>Yes. Do any of the following apply?</i></p> <ul style="list-style-type: none"> i) <i>The project would sever, cross or limit access to agricultural land (including cropland, hayfields, pasture, vineyard, orchard, etc.).</i> ii) <i>Construction activity would excavate or compact the soil profile of agricultural land.</i> iii) <i>The project would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.</i> <p>(1) <i>No – review concluded. Place X in column B. Add text:</i> Not applicable. The project activities have no potential to affect agricultural lands.</p> <p>(2) <i>Yes. Coordinate with HCR regarding additional compliance steps.</i></p> |

TIER 2 SITE SPECIFIC CHECKLIST
Page 11 of 11

Parcel#:

Project Address:

TO BE FILLED OUT BY PERSON WHO PREPARED DOCUMENT:

Prepared by:

Signature

Date:

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

This Site Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

Date:

Exhibit 6:

DASNY Site Inspection Checklist

**NEW YORK STATE HOMES & COMMUNITY RENEWAL
OFFICE OF COMMUNITY RENEWAL
SUPPLEMENTAL ENVIRONMENTAL QUESTIONNAIRE**

Department of Housing and Urban Development Appropriation Act, 2013
Community Development Block Grant Program Disaster Recovery Program –
NY Rising Buyout and Acquisition Program in Rockland County, NY

Property address: _____

Application #: _____

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 type="checkbox"/> | Based on your observations from the site, is there any visible apparent evidence of explosive or fire-prone materials such as liquid propane, gasoline, or other storage tanks adjacent to or visible from the project site? If yes, provide details. |
| 2 | <input type="checkbox"/> | <input type="checkbox"/> | Based on your observations from the site, is there any visible apparent evidence that the project site is near a commercial or industrial property? If yes, which company and the approximate distance. |
| 3 | <input type="checkbox"/> | <input type="checkbox"/> | Based on your observations from the site, is there any visible apparent evidence of soil problems (foundations cracking or settling, basement flooding, etc.) in the area of the site? If yes, specify which. |
| 4 | <input type="checkbox"/> | <input type="checkbox"/> | Based on your observations from the site, 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 what. |
| 5 | <input type="checkbox"/> | <input type="checkbox"/> | Is there any visible apparent indication of any of the following (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 items are located. |
| 6 | <input type="checkbox"/> | <input type="checkbox"/> | Is there any visible apparent evidence of an underground or above-ground storage tank? 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 type="checkbox"/> | Are there active rills and gullies on site? If yes, provide photographs. |

SUPPLEMENTAL ENVIRONMENTAL QUESTIONNAIRE

| | Yes | No | Compliance Data Attach Supporting Material |
|----|--------------------------|--------------------------|---|
| 8 | <input type="checkbox"/> | <input type="checkbox"/> | Is there any visible apparent indication of mold? If yes, describe location and extent. |
| 9 | <input type="checkbox"/> | <input type="checkbox"/> | Is there any visible apparent evidence of asbestos, lead-based paint, or hazardous materials present in the structure? 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"/> | <input type="checkbox"/> | Are there other unusual conditions on site? Explain in attached supporting material. Please take photographs, if possible. |

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: _____

Signature: _____

Date: _____

Property address: _____

Application #: _____

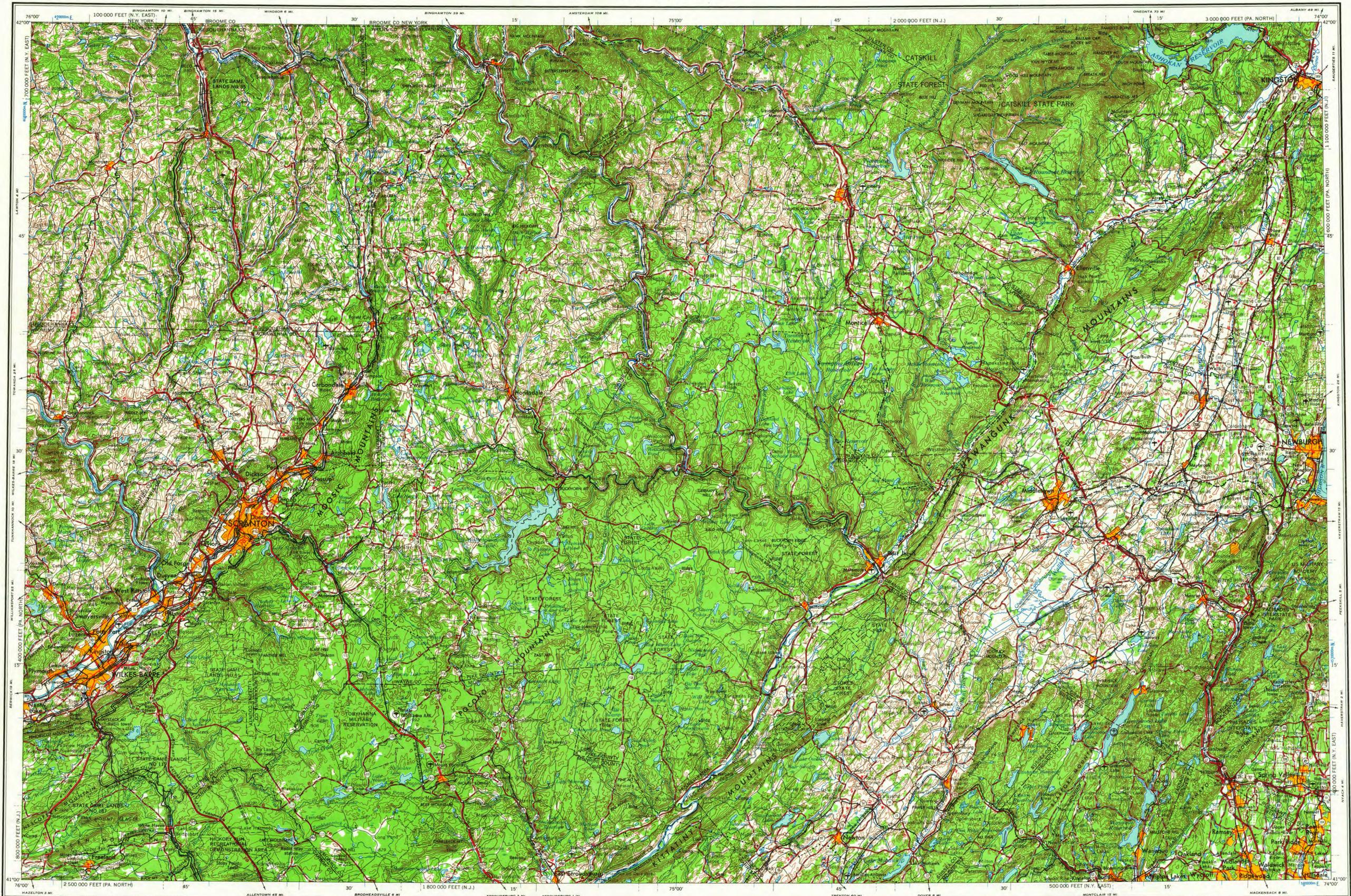
Appendix A:

Rockland County USGS Topographic Maps

Rockland County Topographic Map

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





Prepared by the Army Map Service (K.C.), Corps of Engineers, U.S. Army, Washington, D.C. Compiled in 1962 by photogrammetric methods and from United States Quadrangles, 1:24,000, 1:25,000, 1:50,000, 1:62,500, U.S. Geological Survey and AMS, 1935-57; USC&GS Chart 282, edition 1950. Planimetric detail revised by photogrammetric methods. Horizontal and vertical control by USGS, USC&GS, CE, New Jersey Geodetic Survey, Pennsylvania State Highway Department and New York Palisades Park Commission. Map field checked 1962.

100,000-foot grid based on Pennsylvania coordinate system, north zone, New York coordinate system, east zone, and New Jersey coordinate system

10,000-meter Universal Transverse Mercator grid ticks, zone 18, shown in blue

LEGEND

ROAD DATA 1962
 Figures in red denote approximate distances in miles between stars

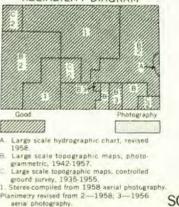
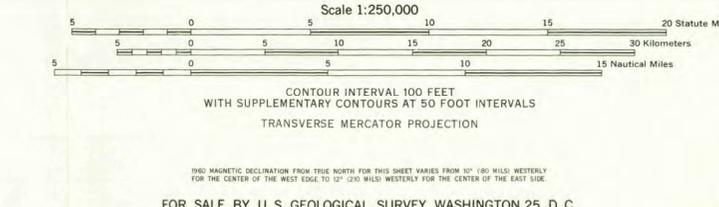
| | | |
|--------------------|--------------------------------|---------------|
| Over 500,000 | Hard surface, heavy duty road | 3 LANES LANES |
| 100,000 to 500,000 | Hard surface, medium duty road | 2 LANES LANES |
| 25,000 to 100,000 | More than two lanes wide | 2 LANES LANES |
| 5,000 to 25,000 | Two lanes wide | 2 LANES LANES |
| 1,000 to 5,000 | Improved light duty road | 2 LANES LANES |
| Less than 1,000 | Unimproved dirt road, Trail | 2 LANES LANES |

RAILROADS
 Single track Double or Multiple Normal gauge
 Narrow gauge

BOUNDARIES
 International
 State
 County
 Park or reservation
 Horizontal control point
 Spot elevation in feet

POPULATED PLACES
 Boston
 Richmond
 Evanston
 Scranton
 Hialeah
 Bar Harbor

Other Features:
 Landplane airport
 Seaplane airport
 Power line
 Foreshore flat
 Orchard
 Intermittent or dry stream
 Marsh or swamp
 Route marker: Interstate, Federal, State
 Road interchange
 Depth curve in feet
 Limit of danger; Reef
 Rocks; Anasazi; Sunken
 Foreshore flat
 Intermittent or dry stream
 Marsh or swamp

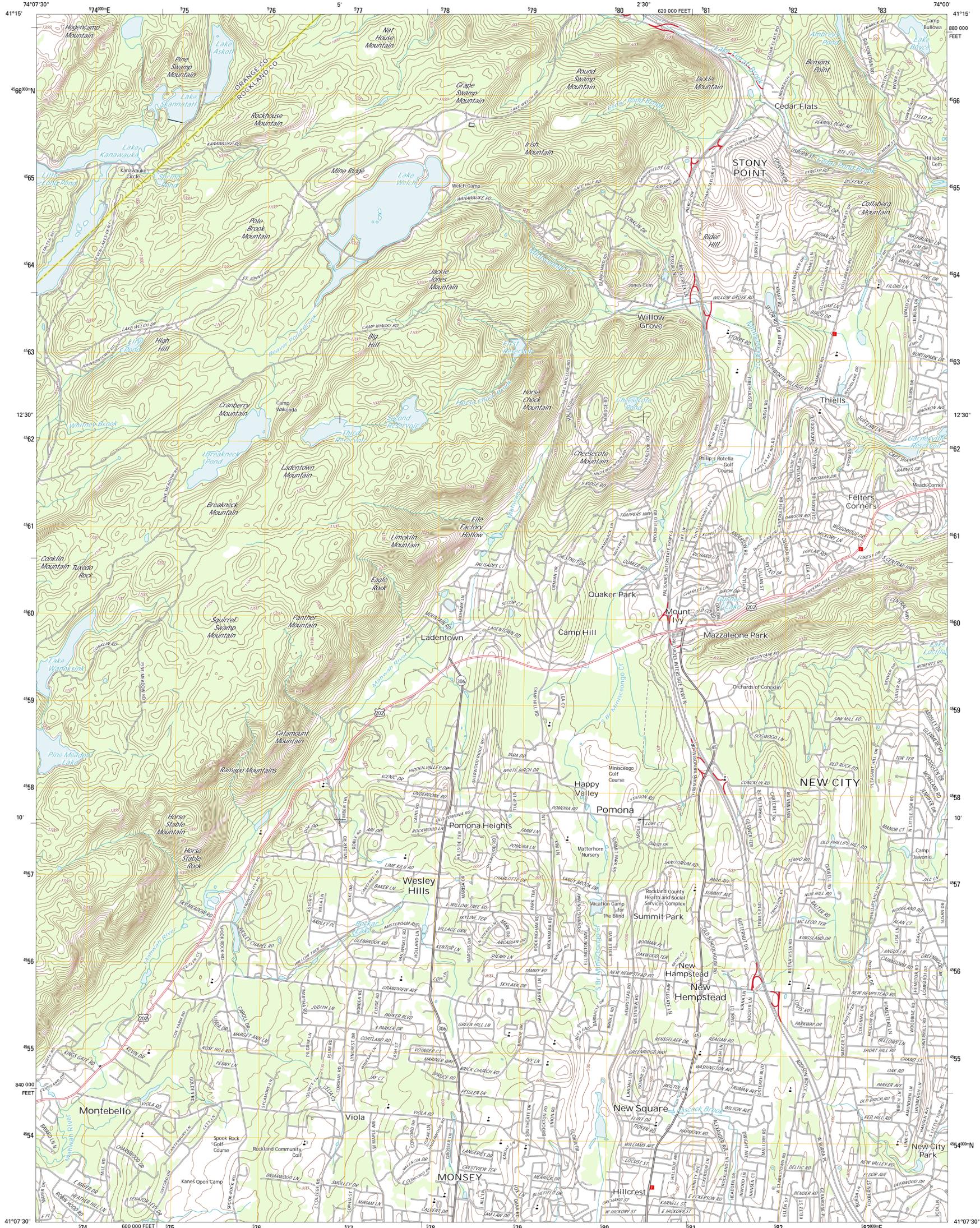


USGS HISTORICAL FILE TOPOGRAPHIC DIVISION

SCRANTON, PENNSYLVANIA; NEW YORK; NEW JERSEY

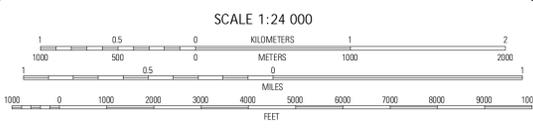
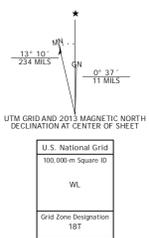
MAR 17 1965
 7785

COPY TOPOGRAPHIC DIVISION



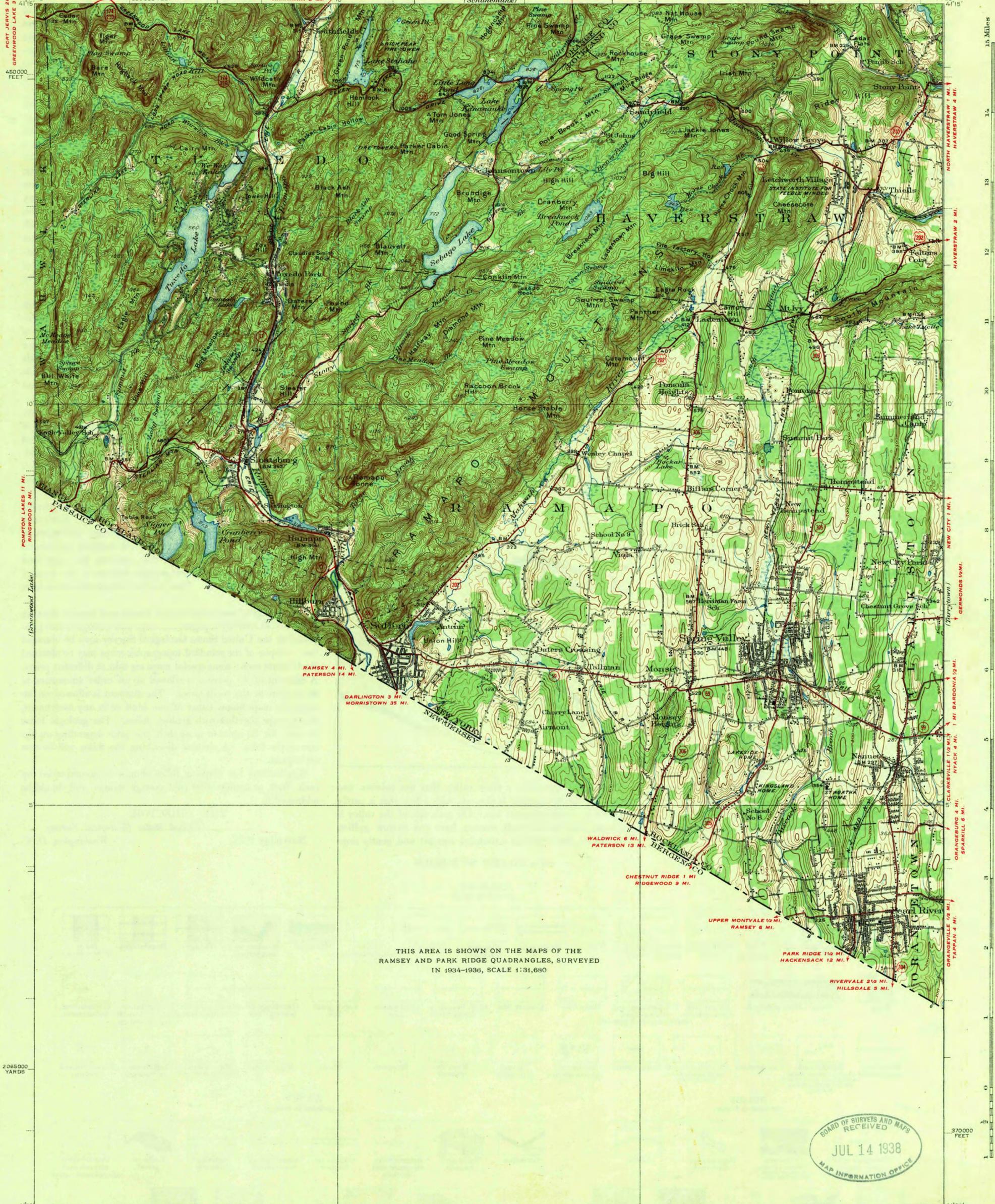
Produced by the United States Geological Survey North American Datum of 1983 (NAD83) World Geodetic System of 1984 (WGS84) and 1000-meter grid: Universal Transverse Mercator, Zone 18T 10 000-foot ticks: New York Coordinate System of 1983 (east zone)

Imagery: NAIP, July 2011; Roads: ©2006-2012 TomTom; Names: GNS, 2012; Hydrography: National Hydrography Dataset, 2011; Contours: National Elevation Dataset, 1999; Boundaries: Census, IBWC, IBC, USGS, 1972-2012



CONTOUR INTERVAL 20 FEET NORTH AMERICAN VERTICAL DATUM OF 1988 This map was produced to conform with the National Geospatial Program US Topo Product Standard, 2011. A metadata file associated with this product is draft version 0.6.7

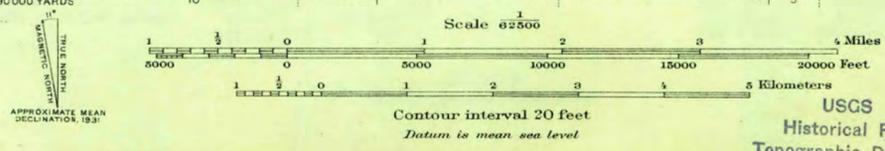
THIELLS, NY 2013



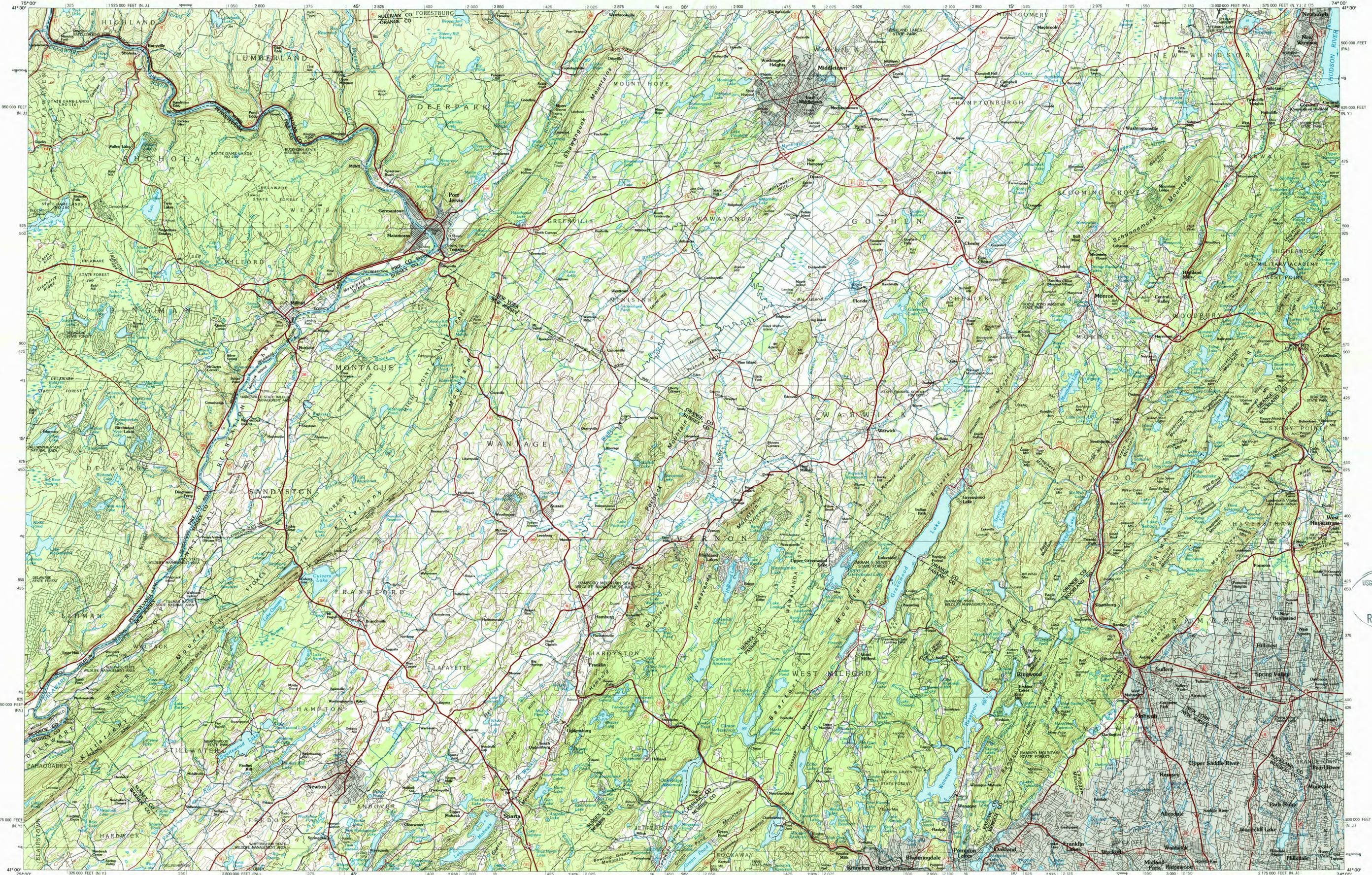
THIS AREA IS SHOWN ON THE MAPS OF THE
RAMSEY AND PARK RIDGE QUADRANGLES, SURVEYED
IN 1934-1936, SCALE 1:31,680



Topography by R.L. Harrison, Fred Graff, Jr.,
J.M. Whitman, R.F. Wilcoxon, Roscoe Reeves, Olinus Smith,
W.F. Chenault, H.B. Smith, S.E. Clement, R.J. Belton,
E.V. Holloway, B.P. Taylor, and E.H. Harriman Estate
Surveyed in 1926, 1927, 1929 and 1931



590000 FEET
Polyconic projection, North American datum
5000 yard grid based on U.S. zone system, A
10000 foot grid based on New York (East)
rectangular coordinate system
USGS
Historical File
Topographic Division
158 UNITED STATES ROUTE NUMBER
158 STATE ROUTE NUMBER
RAMAPO, N.Y.-N.J.
Edition of 1938
2665:3450:799
Board of Surveys and Maps
FILE COPY
Map Information Office
NEW YORK



Middletown

NEW YORK-NEW JERSEY-PENNSYLVANIA

1:100 000-scale metric topographic map



30 X 60 MINUTE QUADRANGLE SHOWING

- Contours and elevations in meters
- Highways, roads and other manmade structures
- Water features
- Woodland areas
- Geographic names



Produced by the United States Geological Survey
 Compiled from USGS 1:24 000-scale topographic maps dated 1954-1983. Planimetry revised from aerial photographs taken 1982 and other sources data. Revised information not field checked. Map edited 1986.
 Projection and 10 000-meter grid, zone 18, Universal Transverse Mercator
 25 000-foot grid ticks based on New York coordinate system, east zone, New Jersey coordinate system, and Pennsylvania coordinate system, north zone 1927 North American Datum
 To place on the predicted North American Datum 1983, move the projection lines 6 meters south and 34 meters west
 There may be private inholdings within the boundaries of the National or State reservations shown on this map

CONTOUR INTERVAL 20 METERS
 NATIONAL GEODETIC VERTICAL DATUM OF 1929
 ELEVATIONS SHOWN TO THE NEAREST METER

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

| Meters | Feet | DECLINATION DIAGRAM | ADJOINING MAPS |
|--------|---------|---------------------|--------------------|
| 1 | 3.2808 | | 1 Homestead |
| 2 | 6.5617 | | 2 Monticello |
| 3 | 9.8425 | | 3 Waterbury |
| 4 | 13.1234 | | 4 Scranton |
| 5 | 16.4042 | | 5 Bridgeport |
| 6 | 19.6850 | | 6 Allentown |
| 7 | 22.9659 | | 7 Newark |
| 8 | 26.2467 | | 8 Long Island West |
| 9 | 29.5275 | | |
| 10 | 32.8084 | | |

To convert meters to feet multiply by 3.2808
 To convert feet to meters multiply by 0.3048
 UTM grid conversion (GN and 1983 magnetic declination 1983) at center of map
 Diagram is approximate

FOR SALE BY U.S. GEOLOGICAL SURVEY
 DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
 SEP 27 1988
 REC'D FILE COPY

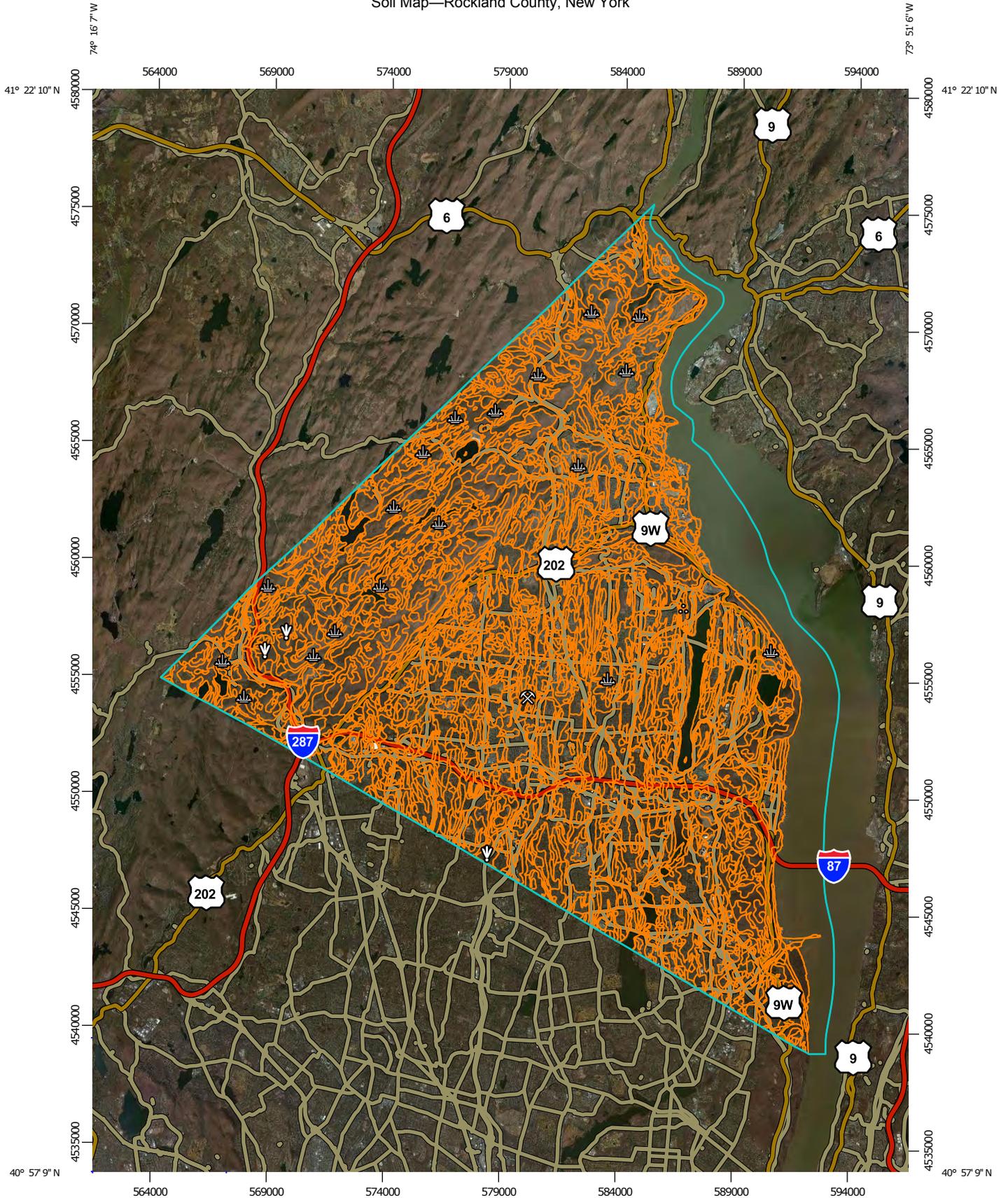
Topographic Map Symbols

- Primary highway, hard surface
- Secondary highway, hard surface
- Light duty road, principal street, hard or improved surface
- Other road or street; trail
- Route marker, Interstate, U.S. State
- Railroad, standard gage, narrow gage
- Bridge, overpass, underpass
- Tunnel road, railroad
- Built up area, locality, elevation
- Airport, landing field, landing strip
- National boundary
- State boundary
- County boundary
- National or State reservation boundary
- Land grant boundary
- U.S. public lands survey; range, township, section
- Range, township, section line, uncorrected
- Power transmission line, pipeline
- Dam; dam with lock
- Cemetery, building
- Windmill; water well; spring
- Mine shaft; adit or cave; mine quarry; gravel pit
- Campground; picnic area; U.S. location monument
- Ruin; cliff dwelling
- Distorted surface; strip mine, lava, sand
- Contours; index, intermediate, supplementary
- Bathymetric contours; index, intermediate
- Stream, lake, pond, intermittent
- Rapids, large and small; falls, large and small
- Area to be submerged; marsh, swamp
- Land subject to controlled inundation; woodland
- Scrub; mangrove
- Orchard; vineyard

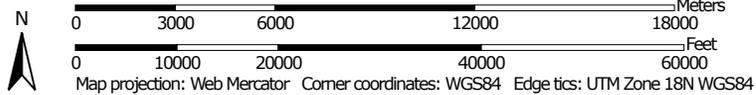
Appendix B:

Rockland County USDA Soil Survey Maps

Soil Map—Rockland County, New York



Map Scale: 1:226,000 if printed on A portrait (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Rockland County, New York

Survey Area Data: Version 10, Sep 21, 2012

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

Date(s) aerial images were photographed: Mar 19, 2011—Apr 16, 2012

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

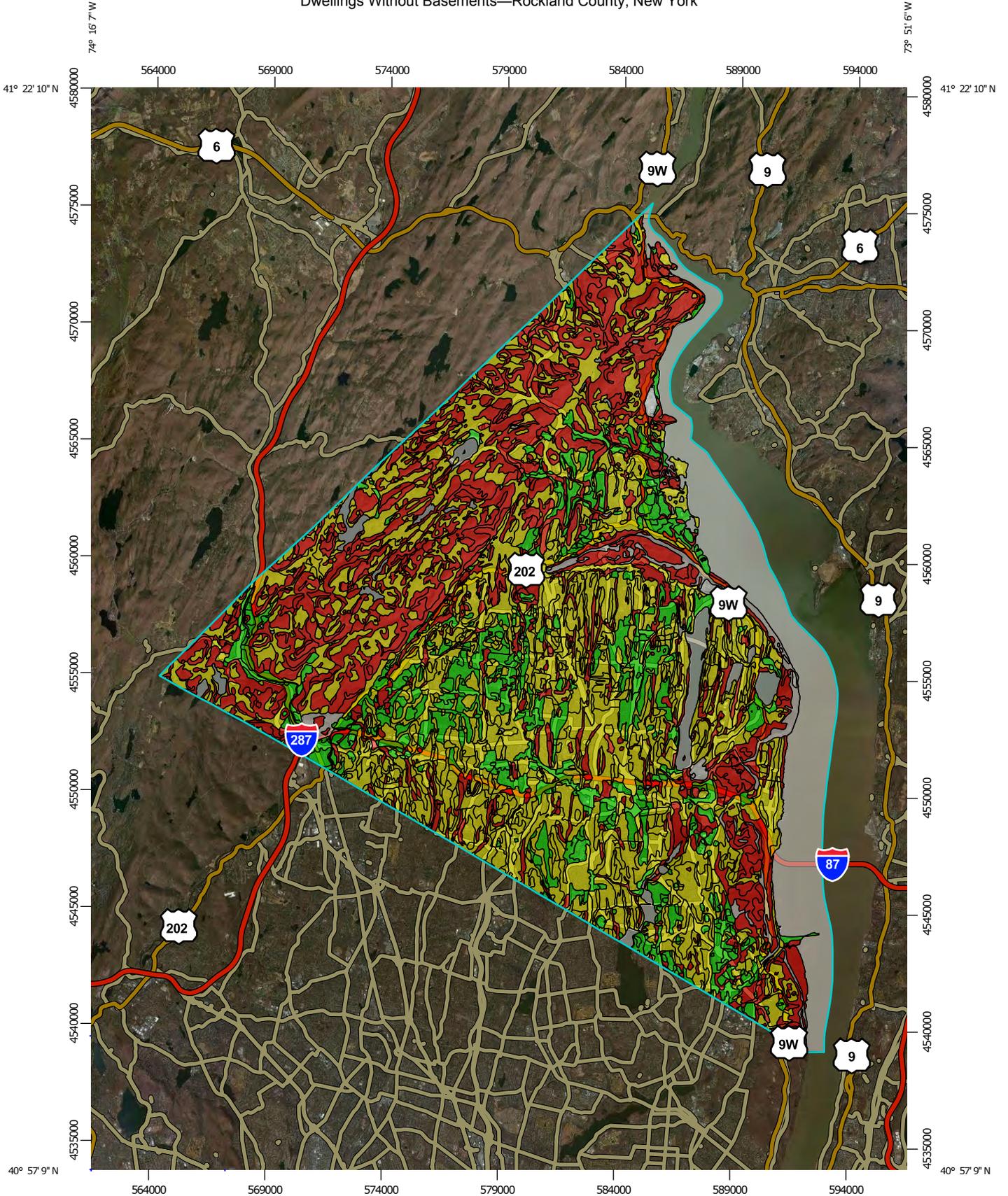
Map Unit Legend

| Rockland County, New York (NY087) | | | |
|-----------------------------------|---|--------------|----------------|
| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
| Aa | Adrian muck | 88.5 | 0.1% |
| Ad | Alden silt loam | 2,923.3 | 2.3% |
| Ca | Carlisle muck | 1,532.0 | 1.2% |
| CeB | Charlton fine sandy loam, 2 to 8 percent slopes | 1,057.6 | 0.8% |
| CeC | Charlton fine sandy, 8 to 15 percent slopes | 591.4 | 0.5% |
| CeD | Charlton fine sandy loam, 15 to 25 percent slopes | 374.6 | 0.3% |
| ChC | Charlton fine sandy loam, 2 to 15 percent slopes, very stony | 5,130.7 | 4.0% |
| ChE | Charlton fine sandy loam, 15 to 35 percent slopes, very stony | 2,355.3 | 1.8% |
| ChF | Charlton fine sandy loam, 35 to 50 percent slopes, very stony | 22.8 | 0.0% |
| CkC | Charlton-Rock outcrop complex, rolling | 1,730.2 | 1.4% |
| CkD | Charlton-Rock outcrop complex, hilly | 3,646.1 | 2.9% |
| CmB | Charlton-Urban land complex, 2 to 8 percent slopes | 55.1 | 0.0% |
| CoC | Chatfield-Rock outcrop complex, rolling | 6,217.4 | 4.9% |
| CoD | Chatfield-Rock outcrop complex, hilly | 9,859.0 | 7.7% |
| CrB | Cheshire gravelly fine sandy loam, 2 to 8 percent slopes | 2,384.9 | 1.9% |
| CrC | Cheshire gravelly fine sandy loam, 8 to 15 percent slopes | 731.1 | 0.6% |
| CuB | Cheshire-Urban land complex, 2 to 8 percent slopes | 3,332.2 | 2.6% |
| CuC | Cheshire-Urban land complex, 8 to 15 percent slopes | 591.6 | 0.5% |
| Fh | Fluvaquents and Medisaprists, ponded | 436.3 | 0.3% |
| Fr | Fredon loam | 184.8 | 0.1% |
| HaA | Haven loam, 0 to 3 percent slopes | 135.4 | 0.1% |
| HaB | Haven loam, 3 to 8 percent slopes | 453.7 | 0.4% |
| HbB | Haven-Urban land complex, 0 to 8 percent slopes | 76.4 | 0.1% |

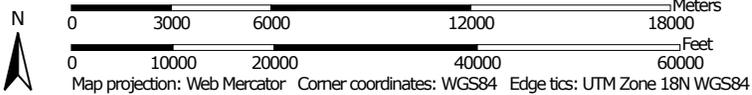
| Rockland County, New York (NY087) | | | |
|-----------------------------------|--|--------------|----------------|
| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
| HcA | Hinckley gravelly loamy sand, 0 to 3 percent slopes | 469.2 | 0.4% |
| HcB | Hinckley gravelly loamy sand, 3 to 8 percent slopes | 798.4 | 0.6% |
| HcC | Hinckley gravelly loamy sand, 8 to 15 percent slopes | 93.6 | 0.1% |
| HcD | Hinckley gravelly loamy sand, 15 to 25 percent slopes | 134.8 | 0.1% |
| HdB | Hinckley-Urban land complex, 0 to 8 percent slopes | 463.6 | 0.4% |
| HIF | Hollis-Rock outcrop complex, very steep | 3,651.6 | 2.9% |
| HoC | Holyoke-Rock outcrop complex, rolling | 1,693.3 | 1.3% |
| HoD | Holyoke-Rock outcrop complex, hilly | 2,555.6 | 2.0% |
| HoF | Holyoke-Rock outcrop complex, very steep | 2,028.8 | 1.6% |
| HuC | Holyoke-Urban land-Rock outcrop complex, rolling | 372.7 | 0.3% |
| Ip | Ipswich muck | 705.2 | 0.6% |
| Pa | Palms muck | 336.8 | 0.3% |
| PnB | Paxton gravelly fine sandy loam, 2 to 8 percent slopes | 439.9 | 0.3% |
| PnC | Paxton gravelly fine sandy loam, 8 to 15 percent slopes | 184.2 | 0.1% |
| PsC | Paxton gravelly fine sandy loam, 2 to 15 percent slopes, very stony | 1,183.6 | 0.9% |
| PsE | Paxton gravelly fine sandy loam, 15 to 35 percent slopes, very stony | 1,306.8 | 1.0% |
| Pt | Pits, gravel | 307.4 | 0.2% |
| Pv | Pits, quarry | 419.6 | 0.3% |
| Ra | Rippowam sandy loam | 903.5 | 0.7% |
| ReA | Riverhead fine sandy loam, 0 to 3 percent slopes | 383.6 | 0.3% |
| ReB | Riverhead fine sandy loam, 3 to 8 percent slopes | 817.0 | 0.6% |
| ReC | Riverhead fine sandy loam, 8 to 15 percent slopes | 156.1 | 0.1% |
| ReD | Riverhead fine sandy loam, 15 to 25 percent slopes | 42.4 | 0.0% |
| RuB | Riverhead-Urban land complex, 0 to 8 percent slopes | 560.6 | 0.4% |
| RuC | Riverhead-Urban land complex, 8 to 15 percent slopes | 72.7 | 0.1% |

| Rockland County, New York (NY087) | | | |
|------------------------------------|--|------------------|----------------|
| Map Unit Symbol | Map Unit Name | Acres in AOI | Percent of AOI |
| RuD | Riverhead-Urban land complex, 15 to 25 percent slopes | 10.4 | 0.0% |
| Sa | Sloan silt loam | 568.9 | 0.4% |
| Ur | Udorthents, refuse substratum | 144.6 | 0.1% |
| Us | Udorthents, smoothed | 2,232.8 | 1.8% |
| Uw | Udorthents, wet substratum | 848.1 | 0.7% |
| Ux | Urban land | 3,070.8 | 2.4% |
| W | Water | 16,658.8 | 13.1% |
| Wa | Wallington silt loam | 66.5 | 0.1% |
| Wc | Watchaug fine sandy loam | 2,206.7 | 1.7% |
| WeA | Wethersfield gravelly silt loam, 0 to 3 percent slopes | 202.7 | 0.2% |
| WeB | Wethersfield gravelly silt loam, 3 to 8 percent slopes | 13,091.8 | 10.3% |
| WeC | Wethersfield gravelly silt loam, 8 to 15 percent slopes | 5,831.4 | 4.6% |
| WeD | Wethersfield gravelly silt loam, 15 to 25 percent slopes | 2,844.9 | 2.2% |
| WuB | Wethersfield-Urban land complex, 2 to 8 percent slopes | 8,907.7 | 7.0% |
| WuC | Wethersfield-Urban land complex, 8 to 15 percent slopes | 4,095.2 | 3.2% |
| WuD | Wethersfield-Urban land complex, 15 to 25 percent slopes | 967.1 | 0.8% |
| YaB | Yalesville sandy loam, 2 to 8 percent slopes | 557.9 | 0.4% |
| YaC | Yalesville sandy loam, 8 to 15 percent slopes | 597.3 | 0.5% |
| YaD | Yalesville sandy loam, 15 to 25 percent slopes | 204.2 | 0.2% |
| YuB | Yalesville-Urban land complex, 2 to 8 percent slopes | 172.6 | 0.1% |
| YuC | Yalesville-Urban land complex, 8 to 15 percent slopes | 188.0 | 0.1% |
| YuD | Yalesville-Urban land complex, 15 to 25 percent slopes | 25.3 | 0.0% |
| Totals for Area of Interest | | 127,485.0 | 100.0% |

Dwellings Without Basements—Rockland County, New York

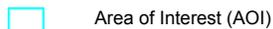


Map Scale: 1:226,000 if printed on A portrait (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)



Area of Interest (AOI)

Background



Aerial Photography

Soils

Soil Rating Polygons



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Lines



Very limited



Somewhat limited



Not limited



Not rated or not available

Soil Rating Points



Very limited



Somewhat limited



Not limited



Not rated or not available

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

MAP INFORMATION

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

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

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

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

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

Soil Survey Area: Rockland County, New York
 Survey Area Data: Version 10, Sep 21, 2012

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

Date(s) aerial images were photographed: Mar 19, 2011—Apr 16, 2012

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

Dwellings Without Basements

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|---|------------------|----------------------------|---------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| Aa | Adrian muck | Very limited | Adrian (75%) | Ponding (1.00) | 88.5 | 0.1% |
| | | | | Subsidence (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Organic matter content (1.00) | | |
| Ad | Alden silt loam | Very limited | Alden (80%) | Ponding (1.00) | 2,923.3 | 2.3% |
| | | | | Depth to saturated zone (1.00) | | |
| Ca | Carlisle muck | Very limited | Carlisle (80%) | Ponding (1.00) | 1,532.0 | 1.2% |
| | | | | Subsidence (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Organic matter content (1.00) | | |
| CeB | Charlton fine sandy loam, 2 to 8 percent slopes | Not limited | Charlton (85%) | | 1,057.6 | 0.8% |
| CeC | Charlton fine sandy, 8 to 15 percent slopes | Somewhat limited | Charlton (80%) | Slope (0.63) | 591.4 | 0.5% |
| CeD | Charlton fine sandy loam, 15 to 25 percent slopes | Very limited | Charlton (80%) | Slope (1.00) | 374.6 | 0.3% |
| ChC | Charlton fine sandy loam, 2 to 15 percent slopes, very stony | Somewhat limited | Charlton, very stony (75%) | Slope (0.04) | 5,130.7 | 4.0% |
| ChE | Charlton fine sandy loam, 15 to 35 percent slopes, very stony | Very limited | Charlton, very stony (75%) | Slope (1.00) | 2,355.3 | 1.8% |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|---|------------------|------------------------------------|--|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| ChF | Charlton fine sandy loam, 35 to 50 percent slopes, very stony | Very limited | Charlton, very stony (75%) | Slope (1.00) | 22.8 | 0.0% |
| CkC | Charlton-Rock outcrop complex, rolling | Somewhat limited | Charlton (60%) | Slope (0.16) | 1,730.2 | 1.4% |
| CkD | Charlton-Rock outcrop complex, hilly | Very limited | Charlton (50%) | Slope (1.00) | 3,646.1 | 2.9% |
| CmB | Charlton-Urban land complex, 2 to 8 percent slopes | Not limited | Charlton (45%) Urban land (30%) | | 55.1 | 0.0% |
| CoC | Chatfield-Rock outcrop complex, rolling | Somewhat limited | Chatfield (60%) | Depth to hard bedrock (0.84) Slope (0.16) | 6,217.4 | 4.9% |
| CoD | Chatfield-Rock outcrop complex, hilly | Very limited | Chatfield (50%) | Slope (1.00) Depth to hard bedrock (0.84) | 9,859.0 | 7.7% |
| CrB | Cheshire gravelly fine sandy loam, 2 to 8 percent slopes | Not limited | Cheshire (80%) | | 2,384.9 | 1.9% |
| CrC | Cheshire gravelly fine sandy loam, 8 to 15 percent slopes | Somewhat limited | Cheshire (80%) | Slope (0.63) | 731.1 | 0.6% |
| CuB | Cheshire-Urban land complex, 2 to 8 percent slopes | Not limited | Cheshire (45%) Urban land (30%) | | 3,332.2 | 2.6% |
| CuC | Cheshire-Urban land complex, 8 to 15 percent slopes | Somewhat limited | Cheshire (60%) Urban land (20%) | Slope (0.63) Slope (0.63) | 591.6 | 0.5% |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|---|------------------|---------------------------------------|---------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| Fh | Fluvaquents and Medisaprists, ponded | Very limited | Fluvaquents (40%) | Ponding (1.00) | 436.3 | 0.3% |
| | | | | Flooding (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | Medisaprists (35%) | Ponding (1.00) | | |
| | | | | Subsidence (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Organic matter content (1.00) | | |
| Fr | Fredon loam | Very limited | Fredon, poorly drained (50%) | Depth to saturated zone (1.00) | 184.8 | 0.1% |
| | | | Fredon, somewhat poorly drained (30%) | Depth to saturated zone (1.00) | | |
| HaA | Haven loam, 0 to 3 percent slopes | Not limited | Haven (80%) | | 135.4 | 0.1% |
| HaB | Haven loam, 3 to 8 percent slopes | Not limited | Haven (80%) | | 453.7 | 0.4% |
| HbB | Haven-Urban land complex, 0 to 8 percent slopes | Not limited | Haven (55%) | | 76.4 | 0.1% |
| | | | Urban land (25%) | | | |
| HcA | Hinckley gravelly loamy sand, 0 to 3 percent slopes | Not limited | Hinckley (85%) | | 469.2 | 0.4% |
| HcB | Hinckley gravelly loamy sand, 3 to 8 percent slopes | Not limited | Hinckley (85%) | | 798.4 | 0.6% |
| HcC | Hinckley gravelly loamy sand, 8 to 15 percent slopes | Somewhat limited | Hinckley (85%) | Slope (0.63) | 93.6 | 0.1% |
| HcD | Hinckley gravelly loamy sand, 15 to 25 percent slopes | Very limited | Hinckley (85%) | Slope (1.00) | 134.8 | 0.1% |
| HdB | Hinckley-Urban land complex, 0 to 8 percent slopes | Not limited | Hinckley (45%) | | 463.6 | 0.4% |
| | | | Urban land (30%) | | | |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|---|------------------|--------------------------|---------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| HIF | Hollis-Rock outcrop complex, very steep | Very limited | Hollis (50%) | Slope (1.00) | 3,651.6 | 2.9% |
| | | | | Depth to hard bedrock (1.00) | | |
| HoC | Holyoke-Rock outcrop complex, rolling | Very limited | Holyoke (60%) | Depth to hard bedrock (1.00) | 1,693.3 | 1.3% |
| | | | | Slope (0.16) | | |
| HoD | Holyoke-Rock outcrop complex, hilly | Very limited | Holyoke (55%) | Depth to hard bedrock (1.00) | 2,555.6 | 2.0% |
| | | | | Slope (1.00) | | |
| HoF | Holyoke-Rock outcrop complex, very steep | Not rated | Rock outcrop (30%) | | 2,028.8 | 1.6% |
| | | | Charlton (10%) | | | |
| | | | Chatfield (10%) | | | |
| | | | Watchaug (5%) | | | |
| HuC | Holyoke-Urban land-Rock outcrop complex, rolling | Very limited | Holyoke (40%) | Depth to hard bedrock (1.00) | 372.7 | 0.3% |
| | | | | Slope (0.04) | | |
| Ip | Ipswich muck | Very limited | Ipswich (80%) | Ponding (1.00) | 705.2 | 0.6% |
| | | | | Flooding (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Organic matter content (1.00) | | |
| Pa | Palms muck | Very limited | Palms (80%) | Ponding (1.00) | 336.8 | 0.3% |
| | | | | Subsidence (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Organic matter content (1.00) | | |
| PnB | Paxton gravelly fine sandy loam, 2 to 8 percent slopes | Somewhat limited | Paxton (80%) | Depth to saturated zone (0.39) | 439.9 | 0.3% |
| PnC | Paxton gravelly fine sandy loam, 8 to 15 percent slopes | Somewhat limited | Paxton (80%) | Slope (0.63) | 184.2 | 0.1% |
| | | | | Depth to saturated zone (0.39) | | |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|--|------------------|--------------------------|---------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| PsC | Paxton gravelly fine sandy loam, 2 to 15 percent slopes, very stony | Somewhat limited | Paxton, very stony (80%) | Depth to saturated zone (0.39) | 1,183.6 | 0.9% |
| | | | | Slope (0.04) | | |
| PsE | Paxton gravelly fine sandy loam, 15 to 35 percent slopes, very stony | Very limited | Paxton, very stony (80%) | Slope (1.00) | 1,306.8 | 1.0% |
| | | | | Depth to saturated zone (0.39) | | |
| Pt | Pits, gravel | Not limited | Pits, gravel (80%) | | 307.4 | 0.2% |
| Pv | Pits, quarry | Not rated | Pits, quarry (85%) | | 419.6 | 0.3% |
| | | | Charlton (5%) | | | |
| | | | Chatfield (5%) | | | |
| | | | Alden (4%) | | | |
| | | | Water (1%) | | | |
| Ra | Rippowam sandy loam | Very limited | Rippowam (80%) | Flooding (1.00) | 903.5 | 0.7% |
| | | | | Depth to saturated zone (1.00) | | |
| ReA | Riverhead fine sandy loam, 0 to 3 percent slopes | Not limited | Riverhead (80%) | | 383.6 | 0.3% |
| ReB | Riverhead fine sandy loam, 3 to 8 percent slopes | Not limited | Riverhead (80%) | | 817.0 | 0.6% |
| ReC | Riverhead fine sandy loam, 8 to 15 percent slopes | Somewhat limited | Riverhead (80%) | Slope (0.63) | 156.1 | 0.1% |
| ReD | Riverhead fine sandy loam, 15 to 25 percent slopes | Very limited | Riverhead (80%) | Slope (1.00) | 42.4 | 0.0% |
| RuB | Riverhead-Urban land complex, 0 to 8 percent slopes | Not limited | Riverhead (40%) | | 560.6 | 0.4% |
| | | | Urban land (35%) | | | |
| RuC | Riverhead-Urban land complex, 8 to 15 percent slopes | Somewhat limited | Riverhead (50%) | Slope (0.63) | 72.7 | 0.1% |
| | | | Urban land (25%) | Slope (0.63) | | |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|--|------------------|--------------------------------------|------------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| RuD | Riverhead-Urban land complex, 15 to 25 percent slopes | Very limited | Riverhead (60%) | Slope (1.00) | 10.4 | 0.0% |
| | | | Urban land (15%) | Slope (1.00) | | |
| Sa | Sloan silt loam | Very limited | Sloan (80%) | Ponding (1.00) | 568.9 | 0.4% |
| | | | | Flooding (1.00) | | |
| | | | | Depth to saturated zone (1.00) | | |
| | | | | Shrink-swell (0.50) | | |
| Ur | Udorthents, refuse substratum | Not limited | Udorthents, refuse substratum (100%) | | 144.6 | 0.1% |
| Us | Udorthents, smoothed | Not limited | Udorthents, smoothed (80%) | | 2,232.8 | 1.8% |
| Uw | Udorthents, wet substratum | Somewhat limited | Udorthents, wet substratum (80%) | Depth to saturated zone (0.39) | 848.1 | 0.7% |
| Ux | Urban land | Not limited | Urban land (75%) | | 3,070.8 | 2.4% |
| W | Water | Not rated | Water (100%) | | 16,658.8 | 13.1% |
| Wa | Wallington silt loam | Very limited | Wallington (85%) | Depth to saturated zone (1.00) | 66.5 | 0.1% |
| | | | | Depth to thick cemented pan (1.00) | | |
| Wc | Watchaug fine sandy loam | Somewhat limited | Watchaug (85%) | Depth to saturated zone (0.39) | 2,206.7 | 1.7% |
| WeA | Wethersfield gravelly silt loam, 0 to 3 percent slopes | Somewhat limited | Wethersfield (80%) | Depth to saturated zone (0.39) | 202.7 | 0.2% |
| WeB | Wethersfield gravelly silt loam, 3 to 8 percent slopes | Somewhat limited | Wethersfield (80%) | Depth to saturated zone (0.39) | 13,091.8 | 10.3% |
| WeC | Wethersfield gravelly silt loam, 8 to 15 percent slopes | Somewhat limited | Wethersfield (80%) | Slope (0.63) | 5,831.4 | 4.6% |
| | | | | Depth to saturated zone (0.39) | | |
| WeD | Wethersfield gravelly silt loam, 15 to 25 percent slopes | Very limited | Wethersfield (80%) | Slope (1.00) | 2,844.9 | 2.2% |
| | | | | Depth to saturated zone (0.39) | | |

| Dwellings Without Basements— Summary by Map Unit — Rockland County, New York (NY087) | | | | | | |
|--|--|------------------|--------------------------|---------------------------------|------------------|----------------|
| Map unit symbol | Map unit name | Rating | Component name (percent) | Rating reasons (numeric values) | Acres in AOI | Percent of AOI |
| WuB | Wethersfield-Urban land complex, 2 to 8 percent slopes | Somewhat limited | Wethersfield (50%) | Depth to saturated zone (0.39) | 8,907.7 | 7.0% |
| WuC | Wethersfield-Urban land complex, 8 to 15 percent slopes | Somewhat limited | Wethersfield (60%) | Slope (0.63) | 4,095.2 | 3.2% |
| | | | Urban land (20%) | Depth to saturated zone (0.39) | | |
| WuD | Wethersfield-Urban land complex, 15 to 25 percent slopes | Very limited | Wethersfield (65%) | Slope (1.00) | 967.1 | 0.8% |
| | | | Urban land (15%) | Depth to saturated zone (0.39) | | |
| YaB | Yalesville sandy loam, 2 to 8 percent slopes | Somewhat limited | Yalesville (85%) | Depth to hard bedrock (0.46) | 557.9 | 0.4% |
| YaC | Yalesville sandy loam, 8 to 15 percent slopes | Somewhat limited | Yalesville (80%) | Slope (0.63) | 597.3 | 0.5% |
| | | | | Depth to hard bedrock (0.46) | | |
| YaD | Yalesville sandy loam, 15 to 25 percent slopes | Very limited | Yalesville (80%) | Slope (1.00) | 204.2 | 0.2% |
| | | | | Depth to hard bedrock (0.46) | | |
| YuB | Yalesville-Urban land complex, 2 to 8 percent slopes | Somewhat limited | Yalesville (60%) | Depth to hard bedrock (0.46) | 172.6 | 0.1% |
| YuC | Yalesville-Urban land complex, 8 to 15 percent slopes | Somewhat limited | Yalesville (55%) | Slope (0.63) | 188.0 | 0.1% |
| | | | Urban land (20%) | Depth to hard bedrock (0.46) | | |
| YuD | Yalesville-Urban land complex, 15 to 25 percent slopes | Very limited | Yalesville (60%) | Slope (1.00) | 25.3 | 0.0% |
| | | | Urban land (15%) | Depth to hard bedrock (0.46) | | |
| Totals for Area of Interest | | | | | 127,485.0 | 100.0% |

| Dwellings Without Basements— Summary by Rating Value | | |
|--|--------------|----------------|
| Rating | Acres in AOI | Percent of AOI |
| Somewhat limited | 53,821.8 | 42.2% |
| Very limited | 37,812.7 | 29.7% |
| Not limited | 16,743.4 | 13.1% |

| Dwellings Without Basements— Summary by Rating Value | | |
|---|---------------------|-----------------------|
| Rating | Acres in AOI | Percent of AOI |
| Null or Not Rated | 19,107.2 | 15.0% |
| Totals for Area of Interest | 127,485.0 | 100.0% |

Description

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

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

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

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

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

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

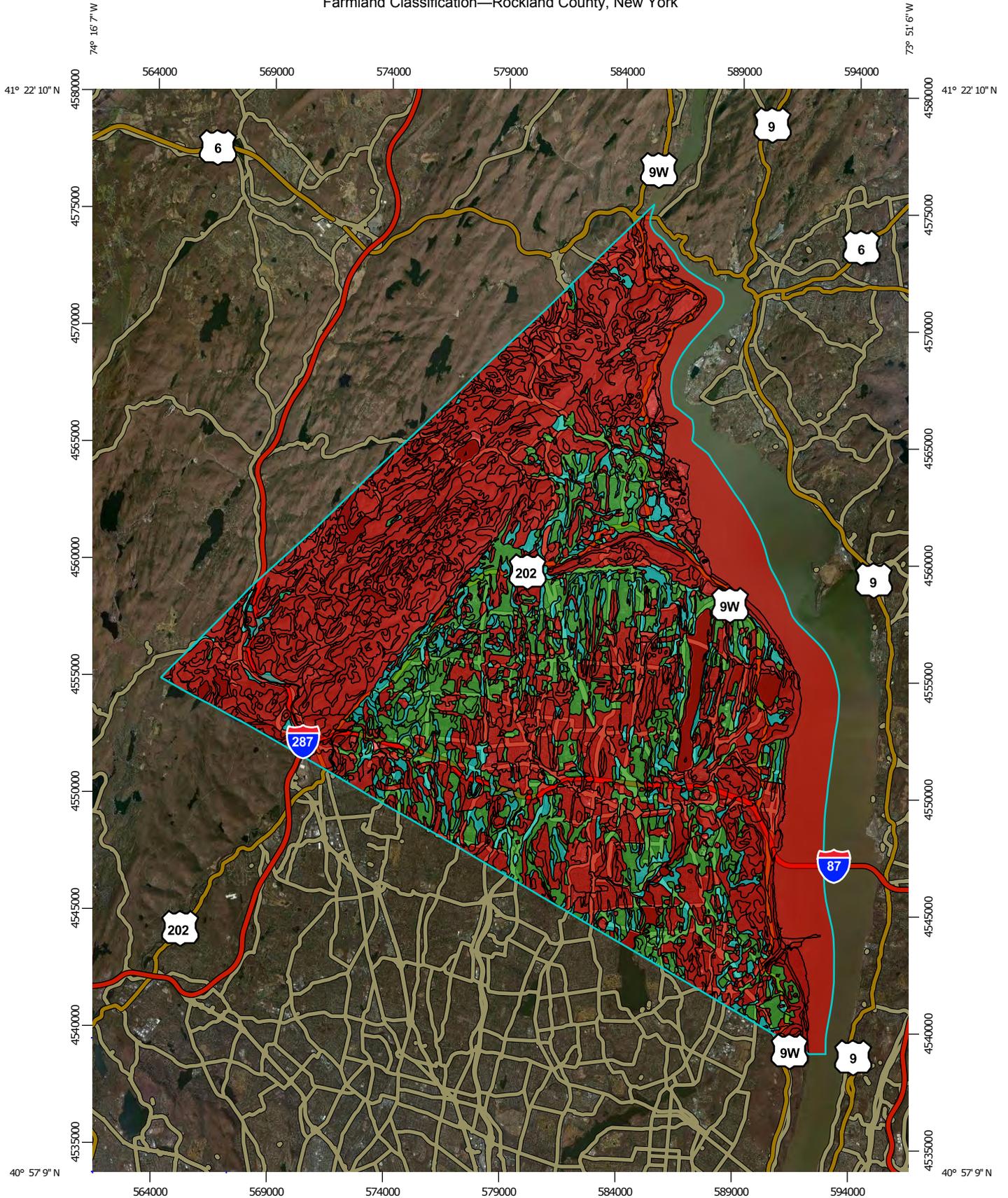
Rating Options

Aggregation Method: Dominant Condition

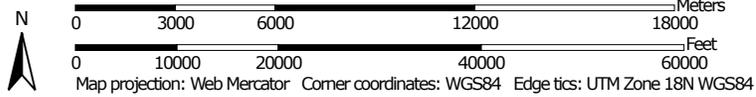
Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Farmland Classification—Rockland County, New York



Map Scale: 1:226,000 if printed on A portrait (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

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

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

Soil Rating Lines

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

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

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

Soil Rating Points

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

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

Water Features

MAP INFORMATION

 Streams and Canals

Transportation

 Rails

 Interstate Highways

 US Routes

 Major Roads

 Local Roads

Background

 Aerial Photography

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

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

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

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

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

Soil Survey Area: Rockland County, New York
Survey Area Data: Version 11, Dec 15, 2013

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

Date(s) aerial images were photographed: Mar 19, 2011—Apr 16, 2012

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

Farmland Classification

| Farmland Classification— Summary by Map Unit — Rockland County, New York (NY087) | | | | |
|--|---|----------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
| Aa | Adrian muck | Not prime farmland | 88.5 | 0.1% |
| Ad | Alden silt loam | Not prime farmland | 2,923.3 | 2.3% |
| Ca | Carlisle muck | Not prime farmland | 1,532.0 | 1.2% |
| CeB | Charlton fine sandy loam, 2 to 8 percent slopes | All areas are prime farmland | 1,057.6 | 0.8% |
| CeC | Charlton fine sandy, 8 to 15 percent slopes | Farmland of statewide importance | 591.4 | 0.5% |
| CeD | Charlton fine sandy loam, 15 to 25 percent slopes | Not prime farmland | 374.6 | 0.3% |
| ChC | Charlton fine sandy loam, 2 to 15 percent slopes, very stony | Not prime farmland | 5,130.7 | 4.0% |
| ChE | Charlton fine sandy loam, 15 to 35 percent slopes, very stony | Not prime farmland | 2,355.3 | 1.8% |
| ChF | Charlton fine sandy loam, 35 to 50 percent slopes, very stony | Not prime farmland | 22.8 | 0.0% |
| CkC | Charlton-Rock outcrop complex, rolling | Not prime farmland | 1,730.2 | 1.4% |
| CkD | Charlton-Rock outcrop complex, hilly | Not prime farmland | 3,646.1 | 2.9% |
| CmB | Charlton-Urban land complex, 2 to 8 percent slopes | Not prime farmland | 55.1 | 0.0% |
| CoC | Chatfield-Rock outcrop complex, rolling | Not prime farmland | 6,217.4 | 4.9% |
| CoD | Chatfield-Rock outcrop complex, hilly | Not prime farmland | 9,859.0 | 7.7% |
| CrB | Cheshire gravelly fine sandy loam, 2 to 8 percent slopes | All areas are prime farmland | 2,384.9 | 1.9% |
| CrC | Cheshire gravelly fine sandy loam, 8 to 15 percent slopes | Farmland of statewide importance | 731.1 | 0.6% |
| CuB | Cheshire-Urban land complex, 2 to 8 percent slopes | Not prime farmland | 3,332.2 | 2.6% |
| CuC | Cheshire-Urban land complex, 8 to 15 percent slopes | Not prime farmland | 591.6 | 0.5% |

| Farmland Classification— Summary by Map Unit — Rockland County, New York (NY087) | | | | |
|--|---|----------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
| Fh | Fluvaquents and Medisaprists, ponded | Not prime farmland | 436.3 | 0.3% |
| Fr | Fredon loam | Prime farmland if drained | 184.8 | 0.1% |
| HaA | Haven loam, 0 to 3 percent slopes | All areas are prime farmland | 135.4 | 0.1% |
| HaB | Haven loam, 3 to 8 percent slopes | All areas are prime farmland | 453.7 | 0.4% |
| HbB | Haven-Urban land complex, 0 to 8 percent slopes | Not prime farmland | 76.4 | 0.1% |
| HcA | Hinckley gravelly loamy sand, 0 to 3 percent slopes | Farmland of statewide importance | 469.2 | 0.4% |
| HcB | Hinckley gravelly loamy sand, 3 to 8 percent slopes | Farmland of statewide importance | 798.4 | 0.6% |
| HcC | Hinckley gravelly loamy sand, 8 to 15 percent slopes | Not prime farmland | 93.6 | 0.1% |
| HcD | Hinckley gravelly loamy sand, 15 to 25 percent slopes | Not prime farmland | 134.8 | 0.1% |
| HdB | Hinckley-Urban land complex, 0 to 8 percent slopes | Not prime farmland | 463.6 | 0.4% |
| HIF | Hollis-Rock outcrop complex, very steep | Not prime farmland | 3,651.6 | 2.9% |
| HoC | Holyoke-Rock outcrop complex, rolling | Not prime farmland | 1,693.3 | 1.3% |
| HoD | Holyoke-Rock outcrop complex, hilly | Not prime farmland | 2,555.6 | 2.0% |
| HoF | Holyoke-Rock outcrop complex, very steep | Not prime farmland | 2,028.8 | 1.6% |
| HuC | Holyoke-Urban land-Rock outcrop complex, rolling | Not prime farmland | 372.7 | 0.3% |
| Ip | Ipswich muck | Not prime farmland | 705.2 | 0.6% |
| Pa | Palms muck | Not prime farmland | 336.8 | 0.3% |
| PnB | Paxton gravelly fine sandy loam, 2 to 8 percent slopes | All areas are prime farmland | 439.9 | 0.3% |
| PnC | Paxton gravelly fine sandy loam, 8 to 15 percent slopes | Farmland of statewide importance | 184.2 | 0.1% |
| PsC | Paxton gravelly fine sandy loam, 2 to 15 percent slopes, very stony | Not prime farmland | 1,183.6 | 0.9% |

| Farmland Classification— Summary by Map Unit — Rockland County, New York (NY087) | | | | |
|--|--|----------------------------------|--------------|----------------|
| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
| PSE | Paxton gravelly fine sandy loam, 15 to 35 percent slopes, very stony | Not prime farmland | 1,306.8 | 1.0% |
| Pt | Pits, gravel | Not prime farmland | 307.4 | 0.2% |
| Pv | Pits, quarry | Not prime farmland | 419.6 | 0.3% |
| Ra | Rippowam sandy loam | Farmland of statewide importance | 903.5 | 0.7% |
| ReA | Riverhead fine sandy loam, 0 to 3 percent slopes | All areas are prime farmland | 383.6 | 0.3% |
| ReB | Riverhead fine sandy loam, 3 to 8 percent slopes | All areas are prime farmland | 817.0 | 0.6% |
| ReC | Riverhead fine sandy loam, 8 to 15 percent slopes | Farmland of statewide importance | 156.1 | 0.1% |
| ReD | Riverhead fine sandy loam, 15 to 25 percent slopes | Not prime farmland | 42.4 | 0.0% |
| RuB | Riverhead-Urban land complex, 0 to 8 percent slopes | Not prime farmland | 560.6 | 0.4% |
| RuC | Riverhead-Urban land complex, 8 to 15 percent slopes | Not prime farmland | 72.7 | 0.1% |
| RuD | Riverhead-Urban land complex, 15 to 25 percent slopes | Not prime farmland | 10.4 | 0.0% |
| Sa | Sloan silt loam | Farmland of statewide importance | 568.9 | 0.4% |
| Ur | Udorthents, refuse substratum | Not prime farmland | 144.6 | 0.1% |
| Us | Udorthents, smoothed | Not prime farmland | 2,232.8 | 1.8% |
| Uw | Udorthents, wet substratum | Not prime farmland | 848.1 | 0.7% |
| Ux | Urban land | Not prime farmland | 3,070.8 | 2.4% |
| W | Water | Not prime farmland | 16,658.8 | 13.1% |
| Wa | Wallington silt loam | Prime farmland if drained | 66.5 | 0.1% |
| Wc | Watchaug fine sandy loam | All areas are prime farmland | 2,206.7 | 1.7% |
| WeA | Wethersfield gravelly silt loam, 0 to 3 percent slopes | All areas are prime farmland | 202.7 | 0.2% |
| WeB | Wethersfield gravelly silt loam, 3 to 8 percent slopes | All areas are prime farmland | 13,091.8 | 10.3% |

| Farmland Classification— Summary by Map Unit — Rockland County, New York (NY087) | | | | |
|--|--|----------------------------------|------------------|----------------|
| Map unit symbol | Map unit name | Rating | Acres in AOI | Percent of AOI |
| WeC | Wethersfield gravelly silt loam, 8 to 15 percent slopes | Farmland of statewide importance | 5,831.4 | 4.6% |
| WeD | Wethersfield gravelly silt loam, 15 to 25 percent slopes | Not prime farmland | 2,844.9 | 2.2% |
| WuB | Wethersfield-Urban land complex, 2 to 8 percent slopes | Not prime farmland | 8,907.7 | 7.0% |
| WuC | Wethersfield-Urban land complex, 8 to 15 percent slopes | Not prime farmland | 4,095.2 | 3.2% |
| WuD | Wethersfield-Urban land complex, 15 to 25 percent slopes | Not prime farmland | 967.1 | 0.8% |
| YaB | Yalesville sandy loam, 2 to 8 percent slopes | All areas are prime farmland | 557.9 | 0.4% |
| YaC | Yalesville sandy loam, 8 to 15 percent slopes | Farmland of statewide importance | 597.3 | 0.5% |
| YaD | Yalesville sandy loam, 15 to 25 percent slopes | Not prime farmland | 204.2 | 0.2% |
| YuB | Yalesville-Urban land complex, 2 to 8 percent slopes | Not prime farmland | 172.6 | 0.1% |
| YuC | Yalesville-Urban land complex, 8 to 15 percent slopes | Not prime farmland | 188.0 | 0.1% |
| YuD | Yalesville-Urban land complex, 15 to 25 percent slopes | Not prime farmland | 25.3 | 0.0% |
| Totals for Area of Interest | | | 127,485.0 | 100.0% |

Description

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

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower

Appendix C:

Rockland County FEMA Flood Insurance Rate Maps



LETTERS OF COMMITMENT

| COMPANY NAME | COMMITTEE NUMBER | LOCATED ON MAP(S) | ISSUE DATE | APPROVAL DATE | ISSUE TYPE | PERCENT FIRM PANEL |
|---------------|------------------|-------------------|------------|---------------|------------|--------------------|
| YORK COUNTY | 0001 | 1000000000 | 0001-01 | 0001-01 | 0001-01 | 0001-01 |
| ALBANY COUNTY | 0002 | 1000000000 | 0002-01 | 0002-01 | 0002-01 | 0002-01 |
| ALBANY COUNTY | 0003 | 1000000000 | 0003-01 | 0003-01 | 0003-01 | 0003-01 |
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NOTE TO USER:
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MAP REVISIONS
 1. 01/15/2014: Initial release of the map.
 2. 02/15/2014: Updated the map with the latest data.
 3. 03/15/2014: Updated the map with the latest data.
 4. 04/15/2014: Updated the map with the latest data.
 5. 05/15/2014: Updated the map with the latest data.
 6. 06/15/2014: Updated the map with the latest data.
 7. 07/15/2014: Updated the map with the latest data.
 8. 08/15/2014: Updated the map with the latest data.
 9. 09/15/2014: Updated the map with the latest data.
 10. 10/15/2014: Updated the map with the latest data.
 11. 11/15/2014: Updated the map with the latest data.
 12. 12/15/2014: Updated the map with the latest data.

INDEX
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FIRM Flood Hazard Areas for Sullivan County, New York and Incorporated Areas

| Panel | Effective Date | Panel | Effective Date | Panel | Effective Date |
|-------|----------------|-------|----------------|-------|----------------|
| 0001 | March 1, 2014 | 0002 | March 1, 2014 | 0003 | March 1, 2014 |
| 0004 | March 1, 2014 | 0005 | March 1, 2014 | 0006 | March 1, 2014 |
| 0007 | March 1, 2014 | 0008 | March 1, 2014 | 0009 | March 1, 2014 |
| 0010 | March 1, 2014 | 0011 | March 1, 2014 | 0012 | March 1, 2014 |
| 0013 | March 1, 2014 | 0014 | March 1, 2014 | 0015 | March 1, 2014 |
| 0016 | March 1, 2014 | 0017 | March 1, 2014 | 0018 | March 1, 2014 |
| 0019 | March 1, 2014 | 0020 | March 1, 2014 | 0021 | March 1, 2014 |
| 0022 | March 1, 2014 | 0023 | March 1, 2014 | 0024 | March 1, 2014 |
| 0025 | March 1, 2014 | 0026 | March 1, 2014 | 0027 | March 1, 2014 |
| 0028 | March 1, 2014 | 0029 | March 1, 2014 | 0030 | March 1, 2014 |
| 0031 | March 1, 2014 | 0032 | March 1, 2014 | 0033 | March 1, 2014 |
| 0034 | March 1, 2014 | 0035 | March 1, 2014 | 0036 | March 1, 2014 |
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| 0040 | March 1, 2014 | 0041 | March 1, 2014 | 0042 | March 1, 2014 |
| 0043 | March 1, 2014 | 0044 | March 1, 2014 | 0045 | March 1, 2014 |
| 0046 | March 1, 2014 | 0047 | March 1, 2014 | 0048 | March 1, 2014 |
| 0049 | March 1, 2014 | 0050 | March 1, 2014 | 0051 | March 1, 2014 |
| 0052 | March 1, 2014 | 0053 | March 1, 2014 | 0054 | March 1, 2014 |
| 0055 | March 1, 2014 | 0056 | March 1, 2014 | 0057 | March 1, 2014 |
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| 0061 | March 1, 2014 | 0062 | March 1, 2014 | 0063 | March 1, 2014 |
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| 0067 | March 1, 2014 | 0068 | March 1, 2014 | 0069 | March 1, 201 |

Appendix D:

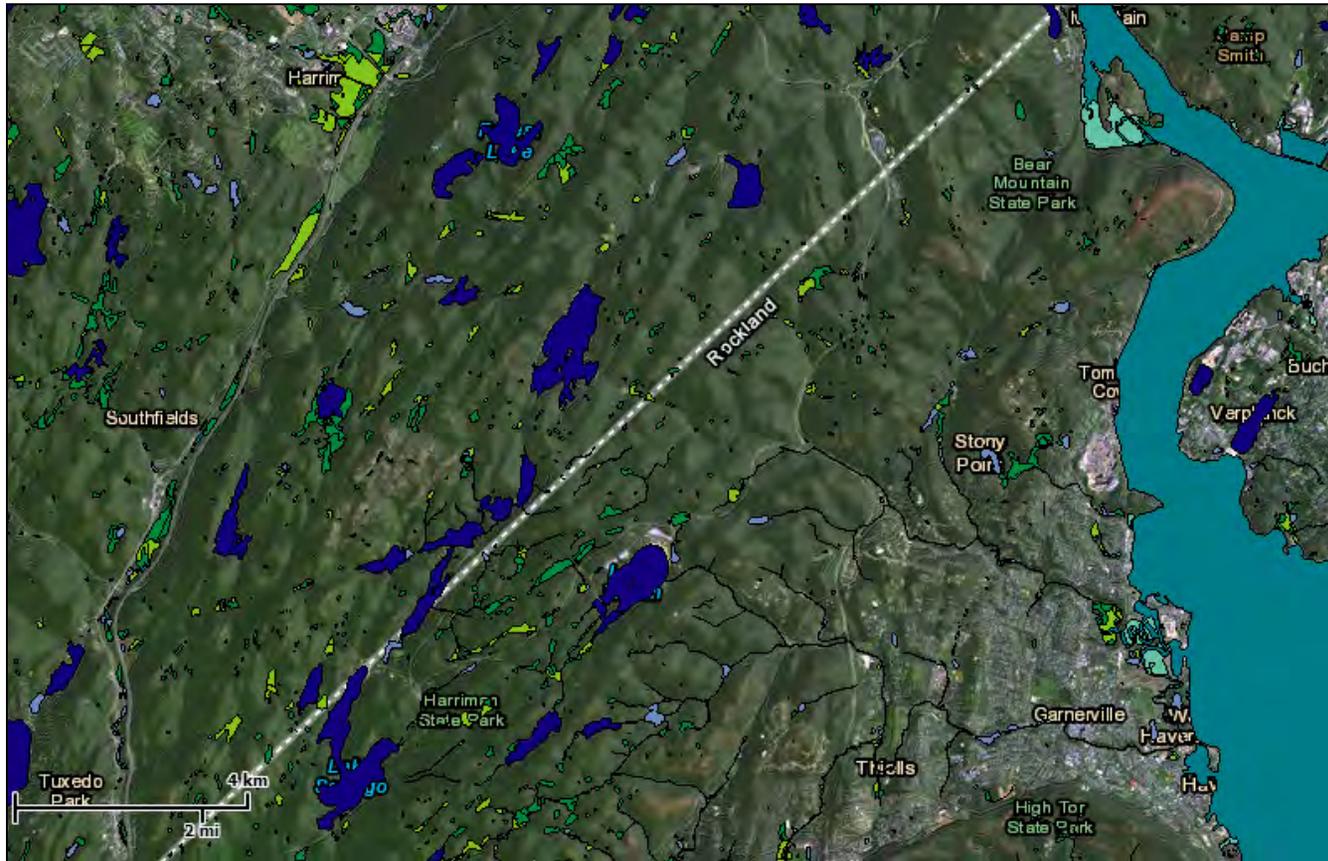
Rockland County Wetlands Maps



U.S. Fish and Wildlife Service National Wetlands Inventory

Rockland County Wetlands

Jul 26, 2013



Wetlands

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

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

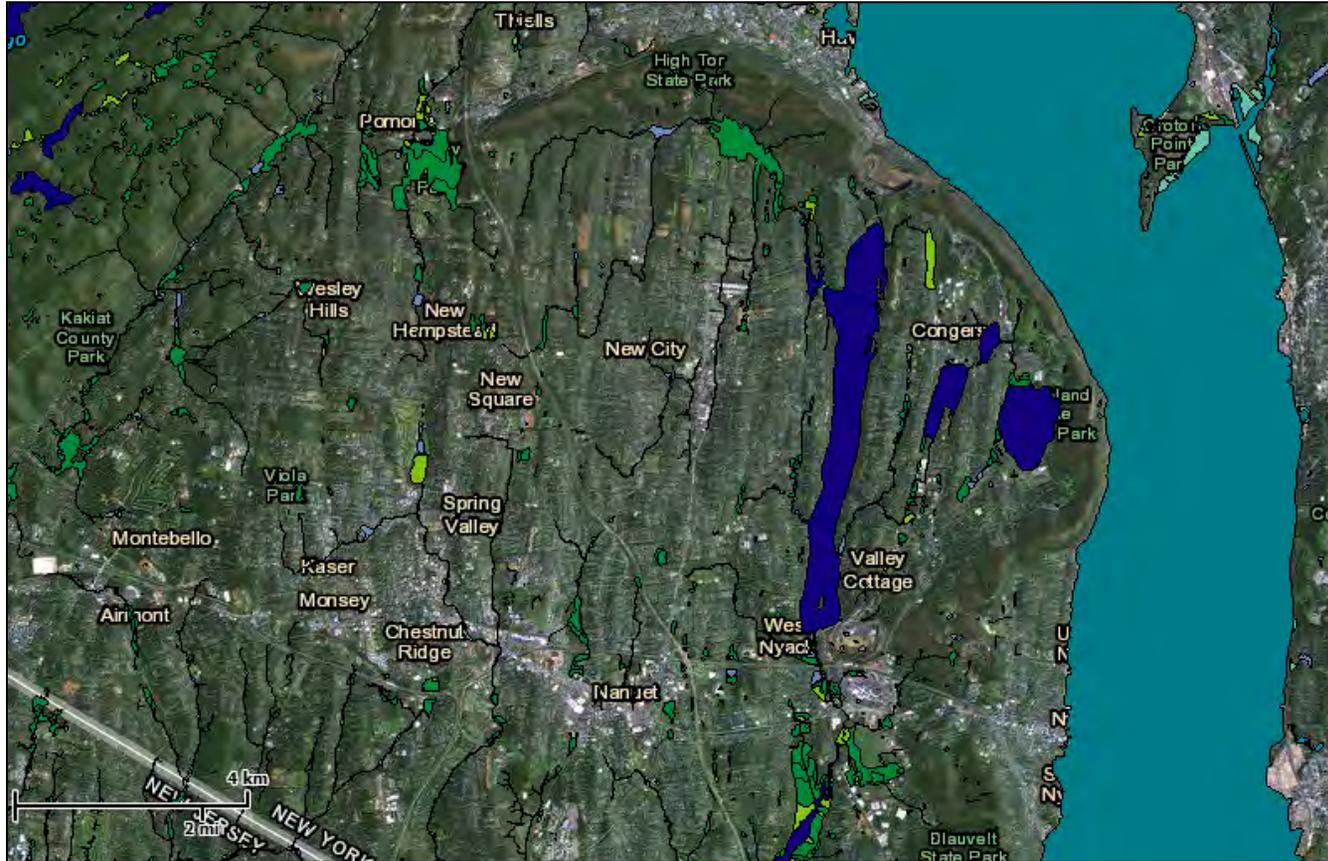
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Rockland County Wetlands

Jul 26, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
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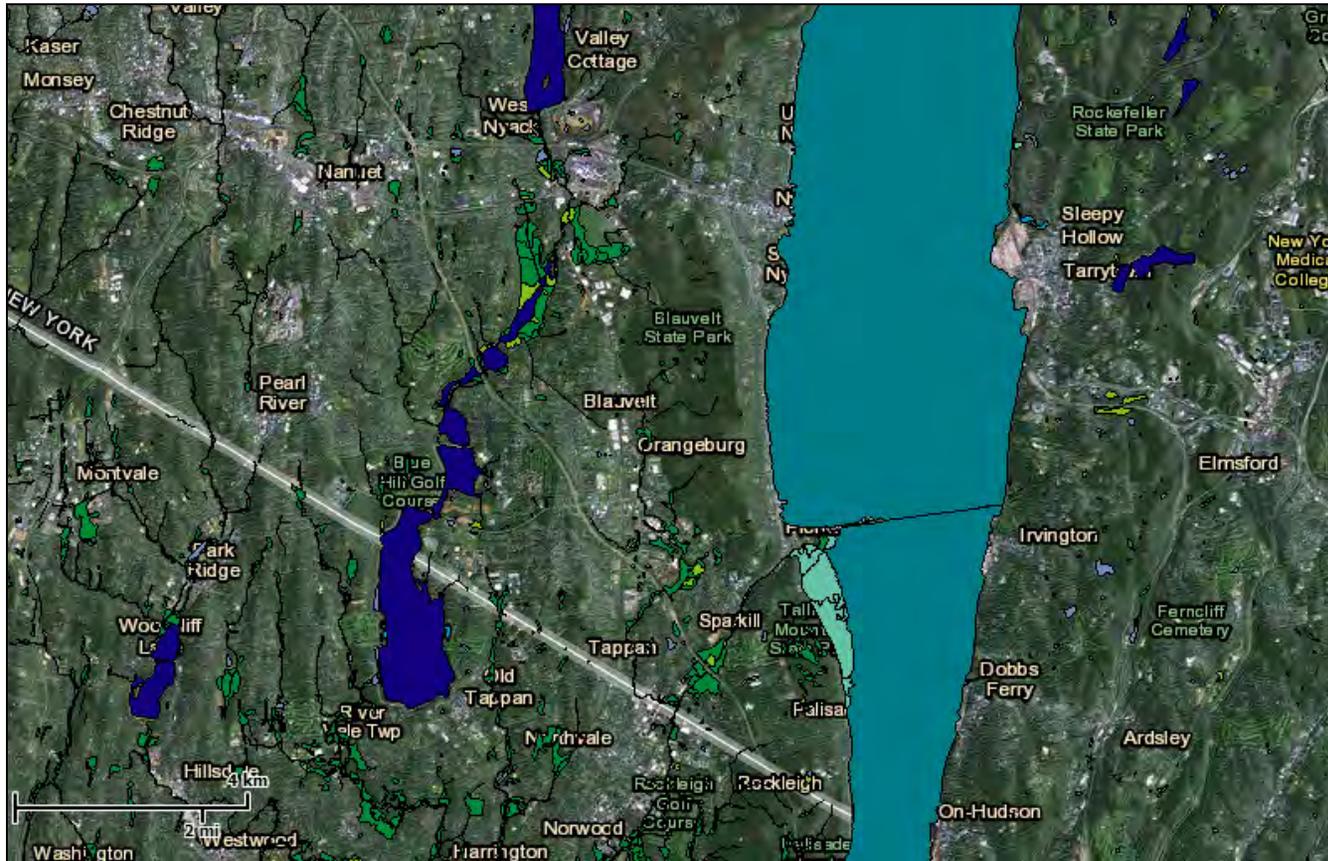
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Rockland County Wetlands

Jul 26, 2013



Wetlands

- Freshwater Emergent
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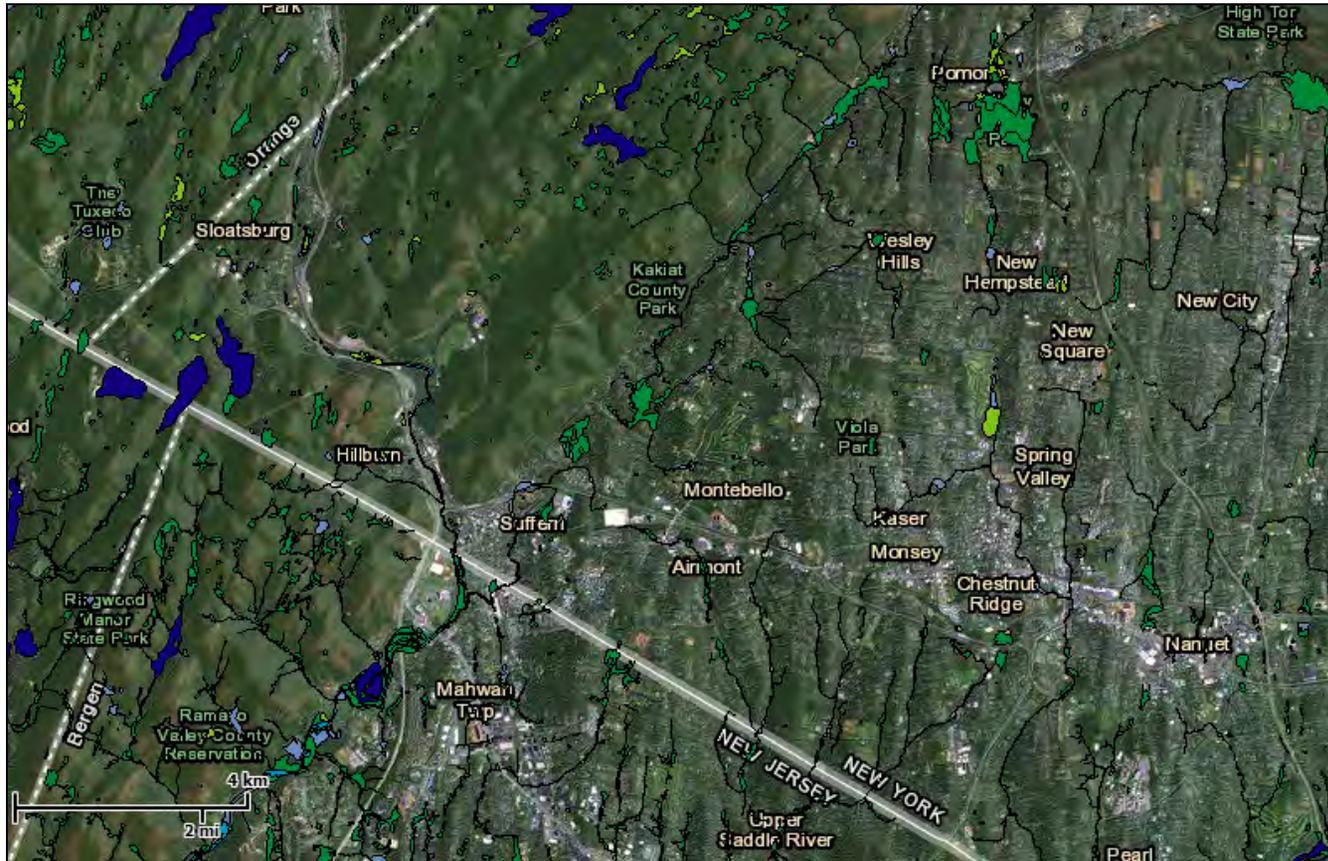
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Rockland County Wetlands

Jul 26, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
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User Remarks:

Appendix E:

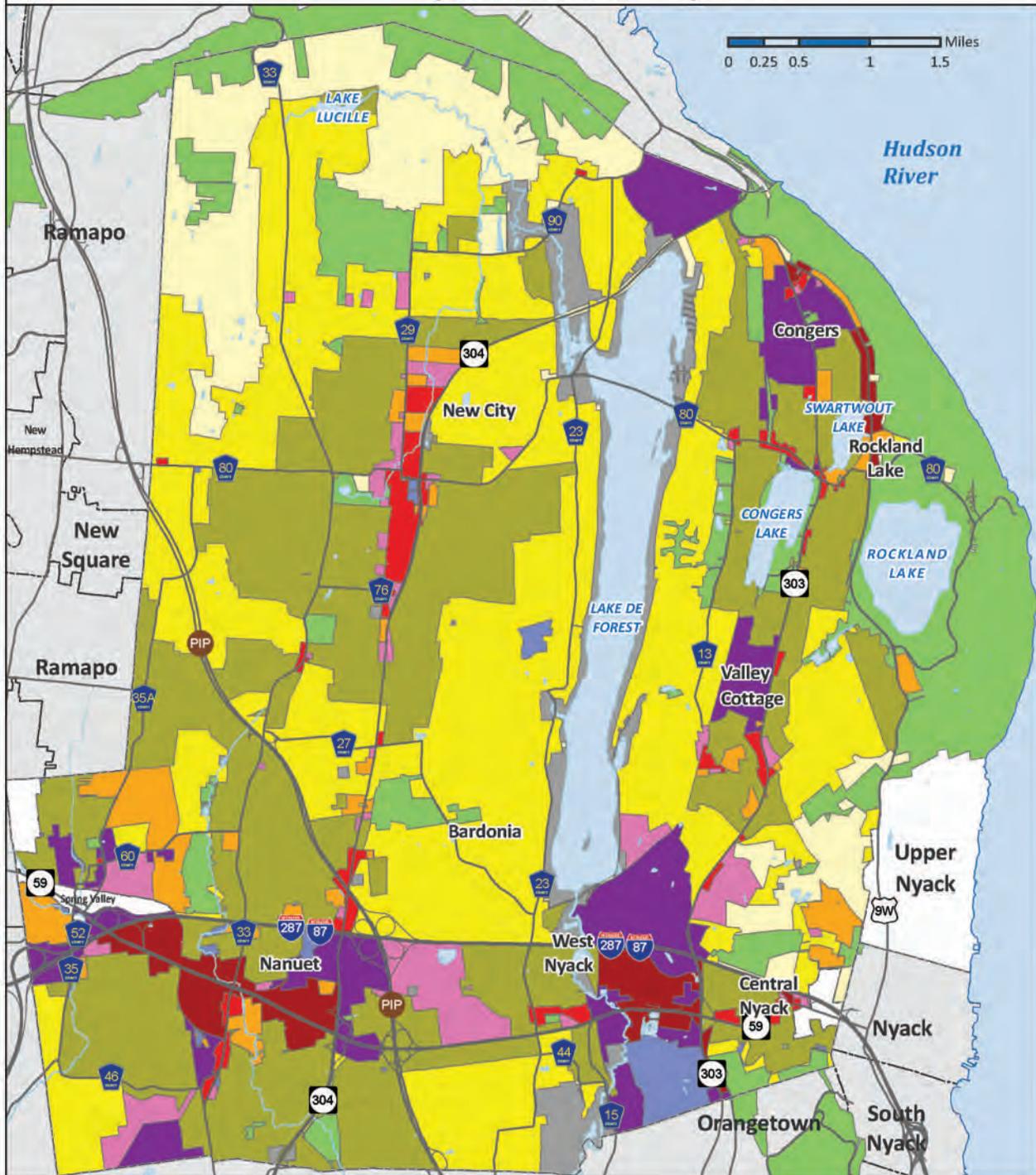
Rockland County Land Use and Zoning Maps

Town of Clarkstown, NY: 2009 Comprehensive Plan



Current Land Use and Generalized Zoning

| | | | |
|---------------------------|-----------|----------------------------|-----------------------|
| Lakes and Streams | Parks | Low Density Residential | Neighborhood Shopping |
| Town and Village Boundary | Municipal | Medium Density Residential | Regional Shopping |
| Major Road | Utilities | High Density Residential | Office |
| | | Multifamily Residential | Industrial |



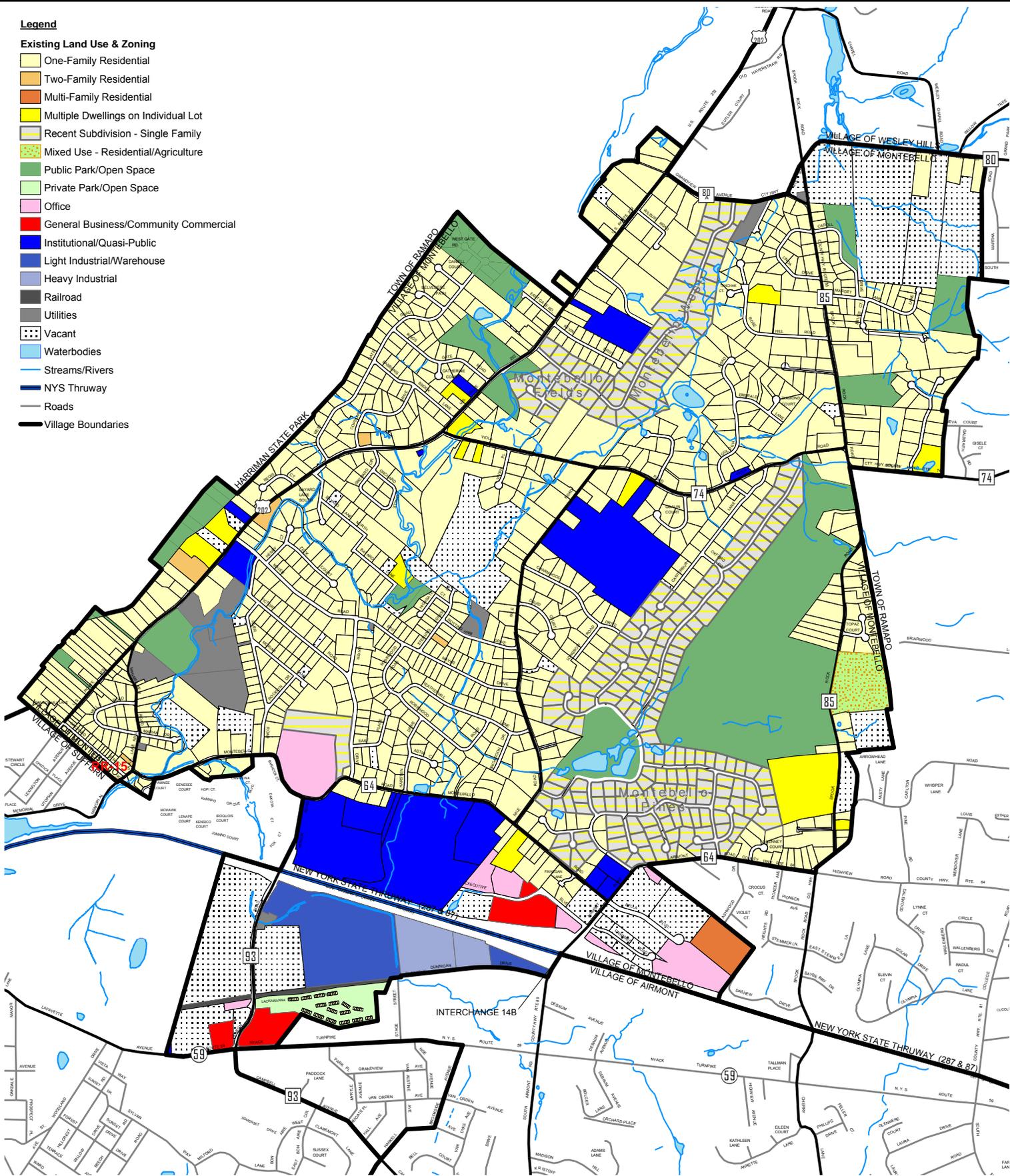
Prepared by: Clarkstown Data Processing Department, GIS.
 Source: Clarkstown Data Processing Department, GIS; Rockland County Planning Department, GIS.
 The Town of Clarkstown makes no warranties express or implied, as to the accuracy of the data on this map.
 This map is for general information purposes and must not be relied upon for engineering or site specific purposes.

Figure 1

Legend

Existing Land Use & Zoning

- One-Family Residential
- Two-Family Residential
- Multi-Family Residential
- Multiple Dwellings on Individual Lot
- Recent Subdivision - Single Family
- Mixed Use - Residential/Agriculture
- Public Park/Open Space
- Private Park/Open Space
- Office
- General Business/Community Commercial
- Institutional/Quasi-Public
- Light Industrial/Warehouse
- Heavy Industrial
- Railroad
- Utilities
- Vacant
- Waterbodies
- Streams/Rivers
- NYS Thruway
- Roads
- Village Boundaries



ROBERT GENESLAW CO.
Planning and Development Consultants

2 Executive Blvd., Suite 401, Suffern, NY 10901

Tel: (845) 368-1785

Fax: (845) 368-1572

Note: This map is for general planning purposes only.
 Source: New York State Department of Transportation,
 Rockland County GIS, Robert Geneslaw Co.

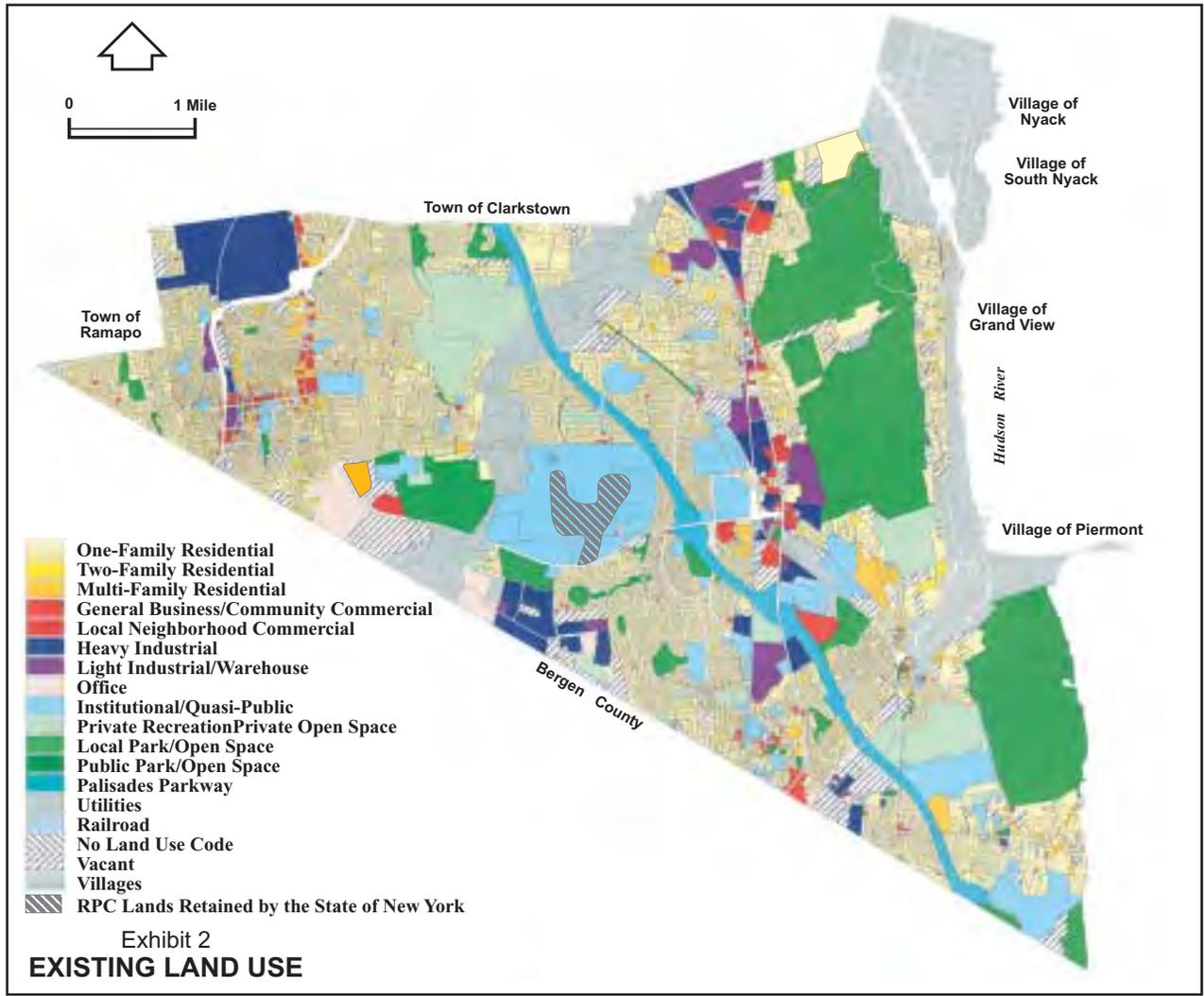
AUGUST 2003



EXISTING LAND USE

MONTEBELLO COMPREHENSIVE PLAN

Village of Montebello, New York



- One-Family Residential
- Two-Family Residential
- Multi-Family Residential
- General Business/Community Commercial
- Local Neighborhood Commercial
- Heavy Industrial
- Light Industrial/Warehouse
- Office
- Institutional/Quasi-Public
- Private Recreation/Private Open Space
- Local Park/Open Space
- Public Park/Open Space
- Palisades Parkway
- Utilities
- Railroad
- No Land Use Code
- Vacant
- Villages
- RPC Lands Retained by the State of New York

Exhibit 2

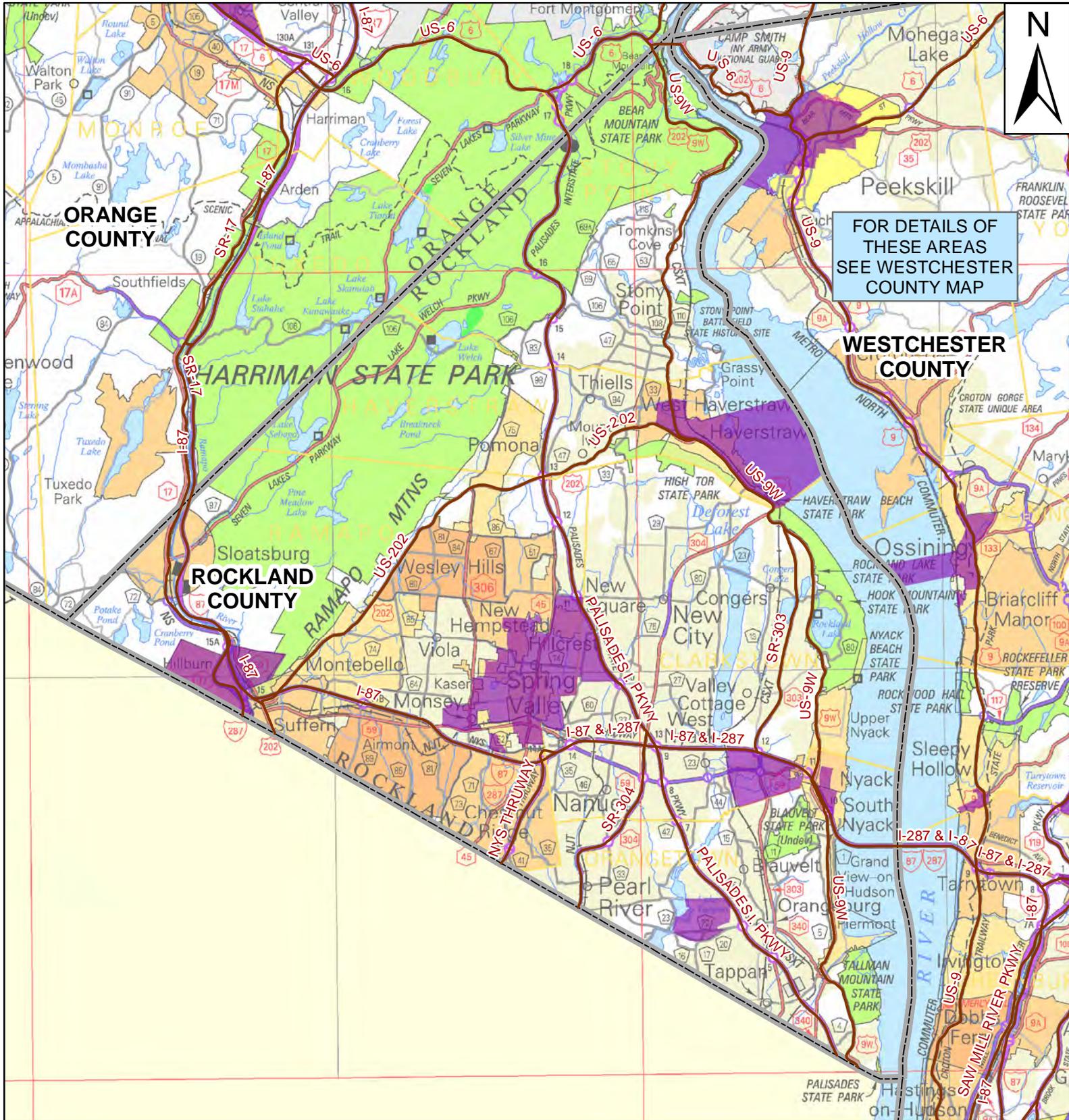
EXISTING LAND USE

Appendix F:

Rockland County
Potential Environmental Justice Area Maps

Potential Environmental Justice Areas in Rockland County, New York

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



FOR DETAILS OF THESE AREAS SEE WESTCHESTER COUNTY MAP

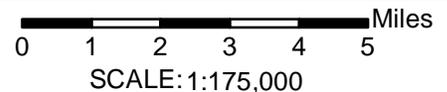
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Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

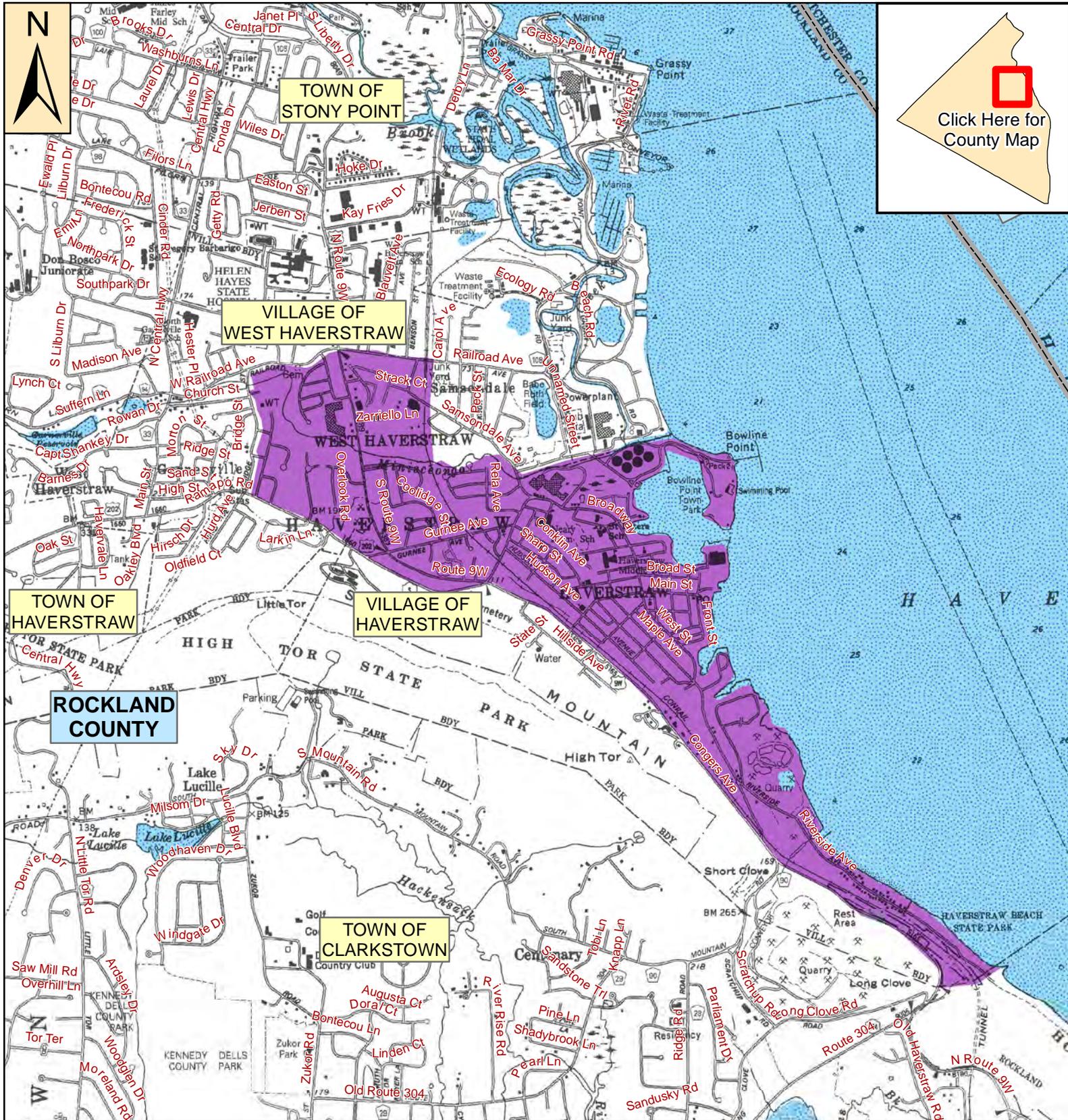
- Potential EJ Area
- County Boundary



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



Potential Environmental Justice Areas in the Village of Haverstraw Rockland County, New York



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

Legend

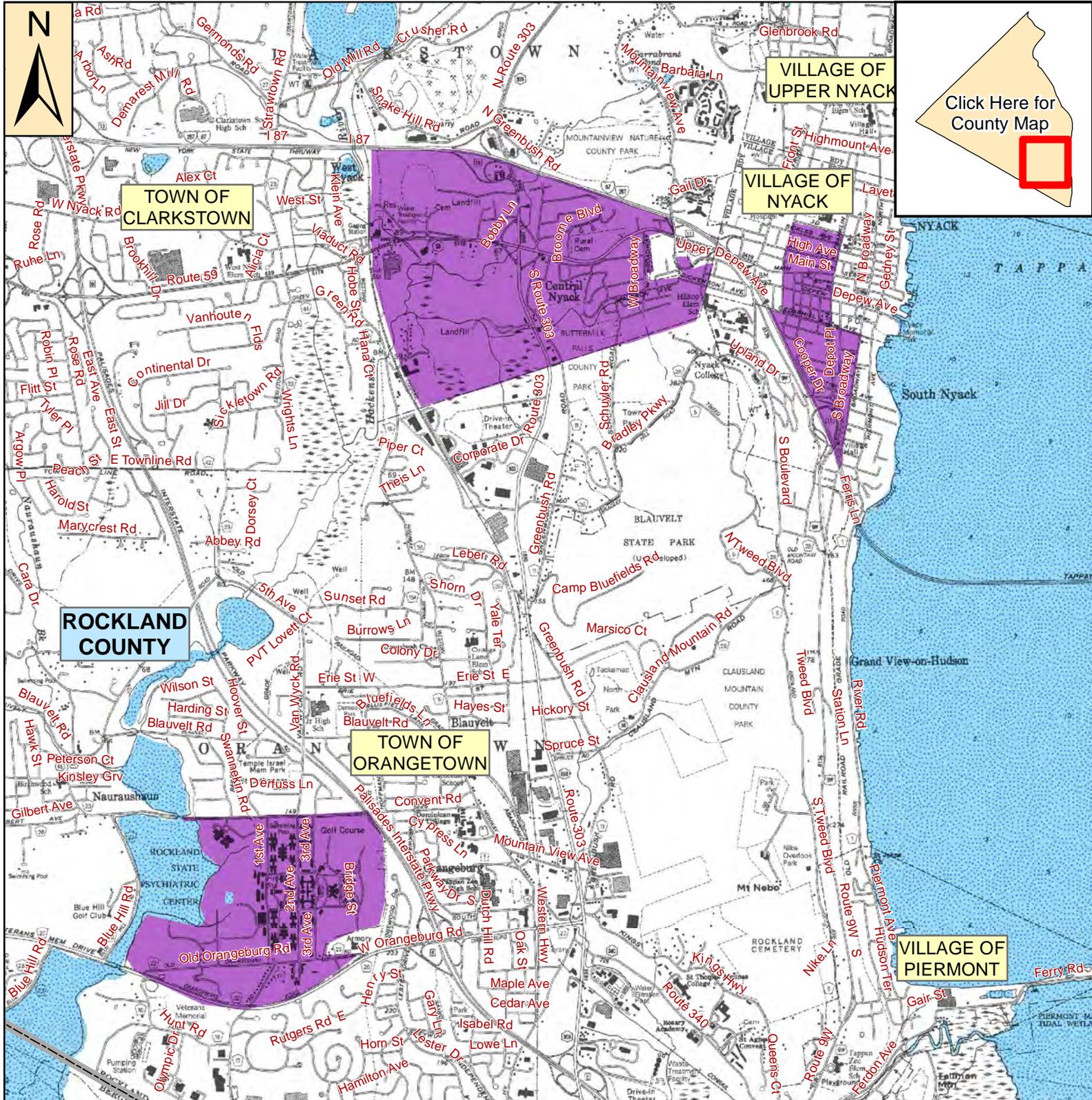
- Potential EJ Area
- County Boundary
- Waterbodies

Miles
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SCALE: 1:30,000

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



Potential Environmental Justice Areas in the Village of Nyack and Towns of Clarkstown and Orangetown Rockland County, New York



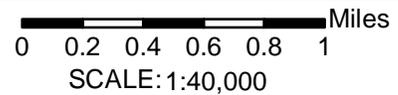
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Data Source for Potential Environmental Justice Areas:
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Legend

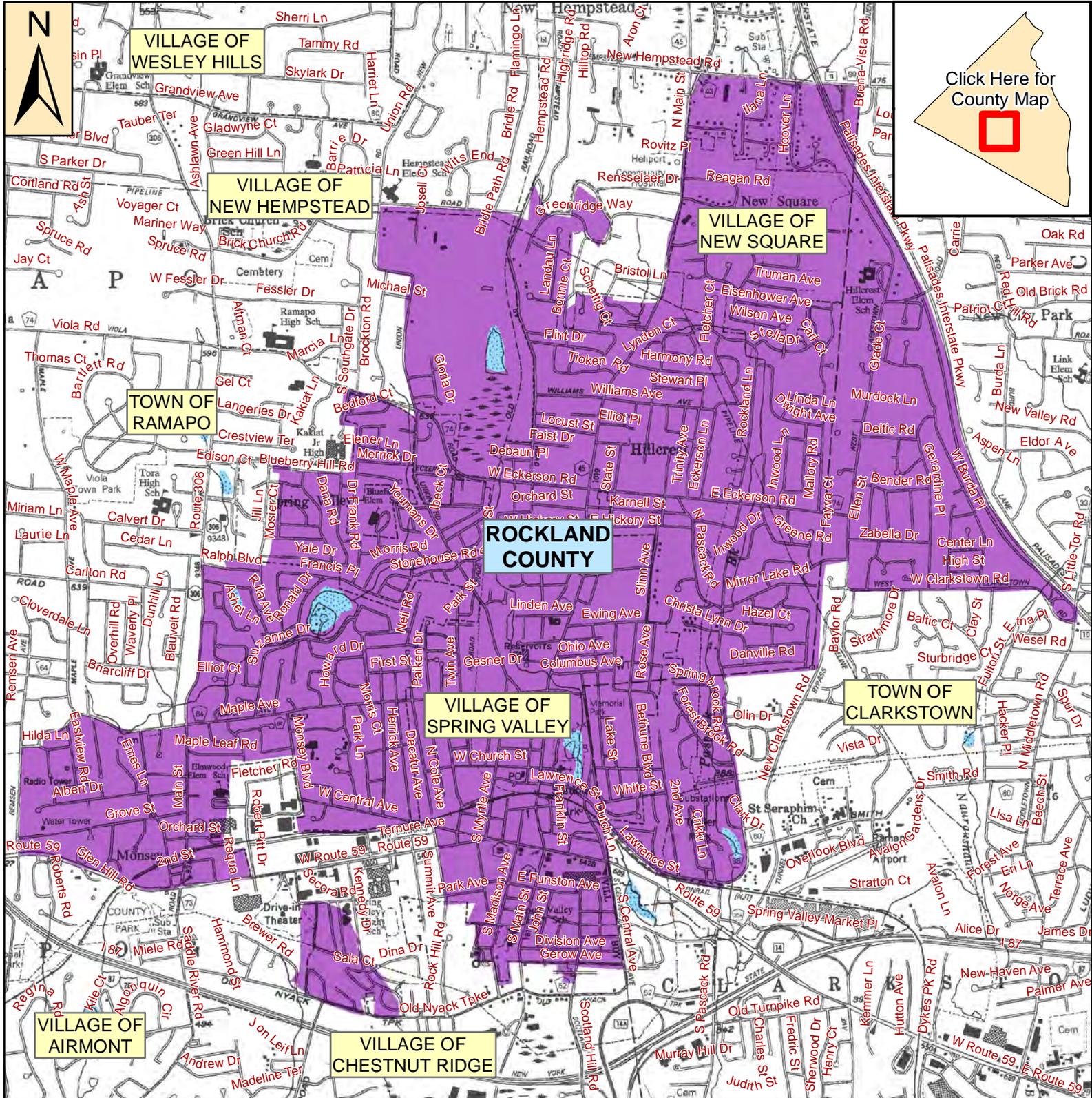
- Potential EJ Area
- County Boundary
- Waterbodies



For questions about this map contact:
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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 Villages of Spring Valley and New Square and Towns of Clarkstown and Orangetown Rockland County, New York



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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

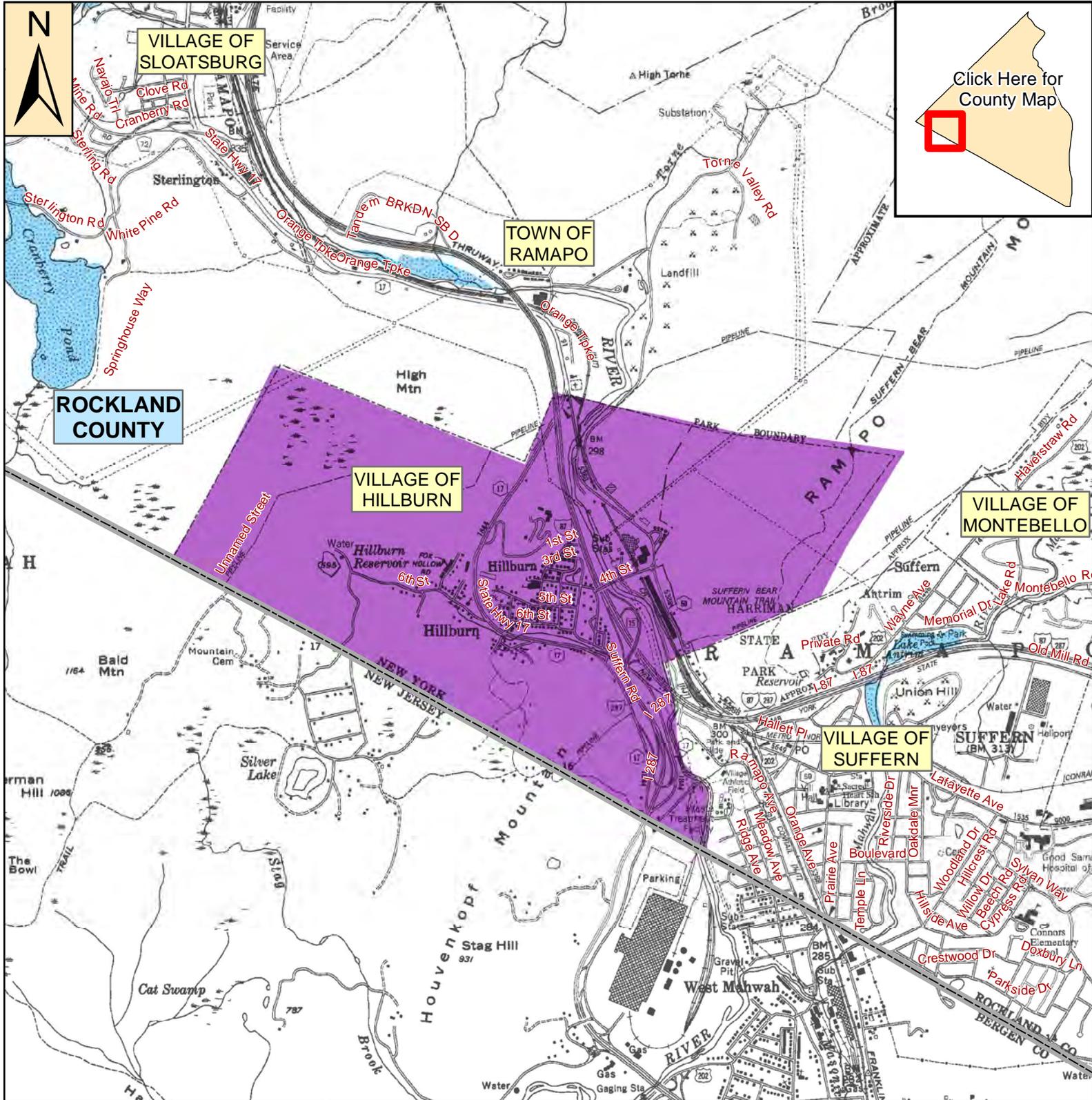
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625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Village of Hillburn Rockland County, New York



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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

0 0.2 0.4 0.6 0.8 1
Miles

SCALE: 1:30,000

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

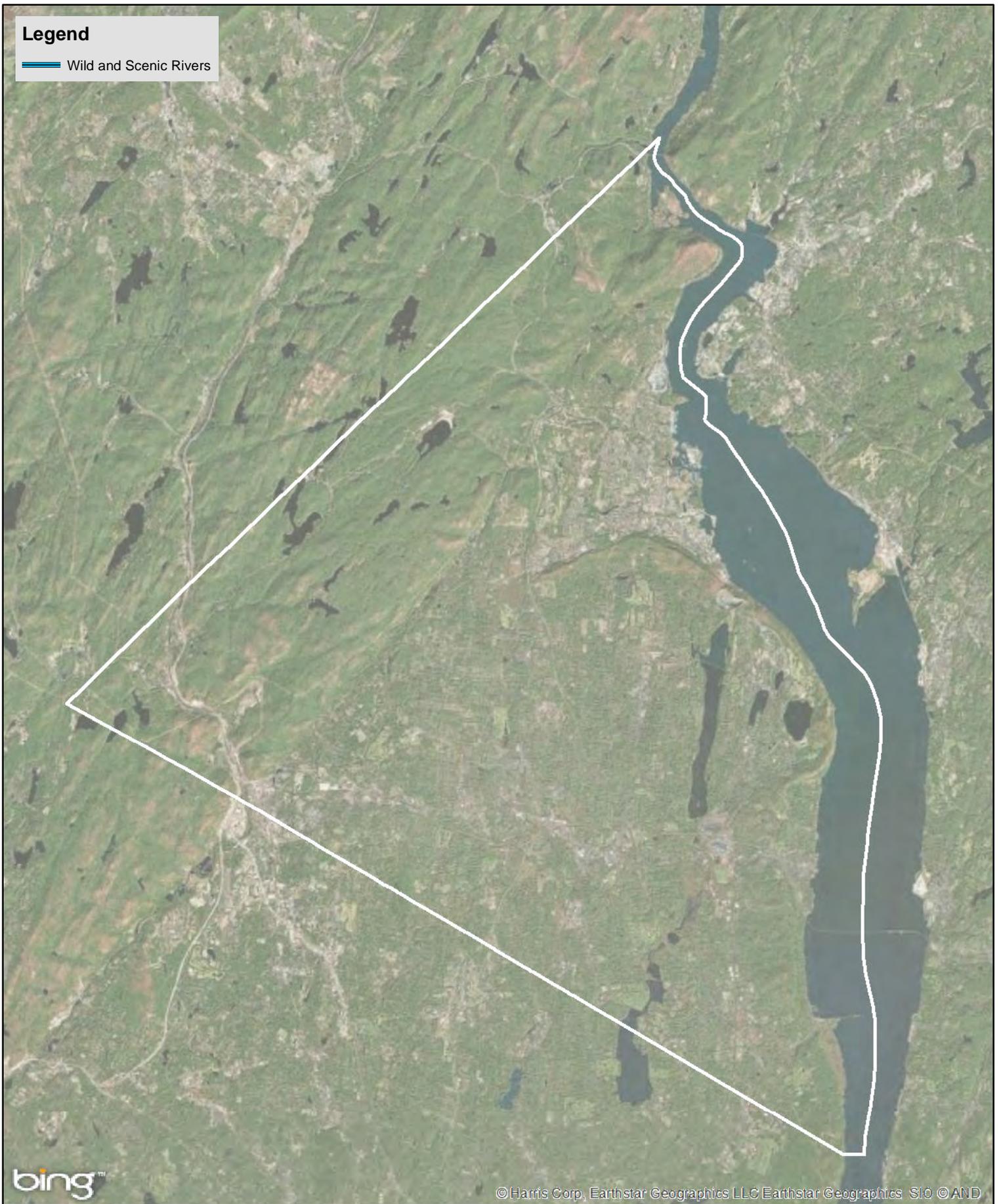


Appendix G:

Rockland County Wild, Scenic, or Recreational Rivers

Legend

 Wild and Scenic Rivers

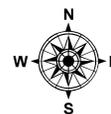


bing™

©Harris Corp, Earthstar Geographics LLC Earthstar Geographics, SIO ©AND

Rockland County Wild and Scenic Rivers

0 2.5 5 Miles



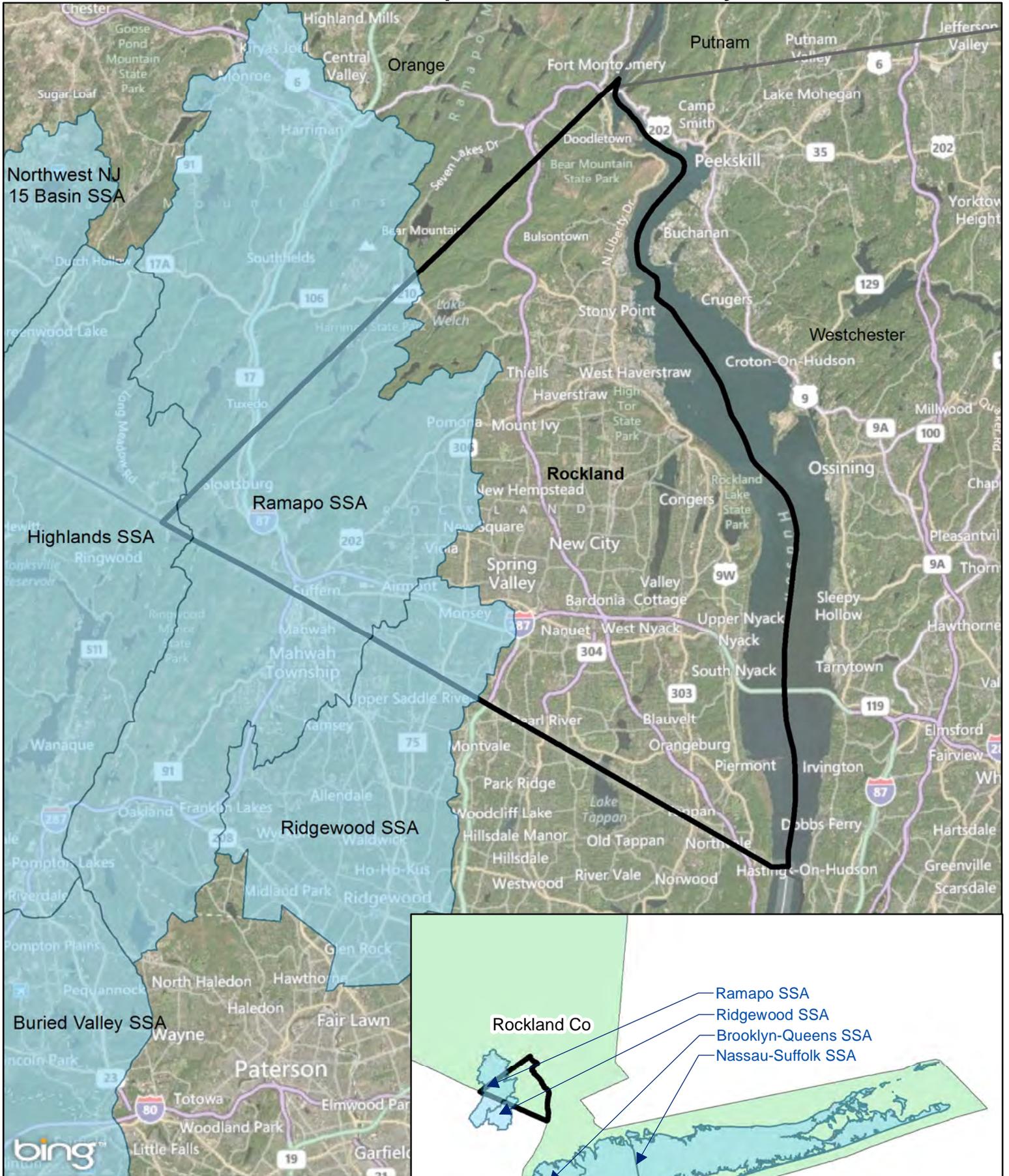
ProSource
TECHNOLOGIES

There are no Wild, Scenic, or Recreational Rivers in Rockland County.

Appendix H:

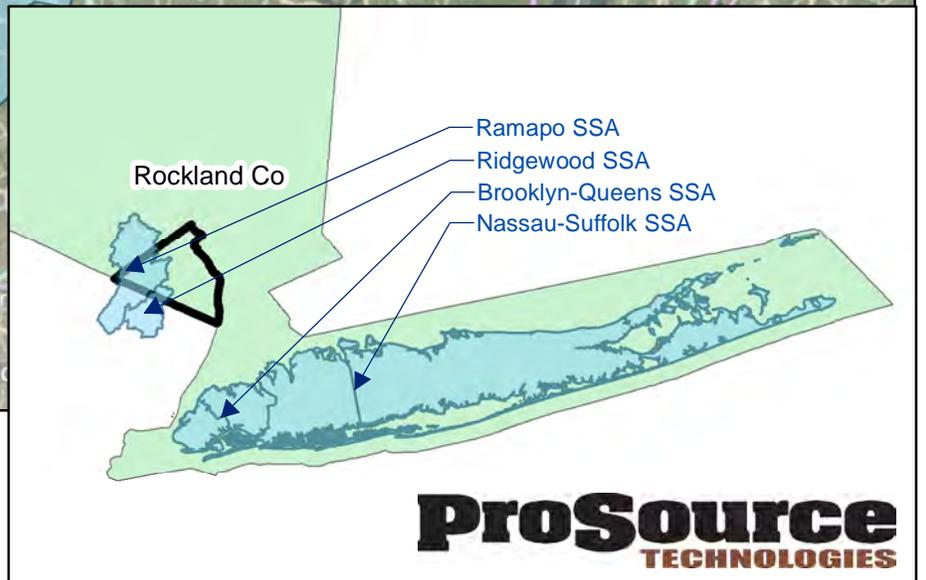
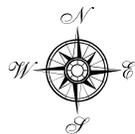
Rockland County Sole Source Aquifer Map and Memorandum of Understanding

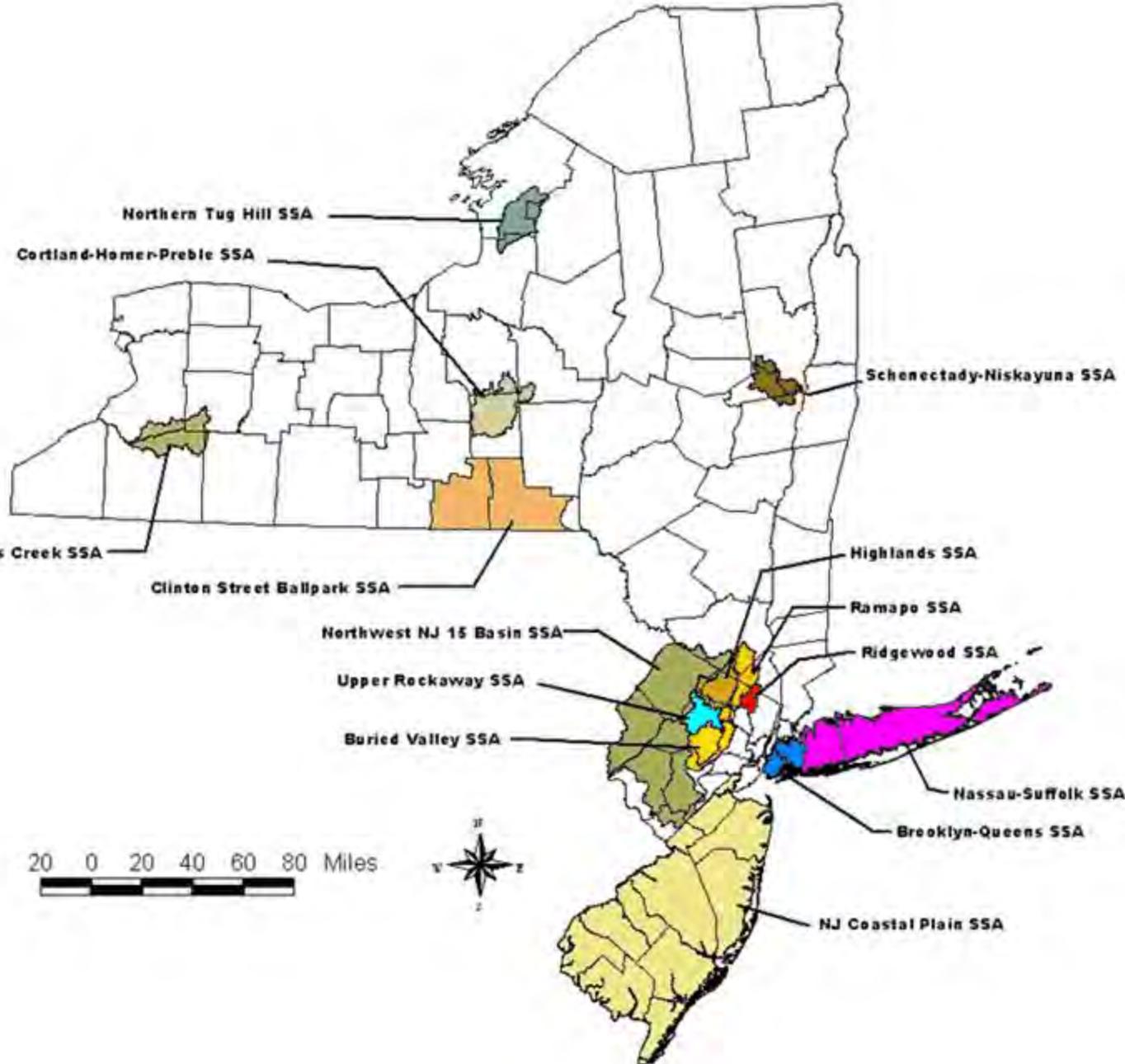
Sole Source Aquifers - Rockland County



Legend

- Sole Source Aquifers
- Rockland County





OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL

of pages - 14

| | |
|-------------------------|-------------------------|
| To: Jeff Hollman | From: Steve Gomb |
| Dept./Agency | Phone # |
| Fax # | Fax # |

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
REGION II, NEW YORK, NEW YORK

AND

THE ENVIRONMENTAL PROTECTION AGENCY
REGION II, NEW YORK, NEW YORK

PURPOSE and GOAL

This Memorandum of Understanding (MOU) is established to assist the Environmental Protection Agency (EPA), Region II, and the Department of Housing and Urban Development (HUD), Region II, in meeting the Sole Source Aquifer (SSA) project review requirements of Section 1424(e) of the 1974 Safe Drinking Water Act (SDWA) PL 93-523.

The MOU establishes a formal agreement of each agency's responsibilities and the procedures to be followed in evaluating the potential groundwater impact of projects/activities submitted for HUD Federal financial assistance which are located within the project review area of a designated SSA in Region II.

Under Section 1424(e), an aquifer may be designated by EPA as a SSA if it is determined that the aquifer is the sole or principal source of drinking water for an area and, if contaminated, would create a significant hazard to public health. Following designation, no commitment of Federal financial assistance may be entered into for any project/activity within the SSA project review area which the EPA Administrator determines may contaminate the aquifer so as to create a significant hazard to public health.

The overall goal is to ensure that each project/activity receiving Federal financial assistance in a SSA project review area is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health.

GEOGRAPHIC AREAS AFFECTED

This MOU applies to HUD Federal financially assisted projects/activities in the project review area of all current and future designated SSAs in Region II.

-2-

Attachment 1, Designated SSAs in Region II, lists the designated SSA areas within the states of New York and New Jersey in EPA, Region II; the date of designation; and the Federal Register Notice citation. Attachment 1 also provides a map of the SSA project review area boundary for each of the designated aquifers. When any other SSAs are designated in Region II, EPA will notify HUD in writing.

DEFINITIONS

Significant Hazard to Public Health:

A level of contaminant which causes or may cause the aquifer to:

- (a) Exceed any (1) maximum contaminant level set forth in any promulgated National Primary Drinking Water Standard; (2) state standard where more stringent than the Federal standard; (3) public health advisory level for currently unregulated contaminants; at any point where the water may be used for drinking purposes, or
- (b) May otherwise adversely affect the health of persons, or
- (c) May require a public water system to install additional treatment to prevent such adverse effect.

Federal Financial Assistance:

Financial benefits provided directly as aid to a project by a department, agency, or instrumentality of the federal government in any form including contracts, grants and loan guarantees. Actions or projects carried out by the federal government itself do not involve federal financial assistance.

Actions performed for the federal government by contractors should be distinguished from contracts entered into specifically for the purpose of providing financial assistance, and will not be considered programs or actions receiving Federal financial assistance.

Federal financial assistance is limited to benefits earmarked for a specific project or action and directly awarded to the project or action. Indirect assistance, e.g., in the form of a loan to a developer by a lending institution which in turn receives federal assistance not specifically related to the project in question is not federal financial assistance under Section 1424(e).

-3-

SSA Project Review Area

The area within which federal financially assisted projects/activities will be reviewed, which includes the designated area and may include all or a portion of the streamflow source area(s). The designated area can include the area above the aquifer, the area which recharges the aquifer (possibly including all or a portion of the streamflow source area) and the area where the population served by the aquifer resides. Streamflow source zone is defined as the upstream headwaters area of losing streams (streams contributing to recharge to Ground Water) that drain into the recharge area. The extent of the SSA project review area is outlined in the Federal Register designation notice for that SSA. Attachment 1 lists the Federal Register Notice citation and provides a map of the SSA project review area.

MOU ATTACHMENTS

- Attachment 1: Designated SSAs in Region II
- Attachment 2: A. Non-Housing Initial Screen Criteria
B. Housing Initial Screen Criteria
- Attachment 3: SSA Preliminary Review Information Requirements
- Attachment 4: Hazardous Constituents

ENVIRONMENTAL REVIEW RESPONSIBILITY

Pursuant to Section 1424(e) of the SDWA, EPA is responsible for designating SSAs and reviewing federal financially assisted projects/activities within SSA project review areas.

Pursuant to the National Environmental Policy Act (NEPA) and other provisions of law, HUD is responsible for environmental review and decision making except in those cases delegated by law such as with Community Development Block Grant Program (CPD). Environmental responsibility includes compliance with Section 1424(e) of the SDWA.

EIS EARLY NOTIFICATION/SCOPING

If an Environmental Impact Statement (EIS) is prepared for a project/activity in a SSA project review area, HUD or its grant recipients that assume by law environmental responsibilities and EPA shall coordinate at the earliest possible time so that the draft EIS contains EPA's SSA review determination. This is to ensure that any possible groundwater contamination has been considered.

-4-

This early notification will serve to initiate consultations with the developer to determine the scope of study that may be necessary if any formal groundwater quality assessment is required.

REVIEW PROCESS:

COMMUNITY PLANNING AND DEVELOPMENT (CPD) and HOUSING PROGRAM

The general procedures to be followed by HUD, its delegated agencies and EPA in reviewing HUD federal financially assisted activities and determining their potential impact on the SSA are outlined below. The overall goal is to ensure that each project/activity receiving federal financial assistance is designed and constructed in a manner that will prevent the introduction of contaminants into the SSA in quantities that may create a significant hazard to public health. Two levels of potential review are: (1) Initial Screen/Preliminary Review, and (2) Formal Section 1424(e) Review.

I. Excluded Projects/Activities

EPA and HUD mutually agree that the following list of project/activity categories would not create a significant hazard to public health:

- Construction of individual new residential structures containing from one to four units
- Funding of planning grants
- Rehabilitation of residential units
- Funding of all other grants for non-construction projects/activities
- Projects identified as exempt in 24 CFR 58.34

These categories of projects/activities are therefore excluded from the Initial Screen/Preliminary Review requirements as outlined in Sections II and III below. Potential CPD recipients; states; other delegated agencies and HUD are responsible for making this determination for their respective programs. EPA may request information on these projects/activities and conduct a review if EPA determines it to be necessary.

II. CPD Applications/Final Statements

A. Initial Screen/Preliminary Review

-5-

HUD shall notify all potential CPD recipients, including states that are administering HUD programs (Non-Entitlement Small Cities Program, etc.) and other delegated agencies with jurisdiction in SSA project review areas of the SSA review requirements under Section 1424(e) and of their responsibility as outlined in this MOU.

Potential CPD recipients shall conduct an initial screen of CPD projects/activities proposed for HUD federal financial assistance prior to submission of an application or final statement to HUD. Attachment 2.A, Non-Housing Initial Screen Criteria, shall be used for CPD projects/activities that do not involve housing; and Attachment 2.B, Housing Initial Screen Criteria, for CPD projects/activities involving housing only.

EPA shall be notified of any projects/activities which result in a positive response to one of the criteria questions in Attachment 2. Where a project/activity meets one of the criteria in Attachment 2, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with applicable project/final statement information.

Upon receipt of the above, EPA will conduct its Preliminary Review. If additional information is required, EPA will inform the potential CPD recipient and HUD. The potential CPD recipient shall be responsible for submitting to EPA any additional information requested in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance, or proceed to a Formal Section 1424(e) Review. The project/activity may be cleared as is, or with modifications.

B. Timeframe for Preliminary Review and Notification

Within fifteen calendar days of EPA's receipt of the project's final statement, Attachment 2 and Attachment 3, EPA will notify the potential CPD recipient and HUD of one or more of the following:

- the project/activity has received SSA review clearance
- the project/activity requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project, is required
- the project/activity raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Review is required

-6-

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

HUD shall not authorize a release of funds until all outstanding issues with regard to the subject project/activity have been resolved.

C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify the potential CPD recipient and HUD of this decision. If additional information is required, the potential CPD recipient shall be responsible for submitting the requested information to EPA in a timely manner. EPA may also schedule a public hearing to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project/activity, request more information, suggest modifications or disapprove the project/activity.

III. Housing Program Applications

A. Initial Screen/Preliminary Review

HUD shall notify all of its field offices of the SSA review requirements under Section 1424(e) and of their responsibilities as outlined in this MOU.

HUD shall conduct an initial screen of housing projects proposed for HUD Federal financial assistance. Attachment 2.B, Housing Initial Screen Criteria, shall be used for this review. EPA shall be notified of any projects which result in a positive response to one of the criteria questions in Attachment 2.B. Where a project meets one of the criteria in Attachment 2.B, the information in Attachment 3, SSA Preliminary Review Information Requirements, shall also be completed and forwarded to EPA along with the applicable project information.

Upon receipt of the above, EPA will conduct its Preliminary Review. If additional information is required, EPA will inform the HUD field office who shall then be responsible for submitting to EPA the requested information in a timely manner.

Based on the information provided, EPA will make its determination on whether to complete its review at this stage and provide SSA review clearance or proceed to a Formal Section 1424(e) Review. The project may be cleared in its existing form, or with modifications.

-7-

B. Timeframe for Preliminary Review and Notification

Within fifteen calendar days of EPA's receipt of the pertinent environmental information from the housing application, Attachment 2 and Attachment 3, EPA will notify HUD of one or more of the following:

- the project has received SSA review clearance
- the project requires modifications to receive SSA review clearance
- additional environmental information is required
- additional time to review the project is required
- the project raises major environmental concerns requiring interagency consultation
- a Formal Section 1424(e) Detailed Review is required

The project environmental clearance needed for project approval shall not be considered complete (appropriate sign-offs) until outstanding SSA issues with regard to the subject project have been satisfactorily resolved.

If EPA does not notify HUD within 15 days of receipt of the project, HUD should proceed with its project review.

C. Formal Section 1424(e) Review

Should a Formal Section 1424(e) Review be required, EPA shall formally notify HUD of this decision. If additional information is required, HUD shall be responsible for submitting the requested information to EPA in a timely manner. A public hearing may be held to gather additional information.

Based on the information provided, EPA shall make a determination to either approve the project, request more information, suggest modifications or disapprove the project.

D. Local Area Certification For Housing Environmental Review

If the community is wholly or partially within a SSA project review area boundary, the local certified agency shall have the same responsibility as HUD in meeting the SSA review requirements as outlined in Section 1424(e) and this MOU.

GENERAL PROCEDURAL MATTERS

Materials submitted to IPA by HUD or the applicant will be addressed to the attention of:

Chief, Environmental Impacts Branch
U.S. EPA Region II
26 Federal Plaza, Room 500
New York, New York 10278

The following representatives will serve as liaisons for HUD and EPA respectively. The liaisons will maintain communication as needed regarding projects/activities affecting the SSAs and this MOU.

HUD: Regional Office Environmental Officer
(212) 264-0793

EPA: Chief, Environmental Impacts Branch
(212) 264-1840

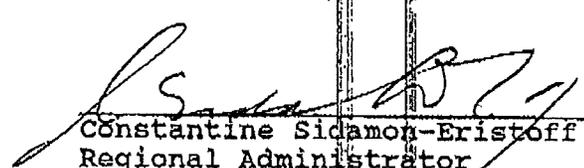
This MOU is subject to revision upon agreement by both parties.

U.S. Department of Housing and
Urban Development



A. M. Villane, Jr., DDS
Regional Administrator/
Regional Housing Commissioner

U.S. Environmental Protection
Agency



Constantine Sidamon-Eristoff
Regional Administrator

Date: AUG 24 1990

Date: 8/10/90

ATTACHMENT 2.A

NON-HOUSING PROJECT/ACTIVITY INITIAL SCREEN CRITERIA
(For projects in a designated Sole Source Aquifer area)

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. Contact EPA if you have any questions.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 261-1840

CRITERIA QUESTIONS

- 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.]

- 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.]

YES NO N/A

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

- construction or expansion of solid waste disposal, recycling or conversion facilities
- construction or expansion or closure of landfills
- construction or expansion of water supply facilities (i.e., treatment plant, pump house, etc.)
- construction or expansion of on-site wastewater treatment plants or sewage trunk lines, greater than 1/4 mile
- construction or expansion of gas or petroleum trunk lines, greater than 1200 feet
- construction or expansion of railroad spurs or similar extensions
- construction or expansion of municipal sewage treatment plants

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| _____ | _____ | _____ |
| _____ | _____ | _____ |

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

If these constituents are used during the construction phase of the project, than an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and that they will be promptly removed after construction is completed.

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
|-------|-------|-------|

5. Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons?

| | | |
|-------|-------|-------|
| _____ | _____ | _____ |
|-------|-------|-------|

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:

Title:

Address:

Telephone number:

Date:

ATTACHMENT 2.B

HOUSING/PROJECT INITIAL SCREEN CRITERIA
(For projects in a designated Sole Source Aquifer area.)

The following list of criteria questions are to be used as an initial screen to determine which housing projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For non-housing projects see Attachment 2.A). 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 applicable project information than be forwarded to EPA at the address below.

Any project not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded. Contact EPA if you have any questions.

Chief, Environmental Impacts Branch
USEPA Region III
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-3840

CRITERIA QUESTIONS:

| | YES | NO | N/A |
|---|-------|-------|-------|
| 1. Is the project located within a currently designated or proposed ground water 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.] | _____ | _____ | _____ |
| 2. Is the project 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.] | _____ | _____ | _____ |
| 3. Will the total impervious surfaces be greater than 75 percent? | _____ | _____ | _____ |
| 4. Is the proposed project site greater than 30 acres? | _____ | _____ | _____ |
| 5. Will the proposed density of the project be greater than 150 units per acre ? | _____ | _____ | _____ |

- 6. Will the project include or directly cause:
(check appropriate items)
 - construction or expansion of water supply facilities (i.e., treatment plant, pumphouse, etc.)
 - construction or expansion of on-site wastewater treatment plants
 - construction or expansion of sewage trunk lines greater than 1320 feet in length
 - construction or expansion of gas or petroleum trunk lines greater than 1320 feet

- 7. Will the project include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents? If these constituents are used during the construction phase of the project, an assurance statement must be provided indicating that chemicals will be used in a safe and proper manner, and they will be promptly removed after construction is completed.

- 8. Will the project include bulk storage of petroleum in underground or above ground tanks in excess of 10,000 gallons or permit verification?

- 9. Will the project require a federal or state pollutant discharge elimination permit or modification of an existing permit?

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| _____ | _____ | _____ |

This attachment was completed by:

Name: _____

Title: _____

Address: _____

Telephone number: _____

Date: _____

ATTACHMENT 3

SSA PRELIMINARY REVIEW INFORMATION REQUIREMENTS

Where currently available, the information in this Attachment should be provided to the Environmental Protection Agency (see address below) along with the application/final statement; Attachment 2.A, Non-Housing Initial Screen Criteria or Attachment 2.B, Housing Initial Screen Criteria; and any other information which may be pertinent to a Sole Source Aquifer review. Where applicable, indicate the source of your information.

Chief, Environmental Impacts Branch
USEPA Region II
26 Federal Plaza, Room 500
New York, New York 10278
(212) 264-1840

ENCLOSED
YES NO

I. Project/Activity Location

- 1. Provide the geographic location and total acreage of the project/activity site. Include a site location map which identifies the site in relation to the surrounding area. [Examples of maps which can be used include: 1:24,000 or 1:25,000 U.S. Geological Survey quadrangle sheet, Hagstroms Street Map.]
- 2. If applicable, identify which groundwater sensitive areas (Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.) the project/activity is located within or adjacent to. [This information may be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]

II. Nature of Project/Activity

- 3. Provide a general narrative describing the project/activity including but not limited to: type of facility; type of activities to be conducted; number and type of units; number of residents etc. Provide the general layout of the project/activity site and a site-plan if available.

III. Public Water Supply

- 4. Provide a description of plans to provide water supply.
- 5. Provide the location of nearby existing or proposed public water supply wells or wellfields within a one half mile radius (2640 feet) of the project/activity. Provide the name of the supplier(s) of those wells or wellfields. This information should be available from the local health department, State health department or the State environmental agency. If private wells are to be used, then information necessary to obtain a well drilling permit should be provided.

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V. Wastewater and Sewage Disposal

- 6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district.
- 7. Provide a description of plans to handle storm water runoff.
- 8. Identify the location, design, size of any on-site recharge basins, dry wells, leaching fields, retention ponds etc.

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VI. Use, Storage, Transport of Hazardous or Toxic Materials (Applies only to non-housing projects/activities)

- 9. Identify any products listed in Attachment 3, Hazardous Constituents, of the Housing and Urban Development-Environmental Protection Agency Memorandum of Understanding which may be used, stored, transported, or released as a result of the construction activity.
- 10. Identify the number and capacity of underground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.
- 11. Identify the number and capacity of above ground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.

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Appendix I:

USFWS Natural Resources of Concern



U.S. Fish and Wildlife Service

Natural Resources of Concern

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

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

New York Ecological Services Field Office
3817 LUKER ROAD
CORTLAND, NY 13045
(607) 753-9334
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

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

Project Name:

NY Rising Buyout and Acquisition Program

Project Counties:

Rockland, NY

Project Type:

** Other **

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

There are a total of 3 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fishes may appear on the species list because a project could cause downstream effects on the 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 below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

Species that should be considered in an effects analysis for your project:



Natural Resources of Concern

| Mammals | Status | | Has Critical Habitat | Contact |
|--|---------------------|------------------------------|----------------------|---|
| Indiana bat (<i>Myotis sodalis</i>) Population: Entire | Endangered | species info | | New York Ecological Services Field Office |
| northern long-eared Bat (<i>Myotis septentrionalis</i>) Population: | Proposed Endangered | species info | | New York Ecological Services Field Office, Long Island Ecological Services Field Office |
| Reptiles | | | | |
| Bog Turtle (<i>Clemmys muhlenbergii</i>) Population: northern | Threatened | species info | | New York Ecological Services Field Office |

Critical habitats within your project area:

There are no critical habitats within your project area.

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

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

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

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

Migratory bird information is not available for your project location.



U.S. Fish and Wildlife Service

Natural Resources of Concern

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

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

IPaC is unable to display wetland information at this time.



[Home](#) » [Lands and Waters](#) » [Watersheds, Lakes, Rivers](#) » [Wild, Scenic and Recreational Rivers](#)

Wild, Scenic and Recreational Rivers

Wild Rivers

1. Cedar River: (a) Approximately seven miles from the southwest boundary of lot 82, Township 17, Totten and Crossfield's Purchase to the Hamilton County line; and
(b) Approximately seven and three-tenths miles from the outlet of Cedar Lakes to a point where a road crosses the river approximately one and one-half miles upstream of Cedar River flow.
2. Cold River: Approximately fourteen miles from the Duck Hole to the confluence with the Raquette River and the entire three-mile length of Ouluska Pass Brook.
3. Hudson River: Approximately ten and one-half miles from the confluence of the Cedar River to the confluence with the Boreas River.
4. Indian River: Approximately thirteen miles from Brook Trout lake to the confluence with the South Branch of the Moose River.
5. Kunjamuk River: Approximately eight miles from the outlet of South Pond to a fish barrier dam near the southwest boundary of Lot 9, Township 31, Gorton Tract.
6. Opalescent River: Approximately eleven miles from Flowed Lands to the confluence with the Hudson River.
7. Oswegatchie River, Main Branch: Approximately eighteen and one-half miles from the Partlow Mill Dam

[Outdoor Activities](#)[Animals, Plants, Aquatic Life](#)[Chemical and Pollution Control](#)[Energy and Climate](#)[Lands and Waters](#)[Watersheds, Lakes, Rivers](#)[Wild, Scenic and Recreational Rivers](#)[Education](#)[Permits and Licenses](#)[Public Involvement and News](#)[Regulations and Enforcement](#)[Publications, Forms, Maps](#)[About DEC](#)

Find on this Page

[Wild Rivers](#)[Scenic Rivers](#)[Recreational Rivers](#)

Important Links

[Wild, Scenic and Recreational Rivers Permit Program](#)

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For help with PDFs on this page, please call 518-402-8924.

Contact for this Page

DEC Division of Fish, Wildlife and Marine Resources
625 Broadway
Albany, New York
12233-4756
518-402-8853
[Send us an email](#)

This Page Covers



All of
New York State

- to the southernmost boundary between private and state land at Inlet.
8. Oswegatchie River, Middle Branch: Approximately fourteen and one-half miles from the north boundary of Lot 27, Watson's East Triangle to a point one mile downstream of the confluence with Wolf Creek.
 9. Piseco Outlet: Approximately four and one fifth miles from a point one-half mile east of the Route 10 bridge crossing to the confluence with the West Branch of the Sacandaga River.
 10. Sacandaga River, East Branch: Approximately eleven and one-half miles from Botheration Pond to a point one-half mile above the confluence with Cook Brook.
 11. Sacandaga River, West Branch: (a) Approximately seven miles from the confluence of the Piseco Lake outlet to the confluence with Dugway Creek; (b) Approximately nine miles from the source near Silver Lake Mountain to the Silver Lake wilderness boundary near Route 10; and (c) Approximately two and seven-tenths miles from the confluence with Cow Creek to the confluence with Piseco outlet.
 12. West Canada Creek: Approximately eight miles from Mud Lake to the Old Mitchell dam site.
 13. West Canada Creek, South Branch: Approximately five and nine-tenths miles from the headwaters near T-Lake Falls to a footbridge crossing located approximately one mile upstream of the Floe.

Scenic Rivers

1. Ampersand Brook: Approximately eight miles from Ampersand Pond to the confluence with the Raquette River.
2. Ausable River: Approximately nine miles from Marcy swamp to St. Hubert's.
3. Black River: Approximately seven and eight-tenths miles from the point where Farr Road crosses the river to the point where the river intersects the Adirondack Park boundary.
4. Blue Mountain Stream: Approximately nine miles from the outlet of Clear Pond to the confluence with

Pleasant Lake stream.

5. Bog River: Approximately seven and three-tenths miles from the dam below Hitchens Pond to Big Tupper Lake.
6. Boreas River: Approximately eleven and one-half miles from Cheney Pond to the confluence with the Hudson River.
7. Bouquet River: (a) Approximately six miles of the North Fork from the headwaters on Dial Mountain to the bridge on Route 73; and
(b) Approximately five and one-half miles of the South Fork from the headwaters to the bridge on Route 73.
8. Carmens River: (a) Approximately two and one-quarter miles from its headwaters at the north boundary of Cathedral Pines Park (formerly Camp Wilderness), Suffolk County, southerly to its intersection with the southern boundary of Camp Sobaco (Girl Scout Camp);
(b) Approximately two and one-half miles from Yaphank Avenue, Suffolk County, southerly to the Concrete Wing Dam in Southaven Park; and
(c) Approximately two and one-half miles from the south side of Sunrise Highway, Suffolk County, southerly to the mouth of the river (a line between Long Point and Sandy Point) at its confluence with Great South Bay.
9. Cedar River: (a) Approximately five miles from the Hamilton County line to the confluence with the Hudson River; and
(b) Approximately ten miles from a point where a road crosses the river one and one-half miles pstream of Cedar River flow to a point where a southerly extension of the northeast state land boundary of Lot 96, Township 33, Totten and Crossfield's Purchase, would intersect the river.
10. Deer River: Approximately six and two-tenths miles from the outlet of Deer River flow to a point where the river intersects the Adirondack Park boundary.
11. East Canada Creek: Approximately twenty and nine-tenths miles from Powley Place to a point at which the creek intersects the Adirondack Park boundary near

- Sprite Creek at the southwest corner of Lot 45, Town of Oppenheim, Lott and Low's Patent.
12. Genesee River: Within Letchworth State Park.
 13. Grasse River, Middle Branch: Approximately fourteen and one-half miles from the confluence of Blue Mountain stream and Pleasant Lake stream to the confluence of the South Branch of the Grasse River.
 14. Grasse River, North Branch: Approximately twentyfive and four-tenths miles from the outlet of Church Pond to a point where the North Branch intersects the Adirondack Park boundary.
 15. Grasse River, South Branch: (a) Approximately thirtyfive and two-tenths miles from the outlet of Center Pond to the confluence with the outlet of Allen Pond; and
(b) Approximately three and seven-tenths miles from the most southerly point where the South Branch of the Grasse River intersects the Adirondack Park boundary, north to the confluence with the Middle Branch of the Grasse River.
 16. Hudson River: (a) Approximately nine miles from the hamlet of Newcomb to the confluence with the Cedar River; and
(b) Approximately four miles from the confluence with the Boreas River to a point one mile north of the hamlet of North River.
 17. Independence River: Approximately twentysix miles from the outlet of Little Independence Pond to the point where the Sperryville Bridge crosses the river.
 18. Jordan River: Approximately eighteen miles from the outlet of Marsh Pond to Carry Falls Reservoir.
 19. Kuniamuk River: Approximately ten and four-tenths miles from a fish barrier dam near the southwest boundary of Lot 9, Township 31, Gorton Tract, to the confluence with the Sacandaga River.
 20. Long Pond Outlet: Approximately sixteen miles from the outlet of Long Pond to the confluence with the West Branch of the St. Regis River.
 21. Marion River: Approximately five miles from the outlet of Utowana lake to Raquette Lake.
 22. Moose River, Main Branch: Approximately fifteen and

- four-fifths miles from the confluence of the South and Middle Branches of the Moose River to a point where the Main Branch intersects the Adirondack Park boundary.
23. Moose River, North Branch: Approximately six miles from the outlet of Big Moose Lake to the confluence with the outlet of Goose Pond.
 24. Moose River, South Branch: (a) Approximately eighteen miles from the east boundary of the state land immediately west of Little Moose Lake to the west boundary of the state land near Rock Dam; (b) Approximately six and one-half miles from the east boundary of the state land just north of Woodhull Mountain downstream to the state land boundary near the confluence with the middle branch of the Moose River; and (c) Approximately fourteen and two-fifths miles from the west boundary of state land near Rock Dam to the east boundary of state land north of Woodhull Mountain.
 25. Nissequoque River: Approximately one and four-tenths miles from the dam at the outlet of New Mill Pond to the pedestrian bridge south of Route 25/25A including its tributaries and ponds identified as P288 Phillips Millpond, P289 Willow Pond, P290 Upper Vail Pond, P291 Webster Pond, and P291a Lower Vail Pond (on a certain map titled "Official Classifications - Surface Waters of Western Suffolk County," published by the Water Resources Council and prepared by the New York Department of Health) in Suffolk County.
 26. Oswegatchie River, Middle Branch: (a) Approximately nine miles from the outlet of Walker Lake to the north boundary of Lot 27, Watson's East Triangle; and (b) Approximately fourteen and two-fifths miles from a point one mile downstream of the confluence with Wolf Creek to a point where the Middle Branch intersects the Adirondack Park boundary at the southeast boundary of Lot 993, Township of Diana, Macomb's Purchase, Great Tract 4.
 27. Oswegatchie River, West Branch: Approximately seven miles from the outlet of Buck Pond to a point

- approximately one mile upstream of Round Pond at the point where a foot and snowmobile bridge crosses the West Branch.
28. Otter Brook: Approximately ten miles from the outlet of Lost Pond to the confluence with the South Branch of the Moose River.
 29. Peconic River: (a) Approximately ten and one-half miles from the western boundary of the Red Maple swamp to the Long Island railroad bridge between Connecticut and Edwards Avenue; and (b) Approximately three miles from Middle Country Road (State Route 25) to the confluence with the previously described segment of the Peconic including tributaries T112-5, T112-6 and T112-7.
 30. Raquette River: (a) Approximately twenty miles from the outlet of Long Lake to the confluence with a small stream from the northeast, located approximately one mile downstream from Trombley Landing; and (b) Approximately thirteen and eight-tenths miles from the confluence with Dead Creek to a point where the river intersects the north boundary of Lot 1, Township 5, Tannery Lot near Carry Falls Reservoir.
 31. Red River: Approximately nine and seven-tenths miles from the headwaters of the river to the confluence with the South Branch of the Moose River.
 32. Rock River: Approximately six and nine-tenths miles from the O'Neil flow road crossing to the confluence with the Cedar River.
 33. Round Lake Outlet: Approximately two and seven-tenths miles from the outlet of Round Lake to the confluence with the Bog River.
 34. St. Regis River, East Branch: Approximately fourteen and one-half miles from a point where Route 30 crosses the East Branch near Meacham Lake, to a point one-half mile upstream from Everton Falls.
 35. St. Regis River, Main Branch: Approximately fifteen and five-tenths miles from a point where a private road to Bay Pond crosses the Main Branch in Lot 16, Township 17, Macomb's Purchase, Great Tract 1, to the confluence with Balsam Brook.
 36. St. Regis River, West Branch: Approximately thirtyfive

miles from the outlet of Little Fish Pond to a point one-half mile downstream from the confluence with Fenner Meadow Brook.

37. West Canada Creek: Approximately seventeen miles from a point where the creek intersects that state land boundary approximately two miles upstream of the Old Mitchell Dam site, to the Route 8 bridge crossing near Nobleboro.
38. West Stoney Creek: Approximately seven and seven-tenths miles from the Tannery Road crossing to the confluence with Hatch Brook.

Recreational Rivers

1. Ausable River, East Branch: Approximately twenty-eight and three-tenths miles from St. Huberts to the confluence with the West Branch.
2. Ausable River, Main Branch: Approximately twenty-two miles from the confluence of the East and West Branches of the Ausable River to Lake Champlain.
3. Ausable River, West Branch: (a) Approximately five miles from the state boundary along the River Road east of Big Cherry Patch Pond downstream to the state boundary immediately west of High Falls; and (b) Approximately twenty-nine and one-half miles from the headwaters of the West Branch near Heart Lake to the confluence with the East Branch.
4. Black River: Approximately six and three-fifths miles from the outlet of North Lake to a point where Farr Road crosses the river.
5. Bouquet River: Approximately forty-seven and seven-tenths miles from the confluence with the North Fork of the Bouquet River to Lake Champlain.
6. Carmens River: (a) Approximately two miles from its intersection with the southern boundary of Camp Sobaco (Girl Scout Camp), southerly to Yaphank Avenue, Suffolk County; and (b) Approximately one mile southerly from the Concrete Wing Dam in Southaven Park, Suffolk County, to Sunrise highway.
7. Cedar River: Approximately eleven miles from a point at which a southerly extension of the northeast state

land boundary parallel to the southwest boundary of Lot 96, Township 33, Totten and Crossfield's Purchase would intersect the river to the southwest boundary of Lot 82, Township 17, Totten and Crossfield's Purchase.

8. Connetquot River: Approximately five and three-fourths miles from Johnson Avenue, Suffolk County, south to the Sunrise highway.
9. Fall Creek: Approximately 1.8 miles from the southern boundary of Cayuga Lake to the west face of the foot bridge running across Fall Creek, which foot bridge is located between Thurston Avenue on the west and Beebe Lake on the east (in the City of Ithaca, Tompkins County).
10. Grasse River, South Branch: Approximately five and one-fifth miles from the confluence with the outlet of Allen Pond to the most southerly point where the South Branch intersects the Adirondack Park boundary.
11. Hudson River: (a) Approximately twelve and seven-tenths miles from the confluence with the Opalescent River to a point where Route 28N crosses the Hudson River at Newcomb;
(b) Approximately forty-five and nine-tenths miles from a point one mile north of North River to the confluence with the Sacandaga River.
12. Independence River: Approximately one-half mile from a point where the Sperryville bridge crosses the river to a point where the river intersects the Adirondack Park boundary.
13. Indian River: Approximately eight and three-tenths miles from the outlet of Indian Lake to the confluence with the Hudson River.
14. Moose River, Middle Branch: Approximately thirteen and four-tenths miles from the confluence with the North Branch of the Moose River to the confluence with the South Branch of the Moose River.
15. Moose River, North Branch: Approximately thirteen miles from the confluence with the outlet of Goose Pond to the confluence with the Middle Branch of the Moose River.

16. Nissequogue River: (a) Approximately one and four-tenths miles from State Route 347 to the dam at the outlet of New Mill Pond including its tributaries identified as P292-1 to Brooksite Drive and two unnamed tributaries P292-2 and P292-3; and (b) Approximately five miles from the pedestrian walkway and dam at the outlet of Phillips Millpond to its confluence with Long Island Sound including its tributaries and ponds connected therewith [specifically described as T-62 on a certain map entitled "Official Classifications - Surface Waters of Western Suffolk County," prepared by the New York State Department of Health and published by the Water Resources Council].
17. Oswegatchie River, Main Branch: Approximately two and three-tenths miles from the southernmost boundary between private and state land at Inlet to Wanakena.
18. Oswegatchie River, West Branch: Approximately six and one-tenth miles from a point approximately one mile upstream of Round Pond at the point where a foot and snowmobile bridge crosses the West Branch to a point where the river intersects the Adirondack Park boundary.
19. Peconic River: (a) Approximately five and one-half miles from the Long Island railroad bridge between Connecticut and Edwards Avenue to Grangabel Park dam in Riverhead; (b) Approximately two miles of the Little River (tributary T112-2) from and including Wildwood Lake to its confluence with the Peconic River.
20. Ramapo River: Approximately three and one-half miles from the Orange County line to the site of an abandoned power dam in the hamlet of Ramapo.
21. Raquette River: (a) Approximately twenty-two miles from the outlet of Raquette Lake to the outlet of Long Lake; and (b) Approximately seventeen miles from the confluence of the Raquette River and a small stream from the northeast, at a point approximately one mile downstream from Trombley Landing to the confluence

with Dead Creek.

22. Rock River: Approximately one and one-fifth miles from the outlet of Lake Durant to the O'Neil flow road crossing.
23. St. Regis River, East Branch: Approximately six and one-tenth miles from a point one-half mile upstream of Everton Falls to the confluence with the Main Branch of the St. Regis River.
24. St. Regis River, Main Branch: (a) Approximately seven miles from the St. Regis Church to a point where a private road to Bay Pond crosses the Main Branch in Lot 16, Township 17, Macomb's Purchase, Great Tract 1; and
(b) Approximately eighteen miles from the confluence with Balsam Brook to a point at which the river intersects the Adirondack Park boundary.
25. St. Regis River, West Branch: Approximately five and one-half miles from a point one-half mile downstream of the confluence with Fenner Meadow Brook to a point where the West Branch intersects the Adirondack Park boundary.
26. Sacandaga River, East Branch: Approximately fourteen miles from a point approximately one-half mile above Cook Brook to the confluence with the Main Branch of the Sacandaga River.
27. Sacandaga River, Main Branch: Approximately thirty-one miles from the outlet of Lake Pleasant to the inlet of Great Sacandaga Lake.
28. Sacandaga River, West Branch: (a) Approximately ten and three-fifths miles from the Silver Lake wilderness boundary near the most upstream Route 10 bridge crossing to the confluence with Cow Creek; and
(b) Approximately seven and two-tenths miles from the confluence of Dugway Creek to the confluence with the Main Branch of the Sacandaga River.
29. Salmon River: Approximately twelve and three-tenths miles from the outlet of Elbow Ponds to the point where the river intersects the Adirondack Park Boundary.
30. Saranac River, Main Branch: Approximately sixty and two-fifths miles from the outlet of Upper Saranac Lake

to the point where the river intersects the Adirondack Park boundary.

31. Schroon River: Approximately sixty-six and seven-tenths miles from the outlet of the former Dead Water Pond to the confluence with the Hudson River.
32. Shawangunk Kill River: From the border of Ulster and Orange Counties to its confluence with the Wallkill River.
33. West Canada Creek: Approximately eleven miles from the Route 8 bridge crossing near Nobleboro to the Harvey Road bridge crossing.
34. West Canada Creek, South Branch: Approximately nine and seven-tenths miles from the footbridge crossing one mile upstream of the Floe to the confluence with the Main Branch of the West Canada Creek.
35. West Stony Creek: (a) Approximately six miles from the Persch Road crossing (to Tannery Road Crossing); and
(b) Approximately two and seven-tenths miles from the confluence with Hatch Brook to the confluence with the Main Branch of the Sacandaga River.

Appendix J:

Farmland Protection Checklist

Farmland Protection

Checklist for HUD or Responsible Entity

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

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

Yes: PROCEED to #2

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

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

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

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

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

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

No: PROCEED to #3

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

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

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

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

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

Yes: PROCEED to #4

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

Complete form AD-1006, “Farmland Conversion Impact Rating”

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

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

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

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

Appendix K:

NYSDEC Air Quality Consultation Letters

Memo to the File:

Requests for programmatic consultation regarding air quality were sent to the NYS Department of Environmental Conservation (NYSDEC) on August 6, 2013 and August 29, 2014. No response has been received.



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 29, 2013

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

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

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

Dear Mr. Nasca:

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

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

Program Overview

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

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

38-40 State Street, Albany, NY 12207

nyshcr.org

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

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

Compliance

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

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

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

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

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

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

Sincerely,



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

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

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

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

Attachment B- List of Affected Counties

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

August 6, 2013

ProSource Technologies, LLC
9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030

Mr. Steven Yarrington
New York Department of Environmental Conservation
Division of Air Resources
625 Broadway
Albany, New York 12233

RE: Re: Project Introduction and Request for Confirmation of Compliance with Air Quality Standards for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR) – Nassau County, Suffolk County, and Rockland County 1-4 Unit Residential Rehabilitation

Dear Mr. Yarrington:

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

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

Program Overview

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Specific Federal Actions related to the program include:

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

The current priority and focus of this immediate review request, is 1-4 unit homes rehabilitation in Nassau, Suffolk, and Rockland Counties.

Minneapolis, MN
Cedar Rapids, IA
Grand Rapids, MN
Staten Island, NY

Nassau, Suffolk, and Rockland Counties

Presently, NYSHCR is preparing the NEPA Programmatic Environmental Assessments (PEA) for reconstruction and rehabilitation of 1-4 unit homes in Nassau, Suffolk, and Rockland Counties. The 1-4 unit action will cover participating homeowners at various locations within the boundaries of Nassau, Suffolk, and Rockland Counties. The Program activities will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure (s). No new construction or housing developments will occur as a result of the rehabilitation of 1-4 unit homes.

These actions (1-4 unit rehabilitations) are anticipated to conform to the State Implementation Plan because they are not anticipated to:

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

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

Request for Review and Approval

As mentioned via the phone conversation today, we are in important need of written confirmation from the DEC office today, that the proposed 1-4 residential rehabilitation action, as described in the attached letter and the *NY Action Plan*, will be in compliance with air quality standards.

If you have question or require additional information regarding this request, please contact me at (763) 786-1445 or swilliams@prosourcectech.com.

Sincerely,

ProSource Technologies, LLC



Shawn Williams, Permitting Specialist

Appendix L:

NYSDOS Coastal Consistency Consultation



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

October 18, 2013

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

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

General Concurrence with Program; No Objection to Funding

Dear Ms. Spitzberg:

The Department of State received your letter request (dated August 29, 2013) for our agency's review and comprehensive program response. This submission included the program overview, descriptions of program components and objectives, current updates, and reference to additional supporting materials.

The Department of State has determined that this program is generally consistent with the policies and purposes of the New York State Coastal Management Program (NYSCMP). We anticipate that any substantial modifications or additions to the CDBG-DR program will be further coordinated on an ongoing basis with the Department of State.

This General Concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please contact me at (518) 474-6000.

Sincerely,

Jeff Zappieri
Manager of Consistency Review
Office of Planning & Development

JZ/ts

*cc: Robin Keegan, NYSHCR
Chris Leo, NYSHCR*



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 29, 2013

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

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

Re: Program Update/Introduction of all Programs, and Request for General Consistency Concurrence for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)

Dear Mr. Zappieri:

On June 26, 2013, New York State Homes and Community Renewal (NYSHCR) submitted a letter (via email) to the State of New York Department of State (DOS) requesting concurrence that the proposed activities for the 1-4 unit rehabilitation action are covered by the DOS general consistency concurrence criteria. On July 3, DOS provided a response letter (project # F-2013-0533 FA) stating that the proposed activities in the June 26 letter meet the general consistency concurrence criteria, and the DOS has no objection to funding.

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

Recently, NYSHCR has been directed to proceed with completing all Environmental Review Records (ERRs) for the entire Program. Therefore, the purpose of this letter is to provide DOS notice of the Program actions updates and to obtain written confirmation from DOS that the proposed activities will be in compliance with general consistency concurrence criteria. Actions in the Program that were not described in the June 26 letter include Rehabilitation, Buy out, Acquisition, and Economic Development, as described below.

Mr. Jeffrey Zappieri

August 29, 2013

Page 2 of 2

Program Overview

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

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

Compliance

NYSHCR is anticipating it will be responsible for preparing approximately 133 Environmental Review Records (ERRs), covering the various actions within the various counties. Because of the large extent of the Program, it is appropriate to coordinate with DOS, so NYSHCR, as the Responsible Entity (RE), can accurately document compliance.

NYSHCR is requesting a program comprehensive response letter from DOS, covering all actions (in addition to the July 3 letter), that can be included in all Tier 1 ERRs to document that coordination with DOS is being completed, and general consistency concurrence criteria will be met. The prior correspondence between NYSHCR and DOS is included in **Attachment C** for reference.

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

Sincerely,



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

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

Attachment A - Program Descriptions

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

Attachment C- Prior Correspondence

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

Attachment B- List of Affected Counties

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

Heather Spitzberg

From: Heather Spitzberg
Sent: Friday, April 26, 2013 12:43 PM
To: jeffrey.zappieri@dos.ny.gov; denise.caldwell@dos.ny.gov
Subject: Consistency Determinations For Disaster Recovery Projects

Hi,

I'm an Environmental Analyst with NYS HCR. I believe that I've worked with both of you in the past.

HCR's Office of Community Renewal (OCR) is going to be administering millions of dollars to rehabilitate homes that have been damaged by Hurricanes Sandy, Lee & Irene. It is CDBG-DR (Disaster Recovery) funding from HUD and will be directly administered by OCR through local non-profits and municipalities. The potential project descriptions are below. We anticipate that most of the properties will be in a Coastal Zone.

Specific sites have not yet been chosen. We are currently drafting our NEPA review, which will be a Programmatic Review, with preparation of individual site specific checklists as sites are chosen.

As this will be entirely rehabilitation of existing structures in their existing footprints, do we need to undertake a Federal Consistency Review for each project, or can we do this on the Programmatic level? If we can do a Programmatic response from DOS, what do you need from OCR? If we need to submit individual consistency reviews, can we discuss how to expedite that process with your office?

If you think we need to discuss further by phone, please let me know.

Thanks so much for your help.

Heather

Program Description:

Scattered Sites

The Following NY Counties: Albany, Broome, Chemung, Clinton, Columbia, Delaware, Dutchess, Essex, Fulton, Greene, Herkimer, Montgomery, Nassau, Oneida, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Warren, Washington and Westchester

The New York State Homes & Community Renewal (HCR) Office of Community Renewal (OCR) intends to enter into subrecipient agreements with non-profit and municipal entities to fund activities eligible under the **Housing Assistance Program** section of the State of New York Action Plan for Community Development Block Grant Program - Disaster Recovery (CDBG-DR). The CDBG-DR was approved under the Department of Housing and Urban Development Appropriations Act of 2013 (Public Law 113-2).

A site specific environmental checklist will be completed for each individual site that is chosen to receive an award and be kept on file at the offices of each subrecipient.

The program activities include replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes (including flood-proofing and mitigation). The program activities may also include necessary utility connection replacements and repair or replacement of minor accessory/appurtenant residential structures. The following five programs will be undertaken:

1. Recreate NY Smart Home Repair and Reconstruction

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including Condominiums, Co-Ops and Garden Apartments.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

2. Recreate NY Smart Home Resilience

- Available to owners of one- and two-unit homes located outside of New York City whether owner occupied or income generating, including: Condominiums, Co-Ops and Garden Apartments.
- Property is located within a 100-year floodplain and damaged, or property was substantially damaged (i.e., lost more than 50% of pre-storm FMV), and still needs additional rehabilitation.
- Will cover costs to mitigate future damage.

3. Small Multi-Family Repair and Reconstruction

- Available to owners of multi-unit (3-7 units) residential buildings located outside of New York City including: Rental properties, including owner-occupied rental properties, non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate does not exceed a total of seven (7) units.
- Will cover costs for the repair/replacement of damage to real property (including mold remediation); replacement of disaster-impacted non-luxury residential appliances; and environmental health hazard mitigation costs related to the repair or rehabilitation of disaster-impacted property.

4. Small Multi-Family Mitigation

- Available to owners of multi-unit (3-7) residential buildings located outside of New York City, including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, detached/scattered site, which in the aggregate do not exceed a total of seven (7) units. New York City will administer its own CDBG-DR programs directly.
- Will cover costs to mitigate future damage.

5. Large Multi-Family Mitigation

- Available to owners of multi-unit properties with eight or more units located outside of New York City including owner-occupied rental properties, as well as non-owner-occupied properties that may be attached, semi-attached, or detached/scattered site. New York City will administer its own CDBG-DR programs directly.
- Property is located within a 100-year floodplain and sustained damage as a result of the disaster.
- Will cover costs to mitigate future damage.

Heather M. Spitzberg, Esq.
Environmental Analyst
NYS Homes and Community Renewal
38-40 State Street
4th Floor, Hampton Plaza
Albany, NY 12207

(518) 486-3379 (phone)
(518) 402-7376 (fax)
[*hspitzberg@nyshcr.org*](mailto:hspitzberg@nyshcr.org)



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

July 17, 2013

Mr. Travis Money
Manager of Ecological Services
Tectonic
3495 Winton Place
Building E, Suite 260
Rochester, New York 14623

Re: F-2013-0562(FA)
NYS Housing and Community Renewal
(Oakwood Beach Buyout Program) WR 5206.02
Homeowner buyout program for approximately 300
homes and properties, with the option of up to 510
homes and properties opting into the buyout plan.
Borough of Staten Island, Richmond County
General Concurrence - No Objection To Funding

Dear Mr. Money:

The Department of State received the information you submitted regarding the above matter on July 11, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of HUD funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2013-0562(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources

JZ/dc

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

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

New York State Department of State
Coastal Management Program
Attn: Denise Caldwell, Consistency Coordinator
99 Washington Avenue
Albany, NY 12231-0001
cr@dos.ny.gov

New York City Department of City Planning
Attn: Michael Marrella, Director of Waterfront and Open Space
22 Reade Street 6E
New York, NY 10007
wrp@planning.nyc.gov

June 19, 2013

VIA EMAIL

**RE: WR 5206.02
RECREATE NEW YORK HOME BUYOUT PROGRAM
NEW YORK STATE HOUSING AND COMMUNITY RENEWAL
OAKWOOD BEACH, STATEN ISLAND/RICHMOND COUNTY**

To Whom It May Concern:

Tectonic Engineering & Surveying Consultants P.C. (Tectonic) was hired by the New York State Housing and Community Renewal Office (NYSHCR) to complete an environmental review per NEPA and SEQR regulations at Oakwood Beach, Staten Island. This project entails a voluntary homeowner buyout program for approximately 300 homes and properties, with the option of up to 510 homes and properties opting into the buyout plan in the Oakwood Beach area of Staten Island that were severely impacted or destroyed as a result of Hurricane Sandy. Owners will be reimbursed at fair market value for their homes based on pre-Sandy conditions. The area will be returned to its natural open space state by demolishing the homes and ancillary structures along Delwitt Ave.; Dugdale Street; Foxbeach Ave.; Fox Lane; Kissam Ave, Promenade Ave, Merkel Pl.; Mill Road; Promonade Ave.; Riga & Tarlton Streets. No development is proposed per the project scope.

The project area is within a federally designated flood hazard area. A flood plain management plan in accordance with FEMA regulations and HUD's 8-step procedure for making determinations on floodplain management is being completed as part of the environmental review process. No new development is being proposed within the federally designated flood hazard area. The source of the project funds is the US Department of Housing and Urban Development (HUD) Community Development Block

Grant Disaster Relief (CBDG-DR) Funds administered by the New York State Housing and Trust Fund Corporation (NYSHTFC). The Federal Register Action Plan highlighting the buyout section is included as Appendix III.

Per the environmental review process the Oakwood Beach area was identified as being located within a NYS coastal area and NYC Waterfront Revitalization Program (WRP) area. In reviewing the WRP, Tectonic anticipates the project scope will be consistent with applicable policies and intent specified within the program and overall provide for a beneficial impact on the area. The following is a brief summary of how the proposed project will be consistent with the WRP policies.

1) Policy 1: Residential and Commercial Redevelopment

Based on the destruction and impact of the homes in the Oakwood Beach area during Storm Sandy it is apparent the project area is neither suitable nor appropriate to encourage development of residential, commercial or other non-industrial projects that comply with the NYC Zoning resolution. No development is proposed per the project scope.

2) Policy 2: Maritime and Industrial Development

This project does not involve maritime nor industrial development. The area is not well-suited to support water-dependent or industrial uses in a NYC coastal area. Policy does not apply.

3) Policy 3: Waterways Usage

This project will not involve the use of NYC's Waterways for commercial and recreation boating and water-dependent transportation centers. Policy does not apply.

4) Policy 4: Ecological Resources Protection

The NYSDEC Natural Heritage Program (NHP) review did not list any rare species or significant ecological communities on or adjacent to the site. The USFWS service lists three sea turtles for Richmond County: Hawksbill sea turtle (*Eretmochelys imbricata*), Leatherback sea turtle (*Dermochelys coriacea*) and Green sea turtle (*Chelonia mydas*). Based on the project scope and location, no impacts to these species are anticipated. Furthermore, the site is not located within a Significant Coastal Fish and Wildlife Habitat designated area.

The area will be restored to natural open space conditions that will be consistent with surrounding areas including the Great Kills Park/Gateway National Recreation Area. The NYSHTFC will coordinate long term management, maintenance and use of land for flood control and other natural uses with NYC and the Nature Conservancy. The existing homes will also be removed from within the adjacent area of New York State Department of Environmental Conservation (NYSDEC) wetland NA-10 per an Article 24/25 permit during the demolition phase. In total, approximately 104 acres of developed land will be

reclaimed to open space. The additional open space will provide additional habitat for migratory birds, wildlife and native plants.

5) Policy 5: Water Quality

A Stormwater Pollution Prevention Plan (SWPPP) per NYSDEC regulations will be implemented on-site during the demolition and removal of the homes. The SWPPP will address any erosion/run-off to ensure the surrounding water quality of wetlands and waterbodies are not impacted negatively during the demolition and land reclamation. Removing the homes from the adjacent area of state wetland NA-10 will enhance the wetland's ability to remove nutrients prior to entering surrounding waterbodies. If there will be any work (i.e. removal of Tarlton Street) within the bed or banks of the un-named tributary directly south of Cedar Grove Road an Article 15 permit may be needed from NYSDEC. Furthermore if there will be any discharge or fill into the aforementioned watercourse during the demolition a Section 404 permit and 401 water quality certification may be required from U.S. Army Corps of Engineers. It is not anticipated that there will be any direct impacts to any wetlands or waterbodies on or adjacent to the site.

6) Policy 6: Flooding and Erosion

This project entails a voluntary homeowner buyout program for approximately 300 homes and properties, with the option of up to 510 homes and properties opting into the buyout plan in the Oakwood Beach area of Staten Island that were severely impacted or destroyed as a result of Hurricane Sandy. Owners will be reimbursed at fair market value for their homes based on pre-Sandy conditions. The area will be returned to its natural open space state by demolishing the homes and ancillary structures along the named streets. No development is proposed. The reclaimed area will assist adjacent communities with flood retention and protection from future large storm events. The project will help to minimize the loss of life, structures and natural resources caused by flooding and erosion. The NYSHTFC will coordinate long term management, maintenance and use of land for flood control and other natural uses with NYC and the Nature Conservancy.

7) Policy 7: Solid and Hazardous Wastes

The project scope does not include the disposal or treatment of solid wastes and hazardous substances on-site. The solid waste generated from the demolition of the housing units will be disposed at an authorized landfill consistent with the applicable Comprehensive Solid Waste Management Plan. A Phase I site assessment will be completed for the project area to recognize (if any) environmental hazards are within the project area.

8) Policy 8: Public Access

The area will be returned to its natural open space state by demolishing the homes and ancillary structures along Kissam Ave, Promenade Ave, Fox Lane,

Foxbeach Ave & Tarlton Street. There is no development proposed and no zoning change, however deed restrictions will be placed on each property. The additional open space will provide additional habitat for migratory birds, wildlife and native plants

9) Policy 9: Visual Quality

The removal of the homes will create a scenic view from areas to the north of Oakwood Beach of the lower New York bay and coastal area currently not able to be seen now due to the homes on-site. The area will be returned to its natural open space state by demolishing the homes and ancillary structures along Kissam Ave, Promenade Ave, Fox Lane, Foxbeach Ave & Tarlton Street. No development is proposed. The additional open space will be available for the surrounding communities to enjoy as well as provide additional habitat for migratory birds, wildlife and native plants. .

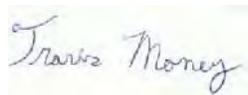
10) Policy 10: Historic, Archeological and Cultural Resources

The NYSHCR has already consulted with New York State Historic Preservation Office (SHPO) regarding the homes proposed to be demolished. There will be no historic properties affected per this project based on the SHPO review. A copy of the SHPO concurrence is in Appendix IV.

It is Tectonic's opinion this proposed project is consistent with NYC's WRP policies and intent. No development is being proposed. Furthermore, the project will remove homes from a federally designated flood zone, enhance flood protection and wetland buffering for adjacent landowners during future large storm events and provide additional open space for the community and wildlife to enjoy. This project is on an expedited schedule per the Office of Governor Cuomo as part of the New York State's post Hurricane Sandy emergency recovery efforts, so your prompt review is appreciated.

Attached are the NYC Coastal Consistency Form, Summary of questions answered "Yes" in Coastal Consistency Form, a copy of the Federal Register Action Plan, highlighting the buyout section for this project and Letter from SHPO.

Should you have any questions, comments, concerns, or require any additional information, please do not hesitate to contact the undersigned.



Travis Money
Manager of Ecological Services

Enclosures: Appendix I – NYC Coastal Consistency Form
Appendix II – NYC Coastal Consistency Form With Summary



Practical Solutions, Exceptional Service

WR 5206.02 Oakwood Beach

Page 5

June 19, 2013

Appendix III - Federal Register Action Plan
Appendix IV – SHPO Response – No Adverse Impact

CC: Chris Leo – NYSHCR
Heather Spitzberg – NYSHCR
Lori Shirley – NYSHCR
Pete Sutherland – Tectonic
David Gilmour - Tectonic

Appendix M:

NY Natural Heritage Program Consultation

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



Joe Martens
Commissioner

September 4, 2013

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

Dear Ms. Spitzberg:

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

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

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

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

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

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

Sincerely,

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

Nicholas B. Conrad
Information Resources Coordinator
NY Natural Heritage Program

[Type text]



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

August 27, 2013

HOUSING
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NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

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

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

Dear Mr. Conrad:

NYSHCR is providing this letter to the New York Department of Environmental Conservation (DEC) Natural Heritage Program (NYNHP) to introduce the aforementioned actions of the overall CDBG-DR Program. Since submittal of the previous coordination letters to NYNHP (dated July 18, 2013 and August 5, 2013), these actions have been identified as a priority for the Program, and NYSHCR is proceeding with preparation of the Environmental Review Records (ERR) for all of these actions. Program descriptions are included in **Attachment A**.

As outlined in the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), the vast majority of the storm-damaged properties are located in Nassau, Suffolk, Kings, and Queens Counties. A list of affected counties included in the CDBG-DR program is included in **Attachment B**.

We would like to work with the NYNHP to develop an agreed-upon compliance process so NYSHCR, as the Responsible Entity (RE), can accurately determine compliance at the NEPA Tier 2 and SEQR reviews. NYSHCR is taking a holistic approach to classify actions similar in nature, across all affected counties. NYSHCR is requesting whether a standardized species habitat matrix table (sorted by county) maps, and/or GIS data, may be adopted as the compliance tool for

Mr. Nicholas Conrad
August 27, 2013
Page 2 of 2

environmental review. Each parcel incorporated into the CDBG-DR Program will be subject to a site specific Natural Heritage Resource review during the Tier 2 review. In previous discussions between ProSource and NYNHP, a resources matrix table and/or GIS data layer, sorted by county, was considered but was not adopted for the CDBG-DR Program.

NYSHCR is requesting a program comprehensive response letter from the NYNHP, covering all actions, that can be included in all Tier 1 ERRs to document that coordination with NYNHP is being completed, and that program compliance will be completed during Tier 2 site specific review. As soon as reasonably possible, we would like to work with NYNHP to develop a suitable tool for Tier 2 compliance.

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

Sincerely,

A handwritten signature in blue ink that reads "Heather Spitzberg". The signature is written in a cursive style with a blue ink color.

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

cc. Robin Keegan, NYSHCR
Chris Leo, NYSHCR

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

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

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



Joe Martens
Commissioner

July 29, 2013

Shawn Williams
Permitting Specialist
ProSource Technologies, LLC
9219 East River Road NW
Minneapolis, MN 55433

Dear Mr. Williams:

We have received your request of July 18, 2013, regarding the reconstruction and rehabilitation of storm-damaged 1-4 unit homes in Nassau and Suffolk Counties, as part of the U.S. Department of Housing and Urban Development Community Development Block Grant – Disaster Recovery Housing Assistance Program, administered by New York State Homes and Community Renewal.

The New York Natural Heritage database has no records of state or federal endangered, threatened, or rare species which are found in existing residential buildings in Suffolk County. Given that the proposed activities are the rehabilitation and reconstruction of existing residential buildings, and that no new construction of buildings will occur under this program, we therefore do not identify any potential impacts to endangered, threatened, and/or rare species or their habitats by the activities currently proposed for this program in Suffolk County.

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

Sincerely,

Nicholas B. Conrad
Information Resources Coordinator
NY Natural Heritage Program

July 18, 2013

ProSource Technologies, LLC
9219 East River Road NW
Minneapolis, MN 55433
Phone 763-786-1445
Fax 763-786-1030

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

RE: Project Introduction and Early Coordination for Natural Heritage Information Request for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)

Dear Mr. Conrad:

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

<http://www.nyshcr.org/Publications/CDBGActionPlan.pdf>.

Program Overview

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Specific Federal Actions related to the program include:

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

The current priority, as outlined in the Action Plan, is 1-4 unit homes and buyouts in the counties most impacted by the disasters.

Nassau and Suffolk Counties

Presently, NYSHCR is preparing the NEPA Programmatic Environmental Assessments (PEA) for reconstruction and rehabilitation of 1-4 unit homes in Nassau and Suffolk Counties. The 1-4 unit action will cover participating homeowners at various locations within the boundaries of Nassau and Suffolk Counties. The Program activities will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure (s). No new construction or housing developments will occur as a result of the rehabilitation of 1-4 unit homes. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

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Accordingly, on behalf of NYSHCR, ProSource is requesting a New York Natural Heritage data request for Nassau and Suffolk Counties in their entirety, at this time. Please complete two separate reviews, one for each county. Because affected properties that are participating in the Program are located at various locations throughout the County, a defined specific project area (other than the County limit) is not available at this time. The Natural Heritage information provided will be used for compliance with the National Environmental Policy Act (NEPA) Environmental Assessment (EA) and the State Environmental Quality Review (SEQR) assessment.

If you have question or require additional information regarding this request, please contact me at (763) 786-1445 or swilliams@prosourcecotech.com.

Sincerely,

ProSource Technologies, LLC



Shawn Williams, Permitting Specialist

Attachments:

Map of Nassau County

Map of Suffolk County

Appendix N:

NY Historic Preservation Programmatic Agreement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STIPULATIONS

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

I. GENERAL

A. Applicability

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

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

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

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

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

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

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

1. FEMA:

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

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

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

2. SHPO:

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

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

3. LPC

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

4. OEM:

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

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

C. Tribal Consultation

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

D. Public Participation

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

E. Timeframes

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

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

II. PROJECT REVIEW

A. Programmatic Allowances

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

B. Expedited Review for Emergency Undertakings

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

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

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

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

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

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

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

D. Standard Project Review

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

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

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

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

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

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

III. OTHER CONSIDERATIONS

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

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

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

C. Curation

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

D. Anticipatory Actions and After the Fact Review

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

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

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

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

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

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

B. Dispute Resolution

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

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

C. Severability and Termination

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

D. Duration and Extension

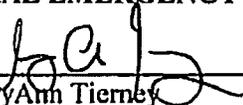
1. Unless terminated in accordance with Stipulation IV.C.2 or IV.C.4, Severability and Termination, this Agreement shall remain in effect until FEMA, in consultation with all other signatories, determines that all undertakings related to 4085-DR-NY have been completed.
2. If another federally-declared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

E. Execution and Implementation

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

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

Signatory:
FEDERAL EMERGENCY MANAGEMENT AGENCY

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

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

Signatory:

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 5/3/13

By: Ruth Pierpont

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

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

Signatory:
ADVISORY COUNCIL ON HISTORIC PRESERVATION

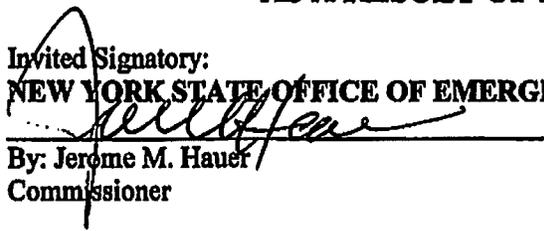
By: John M. Fowler
John M. Fowler
Executive Director

Date: 5/10/13

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

Invited Signatory:

NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT


By: Jerome M. Hauer
Commissioner

Date: 9/1/13

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

Invited Signatory:

THE DELAWARE NATION

By: _____ Date: _____

C. J. Watkins
Vice President

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

Invited Signatory:
THE DELAWARE NATION

By: _____ Date: _____
Paula Pechonick
Chief

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

Invited Signatory:
THE SHINNECOCK NATION

By: [name]
[title]

Date: _____

By: [name]
[title]

Date: _____

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

Invited Signatory:

THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

Date: _____

By: Robert Chicks
President of Tribal Council

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

Concurring Party:

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

Date: _____

By: Robert B. Tierney

Chair, The New York City Landmarks Preservation Commission

Appendix A

FEMA Program Summaries

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

Disaster Response and Recovery Programs

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

Public Assistance Program (PA)

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

Individual Assistance Programs (IA)

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

Fire Management Assistance Grant Program (FMAG)

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

Hazard Mitigation Grant Program (HMGP)

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

Appendix B

Programmatic Allowances

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

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

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

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

Tier I Allowances

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

A. Debris and Snow Removal

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

B. Temporary Structures and Housing

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

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

C. Recreation and Landscaping

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

II. BUILDINGS

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

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

A. Roads and Roadways

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

B. Airports

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

C. Rail Systems

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

Tier II Allowances

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

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

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

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

B. Recreation and Landscaping

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

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

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

D. Cemeteries

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

II. BUILDINGS

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

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

B. Utilities and Mechanical, Electrical, and Security Systems

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

C. Windows and Doors

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

D. Exterior Walls, Cornices, Porches, and Foundations

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

E. Roofing

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

F. Weatherproofing and Insulation

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

G. Structural Retrofits

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

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

A. Roads and Roadways

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

B. Bridges

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

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

A. General

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

B. Generators and Utilities

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

C. Communication Equipment/Systems and Towers

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

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

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

A. Canal Systems

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

B. Breakwaters, Seawalls, Revetments, and Berms

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

C. Dams, Levees, and Floodwalls

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

D. Fish Hatcheries

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

E. Waste-Water Treatment Lagoon Systems

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

VI. OTHER PROGRAM ACTIVITIES

A. Elevation, Demolition, and Reconstruction

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

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

B. Safe Rooms

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

Appendix C

Treatment Measures

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

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

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

A. Recordation Package

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

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

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

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

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

C. Tribal Treatment Plan

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

D. Public Interpretation

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

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

E. Historical Context Statements and Narratives

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

F. Oral History Documentation

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

G. Historic Property Inventory

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

H. National Register and National Historic Landmark Nominations

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

I. Geo-References of Historic Maps and Aerial Photographs

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

APPENDIX D

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

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

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

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

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

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

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

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

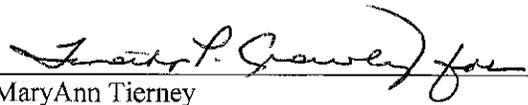
WHEREAS, NYS HCR will ensure that staff who meet the Secretary's Professional Qualification Standard will review Tier II projects and will provide resumes of such staff to the signatories to this Addendum;

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

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

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: 
By MaryAnn Tierney
Acting Regional Administrator, Region II

Date: 7/25/13

NEW YORK STATE HISTORIC PRESERVATION OFFICER

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

NEW YORK STATE HOMES AND COMMUNITY RENEWAL

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

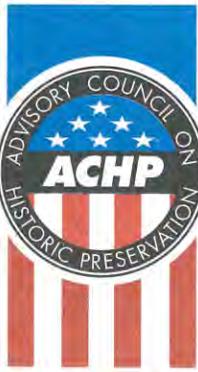
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

Appendix E

Stump Removal Guidance

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



Preserving America's Heritage

August 6, 2013

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

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

Dear Mr. Nelson:

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

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

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

Sincerely,

for

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

Appendix O:

HUD Noise Abatement and Explosive Operations Email

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

Neil,

As discussed, noise is not applicable for a disaster recovery program including reconstruction and rehabilitation that meets the requirement at 24 CFR 51.101(a)(3). In addition, ASD requirements do not apply because the definition for HUD assisted projects at 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations; therefore, the environmental review for grants to elevate, rehabilitate, or reconstruct housing that existed prior to the disaster where the number of dwelling units is not increased is not required to apply 24 CFR Part 51 Subpart C. Mike Furda, as the FEO for New Jersey, is available for questions, follow up or additional guidance.

Thanks,

Danielle

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



Please consider the environment before printing this e-mail

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

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

Thanks

Neil

24 CFR Part 51.101(a)(3)

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

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

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

Appendix P:
NMFS Consultation Letters



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

September 19, 2013

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

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

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

Dear Ms. Colligan:

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

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

Program Overview

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

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

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

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

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

Sincerely,



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

cc. Seth Diamond, NYSHCR

Attachment A - Program Descriptions

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

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

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



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

JUL 31 2013

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

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

Dear Ms. Spitzberg,

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

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

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

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



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

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

Sincerely,


Mary Colligan
Assistant Regional Administrator
for Protected Resources



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

July 19, 2013

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

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

Re: Program Introduction and Early Coordination for Section 7 (Endangered Species) Review for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)

Dear Ms. Colligan:

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

The purpose of this letter is to provide the National Marine Fisheries Service- Northeast Region (NMFS) notice of the Program and begin early coordination, under the U.S. National Environmental Policy Act (NEPA), for preparation of an approach to completing the Section 7 and other regulatory compliance applicable to NMFS jurisdiction.

Program Overview

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Specific Federal Actions related to the program include:

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

We anticipate tens to possibly hundreds of NEPA EA reviews throughout the entire duration of the Program, as there are so many actions at various locations throughout the State of New York.

We do not expect the actions mentioned above to adversely affect NMFS-species because the actions will occur in primarily upland locations (though some within floodplains, as well) and impacts to surface water quality would be prevented and mitigated in accordance with permitting requirements and best management practices.

The current priority, as outlined in the Action Plan, is 1-4 unit homes and buyouts in the counties most impacted by the disasters (Nassau, Suffolk, Westchester, and Rockland).

Nassau and Suffolk Counties

Presently, NYSHCR is preparing the NEPA Programmatic Environmental Assessments (PEA) for reconstruction and rehabilitation of 1-4 unit homes in Nassau and Suffolk Counties. The 1-4 unit action will cover participating homeowners at various locations within the boundaries of Nassau and Suffolk Counties. The Program activities will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure (s). No new construction or housing developments will occur as a result of the rehabilitation of 1-4 unit homes. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions. The NMFS provided a response letter to the 1-4 unit rehabilitation action in Nassau County, dated July 9, 2013 (attached).

Next Steps

The number and location of participants in the Program is constantly evolving. The current priority is to complete the Section 7 review process for the two PEAs regarding the 1-4 unit rehabilitation for Nassau and Suffolk Counties. We understand you have had recent phone conversations about the Program with Shawn Williams of ProSource Technologies, LLC (ProSource). We authorize ProSource to coordinate on our behalf, as this Program review moves forward. We look forward to discussion of this Program in the near future to determine if a programmatic coverage letter is appropriate to meet Section 7 compliance, in regards to the various actions related to this Program. If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org.

Sincerely,



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

Attachment:

- HUD transfer of authority to NYSHCR under 24 CFR 58.4
- July 9, 2013 Letter from NMFS for 1-4 rehabilitation in Nassau County

cc. Chris Leo, NYHCR
Mark Murray-Brown, NMFS

Shawn Williams

From: Heather Spitzberg <HSpitzberg@nyshcr.org>
Sent: Wednesday, July 17, 2013 11:47 AM
To: Shawn Williams
Cc: Erica Davis; Thomas Maiello; Dave Hennen; Lori Shirley; Chris Leo
Subject: FW: Assumption of Authority Under Part 58.4

-----Original Message-----

From: Fretwell, Therese J [<mailto:Therese.J.Fretwell@hud.gov>]
Sent: Wednesday, July 17, 2013 12:35 PM
To: Heather Spitzberg
Subject: RE: Assumption of Authority Under Part 58.4

The New York State Homes and Community Renewal office is identified as the Responsible Entity in accordance with 24 CFR part 58 for the Community Development Block Grant - Disaster Recovery action plan activities in question. HUD regulations under 24 CFR 58.4 allow for the assumption of authority by the unit of local government when they are the direct recipient of federal funds via a HUD grant. The assumption of authority is applicable for conducting the compliance process under the National Environmental Policy Act and the related laws and authorities identified under 24 CFR 58.5. Under this clause the unit of local government, in this case the New York State Homes and Community Renewal office assumes the responsibility of a federal agency as the decision maker under the National Environmental Policy Act and will be held directly accountable by the law should any challenges to their decisions be made. Additionally, they are to act as a federal deputy in the completion of any consultation requirements required under the laws and authorities identified under 58.5, in this case, the Endangered Species Act section 7 compliance.

I am providing a link to a pdf of the Part 58 regulations if you wish to reference the specific citations.

<http://www.gpo.gov/fdsys/pkg/CFR-2004-title24-vol1/pdf/CFR-2004-title24-vol1-part58.pdf>

§ 58.4 Assumption authority.

(a) Assumption authority for responsible entities: General. Responsible entities shall assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5.

If you need additional information on our unique delegation authorities under NEPA, or would simply like to discuss the projects in further detail, please feel free to contact me. I may be reached via email or by phone at 212-542-7445.

Sincerely,
Therese Fretwell
Regional Environmental Officer
Housing & Urban Development
Office of Energy & Environment
Regions 1 & 2, NYC Office

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

JUL - 9 2013

Heather Spitzberg
Certifying Officer
New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street, 4th Floor
Albany, NY 12207

Re: Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

Dear Ms. Spitzberg,

We received your memo dated June 24, 2013 regarding the Community Development Block Grant—Disaster Recovery activity for the rehabilitation and mitigation of 1-4 Unit Family Homes located in a 100-year floodplain in Nassau County, New York.

No federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of NMFS are known to exist in the vicinity of your proposed project. As such, NMFS Protected Resources Division does not intend to offer additional comments on this proposal. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact Danielle Palmer at (978) 282-8468.

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

EC: Palmer
File Code: Sec 7 No Species Present 2013





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

JUL - 9 2013

Heather Spitzberg
Certifying Officer
New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street, 4th Floor
Albany, NY 12207

Re: Early Notice and Public Review of a Proposed Activity in a 100-Year Floodplain

Dear Ms. Spitzberg,

We received your memo dated June 24, 2013 regarding the Community Development Block Grant—Disaster Recovery activity for the rehabilitation and mitigation of 1-4 Unit Family Homes located in a 100-year floodplain in Nassau County, New York.

No federally listed or proposed threatened or endangered species and/or designated critical habitat for listed species under the jurisdiction of NMFS are known to exist in the vicinity of your proposed project. As such, NMFS Protected Resources Division does not intend to offer additional comments on this proposal. Should project plans change or new information become available that changes the basis for this determination, further coordination should be pursued. If you have any questions regarding these comments, please contact Danielle Palmer at (978) 282-8468.

Sincerely,

Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

EC: Palmer
File Code: Sec 7 No Species Present 2013



Appendix Q:

USFWS Consultation Letters



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



September 25, 2013

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

Dear Ms. Spitzberg:

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

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

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

Service Comments on NYSHCR Endangered Species Act Determination Worksheet

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

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

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

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

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

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

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

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

Sincerely,

for Patricia Cole
David A. Stilwell
Field Supervisor



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

August 26, 2013

Ms. Patricia Cole
Deputy Field Supervisor
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

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

Dear Ms. Cole:

On July 18, 2013 New York State Homes and Community Renewal (NYSHCR) submitted a Program Introduction letter regarding the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Assistance Program (Program). A response letter acknowledging the Program, and providing Endangered Species Act (ESA) information, was provided by the U.S. Fish and Wildlife Service-New York Field Office (USFWS), dated August 7, 2013.

NYSHCR is providing this letter to USFWS to introduce the aforementioned actions of the overall CDBG-DR Program. Since submittal of the July 18, 2013 letter, these actions have been identified as a priority for the Program, and NYSHCR is proceeding with preparation of the Environmental Review Records (ERR) for all of these actions. Program descriptions, which constitute the actions, are included in **Attachment A**.

As outlined in the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan), the vast majority of the storm-damaged properties are located in Nassau, Suffolk, Kings, and Queens Counties. A list of affected counties included in the CDBG-DR program and the specific programs (and associated ERRs) planned for each of these counties is included in **Attachment B**.

The primary purpose of this letter is to inform the USFWS that NYSHCR would like to work with the USFWS to develop an agreed-upon compliance process so that NYSHCR, as the Responsible Entity (RE), can accurately determine Section 7 compliance at the Tier 2 level of review. NYSHCR is requesting whether a standardized species habitat matrix table (sorted by county), maps, and/or GIS data, may be adopted as the compliance tool for Tier 2 reviews.

A draft Excel table and a draft Tier 2 Site-Specific Checklist (Wildlife Section) are included in **Attachment C**, for consideration. The USFWS website is the source of the information in the table. In previous discussions between ProSource and USFWS, a species matrix table, sorted by county, was considered but was not adopted for the CDBG-DR Program.

NYSHCR is requesting a program comprehensive response letter from USFWS, covering all actions, that can be included in all Tier 1 ERRs to document that coordination with USFWS is being completed, and that Compliance with Section 7 will be completed during Tier 2 site specific review. As soon as reasonably possible, we would like to work with USFWS to develop a suitable tool for Tier 2 compliance. NYSHCR has begun Tier 2 site-specific reviews for the Program and an approved process needs to be ready for implementation.

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

Sincerely,

A handwritten signature in blue ink that reads "Heather Spitzberg". The signature is written in a cursive style.

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

cc. Chris Leo, NYHCR
Steve Papa, USFWS

Attachment A - Program Descriptions
Attachment B- List of Affected and Actions for Counties Included in the CDBG-DR Program
Attachment C- Species Matrix Table for Affected NY Counties

Attachment A- Program Descriptions

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

Buyout/Acquisition

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

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

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

Certain highest risk areas in the floodplains, determined to be among the most susceptible to future disasters and that therefore present a greater risk to people and property, will be identified by the State and its local partners for the purposes of this program as enhanced buyout areas (see below). The State will conduct purchases inside of the enhanced buyout areas as “buyouts,” as defined by HUD, whereby they will be eligible for purchase starting at 100% of the property’s pre-storm fair market value (FMV), plus available incentive(s) as outlined below.

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

In accordance with the notice governing the use of these funds, properties purchased as a “buyout” will be maintained in perpetuity as coastal buffer zones, while properties purchased as “acquisitions” will be eligible for redevelopment in the future in a resilient manner to protect future occupants of this property. The post-purchase fate of most acquired properties will be determined by the State in consultation with local officials to ensure that the properties best serve the future goals of the community. In some cases, the properties will remain undeveloped and be transformed into parks or other non-residential uses, while in most cases they will be redeveloped in a resilient manner.

Enhanced Buyout Areas

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

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

Program Activities

Summarized in the sections below are the physical program activities:

Buyout

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

Acquisition

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

Rehabilitation 1-4 Units and 5+ Units

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

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

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

Reimbursement

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

Economic Development Program Description

The applicable programs from the Action Plan are:

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

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

Small Business Grant Program

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

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

Small Business Loan Program

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

Coastal Fishing Industry Program

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

Seasonal Tourism Industry Program

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

| Common Name | Scientific Name | Status | Distribution | Storm-Affected Counties |
|---|--|---------------|--|--------------------------------|
| | | | | Albany |
| FISHES | | | | |
| Sturgeon, Shortnose* | <i>Acipenser brevirostrum</i> | E | Hudson River & Atlantic Coastal Rivers | X |
| REPTILES | | | | |
| Turtle, bog | <i>Clemmys [=Glyptemys] muhlenbergii</i> | T | | X |
| Turtle, green* | <i>Chelonia mydas</i> | T | Oceanic summer visitor coastal waters | |
| Turtle, hawksbill* | <i>Eretmochelys imbricata</i> | E | Oceanic summer visitor coastal waters | |
| Turtle, leatherback* | <i>Dermochelys coriacea</i> | E | Oceanic summer resident coastal waters | |
| Turtle, loggerhead* | <i>Caretta caretta</i> | T | Oceanic summer resident coastal waters | |
| Turtle, Atlantic ridley* | <i>Lepidochelys kempii</i> | E | Oceanic summer resident coastal waters | |
| BIRDS | | | | |
| Eagle, bald | <i>Haliaeetus leucocephalus</i> | T | | X |
| Plover, piping (Atlantic Coast Population) | <i>Charadrius melodus</i> | T | Coastal sites (Atlantic Coast) | |
| Tern, roseate | <i>Sterna dougallii dougallii</i> | E | Southeastern coastal portions of state | |
| MAMMALS | | | | |
| Bat, Indiana | <i>Myotis sodalis</i> | E | | X |
| Cougar, eastern | <i>Felis concolor couguar</i> | E | Probably extinct | X |
| MOLLUSKS | | | | |
| Mussel, dwarf wedge | <i>Alasmidonta heterodon</i> | E | lower Neversink River | |
| BUTTERFLIES | | | | |
| Butterfly, Karner blue | <i>Lycaeides melissa samuelis</i> | E | | X |
| PLANTS | | | | |
| Monkshood, northern wild | <i>Aconitum noveboracense</i> | T | | |
| Pogonia, small whorled | <i>Isotria medeoloides</i> | T | | X |
| Swamp pink | <i>Helonias bullata</i> | T | Staten Island - presumed extirpated | |
| Gerardia, sandplain | <i>Agalinis acuta</i> | E | | |
| Amaranth, seabeach | <i>Amaranthus pumilus</i> | T | Atlantic coastal plain beaches | |
| | | | | |
| | | | | |
| | | | | |
| E=endangered T=threatened P=proposed C=candidate | | | | Bold = m |
| * = Except for sea turtle nesting habitat, principal responsibility for these species is vested with NMFS | | | | |
| | | | | |

Endangered Species Act

- The proposed eligible activity does not affect the (specie[s]). The USFWS defined the geographic area of concern where project activities may affect the (specie[s]). Based upon initial findings, there is no potential impact on the (specie[s]) because the proposed project site is located outside of the (species'/specie's) mapped buffer zone(s) (area[s] of concern plus a 200-foot buffer zone). See attached (map name).
- The proposed eligible activity may affect the (specie[s]). Based upon comparison of the proposed project site location with the (species'/specie's) mapped buffer zone(s) (area[s] of concern plus a 200-foot buffer zone), it has been determined that (check one):
 - The proposed project site is located within the mapped buffer zone, but not the area of concern for the (specie[s]). Proposed eligible project activities cannot proceed during the (season) which occurs from (dates). *(If an optional USFWS consultation was conducted then include the following language: The USFWS finding stated/concluded _____.* The proposed project site map and the USFWS biologist's finding are attached.)
 - The proposed project site is located within the area of concern for the (specie[s]). Proposed eligible project activities cannot proceed during the (season) which occurs from (dates) and will require USFWS consultation. The USFWS finding stated/concluded _____. The proposed project site map and the USFWS biologist's finding are attached.
 - Consultation with the USFWS resulted in a determination that (check one):
 - The proposed eligible activity incorporating appropriate measures to avoid adverse impacts would not adversely affect the (specie[s]). (Explain how this conclusion was reached and describe mitigation measures.) The (supporting documentation) is/are attached.
 - The proposed eligible activity would adversely affect the (specie[s]). (Explain how this conclusion was reached.) The (supporting documentation) is/are attached. *Activity is not in compliance.*



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



August 7, 2013

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

Dear Ms. Spitzberg:

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

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

Program Description

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

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

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

Nassau and Suffolk Counties

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

Endangered Species Act Section 7 Consultation

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

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

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

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

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

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

New York, Bronx, Richmond, and Kings Counties

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

Queens, Nassau, and Suffolk Counties

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

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

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

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

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

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

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

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

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

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

Rockland and Westchester Counties

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

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

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

Small whorled pogonia may be present in Rockland County.

Bald and Golden Eagle Protection Act

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

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

Migratory Bird Treaty Act

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

Coastal Barrier Resources Act

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

Coastal Barrier Resources Act Process

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

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

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

Sincerely,

for Patricia Cole

David A. Stilwell
Field Supervisor

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



**U.S. Department of Housing and Urban
Development**
New York State Office
Jacob K. Javits Federal Building
26 Federal Plaza, Suite 3541
New York, New York 10278-0068
Office (212) 264-8000, Fax (212) 264- 0993
TTY (212) 264-0927

23 July 2013

Ms. Patricia Cole
Deputy Field Supervisor
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

**Re: Responsible Entity Certification for Section 7 Review for
U.S. Department of Housing and Urban Development (HUD) Community
Development Block Grant-Disaster Recovery (CDBG-DR) Housing
Assistance Program, administered by New York State Homes and
Community Renewal (NYSHCR)**

Dear Ms. Cole:

The Department of Housing and Urban Development (HUD) has authorized New York State Homes and Community Renewal (NYSHCR) to implement the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) Housing Assistance Program (Program) in accordance with the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*, dated April 2013 (Federal Register Docket # FR-5696-N-01). In accordance with prior coordination agreements between HUD and the FWS, HUD certifies that NYSHCR shall assume federal responsibilities for all National Environmental Policy Act and all related environmental laws and authorities as identified in HUD regulation 24 CFR 58.5. Consultations arising from activities funded under this Program will be conducted directly by NYSHCR in accordance with the assumption authority of 24 CFR 58.4

According to HUD regulations at 24 CFR §58.4, state and local governments that receive HUD funds assume the status of ‘responsible entity,’ and act as the federal action agency for all necessary consultations and other compliance measures. The assumption of federal status for environmental review purposes extends to substantive and procedural compliance with Section 7 of the Endangered Species Act, per 24 CFR §58.5.

For all Section 7 consultations arising from HUD-funded activities under any of the programs listed at 24 CFR §58.1(b), the State of New York and all local governments therein have been granted authority to act as the federal action agency. These governments should alert the FWS when seeking a HUD Release of Funds for a project that requires Section 7 consultation. The FWS may notify HUD if the State or local government has not fulfilled its Section 7 requirements, and HUD will not release the funds in those instances.

Please contact Regional Environmental Officer Therese Fretwell at 212-542-7445 if you have any questions regarding HUD's designation of the State of New York for Section 7 purposes under the CDBG-DR program, or HUD's general regulations concerning assumption of federal authority for Section 7 consultations.

Sincerely,



Therese Fretwell
Regional Environmental Officer
Department of Housing and Urban Development
26 Federal Plaza, Room 3513
New York, NY 10278

cc: Steven T. Papa, Long Island Field Office



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

July 18, 2013

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

Ms. Patricia Cole
Deputy Field Supervisor
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

Re: Project Introduction and Early Coordination for Section 7 Review for U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) Housing Assistance Program, administered by New York State Homes and Community Renewal (NYSHCR)

Dear Ms. Cole:

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

The purpose of this letter is to provide the U.S. Fish and Wildlife Service-New York Field Office (USFWS) notice of the Program and begin early coordination, under the U.S. National Environmental Policy Act (NEPA), for preparation of an approach to completing the Section 7, Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), and other regulatory compliance.

Program Overview

The Implementation of the Program will be large-scale and will encompass several Counties throughout New York (refer to Action Plan). Specific Federal Actions related to the program include:

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

The current priority, as outlined in the Action Plan, is 1-4 unit homes and buyouts in the counties most impacted by the disasters (Nassau, Suffolk, Westchester, and Rockland).

Nassau and Suffolk Counties

Presently, NYSHCR is preparing the NEPA Programmatic Environmental Assessments (PEA) for reconstruction and rehabilitation of 1-4 unit homes in Nassau and Suffolk Counties. The 1-4 unit action will cover participating homeowners at various locations within the boundaries of Nassau and Suffolk Counties. The Program activities will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure (s). No new construction or housing developments will occur as a result of the rehabilitation of 1-4 unit homes. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

Next Steps

The number and location of participants in the Program is constantly evolving. We understand the USFWS has recently completed a large scale program review, similar in nature, for the U.S. Federal Emergency Management Agency (FEMA). We anticipate following a similar approach for this Program.

The current priority is to complete the Section 7 review process for the two PEAs regarding the 1-4 unit rehabilitation for Nassau and Suffolk Counties. We understand you have had recent phone conversations about the Program with Shawn Williams of ProSource Technologies, LLC (ProSource). We authorize ProSource to coordinate on our behalf as this Program review moves forward. We look forward to discussion of this Program in the near future via phone conference call, at your earliest convenience. If you have question or require additional information regarding this request, please contact me at (518) 486-3379 or hspitzberg@nyshcr.org.

Sincerely,

A handwritten signature in blue ink that reads "Heather Spitzberg". The signature is written in a cursive style.

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

Attachment:

- HUD transfer of authority to NYSHCR under 24 CFR 58.4

cc. Chris Leo, NYHCR

Shawn Williams

From: Heather Spitzberg <HSpitzberg@nyshcr.org>
Sent: Wednesday, July 17, 2013 11:47 AM
To: Shawn Williams
Cc: Erica Davis; Thomas Maiello; Dave Hennen; Lori Shirley; Chris Leo
Subject: FW: Assumption of Authority Under Part 58.4

-----Original Message-----

From: Fretwell, Therese J [<mailto:Therese.J.Fretwell@hud.gov>]
Sent: Wednesday, July 17, 2013 12:35 PM
To: Heather Spitzberg
Subject: RE: Assumption of Authority Under Part 58.4

The New York State Homes and Community Renewal office is identified as the Responsible Entity in accordance with 24 CFR part 58 for the Community Development Block Grant - Disaster Recovery action plan activities in question. HUD regulations under 24 CFR 58.4 allow for the assumption of authority by the unit of local government when they are the direct recipient of federal funds via a HUD grant. The assumption of authority is applicable for conducting the compliance process under the National Environmental Policy Act and the related laws and authorities identified under 24 CFR 58.5. Under this clause the unit of local government, in this case the New York State Homes and Community Renewal office assumes the responsibility of a federal agency as the decision maker under the National Environmental Policy Act and will be held directly accountable by the law should any challenges to their decisions be made. Additionally, they are to act as a federal deputy in the completion of any consultation requirements required under the laws and authorities identified under 58.5, in this case, the Endangered Species Act section 7 compliance.

I am providing a link to a pdf of the Part 58 regulations if you wish to reference the specific citations.

<http://www.gpo.gov/fdsys/pkg/CFR-2004-title24-vol1/pdf/CFR-2004-title24-vol1-part58.pdf>

§ 58.4 Assumption authority.

(a) Assumption authority for responsible entities: General. Responsible entities shall assume the responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under NEPA and other provisions of law that further the purposes of NEPA, as specified in §58.5.

If you need additional information on our unique delegation authorities under NEPA, or would simply like to discuss the projects in further detail, please feel free to contact me. I may be reached via email or by phone at 212-542-7445.

Sincerely,
Therese Fretwell
Regional Environmental Officer
Housing & Urban Development
Office of Energy & Environment
Regions 1 & 2, NYC Office

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Follow us on Twitter: <https://twitter.com/NYSHCRonline>

www.nyshcr.org

Appendix R:

Rockland County
Floodplain Management Plan and Public Notices



NEW YORK STATE
DIVISION OF HOMES &
COMMUNITY RENEWAL

HOUSING
TRUST FUND
CORPORATION

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

Floodplain Management Document

New York State Homes & Community Renewal
Office of Community Renewal

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

Rockland County, NY
Effective Date: October 10, 2013

Executive Order 11988: Floodplain Management

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

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

**Rockland County, NY
Effective Date: October 10, 2013**

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

Description of Proposed Program Activities

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

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

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

Executive Order 11988 & 24 CFR Part 55

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

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

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

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

The floodplain (FEMA Zones “A”, “AE”, “AH”, “V”, & “VE”) covers large areas of Rockland County. An approximate total of 17,500 acres of floodplain, including surface waters, is mapped within the county boundary and an approximate total of 9,000 acres of floodplain, excluding surface waters, is mapped within the county (source: Base GIS review of FEMA BFE data).

24 CFR Part 55.1 (c)

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

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

24 CFR Parts 55.11 & 55.20

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

HCR Approach

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

24 CFR Part 55.20 8-Step Process

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

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

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

At this time, not all of the exact locations of the program properties that will participate are specified. There are approximately 17,500 acres of floodplains within the Action Plan Activity area.

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

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

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Journal News on September 10, 2013. The 15-day period expired on September 25, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 10, 2013: Federal Emergency Management Agency (FEMA); U.S Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New York Department Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; New York Department of Transportation; and the New York State Office of Emergency Management. The notice was also sent to Rockland County and the towns and villages within Rockland County. (See **EXHIBIT 1** for the early notice and proof of publication)

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

Step THREE: Identify and Evaluate Practicable Alternatives

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

- 1) Buyouts- Purchase and demolish damaged properties to allow the floodplain to restore to its natural state: This process will use grant funds to purchase properties from willing sellers affected by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Once purchased, improvements on the property, such as single and multi-family homes, will be removed. The vacant land will then revert to its natural state.
- 2) Acquisition- Purchase damaged properties for the purpose of rehabilitation, reconstruction, and/or future redevelopment: This process will use grant funds to acquire parcels from willing sellers affected by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. The specific details of reuse of acquired properties are unknown at this time, and will be determined on a site specific basis. Depending on the condition of the parcel, homes on the property may either be reconstructed or demolished and assessed for future redevelopment in a manner consistent with local comprehensive plans and zoning regulations.
- 3) Reconstruction Grants- Issue grant awards to assist homeowners with elevation and reconstruction of damaged properties: This alternative would identify all homes within the floodplain that were substantially damaged by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Each property owner would then be provided funds to repair the damage to their property. This program would require that any grant recipients elevate their property to updated elevation standards.

- 4) No Action- This alternative would offer no assistance to homeowners in the affected area. As such, home owners would be allowed to rebuild according to modern standards, demolish damaged properties, or leave their homes in their present condition. Many homeowners would be unable to recover from the devastation of Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. Further reconstruction would be parcel by parcel and result in wide variation in the safety and building standards of the affected parcels.

These alternatives will be further evaluated in response to public comments received.

Step FOUR: Identify Potential Impacts of the Proposed Actions

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

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

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

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

Regarding the Buyout portion of the Action Plan Activities, restoring the Rockland County shoreline to its natural state will minimize threats to life and property, as well as restore and preserve natural and beneficial floodplain values. By preventing construction and reconstruction of homes in this area, this program will reduce the population within the floodplain, exposing fewer people to the effects of natural disasters. Further, since the land will be free of costly improvements, future storm damage will be minimized.

By removing manmade buildings and infrastructure in this area, the floodplain will be returned to its natural state. As such, this program will not merely limit damage to the floodplain, but actually restore and improve upon the natural and beneficial floodplain values.

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

Step SIX: Re-evaluate Alternatives

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

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

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

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

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

These alternatives will be reevaluated in response to public comments received.

Step SEVEN: Issue Findings and a Public Explanation

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

In accordance with 24 CFR Part 55, a 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Journal News on October 2, 2013. The 7-day period expired on October 9, 2013. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on October 2, 2013: Federal Emergency Management Agency (FEMA); U.S. Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA Fisheries Service; New York Department Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; New York Department of Transportation; and the New York State Office of Emergency Management. The notice was also sent to Rockland County and the towns and villages within Rockland County. The notice described the reasons why the project must be located in the floodplain, a list of alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received have been considered. (See **EXHIBIT 2** for the final notice and proof of publication)

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

Step EIGHT: Implement the Action

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

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

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

EXHIBIT 3 Public Comments Received and HCR Response

EXHIBIT 1

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

September 10, 2013:

To: All Interested Agencies, Groups, & Individuals

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

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

There are approximately 17,500 acres of floodplain in Rockland County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

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

Under acquisitions, flood affected properties will be purchased by the State. Severely damaged homes may be removed, and the land will be cleaned up of debris. This property will then be made available for future flood-resistant reconstruction to maintain consistent land usage; however, the specific details of future use of the acquired properties are unknown at this time.

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

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

Written comments should be submitted via email and further information can be requested at NYSCDBG_DR_ER@nyshcr.org. Written comments may also be received by HCR at the following address: Attention: Heather Spitzberg, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone at (518) 486-3379. All comments must be received or postmarked on or before **Wednesday, September 25, 2013**. A full copy of the Floodplain Management Document, including area maps, can be viewed from Monday – Friday, 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207 or at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

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

AFFIDAVIT OF PUBLICATION

FROM

The Journal News

CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

ZONE

DATE

RK

SEP-10-2013

Signed Cecilia Hernandez

Sworn to before me

This 10th day of SEPTEMBER 2013

Jessie L Araujo Dsouza
Notary Public

JESSIE L ARAUJO DSOUZA
Notary Public, State of New York
No. 01AR6083528
Qualified in Westchester County
Commission Expires November 18, 2014

Notary Public, State of New York
No. 01AR6083528
Qualified in Westchester County
Commission Expires November 18, 2014

Legend:

Northern Area (AN):
Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincolnale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson

Central Area (AC):
Ardsley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains

Southern Area (AS):
Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers

Greater Westchester (GW or LGW):
Includes Northern area, Southern area and Central area. (See details below each area)

Westchester Rockland (WR):
Includes Greater Westchester area and Rockland area.

Rockland Area (AS or AR):
Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Express (XPWR):

Amawalk, Ardsley, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Cortlandt Manor, Cross River, Croton-on-Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Harrison, Hartsdale, Hastings, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Mahopac, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdy's, Putnam Valley, Rye, Scarsdale, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Waccabuc, White Plains, Yorktown Heights, Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Mt. Vernon, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack, Yonkers

AD# 3524760

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

September 10, 2013:

To: All Interested
Agencies, Groups, &
Individuals

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

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

There are approximately 17,500 acres of floodplain in Rockland County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

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

Under acquisitions, flood affected properties will be purchased by the State. Severely damaged homes may be removed, and the land will be cleaned up of debris. This property will then be made available for future flood-resistant reconstruction to maintain consistent land usage; however, the specific details of future use of the acquired properties are unknown at this time.

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

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

Written comments should be submitted via email and further information can be requested at NYSCDBG_DR_ER@nyscr.org. Written comments may also be received by HCR at the following address: Attention: Heather Spitzberg, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone at (518) 486-3379. All comments must be received or postmarked on or before Wednesday, September 25, 2013. A full copy of the Floodplain Management Document, including area maps, can be viewed from Monday - Friday, 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207 or at <http://www.nyscr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

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

EXHIBIT 2

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

October 2, 2013:

To: All Interested Agencies, Groups, & Individuals

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

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

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

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

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

AFFIDAVIT OF PUBLICATION
 FROM
The Journal News
 lohud.com

CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

ZONE DATE
 R1C Oct-2-2013

Signed Cecilia Hernandez

Sworn to before me
 This 2nd day of October 20 13

Jessie L Araujo Dsouza
 Notary Public

JESSIE L ARAUJO DSOUZA
 Notary Public, State of New York
 No. 01AR6083528
 Qualified in Westchester County
 Commission Expires November 18, 2014

Legend:

Northern Area (AN):
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 Includes Northern area, Southern area and Central area. (See details below each area)

Westchester Rockland (WR):
 Includes Greater Westchester area and Rockland area.

Rockland Area (A5, AR and RK):
 Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tullman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

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AD # 3531038

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

October 2, 2013:

To: All Interested Agencies, Groups, & Individuals

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

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There are approximately 17,500 acres of floodplain in Rockland County. The flood plains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov.

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

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

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

EXHIBIT 3

Public Comments Received and HCR Response

No comments received

Appendix S:

**Combined Finding of No Significant Impact and
Notice of Intent to Request Release of Funds
(FONSI/NOIRROF)**

PUBLIC NOTICE
**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)
RECREATE NY HOME 1-4 UNIT REHABILITATION: ROCKLAND COUNTY, NY
BY NEW YORK STATE HOUSING TRUST FUND CORPORATION
September 23, 2013**

*New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 486-3379*

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

This combined notice satisfies two separate procedural requirements for project activities to be undertaken.

Per 24 CFR Part 58.33, the combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) will be published simultaneously with the submission of the Request for Release of Funds (RROF). The funds are needed on an emergency basis due to a declared disaster resulting from the impacts of Hurricane Sandy, which made landfall on October 29, 2012. As a result, the comment periods for the FONSI/NOIRROF and the RROF have been combined.

Project Description: HTFC intends to undertake the following project, funded by United States Department of Housing & Urban Development's (HUD) 2013 Community Development Block Grant – Disaster Recovery (CDBG-DR) funds under the Recreate NY Home 1-4 Unit Rehabilitation Program for Rockland County.

The activities associated with the Recreate NY Home 1-4 Unit Rehabilitation Program for Rockland County described herein will address unmet housing recovery needs of homeowners and tenants of rental properties, for which CDBG-DR funding shall be made available to Rockland County residents who qualify. The Recreate New York Home Project activities to be funded by CDBG-DR have been designed to provide assistance for repairing property, reconstructing homes, and mitigating properties for future resilience. This program is anticipated to provide permanent, sustainable housing solutions that allow these residents to return to their neighborhoods, where possible.

The program may also provide reimbursements for homeowners of 1-4 unit buildings that have started or completed Hurricane Sandy-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the requirements of the Recreate NY 1-4 Unit Rehabilitation Program.

This is the first tier of review in a 2-tiered process. The specific addresses of homes are not known at this time because the participating property owner identification process is ongoing. Therefore, under 24 CFR Part 58.15 (Tiering) and 24 CFR Part 58.32 (Project Aggregation), HTFC will use a tiered approach and once specific sites are determined, each site will be reviewed in compliance with the instructions established in the Tier 1 Review. No physical work will begin on properties until all levels of environmental review are complete and found to be in compliance. Tier 1 review addresses specific environmental factors for which compliance has been documented, regardless of specific site locations. It prevents repeating the same compliance factors on a Tier 2 site-specific basis, once all participating homeowners are known.

FINDING OF NO SIGNIFICANT IMPACT

A Tier 1 Environmental Review Record (ERR) was established and is maintained on file. The ERR is incorporated by reference into this FONSI. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist, an Environmental Assessment Work Sheet, and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the offices listed below or at <http://www.HCR.org/Programs/NYS-CDBG-DR/EnvironmentalReview.htm>.

HTFC has determined that the ERR for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al.

HTFC has also determined that the project described herein, as proposed, will have no significant adverse environmental or socioeconomic impacts, either direct, indirect, or cumulative. There will be no significant impact on the human environment, and the action will not negatively impact the quality of the environment. Therefore, HTFC has determined that the project, as proposed, is not an action that will result in a significant impact on the quality of the human environment. Moreover, the project does not require an Environmental Impact Statement under NEPA.

Public Review: Public viewing of the ERR is available on the internet and is also available in person Monday – Friday, 9:00 AM - 5:00 PM at the following addresses:

*New York State Housing Trust Fund Corporation
Care of Office of Community Renewal
NYS Department of Homes and Community Renewal
38-40 State Street
Albany, NY 12207
Contact: Heather Spitzberg (518) 486-3379*

&

*Rockland County Office of Community Development
50 Sanatorium Road
Building K
Pomona, NY 10970
Contact: Community Development Office (845) 364-3939*

Further information may be requested at NYSCDBG_DR_ER@HCR.org or by calling HTFC at (518) 486-3379. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state, and federal agencies, the regional office of U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in newspapers of general circulation in the affected community.

Public Comments on FONSI/Findings and NOIRROF

Any individual, group, or agency may submit written comments on this project. Those wishing to comment should specify in their comments which distinct part(s) of this Combined Notice they intend their comments to address. Comments should be submitted via email, in the proper format, on or before Tuesday, October 8, 2013 at: NYSCDBG_DR_ER@HCR.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Tuesday, October 8, 2013:

*Ms. Heather Spitzberg, Certifying Officer
Office of Community Renewal
New York State Department of Homes & Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207*

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On Monday, September 23, 2013, the HCR Certifying Officer will submit this request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York State CDBG-DR program.

HCR certifies to HUD that Ms. Heather Spitzberg, acting in capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental reviews, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that a Tier 1 environmental review for the project described herein has been completed and that additional Tier 2 site-specific review will occur once the specific sites are identified. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows HTFC/HCR to use CDBG-DR funds.

Objections to Release of Funds - HUD will consider objections to the RROF and/or FONSI certification for a period of fifteen (15) days following the submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are:

- (a) Certification was not executed by the responsible entity's Certifying Officer;
- (b) The responsible entity has omitted or failed to make a step, decision, or finding required by HUD regulations at 24 CFR Part 58;
- (c) The responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or
- (d) Another federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in writing in accordance with the required procedures and format (24 CFR Part 58) and shall be addressed to:

*Tennille Smith Parker
Acting Director/Assistant Director, Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing & Urban Development
451 7th Street, SW
Washington, DC 20410
Phone: (202) 402-4649*

Heather Spitzberg
HCR Certifying Officer
September 23, 2013

AFFIDAVIT OF PUBLICATION
 FROM
The Journal News
 lohud.com

CECILIA HERNANDEZ

being duly sworn says that he/she is the principal clerk of The Journal News, a newspaper published in the County of Westchester and State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date(s) below:

Note: the code to the left of the run dates indicates the zone(s) that the ad was published. (See legend below)

| | |
|-------------|-------------|
| ZONE | DATE |
| R1C | SEP-23-2013 |

Signed Cecilia Hernandez

Sworn to before me
 This 23rd day of SEPTEMBER 20 13

Jessie L Araujo Dsouza
 Notary Public

JESSIE L. ARAUJO DSOUZA
 Notary Public, State of New York
 No. 01AR6083528
 Qualified in Westchester County
 Commission Expires November 18, 2014

Legend:

- Northern Area (AN):
 Amawalk, Armonk, Baldwin Place, Bedford, Bedford Hills, Briarcliff Manor, Buchanan, Chappaqua, Crompond, Cross River, Croton Falls, Croton on Hudson, Goldens Bridge, Granite Springs, Jefferson Valley, Katonah, Lincoln Dale, Millwood, Mohegan Lake, Montrose, Mount Kisco, North Salem, Ossining, Peekskill, Pound Ridge, Purdys, Shenorock, Shrub Oak, Somers, South Salem, Verplanck, Waccabuc, Yorktown Heights, Brewster, Carmel, Cold Spring, Garrison, Lake Peekskill, Mahopac, Mahopac Falls, Putnam Valley, Patterson
- Central Area (AC):
 Ardsley, Ardsley on Hudson, Dobbs Ferry, Elmsford, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Larchmont, Mamaroneck, Pleasantville, Port Chester, Purchase, Rye, Scarsdale, Tarrytown, Thornwood, Valhalla, White Plains
- Southern Area (AS):
 Bronxville, Eastchester, Mount Vernon, New Rochelle, Pelham, Tuckahoe, Yonkers
- Greater Westchester (GW or LGW):
 Includes Northern area, Southern area and Central area. (See details below each area)
- Westchester Rockland (WR):
 Includes Greater Westchester area and Rockland area.
- Rockland Area (A5, AR and RK):
 Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Express (XPWR):

- Amawalk, Ardsley, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Brounville, Buchanan, Carmel, Chappaqua, Cold Spring, Cortlandt Manor, Cross River, Croton-on-Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Harrison, Hartsdale, Hastings, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Mahopac, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdy's, Putnam Valley, Rye, Scarsdale, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Waccabuc, White Plains, Yorktown Heights, Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack, Mt. Vernon, Yonkers

ND # 3528478

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NORROF) RECREATE NY HOMEOWNERS UNIT REHABILITATION ROCKLAND COUNTY NY HOUSING TRUST STATE CORPORATION

September 23, 2013

New York State Housing Trust Fund Corporation (HTFC) 38-40 State Street Albany, NY 12207 (518) 486-3379

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR) 38-40 State Street, Albany, NY 12207. In cooperation with New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Heather Spitzberg.

This combined notice satisfies two separate procedural requirements for project activities to be undertaken.

Per 24 CFR Part 58.33, the combined Notice of Intent and Request for Funds (NORROF) will be published simultaneously with the Request for Funds (RF) on the Request for Funds (RF) website. The funds are needed on an emergency basis due to a declared disaster which made landfall on October 29, 2012. As a result, the comment period for the FONSI/NOI and RROF and the RROF have been combined.

Project Description: HTFC intends to undertake the following project funded by United States Department of Housing & Urban Development's (HUD) Community Development Block Grant - Disaster Recovery (CDBG-DR) funds under the NY Home Rehabilitation Program for Rockland County.

The activities associated with the NY Home Rehabilitation Program for Rockland County described herein include housing recovery needs of rental properties for which CDBG-DR funding will be

known to be interested in these activities, local news media, appropriate agencies, the regional office of U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in newspapers of general circulation in the affected community.

Public Comments on FONSI/RF findings or any individual, group, or agency, may submit written comments on this project to the agency, as to the project, which specify the distinct parts of the Combined Notice they intend their comments to address. Comments should be submitted in email, in the proper format, on or before Tuesday, October 8, 2013 at: NYSCDBG_DR_ER@HCR.org. Written comments (15 days following the submission date or the receipt of the request (whichever is later) may be received on or before Tuesday, October 8, 2013.

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

Objections to Release of Funds - HUD will consider objections to the RROF and/or FONSI certification for a period of fifteen (15) days following the submission date or the receipt of the request (whichever is later). Potential objections may be received on or before Tuesday, October 8, 2013.

Ms. Heather Spitzberg, Certifying Officer of Community Re Development, New York State Department of Homes & Community Services, 38-40 State Street Albany, NY 12207. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS
Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.7(b). On Monday, September 23, 2013, the HCR Certifying Officer will submit this request and certification to HUD CDBG-DR Funds as authorized by related laws and policies for the purpose of implementing the State CDBG-DR program.

Further information may be requested at the time of calling HTFC at (518) 486-3379 or by calling HTFC at (518) 486-3379. This combined notice is being sent to individuals and groups acting in capacity as Certifying Director/Assistant

Director, Disaster Recovery and Special Issues Division of Block Grant Assistance, U.S. Department of Housing & Urban Development, Washington, DC 20410. Phone: (202) 402-4669. Heather Spitzberg, HCR Certifying Officer, September 23, 2013.

Public Comments on FONSI/RF findings or any individual, group, or agency, may submit written comments on this project to the agency, as to the project, which specify the distinct parts of the Combined Notice they intend their comments to address. Comments should be submitted in email, in the proper format, on or before Tuesday, October 8, 2013 at: NYSCDBG_DR_ER@HCR.org. Written comments (15 days following the submission date or the receipt of the request (whichever is later) may be received on or before Tuesday, October 8, 2013.

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PUBLIC NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NORROF) RECREATE NY HOMEOWNERS UNIT REHABILITATION ROCKLAND COUNTY NY HOUSING TRUST STATE CORPORATION