



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Executive Director

## MEMORANDUM

**To:** CDBG-DR NY Rising Community Reconstruction Program ERR File

**From:** Thomas King, Certifying Officer  
Governor's Office of Storm Recovery

**Date:** May 11, 2016

**Subject:** Re-evaluation of Environmental Assessment under 24 CFR 58.47  
NY Rising Community Reconstruction Program  
Front Street Stormwater Separation  
Local Floodplain Development Permit

The NY Rising Community Reconstruction Program ("the Program") provides financial assistance to 124 communities severely damaged by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. The Program is administered by the Governor's Office of Storm Recovery ("GOSR"), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing Trust Fund Corporation, which serves as the responsible entity for direct administration of the U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant – Disaster Recovery ("CDBG-DR") program.

As the responsible entity for the direct administration of the HUD CDBG-DR program, GOSR prepares an environmental review record to assist in the determination whether to grant CDBG-DR funding for the Program's projects. The decision to grant CDBG-DR funding will be dependent on the environmental review required under the National Environmental Policy Act of 1969 ("NEPA") pursuant to 24 CFR Part 58 and the New York State Environmental Quality Review Act (SEQRA) pursuant to 6 NYCRR Part 617.

All communities involved in the Program are participants in the National Flood Insurance Program ("NFIP"). As such, each community has enacted an NFIP-compliant floodplain ordinance establishing a permitting process for development and construction within the Special Flood Hazard Area (100-year floodplain). The NFIP defines development broadly, including "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." See 44 CFR 59.1.

The Front Street Stormwater Separation project has undergone environmental review pursuant to both the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA). These environmental reviews were conducted in compliance with applicable floodplain standards, including Executive Order 11988; however, the requirement for a local floodplain development permit was not identified in the environmental review documentation. The purpose of this memo is to clarify that the Front Street Stormwater Separation project is located within the floodplain, and therefore the project sponsor and sub-recipient must ensure that a local floodplain development permit is obtained prior to construction or development activities occurring within the floodplain.