

Request for Release of Funds and Certification

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

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

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

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

1. Program Title(s) Community Development Block Grant - Disaster Recovery (CDBG-DR)	2. HUD/State Identification Number B-13-DS-36-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity NYS Homes and Community Renewal 38-40 State Street Hampton Plaza Albany, NY 12207	
6. For information about this request, contact (name & phone number) Daniel Greene (212) 480-4644	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request HUD, Office of Block Grant Assistance Disaster Recovery and Special Issues Division 451 7th Street SW, Washington, D.C. 20410		

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

9. Program Activity(ies)/Project Name(s) New York State Homes & Community Renewal (HCR) and the Housing Trust Fund Corporation (HTFC) [RROF for HUD Community Development Block Grant Disaster Recovery (CDBG-DR) program in NYS].	10. Location (Street address, city, county, State) Cardinal Cove project, located at 397 Glendale Drive in the Town of Union, within New York State (Broome County)
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11. Program Activity/Project Description

The Governor's Office of Storm Recovery ("GOSR"), operating under the auspices of New York State Homes & Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the Housing and Urban Development ("HUD") Community Development Block Grant – Disaster Recovery ("CDBG-DR") program in New York State. GOSR proposes to provide funding to carry out the Cardinal Cove project, located at 397 Glendale Drive, in the Town of Union, Broome County, New York.

The proposed project, sponsored by SEPP Inc., involves the construction of 50 affordable units in 25 duplex buildings, as well as a separate community building that would house community laundry facilities, on-site management office, computer lab, and community space. The proposed units range in size from one to three bedrooms. The site will include a playground, individual driveways at each townhouse, and an on-site storm water detention system. The project would help replace affordable rental housing units damaged or destroyed by the flooding from Tropical Storm Lee with affordable decent, safe, and energy-efficient rental units located outside the floodplain. Twenty-five (25) of the units are targeted to households with incomes between 30 and 50 percent of the area median income (AMI), and 25 are targeted to households with incomes between 50 and 60 percent of the AMI.

The project site is 10.72 acres of undeveloped land. The Cardinal Cove project would disturb 8.4 acres. Roads, buildings, and other impervious surfaces would take up 2.9 acres, while 5.5 acres would consist of lawns and landscaping. Approximately 2.3 acres of the site would remain undisturbed. The project site is zoned for multi-family housing. In accordance with the Sole Source Aquifer Memorandum of Understanding ("MOU") between USEPA and HUD dated August 24, 1990, GOSR requested an Initial Screen/Preliminary Review from USEPA for the Cardinal Cove project. On February 19, 2015, EPA provided concurrence to GOSR that the project satisfies the requirements of Section 1424(e) of the Safe Drinking Water Act, and offered some recommendations to minimize environmental impacts and create a more sustainable development.

GOSR requests \$6,400,000 in CDBG-DR funds for the project.

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

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

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

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

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

Signature of Certifying Officer of the Responsible Entity X 	Title of Certifying Officer Deputy General Counsel and Certifying Officer
	Date signed 2/26/15

Address of Certifying Officer
Governor's Office of Storm Recovery, 25 Beaver Street, New York, NY 10004

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

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

Signature of Authorized Officer of the Recipient X	Title of Authorized Officer
	Date signed

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

PUBLIC NOTICE

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

CARDINAL COVE

February 10, 2015

Governor's Office of Storm Recovery
25 Beaver Street, Fifth Floor
New York, NY 10004
(212) 480-4644

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

Name of Responsible Entity: The New York State Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State Homes and Community Renewal (HCR) and the Housing Trust Fund Corporation (HTFC). Contact: Daniel Greene.

Project Description: GOSR is the responsible entity for direct administration of the US Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide funding to carry out the Cardinal Cove project, located at 397 Glendale Drive in the Town of Union, Broome County, New York.

The proposed project, sponsored by SEPP Inc., involves the construction of 50 affordable units in 25 duplex buildings, as well as a separate community building that would house community laundry facilities, on-site management office, computer lab, and community space. The proposed units range in size from one to three bedrooms. The site will include a playground, individual driveways at each townhouse, and an on-site storm water detention system.

The project would help replace affordable rental housing units damaged or destroyed by the flooding from Tropical Storm Lee with affordable decent, safe, and energy-efficient rental units located outside the floodplain. Twenty-five (25) of the units are targeted to households with incomes between 30 and 50 percent of the area median income (AMI), and 25 are targeted to households with incomes between 50 and 60 percent of the AMI.

The project site is 10.72 acres of undeveloped land. The Cardinal Cove project would disturb 8.4 acres. Roads, buildings, and other impervious surfaces would take up 2.9 acres, while 5.5 acres would consist of lawns and landscaping. Approximately 2.3 acres of the site would remain undisturbed. The project site is zoned for multi-family housing.

The project would be funded with up to \$6,400,000.00 from the CDBG-DR program.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Review Record (ERR) for the project has been prepared and is maintained on file. The ERR is incorporated by reference into this FONSI. Subject to public comments, no

further review of the project is anticipated. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below and online at:

<http://www.stormrecovery.ny.gov/environmental-docs>

GOSR 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.

GOSR has also determined that the project, 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 project will not negatively impact the quality of the environment. Therefore, GOSR has determined that the project does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the ERR is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM - 5:00 PM at the following locations:

*Governor's Office of Storm Recovery
25 Beaver Street, Fifth Floor
New York, NY 10004*

Contact: Daniel Greene (212) 480-4644

Town of Union, Town Hall

3111 East Main Street

Endwell, NY 13760

Contact: Paul A. Nelson (607) 786-2985

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling GOSR at (212) 480-4644. This combined notice is being sent to individuals and groups known to be interested in these activities, 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 a newspaper of general circulation in the affected community.

Public Comments on FONSI/Findings and NOIRROF: Any individual, group, or agency may submit written comments on the Project. Those wishing to comment should specify in their comments which distinct parts of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before Wednesday, February 25, 2015, at: NYSCDBG_DR_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before Wednesday, February 25, 2015:

*Daniel Greene, Certifying Officer
Governor's Office of Storm Recovery
25 Beaver Street, Fifth Floor
New York, NY 10004*

Comments may be received by telephone at (212) 480-4644. All comments must be received on or before 5:00 PM on Wednesday, February 25, 2015, or they will not be considered.

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS

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 or about Thursday, February 26, 2015, the GOSR Certifying Officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York State CDBG-DR program.

GOSR certifies to HUD that Daniel Greene, 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 review process, decision-making, and action, and that these responsibilities have been satisfied. Moreover, GOSR certifies that an environmental review of the project described herein has been completed. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

Objections to Release of Funds - HUD will accept objections to the RROF and/or FONSI certification for a period of fifteen (15) days. The last day of the objection period is Friday, March 13, 2015. 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 a step or failed to make a 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) A federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to:

*Tennille Smith Parker
Director, Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing & Urban Development
451 7th Street SW
Washington, DC 20410
Phone: (202) 402-4649*

Daniel Greene
GOSR Certifying Officer
February 10, 2015

AFFIDAVIT OF PUBLICATION

State of New York
City of Binghamton
County of Broome, ss.:

JoAnn Gilmore being duly sworn, deposes and says that she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga State of New York and Susquehanna County State of Pennsylvania PRESS & SUN BULLETIN.

A notice of which the annexed is a printed copy, was published on the following dates: 2/10/2015

[Signature of JoAnn Gilmore]
JoAnn Gilmore

Sworn to before me this 10th day of February, 2015

[Signature of Patricia L. Devault]
Notary Public

PATRICIA L. DEVAULT
Notary Public, State of New York
No. 01DE6312246
Qualified in Broome County
Commission Expires September 29, 2018

Project Description: The proposed project, fronted by SEPP, involves the construction of 50 affordable units in 25 duplex buildings, as well as a separate community building that would house community loan office, computer lab, and community space. The proposed units range in size from one to three bedrooms. The site will include a playground, individual driveways at each townhouse, and an on-site storm water detention system. Further information may be requested at: NYSCDBG_DR_ER@nysccr.org or by calling GOSR at (607) 460-4314. This community notice is being sent to individuals and groups known to be interested in these units outside the local media, appropriate local, state, and federal agencies, the regional office of U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.
Public Review: Public viewing of the ERR is available online at the website listed above and is also available in person Monday - Friday, 9:00 AM - 5:00 PM at the following locations: Governor's Office of Storm Recovery, 25 Beaver Street, Fifth Floor, New York, NY 10004. Contact David Greene (212)480-4644. Town of Union, Town Hall, 3111 East Main Street, Fortville, NY 13766. Contact Paul A. Nelson (607) 786-2985.
Objections to Release of Funds: HUD will accept objections to the BROF and/or FONSI certification on a period of 15 days (15 days). The last day of the objection period is Friday, March 13, 2015. Potential objections may contact HUD to verify the actual last day of the objection period.
The only permissible grounds for objections claiming a responsibility 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 a step or failed to make a 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;
(d) A federal agency acting pursuant to 40 CFR Part 1504 has submitted a written objection that the project is not

