Floodplain Management Plan

New York State Homes and Community Renewal

and

New York City Office of Management and Budget

U.S. Department of Housing and Urban Development

Community Development Block Grant – Disaster Recovery

NY Rising and NYC Build It Back Acquisition for Redevelopment Program

Kings County, New York

Effective Date: Month XX, 2014

Executive Order 11988 – Floodplain Management

New York State Homes and Community Renewal
and
New York City Office of Management and Budget

U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery (CDBG-DR)
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Kings County, New York
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This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the NY Rising and NYC Build It Back Acquisition for Redevelopment Program (Program) in Kings County, NY. This Floodplain Management Plan documents the eight-step decision making for the Program and 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 U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the CDBG-DR program pursuant to the Disaster Relief Appropriations Act of 2013. The CDBG-DR program is designed to address the needs of New York State (NYS) and New York City (NYC) communities devastated by Superstorm Sandy. To date, this funding has been disbursed in two allocations. On Tuesday, March 5, 2013, HUD published Federal Register Notice 78 Fed. Reg. 14329, which established the requirements and processes for the first $1.71 billion in federal CDBG-DR aid appropriated by the United States Congress and allocated to NYS for disaster relief. NYC was also allocated approximately $1.78 billion in federal CDBG-DR funding under Federal Register Notice 78 Fed. Reg. 69104. On November 18, 2013, HUD issued a second allocation of $2.097 billion to NYS under Federal Register Notice 78 Fed. Reg. 69104. NYC was also allocated an additional $1.44 billion under Federal Register Notice 78 Fed. Reg. 69104.

NYS Homes and Community Renewal (NYS HCR) is acting as a Responsible Entity (RE) under 24 CFR Part 58—Environmental Review Procedures For Entities Assuming HUD Environmental Responsibilities. As a RE, NYS HCR will complete environmental reviews for all NY Rising Programs in compliance with the National Environmental Policy Act (NEPA) and HUD environmental review standards. NYC Office of Management and Budget (NYC OMB) is also a RE under 24 CRF Part 58. As such, NYC OMB will complete environmental reviews for all NYC BIB programs in compliance with NEPA and HUD environmental review standards.

The Program is being administered in accordance with 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) and *The City of New York Community Development Block Grant Disaster Recovery Action Plan* (Plan) (issued May 10, 2013; amended August 23, 2013; September 5, 2013; September 10, 2013; and November 25, 2013).

Under the program, NYC would complete an applicant intake process through the Build it Back (BIB) program and complete appraisals for the applicant properties. Eligible applicants from the BIB program would be located within a floodplain and have established substantial damage. Once NYC makes the eligibility determination, the applicant would be referred to NYS. Applicants would then go through the NY Rising application and eligibility determination process. A Tier 2 site-specific environmental assessment and Phase I ESAs would be completed for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS would purchase the property. All Phase II environmental testing and soil remediation as necessary for the program site would be completed, and the site would be secured in such a manner that the site would not adversely impact adjacent properties or owners. Once the site has been secured, NYS would transfer the property to NYC's designated nonprofit agent for demolition for redevelopment. Asbestos and hazardous materials survey and abatement would be completed.

"Acquisitions" involve purchase of properties; however, the specific details of reuse and redevelopment would be determined based on site specific conditions. The vast majority of properties acquired under the Program would be demolished and redeveloped into one-two (1-2) unit residential structures. In certain circumstances where redevelopment of the parcel with one-two (1-2) unit residential buildings is not practicable, reuse would be in accordance with local zoning and land use plans and further environmental assessment would be necessary. 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 would be evaluated for eligibility, in accordance with HUD guidelines. The Program would follow federal policies which ensure that no person may be excluded, denied benefits, or subjected to discrimination on the basis of 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, all proposed CDBG-DR expenditures 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

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.

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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.

Projects located within 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 (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 (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 Kings County. An approximate total of 12,561 acres of floodplain, including surface waters, is mapped within the county boundary.[1]

<u>24 CFR Part 55.1 (c)</u>

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).

[1] County boundaries (for Bronx, Kings, New York, and Queens counties) are defined by the NYC Department of City Planning Borough Boundaries shapefile (2014). Floodplains are areas zones A, AE, AO, VE, and 0.2% from FEMA's preliminary FIRM flood hazard data released March 2014.

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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 NY Rising and NYC BIB Acquisition for Redevelopment Program activities within Kings County, and is detailed below.

NYS HCR and NYC OMB Approach

In applying Executive Order 11988 and 24 CFR Part 55, NYS HCR and NYC OMB'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 applicant 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 Kings County. No funding would be committed to properties located in a floodway and no critical actions would receive funding.

24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a 100-year floodplain (or a 500-year floodplain for a Critical Action).

The geographic scope for the NY Rising and NYC BIB Acquisition for Redevelopment Program described herein is the jurisdictional area of Kings County, covering approximately 37,120 acres with approximately 12,561 acres located within surface water and floodplains.[2] The acquisitions would be located within floodplains, targeting residential properties with the most severe storm damage.

Program activities are expected to take place on residential properties scattered throughout the neighborhoods within Kings County most affected by Superstorm Sandy. Property owners of any location within the county that sustained damage from Superstorm Sandy are able to apply for the program. (See EXHIBIT 1 Kings County Area of Impact Map.)

The actual property addresses of applicants participating in this program would not be verified until applications for assistance are reviewed and determined eligible for the program.

Funding would be provided in accordance with NYS's Action Plan and NYC's Plan for homeowners within Kings County who meet the program requirements. The Program would fund activities necessary for purchase, demolition, redevelopment, and other mitigation activities within the disturbed area of the previously developed parcel.

Step Two: (For housing requiring substantial improvement) Notify the public at the earliest possible time of a proposal to consider an action in a floodplain (or in the 500-year

[2] County boundaries (for Bronx, Kings, New York, and Queens counties) are defined by the NYC Department of City Planning Borough Boundaries shapefile (2014). Floodplains are areas zones A, AE, AO, VE, and 0.2% from FEMA's preliminary FIRM flood hazard data released March 2014.

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floodplain for a Critical Action), and involve the affected and interested public in the decision making process.

Because the Program activities would be located in the floodplain, the REs must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Program activities in this area.

Once the early public notice and comment period is complete, the REs 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, NY Post, Newsday Queens Edition, El Diario, Staten Island Advance, Sing Tao Daily, Russkaya Reklama, Rockaway Wave, and NYC's City Record on September 5, 2014. The 15-day period expires on September 22, 2014. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 5, 2014: 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 National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to NYC's Consolidated Plan mailing list, Kings County, and the towns and villages within Kings County (see **EXHIBIT 2** for the notice and email to federal and state agencies).

NYS HCR and NYC OMB received **insert number of** public comments comment on this notice. Most of the comments were related to **insert comments regarding comments received.**. See **EXHIBIT 5** for the list of comments received by and the response to those comments.

Step Three: (For housing requiring substantial improvement) Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (or the 500-year floodplain for a Critical Action).

After a consideration of the following alternatives, NYS HCR and NYC OMB have determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Rehabilitation Grants, Buyouts, Acquisitions: 1 to 2 Unit Residential Properties (Proposed Action), and Acquisitions: 3+ Unit Residential Properties. These alternatives are discussed below.

No Action Alternative

A No Action alternative is not proposed as it does not adequately achieve NYS and NYC goals of promoting a safe and healthy living environment for Kings County residents. Under the No Action alternative, the funding for the proposed acquisition of residential properties in the high flood risk areas of Kings County would not be authorized. There would be no acquisition of properties. Homeowners who are unable or unwilling to repair their homes 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. NYC would not be responsible for the any demolition activities. The homeowners would be responsible for the repair and rehabilitation of their properties.

Under a No Action alternative, abandoned properties would remain, posing an ongoing risk to health and safety, as well as diminishing property values of neighboring homes and contributing to a depressed economy. Small residential buildings close to the shore are an integral part of the county's culture. These residents support the affected communities' economies, which are critical to the economic health of the state. The No Action alternative would negatively impact the recovery of the affected communities.

Rehabilitation Grants

Under this alternative, homeowners would be able to apply for programs for financial assistance for the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs would include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, some homeowners may not be willing to repair their homes. Further, in repairing substantially damaged homes, the residents may be displaced for a longer period of time while home repairs and resiliency efforts are being made. For these residents, rehabilitating their home may not serve as well as an acquisition option that allows them to permanently relocate and begin rebuilding their lives without having to wait for a long period of time while their home is being repaired or possibly even reconstructed. Some owners of substantially damaged homes may already have relocated or purchased a new home. For these owners, rehabilitation grants would not be effective in assisting them to recover from recent storm events.

Buyouts

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 Superstorm Sandy in Kings County. However, the funding would not be authorized for the Acquisition for Redevelopment of any properties. This alternative would satisfy the need to relocate homeowners as out of high flood risk areas and the goal to improve the storm attenuation properties of the affected communities; however, it would not satisfy the need to redevelop acquired properties with 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 Buyout areas would not be eligible to have their property acquired by NYS, leading some residents to continue living in homes that have not been properly repaired.

Acquisition for Redevelopment: 1-2 unit Residential Properties (Proposed Action)

The proposed action is an Acquisition for Redevelopment program that would purchase damaged properties for the purpose of demolition, reconstruction, and future redevelopment. This process would use grant funds to acquire parcels from voluntary sellers affected by Superstorm Sandy. Existing improvements on some parcels would be demolished. Some parcels would then be redeveloped into one-two (1-2) unit residential dwellings (or in rare instances, left vacant). In instances where demolition or redevelopment into one-two (1-2) unit residential structures is impracticable, other redevelopment activities may occur. These project activities would be determined on a case by case basis, and be consistent with all federal, state, and municipal laws and zoning requirements. If the redevelopment involves a use other than one-two (1-2) unit residential buildings, further environmental assessment would be performed to ensure compliance with federal and state environmental guidelines.

The proposed Acquisition for Redevelopment action is necessary to prevent substantially damaged homes from further deteriorating or being abandoned by owners who do not have the resources or desire to rehabilitate their homes and provide adequate assistance to Kings County residents to make a life-altering move. The action is also needed to allow for consistent redevelopment; unlike a traditional buyout that would not preserve the character of neighborhoods if scattered lots were to be left open in perpetuity, replacing damaged homes with safe, modern construction would promote community revitalization in these neighborhoods.

Acquisition for Redevelopment: 3+ Unit Residential Properties

Under this alternative, the funding for the acquisition for redevelopment program would be authorized for residential properties damaged or destroyed by Superstorm Sandy in Kings County. However, the funding would not be limited to 1-2 unit residential properties. All residential properties in Kings County that were damaged or destroyed by the storms would be considered under the Acquisition for Redevelopment: 3+ Unit Residential Properties program.

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 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 Acquisition for Redevelopment Program were to include 3+ unit residential properties, fewer properties overall could be included in the program. This alternative would result in similar environmental effects as the proposed action, although in different locations because it would include 3+ residential properties in place of certain 1- to 2-unit applicants. This alternative could lead to fewer properties being redeveloped in a more resilient manner, and would not meet the program goal of greater community resiliency in NYC through smart development.

These alternatives will be re-evaluated in light of any public comments received.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain (or 500-year floodplain for a Critical Action).

NYS HCR and NYC OMB have evaluated the alternatives to the taking the proposed Acquisition for Redevelopment activities in the floodplain, and have determined that the proposed activities must take place in the floodplain.

Potential impacts associated with the occupancy or modification of the floodplain include some degree of hazard to residents who choose to live in the floodplain in the future. 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 and NYC BIB Acquisition for Redevelopment Program would result in resilient redevelopment of the acquired properties, and provide a positive financial impact on the neighborhoods and communities in Kings County. Acquisitions are of fundamental importance in assisting landowners with substantially damaged residential properties. A traditional Buyout of individual properties in established neighborhoods would invariably result in undeveloped parcels scattered throughout otherwise developed areas. By creating an Acquisition purchase option for redevelopment, NYS and NYC would be able to provide financial assistance to affected

homeowners and replace the substantially damaged homes with safe modern construction while promoting community revitalization.

While there is the potential for a cumulative impact from the generation of construction debris from the demolition and reconstruction of a great number of homes through the Acquisition for Redevelopment Program in conjunction with the other NY Rising Housing Recovery Programs and other NYC BIB Housing Programs, most of the impact would be mitigated. Direct and indirect impacts on the floodplain from demolition and construction activities under the Acquisition for Redevelopment Program would be minimal as these Program sites have been previously developed with one-two (1-2) unit residential buildings.

The Acquisition for Redevelopment Program would 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. Redevelopment of these parcels is necessary to maintain neighborhood characteristics, as the sites may be scattered and would be located within residential neighborhoods where other homes may be rehabilitated. As the properties would be redeveloped with resilient, storm-resistant housing, the lives of future residents would also be protected.

Another impact associated with occupancy of the floodplain is that land use policies are changing regarding development along rivers and improvements to drainage systems. Municipalities are revising building codes to incorporate requirements for flood and storm mitigation measures in new construction. Under the Acquisition for Redevelopment Program, the eventual redevelopment of the acquired properties would be in accordance with these new codes and requirements.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain (including the 500-year floodplain for a Critical Action) and to restore and preserve its natural and beneficial values.

In order to minimize impacts associated with the occupancy of the floodplain, NYS and NYC would ensure that redevelopment activities located within the regulated floodplain will include required flood mitigation measures to be included in new construction and that flood insurance is carried on the residential properties in accordance with Executive Order 11988 as implemented by 24 CFR Part 55.20.

All new construction in the SHFA under the Acquisition for Redevelopment Program would be required to have a minimum foundation elevation to two (2) feet above the ABFE, which is considered the best available data until the P-FIRM for Kings County is issued. The P-FIRM may indicate a different elevation requirement. This elevation requirement is consistent with Rule 6 Part 502 of the New York Code, Rules and Regulations (NYCRR) and NYS Residential Building Code standards for one-two (1-2) unit residential construction.

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 and NYC BIB Acquisition for Redevelopment Program in Kings County would be in accordance with all local and state regulations as part of the acceptance of assistance funding.

The program would 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. 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, would 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.

NYS HCR and NYC OMB have reevaluated the proposed action and determined that the Acquisition for Redevelopment Program is still practicable in light of its exposure to flood hazards in the floodplain. As the properties have already been developed, the Acquisition for Redevelopment Program would not aggravate current hazards to the floodplain, nor would the Program disrupt floodplain values.

The REs will take the following steps to mitigate the exposure of future occupants to impacts from floodplain occupancy and to preserve natural and beneficial properties of the floodplain:

1) In accordance with state and local ordinances, all new construction would include elevation of the structure to the ABFE+2 or P-FIRM elevation requirements;
2) Notification will be given to future occupants of the redeveloped properties that there are inherent risks to living in a floodplain;
3) Flood insurance would be maintained on the redeveloped parcels;
4) Site-specific hazard mitigation measures would be taken, including BMPs to reduce erosion and sedimentation, and proper disposal of debris and demolition and construction waste.

NYS HCR and NYC OMB have 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: No Action, Rehabilitation Grants, Buyouts, Acquisitions: 1 to 2 Unit Residential Properties (Proposed Action), and Acquisitions: 3+ Unit Residential Properties. These alternatives do not meet the goals of the Acquisition for Redevelopment Program. Because the Acquisition for Redevelopment Program is specifically designed to purchase substantially damaged homes located within the floodplain and redevelop the parcels, there is no practicable alternative than locating the proposed action in the floodplain.

Step Seven: (For housing requiring substantial improvement) If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain (or the 500-year floodplain for a Critical Action), publish a final notice.

It is NYS HCR and NYC OMB's determination that the preferred alternative is the proposed Acquisition for Redevelopment Program. The benefits of the Program would be to protect public

safety and human life, minimize threats to the floodplain, ensure land use consistency, and maintain neighborhood characteristics.

The benefits of the Proposed Action are: 1) ensuring development that is consistent with the natural condition of our floodplains; 2) redevelopment that restores the population density to pre-storm levels; 3) replacing outdated flood susceptible construction with modern flood resistant construction; 4) minimizing detrimental impacts on human health; and 5) ensuring the redevelopment of damaged inland parcels consistent with current land use.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News, NY Post, Newsday Queens Edition, El Diario, Staten Island Advance, Sing Tao Daily, Russkaya Reklama, Rockaway Wave, and NYC's City Record on September 26, 2014. The 7-day period expires on October 4, 2014. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 26, 2014: 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 National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to NYC's Consolidated Plan mailing list, Kings County, and the towns and villages within Kings County. (See **EXHIBIT 3** for the notice and email to federal and state agencies.)

NYS HCR and NYC OMB received **insert number of** public comments on this notice. Most of the comments were related to **insert comments regarding comments received**. See **EXHIBIT 4** for the list of comments received and the response to those comments.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. NYS HCR and NYC OMB will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to any acquisitions, NYS 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 Kings County Area of Impact Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 4 Public Comments Received and Response

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EXHIBIT 1 Kings County Area of Impact Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EARLY NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN – NEW YORK CITY

BRONX, KINGS, NEW YORK, AND QUEENS COUNTIES

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
(518) 473-4732

New York City Office of Management and Budget
255 Greenwich Street
New York, New York 10007
(212) 788-6024

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that New York State Homes and Community Renewal (NYS HCR), and New York City Office of Management and Budget (NYC OMB) have 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 and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising and NYC Build It Back (BIB) Acquisition for Redevelopment Program—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329 and 78 Fed. Reg. 69104 (Notices), published March 5, 2013, and November 18, 2013, respectively, NYS has been allocated approximately $3.8 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. Pursuant to the Notices, NYC has been allocated $3.2 billion of CDBG-DR funds for storm recovery activities in NYC. A portion of the current allocation will be used for the acquisition and redevelopment of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to properties opting into the Acquisition for Redevelopment Program in the following New York City counties: Bronx County, Kings County, New York County, and Queens County, NY.

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BRONX COUNTY

- There are approximately 3,678 acres of surface water and floodplain in Bronx County.[3]

KINGS COUNTY

- There are approximately 12,561 acres of surface water and floodplain in Kings County.

NEW YORK COUNTY

- There are approximately 2,950 acres of surface water and floodplain in New York County.

QUEENS COUNTY

- There are approximately 13,963 acres of surface water and floodplain in Queens County.

Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program.

Under the Acquisition for Redevelopment Program, NYC would complete an applicant intake process through its BIB program and complete appraisals for the applicant properties. Eligible applicants from the BIB program would have established substantial property damage. Once NYC makes the eligibility determination, the applicant would be referred to NYS. Applicants would then go through the NY Rising application and eligibility determination process. The program would then complete a Tier 2 site-specific environmental assessment and Phase I ESAs for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS would purchase the property, and the program would complete all Phase II environmental testing and soil remediation as necessary for the project site. NYS would transfer the property to NYC's designated nonprofit agent for demolition, including any asbestos and hazardous materials survey and abatement, and redevelopment. After the State has acquired the site, the program would secure the site in such a manner that the site would not adversely impact adjacent properties or property owners, and this may occur prior to or after the site has been transferred to NYC's designated nonprofit agent.

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 should be given 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.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Thomas King, Certifying Officer, NYS Homes and

[3] County boundaries (for Bronx, Kings, New York, and Queens counties) are defined by the NYC Department of City Planning Borough Boundaries shapefile (2014). Floodplains are areas zones A, AE, AO, VE, and 0.2% from FEMA's preliminary FIRM flood hazard data released March 2014.

Community Renewal – Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1010, Albany, NY 12231 and/or Calvin Johnson, Assistant Director CDBG-DR, City of New York Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007. Written comments may also be submitted via email to Thomas King at *NYSCDBG_DR_ER@nyshcr.org* and/or Calvin Johnson at *CDBGDR-Enviro@omb.nyc.gov*. Please include "New York City Acquisition Floodplain Management Comments," as well as the specific county, in the subject line. All comments received by **September 22, 2014** will be considered by NYS HCR and NYC OMB**.**

Thomas J. King, NYS Homes and Community Renewal, Governor's Office of Storm Recovery
Dean Fuleihan, Director, City of New York, Office of Management and Budget,
Certifying Officers

September 5, 2014

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EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN – NEW YORK CITY

BRONX, KINGS, NEW YORK, AND QUEENS COUNTIES

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM

New York State Homes and Community Renewal
Hampton Plaza
38-40 State Street
Albany, New York 12207
(518) 473-4732

New York City Office of Management and Budget
255 Greenwich Street
New York, New York 10007
(212) 788-6024

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that New York State Homes and Community Renewal (NYS HCR), and New York City Office of Management and Budget (NYC OMB) have 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 and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human environment. This activity—NY Rising and NYC Build It Back (BIB) Acquisition for Redevelopment Program—is funded under the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

Pursuant to the CDBG-DR Program and Federal Register Notices 78 Fed. Reg. 14329 and 78 Fed. Reg. 69104 (Notices), published March 5, 2013, and November 18, 2013, respectively, NYS has been allocated approximately $3.8 billion of CDBG-DR funds for storm recovery activities, including but not limited to the acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in storm-impacted municipalities and counties. Pursuant to the Notices, NYC has been allocated $3.2 billion of CDBG-DR funds for storm recovery activities in NYC. A portion of the current allocation will be used for the acquisition and redevelopment of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to properties opting into the Acquisition for Redevelopment Program in the following New York City counties: Bronx County, Kings County, New York County, and Queens County, NY.

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BRONX COUNTY

- There are approximately 3,678 acres of surface water and floodplain in Bronx County.[4]

KINGS COUNTY

- There are approximately 12,561 acres of surface water and floodplain in Kings County.

NEW YORK COUNTY

- There are approximately 2,950 acres of surface water and floodplain in New York County.

QUEENS COUNTY

- There are approximately 13,963 acres of surface water and floodplain in Queens County.

Floodplains are delineated on the FEMA Base Flood Elevation Maps, which can be viewed at www.msc.fema.gov. The actual property addresses of applicants participating in this program will not be verified until applications for assistance are reviewed and determined eligible for the program.

Under the Acquisition for Redevelopment Program, NYC would complete an applicant intake process through its BIB program and complete appraisals for the applicant properties. Eligible applicants from the BIB program would have established substantial property damage. Once NYC makes the eligibility determination, the applicant would be referred to NYS. Applicants would then go through the NY Rising application and eligibility determination process. The program would then complete a Tier 2 site-specific environmental assessment and Phase I ESAs for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS would purchase the property, and the program would complete all Phase II environmental testing and soil remediation as necessary for the project site. NYS would transfer the property to NYC's designated nonprofit agent for demolition, including any asbestos and hazardous materials survey and abatement, and redevelopment. After the State has acquired the site, the program would secure the site in such a manner that the site would not adversely impact adjacent properties or property owners, and this may occur prior to or after the site has been transferred to NYC's designated nonprofit agent.

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 should be given 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.

ALTERNATIVES CONSIDERED

NYS HCR and NYC OMB have considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values

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of the floodplain, and have determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: No Action, Rehabilitation Grants, Buyouts, Acquisitions: 1 to 2 Unit Residential Properties (Proposed Action), and Acquisitions: 3+ Unit Residential Properties. These alternatives are discussed below.

No Action Alternative

A No Action alternative is not proposed as it does not adequately achieve NYS and NYC goals of promoting a safe and healthy living environment for Bronx County, Kings County, New York County, and Queens County residents. Under the No Action alternative, the funding for the proposed acquisition of residential properties in the high flood risk areas of Bronx County, Kings County, New York County, and Queens County would not be authorized. There would be no acquisition of properties. Homeowners who are unable or unwilling to repair their homes 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. NYC would not be responsible for the any demolition activities. The homeowners would be responsible for the repair and rehabilitation of their properties.

Under a No Action alternative, abandoned properties would remain, posing an ongoing risk to health and safety, as well as diminishing property values of neighboring homes and contributing to a depressed economy. Small residential buildings close to the shore are an integral part of the county's culture. These residents support the affected communities' economies, which are critical to the economic health of the state. The No Action alternative would negatively impact the recovery of the affected communities.

Rehabilitation Grants

Under this alternative, homeowners would be able to apply for programs for financial assistance for the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs would include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, some homeowners may not be willing to repair their homes. Further, in repairing substantially damaged homes, the residents may be displaced for a longer period of time while home repairs and resiliency efforts are being made. For these residents, rehabilitating their home may not serve as well as an acquisition option that allows them to permanently relocate and begin rebuilding their lives without having to wait for a long period of time while their home is being repaired or possibly even reconstructed. Some owners of substantially damaged homes may already have relocated or purchased a new home. For these owners, rehabilitation grants would not be effective in assisting them to recover from recent storm events.

Buyouts

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 Superstorm Sandy in Bronx, Kings, New York, and Queens counties. However, the funding would not be authorized for the Acquisition for Redevelopment 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 properties of the affected communities; however, it would not satisfy the need to redevelop acquired properties with 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 Buyout areas would not be

eligible to have their property acquired by NYS, leading some residents to continue living in homes that have not been properly repaired.

Acquisition for Redevelopment: 1-2 Unit Residential Properties (Proposed Action)

The proposed action is an Acquisition for Redevelopment program that would purchase storm damaged one-two (1-2) unit residential properties for the purpose of demolition, reconstruction, and future redevelopment. This process would use grant funds to acquire parcels from voluntary sellers affected by Superstorm Sandy. Existing improvements on some parcels would be demolished. Some parcels would then be redeveloped into one-two (1-2) unit residential dwellings (or in rare instances, left vacant). In instances where demolition or redevelopment into one-two (1-2) unit residential structures is impracticable, other redevelopment activities may occur. These project activities would be determined on a case by case basis, and be consistent with all federal, state, and municipal laws and zoning requirements. If the redevelopment involves a use other than one-two (1-2) unit residential buildings, further environmental assessment would be performed to ensure compliance with federal and state environmental guidelines.

The proposed Acquisition for Redevelopment action is necessary to prevent substantially damaged homes from further deteriorating or being abandoned by owners who do not have the resources or desire to rehabilitate their homes and provide adequate assistance to Bronx County, Kings County, New York County, and Queens County residents to make a life-altering move. The action is also needed to allow for consistent redevelopment; unlike a traditional buyout that would not preserve the character of neighborhoods if scattered lots were to be left open in perpetuity, replacing damaged homes with safe, modern construction would promote community revitalization in these neighborhoods.

Acquisition for Redevelopment: 3+ Unit Residential Properties

Under this alternative, the funding for the acquisition for redevelopment program would be authorized for residential properties damaged or destroyed by Superstorm Sandy in Bronx, Kings, New York, and Queens counties. However, the funding would not be limited to 1-2 unit residential properties. All residential properties in Bronx County, Kings County, New York County, and Queens County that were damaged or destroyed by the storms would be considered under the Acquisition for Redevelopment: 3+ Unit Residential Properties program.

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 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 Acquisition for Redevelopment Program were to include 3+ unit residential properties, fewer properties overall could be included in the program. This alternative would result in similar environmental effects as the proposed action, although in different locations because it would include 3+ residential properties in place of certain 1- to 2-unit applicants. This alternative could lead to fewer properties being redeveloped in a more resilient manner, and would not meet the program goal of greater community resiliency in NYC through smart development.

These alternatives will be re-evaluated in light of any public comments received.

FLOODPLAIN MANAGEMENT PLAN

NYS HCR and NYC OMB have reevaluated the alternatives to building in the floodplain and have determined that there is no practicable alternative. A full copy of the Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 can be viewed online at http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview or at the addresses listed below under public comments.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the Floodplain Management Plan or a request for further information to Thomas King, Certifying Officer, NYS Homes and Community Renewal – Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1010, Albany, NY 12231 and/or Calvin Johnson, Assistant Director CDBG-DR, City of New York Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007. Written comments may also be submitted via email to Thomas King at *NYSCDBG_DR_ER@nyshcr.org* and/or Calvin Johnson at *CDBGDR-Enviro@omb.nyc.gov*. Please include "New York City Acquisition Floodplain Management Comments," as well as the specific county, in the subject line. All comments received by **October 4, 2014** will be considered by NYS HCR and NYC OMB**.**

Thomas J. King, NYS Homes and Community Renewal, Governor's Office of Storm Recovery
Dean Fuleihan, Director, City of New York, Office of Management and Budget,
Certifying Officers

September 26, 2014

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EXHIBIT 4 Public Comments Received and Response

There have been no comments received.

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