



ANDREW M. CUOMO
GOVERNOR

DARRYL C. TOWNS
COMMISSIONER/CEO

NEW YORK STATE
DIVISION OF HOUSING
& COMMUNITY
RENEWAL

April 22, 2014

HOUSING
TRUST FUND
CORPORATION

VIA ELECTRONIC MAIL

STATE OF
NEW YORK MORTGAGE
AGENCY

NEW YORK STATE
HOUSING FINANCE
AGENCY

Ms. 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

NEW YORK STATE
AFFORDABLE HOUSING
CORPORATION

STATE OF
NEW YORK MUNICIPAL
BOND BANK AGENCY

TOBACCO SETTLEMENT
FINANCING
CORPORATION

RE: RROF and Environmental Certification for CDBG-DR NY Rising
Bulkhead Repair Program, Nassau County, NY

Dear Ms. Parker:

Attached is a Request for Release of Funds and Environmental Certification for the above-referenced program- NY Bulkhead Repair Program for Residential Properties in Nassau County, NY.

This action does not meet criteria for Categorical Exclusion according to HUD environmental review regulations. 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) for each of the counties included in these RROFs was published on the date listed to next each county, above. Copies of the published notices and affidavits of publication are attached.

The funds are needed on an emergency basis due to a declared disaster from the impacts of Superstorm Sandy, Hurricane Irene and Tropical Storm Lee. As a result, in accordance with HUD policy and as stated in the FONSI/NOIRROF, the comment periods for the FONSI/NOIRROF and the RROF were combined. NYS Homes and Community Renewal (HCR) estimates that the final date for comments to HUD was April 21, 2014. USEPA Region 2 submitted comments on this program on April 16, 2014, and we will incorporate their comments into the Environmental Review Record in an on-going basis.

If you have any questions regarding this submission, you may call me at (518) 486-3379 or send me an email at HSpitzberg@nyshcr.org.

Sincerely,



Heather Spitzberg, Esq.
Certifying Officer, NYS Homes and Community
Renewal

Attachments

CC by e-mail:

Jeffrey M. D'Agostino, Field Environmental Officer, Region II, HUD
Therese Fretwell, Regional Environmental Officer, Region II, HUD
Seth Diamond, Director, NYS Governor's Office of Storm Recovery
Melvin Galloway, Director of Operations, NYS Governor's Office of Storm Recovery
Thomas King, Esq., Certifying Officer, Governor's Office of Storm Recovery
Maria Clark, Environmental Scientist, USEPA, Region 2
Joanna Oliver, Environmental Manager, DASNY
Lori A. Shirley, Community Developer- Environmental Services, NYSHCR

CC by overnight mail:

Rhoda M. Nicolson, Program Support Specialist, HUD

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. 10/31/2014)

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) New York State CDBG-DR Program	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 New York State Homes & Community Renewal Housing Trust Fund Corporation 38-40 State Street Albany, NY 12207	
6. For information about this request, contact (name & phone number) Heather Spitzberg, Esq. (518) 486-3379	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Office of Block Grant Assistance- Disaster Recovery and Special Issues Division		

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) NY Rising Bulkhead Repair Program for Residential Properties, Nassau County, NY	10. Location (Street address, city, county, State) Scattered sites within Nassau County, NY
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11. Program Activity/Project Description

The activities associated with the NY Rising Bulkhead Repair Program for Residential Properties for Nassau County described herein will address unmet recovery needs of homeowners and tenants for which CDBG-DR funding shall be made available to Nassau County residents who qualify. NY Rising Bulkhead Repair Program for Residential Properties activities to be funded by CDBG-DR have been designed to provide assistance for repairing or reconstructing bulkheads, seawalls, and revetments. This program is anticipated to help mitigate future storm damage.

The program may also provide reimbursements for owners of bulkheads that have started or completed storm-related rehabilitation work with personal resources, subject to restrictions in line with applicable laws, regulations, and the program requirements.

This is the first tier of review in a two-tiered reviewed process. The specific addresses of home 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), the NYS Housing Trust Fund Corporation 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.

CDBG-DR Funds: \$26,082,000.00

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

Leather Spitzberg

X

Title of Certifying Officer

Director, Environmental Analysis Unit

Date signed

4/22/14

Address of Certifying Officer

NYS Homes & Community Renewal, 38-40 State Street, Albany, NY 12207

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

Title of Authorized Officer

Date signed

X

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)