

Appendix D:

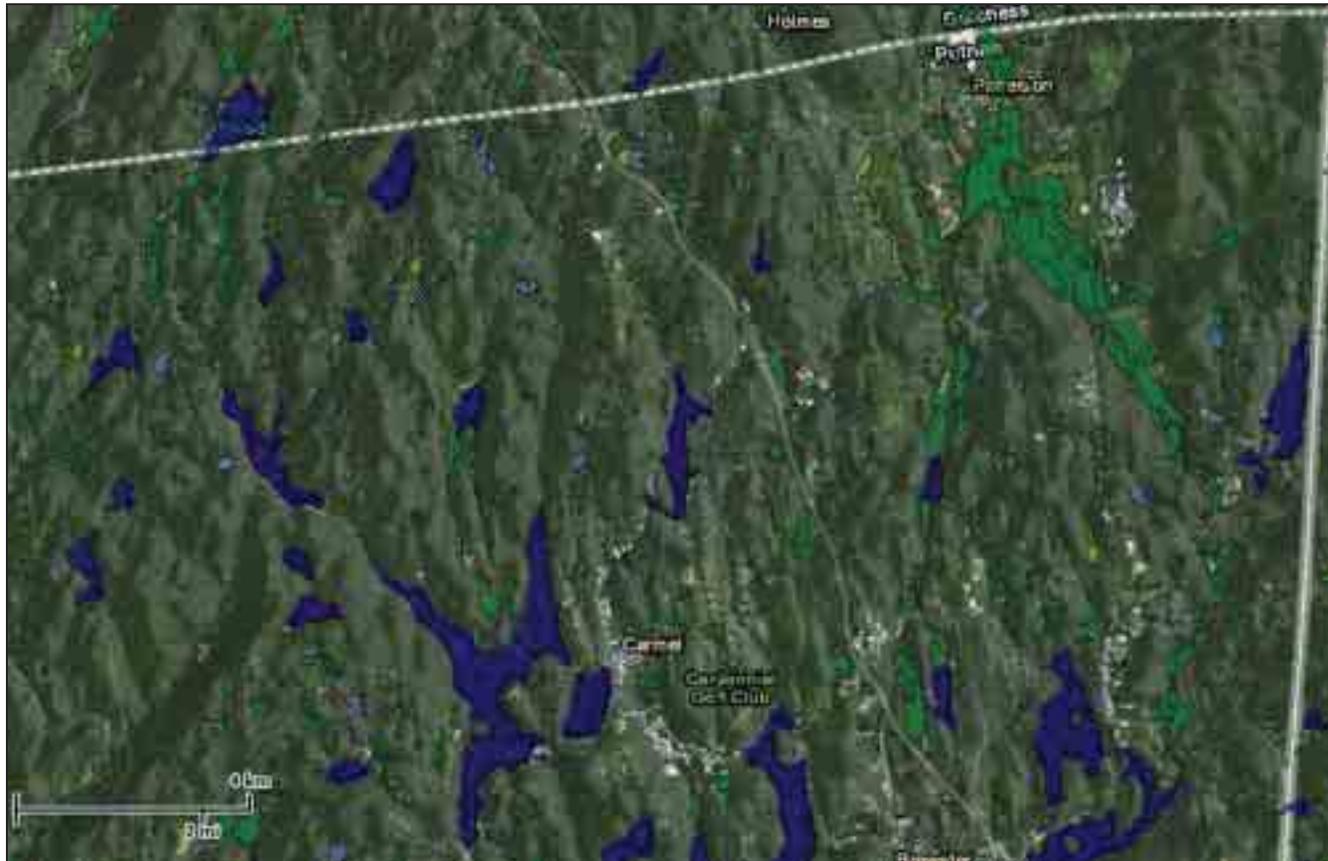
Putnam County Wetlands Maps



U.S. Fish and Wildlife Service National Wetlands Inventory

Putnam County, NY Wetlands Map

Oct 29, 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:

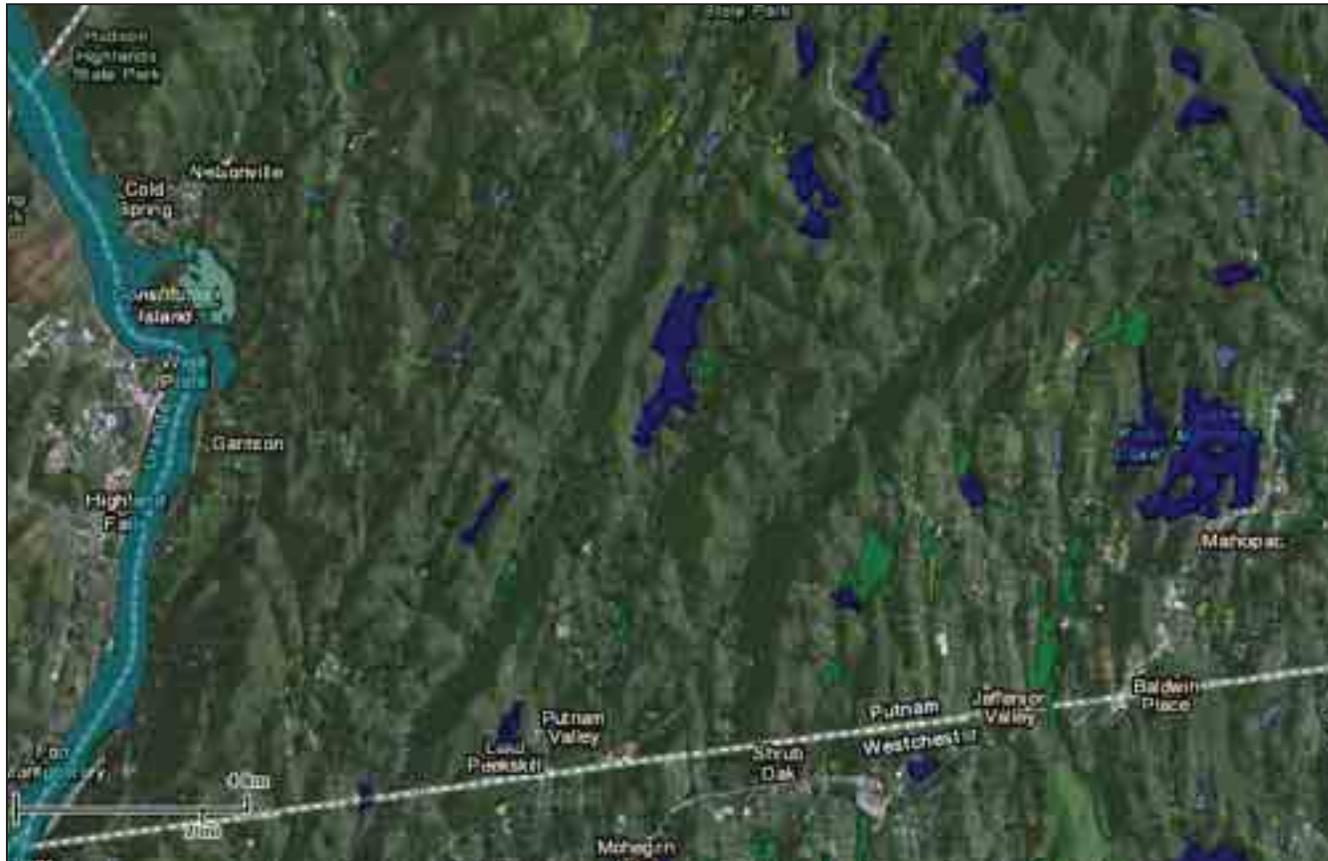
10/29/2013



U.S. Fish and Wildlife Service
National Wetlands Inventory

Putnam County,
NY Wetlands Map

Oct 29, 2013



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User Remarks:

10/29/2013



U.S. Fish and Wildlife Service
National Wetlands Inventory

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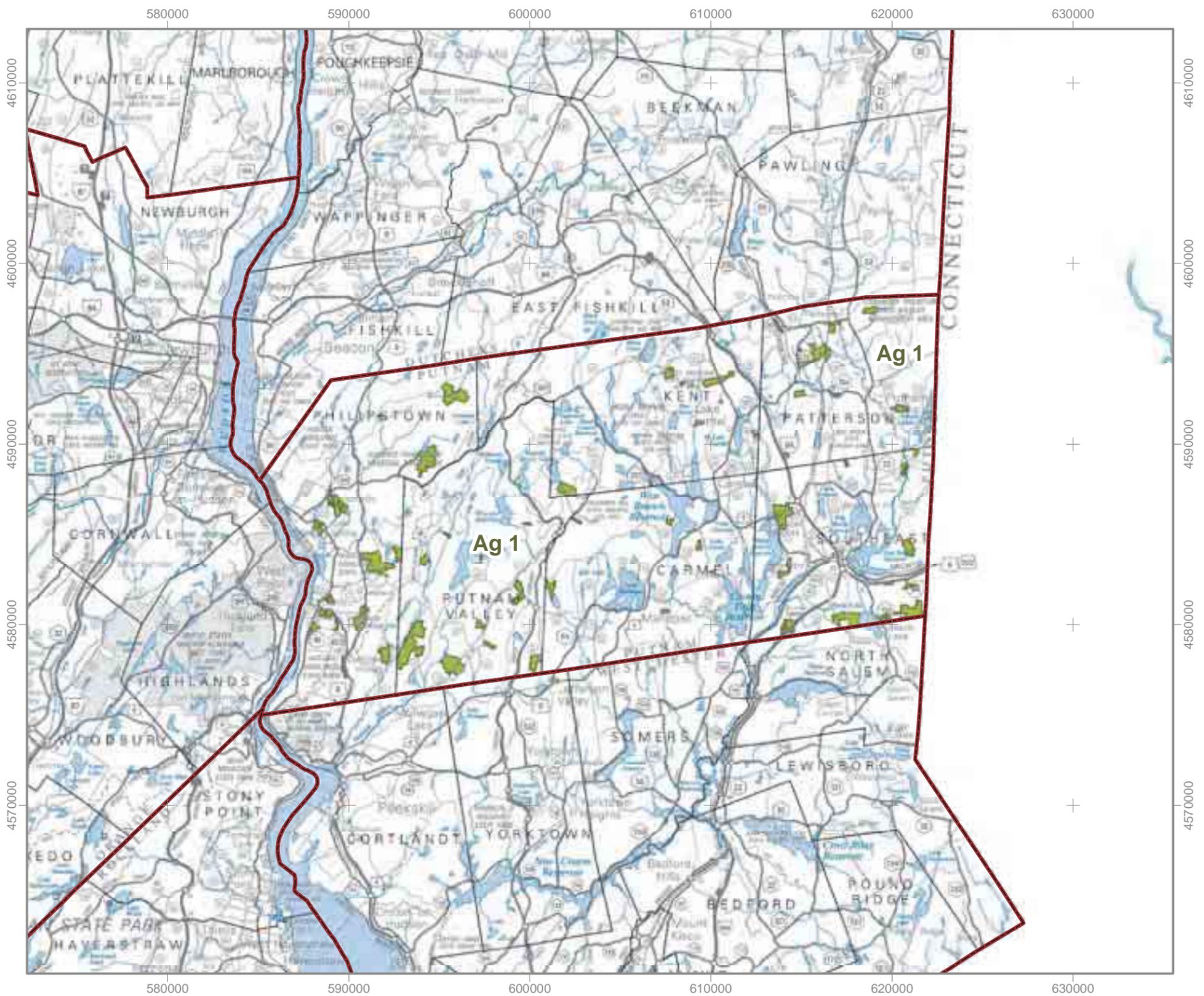
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

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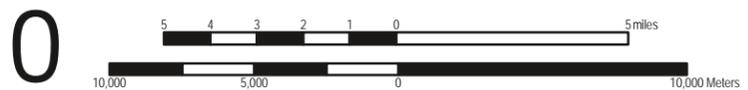
10/29/2013

Appendix E:

Putnam County Land Use and Zoning Maps



MAP PROJECTION
UTM Zone 18, NAD83 meters



KEY

Ag. District 1 

DISTRICT CERTIFICATION and TOWNS

DISTRICT 1	CERTIFIED 8/20/2003
Carmel	Philipstown
Kent	Putnam Valley
Patterson	Southeast

MAP SOURCE INFORMATION

Map created at Cornell IRIS (Institute for Resource Information Sciences) <<http://iris.css.cornell.edu>> for the NYS Department of Agriculture and Markets

Agricultural Districts boundary data is available at CUGIR (Cornell University Geospatial Information Repository) website: <<http://cugir.mannlib.cornell.edu>>

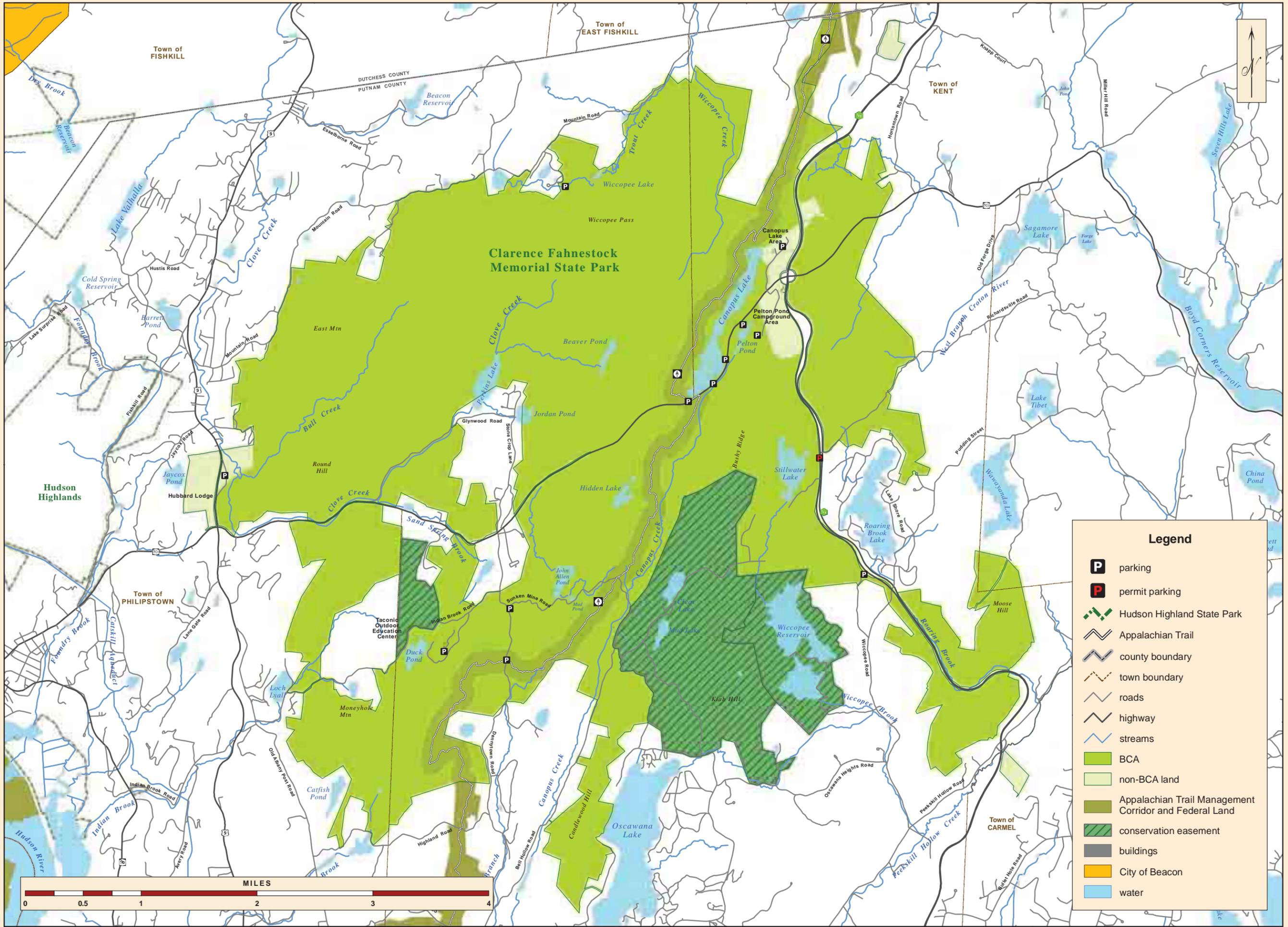
Base Map: state250_bw.tif 1998
Scale: 1:250,000; County boundaries imported from the file nyshore.e00 from the NYSGIS Clearinghouse website: <<http://www.nysgis.state.ny.us>>

Contains data copyrighted by the NYS Office of Cyber Security

DISCLAIMER
This is a general reference to Agricultural District boundaries; not a legal substitute for actual tax parcel information.

Boundaries as certified prior to January 2010

Open Enrollment Annual Additions are not included in this data. Check with county agencies to confirm the status of individual parcels.



Master Plan

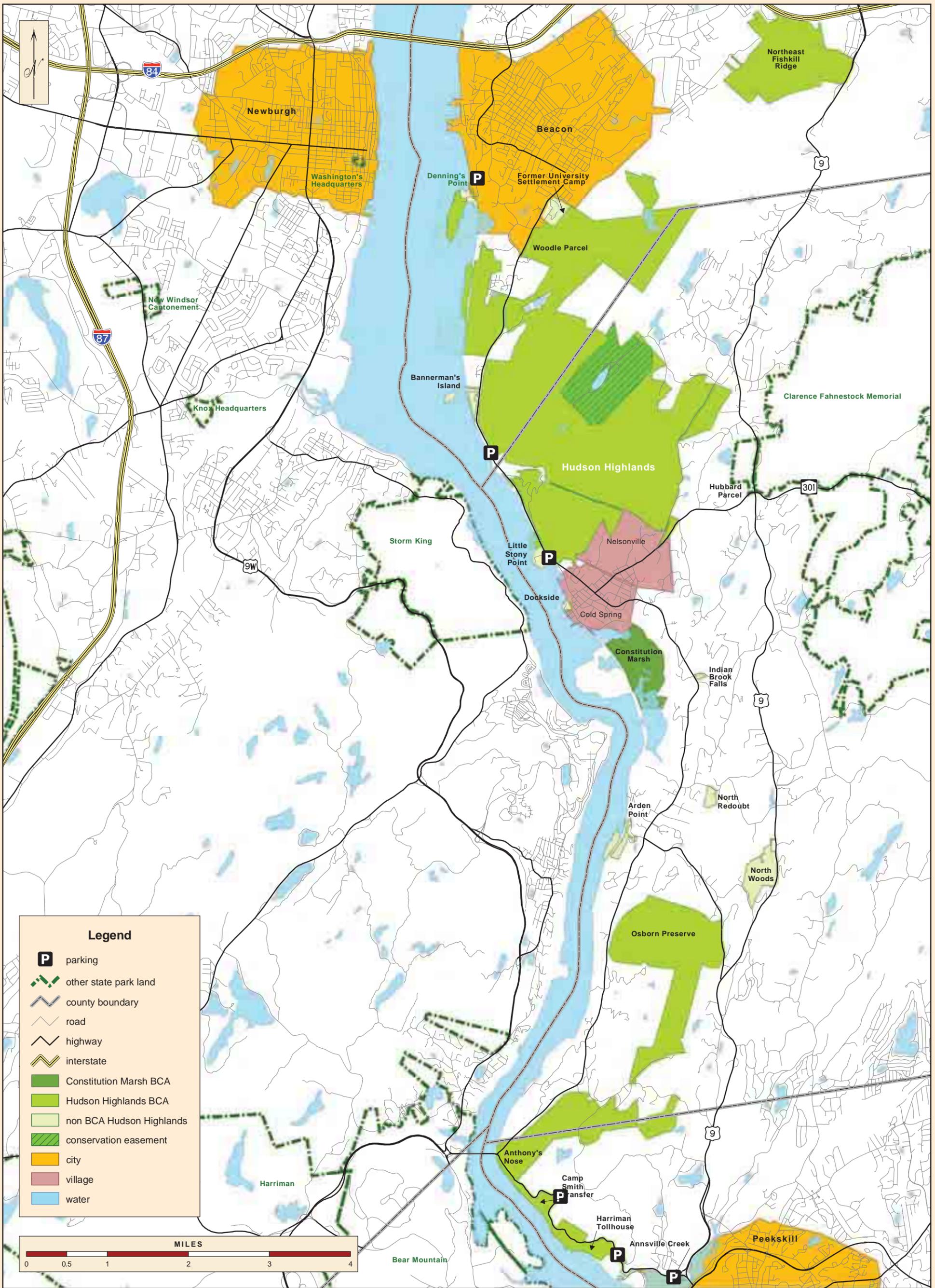
Figure 4A

Bird Conservation Area Clarence Fahnestock Memorial State Park

Map produced by NYSOPRHP-GIS Unit, September 3, 2010.



Clarence Fahnestock Memorial State Park



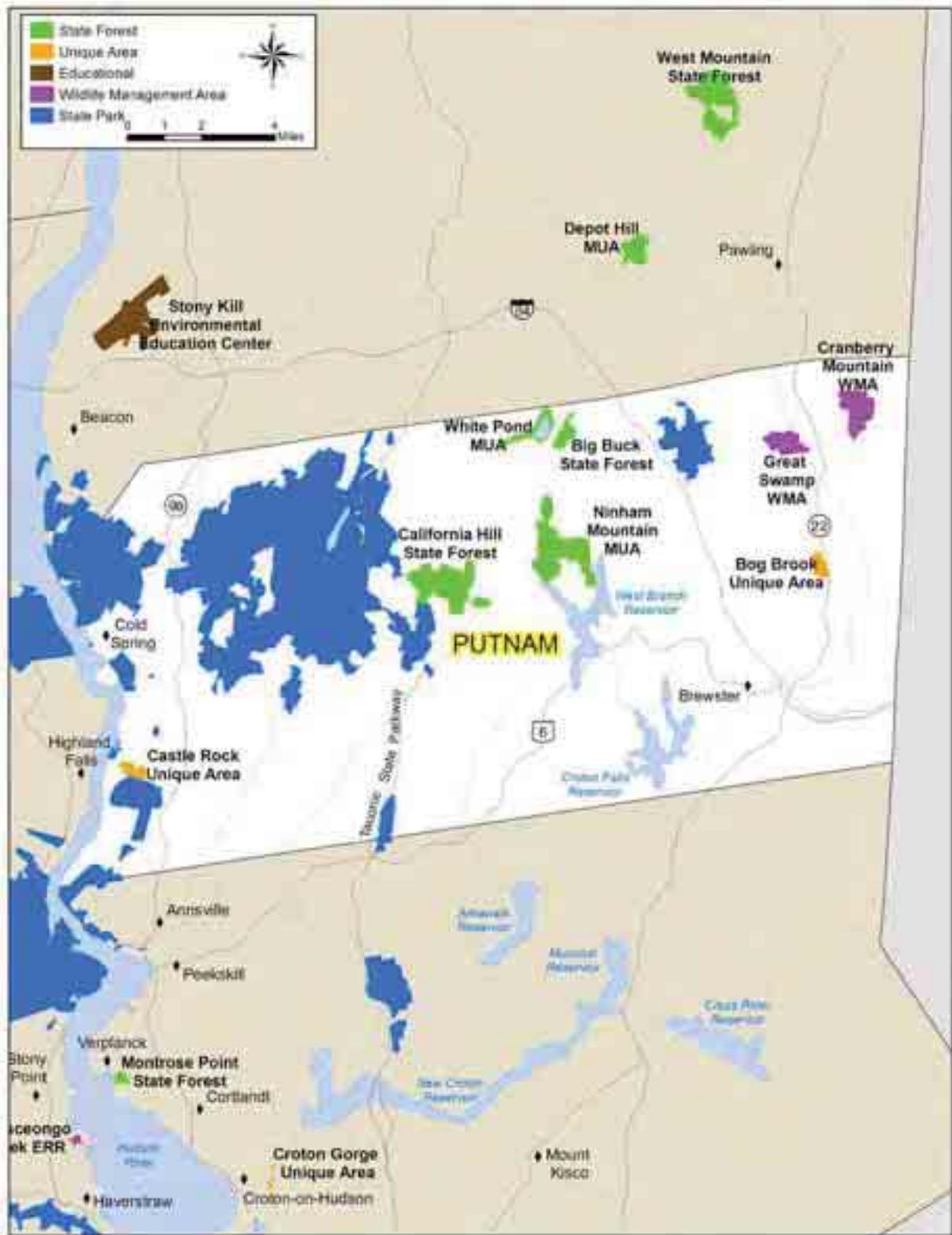
Bird Conservation Area

Hudson Highlands State Park Preserve

Master Plan

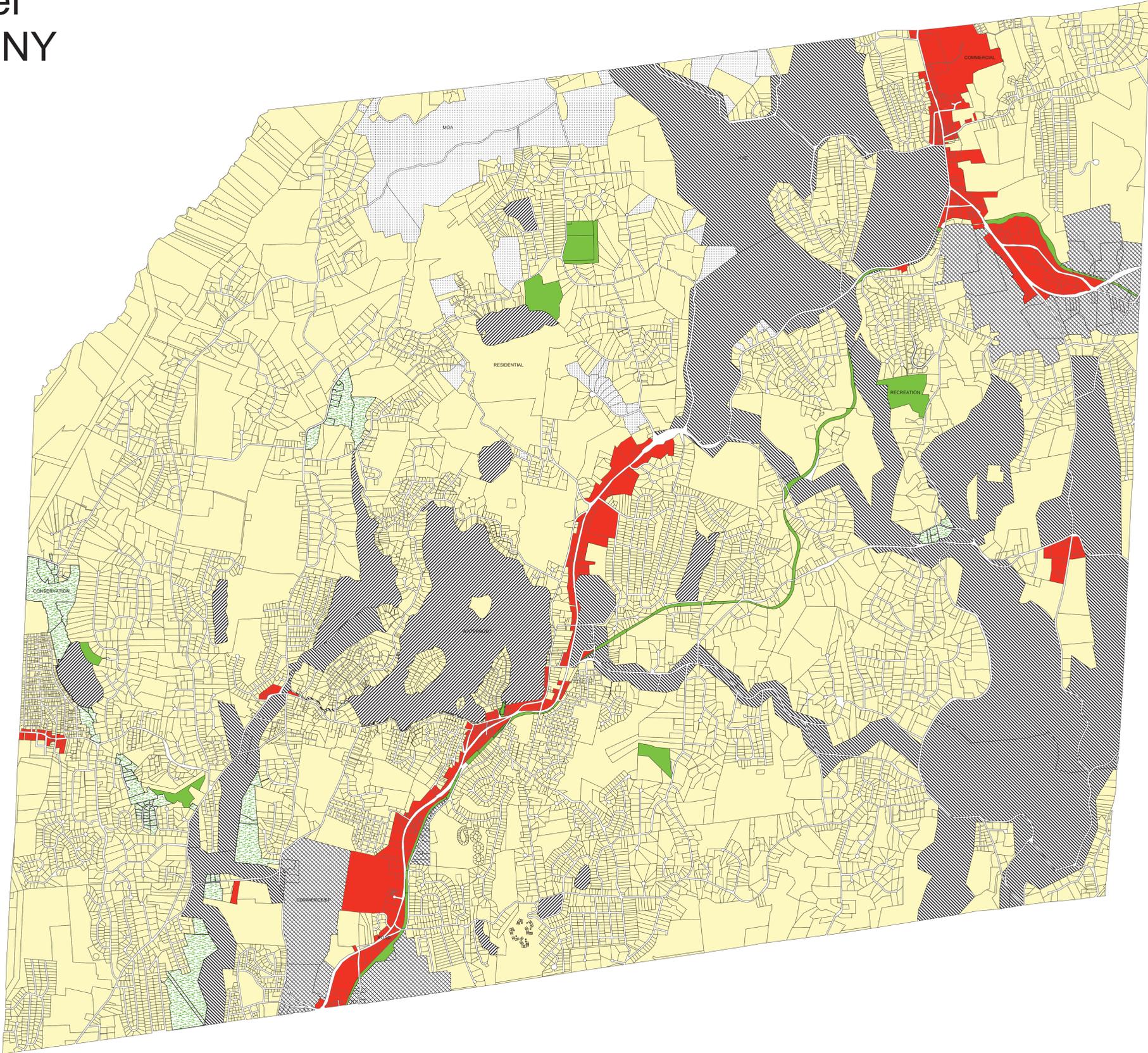
Figure 4B

Areas for Outdoor Recreation Putnam County, New York



Official Zoning Map of the Town of Carmel Putnam County, NY

February 20th, 2002



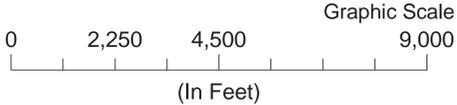
- DISTRICTS**
- COMMERCE/BUSINESS PARK
 - COMMERCIAL
 - CONSERVATION
 - NEW YORK CITY WATERSHED
 - NEW YORK CITY MOA
 - RECREATION/TRAILWAY
 - RESIDENTIAL
 - WATERBODY

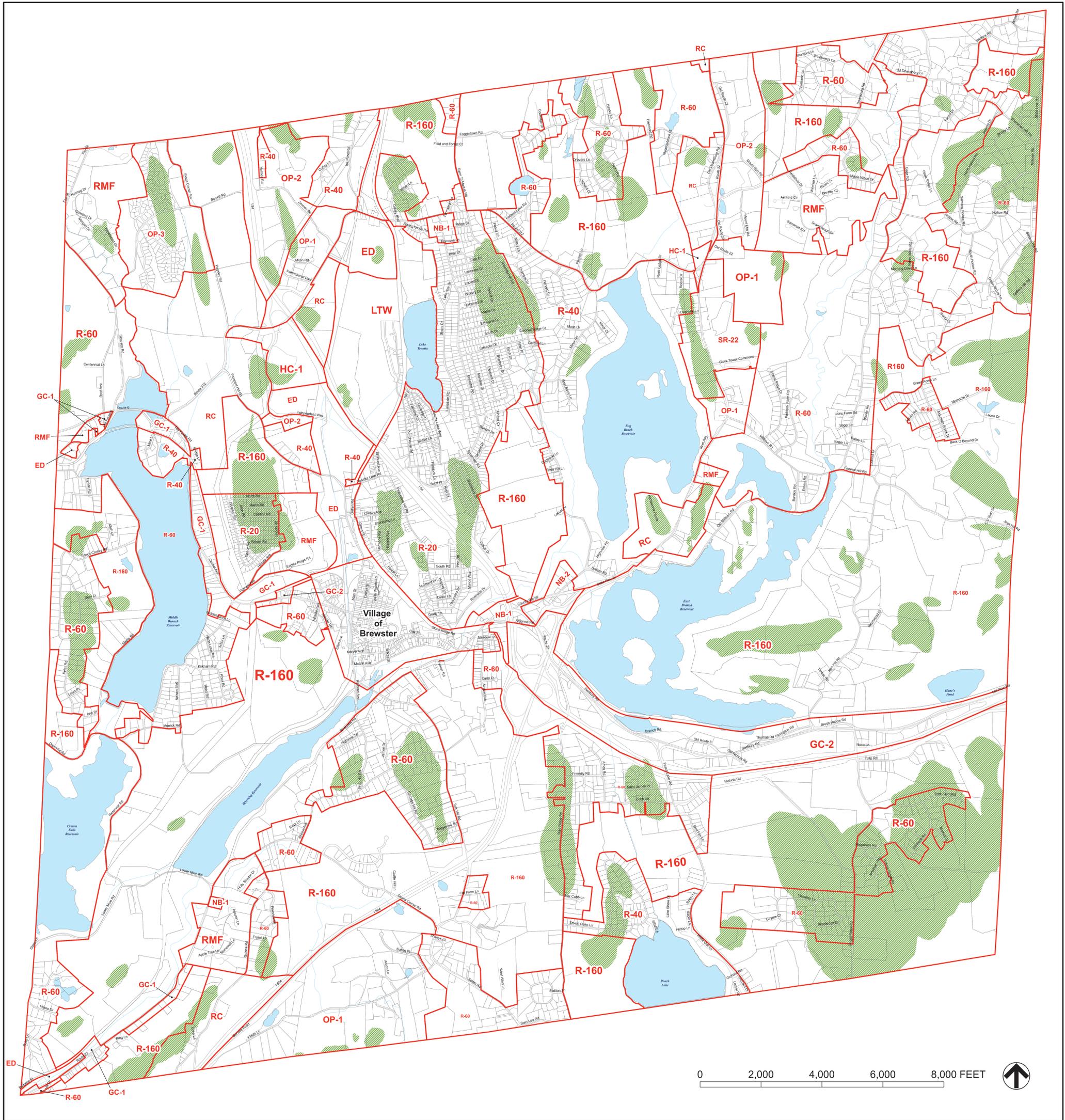
No.	Date	Revision	Adopted

Approved by resolution of the Town Board
of the Town of Carmel and filed with the
Town Clerk this 20th day of March, 2002.

Connie Munday

Town of Carmel
Town Clerk
Connie Munday





ZONING MAP

- | | | | |
|--------------|-------------------------------------|---|---|
| — | Zoning District Boundary | HC-1 | Highway Commercial HC-1 District |
| R-160 | Residence R-160 District | GC-1 | Gateway Commercial District GC-1 District |
| R-80 | Residence R-80 District | GC-2 | Gateway Commercial District GC-2 District |
| R-60 | Residence R-60 District | ED | Economic Development ED District |
| R-40 | Residence R-40 District | OP-1 | Office Park OP-1 District |
| R-20 | Residence R-20 District | OP-2 | Office Park Op-2 District |
| RMF | Residence RMF District | OP-3 | Office Park OP-3 District |
| NB-1 | Neighborhood Business NB-1 District | RC | Rural Commercial District |
| NB-2 | Neighborhood Business NB-2 District | SR-22 | Special Route 22 District |
| LTW | Lake Tonetta Watershed District |  | Ridgeline Overlay District |

Michele Stancati

CERTIFIED BY THE TOWN CLERK AS THE OFFICIAL ZONING MAP OF THE TOWN OF SOUTHEAST
 Adopted by the Town Board by Local Law No. 70 of December 15, 2011

Legend:

Zoning Districts

- CC-1, Community Commercial 1
- CC-2, Community Commercial 2
- CC-3, Community Commercial 3
- HC, Highway Commercial
- NC, Neighborhood Commercial
- LP, Lake Peekskill Residential
- RR, Rural Residential
- CD, Conservation District
- PD, Preservation District

Parcel Boundary

Lakes And Ponds

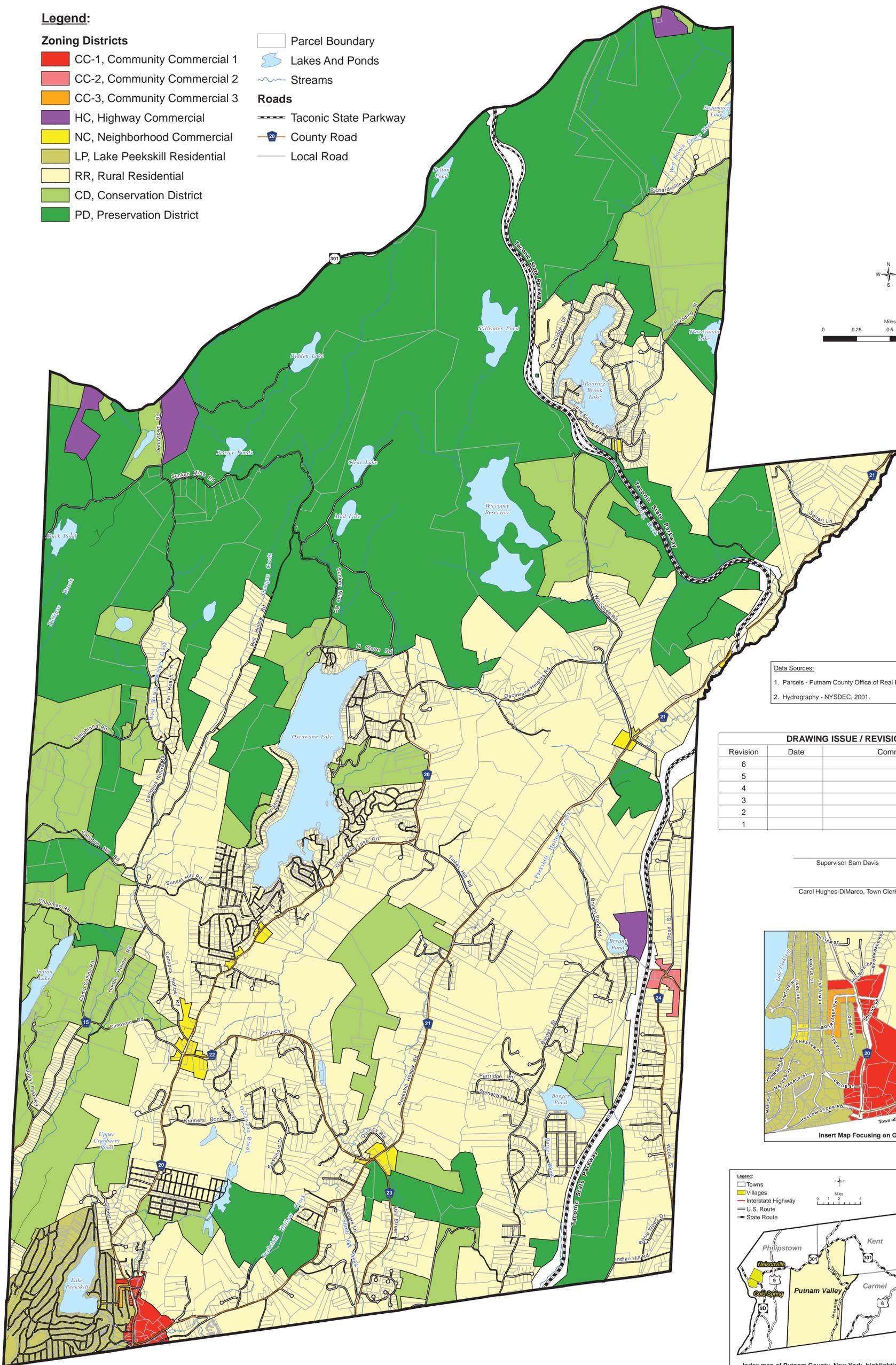
Streams

Roads

Taconic State Parkway

County Road

Local Road

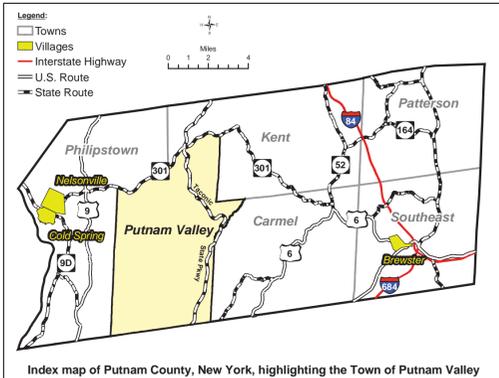
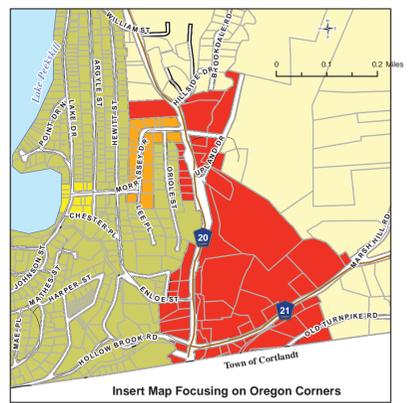


Data Sources:
 1. Parcels - Putnam County Office of Real Property Services, 2006.
 2. Hydrography - NYSDEC, 2001.

DRAWING ISSUE / REVISION RECORD

Revision	Date	Comment	Initials
6			
5			
4			
3			
2			
1			

Supervisor Sam Davis _____ Date _____
 Carol Hughes-DiMarco, Town Clerk _____ Date _____



CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.

Dutchess County Office: 21 Fox Street, Poughkeepsie, New York 12601, Phone: (845) 454-3980
 Orange County Office: 356 Meadow Avenue, Newburgh, New York 12550, Phone: (845) 567-1133
 Capital District Office: 547 River Street, Troy, New York 12182, Phone: (518) 273-0055
 North Country Office: 100 Glen Street, Glens Falls, New York 12801, Phone: (518) 812-0513

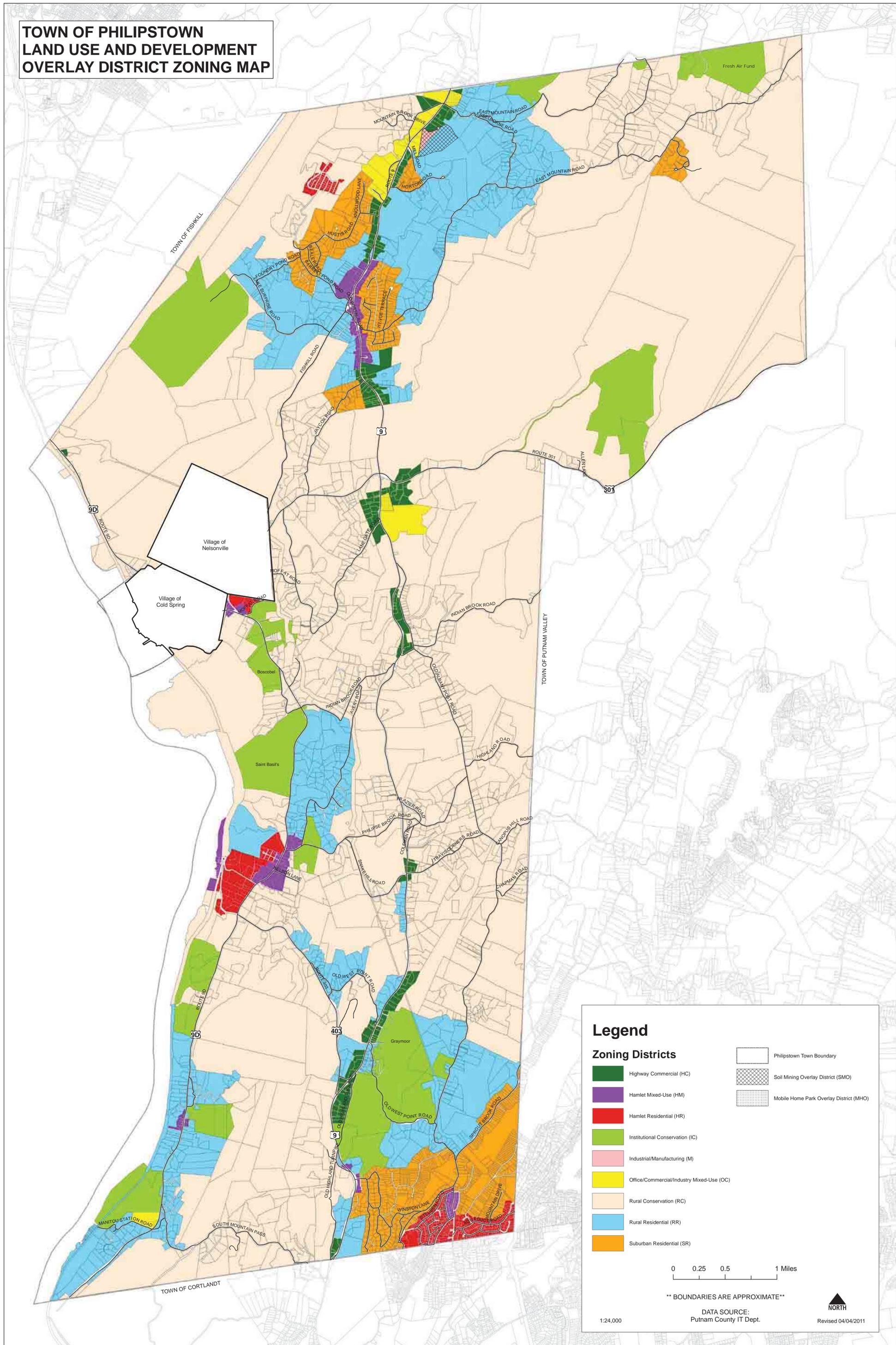
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Zoning District Map

Town Of Putnam Valley
 Putnam County, New York

Created by: CLC/PWC
 Date: 06/15/2007
 Scale: 1" equals 1,800'
Zoning Map 1 of 3

**TOWN OF PHILIPSTOWN
LAND USE AND DEVELOPMENT
OVERLAY DISTRICT ZONING MAP**



Legend

Zoning Districts

- Highway Commercial (HC)
- Hamlet Mixed-Use (HM)
- Hamlet Residential (HR)
- Institutional Conservation (IC)
- Industrial/Manufacturing (M)
- Office/Commercial/Industry Mixed-Use (OC)
- Rural Conservation (RC)
- Rural Residential (RR)
- Suburban Residential (SR)

- Philipstown Town Boundary
- Soil Mining Overlay District (SMO)
- Mobile Home Park Overlay District (MHO)

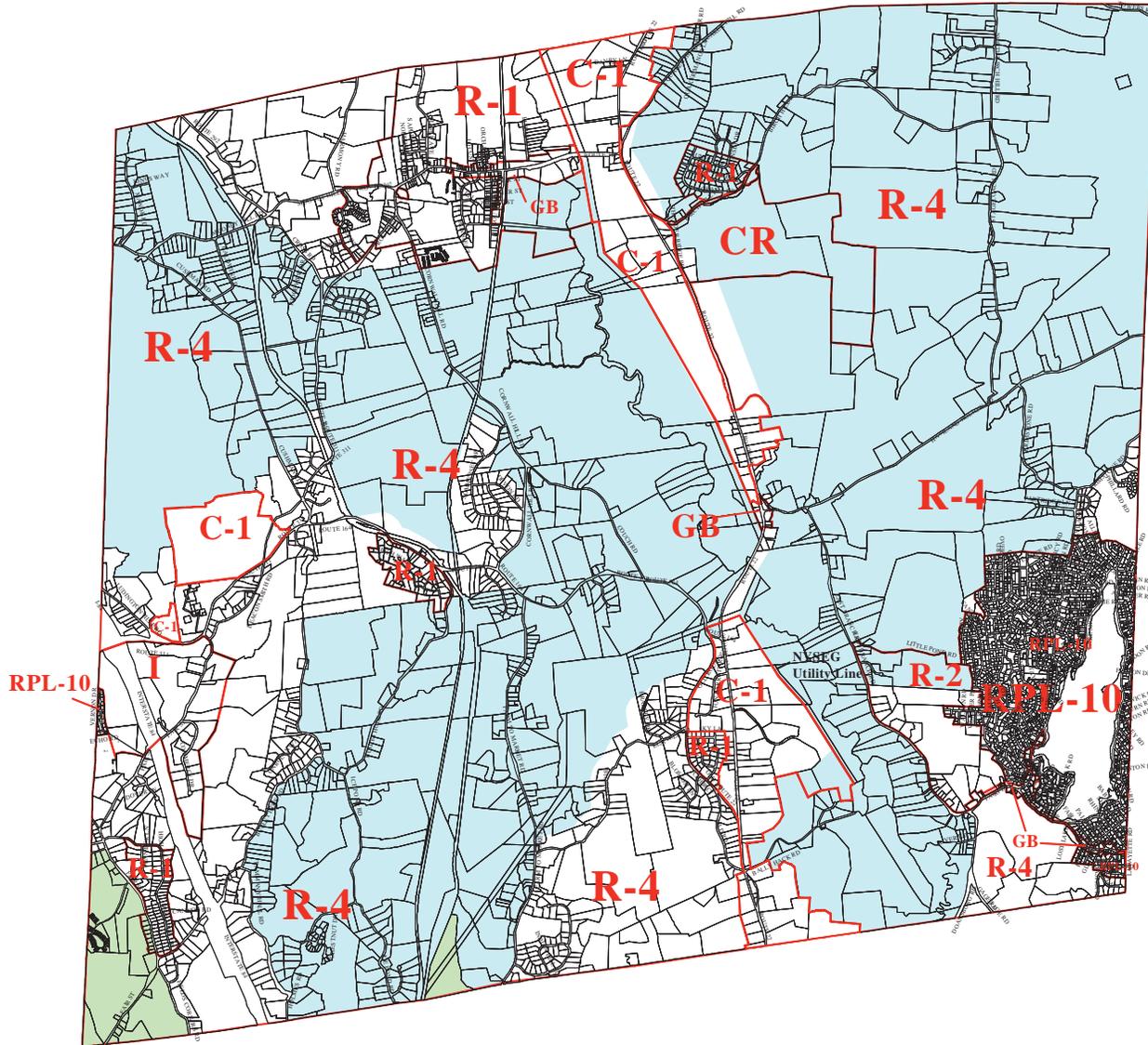
0 0.25 0.5 1 Miles

**** BOUNDARIES ARE APPROXIMATE****

DATA SOURCE:
Putnam County IT Dept.

1:24,000

NORTH
 Revised 04/04/2011



TOWN OF PATTERSON

ZONING MAP

RESIDENTIAL ZONING DISTRICTS

RPL-10
R-1
R-2
R-4

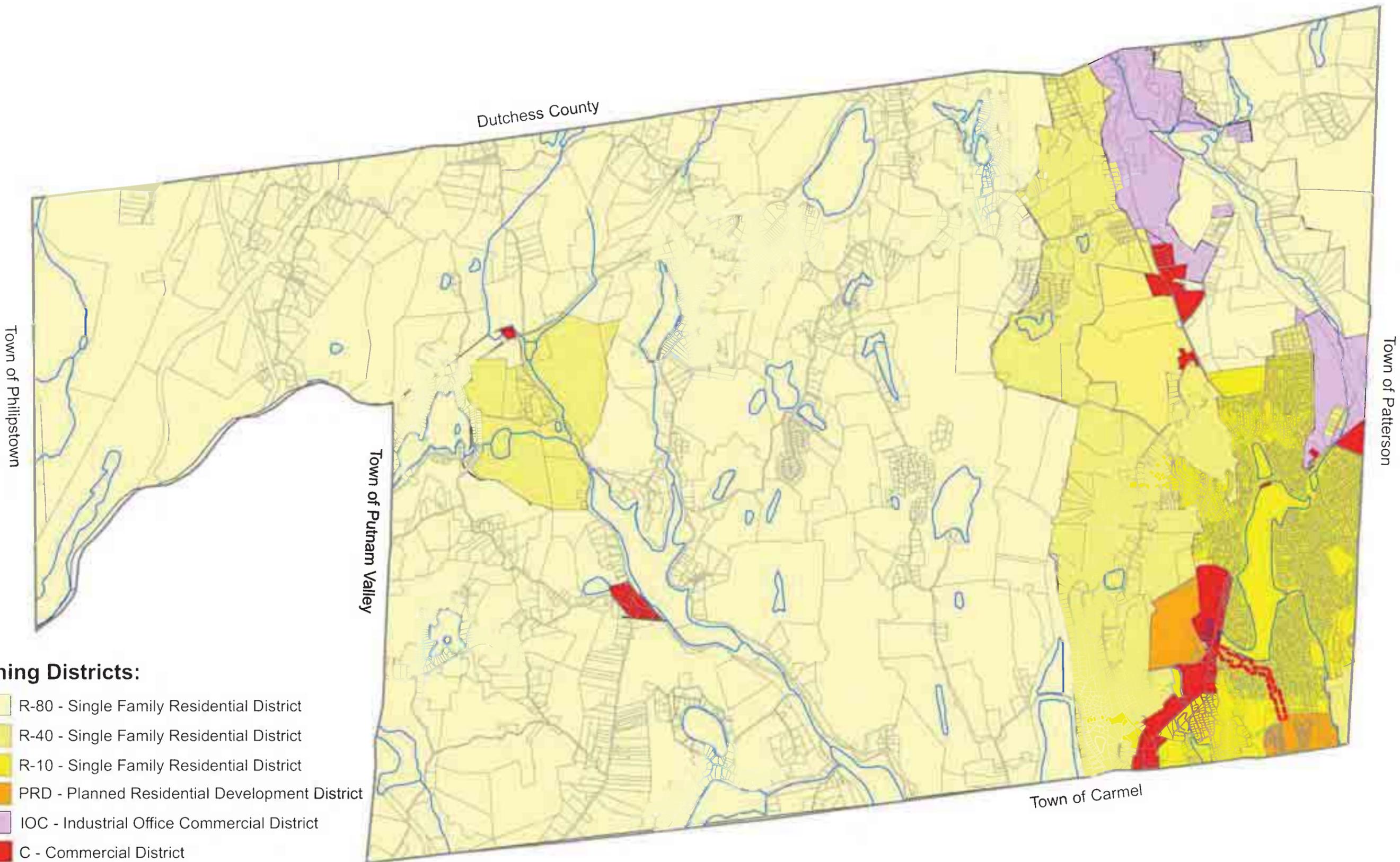
COMMERCIAL ZONING DISTRICTS

GB
C-1
CR
I

Prepared by: Patterson Planning Department
Date: May 1, 2003
Revised: October 21, 2003
Revised: December 1, 2003
As amended by Town Board on April 13, 2005
As amended by Town Board on October 26, 2005

OVERLAY ZONE

-  Cluster Overlay Zone
-  Multifamily Overlay Zone



Zoning Districts:

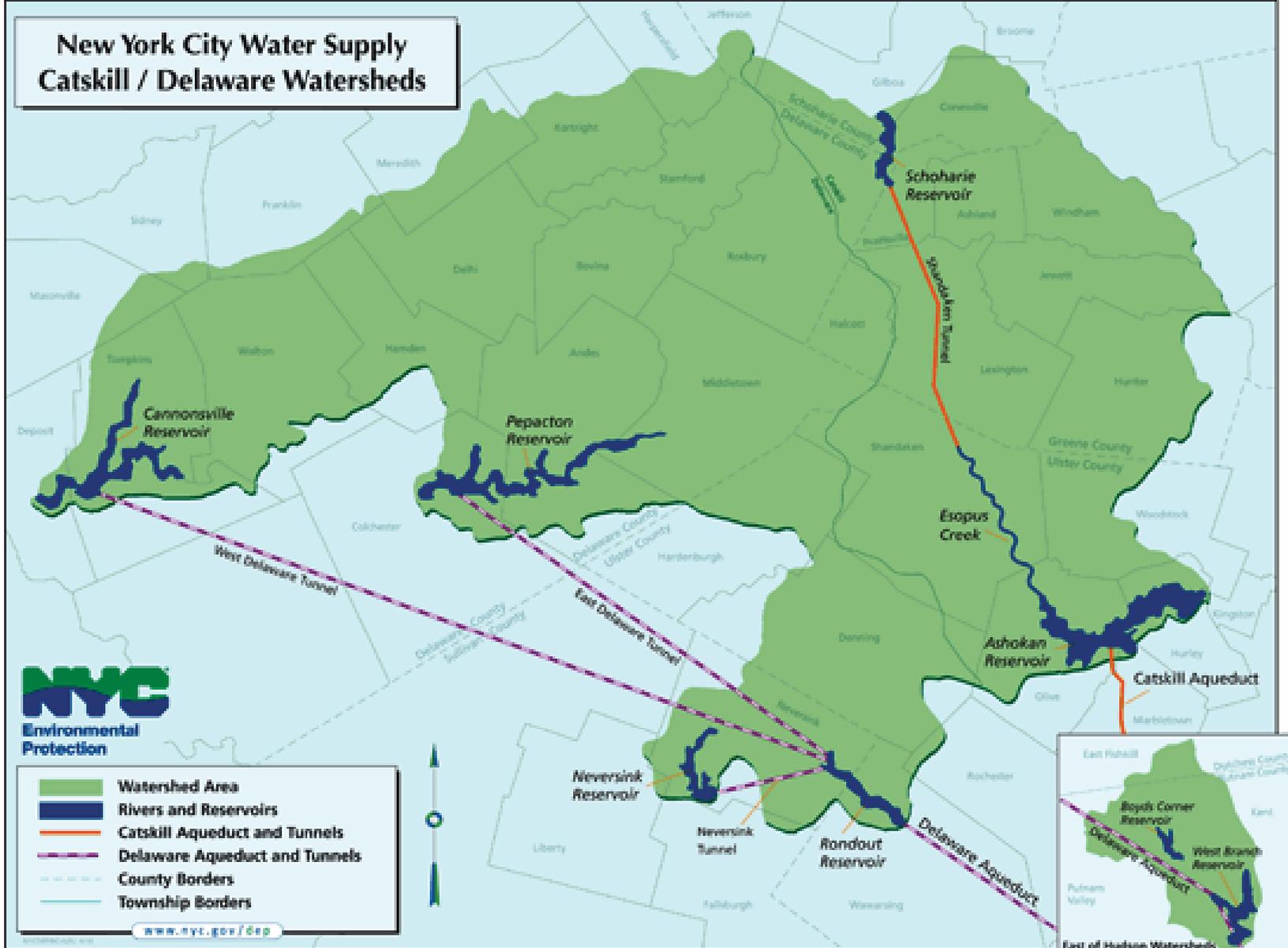
- R-80 - Single Family Residential District
- R-40 - Single Family Residential District
- R-10 - Single Family Residential District
- PRD - Planned Residential Development District
- IOC - Industrial Office Commercial District
- C - Commercial District
- Towner's Road Commercial Overlay (General Location)

ZONING MAP OF THE TOWN OF KENT AS OF 11/24, 2008



Appendix F:
NYC Watershed Maps

New York City Water Supply Catskill / Delaware Watersheds



- Watershed Area
- Rivers and Reservoirs
- Catskill Aqueduct and Tunnels
- Delaware Aqueduct and Tunnels
- County Borders
- Township Borders

www.nyc.gov/dep



Catskill/Delaware Watersheds

Croton Watershed



New York City's Water Supply System

- Catskill / Delaware Watershed Area
- Croton Watershed Area
- Rivers and Reservoirs
- Catskill Aqueduct and Tunnels
- Croton Aqueduct
- Delaware Aqueduct and Tunnels
- County Borders
- State Borders

www.nyc.gov/dep





New York City Water Supply East of Hudson Watersheds

- Croton Watershed Area
- Part of Cat./Del. Systems
- Rivers and Reservoirs
- Catskill Aqueduct
- Croton Aqueduct
- Delaware Aqueduct
- Township Borders
- County Borders
- State Borders

www.nyc.gov/dep

Long Island Sound

Appendix G:

Putnam County Wild, Scenic, or Recreational Rivers



New York Segments

Jamie Fosburgh
National Park Service
Rivers, Trails & Conservation Assistance
15 State Street
Boston, MA 02109
(617) 223-5191
[Click for segments N-Z](#)



**Authorizations /
History /
Eligibility
Descriptions /
Outstandingly
Remarkable
Values / Potential
Classification /
Wild and Scenic
Rivers System**

**[Return to NRI
Page](#)**

River	County	Reach	Length (miles)	Year Listed/Updated	Potential Classification	ORVs	Description	Other States
Abijah River	Jefferson	Confluence with South Sandy Creek to Leepy Rd.	2	1982		O	Botanic-(Segments flow through a unique and diverse assemblage of plant communities.)	
Allegheny River	Cattaraugus	Great Valley Creek to Townsend Hollow	10	1982		H	Historic-(Segment includes the Zawatski site, an Archaic Woodland National Historic Register Site.)	
Allegheny River	Cattaraugus	Great Valley Creek to Townsend Hollow.	10	1982/1995		F, H	Fish-(Segment could contain several rare, threatened, or endangered fish species.) Historic-(Segment includes the Zawatski site, an	

							Archaic Woodland National Historic Register Site.)
Ampersand Brook (Adirondack Province River System)	Franklin	Stony Creek Ponds to Ampersand Lake	8	1982		O	<p>Historic-(The Adirondack Forest Preserve, approximately 2.5 million acres of land containing preserve forests and recreational areas, is a National Historic Register Site and a National Historic Landmark. The area was the first state forest preserve in the U.S. established under the first comprehensive program in a state.)</p> <p>Hydrologic-(Area possesses a greater number of natural, free-flowing rivers and related water bodies than any other region of comparable size in the northeast, including approximately 32,000 miles of rivers and over 2,000 lakes and ponds.)</p> <p>Geologic-(Area includes significant portions of 3 of 7 regionally unique composite landscapes. These areas, where four or more different major landscape patterns-landform, land use, vegetation, water- come together in juxtaposition, are the most diverse places in the</p>

northeast. Rivers and river segments flow through and contain numerous unique geologic features including troughs, flumes, natural rock dams, gorges, etc.)

Cultural-(Certain river segments served as the habitat for a long line of celebrated Adirondack "hermits" including the "Mayor of Cold River". The area serves as a regional attraction for a variety of artists and photographers. Selected areas such as the upper Oswegatchie River are the focus of a fraternity of river guides from which a detailed river folklore has evolved.)

Recreation- (Rivers and related water bodies are important regional recreation attractions. In the last half of the 19th century the Adirondack region was one of the nation's most popular centers of small boat travel. Certain rivers and river segments possess a unique diversity of flow gradients including Class V rapids. Other

							<p>river segments such as the Raquette, Moose and Saranac, with the Fulton Chain of Lakes form a regionally unique 132 mile boat trail.)</p> <p>Botanic-(The area reportedly contains the largest contiguous stand of virgin timber in the continental U.S. Within areas on certain selected rivers are numerous significant sites including the Everton Falls Preserve, a significant example of northern Adirondack streams and ecological systems.)</p> <p>Wild-(A major portion of the area's watersheds and river corridors are significantly undeveloped. Certain rivers and river segments such as the Hudson, Jordan, Cold, St. Regis and Oswegatchie are largely inaccessible and virtually undeveloped or wild in character. State "forever wild" land borders 411 miles of the 1206 miles of Adirondack rivers designated in the State's Rivers System.)</p>	
Ausable River	Clinton, Essex	Mouth at Lake Champlain to	22	1982		S, F, O	See Ampersand Brook (Adirondack	

		confluence of East & West Branches (Au Sable Forks)					Province River System) comments.	
Ausable River, East Branch	Essex	Ausable Forks to Marcy Swamp	37	1982		S	See Ampersand Brook (Adirondack Province River System) comments.	
Ausable River, West Branch	Essex, Clinton	Ausable Forks to headwaters near Heart Lake	35	1982		S, G, F	See Ampersand Brook (Adirondack Province River System) comments.	
Ausable River, West Branch	Essex, Clinton	Ausable Forks to headwaters near Heart Lake.	35	1982/ 1995		S, R, G, F	See Ampersand Brook (Adirondack Province River System) Recreation-Segment used for downriver canoe race each spring.	
Basher Kill	Orange, Sullivan	Confluence with Nerversink River to NY Rt. 17 at Wurstboro.	13	1995		W	Wildlife-Reach contains Bashakill Wildlife Management Area.	
Batavia Kill	Greene	Confluence with Schoharie to Windham	11	1982		S, R	See Schoharie Creek (segment from Prattsville to headwaters) comments.	
Batten Kill	Washington, Bennington	Route 22 to Arlington	18	1982		S, G, H	Historic-(Arlington Green Covered Bridge is a National Historic Register Site.) Geologic-(Free-flowing sparsely developed examples of medium order rivers in section are rare.) Scenic-(A uniquely high and diverse range of views due to variations	VT

							due to variations in landforms and river channel.)	
Bear Gulf	Jefferson, Lewis	Confluence with Sandy Creek to headwaters north of Woodard Road	3	1982		G, O	Botanic-(Segment includes a unique white cedar population.)	
Beaver Kill	Ulster, Sullivan	One mile upstream for Spring Brook to headwaters .	31	1982/1995		S, R	Recreation-One of the most famous Catskill trout streams. Scenic-A uniquely high and diverse range of views relating to a variety of spatial enclosures, topographic diversity and the presence of nearby low mountains.	
Beaver Kill	Ulster, Sullivan	One mile upstream from Spring Brook to headwaters	31	1982		S	Scenic-(A uniquely high and diverse range of views relating to a variety of spatial enclosures, topographic diversity and the presence of nearby low mountains.)	
Black Creek	Genesee, Monroe	Confluence with Genesee River to NY Rt. 237 near Pumpkin Hill.	29	1995		R, W	Recreation-Unique proximity to urban population of Greater Rochester area. Entire reach is easy flatwater paddling; however, permission is required to pass through part of Bergen Swamp Wildlife Refuge. Wildlife-Reach includes Bergen Swamp Wildlife Refuge and Churchville Park. Rare. threatened	

							or endangered species of reptile present in upper part of reach.
Black River	Jefferson	Dexter Dam to U.S. 11 Bridge in Watertown	12	1995		S, R, F	<p>Fish-Lake sturgeon may be migrating into this segment during the spring for spawning activities.</p> <p>Recreation-Rafting, kayaking and related whitewater activities exist throughout the summer months. Class IV whitewater within the Black River Gorge.</p> <p>Outstanding fisheries for resident walley and anadromous salmon and steelhead trout occur within the segment.</p> <p>Scenic-Black River Gorge is part of this segment.</p>
Black River	Herkimer	Kayuta Lake to North Lake	15	1982		R, O	See Ampersand Brook (Adirondack Province River System) comments.
Black River	Jefferson, Lewis	Carthage to Lyons Falls	35	1982		G, O	<p>Geologic-(The river segment follows the nearly straight divide between the Adirondack Province and the Mohawk section.)</p> <p>Hydrologic-(The longest, least developed free-flowing river remaining in this section.)</p>
Black River	Jefferson, Lewis	Carthage to Lyons Falls	35	1982/1995		R, G, H O	Geologic-The river segment

							<p>river segment follows the nearly straight divide between the Adirondack province and the Tug Hill section.</p> <p>Historic-Several structures from the Black River Canal still exist within this segment.</p> <p>Hydrologic-The longest, least-developed, free-flowing river segment.</p> <p>Recreation-Entire segment is paddable even in summer. Outstanding walleye fishery exists throughout the segment.</p>	
Black River	Lewis, Oneida	Norton Road upstream to Forestport Dam.	26	1995		S, R	<p>Recreation-Class III whitewater and self-sustaining coolwater fishery occur within this segment.</p> <p>Scenic-A splendid gorge within this segment.</p>	
Blue Mountain Stream	St. Lawrence	Confluence with Pleasant Lake stream to Clear Pond	9	1982		O	See Ampersand Brook (Adirondack Province Rover System) comments.	
Bog River	St. Lawrence	Tupper Lake to dam below Hitchins Pond	7	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.	
Bog River	St. Lawrence	Tupper Lake to Bog Lake	20	1982/1995		S, R, O	See Ampersand Brook (Adirondack Province River System) comments.	
Boreas River	Essex	Brace Dam to Boreas	6	1982		O	See Ampersand Brook	

		to Boreas Ponds					Brook (Adirondack Province River System comments.)	
Boreas River	Essex	Confluence with the Hudson River to Boreas Ponds	17	1982/1995		S, R, O	See Ampersand Brook (Adirondack Province River System) comments.	
Boreas River	Essex	Confluence with the Hudson River to Cheney Pond	11	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Bouquet River	Essex	Lake Champlain to the confluence with the North Fork	48	1982		S, R, F	See Ampersand Brook (Adirondack Province River System) comments.	
Bouquet River, North Branch	Essex	Confluence with Main Branch to Trout Pond	19	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Bouquet River, North Fork	Essex	Bridge at Rt. 73 to headwaters on Dial Mt.	6	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.	
Bouquet River, South Fork	Essex	Bridge at Rt. 73 to headwaters	6	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.	
Canisteo River	Steuben	Confluence with Tioga River to South Hornell Road.	46	1995		R	Recreation-Class I whitewater seasonally. Smallmouth bass and walleye fishing.	
Carmans River	Suffolk	Long Point to the Long Island Expressway	6	1982		R	Recreation-(A unique proximity to high concentrations of population.)	
Catskill Creek	Greene, Albany, Schoharie	South Cairo to headwaters	32	1982		R	Recreation-(Intensively used at present)	

	Section	Headwaters					at present. Unique proximity to urban populations in Albany.)
Cattaraugus Creek	Erie, Cattaraugus	Buttermilk Creek to Yorkshire.	14	1982/ 1995		R, G	Geologic- Segment flows through an area of significant topographic diversity and variation. Recreation-Class II whitewater opportunities exist within this segment.
Cattaraugus Creek	Erie, Chautauqua, Cattaraugus	South of NY State Thruway to North Gowanda.	11	1982/ 1995		R, F	Recreation- Segment includes a diversity of flow gradients including a section of Class IV rapids. Unique proximity to urban populations of metropolitan buffalo. Fisheries- Segment contains an endangered fish species.
Cattaraugus Creek	Erie, Chautauqua, Cattaragus	South of the NY State Thruway to North Gowanda	11	1982		R	Recreation- (Unique proximity of urban population in Buffalo. Segment includes a diversity of flow gradients including a section of Class IV rapids.)
Cattaraugus Creek	Erie, Cattaraugus	Buttermilk Creek to Yorkshire	14	1982		G	Geologic- (Segment flows through an area of significant topographic diversity and variation.)
Cattaraugus Creek	Cattaraugus	Gowanda to Buttermilk (20	1982		R, G, O	Botanic-(Deer Lick Nature (

		Creek					Sanctuary is unique habitat for more southerly species such as red cedar. A Registered Natural Landmark.) Recreation- (Unique proximity to urban populations in Buffalo.) Geologic- (Significant topographic diversity and variation including Zoar Valley Gorge which has steep shale walls up to 200" in height.)	
Cattaraugus Creek, South Branch	Cattaraugus	Confluence with Cattaraugus Creek to Skinner Hollow Road bridge located off NY Rt. 12 northeast of village of Cattaraugus.	12	1995		S, R	Scenic-Reach contains a narrow, 400-foot deep gorge with several waterfalls. Recreation-Challenging Class III-IV whitewater in an isolated deep gorge.	
Cedar River	Hamilton, Essex	Confluence with Hudson River to the outlet of Cedar Lakes	40	1982		S, G, F, W, O	See Ampersand Brook (Adirondack Province River System) comments.	
Cedar River	Hamilton, Essex	Confluence with Hudson River to the outlet of Cedar Lakes.	40	1982/1995		S, R, G, F, W, O	See Ampersand brook (Adirondack Province River System) comments.	
Chataqua Creek	Chataqua	Route 20 Bridge in Westfield to Putnam Road	11	1982		S	Scenic-(Segment flows through a deeply incised gorge, known as The Gulf. This area is noted for its scenic qualities and diversity of views	

							which are related to stream channel variation, topographic variation, and the variety of land uses and vegetative cover.)
Chateaugay River	Franklin	Pulp Mill Road to the Forge.	5	1982/1995		G, H	Hydrologic-One of the last remaining, relatively undeveloped, free-flowing river segments in the section from Chateaugay Lake to the Canadian border where the river drops 1000 feet in 17 miles. However, a new hydropower plant with bypass/penstock has destroyed most of the ORV's at High Falls. Geologic-Segment includes a variety of flow gradeints including the significant High Falls area.
Chateaugay River	Franklin	Park Boundary (Lower Chateaugay Lake) to Bluff Point (Upper Chateaugay Lake)	4	1982		S	See Ampersand Brook (Adirondack Province River System) comments.
Chateaugay River	Franklin	Canadian border to the abandoned railroad line near Chateaugay	6	1982		S, G, O	Hydrologic-(One of the last remaining, relatively undeveloped free-flowing river segments in the section. From Chateaugay Lake to the border where the river drops 1000 feet in 17 miles.) Scenic-(A unique

							and diverse range of views related to a variety of spatial enclosures, islands, topographic diversity and vegetative cover.) Geologic- (Segment flows through the unique Chateaugay Chasin, a deep box-like gorge with near-vertical walls of 100 feet and more.)	
Chateaugay River	Franklin	Abandoned railroad line near Chateaugay to the Forge	7	1982		G, O	Hydrologic-(One of the last remaining relatively undeveloped, free-flowing river segments in the section. From Chateaugay Lake to the border where the river drops 1000 feet in 17 miles.) Geologic- (Segment includes a variety of flow gradients including the significant High Falls area.)	
Chemung River	Chemung	West of South Coming Rd. to Fitch Bridge	6	1982		G	Geologic- (Corridor includes nearly 4 miles of unique steep, wooded bluffs and slopes arising to heights of more than 800 feet above the river.)	
Claverack Creek	Columbia	Stottville to Red Mills	8	1982		R	Recreation- (Segment includes a diversity of unique flow gradients including Class 4 rapids.)	
Clyde River	Wayne	West of	9	1982		H	Historic-(Within	

Clyde River	Wayne	West of Clyde to Creager Bridge		1992			Historic (Within the segment is a portion of the Erie Canal which was the first major U.S. Canal project and most important engineering undertaking of the early 19th century.)
Cohocton River	Steuben	Confluence with Tioga River to Atlanta.	37	1995		R, G, F	<p>Recreation-Class I whitewater seasonally. Year-round trout fishing in the upper 17 miles of reach. Seasonal trout fishing downstream of village of Avoca. Two sections with special fishing regulations within segment of reach above Bath.</p> <p>Geologic-Unique aquifer in vicinity of villages of Wallace and Avoca.</p> <p>Fish-Self-sustaining brown and brook trout populations present year-round in vicinity of special regulations section between Wallace and Avoca.</p>
Cold River	Hamilton, Franklin, Essex	Confluence with Raquette River to Duck Hole	14	1982		O	See Ampersand Brook (Adirondack Province River System) comments.
Conewango Creek	Chautauqua-Cattaraugus	PA Border to Clear Creek near Jamestown	33	1982		O	Botanic-(85% of the segment flows through an ecologically significant river swamp, the extent of which is unique to the section.)

Connetquot River	Suffolk	Johnson Avenue to south of Sunrise Highway.	6	1982		R, O	<p>Recreation-A unique proximity to high concentrations of population that offers both quality trout fishing opportunities, as well as an easy canoe paddle.</p> <p>Hydrologic-One of the last 3 remaining, relatively undeveloped, free-flowing river segments on Long Island.</p>	
Deer River	Franklin, St. Lawrence	Confluence with the St. Regis River to APA boundary	36	1982		O	<p>Hydrologic-(Longest remaining example of a relatively undeveloped, free-flowing river segment in the section.)</p>	
Deer River	Franklin	Park boundary to Deer River Flow	6	1982		S	<p>See Ampersand Brook (Adirondack Province River System) comments.</p>	
Delaware River, East Branch	Delaware	Hancock to East Branch.	17	1995		R, O	<p>Hydrologic-One of the only remaining free-flowing, undeveloped river segments in the Upper Delaware basin.</p> <p>Recreational-Unique fishing opportunities for native brown and rainbow trout and migratory American shad.</p>	
Delaware River, East Branch	Delaware	Harvard to Downsville	10	1982		C, O	<p>Hydrologic-(One of the last remaining relatively undeveloped, high order, free-flowing river segments in this</p>	

							section.) Cultural- (Adjacent to the segment corridor is a representative example of a former river industry in Corbett. Within this hamlet is an acid factory store building, community building and 42 houses built to initiate acid production in 1912.)	
East Canada Creek	Herkimer, Fulton, Hamilton	Dolgeville to headwaters near Powley Place	13	1982		S, F	See Ampersand Creek (Adirondack Province River System) comments.	
East Canada Creek	Herkimer, Fulton, and Hamilton	Dogleville to headwaters near Powley Place.	27	1982/ 1995		S, R, F, O	See Ampersand Brook (Adirondack Province River System) comments.	
East Stony Creek	Hamilton and Warren	Great Sacandaga Lake to Lixard Pond.	25	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Esopus Creek	Ulster	Ashokan Reservoir to Winnisook Lake.	27	1995		S, R, F	Scenic-Reach located in heart of Catskill Mountains. Recreation- Water diversions by New York City from Schoharie Reservoir via the Shandaken Tunnel provide excellent trout fishing and tubing for the lower 13 miles throughout the summer. Traditional catskill trout fishery upstream	

							<p>or tunnel. Class III whitewater also provided by directed releases up to 4 weekends each summer in section downstream of tunnel.</p> <p>Fish-Self-sustaining trout populations in segment of reach.</p>
Fall Stream	Hamilton	Piseco Lake to Mud Lake.	7	1995		S, R	<p>See Ampersand Brook (Adirondack Province River System).</p> <p>Recreation-Reach provides summer flatwater paddling except for the upper Vly Lake-Mud Lake section.</p>
Fish Creek	Oneida	Oneida Lake to confluence of East and West Branches.	16	1995		R, F	<p>Recreation-Flatwater paddling opportunity in close proximity of greater Syracuse area. Riverine walleye fishery after spawning season.</p> <p>Fish-Important walleye spawning area. Special fishing regulations for this reach.</p>
Fish Creek, East Branch	Oneida	Confluence with West Branch to East Branch Fish Creek Reservoir.	17	1995		S, R, F	<p>Scenic-Reach contains a scenic gorge.</p> <p>Recreation-Brown and brook trout fishery in upper part of reach. Seasonal walleye fishery below NY Rt. 69 bridge at Taberg. Class III-IV whitewater between</p>

							Yorkland and Taberg. Fish-Walleye spawning habitat to Rt. 69 bridge at Taberg. Self-sustaining brown and brook trout populations in upper part of reach.	
Fish Creek, West Branch	Oneida	Confluence with the East Branch to NY Rt. 13 bridge above Westdale.	25	1995		R, F, W	Recreation-Class I paddling except for a little Class II water near confluence. Seasonal walleye fishing in lower part of reach. Fish-Walleye spawning habitat up to dam at McConnellesville. Wildlife-Reach includes Westdale Marsh.	
Fox Creek	Jefferson	Confluence with South Sandy Creek to the Loraine - E. Boylston Rd.	7	1982		O		
Genesee River	Allegany, Wyoming, and Livingston	Portageville to NY Route 19 Bridge at Belmont	40	1982/1995		R, O	Hydrologic-Unique large, undeveloped high order river. Recreational-Class I paddling through most of segment.	
Genesee River	Allegany	Rt. 19 bridge at Belmont to Rt. 19 bridge at Shongo .	25	1995		O	Recreational-Mostly Class II paddling.	
Genesee River	Wyoming	Mount Morris to Portageville	21	1982/1995		S, R, G	Geologic-Three significant waterfalls. The most outstanding example of representative river related topographic features in the	

							<p>section.</p> <p>Recreational-Class II and III paddling for six miles between Lee's Landing (below Lower Falls) and St. Helena.</p> <p>Scenic-Segment is within Letchworth State Park and has a "scenic" designation under the New York State Rivers Program for its scenic qualities.</p>	
Genesee River	Monroe, Livingston	NY State Thruway to Rt. 36 near Mount Morris	40	1982		O	Hydrologic-(Unique largely undeveloped, high order river.)	
Genesee River	Allegany, Wyoming, Livingston	Portageville to Belmont	40	1982		O	Hydrologic-(Unique large, undeveloped, high order river.)	
Genesee River	Wyoming	Mount Morris to Portageville	7	1982		G	Geologic-(Three significant waterfalls. The most outstanding example of representative river related topographic features in the section.)	
Genesee River	Monroe and Livingston	NY Route 252 to Route 36 near Mt. Morris	49	1982/1995		R, O	<p>Hydrologic-Unique, largely undeveloped, high order river.</p> <p>Recreational-Class I paddling through entire segment except for one mile of Class II waters near NY Route 36.</p>	
Grasse River	St. Lawrence	Northernmost Park boundary crossing to confluence of	5	1982		F	See Ampersand Brook (Adirondack Province River System)	

		Middle and South Branches					comments.	
Grasse River, Middle Branch	St. Lawrence	Confluence with the South Branch to confluence with Pleasant Lake Stream and Blue Mountain Stream	15	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Grasse River, North Branch	St. Lawrence	Park Boundary to Church Pond	25	1982		W	See Ampersand Brook (Adirondack Province River System) comments.	
Grasse River, South Branch	St. Lawrence	Confluence with the Middle Branch to Center Pond	44	1982		S, F	See Ampersand Brook (Adirondack Province River System) comments.	
Great Chazy River	Clinton	Robideau Road Bridge to Chazy Lake	6	1982		S	See Ampersand Brook (Adirondack Province River System) comments.	
Gulf Stream	Jefferson, Lewis	Confluence with Sandy Creek to the headwaters of Jacobs Creek	20	1982		G	Geologic- (Segment includes the Inman Gulf area with 200 foot gorge and two significant waterfalls.)	
Hoosic River	Rensselaer	Hoosick Falls to near North Pownal	10	1982		O	Archaeologic- (Corridor contains 10 known prehistoric archaeological sites.)	VT
Hoosic River	Rensselaer	Confluence with the Hudson River to Schaghticoke	6	1982		G, O	Geologic- (Segment includes and flows through 200' deep Hoosic River Gorge, significant plateau remnants of the pre-glacial Hoosic delta and a large bedrock island with an	

							<p>lands with an unusual forest cap.)</p> <p>Archeologic-(Corridor includes the 8,000 year old Schaghticoke Indian Site.)</p> <p>Hydrologic-(One of the last remaining, sparsely developed free-flowing river segments in this section.)</p>
Hudson River	Ulster, Columbia, Dutchess	North of Barrytown to south of Malden on Hudson	5	1982		F, H, O	<p>Fish-(Corridor includes significant fish habitat areas at the confluence with Esopus Creek and the Tivoli Bay area.)</p> <p>Hydrologic-(The southernmost remaining free-flowing, sparsely developed segment of the Hudson River.)</p> <p>Historic-(Segment includes the Clermont, the home of Robert Livingston, a National Historic Landmark.)</p>
Hudson River	Greene, Columbia	North of Coxsackie Island to above New Baltimore	5	1982		H, O	<p>Historic-(Segment includes the Stuyvesant Falls Mill District, a National Historic Register Site.)</p> <p>Hydrologic-(One of three remaining sparsely developed, free-flowing Hudson River segments outside of the Adirondack Park.)</p>

Hudson River	Essex, Hamilton, Saratoga, Warren	Congluence with the Sacandaga River to the confluence with the Opalescent	82	1982		S, R, G, O	See Ampersand Brook (Adirondack Province River System) comments.
Hudson River	Greene, Columbia	North of Hudson to south of Coxsackie	4	1982		H, O	Fish-(The stockport Creek area is recognized as a significant fish habitat.) Hydrologic-(One of three remaining sparsely developed, free- flowing Hudson River segments outside of the Adirondack Park.)
Hunger Kill	Albany	Confluence with the Normans Kill to Kydius St.	5	1982			See Normans Kill comments.
Independence River	Lewis	Confluence with the Black River to Pine Grove Rd.	4	1982		G, O	See Black River comments.
Independence River	Lewis, Herkimer	Park Boundary to Little Diamond Pond	20	1982		S, F, W	See Ampersand Brook (Adirondack Province River System) comments.
Indian River	Hamilton, Herkimer	Confluence with the South Branch of the Moose River to Brook Trout Lake	16	1982		O	See Ampersand Brook (Adirondack Province River System) comments.
Indian River	Essex, Hamilton	Confluence with the Hudson River to Indian Lake	8	1982		F	See Ampersand Brook (Adirondack Province River System) comments.
Indian River	Jefferson, Lewis	Antwerp to headwaters	32	1982		G	Geologic- (Segment includes a noted representative

							example of straight, parallel, narrow and steep valley. Within this area, which encompasses the river and Indian Lake, is a striking fault-related lineament. Corridor also includes out-representative examples of drumlins, kames, kame terraces and outwash deposits.)	
Jordan River	St. Lawrence, Franklin	Carry Falls Reservoir to Marsh	21	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.	
Kaikout Kill	Albany	Confluence with the Hunger Kill to the headwaters pond near the City of Albany boundary	2	1982		S, C	Cultural-(River corridor reportedly served as the inspiration for Longfellow to create the famous "Hiwatha".) Scenic-(A wide variety and diversity of unique views and spatial experience related to enclosing slopes, abrupt terraces, cove-like apertures and trough-like structures.)	
Kayaderosseras Creek	Saratoga	One mile north of Ballston Spa to Rock City Falls	7	1982		R	Recreation-(Unique proximity to urban populations in albany and Schenectady. Segment includes a diversity of flow gradients including Class IV rapids.)	

Kinderhook Creek	Columbia, Rensselaer	Confluence with Stockport Creek to NY Rt. 22 bridge.	46	1995		R, F, H	<p>Recreation-Close proximity to Capital District region. Trout fishing throughout upper part of reach; warmwater fishing throughout lower part of reach. Variety of paddling opportunities, ranging from Class I to III within reach.</p> <p>Fish-Significant fish spawning and nursery habitat in lower reaches for fish migrating from Hudson River.</p> <p>Historic-Reach includes the Stuyvesant Falls Mill District, a National Historic Register Site, and the Martin Van Buren Home and Shaker Museum, National Historic Landmarks.</p>	
Kunjamuk River	Hamilton	Confluence with the Sacandaga River to South Pond	20	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.	
Little Hoosic River	Rensselaer	Confluence with the Hoosic River to near Petersburg	6	1982		O	Hydrologic-(One of three remaining sparsely developed, free-flowing rivers in this section.)	
Long Pond Outlet	St. Lawrence	Confluence with the West Branch of the St. Regis River to Long Pond	16	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Mad River	Oswego,	Confluence	9	1982		O	See Salmon	

	Jefferson	with the North Branch to the headwaters near the county boundary					River (segment from Salmon Reservoir to the headwaters of the East Branch) comments.	
Marble River	Franklin	Hatchery to headwaters.	4	1995		O	Other-Principal water supply source for Chateaugay State Fish Hatchery.	
Marion River	Hamilton	Raquette Lake to Utowana Lake	5	1982		H, C	See Ampersand Brook (Adirondack Province River System) comments.	
Mill Creek	Warren	Confluence with the Hudson to Garnet Lake	13	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	
Mohawk River	Oneida	North of Rt. 12 to Stanwix	8	1982		O	Hydrologic-(The last remaining, relatively undeveloped, free-flowing segment of the Mohawk River.)	
Mohawk River	Oneida	Delta Reservoir upstream to confluences of East and West Branches near hamlet of West Branch.	12	1995		H	Hydrologic-One of the last remaining, relatively undeveloped, free-flowing segments of the Mohawk River.	
Mongaup Creek	Sullivan	Fish hatchery to Mongaup Pond; Henry Brook from Mongaup Creek to Hodge Pond.	5	1995		O	Other-Primary water supply source for Catskill State Fish Hatchery.	
Moose Creek	Essex	Confluence with Cold River to Moose Pond	5	1982		O	See Ampersand Brook (Adirondack Province River System) comments.	

Moose River	Lewis, Herkimer	Park Boundary to the confluence with the Middle and South Branches	16	1982		S, R, G	See Ampersand Brook (Adirondack Province River System) comments.
Moose River, Middle Branch	Herkimer	Confluence with the South Branch to the confluence with the North Branch	10	1982		S, R	See Ampersand Brook (Adirondack Province River System) comments.
Moose River, North Branch	Herkimer	Confluence with the Middle Branch to Big Moose Lake	19	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.
Moose River, South Branch	Herkimer	Confluence with the Middle Branch to Little Moose Lake	39	1982		S, O	See Ampersand Brook (Adirondack Province River System) comments.

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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

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- 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. Kuniemuk 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

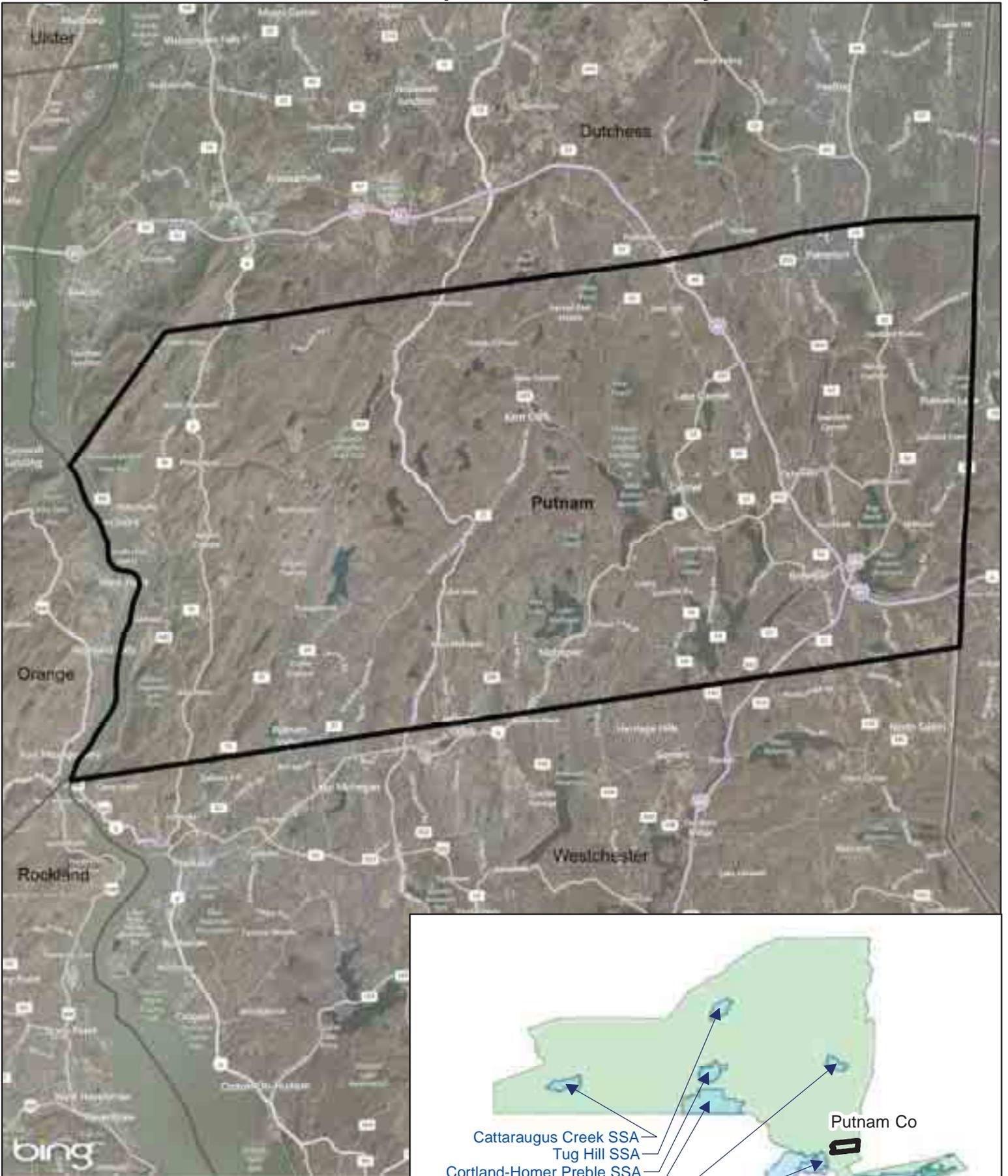
to the point where the river intersects the Adirondack Park boundary.

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 H:

**Putnam County Sole Source Aquifer Map and
Memorandum of Understanding**

Sole Source Aquifers - Putnam County



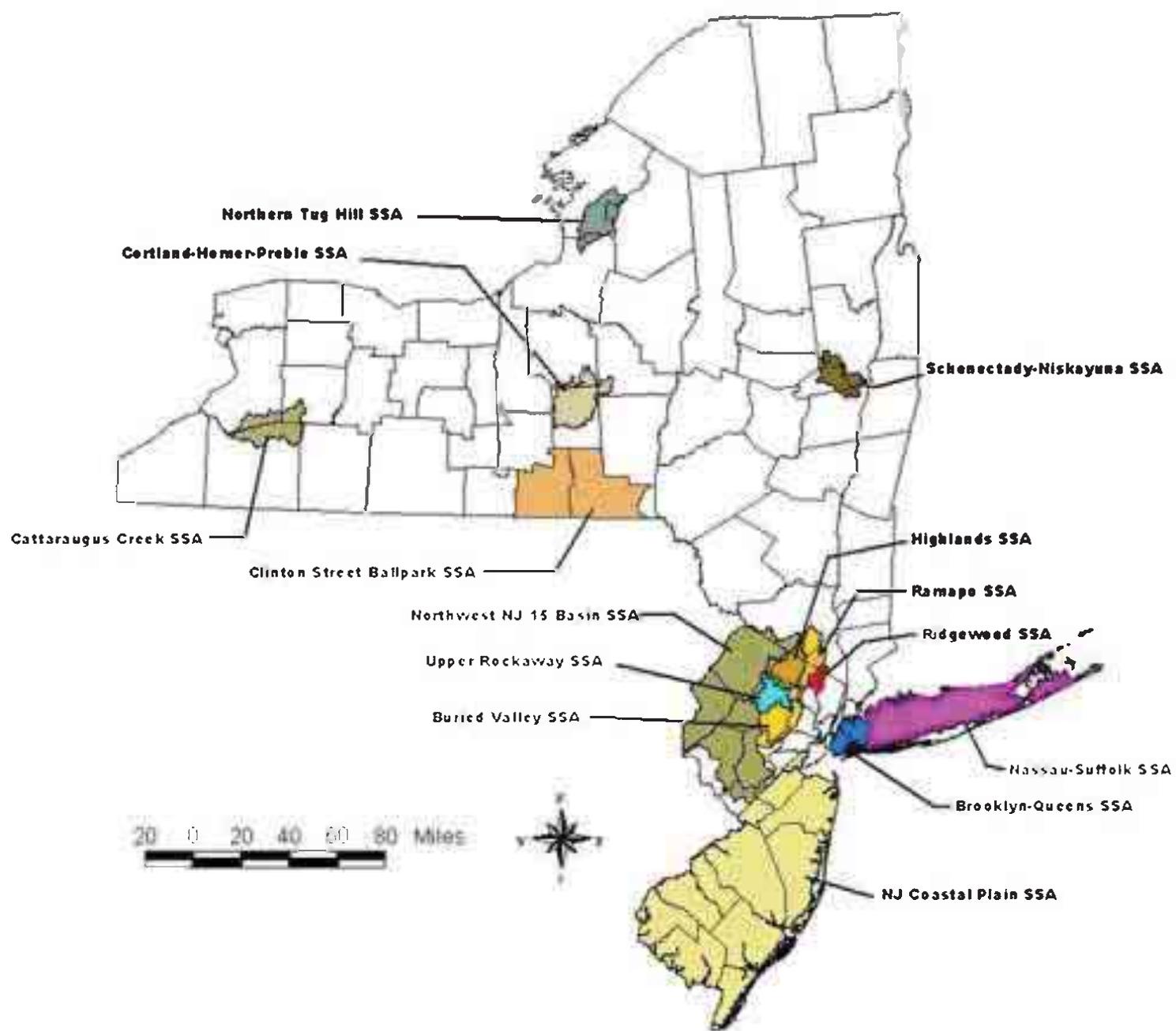
Legend

-  Putnam County
-  Sole Source Aquifers

8

- Cattaraugus Creek SSA
- Tug Hill SSA
- Cortland-Homer Preble SSA
- Clinton Street Ballpark SSA
- Schenectady-Niskayuna SSA
- Ramapo SSA

ProSource
TECHNOLOGIES





OPTIONAL FORM NO. 10

FAX TRANSMITTAL

of pages = 14

To: Jeff Hollman	From: Steve Gault
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.

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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).

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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.

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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

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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

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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.

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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.

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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

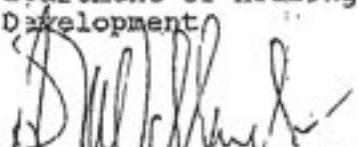
The following representatives will serve as liaisons for HUD and EPA respectively. The liaisons will maintain communication as needed regarding projects/activities affecting the SSAs and this MOU.

HUD: Regional Office Environmental Officer
(212) 264-6793

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

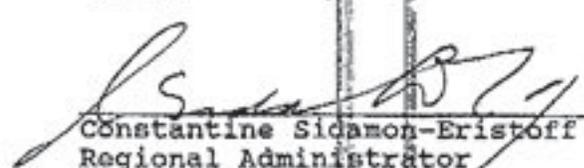
This MOU is subject to revision upon agreement by both parties.

U.S. Department of Housing and
Urban Development


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

Date: AUG 24 1990

U.S. Environmental Protection
Agency


Constantine Sidamon-Eristoff
Regional Administrator

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

YES NO N/A

- 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.]

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

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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:

	<u>YES</u>	<u>NO</u>	<u>N/A</u>
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?

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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.

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.

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.

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>

Project Name:

NY Rising Buyout and Acquisition Program: Putnam County

Project Counties:

Putnam, NY

Project Type:

** Other **

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

There are a total of 4 threatened, endangered, or candidate species, and/or designated critical habitat on your species list. Species on this list are the species that may be affected by 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. Please contact the designated FWS office if you have questions.

Species that may be affected by your project:

Mammals	Status	Species Profile	Contact
---------	--------	-----------------	---------



Natural Resources of Concern

Indiana bat (<i>Myotis sodalis</i>) Population: Entire	Endangered	species info	New York Ecological Services Field Office
New England Cottontail rabbit (<i>Sylvilagus transitionalis</i>)	Candidate	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
Reptiles			
Bog Turtle (<i>Clemmys muhlenbergii</i>) Population: northern	Threatened	species info	New York Ecological Services Field Office

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.).

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



U.S. Fish and Wildlife Service

Natural Resources of Concern

requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

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

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

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.

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 and Conformity with State Implementation Plans

Memo to the File:

Requests for programmatic consultation regarding air quality were sent to the NYS Department of Environmental Conservation (NYSDEC) on August 29, 2013. 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.

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



Environmental and Planning Consultants

Evaluation of de minimis Levels for General Conformity of Construction Projects with New York State Implementation Plans

The conformity requirements of the CAA and regulations promulgated thereunder (conformity requirements) limit the ability of federal agencies to assist, fund, permit, and approve projects in non-attainment areas that do not conform to the applicable SIP. When subject to this regulation, the lead agency is responsible for demonstrating conformity for its proposed action. Conformity determinations for federal actions other than those related to transportation plans, programs, and projects that are developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.) must be made according to the requirements of 40 CFR 93, Subpart B (federal general conformity regulations).

The general conformity regulations apply to those federal actions in non-attainment or maintenance areas where the action’s direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates equal to or exceeding the prescribed rates.

General conformity de minimis threshold levels for the non-attainment and maintenance areas in New York State are presented in **Table 1**.

Table 1
General Conformity Threshold Levels

Non-Attainment Area and Pollutants	Threshold (tons/year)
ozone, other non-attainment areas inside an ozone transport region:	
volatile organic compounds (VOC)	50
nitrogen oxides (NO _x)	100
carbon monoxide (CO), maintenance areas:	
direct emissions	100
inhalable particulate matter (PM ₁₀), nonattainment areas:	
direct emissions	100
fine particulate matter (PM _{2.5}), maintenance areas:	
direct emissions	100
SO ₂	100
Source: 40 CFR § 93.153(b)	
Notes: NO _x and VOCs also limited at 100 tpy in PM _{2.5} maintenance areas, but ozone requirements are stricter.	

The general conformity requirements do not apply to federal actions that:

- Do not satisfy either one of the above conditions (where the action’s direct and indirect emissions have the potential to emit one or more of the six criteria pollutants at rates

Evaluation of De Minimis Levels for General Conformity of Construction Projects with New York State Implementation Plans

equal to or exceeding the threshold levels above within a non-attainment or maintenance area);

- Occur in an attainment area;
- Are related to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601); or
- Qualify for exemptions established at 40 CFR Part 93.153.

The regulation assumes that a proposed federal action whose criteria pollutant emissions have already been included in the local SIP's attainment or maintenance demonstrations conforms to the SIP.

Most construction work would not require a general conformity evaluation, since construction activity in general is included in the SIP estimates, based on past activity levels and assumptions regarding growth in future years. However, there may be projects which are not considered to be included in the SIP if they were beyond the scope of what was anticipated during SIP preparation. If a project is not included in the SIP or there is uncertainty regarding its inclusion, a preliminary evaluation of emissions may be sufficient to demonstrate that the project's emissions would be de minimis under the above general conformity regulations. If that is the case, a detailed conformity analysis and determination would not be required. The following analysis provides a simplified approach to preliminary evaluation, based on construction expenditure.

As a conservative estimate, the analysis below assumes that the emissions intensity per expenditure (tons per dollar) for the project would be similar to the average intensity of the construction sector in the county. This would not be applicable for projects with higher intensity (emissions per dollar) such as large infrastructure projects or intense development projects including substantial excavation and foundations work. Given this and other limitations of this analysis, it is recommended that this approach not be seen as definitive if the results are not clearly de minimis. In such cases, a more refined approach may be needed.

Construction expenditure data is available from the U.S. Census Bureau's 2007 Survey of Business Owners.¹ Since the expenditure data represent firms by their location and not necessarily the location where construction takes place, applying this data at the county level may skew the results in some cases. As a broader estimate, we have categorized the expenditure as 'upstate' and 'downstate', reflecting the higher cost of construction in the downstate area. Downstate counties include Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk, and Westchester. Total construction expenditure in 2007 was approximately 23.1 billion dollars in the upstate area, and 71.8 billion in the downstate area.

Construction emissions by county for the year 2007 were obtained from the New York State Department of Environmental Conservation (NYSDEC).² The fraction each de minimis emissions level represents of total regional emissions was calculated for each pollutant and area (upstate and downstate). The fraction of construction expenditure in each area equivalent to

¹ U.S. Census Bureau. *2007 Survey of Business Owners*, Statistics for All U.S. Firms by Industry, Gender, Ethnicity, and Race for the U.S., States, Metro Areas, Counties, and Places: 2007; SB0700CSA01.

² NYSDEC. 2007 SIP data. (provided by DEC, 2014)

**Evaluation of De Minimis Levels for General Conformity of
Construction Projects with New York State Implementation Plans**

those emission fractions were then calculated, representing de minimis project construction expenditures which would be equivalent to de minimis emissions.

For example, the downstate VOC emissions were 2,401.6 tons per year (tpy), and the relevant de minimis VOC emissions are 50 tpy; therefore—

$$\begin{aligned} \text{de minimis as fraction of total emissions: } & 50 \text{ tpy} \div 2,401.6 \text{ tpy} = 2.08\% \\ \text{de minimis fraction of total expenditure: } & 2.08\% \times \$71.8 \text{ bn} = \mathbf{\$1.5 \text{ bn}} \end{aligned}$$

The total SIP emissions by pollutant and region and the resulting average project expenditure equivalent to de minimis levels are presented in **Table 2**.

**Table 2
Regional SIP Emissions and
de minimis Construction Expenditure**

Pollutant	Region	2007 SIP Emissions (tpy)	De Minimis (tpy)	Average Construction De Minimis Expenditure (million \$)
VOC	Downstate	2,401.6	50	1,496
	Upstate	1,464.3	50	789
NO _x	Downstate	16,332.1	100	440
	Upstate	9,745.2	100	237
CO	Downstate	17,522.1	100	410
	Upstate	11,746.2	100	197
PM ₁₀	Downstate	1,489.6	100	4,823
PM _{2.5}	Downstate	1,442.3	100	4,981
SO ₂	Downstate	1,251.9	100	5,738
Notes:	Only relevant pollutants by area are presented; see Table 3 for details.			

Based on the above analysis, projects with projected construction expenditure substantially lower than the average construction de minimis expenditure would clearly not exceed de minimis emissions levels for general conformity purposes. **Table 3** identifies the minimum de minimis expenditure threshold in each county, based on the lowest level for all nonattainment or attainment maintenance areas within which the county is located. For example, New York County is in 4 nonattainment/maintenance areas; of all the pollutants relevant to those areas, the CO de minimis emissions have the lowest corresponding construction expenditure of 410 million dollars. Standard construction projects in Manhattan with construction expenditure substantially lower than 410 million dollars in New York County would not exceed the de minimis level for any of the relevant pollutants and would not require any further analysis or conformity determination. For projects with components in more than one county, use the lowest threshold for all counties (if that exceeds de minimis levels, this can be refined by reviewing all appropriate pollutants based on the nonattainment/maintenance areas identified in **Table 3**, the appropriate pollutant for the area type from **Table 1**, and the de minimis expenditure for each pollutant from **Table 2**).

Evaluation of De Minimis Levels for General Conformity of
Construction Projects with New York State Implementation Plans

Table 3
De Minimis Construction Expenditure Threshold by County

County	Nonattainment / Maintenance Area				Critical Pollutant	De Minimis Expenditure Threshold (million \$)
	Ozone	CO	PM _{2.5}	PM ₁₀		
Upstate:						
Albany	√				NO _x	237
Erie	√				NO _x	237
Genesee	√				NO _x	237
Greene	√				NO _x	237
Livingston	√				NO _x	237
Monroe	√				NO _x	237
Montgomery	√				NO _x	237
Niagara	√				NO _x	237
Onondaga		√			CO	197
Ontario	√				NO _x	237
Orleans	√				NO _x	237
Rensselaer	√				NO _x	237
Saratoga	√				NO _x	237
Schenectady	√				NO _x	237
Schoharie	√				NO _x	237
Wayne	√				NO _x	237
Downstate:						
Bronx	√	√	√		CO	410
Dutchess	√				NO _x	440
Kings	√	√	√		CO	410
Nassau	√	√	√		CO	410
New York	√	√	√	√	CO	410
Orange	√		√		NO _x	440
Putnam	√				NO _x	440
Queens	√	√	√		CO	410
Richmond	√	√	√		CO	410
Rockland	√		√		NO _x	440
Suffolk	√		√		NO _x	440
Westchester	√	√	√		CO	410

*

Appendix L:

**NYSDOS Coastal Consistency Consultation
and NYS Coastal Assessment Form**



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.

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.

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

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Coastal Assessment Form

A. INSTRUCTIONS (Please print or type all answers)

1. State agencies shall complete this CAF for proposed actions which are subject to Part 600 of Title 19 of the NYCRR. This assessment is intended to supplement other information used by a state agency in making a determination of significance pursuant to the State Environmental Quality Review Act (see 6 NYCRR, Part 617). If it is determined that a proposed action will not have a significant effect on the environment, this assessment is intended to assist a state agency in complying with the certification requirements of 19 NYCRR Section 600.4.
2. If any question in Section C on this form is answered "yes," then the proposed action may affect the achievement of the coastal policies contained in Article 42 of the Executive Law. Thus, the action should be analyzed in more detail and, if necessary, modified prior to either (a) making a certification of consistency pursuant to 19 NYCRR Part 600 or, (b) making the findings required under SEQR, 6 NYCRR, Section 617.11, if the action is one for which an environmental impact statement is being prepared. If an action cannot be certified as consistent with the coastal policies, it shall not be undertaken.
3. Before answering the questions in Section C, the preparer of this form should review the coastal policies contained in 19 NYCRR Section 600.5. A proposed action should be evaluated as to its significant beneficial and adverse effects upon the coastal area.

B. DESCRIPTION OF PROPOSED ACTION

1. Type of state agency action (check appropriate response):

- (a) Directly undertaken (e.g. capital construction, planning activity, agency regulation, land transaction)
- (b) Financial assistance (e.g. grant, loan, subsidy)
- (c) Permit, license, certification

2. Describe nature and extent of action:

The NY Rising Buyout and Acquisition Program is designed to purchase one- to two- (1-2) 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.

3. Location of action:

**Bronx, Kings, New York, Orange, Putnam,
Richmond, Rockland, Sullivan, Ulster, and
Westchester**

County

NA

City, Town or Village

NA

Street or Site Description

4. If an application for the proposed action has been filed with the state agency, the following information shall be provided:

- (a) Name of applicant: **NA**
- (b) Mailing address: **NA**
- (c) Telephone Number: Area Code **NA**
- (d) State agency application number: **NA**

5. Will the action be directly undertaken, require funding, or approval by a federal agency?

Yes **X** No

If yes, which federal agency?

**Housing and Urban Development
(HUD)**

C. COASTAL ASSESSMENT (Check either "YES" or "NO" for each of the following questions)

	<u>YES</u>	<u>NO</u>
1. Will the proposed activity be <u>located</u> in, or contiguous to, or have a <u>significant effect</u> upon any of the resource areas identified on the coastal area map:		
(a) Significant fish or wildlife habitats?	<u>X</u>	_____
(b) Scenic resources of statewide significance?	<u>X</u>	_____
(c) Important agricultural lands?	<u>X</u>	_____
2. Will the proposed activity have a <u>significant effect</u> upon:		
(a) Commercial or recreational use of fish and wildlife resources?	_____	<u>X</u>
(b) Scenic quality of the coastal environment?	_____	<u>X</u>
(c) Development of future, or existing water dependent uses?	_____	<u>X</u>
(d) Operation of the State's major ports?	_____	<u>X</u>
(e) Land and water uses within the State's small harbors?	_____	<u>X</u>
(f) Existing or potential public recreation opportunities?	_____	<u>X</u>
(g) Structures, sites or districts of historic, archeological or cultural significance to the State or nation?	_____	<u>X</u>
3. Will the proposed activity <u>involve</u> or <u>result in</u> any of the following:		
(a) Physical alteration of two (2) acres or more of land along the shoreline, land under water or coastal waters?	<u>X</u>	_____
(b) Physical alteration of five (5) acres or more of land located elsewhere in the coastal area?	<u>X</u>	_____
(c) Expansion of existing public services of infrastructure in undeveloped or low density areas of the coastal area?	_____	<u>X</u>
(d) Energy facility not subject to Article VII or VIII of the Public Service Law?	_____	<u>X</u>
(e) Mining, excavation, filling or dredging in coastal waters?	_____	<u>X</u>
(f) Reduction of existing or potential public access to or along the shore?	_____	<u>X</u>
(g) Sale or change in use of state-owned lands located on the shoreline or under water?	_____	<u>X</u>
(h) Development within a designated flood or erosion hazard area?	<u>X</u>	_____
(i) Development on a beach, dune, barrier island or other natural feature that provides protection against flooding or erosion?	_____	_____
4. Will the proposed action be <u>located</u> in or have a <u>significant effect</u> upon an area included in an approved Local Waterfront Revitalization Program?	<u>X</u>	_____

D. SUBMISSION REQUIREMENTS

If any question in Section C is answered "Yes", AND either of the following two conditions is met:

Section B.1(a) or B.1(b) is checked; or
 Section B.1(c) is checked AND B.5 is answered "Yes",

THEN one copy of the Completed Coastal Assessment Form shall be submitted to:

New York State Department of State
 Office of Coastal, Local Government and Community Sustainability
 One Commerce Plaza
 99 Washington Avenue, Suite 1010
 Albany, New York 12231-0001

If assistance of further information is needed to complete this form, please call the Department of State at (518) 474-6000.

E. REMARKS OR ADDITIONAL INFORMATION

This Coastal Assessment Form is being prepared as part of a Tier 1 Programmatic Environmental Review (PEA) to evaluate the potential environmental impacts of the NY Rising Buyout and Acquisition Program. This program was established 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 U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) funding. 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 that were affected by Superstorm Sandy, Hurricane Irene, and/or Tropical Storm Lee, 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.”

Under the Buyout program, 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.

Under the Acquisition program, 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.

The geographic scope for the NY Rising Buyout and Acquisition Program is the jurisdictional area of Bronx, Kings, New York, Orange, Putnam, Richmond, Rockland, Sullivan, Ulster, and Westchester Counties. Some municipalities within these counties have Local Waterfront Revitalization Plans (LWRPs). An individual project’s compliance with a municipality’s LWRP will be evaluated during the Tier 2 review process. The actual property addresses will not be verified until applications for assistance are reviewed and determined eligible for the program.

The NY Rising Buyout and Acquisition Program is considered essential to recovering the storm damaged counties’ overall vitality. This program 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.

An analysis of the consistency of the NY Rising Buyout and Acquisition Program with NYS Coastal Policies is provided in Attachment A.

Preparer's Name: **Thomas J. King**



(Print)

(Sign)

Title: **Certifying Officer**

Agency: **NYS Homes and Community Renewal,
Governor’s Office of Storm Recovery**

Telephone Number: **(518) 486-7512**

Date: **July 31, 2014**

Attachment A

New York State Coastal Policy Consistency Analysis

New York State Coastal Policies	NY Rising Buyout and Acquisition Program Consistency
DEVELOPMENT POLICIES	
Policy 1	
Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other compatible uses.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new residential, commercial, industrial, cultural or recreational development is proposed in deteriorated or underutilized waterfront areas. To the extent that these areas are subject to repeated storm damage, the properties would be reestablished with a more compatible use. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 2	
Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new residential development or any commercial development is proposed adjacent to coastal waters. As such, the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 3	
Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new residential development or any commercial development is proposed in the specified locations. As such, the policy is not applicable.
Policy 4	
Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. This Program would not affect the economic base of smaller harbor areas. As such, the policy is not applicable.
Policy 5	
Encourage the location of development in areas where public services and facilities essential to such development are adequate.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new development activities are proposed. As such, the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.

<p>Policy 6</p> <p>Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.</p>	<p>The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new development activities are proposed. As such, the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.</p>
<p>FISH AND WILDLIFE POLICIES</p>	
<p>Policy 7</p> <p>Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats.</p>	<p>The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Since the buyout program would restore properties to their natural state, the proposed action is likely to have a positive effect on fish and wildlife habitats. The acquisition program, which would stabilize the properties, is not likely to alter any of the biological, physical or chemical parameters beyond the tolerance range of the organisms occupying the fish and wildlife habitats, or otherwise significantly impair or destroy the viability of the habitat. Therefore, the program is consistent with Policy 7.</p>
<p>Policy 8</p> <p>Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.</p>	<p>The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The proposed action would not generate any hazardous wastes or other pollutants. Therefore, the program is consistent with Policy 8. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.</p>
<p>Policy 9</p> <p>Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.</p>	<p>The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new development activities that would contribute to the expansion of recreational use of fish and wildlife resources in coastal areas are proposed. As such, the policy is not applicable.</p>
<p>Policy 10</p> <p>Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, maintaining adequate stocks, and expanding aquaculture facilities.</p>	<p>The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No development of commercial fishing facilities is proposed under this program. As such, the policy is not applicable.</p>

FLOODING AND EROSION HAZARDS POLICIES	
Policy 11 Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage, and thus would minimize potential damage to property and the endangering of human lives caused by flooding and erosion. As such, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 12 Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage, and thus would minimize potential damage to property. Under the Buyout Program properties would be restored to their natural state, which would have a positive effect on natural protective features. As such, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 13 The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. This program will not construct or reconstruct any erosion protection structures and therefore the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 14 Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No development activities are proposed and no construction or reconstruction of erosion protection structures shall be undertaken under this program. As such, the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 15 Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. These activities will not include any mining, excavation or dredging in coastal waters and are not anticipated to significantly interfere with the natural coastal processes. As such, the policy is not applicable.

Policy 16	
Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No erosion protective structures are proposed under this program; therefore this policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 17	
Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Under the Buyout program, properties would be restored to their natural state, thus minimizing potential damage to natural resources and property from flooding and erosion. Therefore, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
GENERAL POLICY	
Policy 18	
To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The proposed action would not significantly impair valuable coastal waters or resources, or otherwise frustrate the achievement of the purposes of the safeguards the State has established to protect those waters and resources. By reducing the number of residents in harm's way in the high flood risk areas and allowing the properties to be part of the communities' efforts to increase resiliency to future storms, the proposed action would help safeguard the vital economic, social and environmental interests of the state and its citizens. As such, the proposed action is consistent with Policy 18.
PUBLIC ACCESS POLICIES	
Policy 19	
Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Under the Buyout Program, properties would be restored to their natural state, and some of these may be made publically accessible. As such, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 20	
Access to the publicly-owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly-owned shall be provided and it shall be provided in a manner compatible with adjoining uses.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Through this program, some properties that are currently privately owned would be made publically available following restoration. As such, the Proposed Action is consistent with this policy.

RECREATION POLICIES	
Policy 21	
Water-dependent and water-enhanced recreation will be encouraged and facilitated, and will be given priority over non-water-related used along the coast.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Under the Buyout Program, properties would be restored to their natural state, and some of these may be made publically accessible for recreation. As such, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 22	
Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Under the Buyout Program, properties would be restored to their natural state, and some of these may be made publically accessible for recreation. As such, the Proposed Action is consistent with this policy. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
HISTORIC AND SCENIC RESOURCES POLICIES	
Policy 23	
Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. It is possible that some of the residential structures may be of significance in the history, architecture, archaeology or culture of the state, its communities, or the nation. As such, the NY Rising Buyout and Acquisition Program requires that all activities 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 Officer, 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 would take reasonable measures to avoid or minimize harm to the finds. All archeological findings would be secured and access to the sensitive area restricted. HCR would consult with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), and Tribes, and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the initiative is in compliance with the NHPA. Therefore, the proposed action is consistent with Policy 23. In addition, any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.

Policy 24	
Prevent impairment of scenic resources of statewide significance.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No development activities are proposed that could impair scenic resources of statewide significance. As such, the policy is not applicable. Any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 25	
Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No development activities are proposed. However, by allowing properties to be maintained as coastal buffer zones or other non-residential/commercial uses, this Program will help protect, restore and enhance natural resources and therefore contribute to the overall scenic quality of the coastal area. As such, the proposed action is consistent with Policy 25. Furthermore, any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
AGRICULTURAL LANDS POLICY	
Policy 26	
Conserve and protect agricultural lands in the state's coastal area.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new residential development or any commercial development is proposed on agricultural lands. As such, the policy is not applicable.
ENERGY AND ICE MANAGEMENT POLICIES	
Policy 27	
Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No energy facilities are proposed. As such, the policy is not applicable.
Policy 28	
Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The program does not involve any change to ice management practices. As such, the policy is not applicable.
Policy 29	
Encourage the development of energy resources on the outer continental shelf, in Lake Erie and in other water bodies, and ensure the environmental safety of such activities.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve any energy resources on the outer continental shelf, in Lake Erie and in other water bodies. As such, the policy is not applicable.

WATER AND AIR RESOURCES POLICIES	
Policy 30	
Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve any municipal, industrial, and commercial discharge of pollutants. As such, the policy is not applicable.
Policy 31	
State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve any changes to coastal water classifications or water quality standards. As such, the policy is not applicable.
Policy 32	
Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. This program does not involve any changes to sanitary waste systems. As such, the policy is not applicable.
Policy 33	
Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. No new residential development or any commercial development is proposed. This program will not involve the control of stormwater runoff and combined sewer overflows. Therefore, Policy 33 is not applicable. Furthermore, any future development under the Acquisition Program would be evaluated on a project by project basis for consistency with NYS Coastal Policies.
Policy 34	
Discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve any discharge of waste materials into coastal waters from vessels. As such, the policy is not applicable.
Policy 35	
Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing State permit requirements, and protects significant fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve dredging and filling in coastal waters, nor the disposal of dredged material. As such, the policy is not applicable.
Policy 36	
Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve activities related to the shipment and storage of petroleum and other hazardous materials. As such, the policy is not applicable.

Policy 37	
Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not include activities that will lead to non-point discharge of excess nutrients, organics, and eroded soils into coastal waters. As such, the policy is not applicable.
Policy 38	
The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. Under this Program, all sites would be evaluated for the need to comply with stormwater permitting requirements, including NYSDEC general permits or local Municipal Separate Storm Sewer Systems (MS4) permits. If multiple adjacent sites are involved, the sites would be aggregated for construction stormwater compliance. As such, the proposed action is consistent with Policy 38.
Policy 39	
The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve the transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas. As such, the policy is not applicable.
Policy 40	
Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve effluent discharged from major steam electric generating and industrial facilities into coastal waters. As such, the policy is not applicable.
Policy 41	
Land use or development in the coastal area will not cause national or state air quality standards to be violated.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program will not cause national or state air quality standards to be violated. As such, the proposed action is consistent with this policy.
Policy 42	
Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program does not involve the reclassification of land area. As such, the policy is not applicable.

Policy 43	
Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program will not cause the generation of significant amounts of acid rain precursors. As such, the policy is not applicable.
WETLANDS POLICY	
Policy 44	
Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.	The NY Rising Buyout and Acquisition Program will fund the purchase of storm-damaged one to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The Program would not alter tidal or freshwater wetlands, and under the Buyout Program coastal areas would be restored to their natural state. As such, the proposed action is consistent with this policy.
Sources: State Coastal Policies, New York State Department of State Coastal Management Program. http://www.dos.ny.gov/opd/programs/pdfs/CoastalPolicies.pdf	

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,

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
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

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

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 and is positioned above a light blue rectangular stamp.

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.

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.

- 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.

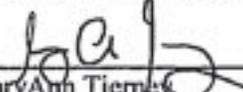
E. Execution and Implementation

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,
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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

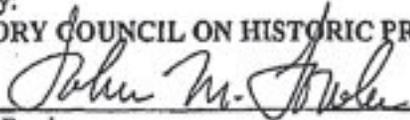
New York Deputy Commissioner/New York Deputy State Historic Preservation Officer

PROGRAMMATIC AGREEMENT AMONG
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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
Executive Director

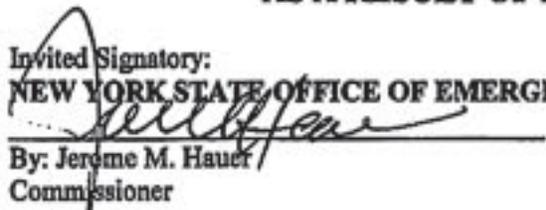
Date:

5/10/13

**PROGRAMMATIC AGREEMENT AMONG
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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:

NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT


By: Jerome M. Hauer
Commissioner

Date: 9/1/13

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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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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AS A RESULT OF HURRICANE SANDY**

Invited Signatory:
THE DELAWARE NATION

By: _____ Date: _____
Paula Pechonick
Chief

**PROGRAMMATIC AGREEMENT AMONG
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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

_____ Date: _____
By: [name]
[title]

_____ Date: _____
By: [name]
[title]

**PROGRAMMATIC AGREEMENT AMONG
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AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:

THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

By: Robert Chicks
President of Tribal Council

Date: _____

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
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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

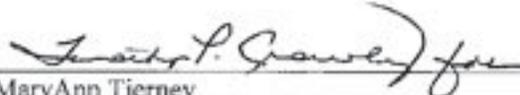
WHEREAS, NYS HCR will ensure that staff who meet the Secretary's Professional Qualification Standard will review Tier II projects and will provide resumes of such staff to the signatories to this Addendum;

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.

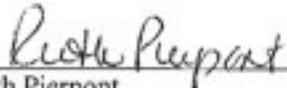
EXECUTION AND IMPLEMENTATION of this Addendum to the Agreement evidences that New York State Homes and Community Renewal (NYS HCR) has taken into account the effects of its undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement, NYS HCR 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:

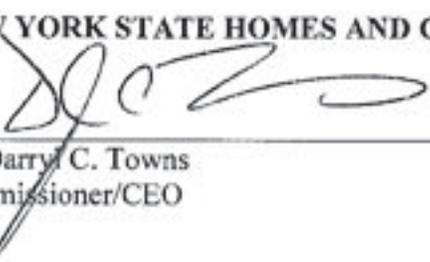
FEDERAL EMERGENCY MANAGEMENT AGENCY

By:  Date: 7/25/13
By MaryAnn Tierney
Acting Regional Administrator, Region II

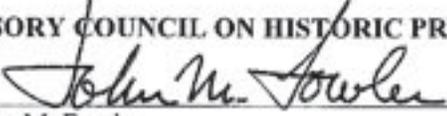
NEW YORK STATE HISTORIC PRESERVATION OFFICER

By:  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:  Date: _____
By: Darryl C. Towns
Commissioner/CEO

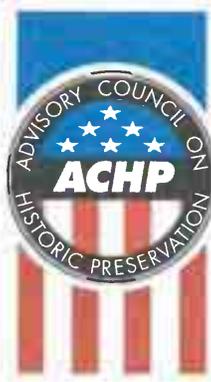
ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  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*

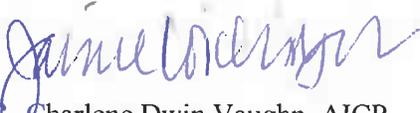
Dear Mr. Nelson:

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



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
55 Great Republic Drive
Gloucester, MA 01930-2276

APR 16 2014

Heather M. Spitzberg
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 112207

Re: CDBG-DR Programmatic Consultation

Dear Ms. Spitzberg,

We received your letter dated April 1, 2014 regarding the program update and introduction of the NY Rising and NYC Build It Back Acquisition for Redevelopment Program. 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 Endangered Species Act (ESA) listed species under National Marine Fisheries Service (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 for the NY Rising and NYC Build It Back Acquisition for Redevelopment Program, no further coordination regarding endangered species is necessary. Additionally, no consultation or coordination pursuant to the Fish and Wildlife Protection Act or the Essential Fish Habitat provisions of the Magnuson-Stevens Act regarding impacts is necessary.

Your letter also requests documentation that programmatic consultation with us is underway for the NY Rising and NYC Build It Back Acquisition for Redevelopment Program and that guidance will be received for the process to be followed for Section 7 and EFH compliance at the site-specific Tier 2 review. Please note that the guidance provided to you on March 14, 2014 was intended for your use during the site-specific Tier 2 review process for the NY Rising Program. While the NYC Build It Back Acquisition for Redevelopment Program does not appear to involve any work in waterways (e.g. through pile driving, dredging, disposal), the guidance provided on March 14 could also be used by you to determine if additional coordination or consultation would be required for any of the projects being considered. The guidance provided for endangered species requires that the lead action agency, or their designated non-Federal representative, determine if a proposed action may affect a listed species. The agency should use the information on these listed species, including distribution maps, that



is available on our website (<http://www.nero.noaa.gov/protected/section7/listing/index.html>). If you determine that listed species will not be exposed to any effects of a proposed activity, no additional coordination with us is necessary. For any activities that may affect a listed species, section 7 consultation is required.

As noted in the March 14 letter, we expect the projects that will require additional coordination would be any that result in negative impacts to submerged aquatic vegetation (SAV), shellfish resources or involve use of an impact hammer. Impacts to species such as the sea turtles and sturgeon in shallow waters adjacent to the shoreline are more likely from farfield effects such as increased turbidity (due to sediment disturbance) and noise. Measures that can be implemented to minimize the potential exposure of these species to these stressors include the use of turbidity or silt curtains, construction at low tide when water is absent from the area, and use of noise mitigating machinery (such as vibratory pile drivers). Avoidance of the May-October time period would also reduce the likelihood of impacts to listed species.

Essential Fish Habitat

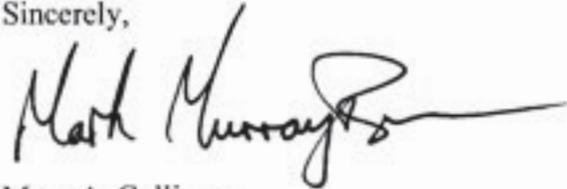
EFH has been designated within the proposed project area by the New England and Mid-Atlantic Fishery Management Councils. Additional information on EFH designations and the EFH consultation process can be found at <http://www.nero.noaa.gov/habitat/#>. Programs occurring along the shoreline and adjacent to nearshore coastal waters will likely require federal authorizations by the US Army Corps of Engineers (ACOE) pursuant to Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, potentially through the Nationwide permit program. One aspect of the conditions for these authorizations is to identify and implement measures which would avoid and minimize adverse effects to EFH and other trust resources, therefore avoiding the need for additional consultation with us. In order to avoid and minimize impacts to EFH, we encourage you to design any shoreline structures in accordance with these regional conditions. Activities that do not meet these regional conditions will require additional EFH consultation with our office.

Conclusion

This guidance applies to all present and potential projects under both the state NY Rising Recovery Program and the NYC Build It Back Program, including bulkhead repair activities, housing rehabilitation for homes of all sizes, reimbursement for costs incurred, demolition, redevelopment activities, economic development, and infrastructure activities, and will assist us in determining if additional consultation is necessary.

We look forward to continuing to work with you on your CDBG-DR Programs. Should you have any questions regarding the ESA comments, please contact Julie Crocker in our Protected Resources Division (978-282-8480 or Julie.Crocker@noaa.gov). For questions regarding EFH, please contact Christopher Boelke at 978-281-9131 or Christopher.boelke@noaa.gov

Sincerely,



Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

EC: Crocker, Murray-Brown – F/NER3
Boelke – F/NER4
Steffen – ProSource Technologies LLC



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

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

August 26, 2013

HOUSING
TRUST FUND
CORPORATION

Ms. Patricia Cole
Deputy Field Supervisor
New York Field Office
U.S. Fish and Wildlife Service
3817 Luker Road
Cortland, New York 13045

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

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 and is positioned above the typed name and title.

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.

FEDERAL ENDANGERED AND THREATENED SPECIES KNOWN TO OCCUR IN STORM-AFFECTED COUNTIES

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.*

Appendix R:

**Putnam 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

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AFFORDABLE HOUSING
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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

Putnam County, NY
Effective Date: October 14, 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**

**Putnam County, NY
Effective Date: October 14, 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 Putnam 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 Putnam 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 Putnam 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 Putnam County. An approximate total of 13,800 acres of floodplain, including surface waters, is mapped within the county boundary and an approximate total of 2,900 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 Putnam 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 Putnam 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

At this time, not all of the exact locations of the program properties that will participate are specified. There are approximately 13,800 acres of floodplains within the Action Plan Activity area.

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 Putnam County. The Action Plan will fund activities necessary for purchase, demolition, and other mitigation activities within the disturbed area of the previously developed parcel.

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 Daily News on September 13, 2013. The 15-day period expired on September 30, 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 13, 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 Putnam County and the towns and villages within Putnam County. (See **EXHIBIT 1** for the notice and proof of publication.)

HCR received one (1) public comment on this notice. The comment was related to buyout locations. 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 have been 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 damaged 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 Putnam 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 have been 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 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 3, 2013. The 7-day period expired on October 10, 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 17, 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 Putnam County and the towns and villages within Putnam County. (See **EXHIBIT 2** for the notice and proof of publication.) The notice describes 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 comment 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 13, 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 Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam 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. 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.

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. Please include "Putnam County Floodplain Work Comments" in the subject line. 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 **Monday, September 30, 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

STATE OF NEW JERSEY
COUNTY OF HUDSON

**EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN**

September 13, 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 Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam 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. 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.

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. Please include "Putnam County Floodplain Work Comments" in the subject line. 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 Monday, September 30, 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

ROBERTA LATIMORE being duly sworn, says that she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

LEGAL / PUBLIC NOTICES of the
City North Edition

On SEPT 13, 2013



(Representative's signature)

Authorized Designee of Daily News, L.P.,
Publisher of the Daily News

SWORN TO AND SUBSCRIBED
BEFORE ME THIS DATE

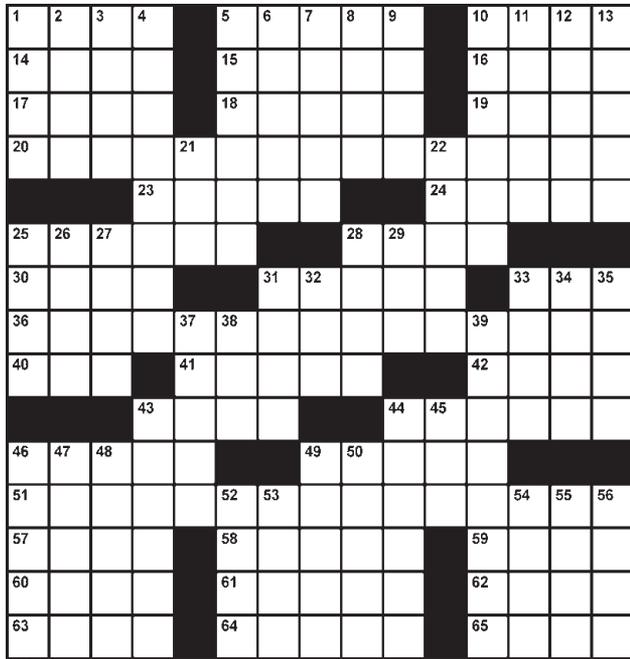
SEP 13 2013

JEANNETTE CALLE
Notary Public of New Jersey
My Commission Expires 9/17/2014



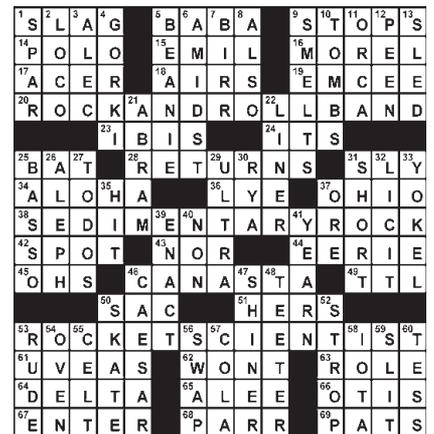


CROSSWORDII



- 19 Firecracker sound
 20 Home remodeler's test purchase, perhaps
 23 Entirely
 24 Contest hopeful
 25 Spanish wine
 28 Easily pushed around
 30 Frilly fabric
 31 Upper regions of space, poetically
 33 Act like a thirsty cat
 36 End of a threat
 40 Shogun's Tokyo transportation station
 42 "___ the Sons" (Gay Talese best-seller)
 43 Very small
 44 Ra, to some
 46 Jennifer, in "Dreamgirls"
 49 Mexican eatery staple
 51 Make round, as dough
- 57 Fleshseed cover
 58 Get your nose into someone's business
 59 Collection of miscellany
 60 Fill to excess
 61 Paving block
 62 Descriptions on product boxes
 63 Checked out visually
 64 Gift bags from pledged drives
 65 Racetrack tipster
- 8 "___ be a pleasure!"
 9 Ringing of bells
 10 Protect from floods
 11 Made a vault
 12 One-___ (brief joke)
 13 Outraged
 21 Sharer's word
 22 Birthstone in a shell
 25 Plum-like fruit
 26 Like a Saturday crossword
 27 Rebounded sound
 28 Lightest amount
 29 Amazonian underwater shocker
 31 See from afar
 32 Seesaw quorum
 33 Reaching into the past, as a memory
 34 Like some singing voices
 35 Proceed slowly but surely
 37 Fond farewell
- 38 Place to hibernate
 39 Quick, open-topped automobile
 43 Used a hoe
 44 Isn't on the level
 45 Dos Passos trilogy
 46 Backspace through
 47 Sudden invasion
 48 Top-___ golf balls
- 49 Treat with haughty disdain
 50 Make amends (for)
 52 Hissed "Over here!"
 53 A fan of
 54 By the same token
 55 In ___ of (rather than)
 56 Hopelessly confused

Thursday's Puzzle Solv ed



- ACROSS**
 1 Fully stretched
 5 Follower of Las Vegas New York
 10* The First Lady of Song" Fitzgerald
 14 Knight in shining armor
 15 Ragged mountain ridge
 16 Chow ___ (Chinese dish)
 17 Verbal
 18 When repeated, a Washington state city
 19 Jennifer, in "Dreamgirls"
 21 Mexican eatery staple
 25 Make round, as dough

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NOTICES

Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

September 13, 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 New York County, New York.

There are approximately 2,200 acres of floodplain in New York 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. 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.

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@nyschr.org. Please include "New York County Floodplain Work Comments" in the subject line. 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 Monday, September 30, 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.nyschr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

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Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

September 13, 2013:
 To: All Interested Agencies, Groups & Individuals

This is to give notice that the New York State Homes and Community Renewal (HCR) has conducted an evaluation as required by Executive Order 11988, in accordance with HUD regulations at 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) Greene County Housing Assistance Program under Title I of the Housing and Community Development Act of 1974 (PL 93-383). In accordance with the regulations, a Floodplain Management Area-wide Compliance Document has been prepared for the CDBG-DR Housing Assistance Program for rehabilitation, reimbursement, and mitigation of 1-4 Unit Family Homes in Greene County.

New York State has been allocated \$1.7 Billion of CDBG-DR funds for acquisition, reconstruction, reimbursement, 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 renovation of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to the renovation of over 860 damaged homes in Greene County, New York including over 860 homes damaged by Hurricane Irene. It is HCR's expectation that with additional unmet needs assessment the number of housing units in this and other areas to be assisted additional funding will increase. Additional areas will be the subject of additional notices, as needs arise.

There are approximately 21,700 acres of floodplain in Greene County. The floodplains in the state are depicted on two maps: the advisory mapping developed by FEMA, which can be viewed by selecting "FEMA's Interactive ABFE Map" link of www.region2coastal.com/sency/abfe and the FEMA Base Flood Elevation Map link of www.msc.fema.gov.

Homeowners whose property sustained substantial damage will be issued grant awards. These awards will assist in the rehabilitation of damaged homes and reimbursement of prior and ongoing repairs. In order to receive a grant award, the damaged home must be elevated. The height of elevations will be based on current building ordinances and estimated 100 year flood data.

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@nyschr.org. Please include "Greene County Floodplain Work Comments" in the subject line. 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 Monday, September 30, 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.nyschr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

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Legal Notices

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

September 13, 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 Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam 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. 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.

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@nyschr.org. Please include "Putnam County Floodplain Work Comments" in the subject line. 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 Monday, September 30, 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.nyschr.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@nyschr.org

EXHIBIT 2

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN

October 3, 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 Ulster County, New York.

There are approximately 35,200 acres of floodplain in Ulster 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. 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.

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. Please include "Ulster 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 **Thursday, October 10, 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

STATE OF NEW JERSEY
COUNTY OF HUDSON

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN

October 3, 2013:

To: All Interested Agencies, Groups, & Individuals

This is to give notice that New York State Homes and Community Renewal (NYSR) has conducted an evaluation as required by Executive Order 1988 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 coming into the buyout and acquisition plan in Putnam County, New York.

There are approximately 13,800 acres of floodplain in Putnam County. The floodplains in the state are depicted on the FEMA State 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. 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.

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 of NYS-CDBG_DR_ER@nysr.org. Please include "Putnam County Floodplain Work Comments" in the subject line. Written comments may also be received by HCR at the following address: Attention: Amy Zamerick, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hamaton Plaza, Albany, NY 12207. Comments may be received by telephone at (518) 473-4322. All comments must be received or postmarked on or before Thursday, October 16, 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, Hamaton Plaza, Albany, NY 12207 or at <http://www.nysr.org/Programs/NYS-HCR-CDBG-DR/nyrcdmnmta131013a>. 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 9am-4pm. Or, go to www.nyandrelief.ny.gov.

Amy Zamerick, Certifying Officer
New York State Homes & Community Renewal
Hamaton Plaza
38-40 State Street
Albany, NY 12207
(518) 473-4322
NYS-CDBG_DR_ER@nysr.org

ROBERTA LATIMORE being duly sworn, says that she is a principal clerk and a duly authorized designee of Daily News, L.P., publisher of the 'DAILY NEWS,' a daily and Sunday newspaper published in the City of New York and that the notice, of which the annexed is a copy, was published in said newspaper and online within the section of:

LEGAL / PUBLIC NOTICES of the
City North Edition

On Oct. 3, 2013

Roberta Latimore

(Representative's signature)

Authorized Designee of Daily News, L.P.,
Publisher of the Daily News

SWORN TO AND SUBSCRIBED
BEFORE ME THIS DATE

OCT 03 2013

JEANNETTE CALLE
Notary Public of New Jersey
My Commission Expires 9/17/2014

Calle

EXHIBIT 3

Public Comments Received and HCR Response

COMMENT 1: Will any enhanced buyouts be occurring in the Village of Cold Spring?

RESPONSE: No enhanced buyouts are being planned for the Village of Cold Spring, NY at this time. For more information on this and other New York State Disaster Relief programs, please call the Recovery Hotline at 1-855-NYS-SANDY, Monday-Friday 8am-8pm, or visit the website at www.nysandyhelp.ny.gov.

Appendix S:

**Combined Finding of No Significant Impact and
Notice of Intent to Request Release of Funds
(FONSI/NOIRROF)**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



November 24, 2014

MEMORANDUM

RE: COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF) RECREATE NY HOME BUYOUT AND ACQUISITION PROGRAM: PUTNAM COUNTY, NY BY NEW YORK STATE HOUSING TRUST FUND CORPORATION

New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(646) 417-4660

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: Thomas J. King, Esq.

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) would 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 federally-declared disaster. 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 Buyout and Acquisition Program for Putnam County.

The activities associated with the Recreate NY Home Buyout and Acquisition Program for Putnam County described herein will provide financial assistance to homeowners whose residences were substantially damaged by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. The Recreate NY Home Program activities to be funded by CDBG-DR have been designed to provide home buyout and acquisition assistance to owners of 1-2 unit family homes.

“Buyouts” occur when properties located within a floodplain are purchased, improvements are then removed, and the parcel is allowed to return to its natural state in perpetuity. This program aims to preserve our natural floodplains, prevent future damage to homes, promote uniform land usage, and assist those impacted by Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee. “Acquisitions” occur when properties are purchased and may be reconstructed, demolished and/or cleaned up, depending on site specific conditions, in preparation for future flood resistant development. 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.

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://stormrecovery.ny.gov/environment>.

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
38-40 State Street
Albany, NY 12207
Contact: Thomas J. King, Esq. (646) 417-4660*

&

*Putnam County Planning Department
841 Fair St
Carmel, NY 10512
Contact: Putnam County Planning Department (845) 878-3480*

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling HTFC at (646) 417-4660. 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 December 10, 2014 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 December 10, 2014.

Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12231

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

REQUEST FOR RELEASE OF FUNDS

Written notice of environmental clearance would 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 December 10, 2014, the HCR Certifying Officer would 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 Thomas J. King, Esq., 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 would 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.

The RROF amount for the Recreate NY Home Buyout and Acquisition Program for Putnam County is \$600,000.

Objections to Release of Funds - HUD would consider objections to the RROF and/or FONSI certification for a period of fifteen 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.

November 24, 2014

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
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*

A handwritten signature in black ink, appearing to read "Thomas J. King". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Thomas J. King, Esq.
HCR Certifying Officer
November 24, 2014

PUBLIC NOTICE

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOIRROF)
RECREATE NY HOME BUYOUT AND ACQUISITION PROGRAM: PUTNAM COUNTY, NY
BY NEW YORK STATE HOUSING TRUST FUND CORPORATION**

November 24, 2014

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38-40 State Street
Albany, NY 12207
(646) 417-4660*

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