

Floodplain Management Plan

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

U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery
NY Rising and NYC Build It Back Acquisition for Redevelopment Program



Richmond County, NY
Effective Date: April XX, 2014

Executive Order 11988 – Floodplain Management

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and
New York City Office of Management and Budget**

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Community Development Block Grant – Disaster Recovery (CDBG-DR)
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**Richmond County, NY
Effective Date: March XX, 2014**

This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management for the NY Rising and NYC Build It Back Acquisition for Redevelopment Program (Program) in Richmond County, NY. This Floodplain Management Plan documents the eight-step decision making for the Program and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities

The U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the CDBG-DR program pursuant to the Disaster Relief Appropriations Act of 2013. The CDBG-DR program is designed to address the needs of New York State (NYS) and New York City (NYC) communities devastated by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee. This funding was disbursed in two phases. On Tuesday, March 5, 2013, HUD published Federal Register Notice 5696-N-01, which established the requirements and processes for the first \$1.71 billion in federal CDBG-DR aid appropriated by the United States Congress and allocated to NYS for disaster relief. NYC was also allocated approximately \$1.78 billion in federal CDBG-DR funding under Federal Register Notice 5696-N-01. On October 28, 2013, HUD issued a second allocation of \$2.097 billion to NYS under Federal Register Notice 5696-N-06. NYC was also allocated an additional \$1.44 billion under Federal Register Notice 5696-N-06.

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

The Program is being administered in accordance with the *State of New York Action Plan for Community Development Block Grant Program Disaster Recovery* (Action Plan) (issued April 25, 2013; amended June 20 2013; July 3, 2013; September 25, 2013; November 7, 2013; draft amendment February 18, 2014). and *The City of New York Community Development Block Grant Disaster Recovery Action Plan* (Plan) (issued May 10, 2013; amended August 23, 2013; September 5, 2013; September 10, 2013; and November 25, 2013).

Under the program, NYC will complete an applicant intake process through the Build it Back (BIB) program and complete appraisals for the applicant properties. Eligible applicants from the BIB program will be located within a floodplain and have established substantial damage. Once NYC makes the eligibility determination, the applicant will be referred to NYS. Applicants will then go through the NY Rising application and eligibility determination process. NYS will then complete a Tier 2 site-specific environmental assessment and Phase I ESAs for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS 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 will transfer the property to NYC's designated nonprofit agent for demolition, including any asbestos and hazardous materials survey and abatement, and redevelopment. NYS's role will include environmental review, title work, purchase, and environmental remediation. All other action, including mitigation measures that will take place during construction, will be taken by NYC or its designated non-profit prior to the referral and following the transfer. If during the demolition phase an environmental hazard is discovered, NYS will resume its role of environmental remediation. NYS will deliver to NYC an empty lot, free from environmental hazards.

"Acquisitions" involve purchase of properties; however, the specific details of reuse and redevelopment will be determined based on site specific conditions. The vast majority of properties acquired under the Program will be demolished and redeveloped into one-two (1-2) unit residential structures. In certain circumstances where redevelopment of the parcel with one-two (1-2) unit residential buildings is not practicable, reuse will be in accordance with local zoning and land use plans and further environmental assessment will be necessary. This action is of fundamental importance in assisting landowners with damaged property. These are the activities that are the subject of this document, and have been combined together for purposes of an aggregated review in accordance with 24 CFR Part 55.24.

All Applicants for financial assistance 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 of race, color, national origin, religion, sex, familial status, and/or physical or mental handicap under any program funded in whole or in part by federal CDBG-DR funds. CDBG-DR funds from the HUD disaster appropriation may be used for eligible CDBG-DR activities that meet the state CDBG program regulations. However, 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

Under 24 CFR Part 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain. 24 CFR Part 55.20 implements Executive Order 11988—Floodplain Management. The order requires federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains. Under this order, federal agencies should first look at avoiding all actions in or adversely affecting floodplains unless no practicable alternatives exist. If no practicable alternatives exist, then federal agencies must evaluate the potential effects of the proposed action.

In addition, federal agencies are required to demonstrate that all practicable alternatives have resulted in the reduction or elimination of the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain. This eight-step process includes assessing all practicable alternatives and incorporating public review.

According to 24 CFR Part 55.12—Inapplicability of 24 CFR part 55 to certain categories of proposed actions, the decision-making steps in Parts 55.20(b), (c), and (g) (steps 2, 3, and 7) do not apply to actions under any HUD program involving the “repair, rehabilitation, modernization, weatherization, or improvement of existing multifamily housing projects...and one- to four-family properties, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the number of units is not increased more than 20 percent, the action does not involve a conversion from nonresidential to residential land use, the action does not meet the thresholds for “substantial improvement” under §55.2(b)(10), and the footprint of the structure and paved areas is not significantly increased.”

Since one of the requirements of the NY Rising and NYC BIB Acquisition for Redevelopment Program is that the home has been substantially damaged, and the program will be demolishing structures and redeveloping the property with new one-two (1-2) unit homes, the eight-step process will be required.

Projects located within the SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other special flood hazard areas.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

The floodplain (FEMA Zones “A”, “AE”, “AH”, “V”, & “VE”) covers large areas of Richmond County. An approximate total of 5,300 acres of floodplain, including surface waters, is mapped within the county boundary and an approximate total of 2,700 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 eight-step decision making process (eight-step process) outlined in 24 CFR Part 55.20. The eight-step process was conducted for the NY Rising and NYC BIB Acquisition for Redevelopment Program activities within Richmond County, and is detailed below.

HCR and OMB Approach

In applying Executive Order 11988 and 24 CFR Part 55, HCR and OMB's approach is to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains as a result of the proposed actions.

All applicant properties have been reviewed to determine their location in regard to the floodplain and are not located within the floodway. This document potentially applies to all properties within the boundaries of Richmond County. No funding will be committed to properties located in a floodway and no critical actions will receive funding.

24 CFR Part 55.20 Eight-Step Process

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

The geographic scope for the NY Rising and NYC BIB Acquisition for Redevelopment Program described herein is the jurisdictional area of Richmond County, covering approximately 37,356 acres with approximately 5,300 acres located within surface water and floodplains. The acquisitions will be located within floodplains, targeting residential properties with the most severe storm damage.

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

According to FEMA Individual Assistance (FEMA IA) data from November 2013, approximately 24,152 parcels were damaged by Hurricane Irene and Hurricane Sandy. The number of potential structures impacted is subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be verified until applications for assistance are reviewed and determined eligible for the program. (See EXHIBIT 2 Richmond County Verified Applicant Address Map.)

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

Step Two: (For housing requiring substantial improvement) Notify the public at the earliest possible time of a proposal to consider an action in a floodplain (or in the 500-year floodplain for a Critical Action), and involve the affected and interested public in the decision making process.

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

Once the early public notice and comment period is complete, the REs will assess, consider, and respond to the comments received individually and collectively for the project file, then proceed to Step Three.

A 15-day "Notice for Early Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News, NY Post, Newsday Queens Edition, El Diario, Staten Island Advance, Sing Tao Daily, Russkaya Reklama, Rockaway Wave, and NYC's City Record on March 21, 2014. The 15-day period expires on April 7, 2014. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on March 21, 2014: Federal Emergency Management Agency (FEMA); U.S. Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to NYC's Consolidated Plan mailing list, Richmond County, and the towns and villages within Richmond County (see **EXHIBIT 3** for the notice and email to federal and state agencies).

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

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

After a consideration of the following alternatives, NYS and NYC have determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: Buyouts, Rehabilitation Grants, No Action, and Acquisitions for Redevelopment (Proposed Action). These alternatives will be discussed in turn.

No Action Alternative

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

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

Rehabilitation Grants

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

Buyouts

Under this alternative, only funding for a traditional Buyout program, in which NYS purchased properties and demolished structures to restore the floodplain to a natural state, would be authorized for residential properties damaged or destroyed by Hurricane Sandy in Richmond County. However, the funding would not be authorized for the Acquisition for Redevelopment of any properties. This alternative would satisfy the need to relocate homeowners as out of high flood risk areas and the goal to improve the storm attenuation properties of the affected communities; however, it would not satisfy the need to redevelop acquired properties with newer, more resilient construction. It would also not satisfy the need to maintain the residential character of some neighborhoods. If NYS purchased homes as Buyouts outside of specific enhanced target zones, a gap-tooth effect would occur, as some residents may choose to stay in their current home. Under this alternative, NYS could also only purchase homes in specified enhanced target zones. Homeowners outside of Buyout areas would not be eligible to have their property acquired by NYS, leading some residents to continue living in homes that have not been properly repaired.

Acquisition for Redevelopment (Proposed Action)

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

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

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

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

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

Potential impacts associated with the occupancy or modification of the floodplain include some degree of hazard to residents who choose to live in the floodplain in the future. While there are some inherent risks to living in a floodplain or area which experiences severe weather that cannot be completely avoided, the individual actions undertaken by the described NY Rising and NYC BIB Acquisition for Redevelopment Program will result in resilient redevelopment of the acquired properties, and provide a positive financial impact on the neighborhoods and communities in Richmond County. Acquisitions are of fundamental importance in assisting landowners with substantially damaged residential properties. A traditional Buyout of individual properties in established neighborhoods would invariably result in undeveloped parcels scattered throughout otherwise developed areas. By creating an Acquisition purchase option for redevelopment, NYS and NYC will be able to provide financial assistance to affected homeowners and replace the substantially damaged homes with safe modern construction while promoting community revitalization.

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

The Acquisition for Redevelopment Program will remove debris and wreckage from purchased properties, including the demolition of substantially damaged dwellings. These activities will protect public safety through the removal of unsafe structures and help to protect human life by relocating residents who are unwilling or unable to rehabilitate their homes out of unsafe housing. Redevelopment of these parcels is necessary to maintain neighborhood characteristics, as the sites may be scattered and will be located within residential neighborhoods where other homes may be rehabilitated. As the properties will be redeveloped with resilient, storm-resistant housing, the lives of future residents will also be protected.

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

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

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

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

Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the floodplain. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the NY Rising and NYC BIB Acquisition for Redevelopment Program in Richmond County will be in accordance with all local and state regulations as part of the acceptance of assistance funding.

The program will also implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters. Soil compaction would be controlled by minimizing program activities in vegetated areas, including lawns. Best management practices (BMPs), such as silt fence and erosion prevention, may be implemented if required by permits or agency discretion. Work in areas of soils with high wind erosion potential may have to occur only during calm weather conditions or include additional watering and other dust suppression mitigation measures. Thorough planning, engineering review, and design, through the local permitting process, will minimize soil erosion and damage to the floodplain that could result from program activities on sites with marginal soil properties.

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

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

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

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

NYS and NYC have also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: Buyouts, Rehabilitation Grants, No Action, and Acquisition for Redevelopment (Proposed Action). These alternatives do not meet the goals of the Acquisition for Redevelopment Program. Because the Acquisition for Redevelopment Program is specifically designed to purchase substantially damaged homes located within the floodplain and redevelop the parcels, there is no practicable alternative than locating the proposed action in the floodplain.

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

It is HCR and OMB's determination that the preferred alternative is the proposed Acquisition for Redevelopment Program. The benefits of the Program will be to protect public safety and human life, minimize threats to the floodplain, ensure land use consistency, and maintain neighborhood characteristics.

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

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Daily News, NY Post, Newsday Queens Edition, El Diario, Staten Island Advance, Sing Tao Daily, Russkaya Reklama, Rockaway Wave, and NYC's City Record on **April XX, 2014**. The 7-day period expires on **April XX, 2014**. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on **April XX, 2014**: Federal Emergency Management Agency (FEMA); U.S. Fish and Wildlife Service (USFWS); U.S. Environmental Protection Agency (EPA); U.S. Army Corps of Engineers (USACE); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; the NYS Department of Transportation; and the NYS Office of Emergency Management. The notice was also sent to NYC's Consolidated Plan mailing list, Richmond County, and the towns and villages within Richmond County. (See **EXHIBIT 4** for the notice and email to federal and state agencies.)

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

Step Eight: Implement the Action

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

EXHIBIT 2 Richmond County Verified Applicant Address Map

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

EXHIBIT 4 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

EXHIBIT 5 Public Comments Received and Response

EXHIBIT 1 Richmond County Area of Impact Map



EXHIBIT 2 Richmond County Verified Applicant Address Map

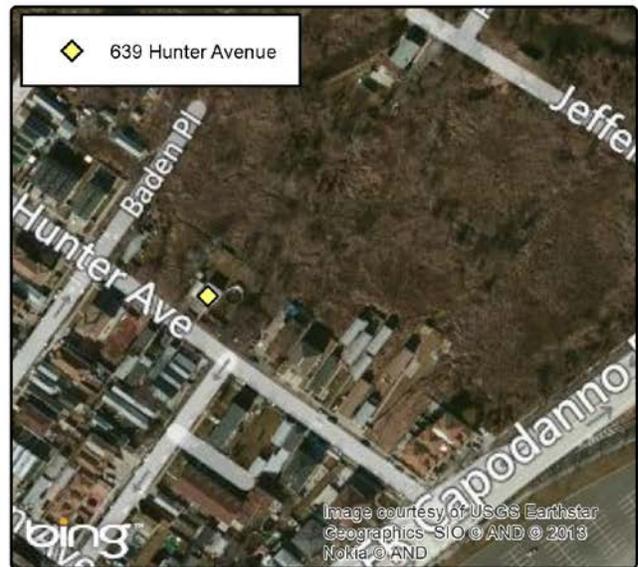
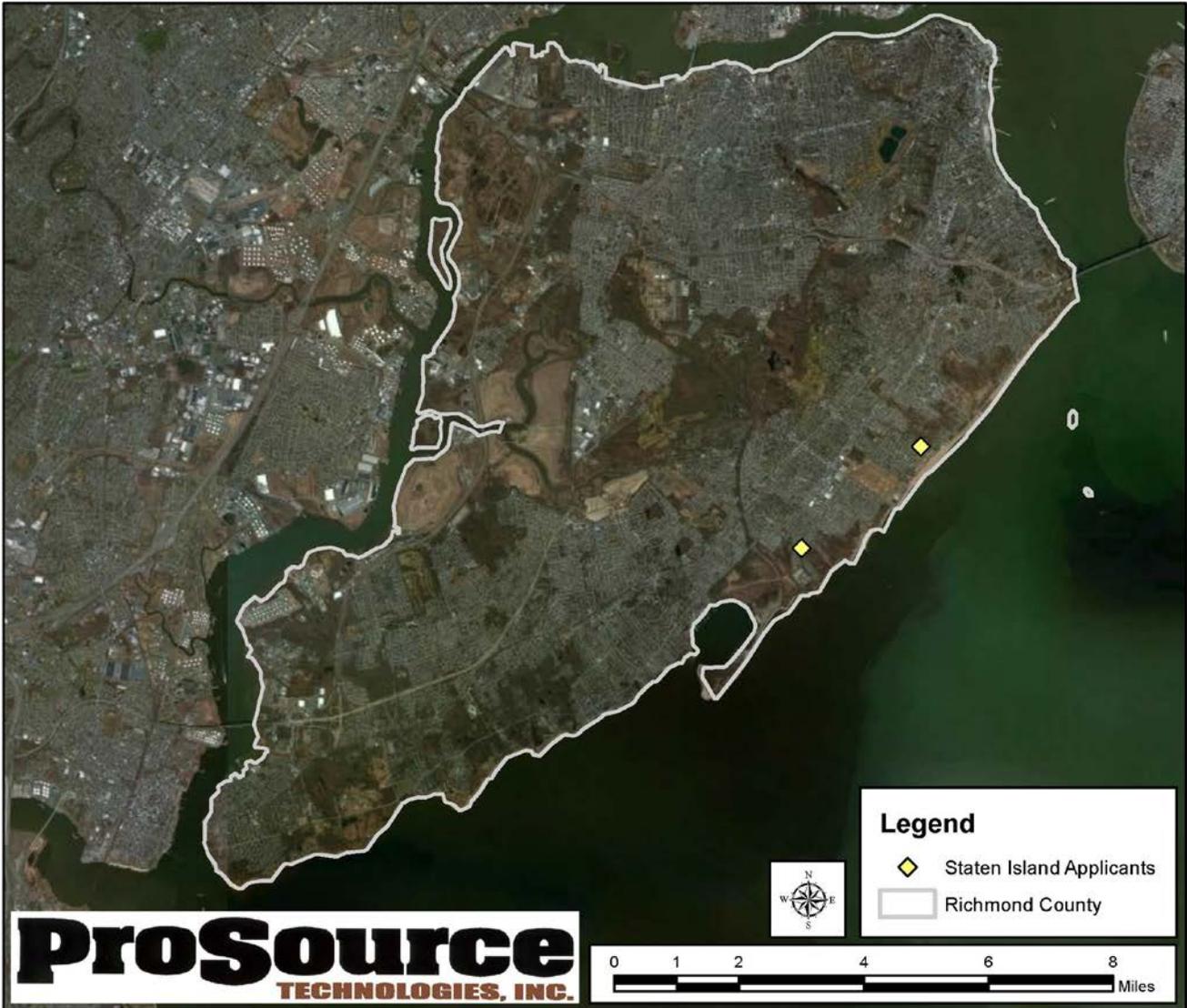


EXHIBIT 3 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EARLY NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN -- RICHMOND COUNTY, NY

COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM

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

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

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

This is to give notice that New York State (NYS) Homes and Community Renewal (HCR) and New York City (NYC) Office of Management and Budget (OMB) have conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management, to determine the potential effects that its activity in the floodplain will have on the human environment for the Community Development Block Grant – Disaster Recovery (CDBG-DR) NY Rising and NYC Build It Back (BIB) Acquisition for Redevelopment Program Title I of the Housing and Community Development Act of 1974 (PL 93-383).

NYS has been allocated \$3.7 billion of CDBG-DR funds for acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in the most impacted municipalities and counties. NYC has been allocated \$3.2 billion of CDBG-DR funds for storm recovery activities in NYC. A portion of the current allocation will be used for the acquisition and redevelopment of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to properties opting into the Acquisition for Redevelopment Program in Richmond County, NY.

There are approximately 5,300 acres of floodplain in Richmond 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 the Acquisition for Redevelopment Program, NYC will complete an applicant intake process through its BIB program and complete appraisals for the applicant properties. Eligible applicants from the BIB program will have established substantial property damage. Once NYC makes the eligibility determination, the applicant will be referred to NYS. Applicants will then go through the NY Rising application and eligibility determination process. NYS will then

complete a Tier 2 site-specific environmental assessment and Phase I ESAs for all properties that are determined to be eligible for the Acquisition for Redevelopment Program. NYS will purchase the property, complete all Phase II environmental testing and soil remediation as necessary for the project site, and secure the site in such a manner that the site will not adversely impact adjacent properties or property owners. Once the site has been secured, NYS will transfer the property to NYC's designated nonprofit agent for demolition, including any asbestos and hazardous materials survey and abatement, and redevelopment.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

FLOODPLAIN MANAGEMENT PLAN

A full copy of the Floodplain Management Plan (8-step process) can be viewed online at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview> or at the addresses listed below under public comments:

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the floodplain management plan or a request for further information to Amy Zamenick, Certifying Officer, NYS Homes and Community Renewal, 38-40 State Street, Hampton Plaza, Albany, NY 12207 and/or Calvin Johnson, Assistant Director CDBG-DR, City of New York Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007. Written comments may also be submitted via email to Amy Zamenick at NYSCDBG_DR_ER@nyshcr.org and/or Calvin Johnson at CDBGDR-Enviro@omb.nyc.gov. Please include "Richmond County Acquisition Floodplain Management Comments" in the subject line. All comments received by **Monday, April 7, 2014** will be considered by HCR and OMB.

Amy Zamenick, Senior Attorney, NYS Homes and Community Renewal
Dean Fuleihan, Director, City of New York, Office of Management and Budget,
Certifying Officers

March 21, 2014

EXHIBIT 4 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication

FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN -- RICHMOND COUNTY, NY

COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM

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

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

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

This is to give notice that New York State (NYS) Homes and Community Renewal (HCR) and New York City (NYC) Office of Management and Budget (OMB) have conducted an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management, to determine the potential effects that its activity in the floodplain will have on the human environment for the Community Development Block Grant – Disaster Recovery (CDBG-DR) NY Rising and NYC Build It Back (BIB) Acquisition for Redevelopment Program Title I of the Housing and Community Development Act of 1974 (PL 93-383).

NYS has been allocated \$3.7 billion of CDBG-DR funds for acquisition, demolition, reconstruction, improvement, financing, and use of existing properties in the most impacted municipalities and counties. NYC has been allocated \$3.2 billion of CDBG-DR funds for storm recovery activities in NYC. A portion of the current allocation will be used for the acquisition and redevelopment of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to properties opting into the Acquisition for Redevelopment Program in Richmond County, NY.

There are approximately 5,300 acres of floodplain in Richmond County. The floodplains in the state are depicted on the FEMA Base Flood Elevation Map, which can be viewed at www.msc.fema.gov. According to FEMA Individual Assistance (FEMA IA) data from November 2013, approximately 24,152 parcels were damaged by Hurricane Irene and Hurricane Sandy. The number of potential structures impacted is subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be verified until applications for assistance are reviewed and determined eligible for the program.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains facilitates and enhances Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

ALTERNATIVES CONSIDERED

NYS and NYC have considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values of the floodplain, and have determined the best practicable alternative is the proposed action of Acquisition for Redevelopment. . The alternative actions considered are as follows: Buyouts, Rehabilitation Grants, No Action, and Acquisitions for Redevelopment (Proposed Action). These alternatives will be discussed in turn.

No Action Alternative

A No Action alternative is not proposed as it does not adequately achieve NYS and NYC goals of promoting a safe and healthy living environment for Richmond County residents. Under the No Action alternative, the funding for the proposed acquisition of residential properties in the high flood risk areas of Richmond County would not be authorized. There would be no acquisition of properties. Homeowners who are unable or unwilling to repair their homes would not be assisted in relocating outside of the high flood risk areas. Under a No Action alternative, abandoned properties would remain, posing an ongoing risk to health and safety, as well as diminishing property values of neighboring homes and contributing to a depressed economy.

Rehabilitation Grants

Under this alternative, homeowners would be able to apply for programs for financial assistance for the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs would include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, some homeowners may not be willing to repair their homes. Further, in repairing substantially damaged homes, the residents may be displaced for a longer period of time while home repairs and resiliency efforts are being made. Some owners of substantially damaged homes may already have relocated or purchased a new home. For these owners, rehabilitation grants would not be very effective in assisting them to recover from recent storm events.

Buyouts

Under this alternative, only funding for a traditional Buyout program, in which NYS purchased properties and demolished structures to restore the floodplain to a natural state, would be authorized for residential properties damaged or destroyed by Hurricane Sandy in Richmond County. This alternative would satisfy the need to relocate homeowners as out of high flood risk areas and the goal to improve the storm attenuation properties of the affected communities; however, it would not satisfy the need to redevelop acquired properties with newer, more resilient construction. It would also not satisfy the need to maintain the residential character of some neighborhoods.

Acquisition for Redevelopment (Proposed Action)

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

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

Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the floodplain. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the NY Rising and NYC BIB Acquisition for Redevelopment Program in Richmond County will be in accordance with all local and state regulations as part of the acceptance of assistance funding.

FLOODPLAIN MANAGEMENT PLAN

A full copy of the Floodplain Management Plan (8-step process) can be viewed online at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview> or at the addresses listed below under public comments:

PUBLIC COMMENTS

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Amy Zamenick, Senior Attorney, NYS Homes and Community Renewal
Dean Fuleihan, Director, City of New York, Office of Management and Budget,
Certifying Officers

Month XX, 2014

Floodplain Management Plan
NY Rising and NYC Build It Back Acquisition for Redevelopment Program
Richmond County, NY

EXHIBIT 5 Public Comments Received and Response

There have been no comments received.

DRAFT