

**Tier 1 Programmatic Environmental Review Record
Community Development Block Grant - Disaster Recovery Program
Recreate NY Home 1-4 Unit Rehabilitation:
Suffolk County, NY**

PREPARED FOR:

**NEW YORK STATE HOMES AND COMMUNITY RENEWAL
38 – 40 STATE STREET
ALBANY, NEW YORK 12207-2804**

PREPARED BY:

**PROSOURCE TECHNOLOGIES, LLC
9219 EAST RIVER ROAD
COON RAPIDS, MN 55433**

ProSource
TECHNOLOGIES

ERR Project Summary	
Responsible Entity:	New York State Homes and Community Renewal
Certifying Officer:	Ms. Heather Spitzberg, Director, Environmental Analysis Unit
Project Name:	Recreate NY Home 1-4 Unit Rehabilitation: Suffolk County, NY
Federal Agency:	U.S. Department of Housing and Urban Development (HUD)
Project Sponsor:	New York State Homes and Community Renewal
Program Name:	New York State Community Development Block Grant - Disaster Recovery
Project Site Address:	Scattered Sites Throughout Suffolk County
Project County:	Suffolk County, New York
Estimated Project Cost:	\$30,040,000.00
Project Sponsor Address:	New York State Homes and Community Renewal 38-40 State Street Albany, NY 12207
Primary Contact's Name:	Heather Spitzberg
E-Mail address:	HSpitzberg@nyshcr.org
Telephone Number:	(518) 486-3379
Project NEPA Classification:	24 CFR 58.36 Environmental Assessment
ENVIRONMENTAL FINDING:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment. <input type="checkbox"/> Finding of Significant Impact - The project may significantly affect the quality of the human environment.
	<p>The undersigned hereby certifies that New York State Housing Trust Fund Corporation has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended, (42 USC sec. 4321 et seq.) and its implementing regulations under 24 CFR Part 58.</p> <p style="text-align: center;"></p> <hr/> <p>NAME: Ms. Heather Spitzberg Title/Agency: Director, Environmental Analysis Unit/NYS Homes and Community Renewal Date: 9/18/2013</p>

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Tier 1 Programmatic Environmental Review Record

Hurricane Sandy Disaster Recovery Program – CDBG-DR

Recreate NY Home 1-4 Unit Rehabilitation: Suffolk County, NY

Introduction

Hurricane Sandy, one of the largest Atlantic hurricanes to reach the United States on record, resulted in great devastation along the New York coast in October 2012. Following damage assessments performed by the U.S. Federal Emergency Management Agency (FEMA), President Obama signed into law the “Disaster Relief Appropriations Act, 2013” (Public Law 113-20, approved January 29, 2013), which included \$16 billion in funding for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, as well as economic revitalization in the most impacted and distressed areas resulting from Hurricane Sandy, and other recent eligible disaster events.

The U.S. Department of Housing and Urban Development (HUD) is responsible for the administration of the Community Development Block Grant-Disaster Recovery (CDBG-DR) pursuant to the Disaster Relief Appropriations Act of 2013.

The State of New York was included in the HUD CDBG-DR program. On Tuesday, March 5, 2013, HUD published Federal Register Notice 5696-N-01, which established the requirements and processes for the first \$1.7 billion in Federal CDBG-DR aid appropriated by the United States Congress, and allocated to New York State, for disaster relief.

As required by the CDBG-DR program, the State of New York submitted to the HUD Secretary the “State of New York Action Plan for Community Development Block Grant Program Disaster Recovery” (Action Plan, issued April 25, 2013). The Action Plan described the proposed use of HUD CDBG-DR funding to meet the unmet housing, economic development, community planning, and infrastructure needs of impacted communities. In the Action Plan, New York State identified more than \$6 billion in damage to residential structures in the areas most impacted by Hurricane Sandy. Once other forms of assistance are deducted from this amount, a balance of approximately \$3 billion still remains in unmet needs. The Action Plan is being used as a guide by New York State Homes and Community Renewal (HCR), through its Office of Community Renewal (OCR) and the Housing Trust Fund Corporation (HTFC), for the distribution of CDBG-DR funding. The Action Plan identifies programs for housing assistance.

This Tier 1 Programmatic Environmental Assessment (PEA) documents the results of the evaluation of the potential environmental impacts of the Recreate NY Home 1-4 Unit Rehabilitation program for Suffolk County. Tier 1 PEAs assess the environmental effects of multiple actions and their impact in a given geographic area to determine the additive, synergistic, and cumulative effects of discrete activities. They may also be prepared when the environmental impacts are generic or common to a class of actions, or to other activities that are not location specific.

The PEA can serve as a foundation and reference document to allow the efficient completion of Supplemental or Individual Environmental Assessments for the individual actions described in the PEA. This Tier 1 PEA was specifically designed to evaluate one category of actions to be funded through HUD, encompassing the renovation and rehabilitation of 1-4 unit residential buildings in Suffolk County. With the PEA in place, the environmental review process required by the National Environmental Policy Act (NEPA) and its associated environmental laws will be streamlined. This Tier 1 programmatic level environmental review provides guidelines for Tier 2 reviews to ensure that no extraordinary circumstances exist beyond the issues identified and evaluated in this document. Tier 2 reviews document environmental impacts on a site specific level.

Purpose and Need for the Proposed Action

On October 29, 2012, Hurricane Sandy made landfall over the New York coast. Flooding along the coast, other overland flooding, and wind damaged communities throughout New York. In particular, communities within Nassau, Suffolk, Rockland, and Westchester Counties suffered substantial damage. These four counties were identified by HUD as the most impacted and distressed counties within New York, excluding New York City. This PEA addresses activities in Suffolk County only (See Appendix A, Suffolk County Hurricane Sandy Most Affected Communities Map).

More than 11,800 owner-occupied homes were damaged, and more than 1,700 rental properties suffered damage or were destroyed in Suffolk County, according to FEMA housing damage estimates.

In determining the impact on housing during its inspection process, FEMA uses the following definitions:

Moderate damage: Moderate structure damage includes less than (6) inches of water on the first occupied floor of the dwelling. Other event types, such as fire, may have visible soot and ash that impacts habitability requiring professional cleaning. Access to the dwelling can be considered minor due to conditions such as minor washouts requiring some road fill that prevents routine access to the dwelling.

Substantial Damage: Substantial structure damage should be noted with water levels greater than six (6) inches and less than four (4) feet. Items that can comprise substantial damaged include collapsed chimney, furnace damage, water heater damage, exterior siding damages, roof damages affecting one or both sides of the dwelling, compromised windows, and/or compromised doors. Access to the dwelling can be considered substantial when access may be blocked with down trees or private road is substantially washed out.

Major Damage: Major structure damage is identified when approximately four (4) feet of water, or more, is on the first occupied floor. Other items can substantiate major structure damage, such as collapsed foundation walls and/or piers, significant separation in the walls from the dwelling, and/or wind events that have removed/damaged the majority of the roof and/or wall components. Access to the dwelling can be considered major when the only access is by a bridge that has collapsed.

In response to Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee, New York State developed the Action Plan to help define how the State will effectively use all available funding to recover and rebuild. Part of the plan addressed unsafe areas that face repetitive loss from future storms. The plan called for increasing communities' resiliency to climate change and severe storm risk by aiding impacted communities to reduce the number of residents in the danger zones through voluntarily acquiring impacted properties and enabling residents to relocate from harm's way, and using the recovered land for open space and storm attenuation.

The purpose of the proposed action is to assist owners of 1-4 unit residential properties in Suffolk County whose homes or rental properties were damaged or destroyed by Hurricane Sandy. The program is needed to help provide adequate housing for residents of these homes through rehabilitation of damaged structures. Small residential buildings close to the shore are an integral part of the shore culture. The residents support the shore economy, which is critical to the economic health of the state.

Project Location

The geographic scope for the Recreate NY Home 1-4 Unit Rehabilitation program described herein is the jurisdictional area of Suffolk County, covering approximately 1,519,000 acres with approximately 117,000 acres in floodplains. Construction activities are expected to take place on residential properties scattered throughout the most distressed neighborhoods in the Towns of Babylon, and Islip, and the Villages of Babylon, Lindenhurst, and Amityville, which are the communities within Suffolk County most affected by Hurricane Sandy (See Appendix A, Suffolk County Hurricane Sandy Most Affected Communities Map). Property owners of any location within the county that sustained damage from Hurricane Sandy are able to apply for the program. The number of residents most impacted by Hurricane Sandy's storm surge is approximately 10.4 percent of the county's total population, distributed across the most impacted communities (See Table 1: Hurricane Sandy Most Impacted Communities-Suffolk County on page 4). The number of potential structures impacted are subject to updates and refinements as more detailed information becomes available. The actual property addresses will not be known until applications for assistance are reviewed and determined eligible for the program.

Table 1

Hurricane Sandy Most Impacted Communities-Suffolk County												
Source: U.S. Census Bureau (census.gov) 2010 Census												
	Suffolk County		Village of Amityville		Village of Lindenhurst		Town of Babylon		Village of Babylon		Town of Islip	
	Total	Storm Surge Area	Total	Storm Surge Area	Total	Storm Surge Area	Total	Storm Surge Area	Total	Storm Surge Area	Total	Storm Surge Area
Persons Impacted	1,493,350	155,040 10.4%	9,523	9,523 100.0%	27,523	14,326 52.1%	213,603	23,646 11.1%	12,166	7,175 59.0%	335,543	100,370 29.9%
Average Household Size	2.93	2.72	2.43	2.43	2.92	2.85	2.98	2.66	2.64	2.85	3.2	2.82
Elderly 65+	13.5%	15.1%	19.9%	19.9%	12.1%	12.3%	13.2%	15.0%	12.8%	14.0%	11.7%	14.5%
Below Poverty	5.7%	3.8%	4.9%	4.9%	3.1%	2.0%	5.9%	4.0%	3.4%	4.3%	5.6%	3.8%
Race												
White Non Hispanic	70.6%	84.0%	74.5%	74.5%	85.8%	89.4%	71.7%	79.4%	87.6%	91.0%	63.6%	86.5%
Black Non Hispanic	8.2%	3.7%	9.7%	9.7%	1.5%	0.8%	16.3%	3.4%	2.0%	0.9%	8.3%	3.7%
Hispanic	17.3%	10.0%	13.1%	13.1%	9.7%	8.2%	16.8%	15.1%	6.7%	6.4%	25.2%	7.9%
Asian Non Hispanic	3.7%	2.1%	1.8%	1.8%	1.9%	1.4%	3.1%	2.0%	2.2%	1.6%	2.5%	1.7%
American Indian & Alaska Native	0.6%	0.2%	0.3%	0.3%	0.1%	0.2%	0.3%	0.1%	0.1%	0.1%	0.4%	0.2%
Native Hawaiian & Pacific Islander	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Housing												
Total	569,985	10.6%	3,997	100.0%	9,665	54.4%	74,233	12.5%	4,768	60.9%	110,655	35.3%
Occupied	499,922	11.0%	3,690	100.0%	9,316	54.0%	70,894	12.2%	4,585	60.7%	103,631	33.8%
Owner-Occupied	393,507	10.9%	2,617	100.0%	7,385	52.9%	52,629	12.1%	3,500	61.6%	79,180	35.4%
Renter-Occupied	106,415	11.3%	1,073	100.0%	1,931	58.4%	18,265	12.4%	1,085	57.8%	24,451	28.3%
Vacant	70,063	7.7%	307	100.0%	349	63.0%	3,339	18.4%	183	66.1%	7,034	58.6%

Project Description

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. Total project costs in Suffolk County are estimated to be \$33,150,000. The base cap amount for repair and/or reconstruction coverage is \$300,000. Homeowners who are determined to be low or moderate income (LMI, total household income is less than or equal to 80% of area median income) will qualify for an increase of \$50,000 in the cap amount (\$300,000 Base + \$50,000 LMI = \$350,000 maximum allowed cap). The funding caps are subject to ongoing review.

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. 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. However, if the footprint is altered, the parcel must not exceed 30% impervious area to comply with the U.S. Environmental Protection Agency (EPA) Safe Water Drinking Act (SDWA).

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 discussed in this document (e.g., eligibility criteria, grant restrictions). These homeowners will be equally subject to the program's eligibility requirements and restrictions on assistance, and unit prices and labor costs may be subject to caps. In general, priorities for reimbursement will be based upon financial need. Furthermore, applicants seeking reimbursements may be given lower initial priority for processing than applicants who are requesting funds for essential rehabilitation or reconstruction of their homes. All reimbursement is contingent on compliance with Recreate NY Home 1-4 Unit Rehabilitation requirements and is dependent upon an environmental review as required by NEPA and HUD regulations.

The Action Plan is incorporated by reference into this project description. The applicable programs from the Action Plan are:

- Recreate NY Smart Home Repair and Reconstruction;
- Recreate NY Smart Home Resilience;
- Small Multi-Family Repair and Reconstruction; and
- Small Multi-Family Mitigation.

An overview of each program covered by this document is provided below.

Recreate NY Smart Home Repair and Reconstruction

This program will provide funding grants to owners of 1-2 unit residential buildings for repair and replacement of damage to real property and environmental health hazard mitigation related to the repair or rehabilitation of disaster-impacted property.

The assistance provided will be for unmet repair needs after accounting for all federal, state, local and/or private sources of disaster-related assistance, including, but not limited to, homeowners and/or flood insurance proceeds.

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. Funding for the more cost-effective option will be provided.

All substantially damaged homes (a property sustained damages that equal or exceed 50 percent of its Fair Market Value prior to the event, as determined by a local authorized official) will undergo an evaluation and comparison between reconstruction and repair costs. Homeowners of non-substantially damaged homes (damages less than or equal to 50 percent damage of pre-storm value) will not be offered a reconstruction estimate unless they request one.

The amount of funding available to a homeowner will be calculated based on either the cost to repair the home or the cost to rebuild a new home in its place—whichever is lower. Homeowners can choose which option to pursue, recognizing that if they pursue the more expensive option they will have to secure the additional funds in escrow prior to project initiation.

Homeowners will be informed of the award calculation methodology and the options available to them before commencement of construction. This information will be provided in a scope of work for either repair or reconstruction. Long- and short-term financial implications of these various options will be discussed with the homeowner.

All reconstruction must incorporate Green Building Standards, as reflected in the 2011 Enterprise Green Communities Criteria. Rehabilitation must follow guidelines in the HUD Green Building Retrofit Checklist. Priority will be given to households earning less than 80% of the area median income.

Recreate NY Smart Home Resilience

This program will provide funding grants to owners of 1-2 unit residential buildings for mitigating future damage to real property. Homeowners will be eligible for funding to make a home more resilient if the home was substantially damaged (loss of more than 50% of the pre-storm Fair Market Value, as determined by a local authorized official) and/or is located in the 100-year floodplain.

This program will assist in covering the costs, within established caps, for effective mitigation assistance of damaged properties to elevate homes or key utility systems, or to prevent damage that may be caused by future storms.

All reconstruction must incorporate Green Building Standards, as reflected in the 2011 Enterprise Green Communities Criteria. Rehabilitation must follow guidelines in the HUD Green Building Retrofit Checklist. Priority will be given to households earning less than 80% of the area median income.

Small Multi-Family Repair and Reconstruction

This program will provide funding grants to owners of 3-7 unit residential buildings for repair and replacement of damage to real property and environmental health hazard mitigation related to the repair or rehabilitation of disaster-impacted property. This PEA addresses the program activities in only 3-4 unit residential buildings.

All reconstruction must incorporate Green Building Standards, as reflected in the 2011 Enterprise Green Communities Criteria. Rehabilitation must follow guidelines in the HUD Green Building Retrofit Checklist. Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by LMI persons.

Small Multi-Family Mitigation

This program will provide funding grants to owners of 3-7 unit residential buildings for mitigating future damage to real property. This PEA addresses the program activities in only 3-4 unit residential buildings.

All reconstruction must incorporate Green Building Standards, as reflected in the 2011 Enterprise Green Communities Criteria. Rehabilitation must follow guidelines in the HUD Green Building Retrofit Checklist. Priority will be given to owners of buildings where a minimum of 51% of the units are occupied by or will be occupied by LMI persons.

Existing Conditions and Trends

Nassau and Suffolk Counties comprise the geographic region commonly referred to as Long Island. Suffolk County occupies 2,373 square miles, of which 912 square miles are land. According to the 2010 U.S. Census, the population of Suffolk County was 1,493,350. Recent 2012 Census estimates an increase in population to 1,499,273. As of 2011, the average median household income of Suffolk County was \$87,187, and the median value of owner-occupied housing units was \$411,000.

The predominant land use in Suffolk County is residential, comprising approximately 40.7 percent of the land area. Parks, recreation, open space, and agricultural uses make up approximately 30.2 percent of land area, and occur throughout the county. Institutional uses, including schools and government facilities, comprise approximately 6.9 percent of the total land area, and are widely dispersed throughout the county. Commercial development, approximately 3.6 percent of the land area, is concentrated in the established downtown centers and along arterial roadways in local and regional-based shopping centers. Industrial uses, comprising about 4.3 percent of land area are concentrated in the central and southern portions of the county near rail lines and major transportation corridors. Approximately 14.2 percent of the county can be classified as vacant or unspecified land use.

As of 2007, Suffolk County's housing stock was approximately 72.6 percent owner-occupied, 15.3 percent renter-occupied, and 12.1 percent vacant. As of 2010, Suffolk County's housing stock was approximately 69 percent owner-occupied, 18.7 percent renter-occupied, and 12.3 percent vacant. The effects of the 2007-2009 housing downturn are reflected in these numbers, as owner occupied homes declined and renter occupied homes numbers grew. The short-term impact of Hurricane Sandy likely has had an impact on the vacant homes percentage. The storm did reduce the total number of owner and renter-occupied housing units, and potentially, the county's population.

The number of residents most impacted by Hurricane Sandy's storm surge is approximately 10.4 percent of the county's total population. This population is distributed across the most impacted communities (See Table 1 on page 4).

Alternatives to the Proposed Action

Two action alternatives to the Proposed Action have been identified. One is buyout of damaged residential properties to restore the floodplain to its natural state. Another alternative is acquisition of damaged residential properties for the purpose of future resilient redevelopment. These program activities are being evaluated in a forthcoming environmental assessment. Both of these alternatives would involve moving populations and concentrating development in areas away from the shore or in less vulnerable shore areas. This would result in a dramatic change and virtual elimination of the shore culture, and the economy in those areas would be severely damaged. The cost of the buyout and/or acquisition programs would be far greater than the cost of repairing and rebuilding in a more resilient manner in the existing developed parcel. These alternatives have been eliminated from further consideration because they would be a far greater cost, would damage the traditional shore culture and economy, and do not involve rehabilitation, and as a result, do not satisfy the purpose and need.

Another alternative is to take no action. A No Action alternative would mean that applicants would not receive grant awards under the Action Plan. As a result, these homeowners may not be able to recover from the impacts of the storm events. Reimbursements would not be made available for eligible homeowners who have already engaged in repairs prior to applying for the program, resulting in a negative effect on the local economy. Homeowners in future storm events may be dissuaded from making immediate and necessary repairs to their homes, and encouraged to wait for a possible recovery program. Furthermore, the applicants would not be provided financial assistance to elevate their homes, leaving their properties more vulnerable to future flooding conditions. Therefore, the No Action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

Under the No Action alternative, the damage caused to Suffolk County cities and neighborhoods would remain unabated. Hundreds of residences would not be rehabilitated and will deteriorate without the use of CDBG-DR funds.

In addition, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs would be limited, work would progress slowly or remain incomplete, creating hazards, or work would not be completed to current building codes. Ultimately, many families would be unable to return to their homes. Housing options for the elderly and supportive housing populations would become limited without the CDBG-DR funds. Substandard housing and an unaesthetic quality could negatively affect community character. This would impact adjacent residents, businesses, and the community as a whole. Under this course, home values could decline in the surrounding area as a result of vacant and/or dilapidated buildings and there may be potential for crime and vandalism. Many neighborhoods, businesses, and associated infrastructure would continue to deteriorate under the No Action alternative.

A policy to prohibit any redevelopment in the floodplain is not considered practicable due to the great number of parcels located within the floodplain in the county.

Those applicants with substantial damage who choose to redevelop in the floodplain using Action Plan funding must adhere to the applicable elevation requirements to avoid flood damages and must carry flood insurance.

Conditions for Approval

The following mitigation measures are required as conditions for approval of the program.

General

All program activity will acquire all required federal, state and local permits prior to commencement of construction and comply with all permit conditions. If the scope of work of a proposed activity changes significantly, the application for funding must be revised and resubmitted for reevaluation under NEPA.

Historic Preservation

All activities must comply with Section 106 of the National Historic Preservation Act per the implementing regulations 36 CFR Part 800. Compliance with Section 106 is achieved through the procedures set forth in the 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. In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered on a specific site, the project work on that site shall be halted to avoid or minimize harm to the finds. All archeological findings will be secured, and access to the sensitive area restricted.

HCR will consult with the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and Tribes, and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the program is in compliance with the National Historic Preservation Act (NHPA).

The qualified Historic Preservation professional is staff at NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If the primary reviewer is not able to determine compliance from a project based on the Programmatic Agreement (See Appendix J), the project will be sent for further review to OPRHP and all recommendations made by OPRHP will be incorporated into the project design. Each site will be reviewed for compliance with the Programmatic Agreement.

If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the work will be evaluated to determine compliance with the Programmatic Agreement. If the work conducted by the homeowner did not comply with the Programmatic Agreement, the homeowner must provide documentation that the OPRHP had been consulted prior to the work starting. If the homeowner cannot provide the documentation, the project will not be eligible for reimbursement until it has been sent for further review to OPRHP and all recommendations made by OPRHP have been completed.

Floodplain Management and Flood Insurance

In December 2012, FEMA issued Advisory Base Flood Elevations (ABFEs) through its National Flood Insurance Program (NFIP). The ABFEs increased the anticipated depth of tidal flooding during the 100-year flood in many areas and there was a corresponding increase in the area expected to be inundated by such a flood. However, Suffolk County, New York is not within the December 2012 ABFE mapped area. In areas where preliminary ABFE maps have been developed those maps will govern. In areas where no preliminary ABFE maps exist such as Suffolk County, FEMA Base Flood Elevations (BFE) data will be referenced for application of the program within the county. Each site will be reviewed for its location with regard to the floodplain ABFE or BFE maps.

All development within Special Flood Hazard Areas (SFHAs) is subject to floodplain development regulations. When a New York State entity funds a project, New York State Rule 6 NYCRR Part 502 requires that when existing residential structures receive substantial improvements, the lowest floor (including basement) of each building in flood hazard areas must be constructed at least one foot above the advisory base flood elevation (ABFE). Additionally, the New York State Residential Building Code requires the lowest floor (including basement) of 1-2 family residential buildings classified under that Code to be constructed at least two feet above the base flood elevation. Finally, each participating community has a local regulation for flood damage prevention that contains specific standards for any development SFHAs. Where no ABFE exists, the lowest floor needs to be at least three feet above the highest adjacent grade. Rehabilitation and mitigation work to substantially damaged structures conducted under this Program will comply with the strictest elevation requirements in the relevant regulations or Codes.

Within an “A” zone, when an advisory base flood elevation is available, the lowest floor, including any basement, must be above the base flood elevation, as described above. Elevation may be by means of properly compacted fill, a solid slab foundation, or a “crawl space” foundation that contains permanent openings to let flood waters in and out.

Within a coastal “V” zone, structures must be elevated on pilings, columns, or sheer walls, such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor is elevated above the advisory base flood elevation, as described above.

Compliance with these standards will be documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance Program.

Homeowners participating in this program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

All proposed reconstruction and repair of substantially damage structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 or the New York State Residential Building Code.

All participants within a Special Flood Hazard Area (SFHA) in the program must carry flood insurance on the subject structure.

In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the FEMA-issued Maps), the applicant is required to adhere to construction standards, methods, and techniques requiring a registered professional engineer to either develop, review, or approve, per the associated location, specific Applicant elevation plans that demonstrate that the design meets the current standards for V zones in FEMA regulation 44 CFR Part 60.3 (e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3).

The requirements of the recovery program will help ensure a minimal adverse impact to the floodplain.

Homeowners requesting reimbursement for work completed prior to the homeowner entering the Housing Assistance Program must provide documentation that the work meets the standards discussed above. If the work that has been done prior to the homeowner entering the Housing Assistance Program does not meet these standards, that work will not be eligible for reimbursement until compliance with these standards are documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance Program.

Wetlands Protection and Water Quality

All sites will be evaluated for the presence of wetlands in accordance with New York State Department of Environmental Conservation (NYSDEC), and the U. S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps, and if necessary, an on-site wetlands inspection and delineation will occur (See Appendix H, Suffolk County Wetlands Maps and/or USFWS website). If project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990. If Executive Order 11990 is triggered, the 8 Step decision making process under 24 CFR Part 55.20 modified for wetlands will be completed.

If the work that was completed prior to the homeowner entering the Housing Assistance Program is determined to have impacted a wetland, the homeowner must provide documentation that the appropriate permit was obtained prior to the work taking place. If the appropriate permits were not obtained prior to the work taking place, the work will not be eligible for reimbursement. A Tier 2 site-specific review will determine if a project site is located within 300 feet of a tidal wetland and 100 feet of a freshwater wetland.

If a project site is located within those boundaries then a qualified environmental professional (QEP) will perform an on-site visits to determine if the work impacted a wetland.

The program will implement and maintain erosion and sedimentation control measures sufficient to prevent deposition of sediment and eroded soil in onsite and offsite wetlands and waters. Soil compaction will be minimized by controlling project activities in vegetated areas, including lawns.

Vegetation and Wildlife

The NYSDEC New York Natural Heritage Program, the U.S. Fish and Wildlife Service- New York Field Office (USFWS), and the National Marine Fisheries Service (NMFS) have been contacted to initiate consultation for compliance with state and federal threatened and endangered species laws. Consultation with these agencies has been initiated for the program, and written responses have been received.

The Federal Endangered Species Act (ESA) requires the Action Agency (HCR) to make a determination of effect to any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the Action Agency. The determination(s) of effect will be completed in the Tier 2 site-specific reviews.

In accordance with the August 7, 2013 letter from USFWS (See Appendix Q, USFWS & NMFS Consultation Letters), each site will be reviewed to determine the level of adverse effect. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.

Consultation is not required under Section 7 of the ESA when CDBG-DR assistance is provided for costs incurred, because physical activities were undertaken before HCR could review projects with the potential to affect biological resources. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site specific level.

Soil Erosion

Best Management Practices (BMPs), such as silt fence and erosion prevention, will be implemented, if required by permits or at agency discretion. Thorough planning and engineering review and design, through the local permitting process, will mitigate the potentially adverse effects that could result from marginal soil properties.

Storm Water

All sites will be evaluated for the need to comply with storm water permitting requirements and a NYSDEC general permit or local Municipal Separate Storm Sewer Systems (MS4) permits will be required. If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.

If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the work will be evaluated to determine if it required a NYSDEC general permit or local MS4 permit.

If it is determined that either permit was required, the homeowner must provide documentation that the permit had been obtained prior to the work being conducted, or evidence as to why the permit was not required for the work conducted. If the permit was required but was not obtained prior to the work conducted, that work will not be eligible for reimbursement.

Noise

All equipment will be outfitted with operating mufflers. Temporary increases in noise levels will be mitigated by compliance with local noise ordinances including time-of-day work limitations.

Air Quality

All activities must comply with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to New York Codes, Rules, and Regulations (NYCRR); NYSDEC Air Quality Management Plan; and the New York State Implementation Plan. All necessary mitigation measures will be used to minimize fugitive dust emissions created during the rehabilitation of existing structures. The preferred method for dust suppression is water sprinkling.

Hazardous Materials

HCR is charged with the overall inspection for hazardous materials for this project. HCR, in conjunction with designated agencies or consultants under HCR's direction, will provide qualified environmental professionals (QEPs) to perform on-site visits as necessary. QEPs are experienced persons with the skills to look for and recognize hazardous materials and their conditions generally, as well as the most common types of residential contamination found within this geographic area. The reports generated by QEPs with environmental assessment experience will be reviewed by HCR, or consultants under HCR's direction, to confirm that all items on the checklist are appropriately addressed. HCR will review the checklists as part of the creation and endorsement of the Tier 2 forms. Phase I Environmental Site Assessments (ESAs) will not be necessary for this project as property ownership will not change.

Structures to be reconstructed or rehabilitated may include materials containing asbestos, and will conform to: Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos-Standard for demolition and renovation 40 CFR Part 61.145, and the National Emission Standard for Asbestos-Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations 40 CFR Part 61.150.

If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the homeowner must provide documentation that the above regulations were followed.

If the homeowner cannot provide the documentation, a qualified asbestos inspector must perform a comprehensive building asbestos survey to identify the location and condition of asbestos throughout the structure. If the asbestos survey indicates the presence of asbestos or the presence of asbestos is assumed, an asbestos Operations and Maintenance (O&M) plan will be required prior to funding.

All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD's lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing." The Guidelines complement regulations that have been issued by HUD, the EPA, and the Occupational Safety and Health Administration (OSHA), and policies from the Centers for Disease Control and Prevention (CDC). In general, these regulations apply to housing constructed prior to 1978.

Assistance provided for an applicant's incurred rehabilitation costs may be exempt from the Lead Safe Housing Rule if the unit falls within a regulatory exemption set forth at 24 CFR Part 35.115. A housing unit is likely to fall within an exemption if:

- The housing unit was constructed on or after January 1, 1978;
- The CDBG-DR applicant undertook CDBG-eligible activities that qualify as emergency actions immediately necessary to safeguard against imminent danger to human life, health or safety, or to protect the property from further structural damage due to natural disaster, fire or structural collapse. This exemption applies only "to repairs necessary to respond to the emergency" as provided in 24 CFR Part 35.115(a)(9);
- The rehabilitation did not disturb any painted surface;
- The property meets the definition of "housing for the elderly," or the residential property is designated "exclusively for persons with disabilities", but only if no child less than six years of age resides or is "expected to reside" in the dwelling unit (see definitions at 24 CFR Part 35.110);
- An inspection performed according to HUD standards found the property contained no lead-based paint; or
- According to documented methodologies, lead-based paint has been identified and removed, and the property has achieved clearance.

Some homeowners that apply for CDBG-DR assistance for rehabilitation costs they have incurred may be able to qualify their property under the first or second exemption in the list above. Applicants may certify the applicability of each of the first three exemptions in the list above (those covering post-1977 housing, emergency actions, and non-disturbance of painted surfaces). To ensure the accuracy of the certifications, HCR will perform Tier 2 site specific reviews of the assisted properties.

If necessary (e.g., if none of the first three exemptions apply), the grantee may need to inspect the property according to EPA and HUD standards listed above, and ensure any lead-based paint has been removed and the property has achieved clearance.

Mold can also have an adverse effect on human health and is a very common problem in flooded homes. All homes will be inspected for mold contamination and mold remediation in accordance with New York City Guidelines on Assessment and Remediation.

HUD policy states that all occupied structures proposed for inclusion in HUD-funded programs be free of hazardous materials that could affect the health of the occupants.

Site-specific inspection will identify the presence of toxic or radioactive substances on, adjacent to, or near target residential properties. Where site-specific inspection does not adequately reveal past land use in the vicinity of target residential properties, site specific environmental review will include screening of historical land use to assess the potential hazard to occupants of the home. Hazards of concern include, but may not be limited to, hydrocarbon-associated vapors and radon gas.

When the target residential property is situated within 3000 feet of a potentially hazardous site, a QEP will determine if the potential hazard to occupants can be efficiently remediated without further study in order to achieve compliance with this factor. If so, remediation will be required, and will be appropriately scheduled and coordinated with home construction activities. Some residential properties inspected may be present with improper storage and excessive accumulation of toxic substances (i.e., petroleum products, pesticides, cleaning substances). Initial site inspection of residential properties may document the presence of abandoned and otherwise non-working vehicles with the potential for leakage of toxic materials.

Additionally, barrels or tanks with petroleum products or other potentially toxic substances may be identified on properties. Depending on the site-specific environmental assessment of the degree and extent of the hazard, the removal of such items may be a property owner's obligation and will be completed before a housing construction project can proceed.

Airport Clear Zones and Accident Potential Zones

Based on guidance provided by the U.S. Department of Housing and Urban Development in Fact Sheet #D1, the National Plan of Integrated Airport Systems was reviewed for civilian and commercial service airports within the vicinity of the program area, as programs located within 2,500 feet of a civil airport will require consultation with the appropriate civil airport operator. Projects in west central Suffolk County will be located within close proximity to Republic Airport but are not within the airport clear zone area. Projects within central Suffolk County will be located within close proximity to: Macarthur Airport, Brookhaven Airport, Calverton Executive Airpark, Grumman Peconic River Airport but not within the airports clear zones; and Francis S. Gabreski Airport which is a county owned joint civil-military airport where site specific properties may be within the airport clear zone. Projects on the in the eastern portion of Suffolk County will be in close proximity to East Hampton Airport, where site specific properties may be within the airport clear zone, and Montauk Airport, but are not within that airport clear zone area.

If the project is within the airport clear zone, the appropriate notifications will be made as per 24 CFR Part 51D (See Appendix O, Airport Clear Zones Maps). Each site will be reviewed for its location within the airport clear zones and potential accident zones in the Tier 2 site specific review.

Summary of Findings & Conclusions

Based upon completion of this Tier 1 environmental assessment, environmental review of the proposed program indicates there will be no significant changes to existing environmental conditions across the impact categories implemented by HUD in response to the National Environmental Policy Act (NEPA) of 1969, with the possible exception of the subject areas listed below. Based on the completion of this environmental assessment, the following subject areas require Tier 2 site-specific analysis before it can be concluded that the specific site would have no significant environmental impacts on an individual site. These authorities are referenced under HUD's regulations at Part 58.5:

- Historic Preservation (36 CFR Part 800);
- Floodplain Management and Flood Insurance (24 CFR Part 58.5(b) and 24 CFR Part 58.6);
- Coastal Barrier Resources Act (44 CFR Part 206, Subpart J and 16 U.S.C 3501-3510);
- Wetlands Protection (EO 11990);
- Endangered Species Act (50 CFR Part 402; 16 USC 1531 et seq.);
- Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances (24 CFR Part 58.5(i)(2)(i)); and
- Airport Clear Zones and Accident Potential Zones (24 CFR Part 51D)

Under the Tier 1 environmental assessment for reimbursements, the following laws and authorities have been fully considered and do not require a Tier 2 site specific review:

- Section 7 of the Endangered Species Act: Consultation is not required when CDBG-DR assistance is provided for costs incurred because physical activities were undertaken before HCR could review projects with the potential to affect biological resources. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site specific level.
- Sole Source Aquifers: The total impervious area of a parcel will not be increased significantly, which is considered to be 30% for Safe Drinking Water Act purposes in Region II. This authority will not be triggered since these activities will not increase the preexisting footprint of structures, sidewalk, driveway, parking lot, or other developed area.
- Wild and Scenic Rivers: The Wild and Scenic Rivers Act does not apply since new construction activities and the acquisition or development of undeveloped lands are not eligible for CDBG-DR assistance and are not covered by this Guidance.
- General conformity determinations under the Clean Air Act (CAA): Any nonattainment area plans should have applied at the time of construction and compliance should be documented. The proposed action must not result in any new violations of federal or state ambient air quality standards.
- Farmland Protection Policy Act: Since these activities should not occur outside of the existing structure's footprint, this authority should not apply.
- Executive Order 12898 – Environmental Justice: These projects will not raise environmental justice issues and have no potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations.

- HUD’s regulations and standards on Noise and Acceptable Separation Distances from explosives: HUD’s noise policy at 24 CFR Part 51 subpart B is not applicable to assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. HUD’s acceptable separation distance at 24 CFR Part 51 subpart C is not applicable if the project is not adding density. If density is increased, 24 CFR Part 51 subpart C applies.

Tier 2 Site-specific reviews will include desktop evaluation of the application, the proposed site activity, and its location relative to the above compliance factors. Reviews will also include direct field observation with photographs and notes for the file, as well as possible resource agency consultations. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project planned for a residential site will proceed without further notice to the public.

If impacts cannot be identified and mitigated during the site-specific reviews, then that site may be subject to further studies, treated as a separate project, subject to agency consultations, and the environmental review process may require the publishing or posting of notices for that individual site. Each completed Tier 2 site-specific checklist and supporting documents will be submitted to HCR for review and approval before individual activity site work or construction begins.

Evaluation of the Effects

Individual actions undertaken by the described Recreate NY Home 1-4 Unit Rehabilitation program in Suffolk County will provide a safe and secure environment for a substantial number of its low to moderate income households still recovering from Hurricane Sandy, and will provide a positive financial impact on their neighborhoods, their communities, and the county.

NEPA Environmental Assessment Checklist

[Environmental Review Guide HUD CPD 782, 24 CFR 58.40; Ref. 40 CFR 1508.8 & 1508.27]

HCR has evaluated the significance of the effects of the proposal on the character, features and resources of the project area. Relevant base data and verifiable source documentation to support the findings has been included in the reference section. The appropriate impact code from the following list has been incorporated to make a determination of impact. **Impact Codes:** (1) - No impact anticipated; (2) - Potentially beneficial; (3) - Potentially adverse; (4) - Requires mitigation; (5) - Requires project modification. Additional materials have been attached as appendices, and conditions or mitigation measures required have been noted.

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	<p>The program will not require zoning changes or amendments, and will consist of rehabilitation of existing 1-4 unit residential housing stock damaged by Hurricane Sandy, Hurricane Irene, and Tropical Storm Lee, consistent with current local plans. Contractors will obtain appropriate permits.</p> <p><u>Reimbursement</u> Work conducted prior to the homeowner entering the Homeowner Assistance Programs will not be eligible for reimbursement if appropriate permits were not obtained or a zoning change or amendment was necessary.</p>
Compatibility and Urban Impact	2	<p>CDBG-DR funding would result in the rehabilitation of storm damaged 1-4 unit residential properties in developed areas of Suffolk County. The rehabilitation of these sites would provide an urban design and compatibility benefit by revitalizing the appearance and sustainability of these structures which potentially make up 90.9% of the housing stock in Suffolk County.</p>
Slope	1	<p>Because the program is defined to rehabilitation and reconstruction of 1-4 unit homes, adverse effects to slope are not anticipated. Minor adjustment to soil slope may result for properties requiring soil amendment or preparation for stilts and associated footings. However, impacts to slope within a localized area on a property would be considered negligible. According to the USGS topographic map, (see Appendix B, USGS Suffolk County Topographic Map) slopes generally range from 0 to 5 percent within Suffolk County.</p>
Erosion	1	<p>According to the USGS topographic map (See Appendix B) Suffolk County is generally flat with slopes of less than 5 percent. Adjustment to soil slope may result from properties requiring soil amendment or preparation for stilts and associated footings. Best Management Practices (BMPs), such as silt fence and erosion prevention, will be implemented as required by permits or agency discretion. State and local permitting requirements will incorporate BMPs (erosion blanketing, phasing, & sequencing of construction) to eliminate erosion impacts for program locations that require excavation or soil modification. Therefore, impacts from erosion are not anticipated as a result of this program.</p>

Soil Suitability	1	<p>The program involves the reconstruction or rehabilitation of existing, storm-damaged, 1-4 unit residential properties. Reconstruction at specific properties would include raising homes. Homes that would be raised will require a soil suitability analysis in accordance with New York State and local construction codes and regulations.</p> <p>The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) provides map information regarding soil types and their properties that can influence the development of building sites and is intended for land use planning, evaluating land use alternatives, and planning site investigations prior to design and construction. (see Appendix C, USDA Soil Survey Maps)</p> <p>Rating class terms designated by the NRCS indicate the extent to which the soils are limited by all of the soil features that affect building site development, and include "Not limited", "Somewhat limited", and "Very limited".</p> <p>According to review of the NRCS soils map data for "Dwellings and Small Commercial Buildings" ratings for the 67 soil types mapped within Suffolk County, 18 soil types have ratings of very limited, 26 somewhat limited, and 19 not limited. Reasons for the assigned ratings include slope, shrink-swell, depth to saturated zone, depth to thick cemented pan, organic matter content, or lack thereof. Several soil types are not rated (beaches, fill land, escarpments, duneland, etc.).</p> <p>Although several soil types with unfavorable soil suitability ratings exist within Suffolk County, thorough planning, engineering, review, and design will mitigate the potentially adverse effects that could result from marginal soil properties, as they relate to reconstruction and rehabilitation. Construction management contractors will determine the soil type at each site during the Tier 2 site specific review.</p> <p>According to NRCS soils map data for "Dwellings and Small Commercial Buildings", approximately 70 percent of the Most Affected Communities vicinity has a "Not Limited" rating, 2 percent has a "Somewhat Limited" rating, and 4 percent has "Very Limited" rating. Therefore, the spatial distribution of soil types with "Somewhat Limited" and "Very Limited" ratings is relatively minor. The remaining percentage is "Not Rated" (See Appendix C, USDA Soil Survey Maps).</p> <p>Soil texture amendments and/or anchoring stilts to subsurface bedrock will enable raising of homes above the flood elevation at locations with limited building site ratings soil types.</p>
Hazards and Nuisances including Site Safety	1	<p>The rehabilitation of the impacted residences would be typical of home remodeling activities. Typical effects of rehabilitation may include sidewalk closures and fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York State, Suffolk County, and local municipalities.</p> <p>If a site is determined to have hazardous materials, measures would be implemented to minimize the exposure of workers and the public. (See conditions for approval section)</p>
Energy Consumption	1	<p>Fossil fuel energy consumption would occur via the use of construction equipment and the shipment of materials required for the rehabilitation and reconstruction. However, the program would not expand the housing stock relative to conditions prior to Hurricane Sandy, and would not increase long-term energy consumption. Rehabilitated and reconstructed homes would be more energy-efficient as a result of the program, due to incorporation of energy efficient building materials and practices.</p>

Noise - Contribution to Community Noise Levels	4	The reconstruction or rehabilitation of 1-4 unit residential properties would result in the same amount of development that existed at pre-Hurricane Sandy levels and would not result in any significant increase in ambient noise levels. The proposed activities would cause temporary increases in noise levels due to construction activities and truck traffic. Temporary increases in noise levels would be mitigated by compliance with local noise ordinances including time-of-day work limitations.
Air Quality Effects of Ambient Air Quality on Project, and Contribution to Community Pollution Levels	4	<p>Suffolk County is within an area of non-attainment for PM 2.5 and Ozone, as viewed on the EPA's "Counties Designated Nonattainment" map at http://www.epa.gov/airquality/greenbook/.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP).</p> <p>Conforming to a SIP means that an action will not:</p> <ul style="list-style-type: none"> • Cause or contribute to a new violation of any standard in any area; • Increase the frequency or severity of any existing violation of any standard in any area; or • Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area. <p>Project activities will be completed on existing residential developed sites and existing structures, and would not substantively affect the NY State Implementation Plan (SIP) due to the implementation of standard BMPs that control dust and other emissions during construction. Air quality impacts will be short-term and localized. No significant impacts on air quality will result and further assessment is not required.</p>
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	1-4 unit residential properties will be rehabilitated and will be compatible with the surrounding land uses in both visual and scale aspects. The vast majority of applicable housing stock is single family. No changes are proposed in the footprint or Floor Area Ratio for the rehabilitations. The proposed use of CDBG-DR could potentially provide a benefit by improving visual appearance of neighborhoods destroyed by Hurricane Sandy.

Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The proposed use of CDBG-DR funds for the reconstruction or rehabilitation of storm damaged 1-4 unit residential properties would not alter the demographic character of the area. The occupants of properties will most likely be the same occupants that resided in the area prior to Hurricane Sandy. No significant impacts would occur to the demographic character of Suffolk County.
Displacement	2	One of the primary objectives of the State's response to Hurricane Sandy and CDBG-DR funding is to avoid the permanent displacement of residents. Rehabilitation of storm damaged 1-4 unit residential buildings would ensure that safe and sustainable housing will be provided, and that residents displaced by Hurricane Sandy can return to their communities.
Employment and Income Patterns	2	The rehabilitation of the County's 1-4 unit residential housing stock would support employment and income patterns. The program is not expected to result in significant effects on area employment and income patterns. In addition, the proposed activities would benefit the affected areas by generating employment for the construction industry.

**Community Facilities
And Services**

	Code	Source or Documentation
Educational Facilities	2	The rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in adverse effects on public schools operated or chartered by the school districts in Suffolk County. In most cases, students displaced by Hurricane Sandy would be able to return to their local school. There will be no significant adverse effects on educational facilities as new residences are not being added, and existing structures are being repaired.
Commercial Facilities	2	The rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in a significant effect on existing commercial establishments. Returning residents would frequent commercial establishments in the neighborhood. This would be an economic benefit to all local businesses that experienced a loss in revenue since the storm.
Health Care	1	The rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in a large increase in demands on the health care system. There will be no significant adverse effects on health care facilities as new residences are not being added and only existing structures are being repaired.
Social Services	2	The rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in a new demand for social services and may, in fact, reduce demand as people move back into their homes. Social services are provided by a range of non-profit, state, and federal agencies. There will be no significant adverse effects on social services as new residences are not being added only existing structures being repaired.
Solid Waste	3	The proposed program would result in generation of significant quantities of construction and demolition waste. All solid waste must be properly segregated and disposed of at any of New York's 79 regulated (permitted) Construction & Debris (C&D) processing facilities and 279 registered C&D processing facilities and in accordance with applicable regulations. All hazardous waste (ACM, lead, etc.) will be segregated and disposed of at an appropriately licensed facility. Materials can be separated from C&D debris to be recycled or to be reused for a specific use. Material that is not recovered is sent to a municipal solid waste landfill or to a C&D debris landfill. Facilities and landfills will be determined based on proximity to site specific properties.
Waste Water	1	Waste water should not be generated from the reconstruction or rehabilitation of the existing residences. The reconstruction or rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in a significant demand on waste water disposal/treatment services. No significant impact would occur as a result of reconstructing the residences, as the housing stock would not be increased beyond pre-Hurricane Sandy conditions.

Storm Water	1	<p>Reconstruction or rehabilitation including elevation of 1-4 unit residential properties will not involve a change in the existing structures footprint and should have no significant impact on storm water systems. All sites will be evaluated for the need to comply with storm water permitting requirements (New York State Department of Environmental Conservation [NYSDEC] general permit or local Municipal Separate Storm Sewer Systems (MS4) permits). If multiple adjacent sites are worked on, the sites will be aggregated for the purposes of construction storm water compliance.</p> <p><u>Reimbursement</u> If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the work will be evaluated to determine if it required a NYSDEC general permit or local MS4 permit. If it is determined that either permit was required, the homeowner must provide documentation that the permit had been obtained prior to the work being conducted, or evidence as to why the permit was not required for the work conducted. If the permit was required but was not obtained prior to the work conducted, that work will not be eligible for reimbursement.</p>
Water Supply	1	<p>No additional demands would be placed on the Suffolk County water supply as no new residences are being built. The reconstruction or rehabilitation of 1-4 unit residential properties using the proposed CDBG-DR funding would not result in a significant impact on water supplies.</p>
Police	3	<p>The proposed program will not result in additional housing units and, thus, will not increase the demand on the local police departments. The proposed use of CDBG-DR funding for the reconstruction or rehabilitation of 1-4 unit residential properties would help displaced homeowners return to their neighborhoods, stabilizing those neighborhoods and helping restore public safety. Debris from construction activities will be managed as to not impede response time. It is possible debris or trucks may temporarily block access, though these hindrances would be minor and temporary. Redevelopment activities will ultimately provide benefits by reducing the amount of derelict properties.</p>
Fire	3	<p>The proposed program will not result in additional housing units and, thus, will not increase the demand on the local fire departments. The proposed use of CDBG-DR funding for the reconstruction or rehabilitation of 1-4 unit residential properties would help displaced homeowners return to their neighborhoods, which would stabilize those neighborhoods and restore public safety. Debris from construction activities will be managed as to not impede response time. It is possible debris or trucks may temporarily block access, though these hindrances would be minor and temporary. Redevelopment activities will ultimately provide potential benefits by reducing the amount of derelict properties, which pose potential fire hazards.</p>
Emergency Medical	3	<p>The proposed program will not result in additional housing units and, thus, will not increase the demand on the local emergency medical departments. The proposed use of CDBG-DR funding for the reconstruction or rehabilitation of storm damaged 1-4 unit residential properties would not place a significant demand on area health care facilities, including emergency facilities. The objective of CDBG-DR is to preserve existing neighborhoods by helping displaced homeowners return to their storm damaged properties. Since this project is will not substantially increase housing or population above pre-Sandy levels, no additional demand for medical assistance is anticipated. Debris from construction activities will be managed as to not impede response time. It is possible debris or trucks may temporarily block access, though these hindrances would be minor and temporary.</p>

Open Space	1	The proposed use of CDBG-DR for the reconstruction or rehabilitation of storm damaged 1-4 unit residential properties would not introduce a sizeable new population to neighborhoods impacted by Hurricane Sandy; therefore, no new demand on open space would be generated. No significant negative impacts would occur.
Recreation	1	The proposed use of CDBG-DR for the reconstruction or rehabilitation of storm damaged 1-4 unit residential properties would not introduce a sizeable new population to neighborhoods impacted by Hurricane Sandy; therefore, no new demand on recreational facilities would be generated. No significant negative impacts would occur.
Cultural Facilities	1	The proposed use of CDBG-DR for the reconstruction or rehabilitation of storm damaged 1-4 unit residential properties will have no increased demand on cultural facilities, as there will be no increase in population.
Transportation	1	CDBG-DR funds for the reconstruction and rehabilitation of storm damaged 1-4 unit residential properties will not generate significant levels of traffic or place a significant demand on transportation systems in the area. Population density from pre- Hurricane Sandy levels is not expected to increase, since no additional housing stock of significance is being constructed.

Natural Features	Code	Source or Documentation
Water Resources	1	<p>All of Suffolk County is located over a sole source aquifer (See Appendix E, Sole Source Aquifer Map). Most of Suffolk County is connected to municipal water supplies; however, some areas have private wells and are not connected to community systems. Programs involving rehabilitation of existing structures are not required to be reviewed for consistency with 40 CFR 149 (sole source aquifers).</p> <p>Since this action is for the rehabilitation of existing 1-4 unit residences, water supplies are already established and no significant impacts are expected to occur to the aquifer.</p> <p><u>Reimbursement</u> The total impervious area of a parcel will not be increased significantly, which is considered to be 30% for Safe Drinking Water Act purposes in Region II. This authority will not be triggered since these activities will not increase the preexisting footprint of structures, sidewalk, driveway, parking lot, or other developed area.</p>

Surface Water	1	<p>Because the program is defined to rehabilitation and reconstruction of 1-4 unit homes, adverse effects to surface water resources are not anticipated. Program activities are anticipated to remain within the general footprint of the affected building and avoid impacts to surface water resources. All sites will be evaluated for the presence of wetlands in accordance with New York State Department of Environmental Conservation (NYSDEC), and the U. S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps, and if necessary, an on-site wetlands inspection and delineation will occur (See Appendix H, Suffolk County Wetlands Maps and/or USFWS website). If project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990. If Executive Order 11990 is triggered, the 8 Step decision making process under 24 CFR Part 55.20 modified for wetlands will be completed.</p> <p>There are no Wild and Scenic Rivers within Suffolk County, as designated by the U.S. Department of the Interior. The Carmens River, Nissequoque River, Peconic River, and Connetquot River are designated by NYSDEC as Scenic and Recreational rivers. The proposed program will be confined to existing residential lots, and will not disturb the bed or banks of these rivers. Implementation of best management practices for erosion and sediment control and management of hazardous substances will prevent introduction of sediment and contaminants into the rivers.</p> <p><u>Reimbursement</u> If the work that was completed prior to the homeowner entering the Housing Assistance Program is determined to have impacted a wetland, the homeowner must provide documentation that the appropriate permit was obtained prior to the work taking place. If the appropriate permits were not obtained prior to the work taking place, a Tier 2 site-specific review will determine if a project site is located within 300 feet of a tidal wetland and 100 feet of a freshwater wetland. If a project site is located within those boundaries, then a qualified environmental professional (QEP) will perform on-site visits to determine if the work impacted a wetland.</p>
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<p>Unique Natural Features and Agricultural Lands</p>	<p>1</p>	<p>The <i>Environmental Review Guide for Community Development Block Grant Programs</i> defines unique natural features as "primarily geological features which are unique in the sense that their occurrence is infrequent or they are of special social, cultural, economic, educational, aesthetic or scientific value. Development on or near those features may render them inaccessible to investigators or visitors, or otherwise limit potential future use and appreciation of these resources. Examples of unique natural features include: sand dunes, waterfalls, unique rock outcroppings, caves, canyons, and petrified forests. Also included are unique stands of trees, such as Redwoods, or unique colonies of animals, such as Prairie Dog Town."</p> <p>The NYSDEC indicates approximately 81 designated Critical Environmental Areas (CEA) within Suffolk County. Montauk Point and Montauk Point Beach are the only NYSDEC designated Unique Geologic Features within the County.</p> <p>Given the large number of CEAs throughout the County, and unknown exact locations of potential rehabilitation and reconstruction sites, there is potential for adverse impacts to Unique Natural Features. However, the program will be compatible with current land use of the surrounding urban upland areas. Rehabilitation and reconstruction will occur within the same footprint of the affected building.</p> <p>The U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) provides map information regarding soil types that are considered Prime Farmland and Farmland of Statewide Importance. According the NRCS soils data, there are 18 mapped soil types within Suffolk County that are defined as Prime Farmland. There are 14 mapped soil types defined as Farmland of Statewide Importance. Two soil types are defined as Prime Farmland if Drained.</p> <p>Although these soil types exist throughout the county, the current land use setting, which includes urban development, is not compatible for use of the identified farmlands. Because the program is defined to rehabilitation and reconstruction of 1-4 unit homes, and agricultural land use conversion is not anticipated, adverse effects to agricultural resources are not anticipated.</p>
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Vegetation and Wildlife	1	<p>Information has been received from NYSDEC New York Natural Heritage Program, the U.S. Fish and Wildlife Service New York Field Office (USFWS), and the National Marine Fisheries Service (NMFS) (See Appendix P, NY Heritage Information Request Response Letter and Appendix Q, USFWS & NMFS Consultation Letters.)</p> <p>The Federal Endangered Species Act (ESA) requires the Action Agency (HCR) to make a determination of effect to any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the Action Agency. The determination(s) of effect will be completed in the Tier 2 site-specific reviews.</p> <p>In accordance with the August 7, 2013 letter from USFWS, each site will be reviewed to determine the level of adverse effect in accordance with USFWS 7 Step Project Review Process and/or other compliance review tools as directed by USFWS. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.</p> <p>According to NYSDEC and USFWS, Wertheim National Wildlife Refuge, Amagansett National Wildlife Refuge, Elizabeth Alexandra Morton National Wildlife Refuge, Seatuck National Wildlife Refuge, Target Rock National Wildlife Refuge, and Conscience Point National Wildlife Refuge occur within Suffolk County. (See Appendix R, USFWS Natural Resources of Concern document.) The proposed actions of the rehabilitation program will occur outside of these resource areas; therefore, they will not be impacted by the proposed program.</p> <p><u>Reimbursement</u> Consultation is not required under Section 7 of the ESA when CDBG-DR assistance is provided for costs incurred, because physical activities were undertaken before HCR could review projects with the potential to affect biological resources. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site specific level.</p>
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Tier 1 Environmental Review Record
Environmental Assessment Work Sheet

Program Name and Description:

Program Name: Recreate NY Home 1-4 Unit Rehabilitation Program

Location: Scattered Sites, Suffolk County, Long Island, New York

Activities included in the project: Rehabilitation of 1-4 unit residential properties in Suffolk County damaged during Hurricane Sandy.

Directions: New York State Homes & Community Renewal (HCR) has determined whether the activities affiliated with the project will affect the resource under consideration and trigger formal compliance consultation procedures with the appropriate oversight agency and/or subsequent mitigation, as described below. If the activity affects the resource, “A” is indicated in the Status Determination Column below, and a site-specific Tier 2 review will be conducted for the category. “B” is indicated in the column if the activity does not affect the resources under consideration. The compliance documentation column indicates what source documentation was used to make the compliance determination and copies of all necessary documentation are attached in the Environmental Review Record (ERR).

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.6	Status Determination (A or B)	Compliance Documentation
<p>Flood Disaster Protection Act [Flood Insurance] [\$58.6(a)]</p>	<p>A</p>	<p>The program is located within Special Flood Hazard Area (SFHA) based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 36103CIND1A, revised 9/25/2009, for Suffolk County, New York. (see Appendix F) All sites will be reviewed for their location within the floodplain and, if they are in the Special Flood Hazard Area (SFHA), the applicant will be required to purchase and maintain flood insurance.</p> <p><u>Reimbursement</u> Homeowners requesting reimbursement for work completed prior to the homeowner entering the Housing Assistance Program must provide documentation that the work meets the standards discussed in the conditions for approval section of this Environmental Review Record. If the work that has been done prior to the homeowner entering the Housing Assistance Program does not meet these standards, that work will not be eligible for reimbursement until compliance with these standards are documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance Program.</p>

Coastal Barrier Resources Act/ Coastal Barrier Improvement Act [§58.6(c)]	A	Each site will be checked with regard to its location within the Coastal Barrier Resources Area, and no HUD funding will be used in a Coastal Barrier Resources Area. A map showing the John H. Chafee Coastal Barrier Island Resources System for Long Island is attached (see Appendix G, Coastal Barrier Resources Map.)
Airport Runway Clear Zone or Clear Zone Disclosure [§58.6(d)]	B	The program will not be proposing any site acquisitions, therefore, §58.6(d) is not applicable.

Statutes, Executive Orders, and Regulations listed at 24 CFR Sec. 58.5 and 58.6	Status Determination (A or B)	Compliance Documentation
Wetland Protection [Executive Order 11990]	A	<p>All sites will be evaluated for the presence of wetlands in accordance with New York State Department of Environmental Conservation (NYSDEC), and the U. S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) maps, and if necessary, an on-site wetlands inspection and delineation will occur (See Appendix H, Suffolk County Wetlands Maps and/or USFWS website). If project work on a specific site will impact a wetland, appropriate permits will be obtained, in compliance with Executive Order 11990. If Executive Order 11990 is triggered, the 8 Step decision making process under 24 CFR Part 55.20 modified for wetlands will be completed.</p> <p><u>Reimbursement</u> If the work that was completed prior to the homeowner entering the Housing Assistance Program is determined to have impacted a wetland, the homeowner must provide documentation that the appropriate permit was obtained prior to the work taking place. If the appropriate permits were not obtained prior to the work taking place, a Tier 2 site-specific review will determine if a project site is located within 300 feet of a tidal wetland and 100 feet of a freshwater wetland. If a project site is located within those boundaries, then a qualified environmental professional (QEP) will perform on-site visits to determine if the work impacted a wetland.</p>
Coastal Zone Management [Coastal Zone Management Act, 1972,	B	This program has been reviewed by the New York Department of State (NYDOS), which made a “general concurrence determination” based on the fact the program involves rehabilitation. (See Appendix I, NYDOS General Concurrence – No Objection to Funding letter)

<p>Historic Preservation [36 CFR Part 800]</p>	<p>A</p>	<p>A New York Historic Preservation Programmatic Agreement (Programmatic Agreement) (See Appendix J) with the State Historical Preservation Office (SHPO) has been obtained and all properties will be reviewed under Section 106 of the National Historic Preservation Act for compliance with the Programmatic Agreement and forwarded to NYS Office of Parks, Recreation and Historic Preservation (OPRHP) for further review as required by the Programmatic Agreement. The qualified Historic Preservation professional is staff at NYS Office of Parks, Recreation and Historic Preservation (OPRHP). If the primary reviewer is not able to determine compliance from a project based on the Programmatic Agreement (See Appendix J), the project will be sent for further review to OPRHP and all recommendations made by OPRHP will be incorporated into the project design. Each site will be reviewed for compliance with the Programmatic Agreement.</p> <p><u>Reimbursement</u> If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the work will be evaluated to determine compliance with the Programmatic Agreement. If the work conducted by the homeowner did not comply with the Programmatic Agreement, the homeowner must provide documentation that the OPRHP had been consulted prior to the work starting. If the homeowner cannot provide the documentation, the project will not be eligible for reimbursement until it has been sent for further review to OPRHP and all recommendations made by OPRHP have been completed.</p>
<p>Floodplain Management [Executive Order 11988; 24 CFR Part 55]</p>	<p>A</p>	<p>Project sites requiring substantial rehabilitation located in a 100-year floodplain have been reviewed in accordance with §55.20 and will be reviewed to ensure compliance with the Floodplain Management Plan. (See Appendix K, Floodplain Management Plan) Programs within the 100-year floodplain will be required to purchase and maintain flood insurance.</p> <p><u>Reimbursement</u> Homeowners requesting reimbursement for work completed prior to the homeowner entering the Housing Assistance Program must provide documentation that the work meets the standards discussed above. If the work that has been done prior to the homeowner entering the Housing Assistance Program does not meet these standards, that work will not be eligible for reimbursement until compliance with these standards are documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance Program.</p>

<p>Sole Source Aquifers [40 CFR 149]</p>	<p>B</p>	<p>All of Suffolk County is within a sole source aquifer according to the U.S. Environmental Protection Agency (EPA) NEPAAssist mapper. The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> • Construction of individual new residential structures containing from one to four units • Rehabilitation of residential units <p>(See Appendix E, Sole Source Aquifer Memorandum of Understanding and Map)</p> <p><u>Reimbursement</u> The total impervious area of a parcel will not be increased significantly, which is considered to be 30% for Safe Drinking Water Act purposes in Region II. This authority will not be triggered since these activities will not increase the preexisting footprint of structures, sidewalk, driveway, parking lot, or other developed area.</p>
<p>Endangered Species Act [50 CFR 402]</p>	<p>A</p>	<p>Information has been received from the New York Department of Environmental Conservation (NYSDEC) New York Natural Heritage Program, the U.S. Fish and Wildlife Service - New York Field Office (USFWS), and the National Marine Fisheries Service (NMFS) (See Appendix P, NY Heritage Information Request Response Letter and appendix Q, USFWS & NMFS Consultation Letters.)</p> <p>The Federal Endangered Species Act (ESA) requires the Action Agency (HCR) to make a determination of effect to any federally listed species or designated critical habitat that may occur as a result of an action that is funded, authorized, or carried out by the Action Agency. The determination(s) of effect will be completed in the Tier 2 site-specific reviews.</p> <p>In accordance with the August 7, 2013 letter from USFWS, each site will be reviewed to determine the level of adverse effect in accordance with USFWS 7 Step Project Review Process and/or other compliance review tools as directed by USFWS. Further consultation with USFWS will be conducted in the event that an adverse effect is determined. Additionally, HCR will determine if there are areas of multiple sites in close proximity that may result in an adverse effect so that those sites can be reviewed together, if necessary.</p> <p>According to the NYSDEC and USFWS, Wertheim National Wildlife Refuge, Amagansett National Wildlife Refuge, Elizabeth Alexandra Morton National Wildlife Refuge, Seatuck National Wildlife Refuge, Target Rock National Wildlife Refuge, and Conscience Point National Wildlife Refuge occur within Suffolk County. (See Appendix R, USFWS Natural Resources of Concern document.)</p>

		<p>The proposed actions of the rehabilitation program will occur outside of these resource areas; therefore, they will not be impacted by the proposed program.</p> <p><u>Reimbursement</u> Consultation is not required under Section 7 of the ESA when CDBG-DR assistance is provided for costs incurred, because physical activities were undertaken before HCR could review projects with the potential to affect biological resources. However, all properties will be reviewed for compliance with Section 7 of the ESA at the Tier 2 site specific level.</p>
<p>Wild and Scenic Rivers [16 U.S.C. 1271, Sec. 7(b), (c)]</p>	<p>B</p>	<p>There are no Wild and Scenic rivers in Suffolk County, as designated by The National Park Service. The proposed program will not result in significant adverse impacts to the values for which the Carmens River, Nissequoque River, Peconic River, and Connetquot River were designated by the NYSDEC as Scenic and Recreational rivers. The proposed program will be confined to existing residential lots, and will not disturb the bed or banks of these rivers. Implementation of best management practices for erosion and sediment control and management of hazardous substances will prevent introduction of sediment and contaminants into the rivers.</p>
<p>Clean Air Act [40 CFR Parts 6, 51, 93]</p>	<p>B</p>	<p>Suffolk County is within an area of nonattainment for PM 2.5 and Ozone, as viewed on the EPA’s “Counties Designated Nonattainment” map at http://www.epa.gov/airquality/greenbook/.</p> <p>Section 176(c) of the Clean Air Act (CAA) requires a federal agency that funds any activity in a nonattainment or maintenance area to conform to the State Implementation Plan (SIP).</p> <p>Conforming to a SIP means that an action will not:</p> <ul style="list-style-type: none"> • Cause or contribute to a new violation of any standard in any area; • Increase the frequency or severity of any existing violation of any standard in any area; or • Delay timely attainment of any standard, any required interim emission reduction, or other milestones in any area. <p>Project activities will be completed on existing residential developed sites and existing structures and would not substantively affect the NY State Implementation Plan (SIP) due to the implementation of standard BMPs that control dust and other emissions during construction. Air quality impacts will be short-term and localized. No significant impacts on air quality will result and further assessment is not required.</p>

<p>Farmland Policy Act [7CFR Part 658]</p>	<p>B</p>	<p>The program will not convert farmland to nonagricultural purposes and therefore would not violate the Farmland Policy Protection Act. Further assessment is not required (See Appendix L, Farmland Protection Checklist).</p>
<p>Environmental Justice [Executive Order 12898]</p>	<p>B</p>	<p>The proposed program is not expected to result in environmental justice impacts as it is intended to address rehabilitation of existing homes devastated by Hurricane Sandy. Homes/applications within Environmental Justice Areas (EJ) will be treated the same as homes/applications in non-EJ areas and will have equal opportunity (See Appendix M, Potential Environmental Justice Areas Map).</p> <p><u>Reimbursement</u> These projects will not raise environmental justice issues and have no potential for new or continued disproportionately high and adverse human health and environmental effects on minority or low-income populations.</p>
<p>Noise Abatement and Control [24 CFR Part 51, Subpart B]</p>	<p>B</p>	<p>The reconstruction or rehabilitation of 1-4 unit residential properties would result in the same amount of development which existed at pre-Hurricane Sandy levels. The proposed activities would cause temporary increases in noise levels. Temporary increases in noise levels will be mitigated by complying with local noise ordinances. HUD has determined that noise abatement and control is not applicable to a disaster recovery program which meets the definition under 24 CFR Part 51.101(a)(3) for emergency assistance under disaster 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.</p> <p><u>Reimbursement</u> HUD's noise policy at 24 CFR part 51 subpart B is not applicable to assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. (See 24 CFR Part 51.101(a)(3)).</p>
<p>Explosive and Flammable Operations [24 CFR Part 51 C]</p>	<p>B</p>	<p>Accepted separation distance requirements do not apply because the definition for HUD assisted projects in 24 CFR Part 51.201 is predicated on whether the HUD project increases the number of people exposed to hazardous operations. 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 (See Appendix N, Danielle L Schopp email dated March 18, 2013).</p> <p><u>Reimbursement</u> HUD's acceptable separation distance at 24 CFR Part 51 subpart C is not applicable if the project is not adding density. If density is increased, 24 CFR Part 51 subpart C applies.</p>

<p>Toxic Chemicals and Radioactive Materials [24 CFR Part 58, Sec 5(i)(2)]</p>	<p>A</p>	<p>HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property. HCR in conjunction with designated agencies, or consultants under HCR’s direction, will provide qualified environmental professional (QEP) to perform on-site visits. If contaminants are identified, they will be remediated according to all applicable city, state and federal regulations. All solid waste materials must be managed and transported in accordance with the state’s solid and hazardous waste rules.</p> <p>All activities must comply with applicable federal, state, and local laws and regulations regarding lead-based paint, including but not limited to, EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD’s lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing.” The Guidelines complement regulations that have been issued by HUD, the EPA, and the Occupational Safety and Health Administration (OSHA), and policies from the Centers for Disease Control and Prevention (CDC). In general, these regulations apply to housing constructed prior to 1978.</p> <p>Structures to be reconstructed or rehabilitated may include materials containing asbestos, and will conform to: Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York Department of Labor (Cited as 12 NYCRR Part 56), the National Emission Standard for Asbestos-Standard for demolition and renovation 40 CFR Part 61.145, and National Emission Standard for Asbestos-Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations 40 CFR Part 61.150.</p> <p>Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. All homes will be inspected for mold contamination and mold remediation in accordance with New York City Guidelines on Assessment and Remediation.</p> <p>According to the U.S. EPA, Suffolk County is located in Radon Zone 3, where the predicted average indoor radon screening level less than 2 picocuries per liter (pCi/L). Accordingly, radon mitigation will not be included in the program.</p> <p><u>Reimbursement</u> All homes will be inspected for mold contamination and mold remediation in accordance with New York City Guidelines on Assessment and Remediation.</p>
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		<p>Assistance provided for an applicant's incurred rehabilitation costs may be exempt from the Lead Safe Housing Rule if the unit falls within a regulatory exemption set forth at 24 CFR Part 35.115. A housing unit is likely to fall within an exemption if:</p> <ul style="list-style-type: none"> •The housing unit was constructed on or after January 1, 1978; •The CDBG-DR applicant undertook CDBG-eligible activities that qualify as emergency actions immediately necessary to safeguard against imminent danger to human life, health, or safety, or to protect the property from further structural damage due to natural disaster, fire, or structural collapse. This exemption applies only "to repairs necessary to respond to the emergency" as provided in 24 CFR Part 35.115(a)(9); •The rehabilitation did not disturb any painted surface; •The property meets the definition of "housing for the elderly," or the residential property is designated "exclusively for persons with disabilities"; but only if no child less than six years of age resides or is "expected to reside" in the dwelling unit (see definitions at 24 CFR Part 35.110); •An inspection performed according to HUD standards found the property contained no lead-based paint; or •According to documented methodologies, lead-based paint has been identified and removed, and the property has achieved clearance. <p>Some homeowners that apply for CDBG-DR assistance for rehabilitation costs they have incurred may be able to qualify their property under the first or second exemption in the list above. Applicants may certify the applicability of each of the first three exemptions in the list above (those covering post-1977 housing, emergency actions, and non-disturbance of painted surfaces). To ensure the accuracy of the certifications, HCR will perform Tier 2 site specific reviews of the assisted properties. If necessary (i.e., if none of the first three exemptions apply), the grantee may need to inspect the property according to EPA and HUD standards listed above, and ensure any lead-based paint has been removed and the property has achieved clearance.</p> <p>If the homeowner has requested reimbursement for work done prior to the homeowner entering the Housing Assistance Program, the homeowner must provide documentation that the above regulations were followed. If the homeowner cannot provide the documentation, a qualified asbestos inspector must perform a comprehensive building asbestos survey to identify the location and condition of asbestos throughout the structure. If the asbestos survey indicates the presence of asbestos or the presence of asbestos is assumed, an asbestos Operations and Maintenance (O&M) plan will be required prior to funding.</p>
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Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]	<p style="text-align: center;">A</p>	<p>Based on guidance provided by the U.S. Department of Housing and Urban Development in Fact Sheet #D1, the National Plan of Integrated Airport Systems was reviewed for civilian or commercial service airports within the vicinity of the program area, as programs located within 2,500 feet of a civil airport will require consultation with the appropriate civil airport operator. Projects in west central Suffolk County will be located within close proximity to Republic Airport but are not within the airport clear zone area. Projects within central Suffolk County will be located within close proximity to Macarthur Airport, Brookhaven Airport, Calverton Executive Airpark, and Grumman Peconic River Airport but not within the airports' clear zones. Projects within central Suffolk County will be located within close proximity to Francis S. Gabreski Airport which is a county owned joint civil-military airport where site specific properties may be within the airport clear zone. Projects on the in the eastern portion of Suffolk County will be in close proximity to East Hampton Airport where site specific properties may be within the airport clear zone and also to Montauk Airport but are not within that airport clear zone area. If the project is within the airport clear zone, the appropriate notifications will be made as per 24 CFR Part 51D. (See Appendix O, Airport Clear Zones Maps) Each site will be reviewed for its location within the airport clear zones and potential accident zones in the Tier 2 site specific review.</p>
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Determination: HCR have complied with all provisions of 24 CFR Part 58, Subpart E—Environmental Review Process: Environmental Assessments, has examined alternatives to the project itself and feasible ways to modify the project to eliminate or minimize adverse impacts, and based on steps (a) through (f) found in the regulations, made the following determination:

- (1) Finding of No Significant Impact (FONSI), whereby HCR may proceed to dissemination and publication of the FONSI, per regulations found at 24 CFR Part 58, sec. 58.43(a).

PREPARER SIGNATURE:



PREPARER NAME:

Jonathan Lipinski

DATE:

9/18/2013

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]

Environmental Protection Agency (EPA)

<http://www.epa.gov/region02/water/aquifer/nasssuff/nassau.htm>

<http://www.epa.gov/oaqps001/greenbk/ancl.html>

Federal Aviation Administration

http://www.faa.gov/airports/planning_capacity/npias/

http://www.faa.gov/airports/planning_capacity/npias/reports/media/2013/npias2013Narrative.pdf

Federal Emergency Management Agency (FEMA)

Department of Housing and Urban Development

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/noise_2393bb313299.PDF&Name=Dwellings_and_Small_Commercial_Buildings&Wait=3

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/farmlands

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/review/rivers

http://portal.hud.gov/hudportal/documents/huddoc?id=23388_solesourceaquifers.pdf

Long Island Regional Planning Council

<http://www.lirpc.org/ADFiles/Final%202035%20Visioning%20Report.pdf>

New York State Department of Agriculture & Markets

<http://www.agriculture.ny.gov/AP/agsservices/agricultural-districts.html>

New York State Department of Environmental Conservation (NYSDEC) Region 2 Office:

<http://www.dec.ny.gov/chemical/23698.html>

<http://www.dec.ny.gov/animals/7133.html>

<http://www.dec.ny.gov/animals/7494.html>

<http://www.dec.ny.gov/outdoor/73964.html>

<http://www.dec.ny.gov/permits/53826.html>

<http://www.dec.ny.gov/permits/25131.html>

<http://www.dec.ny.gov/outdoor/8297.html>

New York State Department of State (NYDOS) – Coastal Boundary

Mapper: <http://www.dos.ny.gov/communitieswaterfronts/atlas/index.html>

New York State Department of State, Office of Communities & Waterfronts - Matthew Maraglio

New York State Historic Preservation – John Bonafide

New York State Homes and Community Renewal (NYSHCR) – Chris Leo, Heather Spitzberg, Lori Shirley and Mike DeBonis

Suffolk County

<http://www.suffolkcountyny.gov/Departments/Police.aspx>

<http://www.suffolkcountyny.gov/Departments/FireRescueandEmergencyServices.aspx>

<http://www.suffolkcountyny.gov/Departments/EconomicDevelopmentAndPlanning.aspx>

U.S. Census Bureau, 2011 American Community Survey

http://factfinder2.census.gov/rest/dnldController/deliver?_ts=390739640506

United States Department of Agriculture

<http://soils.usda.gov/>

U.S. Department of Agriculture - Natural Resources Conservation Service (NRCS)

<http://soildatamart.nrcs.usda.gov/Report.aspx?Survey=NY059&UseState=NY>

http://soildatamart.nrcs.usda.gov/ReportViewer.aspx?File=76d08a11-bf29-4860-b9b8-c117799abad3.PDF&Name=Prime_and_other_Important_Farmlands&Wait=1

http://soildatamart.nrcs.usda.gov/ReportViewer.aspx?File=76d08a11-bf29-4860-b9b8-2393bb313299.PDF&Name=Dwellings_and_Small_Commercial_Buildings&Wait=3

U.S. Department of Fish and Wildlife

<http://www.fws.gov/wetlands/>

<http://www.fws.gov/CBRA/Maps/index.html>

http://www.fws.gov/CBRA/Maps/Locator/NY_Long_Island.pdf

<http://refuges.fws.gov>

[http://ecos.fws.gov/tess_public/countySearch!speciesByCountyReport.action?fips=36059,](http://ecos.fws.gov/tess_public/countySearch!speciesByCountyReport.action?fips=36059)

[http://www.fws.gov/northeast/nyfo/es/esdesc.htm,](http://www.fws.gov/northeast/nyfo/es/esdesc.htm)

[http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf,](http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf)

[http://www.fws.gov/northeast/nyfo/info/factsheets/amaranth.pdf,](http://www.fws.gov/northeast/nyfo/info/factsheets/amaranth.pdf)

<http://www.fws.gov/midwest/endangered/plants/pdf/smallwhorledpogoniafactsht.pdf>

<http://www.fws.gov/northeast/longislandrefuges/oysterbay.html>

<http://www.rivers.gov/new-york.php>

U.S. Geological Society

<http://viewer.nationalmap.gov/viewer/>

U.S. Department of Interior

<http://www.rivers.gov/new-york.php>

ATTACHMENT 1
SITE SPECIFIC CHECKLIST

**TIER 2 ENVIRONMENTAL REVIEW RECORD
SITE SPECIFIC CHECKLIST**

Department of Housing and Urban Development Appropriation Act, 2013

The Community Development Block Grant Program Disaster Recovery Program –
Housing Assistance Programs – Suffolk County 1-4 Units

Project address & identification #:
Description of project work:
Will any ground disturbance be conducted:

SEQRA CLASSIFICATION

It is the finding of the Housing Trust Fund Corporation that the activity(ies) proposed in the NYS CDBG-DR project, at _____ constitute a:

Check the applicable classification:

- Type I Action (6NYCRR Section 617.4) **[additional SEQR review required]**
- Type II Action (6NYCRR Section 617.5)
- Unlisted Action (not Type I or Type II Action)

NEPA CLASSIFICATION
(from Attachment A)

It is the finding of the Housing Trust Fund Corporation that the activity(ies) proposed in the NYS CDBG-DR project, at _____ are:

Check the applicable classification.

- Categorically Excluded as defined in 24 CFR 58.35(a).
- Other - not categorically excluded (24 CFR 58.35(a) and (b)) **[must fill out Environmental Assessment Checklist]**

Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

TIER 2 SITE SPECIFIC CHECKLIST
Page 2 of 4

Insert Project Address

**SITE SPECIFIC STATUTORY CHECKLIST &
 ADDITIONAL NYS REQUIREMENTS**

Check “A” if further close-out documentation is required.
 Provide written discussion of compliance or necessary mitigation measures.

Check “B” if the criteria review is complete.
 Provide written discussion and attach any supporting materials.

Area of Statutory - Regulatory Compliance	A	B	Compliance Discussion Attach Supporting Material
Procedures to comply with Related Laws at 24 CFR 58.6			
Flood Disaster Protection Act of 1973			
Coastal Barrier Resources Act			
Runway Clear Zones (development)		X	No programs involve assistance to purchase residential properties. Accordingly, this requirement is not applicable to any potential activities to be funded by these programs.
Procedures to comply with Related Laws at 24 CFR 58.5 and Other NYS Requirements			
Historic Properties			
Floodplain Management			
Wetland Protection			
Coastal Zone Management		X	This program has been reviewed by the New York Department of State (NYDOS), which made a “general concurrence determination” based on the fact the program involves rehabilitation.

TIER 2 SITE SPECIFIC CHECKLIST
Page 3 of 4

Insert Project Address

Sole Source Aquifers		X	<p>The proposed program would have no effect on sole source aquifers. A memorandum of understanding between EPA and HUD states that the following activities would not create a significant hazard to public health and do not require review for potential impact to sole source aquifers:</p> <ul style="list-style-type: none"> • Construction of individual new residential structures containing from one to four units • Rehabilitation of residential units <p>The program will comply with all laws, regulations, and industry standards. Storage tanks below the base flood elevation must be watertight and must be anchored to resist floatation and lateral movement during a storm surge or other flood.</p>
Endangered Species			
Wild and Scenic Rivers		X	<p>There are no Wild and Scenic rivers in Suffolk County, as designated by The National Park Service. The proposed program will not result in significant adverse impacts to the values for which the Carmens River, Nissequoque River, Peconic River, and Connetquot River were designated by the NYDEC. The proposed program will be confined to existing residential lots, and will not disturb the bed or banks of these rivers. Implementation of best management practices for erosion and sediment control and management of hazardous substances will prevent introduction of sediment and contaminants into the rivers.</p>
Air Quality		X	<p>The program would not substantively affect the State Implementation Plan (SIP). No significant impacts on air quality will result and further assessment is not required.</p>
Farmlands Protection (including NYS Ag & Market Law)		X	<p>The program will not convert farmland to nonagricultural purposes and therefore would not violate the Farmland Policy Protection Act and will comply with the New York State Agriculture and Markets Law.</p>
Noise Abatement and Control		X	<p>Not applicable. Compliance determined in Tier 1 Environmental Assessment.</p>
Thermal/ Explosive Hazards		X	<p>Accepted separation distance requirements do not apply because the definition for HUD assisted projects in 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.</p>
HUD Environmental Standards			

TIER 2 SITE SPECIFIC CHECKLIST
Page 4 of 4

Insert Project Address

Environmental Justice		X	Not applicable. Compliance determined in Tier 1 Environmental Assessment.
Asbestos & Lead-Based Paint			

TO BE FILLED OUT BY PERSON WHO PREPARED DOCUMENT:

Prepared by:

Signature

Date:

TO BE FILLED OUT BY HCR CERTIFYING OFFICER OR OTHER APPROPRIATELY DESIGNATED OCR OFFICIAL:

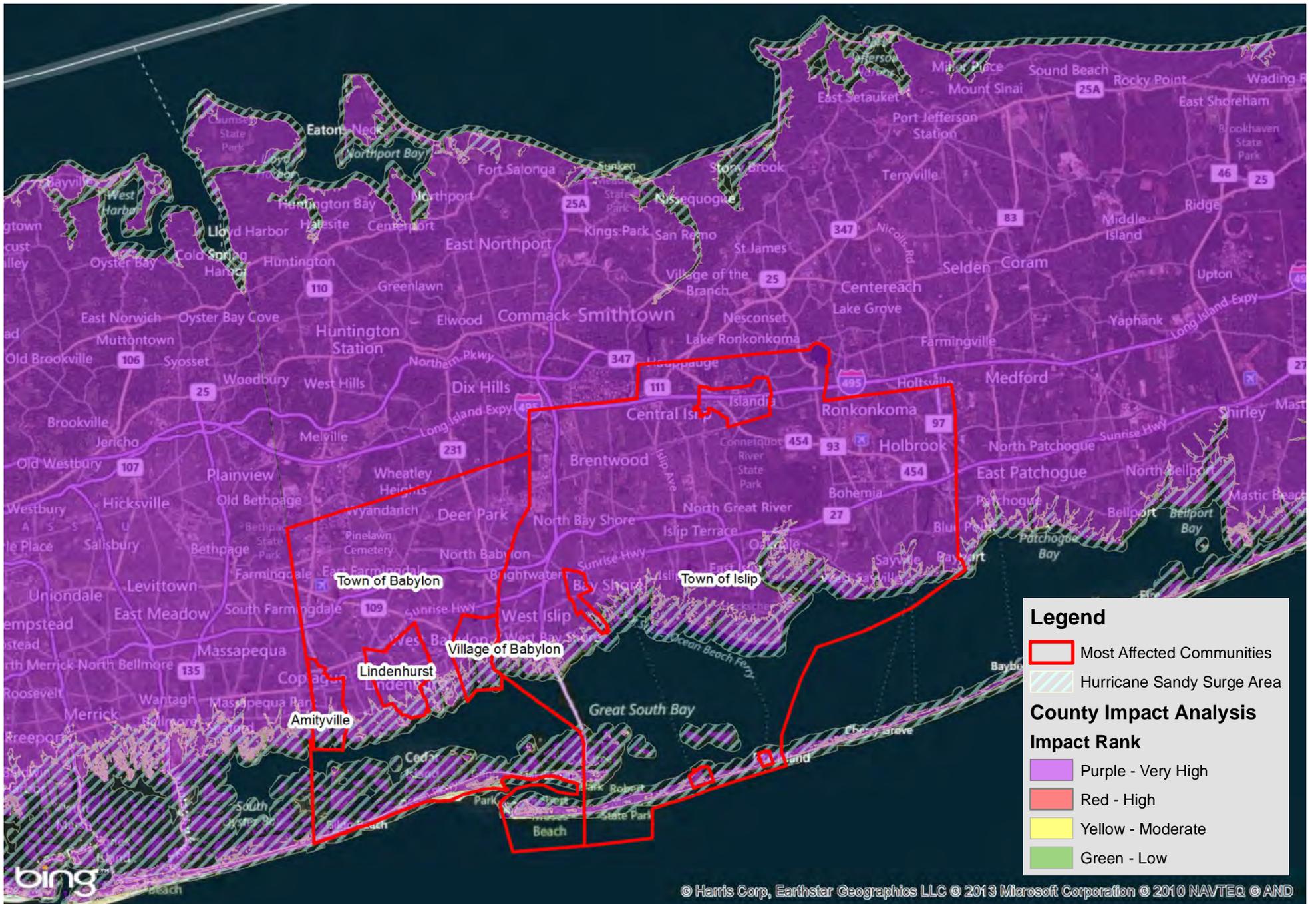
This Site Specific Checklist is determined to be acceptable.

Signature:

Printed Name:

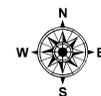
Date:

APPENDIX A
SUFFOLK COUNTY HURRICANE SANDY MOST
AFFECTED COMMUNITIES MAP



Suffolk County Hurricane Sandy
Most Affected Communities

0 3 6 Miles



ProSource
TECHNOLOGIES

APPENDIX B
SUFFOLK COUNTY TOPOGRAPHIC MAP

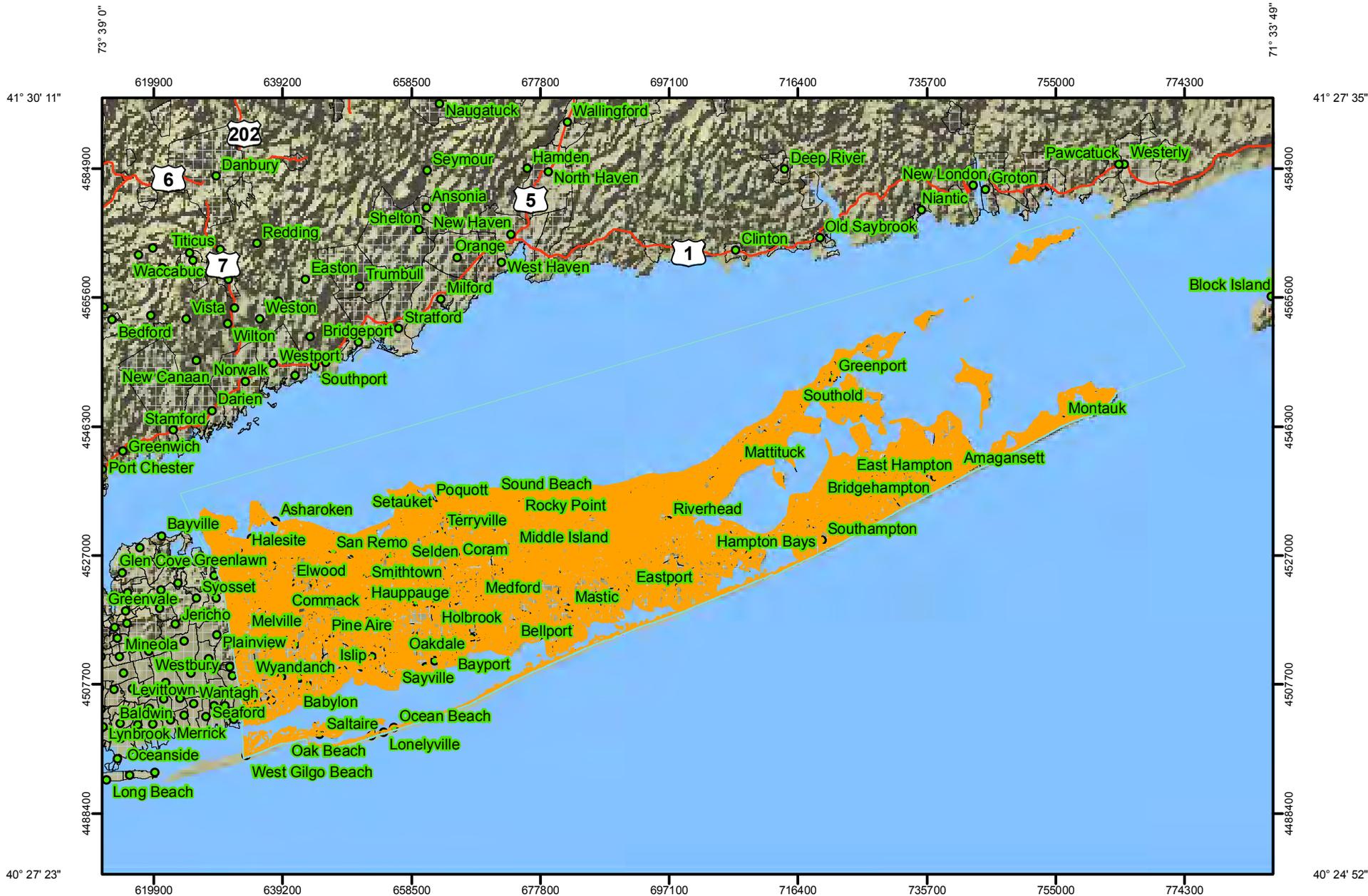
Suffolk County Topographic Map

NOTES: Data available from U.S. Geological Survey, National Geospatial Program.

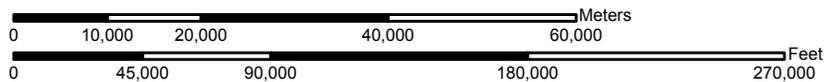


APPENDIX C
USDA SOIL SURVEY MAPS

Soil Map—Suffolk County, New York



Map Scale: 1:832,000 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

-  Soil Map Units
-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot
-  Very Stony Spot

 Wet Spot

 Other

 Gully

 Short Steep Slope

 Other

Political Features

 Urban Areas

 Cities

Water Features

Transportation

 Interstate Highways

 US Routes

 Major Roads

MAP INFORMATION

Map Scale: 1:832,000 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 18N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Suffolk County, New York
 Survey Area Data: Version 10, Dec 20, 2011

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Suffolk County, New York (NY103)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
At	Atsion sand	2,016.9	0.2%
Bc	Beaches	6,114.1	0.5%
Bd	Berryland mucky sand	3,549.1	0.3%
BgA	Bridgehampton silt loam, 0 to 2 percent slopes	10,012.6	0.8%
BgB	Bridgehampton silt loam, 2 to 6 percent slopes	2,328.5	0.2%
BhB	Bridgehampton silt loam, till substratum, 2 to 6 percent slopes	1,053.8	0.1%
BhC	Bridgehampton silt loam, till substratum, 6 to 12 percent slopes	599.2	0.0%
Bm	Bridgehampton silt loam, graded	220.9	0.0%
Ca	Canadice silt loam	470.1	0.0%
CpA	Carver and Plymouth sands, 0 to 3 percent slopes	25,120.6	1.9%
CpC	Carver and Plymouth sands, 3 to 15 percent slopes	42,999.2	3.3%
CpE	Carver and Plymouth sands, 15 to 35 percent slopes	33,765.6	2.6%
CuB	Cut and fill land, gently sloping	31,748.5	2.4%
CuC	Cut and fill land, sloping	2,770.5	0.2%
CuE	Cut and fill land, steep	1,199.6	0.1%
De	Deerfield sand	2,508.5	0.2%
Du	Dune land	10,150.0	0.8%
Es	Escarments	892.1	0.1%
Fd	Fill land, dredged material	5,675.5	0.4%
Fs	Fill land, sandy	2,299.8	0.2%
Gp	Gravel pits	2,853.1	0.2%
HaA	Haven loam, 0 to 2 percent slopes	59,969.9	4.6%
HaB	Haven loam, 2 to 6 percent slopes	15,493.1	1.2%
HaC	Haven loam, 6 to 12 percent slopes	1,635.0	0.1%
He	Haven loam, thick surface layer	1,573.8	0.1%
Ma	Made land	989.5	0.1%
MfA	Montauk fine sandy loam, 0 to 3 percent slopes	347.5	0.0%
MfB	Montauk fine sandy loam, 3 to 8 percent slopes	4,386.9	0.3%
MfC	Montauk fine sandy loam, 8 to 15 percent slopes	3,227.2	0.2%
MkA	Montauk silt loam, 0 to 3 percent slopes	580.7	0.0%
MkB	Montauk silt loam, 3 to 8 percent slopes	4,974.2	0.4%

Suffolk County, New York (NY103)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
MkC	Montauk silt loam, 8 to 15 percent slopes	2,234.6	0.2%
MIB	Montauk soils, graded, 0 to 8 percent slopes	2,460.7	0.2%
MIC	Montauk soils, graded, 8 to 15 percent slopes	444.2	0.0%
MnA	Montauk loamy sand, sandy variant, 0 to 3 percent slopes	1,650.4	0.1%
MnB	Montauk loamy sand, sandy variant, 3 to 8 percent slopes	2,573.1	0.2%
MnC	Montauk loamy sand, sandy variant, 8 to 15 percent slopes	1,628.3	0.1%
MnE	Montauk loamy sand, sandy variant, 15 to 35 percent slopes	2,131.7	0.2%
Mu	Muck	2,983.4	0.2%
PIA	Plymouth loamy sand, 0 to 3 percent slopes	38,897.3	3.0%
PIB	Plymouth loamy sand, 3 to 8 percent slopes	26,568.3	2.0%
PIC	Plymouth loamy sand, 8 to 15 percent slopes	12,808.0	1.0%
PmB3	Plymouth gravelly loamy sand, 3 to 8 percent slopes, eroded	869.4	0.1%
PmC3	Plymouth gravelly loamy sand, 8 to 15 percent slopes, eroded	1,145.1	0.1%
PsA	Plymouth loamy sand, silty substratum, 0 to 3 percent slopes	1,837.1	0.1%
PsB	Plymouth loamy sand, silty substratum, 3 to 8 percent slopes	866.5	0.1%
Ra	Raynham loam	1,156.7	0.1%
Rc	Recharge basin	581.0	0.0%
RdA	Riverhead sandy loam, 0 to 3 percent slopes	69,366.1	5.3%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	31,544.3	2.4%
RdC	Riverhead sandy loam, 8 to 15 percent slopes	7,872.6	0.6%
ReB	Riverhead very stony sandy loam, 3 to 8 percent slopes	148.1	0.0%
ReC	Riverhead very stony sandy loam, 8 to 15 percent slopes	333.2	0.0%
RhB	Riverhead and Haven soils, graded, 0 to 8 percent slopes	57,898.3	4.4%
RhC	Riverhead and Haven soils, graded, 8 to 15 percent slopes	1,137.9	0.1%
RpE	Riverhead and Plymouth very bouldery soils, 15 to 35 percent slopes	562.1	0.0%
ScB	Scio silt loam, till substratum, 2 to 6 percent slopes	321.3	0.0%
SdA	Scio silt loam, sandy substratum, 0 to 2 percent slopes	992.6	0.1%
SdB	Scio silt loam, sandy substratum, 2 to 6 percent slopes	282.3	0.0%
Su	Sudbury sandy loam	1,470.1	0.1%

Suffolk County, New York (NY103)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Tm	Tidal marsh	15,608.6	1.2%
Ur	Urban land	6,016.9	0.5%
W	Water	723,851.1	55.5%
Wa	Wallington silt loam, till substratum	390.7	0.0%
Wd	Walpole sandy loam	1,407.0	0.1%
We	Wareham loamy sand	1,857.3	0.1%
Wh	Whitman sandy loam	456.1	0.0%
Totals for Area of Interest		1,303,878.6	100.0%

Dwellings Without Basements—Suffolk County, New York
(Suffolk County Soils-Dwelling Rating)



Map Scale: 1:180,000 if printed on A landscape (11" x 8.5") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Background

 Aerial Photography

Soils

Soil Rating Polygons

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Soil Rating Lines

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Soil Rating Points

-  Very limited
-  Somewhat limited
-  Not limited
-  Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Suffolk County, New York
Survey Area Data: Version 10, Dec 20, 2011

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 1, 1999—May 12, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Dwellings Without Basements

Dwellings Without Basements— Summary by Map Unit — Suffolk County, New York (NY103)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
At	Atsion sand	Very limited	Atsion, poorly drained (50%)	Depth to saturated zone (1.00)	498.6	0.5%
			Atsion, somewhat poorly drained (30%)	Depth to saturated zone (1.00)		
Bc	Beaches	Not rated	Beaches (100%)		32.1	0.0%
Bd	Berryland mucky sand	Very limited	Berryland (80%)	Flooding (1.00)	1,232.1	1.3%
				Depth to saturated zone (1.00)		
CpA	Carver and Plymouth sands, 0 to 3 percent slopes	Not limited	Carver (40%)		459.1	0.5%
			Plymouth, sand (40%)			
CpC	Carver and Plymouth sands, 3 to 15 percent slopes	Somewhat limited	Carver (40%)	Slope (0.04)	416.6	0.5%
			Plymouth, sand (40%)	Slope (0.04)		
CpE	Carver and Plymouth sands, 15 to 35 percent slopes	Very limited	Carver (40%)	Slope (1.00)	659.4	0.7%
			Plymouth, sand (40%)	Slope (1.00)		
CuB	Cut and fill land, gently sloping	Not rated	Cut and fill, gently sloping (80%)		8,201.8	8.9%
			Haven, graded (5%)			
			Plymouth (5%)			
			Riverhead, graded (5%)			
			Carver (5%)			
CuC	Cut and fill land, sloping	Not rated	Cut and fill, sloping (70%)		83.4	0.1%
			Carver (10%)			
			Plymouth (10%)			
			Riverhead, graded (5%)			
			Haven, graded (5%)			

Dwellings Without Basements— Summary by Map Unit — Suffolk County, New York (NY103)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
CuE	Cut and fill land, steep	Not rated	Cut and fill, steep (70%)		62.0	0.1%
			Carver (15%)			
			Plymouth (15%)			
De	Deerfield sand	Somewhat limited	Deerfield (85%)	Depth to saturated zone (0.07)	398.0	0.4%
Du	Dune land	Not rated	Dune land (90%)		11.3	0.0%
			Unnamed soils, moderately well drained (10%)			
Fd	Fill land, dredged material	Not rated	Fill land, dredged material (95%)		1,133.6	1.2%
			Dune land (5%)			
Fs	Fill land, sandy	Not rated	Fill land, sandy (75%)		1,927.9	2.1%
			Atsion (5%)			
			Walpole (5%)			
			Muck (5%)			
			Wareham (5%)			
Berryland (5%)						
Gp	Gravel pits	Not rated	Pits, gravel (100%)		360.3	0.4%
HaA	Haven loam, 0 to 2 percent slopes	Not limited	Haven (75%)		9,769.7	10.6%
HaB	Haven loam, 2 to 6 percent slopes	Not limited	Haven (80%)		340.7	0.4%
He	Haven loam, thick surface layer	Not limited	Haven, thick surface (90%)		20.1	0.0%
Ma	Made land	Not rated	Made land (100%)		257.0	0.3%
MfB	Montauk fine sandy loam, 3 to 8 percent slopes	Somewhat limited	Montauk (85%)	Depth to saturated zone (0.13)	0.4	0.0%
MfC	Montauk fine sandy loam, 8 to 15 percent slopes	Somewhat limited	Montauk (85%)	Slope (0.63)	17.5	0.0%
				Depth to saturated zone (0.13)		
MkA	Montauk silt loam, 0 to 3 percent slopes	Somewhat limited	Montauk (85%)	Depth to saturated zone (0.13)	11.1	0.0%

Dwellings Without Basements— Summary by Map Unit — Suffolk County, New York (NY103)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
MkB	Montauk silt loam, 3 to 8 percent slopes	Somewhat limited	Montauk (85%)	Depth to saturated zone (0.13)	105.0	0.1%
MkC	Montauk silt loam, 8 to 15 percent slopes	Somewhat limited	Montauk (85%)	Slope (0.63)	2.6	0.0%
				Depth to saturated zone (0.13)		
MIB	Montauk soils, graded, 0 to 8 percent slopes	Somewhat limited	Montauk, graded (70%)	Depth to saturated zone (0.13)	22.6	0.0%
MIC	Montauk soils, graded, 8 to 15 percent slopes	Somewhat limited	Montauk, graded (70%)	Slope (0.63)	5.5	0.0%
				Depth to saturated zone (0.13)		
Mu	Muck	Very limited	Muck (90%)	Depth to saturated zone (1.00)	529.6	0.6%
				Organic matter content (1.00)		
PIA	Plymouth loamy sand, 0 to 3 percent slopes	Not limited	Plymouth (85%)		7,079.1	7.7%
PIB	Plymouth loamy sand, 3 to 8 percent slopes	Not limited	Plymouth (80%)		941.2	1.0%
PIC	Plymouth loamy sand, 8 to 15 percent slopes	Somewhat limited	Plymouth (85%)	Slope (0.63)	356.6	0.4%
Ra	Raynham loam	Very limited	Raynham, poorly drained (50%)	Depth to saturated zone (1.00)	34.9	0.0%
			Raynham, somewhat poorly drained (35%)	Depth to saturated zone (1.00)		
Rc	Recharge basin	Not rated	Recharge basin (100%)		132.3	0.1%
RdA	Riverhead sandy loam, 0 to 3 percent slopes	Not limited	Riverhead (80%)		16,278.6	17.7%
RdB	Riverhead sandy loam, 3 to 8 percent slopes	Not limited	Riverhead (80%)		1,132.2	1.2%
RdC	Riverhead sandy loam, 8 to 15 percent slopes	Somewhat limited	Riverhead (80%)	Slope (0.63)	113.4	0.1%

Dwellings Without Basements— Summary by Map Unit — Suffolk County, New York (NY103)						
Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
RhB	Riverhead and Haven soils, graded, 0 to 8 percent slopes	Not limited	Riverhead, graded (45%)		28,257.2	30.7%
			Haven, graded (35%)			
RhC	Riverhead and Haven soils, graded, 8 to 15 percent slopes	Somewhat limited	Riverhead, graded (45%)	Slope (0.63)	9.1	0.0%
			Haven, graded (35%)	Slope (0.63)		
SdA	Scio silt loam, sandy substratum, 0 to 2 percent slopes	Somewhat limited	Scio, sandy substratum (85%)	Depth to saturated zone (0.77)	3.7	0.0%
Su	Sudbury sandy loam	Somewhat limited	Sudbury (85%)	Depth to saturated zone (0.07)	441.6	0.5%
Tm	Tidal marsh	Not rated	Tidal marsh (95%)		1,378.0	1.5%
			Dune land (5%)			
Ur	Urban land	Not rated	Urban land (100%)		3,181.5	3.5%
W	Water	Not rated	Water (100%)		4,944.9	5.4%
Wd	Walpole sandy loam	Very limited	Walpole, poorly drained (50%)	Depth to saturated zone (1.00)	620.7	0.7%
			Walpole, somewhat poorly drained (35%)	Depth to saturated zone (1.00)		
We	Wareham loamy sand	Very limited	Wareham, poorly drained (50%)	Depth to saturated zone (1.00)	535.8	0.6%
			Wareham, somewhat poorly drained (35%)	Depth to saturated zone (1.00)		
Totals for Area of Interest					92,005.2	100.0%

Dwellings Without Basements— Summary by Rating Value		
Rating	Acres in AOI	Percent of AOI
Not limited	64,277.9	69.9%
Very limited	4,111.1	4.5%
Somewhat limited	1,903.6	2.1%
Null or Not Rated	21,706.0	23.6%
Totals for Area of Interest	92,005.2	100.0%

Description

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

APPENDIX D
NYDEC AIR QUALITY CONSULTATION LETTER

August 6, 2013

Mr. Steven Yarrington
New York Department of Environmental Conservation
Division of Air Resources
625 Broadway
Albany, New York 12233

RE: Re: Project Introduction and Request for Confirmation of Compliance with Air Quality Standards 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) – Nassau County, Suffolk County, and Rockland County 1-4 Unit Residential Rehabilitation

Dear Mr. Yarrington:

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 approval from DEC that the proposed activities will be in compliance with 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). Specific Federal Actions related to the program include:

- 1.Rehabilitation and repair of 1-4 unit homes, 5-9 unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation.
- 2.Buy-out of storm-damaged properties (result in demolition and return to green space for perpetuity)
- 3.Acquisition of damaged properties (result in demolition and options for future land use).

The current priority and focus of this immediate review request, is 1-4 unit homes rehabilitation in Nassau, Suffolk, and Rockland Counties.

Nassau, Suffolk, and Rockland Counties

Presently, NYSHCR is preparing the NEPA Programmatic Environmental Assessments (PEA) for reconstruction and rehabilitation of 1-4 unit homes in Nassau, Suffolk, and Rockland Counties. The 1-4 unit action will cover participating homeowners at various locations within the boundaries of Nassau, Suffolk, and Rockland Counties. The Program activities will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure (s). No new construction or housing developments will occur as a result of the rehabilitation of 1-4 unit homes.

These actions (1-4 unit rehabilitations) are anticipated to 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 are
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 rehabilitation actions. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

Request for Review and Approval

As mentioned via the phone conversation today, we are in important need of written confirmation from the DEC office today, that the proposed 1-4 residential rehabilitation action, as described in the attached letter and the *NY Action Plan*, will be in compliance with air quality standards.

If you have question or require additional information regarding this request, please contact me at (763) 786-1445 or swilliams@prosourcectech.com.

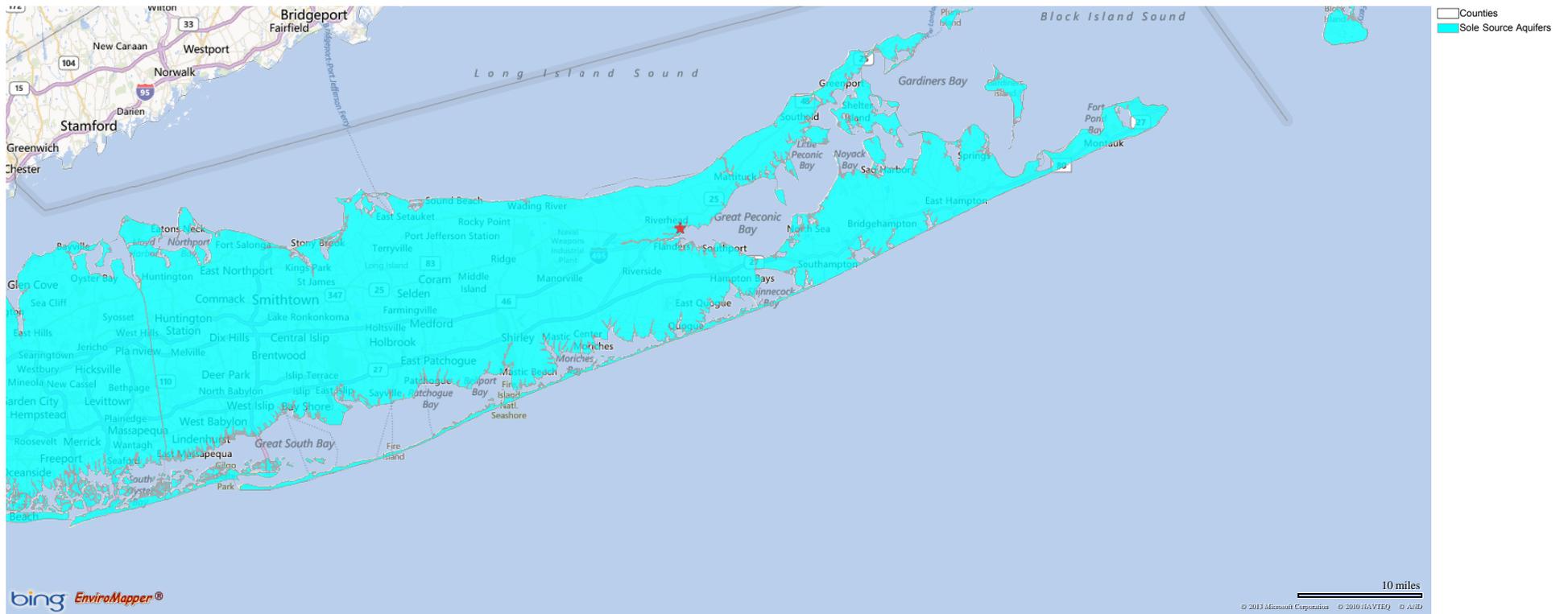
Sincerely,

ProSource Technologies, LLC



Shawn Williams, Permitting Specialist

APPENDIX E
SOLE SOURCE AQUIFERS



OPTIONAL FORM 99 (7-90)

FAX TRANSMITTAL		# of pages 14
To: Jeff Hollman	From: Steve Gomb	
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.

-2-

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).

-3-

SSA Project Review Areas

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.

-4-

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

-5-

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

-6-

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.

-7-

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.

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) 264-0793

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

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

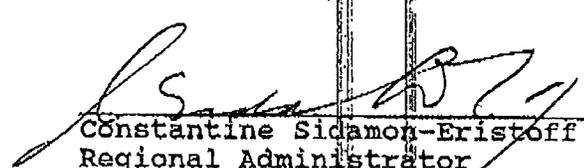
U.S. Department of Housing and
Urban Development



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:

- 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 ?

YES NO N/A

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

- 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

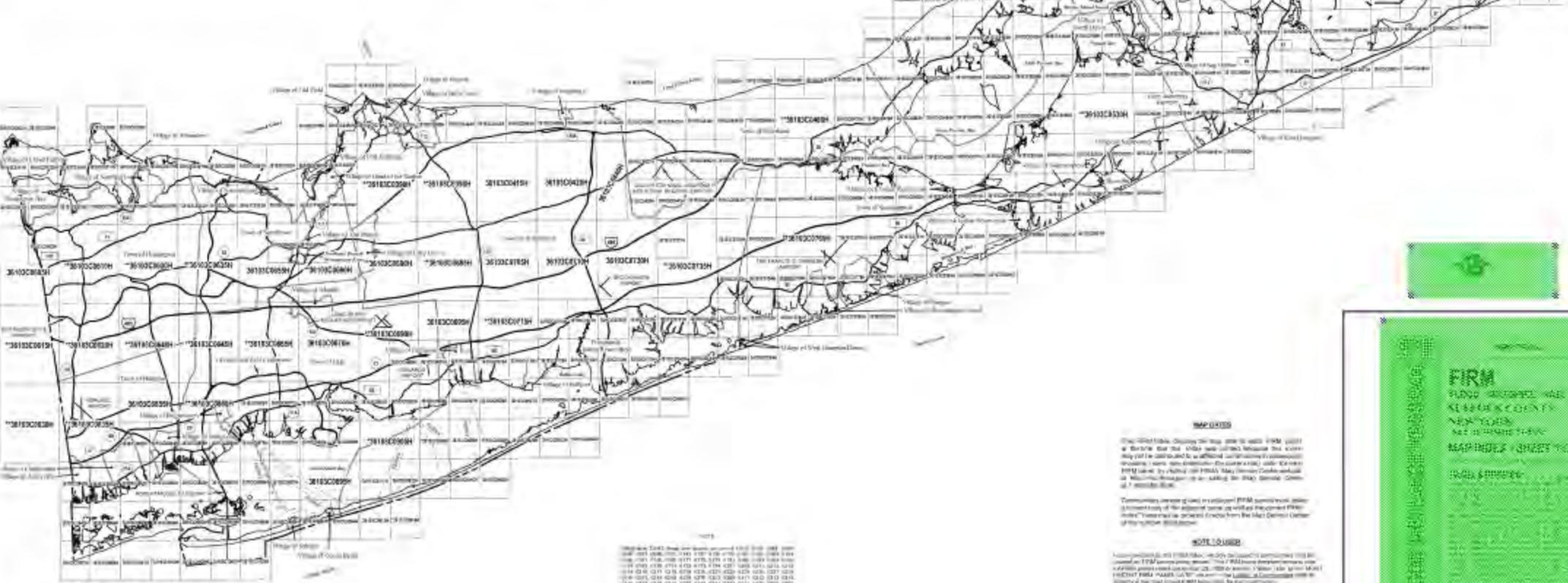
- 6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district.
- 7. Provide a description of plans to handle storm water runoff.
- 8. Identify the location, design, size of 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 F
FEMA SUFFOLK COUNTY FIRM MAP

Panel	Effective Date								
0001	01/01/2000	0002	01/01/2000	0003	01/01/2000	0004	01/01/2000	0005	01/01/2000
0006	01/01/2000	0007	01/01/2000	0008	01/01/2000	0009	01/01/2000	0010	01/01/2000
0011	01/01/2000	0012	01/01/2000	0013	01/01/2000	0014	01/01/2000	0015	01/01/2000
0016	01/01/2000	0017	01/01/2000	0018	01/01/2000	0019	01/01/2000	0020	01/01/2000
0021	01/01/2000	0022	01/01/2000	0023	01/01/2000	0024	01/01/2000	0025	01/01/2000
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0051	01/01/2000	0052	01/01/2000	0053	01/01/2000	0054	01/01/2000	0055	01/01/2000
0056	01/01/2000	0057	01/01/2000	0058	01/01/2000	0059	01/01/2000	0060	01/01/2000
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0071	01/01/2000	0072	01/01/2000	0073	01/01/2000	0074	01/01/2000	0075	01/01/2000
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0081	01/01/2000	0082	01/01/2000	0083	01/01/2000	0084	01/01/2000	0085	01/01/2000
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0091	01/01/2000	0092	01/01/2000	0093	01/01/2000	0094	01/01/2000	0095	01/01/2000
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0106	01/01/2000	0107	01/01/2000	0108	01/01/2000	0109	01/01/2000	0110	01/01/2000
0111	01/01/2000	0112	01/01/2000	0113	01/01/2000	0114	01/01/2000	0115	01/01/2000
0116	01/01/2000	0117	01/01/2000	0118	01/01/2000	0119	01/01/2000	0120	01/01/2000
0121	01/01/2000	0122	01/01/2000	0123	01/01/2000	0124	01/01/2000	0125	01/01/2000
0126	01/01/2000	0127	01/01/2000	0128	01/01/2000	0129	01/01/2000	0130	01/01/2000
0131	01/01/2000	0132	01/01/2000	0133	01/01/2000	0134	01/01/2000	0135	01/01/2000
0136	01/01/2000	0137	01/01/2000	0138	01/01/2000	0139	01/01/2000	0140	01/01/2000
0141	01/01/2000	0142	01/01/2000	0143	01/01/2000	0144	01/01/2000	0145	01/01/2000
0146	01/01/2000	0147	01/01/2000	0148	01/01/2000	0149	01/01/2000	0150	01/01/2000
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0161	01/01/2000	0162	01/01/2000	0163	01/01/2000	0164	01/01/2000	0165	01/01/2000
0166	01/01/2000	0167	01/01/2000	0168	01/01/2000	0169	01/01/2000	0170	01/01/2000
0171	01/01/2000	0172	01/01/2000	0173	01/01/2000	0174	01/01/2000	0175	01/01/2000
0176	01/01/2000	0177	01/01/2000	0178	01/01/2000	0179	01/01/2000	0180	01/01/2000
0181	01/01/2000	0182	01/01/2000	0183	01/01/2000	0184	01/01/2000	0185	01/01/2000
0186	01/01/2000	0187	01/01/2000	0188	01/01/2000	0189	01/01/2000	0190	01/01/2000
0191	01/01/2000	0192	01/01/2000	0193	01/01/2000	0194	01/01/2000	0195	01/01/2000
0196	01/01/2000	0197	01/01/2000	0198	01/01/2000	0199	01/01/2000	0200	01/01/2000



MAP NOT PRINTED AT THIS SCALE
 THESE ARE PRELIMINARY COMMUNITY TABLE BOUNDARIES

NOTE TO USER:
 This map shows the community table boundaries for the year 2000. The boundaries are based on the 2000 census data and are subject to change. The map is for informational purposes only and should not be used for legal or financial purposes. For more information, please contact the Planning Department.

MAP NOTES
 This map shows the community table boundaries for the year 2000. The boundaries are based on the 2000 census data and are subject to change. The map is for informational purposes only and should not be used for legal or financial purposes. For more information, please contact the Planning Department.

NOTE TO USER
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See Sheet 2 of 2 for
 LISTING OF COMMUNITIES TABLE
 AND MAP REPOSITORY LISTING

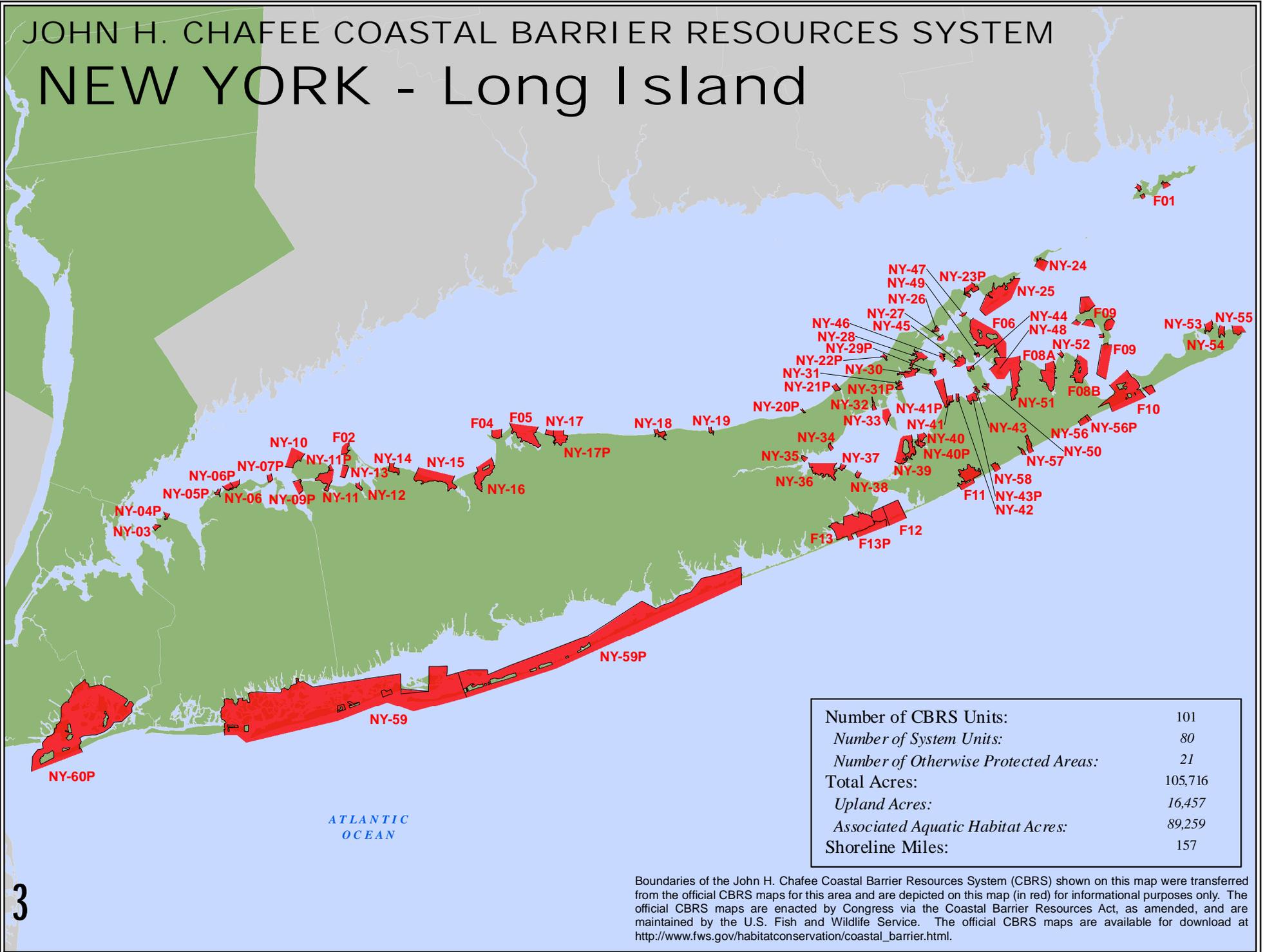
FIRM
 PLANNING DEPARTMENT
 1000 WEST 10TH AVENUE
 DENVER, CO 80202
 303.733.1000
 WWW.DENVER.FIRM.CO



Map 1000-01
 10/1/2000
 10/1/2000

APPENDIX G
COASTAL BARRIER RESOURCES MAP

JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM NEW YORK - Long Island



Boundaries of the John H. Chafee Coastal Barrier Resources System (CBRS) shown on this map were transferred from the official CBRS maps for this area and are depicted on this map (in red) for informational purposes only. The official CBRS maps are enacted by Congress via the Coastal Barrier Resources Act, as amended, and are maintained by the U.S. Fish and Wildlife Service. The official CBRS maps are available for download at http://www.fws.gov/habitatconservation/coastal_barrier.html.

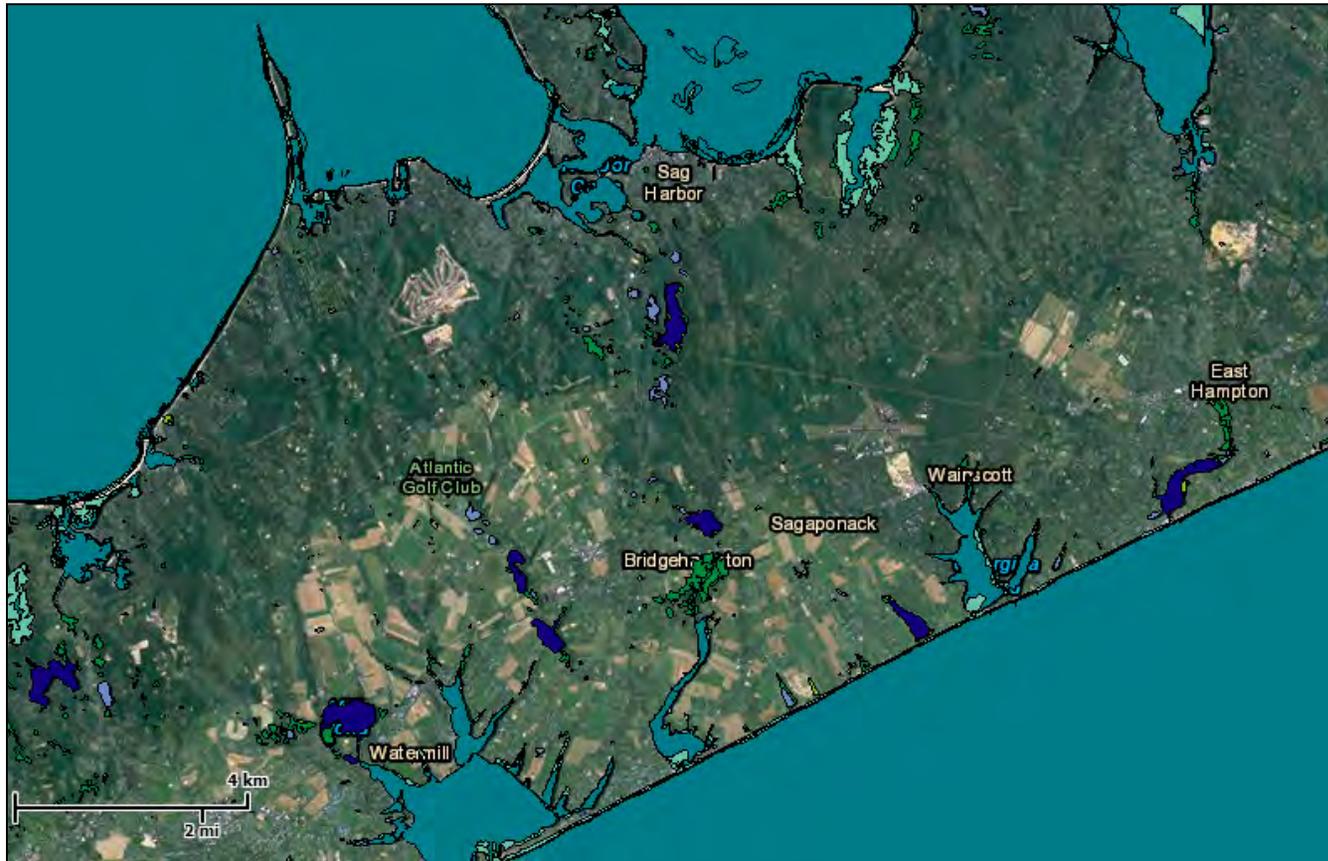
APPENDIX H
SUFFOLK COUNTY WETLANDS MAPS



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County Wetlands

Jul 10, 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.

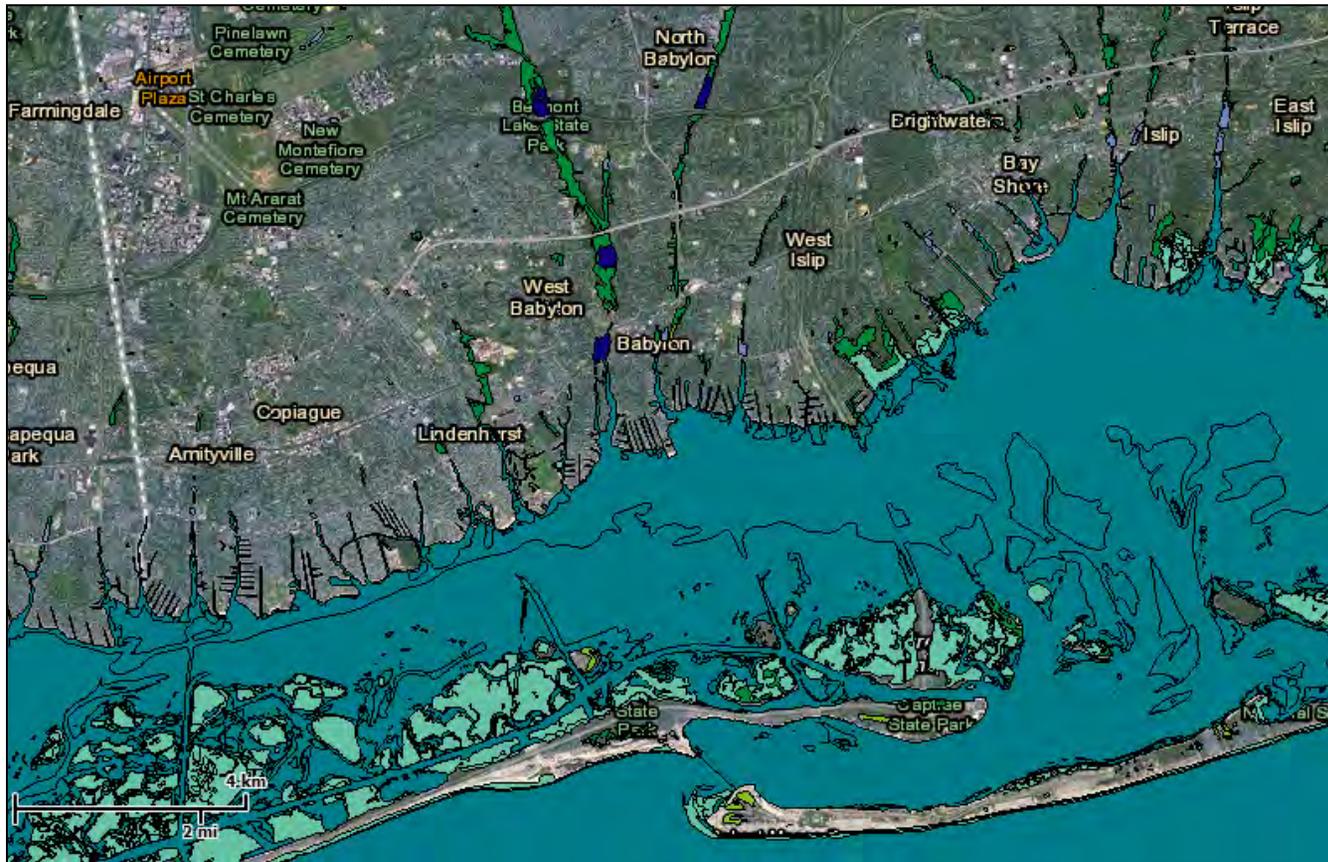
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County SW Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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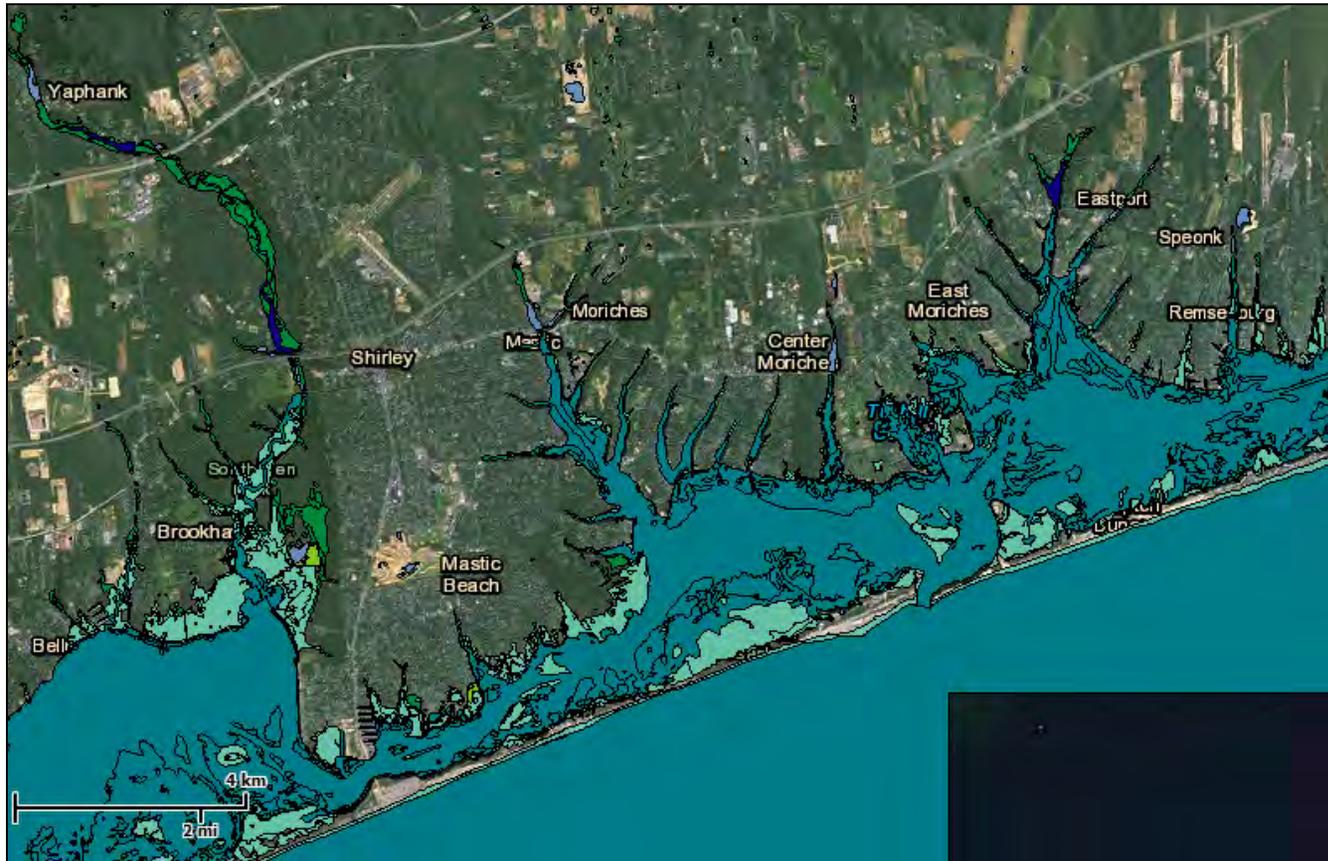
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County SE Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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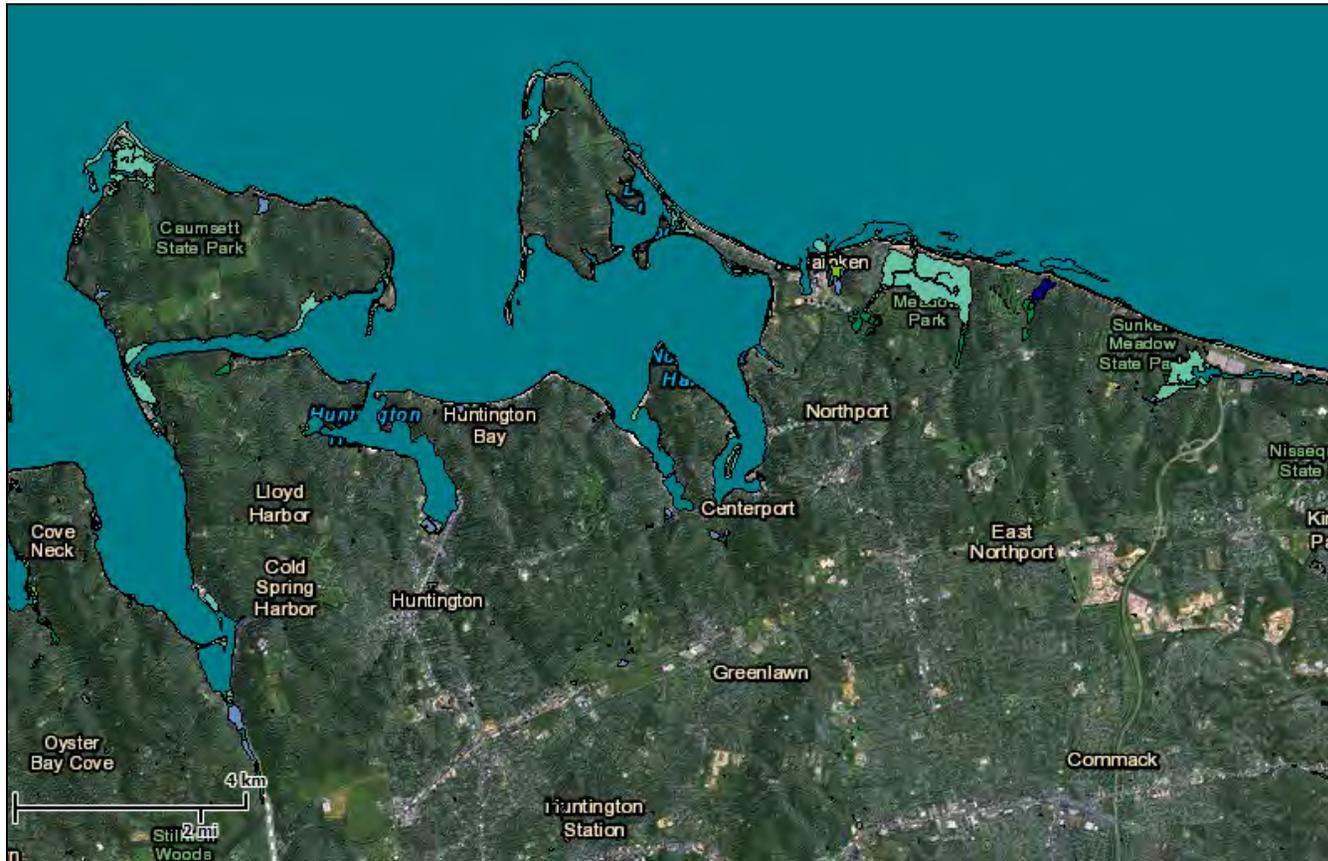
User Remarks:



U.S. Fish and Wildlife Service
National Wetlands Inventory

**Suffolk County NW
 Wetlands**

Jul 9, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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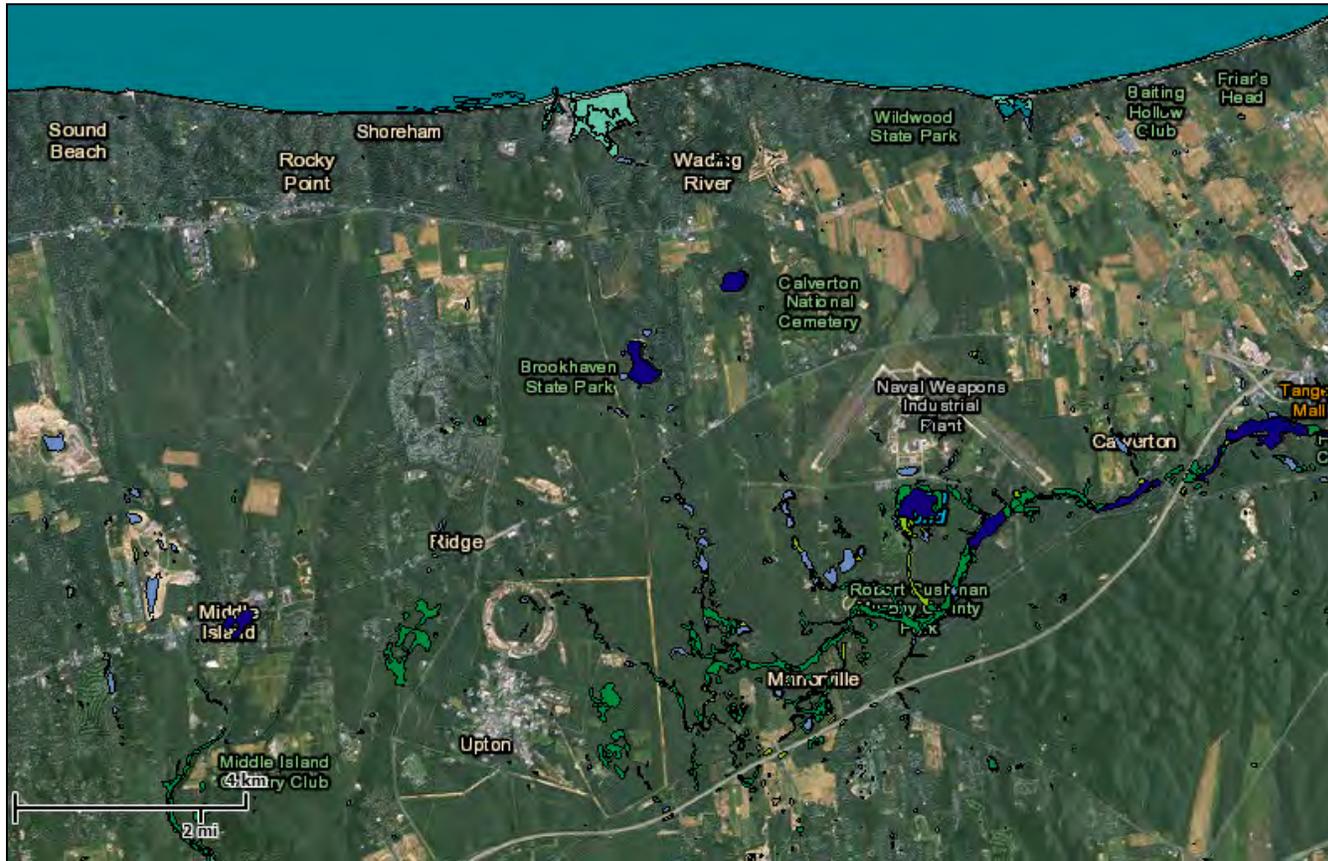
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County North Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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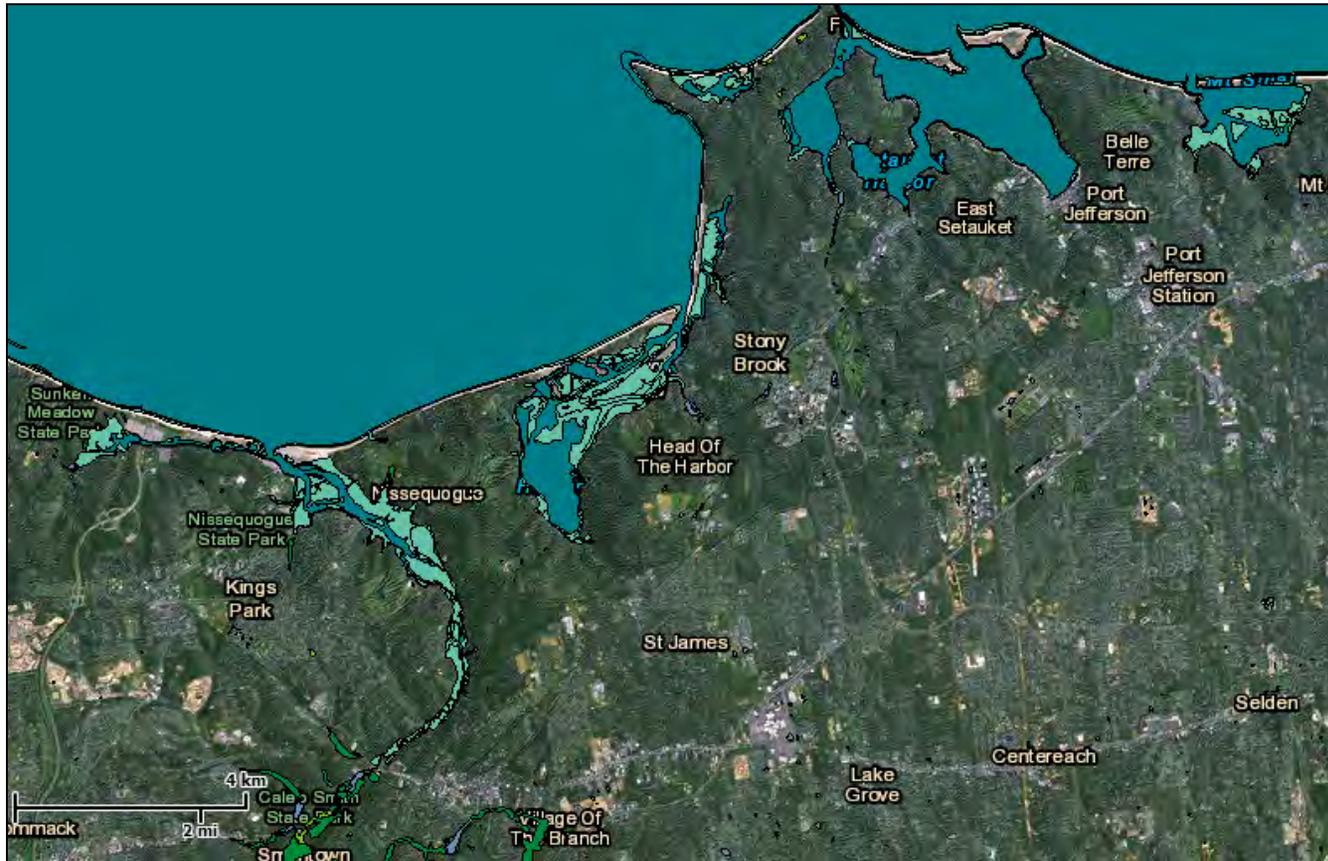
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County NNW Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County NE Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County Far NE Wetlands

Jul 10, 2013



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

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User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County Far East Wetlands

Jul 10, 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.

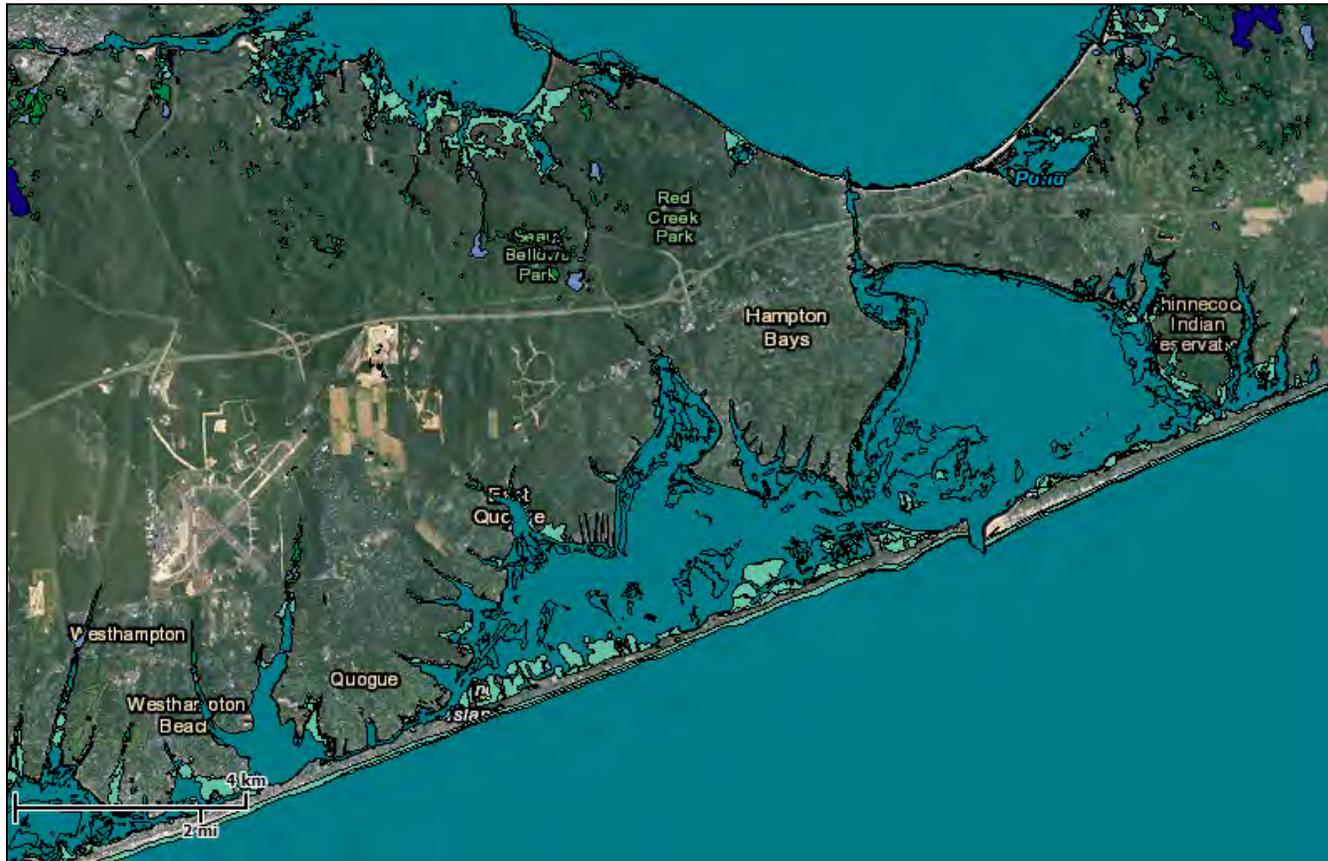
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County East Wetlands

Jul 10, 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.

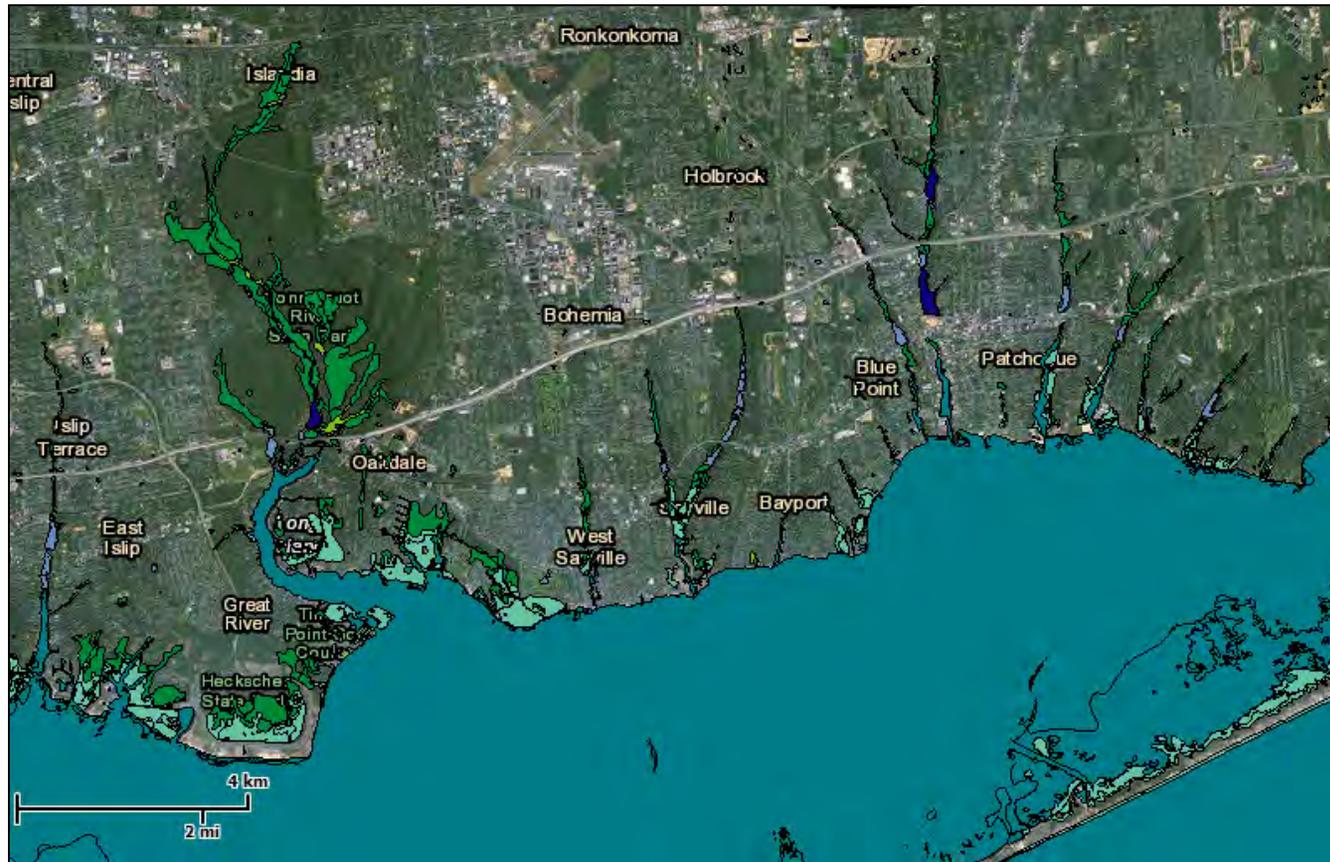
User Remarks:



U.S. Fish and Wildlife Service National Wetlands Inventory

Suffolk County South Wetlands

Jul 10, 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:

APPENDIX I
NYDOS COASTAL CONSISTENCY LETTER



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

July 3, 2013

Ms. Heather M. Spitzberg, Esq.
NYS Homes and Community Renewal
38-40 State Street
4th Floor, Hampton Plaza
Albany, New York 12207

Re: F-2013-0533(FA)
NYS Homes and Community Renewal
Replacement, rehabilitation or reconstruction of a
structure or facility, in kind, on the same site,
including upgrading buildings to meet building or fire
codes (including flood-proofing and mitigation). The
program activities may also include necessary utility
connection replacements and repair or replacement of
minor accessory/appurtenant residential structures.
General Concurrence - No Objection To Funding

Dear Ms. Spitzberg:

The Department of State received the information you submitted regarding the above matter on June 26, 2013.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, the Department of State has no objection to the use of HUD funds for this financial assistance activity. This concurrence pertains to the financial assistance activity for this project only. If federal permits or other form of federal agency authorization is required for this activity, the Department of State will conduct a separate review for those permit activities. In such a case, please forward a copy of the federal application for authorization, a completed Federal Consistency Assessment Form, and all supporting information to the Department at the same time it is submitted to the federal agency from which the necessary authorization is requested.

When communicating with us regarding this matter, please contact Jeffrey Zappieri at (518) 474-6000 and refer to our file #F-2013-0533(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources

JZ/dc

APPENDIX J
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.

- g. The SHPO may assist local jurisdictions or OEM with advance planning efforts to consider historic properties related to their preparedness, homeland security, response, recovery, and mitigation programs, for which FEMA funding may be requested.
- h. The SHPO will coordinate with FEMA, to identify consulting parties, including any communities, organizations, or individuals that may have an interest in a specific Undertaking and its effects on historic properties.

3. LPC

- a. LPC will review FEMA Undertakings that have the potential to adversely affect an LPC designated property or one calendared for designation using FEMA consultation documents that are provided to SHPO and Participating Tribe(s) so that LPC may notify FEMA whether or not an LPC property may be affected by the Undertaking and will require a LPC permit.
- b. LPC understands that if it does not respond to FEMA's submittal of Undertakings to them within the timeframes outlined in Stipulation I.E, i.e. within 4 days under emergency conditions, 15 days for IA and PA Undertakings and 30 days for HMGP Undertakings, FEMA will assume that none of the Undertakings are subject to LPC review and permitting and will proceed with the Undertaking.

4. OEM:

- a. OEM shall ensure that its subgrantees understand and acknowledge conditions and potential requirements that may be placed upon Undertakings as a result of Section 106 consultation and the provisions of this Agreement.
- b. Subgrantee government and private non-profit agencies are advised in OEM applicant briefings and program materials that FEMA funding may be jeopardized unless all local, State and Federal permits, licenses and approvals are received. NYC LPC reviews and permits were discussed in briefings held for NYC agencies and private non-profits. The official notice to a subgrantee that an Undertaking is subject to further LPC review will be the project approval document 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.
- c. OEM will participate in an initial scoping meeting for the Disaster Declaration.
- d. OEM shall ensure that subgrantees understand that failure to comply with the terms of this Agreement and any project-specific conditions could jeopardize FEMA funding.

- 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.nycenet/doitt/nycgovmap/](http://geo.nycenet.doitt/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.

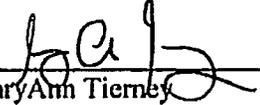
E. Execution and Implementation

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,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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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:

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
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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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:
ADVISORY COUNCIL ON HISTORIC PRESERVATION

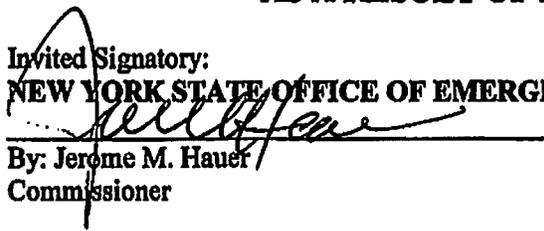
By: John M. Fowler
John M. Fowler
Executive Director

Date: 5/10/13

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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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**

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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THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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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 DELAWARE NATION

By: _____ Date: _____

C. J. Watkins
Vice President

**PROGRAMMATIC AGREEMENT AMONG
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THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
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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 DELAWARE NATION

By: _____ Date: _____
Paula Pechonick
Chief

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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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**

Invited Signatory:
THE SHINNECOCK NATION

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

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

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
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THE SHINNECOCK NATION,
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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 STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

Date: _____

By: Robert Chicks
President of Tribal Council

**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,
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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**

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

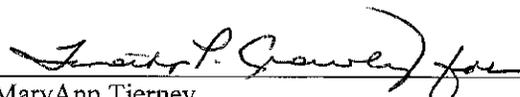
WHEREAS, NYS HCR will ensure that staff who meet the Secretary's Professional Qualification Standard will review Tier II projects and will provide resumes of such staff to the signatories to this Addendum;

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.

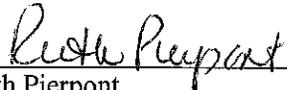
EXECUTION AND IMPLEMENTATION of this Addendum to the Agreement evidences that New York State Homes and Community Renewal (NYS HCR) has taken into account the effects of its undertakings on historic properties, and that through the execution of this Addendum and implementation of the Agreement, NYS HCR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

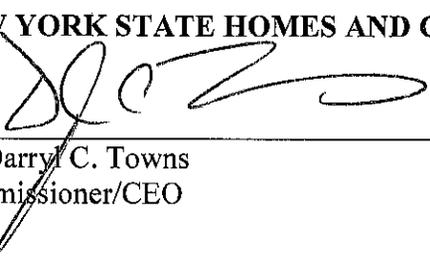
FEDERAL EMERGENCY MANAGEMENT AGENCY

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

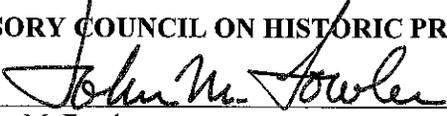
NEW YORK STATE HISTORIC PRESERVATION OFFICER

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

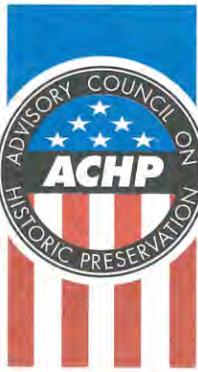
ADVISORY COUNCIL ON HISTORIC PRESERVATION

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*

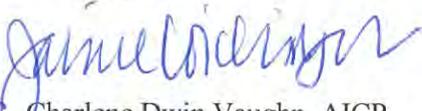
Dear Mr. Nelson:

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 K
FLOODPLAIN MANAGEMENT PLAN



NEW YORK STATE
DIVISION OF Homes &
COMMUNITY RENEWAL

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

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 Program

Suffolk County, NY
Effective Date: July 23, 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 Program**

**Suffolk County, NY
Effective Date: July 23, 2013**

This Floodplain Management Areawide Compliance Document meets the requirements of Executive Order 11988, Floodplain Management, for numerous unspecified 1-4 unit housing properties in Suffolk County, New York. The housing properties are participating in the U.S. Department of Urban Development (HUD) Community Development Block Grant Program as administered by the State of New York Action Plan For Community Development Block Grant Program – Disaster Recovery (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 Activities In The SFHA

The State of New York was awarded funding, to be administered by the New York State Housing and Community Renewal (HCR), to provide financial assistance to homeowners whose primary residences were substantially damaged by storms Sandy, Lee and Irene within various New York State Counties, including Suffolk 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, assistance to owners of substantially damaged 1-4 family homes in Suffolk County, NY within the 100-year floodplain to repair those homes and mitigate against damage by future storms (Action Plan Activities). These are the activities that are the subject of this Areawide Compliance Document.

Executive Order 11988 & 24 CFR Part 55

HUD regulation 24 CFR Part 55 implements Executive Order 11988 for 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 Special Flood Hazard Area (SFHA) are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRM) 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 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.
- 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 Suffolk County. Approximately 117,000 acres¹ of floodplain (including surface waters) is mapped within the County boundary. Approximately 59,000 acres² of floodplain (excluding surface waters) is mapped within the County (source: Base GIS review of FEMA BFE data).

24 CFR Part 55.1 (c)

According to 24 CFR Part 55.1 (c), except with respect to actions listed in § 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

- (1) Any action, other than a functionally dependent use, located in a floodway;
- (2) Any critical action located in a coastal high hazard area (“V zone”) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage or construction of a hospital or nursing home); or
- (3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

¹ Appeared as 259,000 acres in the published Final Notice. This figure was created using preliminary data. Updated data has since been obtained which is now reflected in the current document.

² Originally appeared as 258,762 acres in the Draft Floodplain Management Document. This figure was created using preliminary data. Updated data has since been obtained which is reflected in the current document.

24 CFR Parts 55.11 & 55.20

According to 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 8-step process outlined in 24 CFR Part 55.20. An 8-step process was conducted for the Action Plan Activities within Suffolk County, as detailed, below.

HCR Approach

In applying Executive Order EO 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. No funding will be committed in a floodway and no "critical actions" will receive funding.

Before funding is allocated to a particular site, the site will be reviewed for compliance with Executive Order 11988 using the following process, which will be documented and kept on file:

- The source of information will be documented on the Site-Specific Checklist.
- Action Plan Activities located within the SFHA, as identified by FEMA maps, have been reviewed in this document, a large-scale 8-Step Process prepared in accordance with 24 CFR Part 55.20.
- HCR or its authorized agent will review the property locations to identify any within a FEMA delineated floodway. Any properties located within a FEMA-delineated floodway are not eligible for the program.
- If the parcel is located within a SFHA and has been substantially damaged or requires substantial improvement (the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred), HCR or its authorized agent will identify the base flood elevation at the site and determine applicable measures (as described, below) to mitigate impacts to the floodplain and to the residence.

Base Flood Elevations

In December 2012, FEMA issued Advisory Base Flood Elevations (ABFEs) through its NFIP. The ABFEs increased the anticipated depth of tidal flooding during the 100-year flood in many areas and a corresponding increase in the area expected to be inundated by such a flood. However, Suffolk County, New York is not within the December 2012 ABFE mapped area. In areas where preliminary ABFE maps have been developed those maps will govern. In areas where no preliminary ABFE maps exist, FEMA Base Flood Elevations (BFE) data will be referenced for application of the Program within the County.

Required Mitigation Elevations

All development within SFHAs is subject to floodplain development regulations. When a New York State entity funds a project, the New York State rule 6 NYCRR Part 502 requires that when existing residential structures receive substantial improvements, the lowest floor (including basement) of each building in flood hazard areas must be constructed at least one foot above the base flood elevation. Additionally, the New York State Residential Building Code requires the lowest floor (including basement) of 1-2 family residential buildings classified under that Code to be constructed at least two feet above the base flood elevation. Finally, each

participating community has a local law for flood damage prevention that contains specific standards for any development SFHAs. Where no BFE exists, the lowest floor needs to be at least three feet above the highest adjacent grade.

Rehabilitation and mitigation work to substantially damaged structures conducted under this Program will comply with the strictest elevation requirements in the relevant regulations or Codes.

Within an “A” zone, when a base flood elevation is available, the lowest floor, including any basement, must be above the base flood elevation as described, above. Elevation may be by means of properly compacted fill, a solid slab foundation, or a “crawl space” foundation that contains permanent openings to let flood waters in and out. Within a coastal “V” zone structures must be elevated on pilings, columns or sheer walls, such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor is elevated above the base flood elevation, as described above.

Compliance with these standards will be documented through the building permit and/or elevation certificate, which are required eligibility documents under this Housing Assistance Program.

24 CFR Part 55.20 8-Step Process

Step ONE: Determine if a Proposed Action is in the 100-Year Floodplain

The Action Plan was created in response to severe coastal flooding and storm damage caused by Superstorm 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.

The Action Plan Activities will provide funding for homeowners who meet the Action Plan requirements within Suffolk County. At this time, the exact locations of the homeowner assistance program properties that will participate are unspecified. However, eligible applicants are:

- Homeowners whose primary residence was substantially damaged by the storm within Suffolk County;
- whose household adjusted gross annual income is less than \$250,000.00; and
- who live in a National Flood Insurance Program (NFIP) V or A Zone, as indicated on the FIRM map (there are approximately 117,000³ acres of floodplains in Suffolk County). Based on the FEMA Individual Assistance Program (FEMA IA) data, as of April 2013, over 13,500 owner-occupied and rental homes in Suffolk County have reported damage. It is expected that many if these residences are within the SFHA.

The Action Plan Activities are necessary to restore storm damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities within the disturbed area of the previously developed parcel. HCR requires that all property owners whose homes are

³ Appeared as 259,000 acres in the published Final Notice. This figure was created using preliminary data. Updated data has since been obtained which is now reflected in the current document.

determined to be “substantially damaged” must rebuilt in accordance with the elevation requirements stated above. A structure is considered substantially damaged if the cost of restoration equals or exceeds 50% of the market value of the structure prior to damage.

Once an applicant applies for funding, HCR or its authorized representative will determine if the project parcel is located within the SFHA by viewing the FEMA Base Flood Elevation Map link at www.msc.fema.gov. HCR or its authorized representative will then determine the strictest elevation requirement applicable to the site and ensure that the rehabilitation activities are compliant.

Step TWO: Initiate Public Notice

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 rehabilitation in this area. Once the early public notice and comment period is complete, HCR will assess, consider, and document responses 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 Newsday, on June 24, 2013. The 15-day period ended on July 9, 2013. The ad targeted local residents, including those in the floodplain. The notice was also sent to the following State and Federal agencies on June 24, 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 Suffolk County and the Towns and Villages within Suffolk County. (See Exhibit 1 for the advertisements and email to Federal and State agencies)

HCR received no public comments on this notice.

Step THREE: Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain

The Program will provide grant awards to eligible homeowners for activities necessary to restore their storm-damaged homes, including rehabilitation, reconstruction, elevation and/or other mitigation activities within the disturbed area of the previously developed parcels in the floodplain. The Program will benefit homeowners, whose primary residences sustained “substantial damage” from Superstorm Sandy. The residence must be located in Suffolk County. Based on the FEMA Individual Assistance Program (FEMA IA) data, as of April 2013, over 13,500 owner-occupied and rental homes in Suffolk County have reported damage. It is estimated that most of these homes are located in the 100-year floodplain. This number accounts for approximately 10.92 % of reported housing damage in New York.

The only alternative is to not provide funding for the Action Plan Activities within the floodplain. A ‘No-Action’ alternative would mean that applicants would not receive grant awards under the Action Plan. As a result, these homeowners may not be able to recover from the impacts of the storm events. Furthermore, the applicants would not be provided financial assistance to elevate their homes, and thus their properties would be more vulnerable to future

flooding conditions. Therefore, the No-Action alternative would neither address the State's need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection.

A policy to prohibit any redevelopment in the floodplain is not considered practicable due to the great number of parcels located within the floodplain in the County.

Applicants who choose to redevelop in the floodplain using Action Plan funding must adhere to the applicable elevation requirements (as described above) to avoid flood damages.

These alternatives have been and will continue to be re-evaluated in light of any public comments received.

Step FOUR: Identify the Impacts of the Proposed Actions

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 and 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 at 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.

The Action Plan Activities benefit homeowners whose "primary residence" sustained "substantial damage" (as defined by HUD) from Superstorm Sandy, Hurricane Irene, and/or Tropical Storm Lee. The funds can only be used for specific disaster-related purposes which include rehabilitation, reconstruction, elevation and/or other mitigation activities on previously developed parcels in the floodplain. HUD's own regulations limit what actions can be considered under the Program, including any construction in the floodway. The homes are required to be elevated to the elevation height standards described earlier which represent Best Available Data and the most accurate flood risk. The only exceptions to this requirement are historic structures that are listed on the State or National Registers of Historic Places, which will have elevation height requirements considered on a case-by-case basis.

The Proposed Action allows homeowners to rebuild residential structures, based on the structure's original footprint and its current location, but requires that the home be rebuilt at substantially higher elevation requirements than Base Flood Elevation for most residential buildings. This would require that the home be elevated to the strictest elevation requirements in the relevant regulation or Code, as described above. This would provide significant protections for these homes inside the floodplain. All Applicants would also be required to maintain flood insurance up to the NFIP maximum amount as part of this program. Overall, this has a more beneficial impact on the floodplain than the No-Action alternative.

As a result of the requirement that homeowners whose houses were substantially damaged and who wish to rebuild will be required to elevate their homes to the strictest standard,

it is extremely unlikely that there will be a net increase in floodplain development in comparison to pre-Sandy conditions as a result of this program. In addition, the proposed Action Plan Activities would not likely increase floodplain occupancy, as the proposed Action Plan Activities would enable people to return to their homes, but would generally not expand the housing stock relative to conditions prior to Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee.

The impacts of these alternatives have been and will continue to be re-evaluated in light of any public comments received.

Step FIVE: Minimize Threats to Life and Property and to Natural and Beneficial Floodplain Values. Restore and Preserve Natural and Beneficial Floodplain Values.

HCR requires elevation of all substantially damaged structures in the floodplain. When followed, these regulations will reduce the threat of flooding damage to the homes located in the floodplain. The FEMA BFEs represent the best available data.

Homeowners participating in this Program would be required to adhere to the following conditions to minimize the threat to property, minimize losses from flooding and high-wind events, and benefit floodplain values:

1. All proposed reconstruction and repair of substantially damage structures in the floodplain must adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 or the New York State Residential Building Code.
2. All participants in the Recovery Program must carry flood insurance on the subject structure, when mandated, in perpetuity; and
3. In the case of “Coastal High Hazard” areas (“V” or “VE” Zones on the FEMA-issued Maps), the applicant is required to adhere to construction standards, methods and techniques requiring a registered professional engineer to either develop, review or approve, per the associated location, specific Applicant elevation plans that demonstrate that the design meets the current standards for V zones in FEMA regulation 44 CFR Part 60.3 (e) as required by HUD Regulation 24 CFR Part 55.1 (c)(3). Therefore, the requirements of the Recovery Program will help ensure a minimal adverse impact to the floodplain.

Step SIX: Re-evaluate Alternatives

The No-Action alternative would not address the need for safe, decent, and affordable housing, nor would it require homes within the floodplain to be elevated to the highest standard for flood protection. Applicants would not be provided financial assistance to elevate their homes and thus their properties would be more vulnerable to future flooding conditions.

An award under the Action Plan would require all proposed reconstruction and repair of substantially damage structures in the floodplain to adhere to the latest (most recent) elevation requirements in accordance with 6 NYCRR Part 502 and the New York State Residential Building Code. Therefore, there would be less of an impact upon the floodplain than with the No-Action alternative.

The impacts of these alternatives have been and will continue to be re-evaluated in light of any public comments received.

Step SEVEN: Issue Findings and a Public Explanation

It is HCR's determination that there is no better alternative than to providing funding for the Action Plan Activities in the floodplain. This is due to: 1) the need to provide safe, decent and affordable housing; 2) the desire to avoid displacing residents; and 3) the ability to mitigate and minimize impacts on human health, public property and floodplain values. A "Notice of Policy Determination" will be published in accordance with 24 CFR 55, for a 7-day comment period. The notice will describe the reasons why the project must be located in the floodplain, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values. All comments received will be considered.

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.

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

EXHIBIT 3 Public Comments Received and HCR Response

NEWSDAY
AFFIDAVIT OF PUBLICATION

PROSOURCE TECHNOLOGIES, LLC
9219 E. RIVER RD., NW
MINNEAPOLIS , MN 55433

STATE OF NEW YORK)
SS.:
COUNTY OF SUFFOLK)

Legal Notice No. 17107996

R. Lopes

of Newsday LLC, Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday LLC, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/ counties of said newspaper on the following dates:

MONDAY JUNE 24 2013 Suffolk

SWORN to before me this
24 Day of June, 2013.

Guy P. Wasser
Notary Public, State of New York
No. 01WA6045924
Commission Expires 10/20/2014
Qualified in Suffolk County



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

June 24, 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) Suffolk 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 and mitigation of 1-4 Unit Family Homes in Suffolk County. New York State has been allocated \$1.7 Billion of CDBG-DR funds for acquisition, 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 renovation of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to the renovation of approximately 13,500 homes in the Suffolk County, New York. 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 further increase. Additional areas will be the subject of additional notices, as needs arise.

There are approximately 259,000 acres in the floodplain in this area. The tidal 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 at www.region2coastal.com/sandy/abfe and the FEMA Base Flood Elevation Map link at 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. 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.

It is preferred for written comments to be submitted via e-mail at NYS-CDBG-DR-ER@nyshcr.org. Please include "Suffolk County Floodplain Work Comments" in the subject line. Written comments may also be received by HCR at the following address: NYS Homes and Community Renewal, 38-40 State Street, 4th Floor, Hampton Plaza, Albany, NY 12207 and (518) 486-3379 Attention: Heather Spitzberg, Certifying Officer. All comments must be received on or before Tuesday, July 9, 2013. A full copy of the Floodplain Management Document can be viewed from Monday - Friday; 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, 4th Floor, Hampton Plaza, Albany, NY 12207 or at <http://www.nyshcr.org/Programs/NYS-HCR-CDBG-DR/EnvironmentalReview>.

NEWSDAY PROOF

Customer: PROSOURCE TECHNOLOGIES, LLC Contact: ERICA Phone: 7637861445

Ad Number: 17107996 Start Date: 06/24/2013 End Date: 06/24/2013 Times: 1

Price: \$652.00 Size: 2 x 83 Section: CL Class: 11100

Printed By: Date: 06/21/2013

Signature of Approval: _____ Date: _____

Zones:

Exhibit 2

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

July 15, 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) Suffolk 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 Areawide Compliance Document has been prepared for the CDBG-DR Housing Assistance Program for rehabilitation and mitigation of 1-4 Unit Family Homes in Suffolk County.

New York State has been allocated \$1.7 Billion of CDBG-DR funds for acquisition, 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 renovation of some of the worst damaged properties, including those that are the subject of this Notice. This Notice pertains to the renovation of approximately 13,500 homes in the Suffolk County, New York. 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 further increase. Additional areas will be the subject of additional notices, as needs arise.

There are approximately 117,000¹ acres in the floodplain in this area. The tidal 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 at www.region2coastal.com/sandy/abfe and the FEMA Base Flood Elevation Map link at 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. 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.

All construction activities will be performed in accordance with federal, state, and local laws and in consideration of any sensitive environmental conditions that might be present in the area. HCR will ensure that all mitigation measures prescribed in the Floodplain Management Document will be adhered to. Also, prior to the issuance of grant awards, 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.

¹ Appeared as 259,000 acres in the published Final Notice. This figure was created using preliminary data. Updated data has since been obtained which is now reflected in the current document.

HCR has reviewed comments on the Early Notice, which was published on June 24, 2013, and reevaluated the alternatives and determined that no other alternative is practicable. Environmental files that document compliance with steps 3 through 6 of Executive Order 11988, are available for public inspection, review, and copying upon request at the times and location delineated in the last paragraph of this notice for receipt of comments. This activity will have no significant impact on the environment for the following reasons: 1) Elevated homes will result in significant protections for those homes inside the floodplain; 2) No additional structures will be built; 3) renovation of existing structures will not expand the footprint of the structure; 4) renovation and cleanup of parcels will remove debris located on the floodplain.

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.

It is preferred for written comments to be submitted via e-mail at NYSCDBG_DR_ER@nyshcr.org. Please include "Suffolk County Floodplain Work Comments" in the subject line. Written comments may also be sent to HCR at the following address: NYS Homes and Community Renewal, 38-40 State Street, 4th Floor, Hampton Plaza, Albany, NY 12207 and (518) 486-3379 Attention: Heather Spitzberg, Certifying Officer. All comments must be received on or before **Monday, July 22, 2013**. A full copy of the Floodplain Management Document can be viewed from Monday - Friday: 9:00 AM - 5:00 PM at NYS Homes and Community Renewal, 38-40 State Street, 4th Floor, 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

Exhibit 3

Comments and Responses

No comments were received on the Suffolk County Floodplain Management Plan

APPENDIX L
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

Maintain, in your ERR, a determination that the project does not include new construction, acquisition of undeveloped land or change in use of a property

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

Maintain, in your ERR, documentation to evidence the project meets one of the exemptions. If the project is already in urban development provide a map as described above with your site marked or documentation from another credible source.

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.

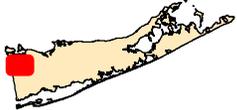
Record your determination on the Statutory Worksheet and attach documentation used to make your determination. Include any mitigation required in the review.

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 M
SUFFOLK COUNTY POTENTIAL ENVIRONMENTAL
JUSTICE AREA MAPS

Potential Environmental Justice Areas in the Town of Huntington Suffolk County, New York

Click Here for
County Map



**TOWN OF
HUNTINGTON**

**SUFFOLK
COUNTY**

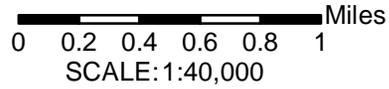
**NASSAU
COUNTY**

This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies

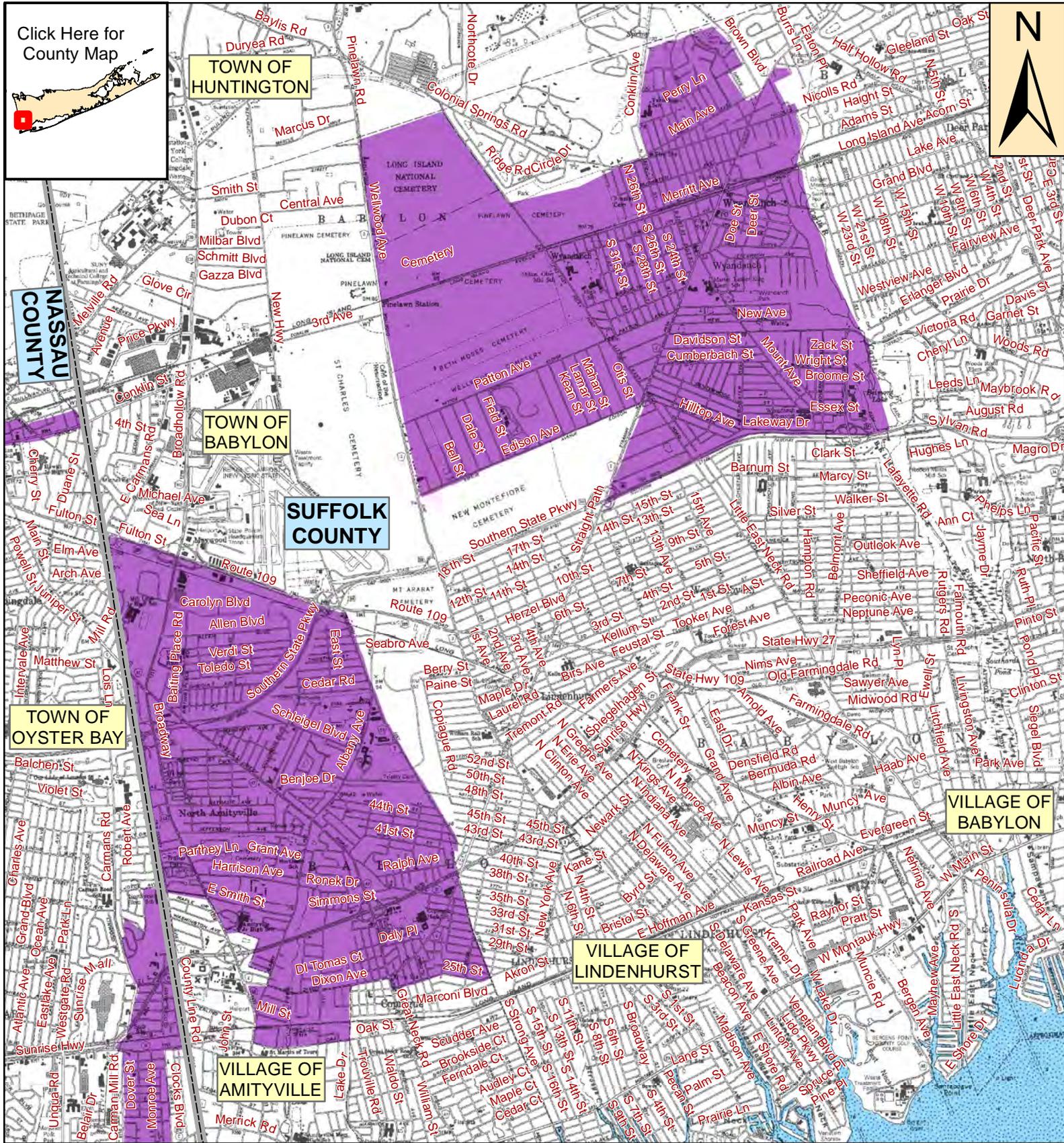


For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Babylon Suffolk County, New York

Click Here for County Map



Legend

- Potential EJ Area
- County Boundary
- Waterways

Miles
0 0.2 0.4 0.6 0.8 1

SCALE: 1:50,000

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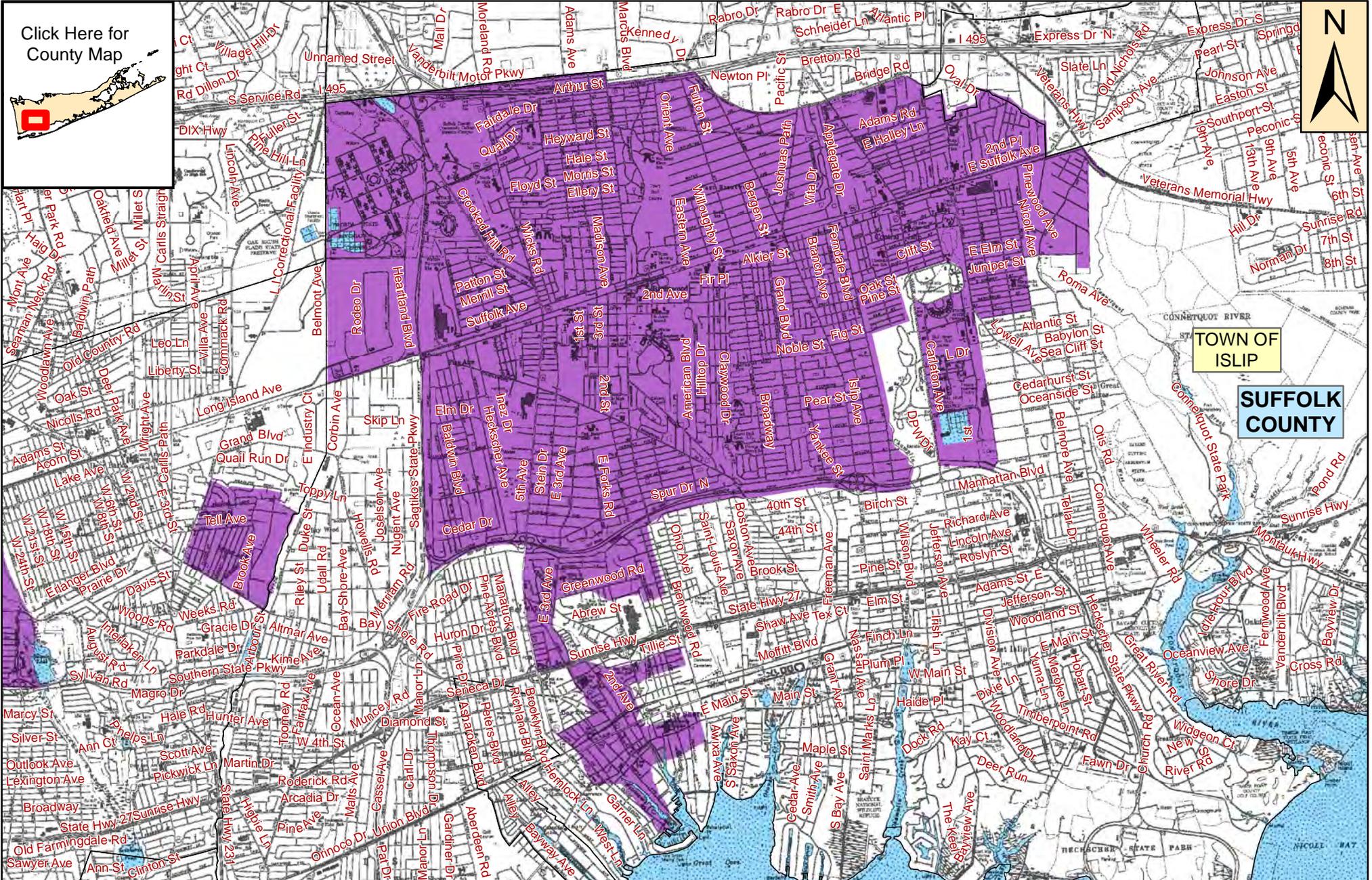
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Islip, Suffolk County, New York

Click Here for County Map



TOWN OF ISLIP

SUFFOLK COUNTY

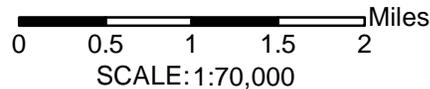
This computer representation has been compiled from supplied data and information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

- Potential EJ Area
- County Boundary
- Waterbodies

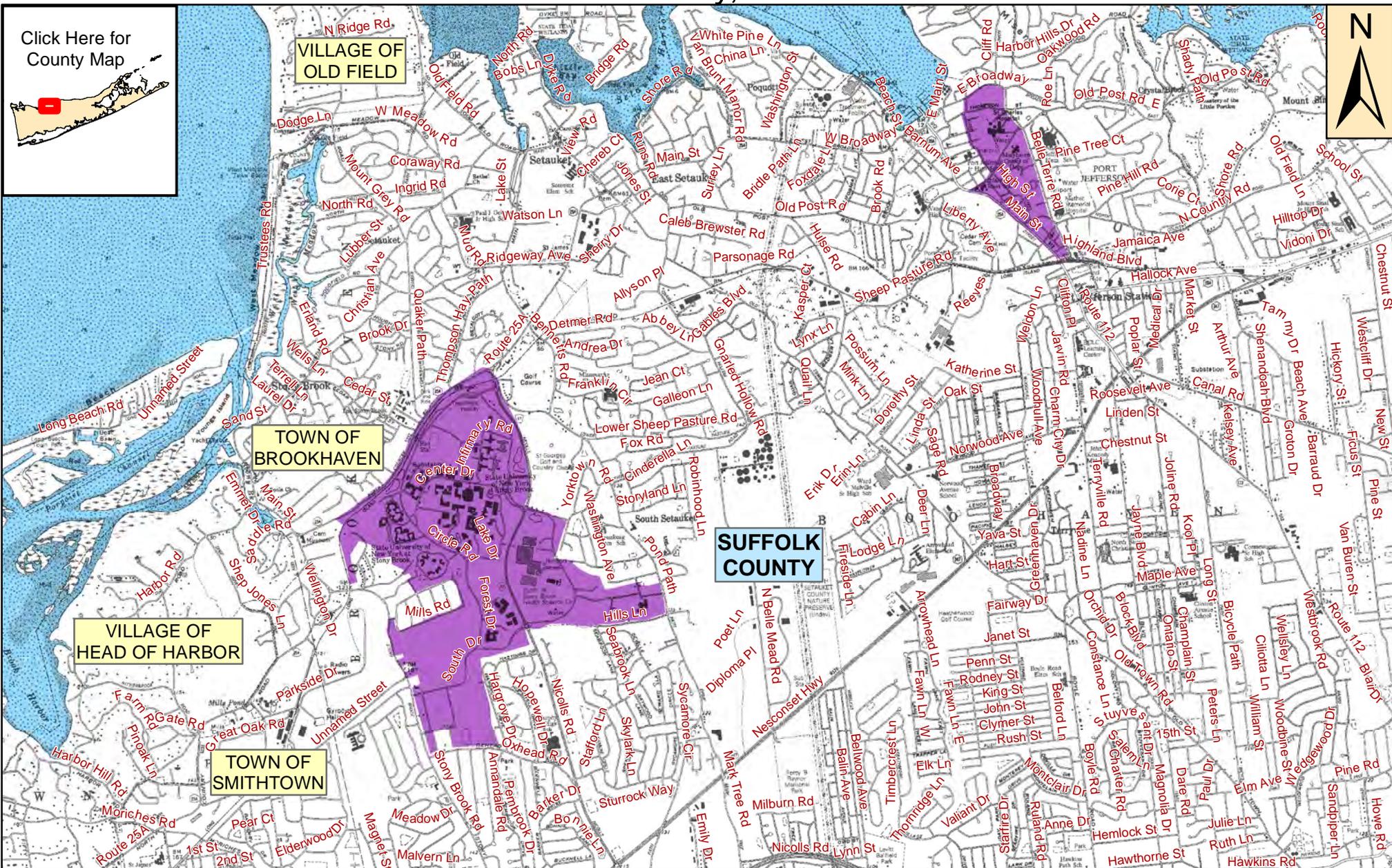


For questions about this map contact:
 New York State Department of Environmental Conservation
 Office of Environmental Justice
 625 Broadway, 14th Floor
 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us

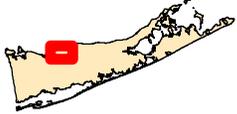


Potential Environmental Justice Areas in the Town of Brookhaven (north detail)

Suffolk County, New York



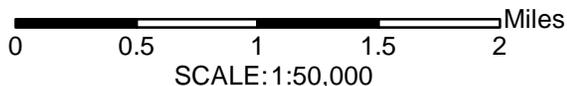
Click Here for County Map



SUFFOLK COUNTY

Legend

- Potential EJ Area
- County Boundary
- Waterbodies



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

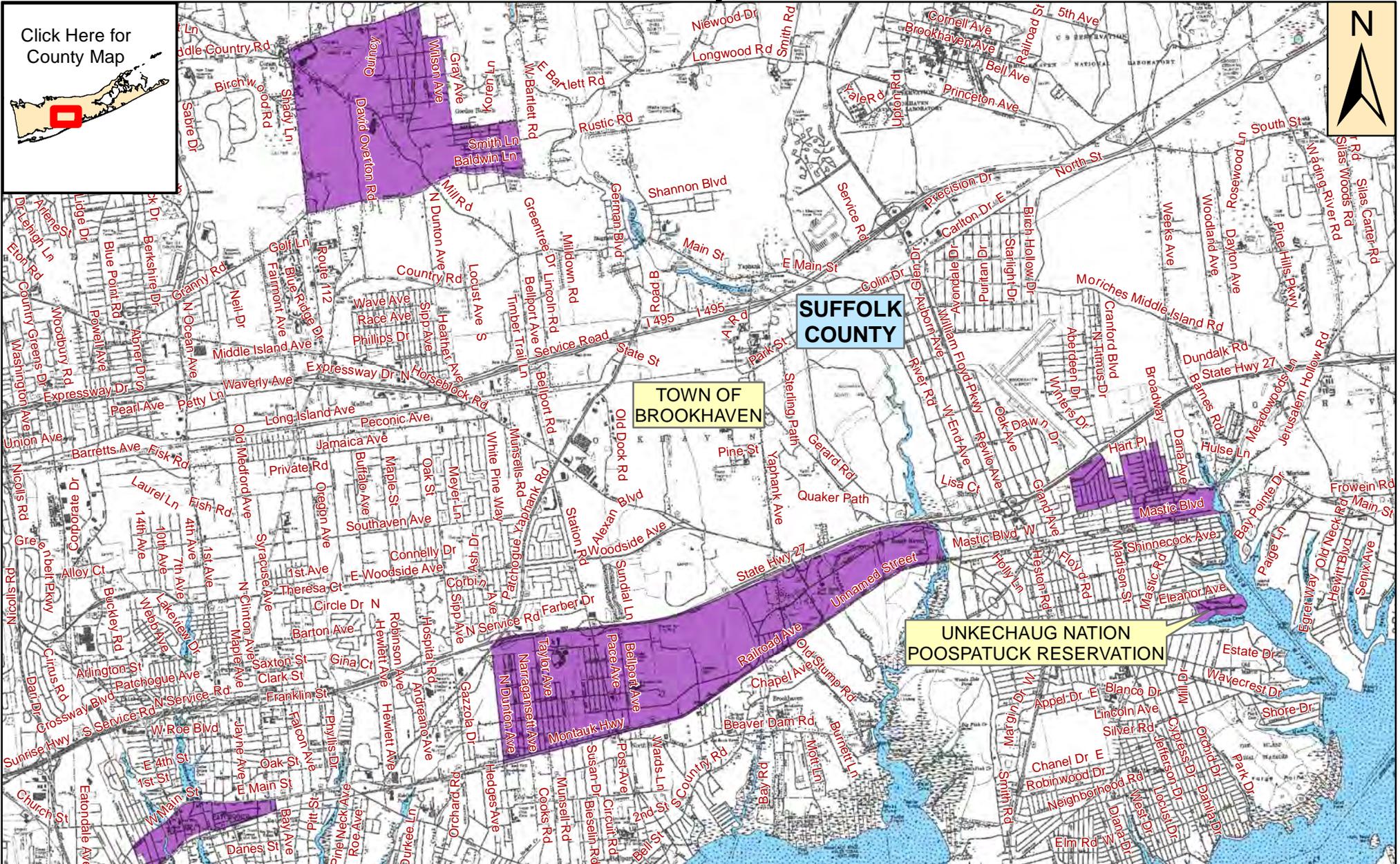
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of Brookhaven (south detail)

Suffolk County, New York

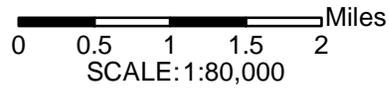


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Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies

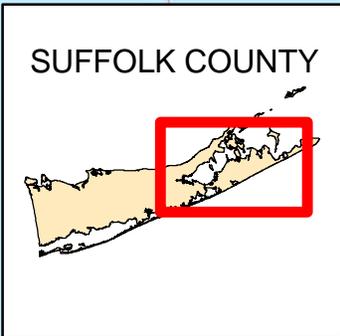
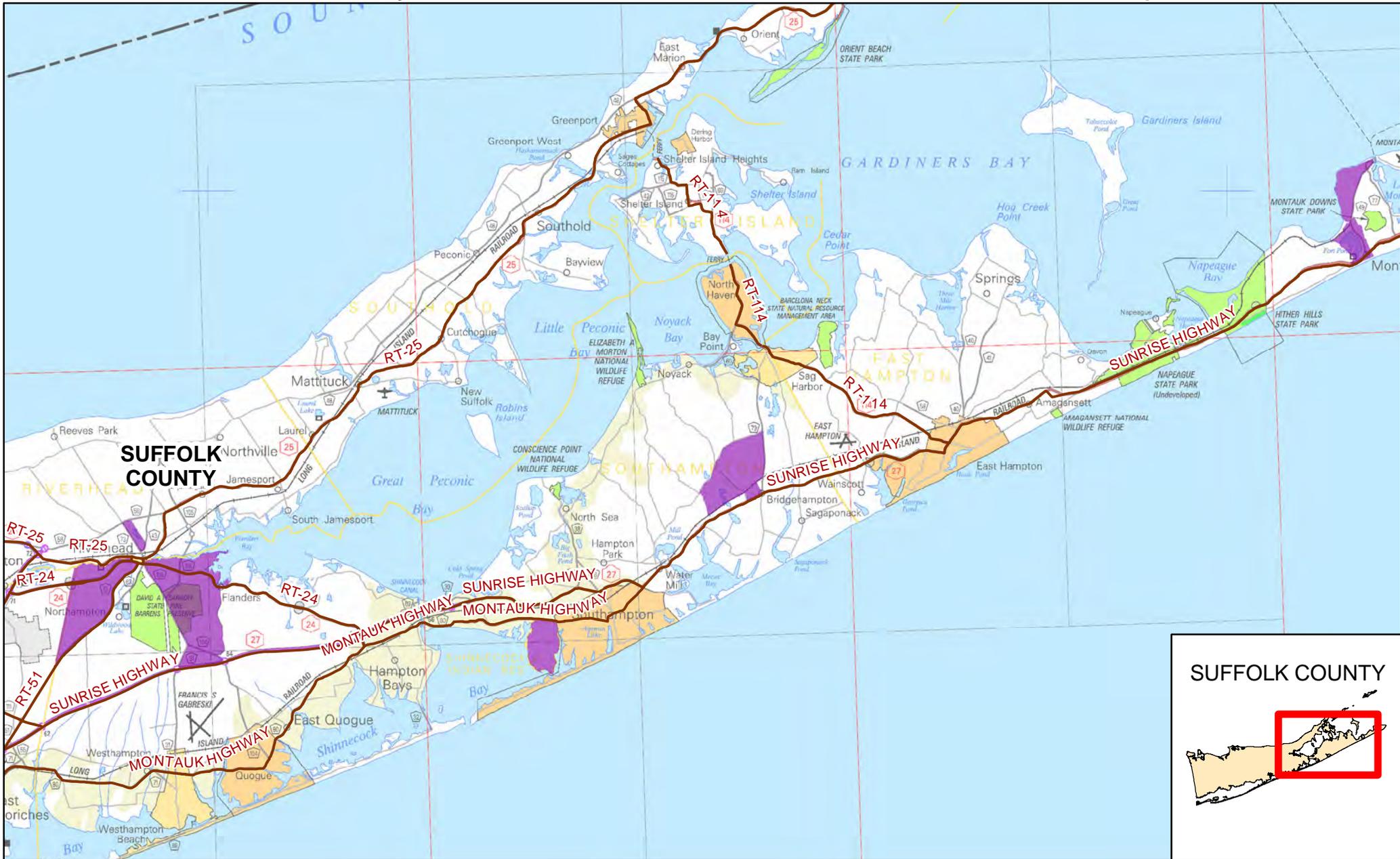


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 Office of Environmental Justice
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 Albany, New York 12233-1500
 (518) 402-8556
 ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in Eastern Suffolk County, New York

Click on any Potential EJ Area outlined in blue for a detailed map



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Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

-  Potential EJ Area
-  County Boundary

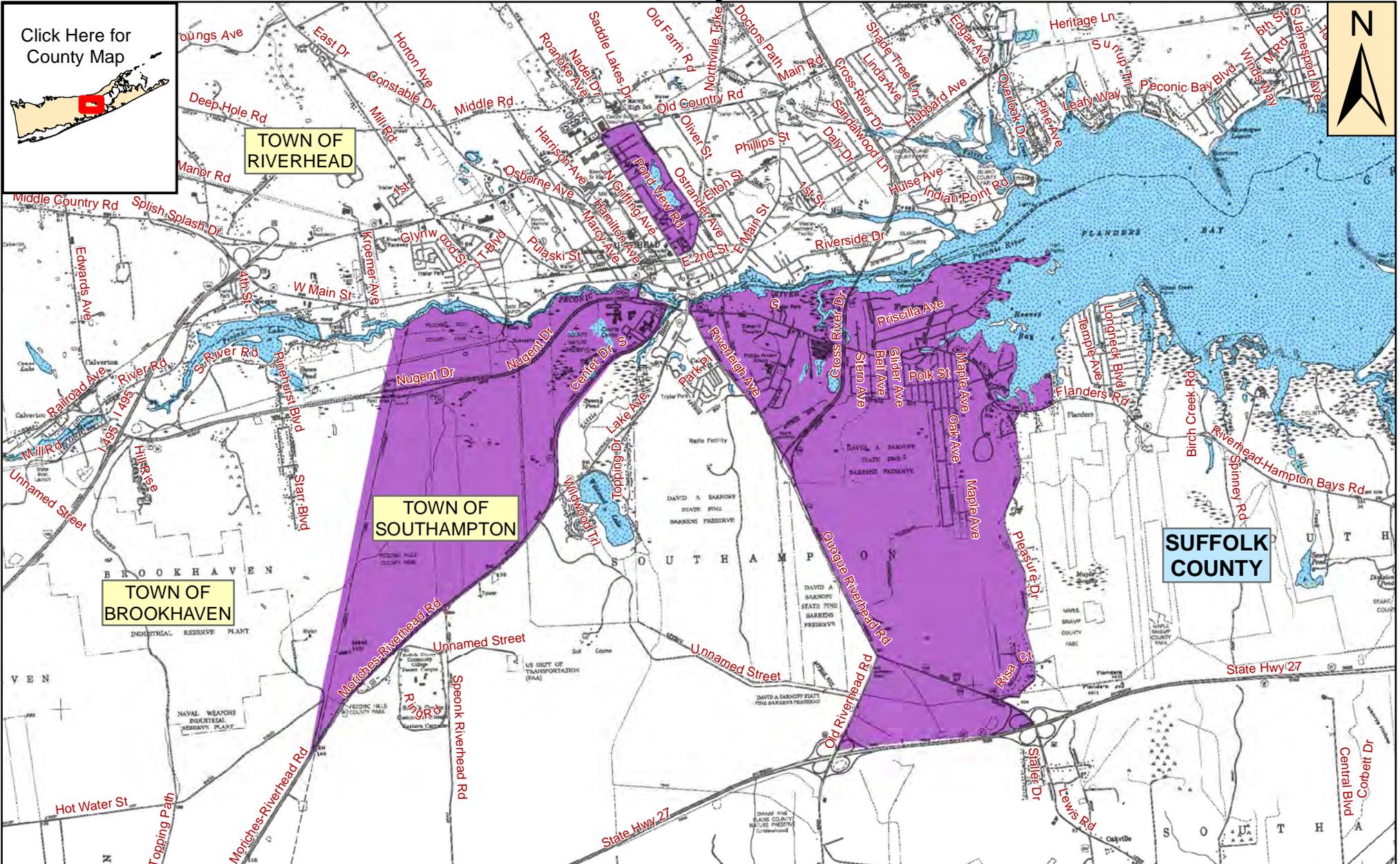
0 1 2 3 4 5 Miles
SCALE: 1:250,000

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Environmental Conservation
Office of Environmental Justice
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Albany, New York 12233-1500
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Potential Environmental Justice Areas in the Town of Southampton (west detail)

Suffolk County, New York



Click Here for County Map



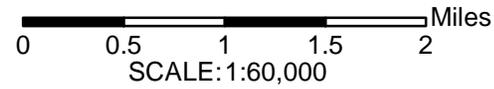
This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

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Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

Legend

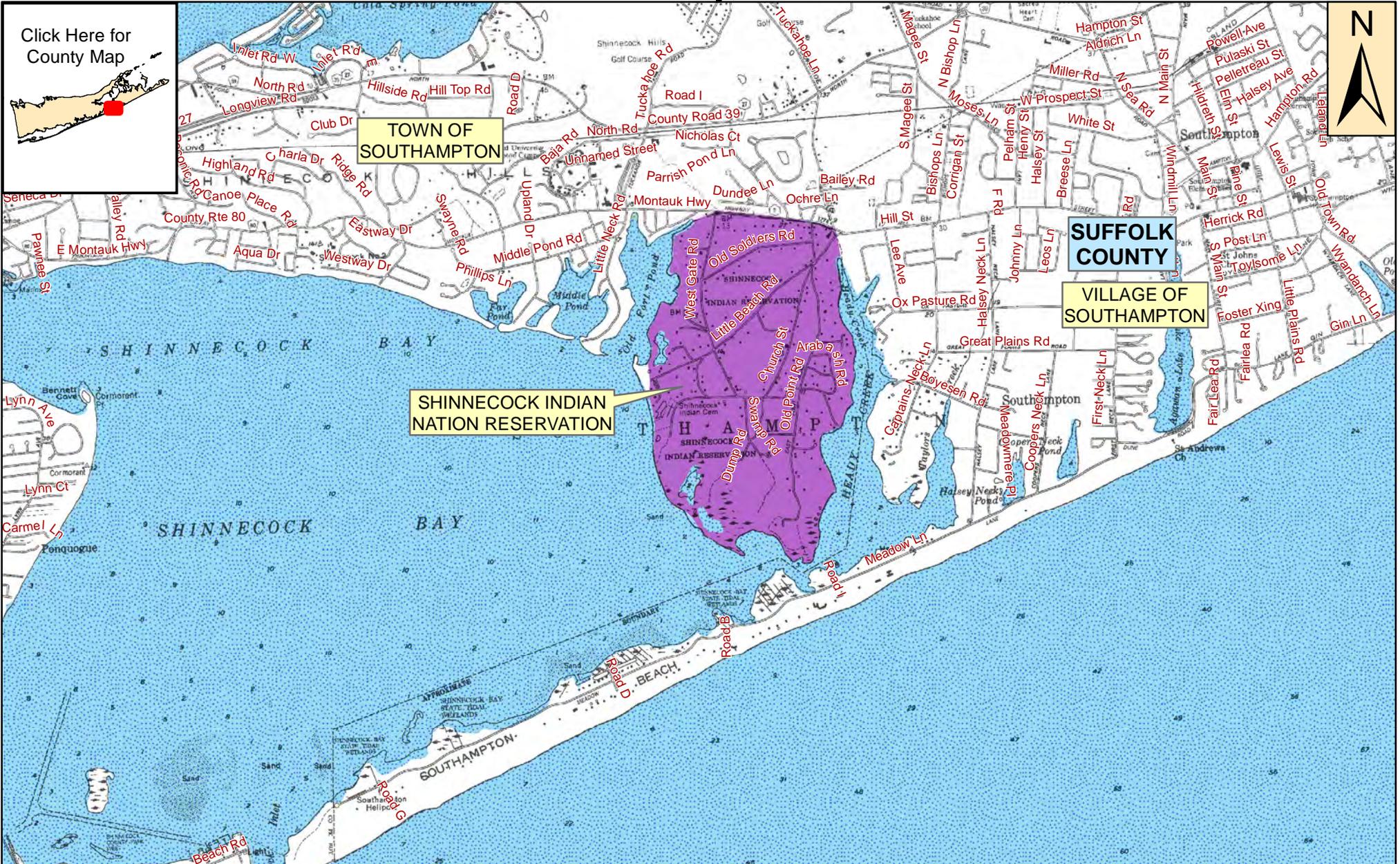
- Potential EJ Area
- County Boundary
- Waterbodies



For questions about this map contact:
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625 Broadway, 14th Floor
Albany, New York 12233-1500
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Potential Environmental Justice Area in the Shinnecock Indian Nation Reservation Suffolk County, New York



SHINNECOCK INDIAN NATION RESERVATION

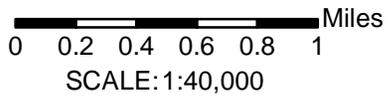
TOWN OF SOUTHAMPTON

SUFFOLK COUNTY

VILLAGE OF SOUTHAMPTON

Legend

- Potential EJ Area
- County Boundary
- Waterbodies



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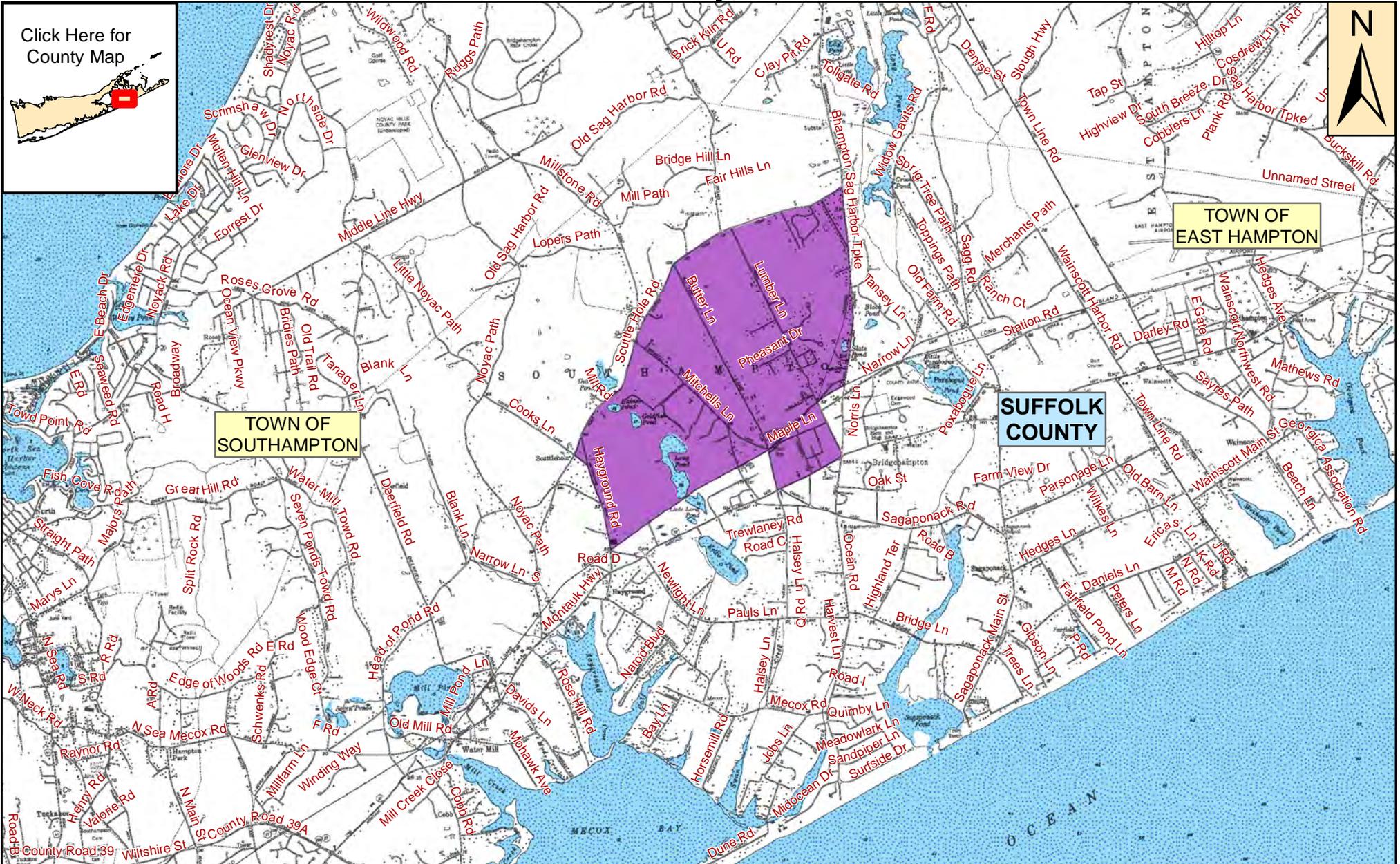
Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

For questions about this map contact:
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Office of Environmental Justice
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Albany, New York 12233-1500
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Potential Environmental Justice Areas in the Town of Southampton (west detail)

Suffolk County, New York



Click Here for County Map



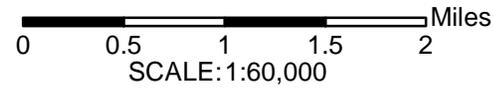
TOWN OF SOUTHAMPTON

TOWN OF EAST HAMPTON

SUFFOLK COUNTY

Legend

- Potential EJ Area
- County Boundary
- Waterbodies



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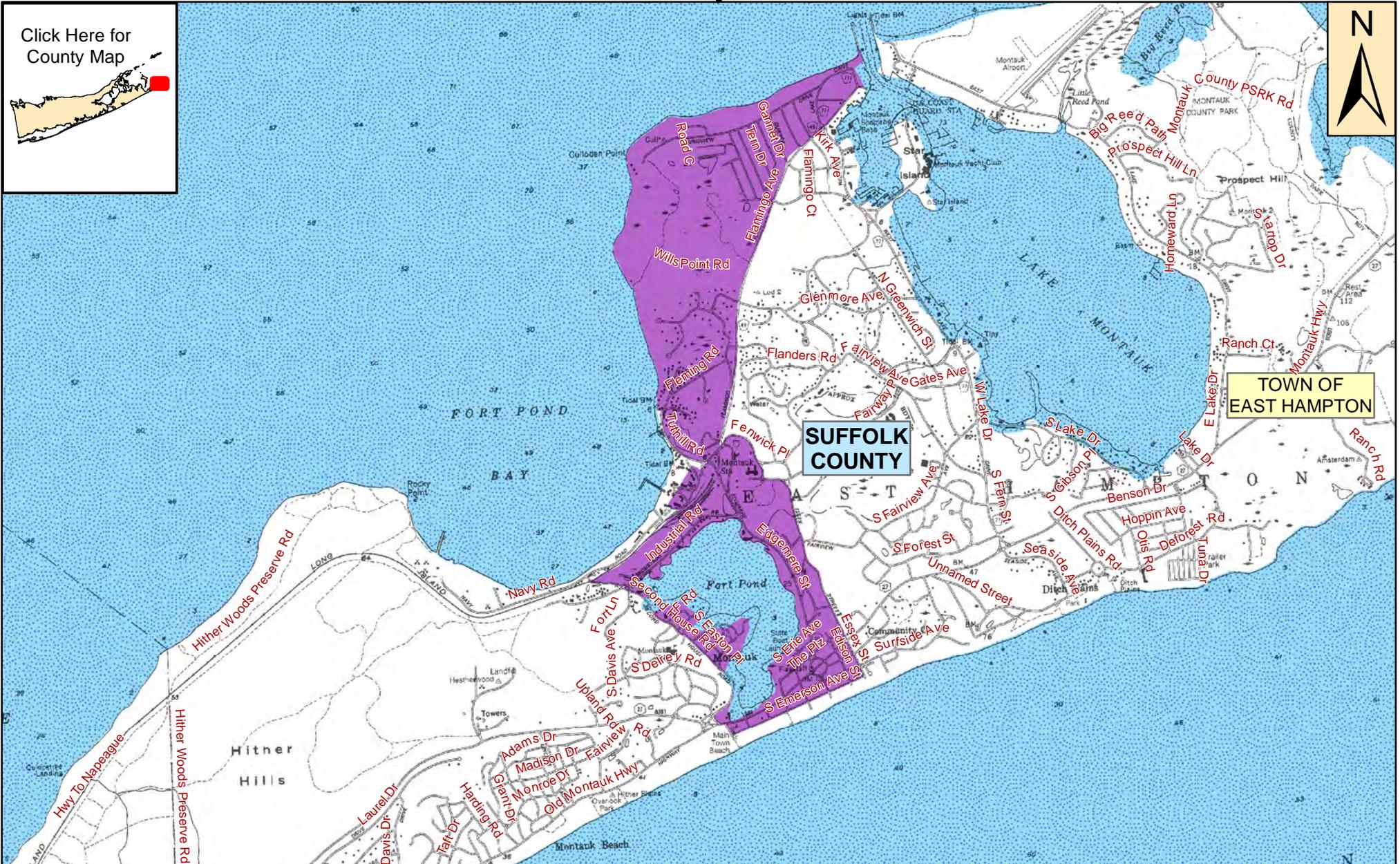
Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

For questions about this map contact:
New York State Department of Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Potential Environmental Justice Areas in the Town of East Hampton Suffolk County, New York

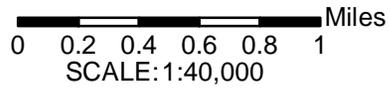


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Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

- Legend**
- Potential EJ Area
 - County Boundary
 - Waterbodies



For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



APPENDIX N
HUD NOISE ABATEMENT & 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 O
AIRPORT CLEAR ZONE MAPS



Republic Airport Runway Clear Zone

Date: 7/17/2013

Legend

 Republic Airport 2,500 Ft Runway Clear Zone



ProSource
TECHNOLOGIES

Image courtesy of USGS © 2013 Microsoft Corporation © 2010 NAVTEQ © AND

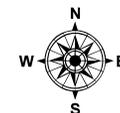


MacArthur Airport Runway Clear Zone

Date: 7/22/2013

Legend

— MacArthur Airport 2,500 Ft Runway Clear Zones



ProSource
TECHNOLOGIES



Image courtesy of USGS © 2013 Microsoft Corporation © 2010 NAVTEQ © AND

Brookhaven Airport Runway Clear Zone

Date: 7/22/2013

Legend

— Brookhaven Airport 2,500 Ft Runway Clear Zones

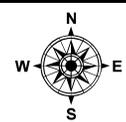




Image courtesy of USGS © 2013 Microsoft Corporation © 2010 NAVTEQ © AND

Calverton Executive Airpark/Grumman
 Peconic River Airport Runway
 Clear Zones Date: 7/22/2013

Legend

— Calverton Executive Airpark/ Grumman Peconic River Airport 2,500 Ft Runway Clear Zones





Francis Gabreski Airport Runway Clear Zones

Date: 7/22/2013

Legend

- Francis Gabreski Airport 15,000 Ft Runway Clear Zones
- Francis Gabreski Airport 2,500 Ft Runway Clear Zones

ProSource
TECHNOLOGIES

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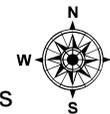


East Hampton Airport Runway Clear Zones

Date: 7/22/2013

Legend

 East Hampton Airport 2,500 Ft Runway Clear Zones



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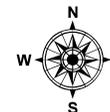


Montauk Airport Runway Clear Zones

Date: 7/22/2013

Legend

 Montauk Airport 2,500 Ft Runway Clear Zones



ProSource
TECHNOLOGIES

APPENDIX P
NY HERITAGE INFORMATION REQUEST
RESPONSE LETTER

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,

A handwritten signature in black ink that reads "Nick Conrad". The signature is written in a cursive, flowing style.

Nicholas B. Conrad
Information Resources Coordinator
NY Natural Heritage Program

[Type text]

APPENDIX Q
USFWS & NMFS CONSULTATION LETTERS



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



August 7, 2013

Ms. Heather M. Spitzberg
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany, NY 12207

Dear Ms. Spitzberg:

This responds to your July 18, 2013, letter requesting informal consultation with the U.S. Fish and Wildlife Service (Service) pursuant to section 7 of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the Bald and Golden Eagle Protection Act (BGEPA) (16 U.S.C. 668-668d), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712; Ch. 128; July 13, 1918; 40 Stat. 755) for the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant - Disaster Recovery Housing Assistance Program (CDBG-DR).

In a letter to the Service dated July 23, 2013, HUD certified New York State Homes and Community Renewal (NYSHCR) with the authority to assume all federal responsibilities for all National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and related environmental laws and authorities as identified in HUD regulation 24 Code of Federal Regulations (CFR) 58.5. Consultation arising from activities funded under this program will be conducted directly by NYSHCR in accordance with the assumption authority of 24 CFR 58.4.

Program Description

NYSHCR developed the "*State of New York Action Plan for Community Development Block Grant Program Disaster Recovery*," (Action Plan) in April 2013. This is a large-scale program that will encompass several counties throughout New York and will implement specific federal actions related to the program including:

1. Rehabilitation and repair of one- to four-unit homes, five- to nine-unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation;

2. Buy-out of storm-damaged properties (result in demolition and return to green space for perpetuity); and
3. Acquisition of damaged properties (result in demolition and options for future land use).

Nassau and Suffolk Counties

Presently, NYSHCR is preparing an amended Programmatic Environmental Assessment (PEA) for reconstruction and rehabilitation of one- to four-unit homes in Nassau and Suffolk Counties. The one- to four-unit actions will cover participating homeowners at various locations within the boundaries of Nassau and Suffolk Counties. NYSHCR will restore storm-damaged homes, including elevation and/or other mitigation activities within the original footprint of the structure(s). No new construction or housing developments will occur as a result of the rehabilitation of one- to four-unit homes. NYSHCR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

Endangered Species Act Section 7 Consultation

The ESA requires that the “action agency,” in this case NYSHCR which is acting as HUD’s designated representative, make a determination of effect to any federally listed species or designated critical habitat that may occur as a result of any action that is funded, authorized, or carried out by that agency. This determination for listed species results in one of the following outcomes:

- (1) No Effect, in which case no concurrence from the Service is necessary;
- (2) May Affect, but Not Likely to Adversely Affect (NLAA), which requires the Service’s written concurrence, or
- (3) May Affect, Likely to Adversely Affect (LAA), which requires formal consultation with the Service and results in the Service’s issuance of a biological opinion.

If a project is likely to adversely affect a listed species, formal consultation with the Service should be initiated as soon as practicable. Note, if NYSHCR determines after their review that there are a significant number of LAAs, then we recommend that formal programmatic consultation be initiated in order to streamline and facilitate the completion of this obligation. Please note that the ESA provides for 90 days to complete consultation and 45 days to produce the final biological opinion, for a total of 135 days.

Any additional information regarding specific projects and their potential to impact state-listed species should also be coordinated with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC Wildlife Diversity Unit is located at 625 Broadway, Albany, NY 12233 (telephone (518) 402-8859). For additional information on fish and wildlife resources or state-listed species, we suggest you contact the appropriate NYSDEC regional office(s).*

As noted in your letter, the current priority, as outlined in the Action Plan and expressed to the Service in an interagency conference call on July 30, 2013, is one- to four-unit homes and buyouts in Nassau and Suffolk Counties. However, we understand through coordination with ProSource Technologies, LLC., on August 5, 2013, that your agency is also interested in including Rockland County in the list of priority locations at this time.

We are including information relative to the following counties in order to assist your agency conduct the necessary environmental evaluations and species determinations: New York, Bronx, Westchester, Rockland, Richmond, Kings, Queens, Nassau, and Suffolk.

New York, Bronx, Richmond, and Kings Counties

Federally-listed species under the jurisdiction of the Service are not present in these counties, therefore, no further consultation is required with the Service at this time. We recommend you visit the Service's website at <http://www.fws.gov/northeast/nyfo/es/section7.htm> every 90 days for updated information.

Queens, Nassau, and Suffolk Counties

There are three federally-listed species that are known to occur in the coastal areas of Queens, Nassau, and Suffolk Counties – the piping plover (*Charadrius melodus*; threatened), the roseate tern (*Sterna dougallii dougallii*; endangered), and the seabeach amaranth (*Amaranthus pumilus*; threatened). Sandplain gerardia (*Agalinus acuta*; endangered) is an annual plant that is also protected under the ESA and is found in several upland grassland habitats in Nassau and Suffolk Counties.

The red knot (*Calidris canutus rufa*) is a candidate species for listing under the ESA. Candidate species are plant and animal taxa considered for possible addition to the List of Endangered and Threatened Species. These are taxa for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposal to list, but issuance of a proposed rule is currently precluded by higher priority listing actions (61 FR 7596-7613 [February 28, 1996]). While candidate species are not afforded protection under the ESA, the Service encourages their consideration in environmental planning. If impacts to candidate species can be avoided, the likelihood that they will require the protection of the ESA in the future may be reduced.

Piping plovers are distributed across the Atlantic Ocean beaches from Queens to eastern Suffolk County and north shores of Nassau and Suffolk Counties as well as throughout the Peconic Bay ecosystem in eastern Suffolk County. Along the south shore, piping plovers are present from March to September on Atlantic Ocean beaches from Rockaway Inlet in Queens to Montauk Point in eastern Suffolk County. Piping plovers are not present during this time along the northern shorelines of Jamaica Bay, Great South Bay (except for Roe Avenue County Park in East Patchogue), Moriches Bay, and Shinnecock Bay (except for Middle Pond Inlet).

Along the north shore of these counties, piping plover are not present in Queens County, but are present from March to September at discrete locations from Manhasset Bay to Orient Point in the counties of Nassau and Suffolk, respectively.

In the Peconic Bay System between the north and south forks of Long Island, piping plovers are present from March to September at discrete locations along the shoreline from Orient Point to Montauk Point, including bay islands such as Plum Island, Shelter Island, Robins Island, and Gardiner's Island.

Seabeach amaranth is only present on the Atlantic shoreline of Long Island from May to November.

The vast majority of breeding roseate terns are restricted to Great Gull Island, with smaller satellite colonies located on several small islands in the Peconic Bay System.

Sandplain gerardia is extremely limited in its distribution and occurs on upland habitats managed by Nassau County, the Service's National Wildlife Refuge, the New York State Office of Parks and Recreation, and the Town of East Hampton.

Red knots utilize extensive tidal flat areas for migratory stopover areas from May to September within Jamaica Bay, Rockaway Inlet, East Rockaway Inlet, Jones Inlet, Fire Island Inlet, Moriches Inlet, and Shinnecock Inlet.

Small whorled pogonia (*Isotria medeoloides*; historic; threatened) may be present in Nassau and Suffolk Counties.

Rockland and Westchester Counties

The New England cottontail (*Sylvilagus transitionalis*) is a candidate species that may be present in Rockland and Westchester Counties.

The bog turtle (*Clemmys [=Glyptemys] muhlenbergii*; threatened) may be present in both Rockland and Westchester Counties.

The Indiana bat (*Myotis sodalis*; threatened) may be present in Westchester County.

Small whorled pogonia may be present in Rockland County.

Bald and Golden Eagle Protection Act

NYSHCR should refer to the Service's Bald Eagle Management Guidelines, found on the Service's website at <http://www.fws.gov/northeast/nyfo/es/step6.htm> for information on avoiding and minimizing impacts to bald eagles (*Haliaeetus leucocephalus*) and their nests, if found within a NYSHCR project area. In such cases, we recommend that NYSHCR contact the Service to see whether a permit is required under BGEPA. Within the Action Plan area that includes

Long Island, the Service is only aware of one pair of bald eagles present within the Wertheim National Wildlife Refuge in Shirley, NY. The bald eagle is also present in Rockland and Westchester Counties, and in Inwood Hill Park in New York County.

Migratory Bird Treaty Act

The MBTA implements four treaties that provide for international protection of migratory birds and prohibits taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Take (*i.e.*, killing) of migratory birds by any person constitutes a violation of MBTA. While MBTA has no provisions for authorizing take, we recognize that some birds may be killed even if all reasonable measures to avoid it are implemented. Therefore, the Service will provide technical assistance to NYSHCR when funding post-storm projects to ensure that the proposed projects avoid and minimize impacts to migratory birds to the greatest extent possible.

Coastal Barrier Resources Act

The Service notes that in addition to consultation pursuant to section 7 of the ESA, consultation is also required by the Coastal Barrier Resources Act (CBRA) of 1982, as amended (96 Stat. 1653, as amended; 16 U.S.C. 3501 *et seq.*). Federal agencies are required to consult with the Service prior to committing funds for projects or actions within or affecting the Coastal Barrier Resources System (CBRS). Below is the general process and guidelines for CBRA consistency consultations.

Coastal Barrier Resources Act Process

Federal agencies must first determine whether a proposed project or action is located within a CBRS unit or an Otherwise Protected Area (OPA) of the CBRS. If a proposed project is located close to a CBRS boundary, the federal funding agency may request assistance from the Service to determine whether the proposed project or action is located within the CBRS. Further consultation with the Service is not needed if the proposed project or action is located within an OPA and is not related to federal flood insurance. The only federal spending prohibition within OPAs is the prohibition on federal flood insurance; other federal expenditures are permitted.

If the proposed project or action is within or will affect a System unit, the federal agency must consult with the Service to determine whether or not any of the Section 6 exceptions under CBRA (16 U.S.C. § 3505) are applicable. If none of CBRA's exceptions are applicable, the proposed project should not proceed with federal funding. The Service's response to a consultation request is advisory only. The funding agency is responsible for complying with the provisions of CBRA. A description of the limitations on federal expenditures and the exceptions to these limitations is at the Service's website found at <http://www.fws.gov/cbra/Consultations/Limitations-and-Exceptions.html>.

Thank you for the opportunity to provide assistance. For further assistance, please contact Mr. Steve Papa at our Long Island Field Office at 631-286-0485.

Sincerely,

for Patricia Cole

David A. Stilwell
Field Supervisor

*Additional information referred to above may be found on our website at:
<http://www.fws.gov/northeast/nyfo/es/section7.htm>



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

JUL 31 2013

Heather M. Spitzberg, Esq.
NEPA Certifying Officer
NYS Homes and Community Renewal
38-40 State Street
Hampton Plaza
Albany, NY 12207

Re: Early Coordination for Section 7 Review for HUD CDBG-DR Housing Assistance Program, administered by NYSHCR

Dear Ms. Spitzberg,

We received your letter dated July 19, 2013, regarding the authorization received by the New York State Homes and Community Renewal (NYSHCR) to implement the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster recovery (CDBG-DR) Housing Assistance Program in accordance with the State of New York Action Plan for Community Development Block Grant Program Disaster Recovery. In addition, as noted in your letter, I had the opportunity to discuss the program with Shawn Williams of ProSource. We appreciate the opportunity for early coordination on this Program in order to develop an efficient method for addressing Endangered Species Act (ESA) Section 7 consultation requirements.

You included an attachment to your letter from HUD identifying the NYSHCR office as the Responsible Entity in accordance with 24 CFR part 58 for the CDBG-DR actions. HUD stated that the assumption of authority is applicable for conducting the compliance process under the National Environmental Policy Act (NEPA) and related laws and authorities. Additionally, HUD stated that NYSHCR was to act as a federal deputy in the completion of any consultation requirements under the ESA.

After reviewing the materials provided and discussing the program with Mr. Williams, we agreed that it is more efficient to consider ESA Section 7 consultation needs as it applies to the entire Program rather than having you submit the projected tens to hundreds of NEPA EA reviews to us individually for consultation. You have identified the following specific activities where HUD-funds will be administered through the Program:

1. Rehabilitation and repair of 1-4 unit homes, 5-9 unit buildings, and commercial properties. Rehabilitated properties within a floodplain will require raising foundations above the base flood elevation.
2. Buy-out of storm-damaged properties (result in destruction and return to green space for perpetuity).
3. Acquisition of damaged properties (result in destruction and options for future land use).



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 ESA listed species under 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, no section 7 consultation is necessary. Although we do not anticipate it, if there is a project considered for funding that introduces impacts to waterways (e.g. through pile driving, dredging, disposal), then we recommend you provide information on that activity to us so we can determine if a consultation is necessary.

We appreciate the opportunity to learn about this program early in its development and for early consideration of potential impacts to NMFS ESA-listed species. If you have any questions or require further coordination, please contact me at 978-281-9116, or Mary.A.Colligan@noaa.gov.

Sincerely,


Mary Colligan
Assistant Regional Administrator
for Protected Resources

APPENDIX R
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:

LONG ISLAND ECOLOGICAL SERVICES FIELD OFFICE
340 SMITH ROAD
SHIRLEY, NY 11967
(631) 286-0485

Project Name:

Suffolk CDBG-DR

Project Counties:

Suffolk, 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:

Birds	Status	Species Profile	Contact
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Natural Resources of Concern

Piping Plover (<i>Charadrius melodus</i>) Population: except Great Lakes watershed	Threatened	species info	Long Island Ecological Services Field Office
Roseate tern (<i>Sterna dougallii dougallii</i>) Population: northeast U.S. nesting pop.	Endangered	species info	Long Island Ecological Services Field Office
Flowering Plants			
Sandplain gerardia (<i>Agalinis acuta</i>)	Endangered	species info	Long Island Ecological Services Field Office
Seabeach amaranth (<i>Amaranthus pumilus</i>)	Threatened	species info	Long Island Ecological Services Field Office

FWS National Wildlife Refuges ([USFWS National Wildlife Refuges Program](#)).

There are 6 refuges in your refuge list

Wertheim National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile
Amagansett National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile
Elizabeth Alexandra Morton National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile
Seatuck National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile



Natural Resources of Concern

Target Rock National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile
Conscience Point National Wildlife Refuge (631) 286-0485 C/O LONG ISLAND NWR COMPLEX P.O. BOX 21 SHIRLEY, NY11967	refuge profile

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