



**NYC
BUILD IT
BACK**

Stronger & Safer

NYC Build It Back: Multi-Family Buildings

**Tier I Environmental Review of the
Proposed CDBG-DR Funded Action**

Final: August 6, 2013

Tier I Environmental Review

NYC Build It Back: Multi-Family Buildings

Responsible Entity: [24 CFR 58.2(a)(7)]	City of New York – Office of Management and Budget (OMB)
Certifying Officer: [24 CFR 58.2(a)(2)]	Mark Page and/or authorized designate, OMB
Program Name:	Community Development Block Grant Disaster Recovery (CDBG-DR) NYC Build it Back: NYC Multi-Family Buildings
Federal Agency:	U.S. Department of Housing and Urban Development (HUD)
Project Locations:	Various locations throughout New York City
Estimated CDBG-DR Cost:	\$ 215,000,000 (\$21.5M Administration and Planning; \$193.5M Construction Costs)
Grant Recipient: [24 CFR 58.2(a)(5)]	City of New York – OMB
Recipient Address:	255 Greenwich Street, New York, NY 10007
Program Representative:	Calvin Johnson (OMB)
Telephone Number:	(212) 788-6024
Conditions for Approval:	Mitigation measures will be selected for projects to be compliant with environmental requirements and may include: 1) modification of site-specific project scope to avoid or minimize effects on historic or cultural resources, 2) flood hazard prevention and mitigation, 3) wetland protection, 4) modification of site-specific project scope to avoid or minimize effects on threatened or endangered species, 5) standard best management practices to minimize project generated noise, 6) those determined applicable and appropriate for target properties to minimize effects from explosive and flammable operations, 7) remediation of toxic or radioactive materials present on the target properties and in homes after testing and assessment are completed per project path selected, 8) coastal barrier protection, and 9) control of invasive species. All applicable mitigation measures would be incorporated into each proposed project.
FINDING: [58.40(g)]	<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)
Preparer Signature	<i>Catherine Padovada</i>
Title/Agency	Senior Environmental Scientist, CB&I on behalf of New York City Mayor's Office of Housing Recovery Operations (HRO)
RE Approving Official Signature (signature on file)	
Title/Agency	Mark Page, Director, NYC OMB <i>Calvin Johnson, Assistant Director</i>
Date	August 6, 2013



The City of New York
Office of Management and Budget
255 Greenwich Street, 8th Floor • New York, New York 10007

To: Calvin Johnson, Director CDBG-DR, NYCOMB
From: Mark Page, Director of Management and Budget, NYCOMB
Date: July 8, 2013
Re: Delegation of Certifying Officers for CDBG-DR Environmental Documents

Due to the volume of environmental documents anticipated that require sign off by the Certifying Officer for New York City's Community Development Block Grant – Disaster Recovery (CDBG-DR) Program, I would like to designate the following NYC Office of Management and Budget (NYCOMB) staff members as certifying officers and allow them to sign any environmental documents associated with HUD Grant # B-13-MS-36-001.

- Calvin Johnson, Director of CDBG-DR
- Jane Brogan, Unit Head-Program and Policy, CDBG-DR
- John Leonard, Deputy Director of Community Development

Each individual listed above will represent the responsible entity and will be subject to the jurisdiction of the Federal courts as specified in 24 C.F.R. Part 58 Section 58.13.

Responsible Entity, Representative's Information/Certification:

Responsible Entity, Representative's name, title, and organization (printed or typed):

Mark Page, Director of Management and Budget, NYCOMB

Responsible Entity, Representative's signature: _____

Date: _____

7/8/13

Table of Contents

Preface	i
List of Tables	iii
List of Exhibits	iii
List of Appendices	iii
Acronyms and Abbreviations	v
1.0 New York City Build It Back: Multi-Family Buildings Project	
Description.....	1-1
1.1 Background and Statement of Purpose	1-1
1.2 Project Location.....	1-4
1.3 Project Description	1-7
1.4 Existing and Future Need	1-9
1.4.1 Estimation of Overall Housing Damage	1-9
1.4.2 Multi-Family Buildings	1-11
1.4.3 Hurricane Sandy Disaster Recovery Measures	1-11
1.5 Summary of Findings and Conclusions	1-13
1.6 Evaluation of the Effects.....	1-14
2.0 Tiering Plan for Environmental Review	2-1
2.1 Tier I Environmental Review.....	2-1
2.2 Tier II ER or Site-Specific Environmental Review	2-2
3.0 Broad Eight-Step Decision Making Process For Action in the	
Floodplain Publications (Early and Final)	3-1
3.1 Eight- Step Decision Making Process Provided for Proposed Action In the	
Floodplain.....	3-1
3.2 The Eight- Step Decision Making Process for Proposed Action in the	
Wetlands	3-7
4.0 Applicable Mitigation Measures	4-1
4.1 Preservation of Historical and Cultural Resources.....	4-2
4.2 Floodplain Management.....	4-3
4.3 Protection of U.S. Waters and Wetland Resources	4-3
4.4 Threatened and Endangered Species and Migratory Birds.....	4-4
4.5 Coastal Barrier Resources Act	4-5
4.6 Toxic Chemicals and Radioactive Materials	4-6
4.7 Explosive and Flammable Operations	4-6
4.8 Airport Clear and Accident Potential Zones	4-7
4.9 Fish and Wildlife Coordination Act.....	4-7
4.10 Agriculture and Markets – Management of Invasive Species.....	4-8
5.0 Compliance Documentation Checklist	5-1
6.0 Statutory and Environmental Assessment Checklists.....	6-1
6.1 Statutory Checklist	6-1
6.2 Environmental Assessment Checklist.....	6-7
7.0 Tier II Site-Specific Statutory and Environmental Assessment	
Checklists.....	7-1
7.1 Tier II NYC Multi-Family Buildings Site Specific Statutory Checklist	7-1
7.2 Tier II Site-Specific Photographic Documentation.....	7-9
8.0 Combined Finding of No Significant Impact and Notice of Intent to	
Request Release of Funds (FONSI/NOIRROF)	8-1

9.0 Request for Release Of Funds (form 7015.15)	9-1
10.0 Authority to Use Grant Funds (Form 7015.16)	10-1

List of Tables

Table 1-1	Total CDBG-DR Funds Available for Housing Recovery Program Paths	1-35
Table 1-2	Hurricane Sandy Impact Across New York City	1-6

List of Exhibits

Exhibit 1	Hurricane Sandy-Damaged Neighborhoods of New York City
Exhibit 2	Exempt Determination Form – Signed
Exhibit 3	HUD Environmental Finding Form
Exhibit 4	Early Public Notice for Proposed Activities in the Floodplain
Exhibit 5	Final Public Notice for Proposed Activities in the Floodplain
Exhibit 6	Flood Hazard Areas of New York City
Exhibit 7	Wetlands in New York City
Exhibit 8	Coastal Barrier Resource Management
Exhibit 9	Regional Airports

List of Appendices

Appendix A – Figures and Tables

Figure 1-1	Historical and Cultural Sites in New York City
Figure 2-1	Flood Hazard Areas in New York City
Figure 3-1	Surface Water Resources in New York City
Figure 4-1	Wetlands in New York City
Table 4-1	Migratory Bird List of New York City
Figure 5-1	Coastal Zone Management in New York City
Figure 6-1	Sole Source Aquifers in New York State
Table 7-1	Federal List of Rare, Threatened, and Endangered Species in New York City
Table 7-2	State List of Rare, Threatened, and Endangered Species in New York City
Figure 7-1	Federal Critical Habitat for Rare, Threatened and Endangered Species in New York City
Figure 7-2	State Critical Habitat for Rare, Threatened and Endangered Species in New York City
Figure 7-3	Essential Fish Habitat in New York City
Figure 8-1	Wild and Scenic Rivers in New York State
Figure 9-1	Air Quality in New York City
Figure 10-1	Major Noise Sources in New York City
Figure 11-1	Explosive and Flammable Operations in New York City
Figure 12-1	Toxic and Radioactive Operations in New York City
Figure 13-1	Airports in New York City
Figure 14-1	Vegetation and Land Use in New York City
Figure 15-1	Geology of New York City
Figure 16-1	Soil Survey Classifications in New York City
Figure 17-1	Air Monitoring Stations in New York City
Figure 18-1	Public Safety in New York City
Figure 19-1	Recreation in New York City

Appendix B – Agency Consultation

- 1 Historic Preservation
- 2 Delaware Tribal Nation
- 3 Shinnecock Tribal Nation
- 4 NYC Waterfront Revitalization Program
- 5 NY State Department of State Coastal Zone Management
- 6 NY Department of Environmental Conservation
- 7 U.S. Army Corps of Engineers
- 8 U.S. Fish and Wildlife Service
- 9 U.S. Department of Housing and Urban Development

Appendix C – Public Comments

- 1 Finding of No Significant Impact
- 2 Notice of Intent to Request Release of Funds
- 3 Objections to the Request for Release of Funds

Acronyms and Abbreviations

ACM	Asbestos-containing materials
ABFE	Advisory Base Flood Elevation
ABFE+1	Advisory Base Flood Elevation plus one foot of additional elevation
ASD	Acceptable Separation Distance
AUGF	Authority to use grant funds
BFE	Base flood elevation
BMPs	Best management practices
CBRA	Coastal Barrier Resources Act
CDBG	Community Development Block Grant
CDBG-DR	Community Development Block Grant for Disaster Recovery
CFR	Code of Federal Regulations
COP	Community Outreach Plan
CPD	Community Planning and Development
CZM	Coastal Zone Management
dbA	A-weighted decibels
DEC	Department of Environmental Conservation
DEP	Department of Environmental Protection
DNL	Day/Night Level
DOB	Department of Buildings
DR	Disaster Recovery
EO	Executive Order
EPA	Environmental Protection Agency
ER	Environmental Review
ERR	Environmental Review Record
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Maps
FONSI	Finding of No Significant Impact
GIS	Geospatial Information System
HQS	Housing Quality Standards
HUD	Housing and Urban Development
HPD	Housing Preservation Department
HRO	Housing Recovery Office
LPC	Landmarks Preservation Commission
MOU	Memorandum of Understanding
NA	Needs Assessment
NEPA	National Environmental Policy Act

Acronyms and Abbreviations (continued)

NFHL	National Flood Hazard Layer
NFIP	National Flood Insurance Program
NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent
NOIRROF	Notice of Intent to Request Release of Funds
NWI	National Wetlands Inventory
NY	New York
NYC	New York City
NYC Multi-Family	NYC Build It Back: Multi-Family Buildings
NYCHA	New York City Housing Authority
OEM	Office of Emergency Management
OPRHP	Office of Parks, Recreation and Historic Preservation
OMB	Office of Management and Budget
PA	Programmatic Agreement
RE	Responsible Entity
RROF	Request for the Release of Funds
RRP	Rapid Repairs Program
RTES	Rare, Threatened, and Endangered species
SDWA	Safe Drinking Water Act
SHPO	State Historical Preservation Officer
SIRR	Special Initiative on Rebuilding and Resiliency
SPDES	State Pollutant Discharge Elimination System
U.S.	United States
USACE	U.S. Army Corps of Engineers
USC	U.S. Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
WRP	Waterfront Restoration Plan

1.0 NEW YORK CITY BUILD IT BACK: MULTI-FAMILY BUILDINGS PROJECT DESCRIPTION

**Tier I Environmental Review – Project Description: NYC BUILD IT BACK:
Multi-Family Buildings, Grant Number: B-13-MS-36-0001**

1.1 Background and Statement of Purpose

Hurricane Sandy hit the densely populated City of New York on October 29, 2012. In the days leading up to the devastating impact of this unusually large storm system, the National Oceanic and Atmospheric Administration (NOAA) weather models predicted landfall would be coincident with a full moon and high tides approximately 5% higher than normal. Advised of these conditions, Governor Andrew Cuomo proactively requested federal emergency assistance prior to landfall to help put resources in place on October 26th. The City’s Office of Emergency Management (OEM) immediately began mobilizing to plan and prepare for any potential impact and Mayor Michael Bloomberg issued the second-ever mandatory evacuation of coastal areas on October 28th. The evacuation encompassed residents living in evacuation Zones A and V, which included: Coney Island, Manhattan Beach, Red Hook and other areas along the East River in Brooklyn; Howard Beach, Broad Channel, and all of the Rockaways in Queens; almost all the coastal areas of Staten Island; City Island, a small patch of Throgs Neck, and other patches of the South Bronx; and Battery Park City and stretches of the West Side waterfront and of the Lower East Side and East Village in Manhattan. The City opened 76 shelters to the public.

By the time the storm reached the New York City (NYC) region, Hurricane Sandy brought wind gusts of up to 74 miles per hour and unleashed a catastrophic storm surge along the northeastern coast, particularly in NYC. The course of the storm exacerbated conditions by putting NYC within the northwest quadrant of the storm, so this region was subject to the storm system’s strongest winds. On October 30th, President Barack Obama signed the Hurricane Sandy major disaster declaration DR-4085 for New York (NY).

According to the National Hurricane Center, Sandy was the deadliest hurricane to hit the northeastern United States (U.S.) in 40 years and the second-costliest in the nation’s history. Between NY, New Jersey, and Connecticut, Hurricane Sandy is estimated to have caused over \$80 billion in damages. On October 30th, President Obama issued a major disaster declaration for affected areas in Connecticut, New Jersey and NY, making disaster assistance available to those in the heaviest hit areas affected by the storm.

Following damage assessments performed by the Federal Emergency Management Agency (FEMA) President Obama also signed into law the “Disaster Relief Appropriations Act, of

January 29, 2013” (Public Law 113-2¹), which included \$16B 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 administration of the Community Development Block Grant (CDBG) – Disaster Recovery (DR) program to help address housing and non-housing needs in NYC communities devastated by Hurricanes Sandy. HUD was ordered to disburse the funds in at least two phases: 33% within the 60 days following the law’s enactment and the remainder to be released at a later date. The Act also requires grantees to submit an action plan to the HUD Secretary “detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas.”

HUD anticipates release of Community Development Block Grant for Disaster Recovery (CDBG-DR) funds to NYC for housing activities upon completion of the required and applicable environmental reviews (ER). As the Responsible Entity (RE) under the Code of Federal Regulations (CFR) 24 Part 58, and Subrecipient of the grant funds, NYC has identified the Director of its Office of Management and Budget (OMB) as the certifying officer, and responsible for maintaining the CDBG-DR Environmental Review Record (ERR). Prior to release of the grant funds, NYC will complete ERs of the proposed activities for housing and non-housing construction component programs in compliance with the National Environmental Policy Act (NEPA) of 1969 and as subsequently amended, and HUD Environmental Standards. At the date of this publication, NYC has been allocated the amount of \$1,772,820,000 in CDBG-DR funds for distribution among recovery program components for Housing, Business, Infrastructure and Other City Services, Resilience, as well as for Citywide Administration and Planning.

NYC published its Partial Action Plan A² for Hurricane Sandy disaster recovery on April 25, 2013, to partially outline the purpose and distribution of the CDBG-DR funds, and to elicit comments from the public. After completing the seven day comment period, comments were addressed in the Plan’s version published on May 10, 2013. For its housing component, the Plan details how the City’s housing agencies intend to utilize the housing portion of this first allocation, including how it will leverage other funding sources to address areas of unmet need. NYC will have one housing program with various permanent housing recovery paths that maximize coordination across agencies. In this way, the City’s CDBG-DR program will leverage

1 <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

2 <http://www.nyc.gov/html/cdbg/html/plan/read.shtml>

scale and resources, as possible, to provide solutions tailored for the different needs of homeowners or landlords in need of assistance (e.g., by geography, building type and size).

The published objectives of the City’s housing programs are:

1. Helping people affected by Hurricane Sandy directly by replacing and rehabilitating housing units, including identifying opportunities for mitigation enhancement measures;
2. Helping people affected by Hurricane Sandy by improving the resilience of their housing units while restoring their buildings/residences;
3. Supporting resilience improvements to reduce risk and strengthen neighborhoods in flood zones; and
4. Leveraging philanthropic investments to address immediate gaps with flexible capital and maximize CDBG-DR dollars at scale.

To meet these objectives the City has established four housing program path for assistance to City residents who suffered damages to their homes by Hurricane Sandy. The four housing programs have been allocated the amount of \$648,000,000 in CDBG-DR funds to be distributed as indicated in **Table 1-1: Total CDBG Funds Available for Housing Recovery**. Due to the unique characteristics of these four paths, each has been subject to separate ER processes.

Table 1-1 Total CDBG-DR Funds Available for NYC Housing Recovery			
NYC Housing Recovery Program Paths	To be Spent	Targeted for Low-Moderate Income Persons	Targeted for Low-Moderate Income Persons (%)
Single-family Houses	\$306,000,000	\$168,000,000	55%
Multi -family Buildings	\$215,000,000	\$129,645,000	67%
NYCHA Public Housing Rehabilitation and Resilience	\$108,000,000	\$108,000,000	100%
Rental Housing Subsidy	\$19,000,000	\$19,000,000	100%
Total	\$648,000,000	\$424,645,000	67%

Note:

Funding amounts are approximate and subject to change and do not include costs associated with Citywide administration and Planning

The NYC Build It Back: Multi-Family Buildings, herein referred to as NYC Multi-Family, will provide low- to no-interest loans or restricted grants to eligible applicants for rehabilitation of multi-family buildings destroyed or damaged by Hurricane Sandy. This publication constitutes the Tier I ER of NYC Multi-Family³. Along with supporting documentation, the final version of this Tier I ER was published on August 6, 2013 following completion of the required public

³ In accordance with 24 CFR Part 58.5, Tier I Environmental Reviews were prepared separately for the NYCHA Public Housing Rehabilitation and Resilience program and the Single-Family (1-4 Units) program and published on July 15, 2013. The NYC Housing Rental Subsidy program path was determined categorically excluded and not subject to 24 CFR Part 58.5.

comment period and documentation of the Release of Funds. This publication will be incorporated into the ERR managed by the OMB for all housing program paths.

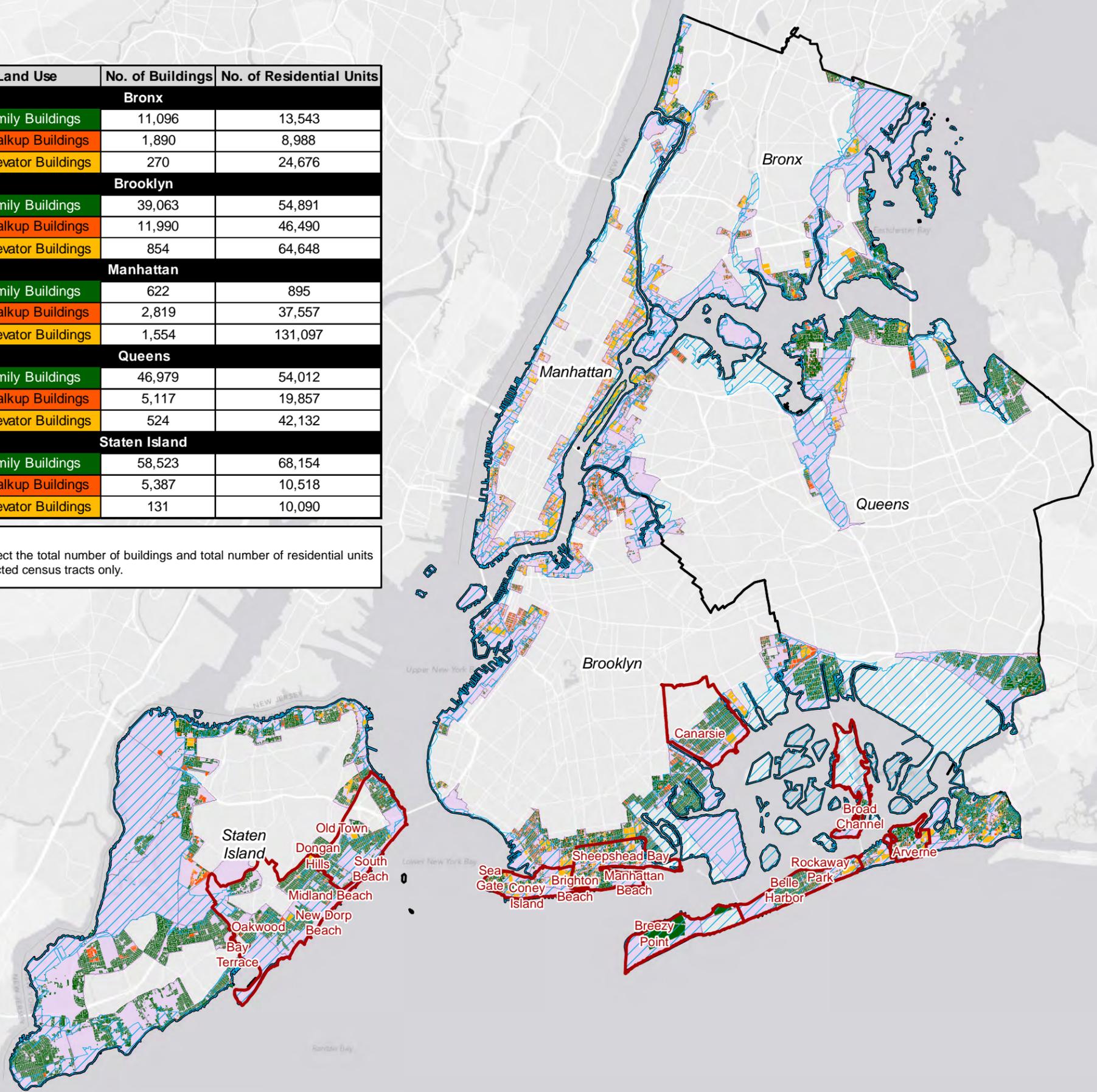
Projects funded with CDBG-DR would be located in areas of impact from Hurricane Sandy throughout New York City. Although CDBG-DR funding would be provided to the Office of Management and Budget (OMB), which is the Responsible Entity (RE) under Part 58, the housing component will be administered by the City's Department of Housing Preservation and Development (HPD) through its Article 8-A and Participation Loan Programs. HPD anticipates that most of the grant would be targeted to substantial and moderate rehabilitation activities designed to help victims of Hurricane Sandy – including homeowners and tenants of rental properties – achieve permanent, sustainable housing solutions that allow them to remain in New York City – returning to their neighborhoods, where possible.

1.2 Project Location

The geographic scope for NYC Multi-Family described herein is the jurisdictional area of NYC, targeting its Hurricane Sandy-damaged residential neighborhoods located in the boroughs of Brooklyn, Bronx, Manhattan, Queens, and Staten Island as displayed in **Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy**. Construction activities are expected to take place on residential properties scattered throughout these distressed neighborhoods. Households and property owners from these five boroughs are expected to apply for assistance from the NYC Multi-Family program, and will be required to demonstrate their homes/residential properties were affected by Hurricane Sandy. Actual property addresses will remain unknown until applications for assistance are determined eligible. The number of persons reportedly impacted by the Hurricane is 10.3% of the City's residents, distributed across the boroughs as displayed in **Table 1-2: Hurricane Sandy Impact Across New York City**.

MapPLUTO - Land Use	No. of Buildings	No. of Residential Units
Bronx		
One & Two Family Buildings	11,096	13,543
MultiFamily Walkup Buildings	1,890	8,988
MultiFamily Elevator Buildings	270	24,676
Brooklyn		
One & Two Family Buildings	39,063	54,891
MultiFamily Walkup Buildings	11,990	46,490
MultiFamily Elevator Buildings	854	64,648
Manhattan		
One & Two Family Buildings	622	895
MultiFamily Walkup Buildings	2,819	37,557
MultiFamily Elevator Buildings	1,554	131,097
Queens		
One & Two Family Buildings	46,979	54,012
MultiFamily Walkup Buildings	5,117	19,857
MultiFamily Elevator Buildings	524	42,132
Staten Island		
One & Two Family Buildings	58,523	68,154
MultiFamily Walkup Buildings	5,387	10,518
MultiFamily Elevator Buildings	131	10,090

Note:
These data reflect the total number of buildings and total number of residential units within the impacted census tracts only.

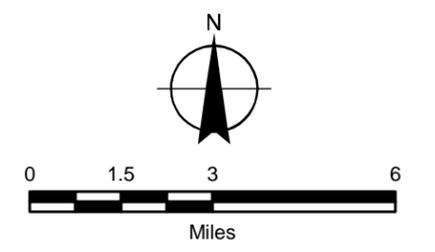


Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Census Tracts
NYC Dept. of City Planning (March 2013)
- Sandy Impact Zone (89.30 SqMi)
NYC Office of Emergency Management
- Top 10 Damaged Neighborhoods
NYC CDBG-DR Action Plan A (Jan 2013)

MapPLUTO - Land Use

- One & Two Family Buildings
- MultiFamily Walkup Buildings
- MultiFamily Elevator Buildings
NYC Dept. of City Planning (Nov 2012)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

EXHIBIT
1

**NEW YORK CITY
NEIGHBORHOODS DAMAGED
BY HURRICANE SANDY**



Document Name: nycer_149831_076_multifam_damaged_areas; Analyst: ben_holt; Date: 7/1/2013 9:59:32 AM

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**Table 1-2
Hurricane Sandy Impact in New York City**

Source: The City of New York CDBG-DR Partial Action Plan A, April 2013

	New York City		Bronx		Brooklyn		Manhattan		Queens		Staten Island	
	Total	Inundation Area	Total	Inundation Area	Total	Inundation Area	Total	Inundation Area	Total	Inundation Area	Total	Inundation Area
Persons Impacted	8,175,133 (100%)	846,056 (10.3%)	1,385,108 (100%)	40,992 (3.0%)	2,504,700 (100%)	310,227 (12.4%)	1,585,873 (100%)	230,742 (14.5%)	2,230,722 (100%)	188,444 (8.4%)	468,730 (100%)	75,651 (16.0%)
MEAN HOUSEHOLD SIZE	2.57	2.41	2.77	2.45	2.69	2.48	1.99	2.09	2.82	2.64	2.78	2.78
PERSONS WITH DISABILITIES	10.4%	11.4%	13.7%	14.8%	9.5%	12.8%	9.8%	10.1%	9.6%	10.6%	9.6%	9.9%
ELDERLY 65+	12.1%	14.5%	10.5%	13.7%	11.5%	16.4%	13.5%	13.5%	12.8%	13.8%	12.7%	11.8%
INCOME												
Below poverty	19.10%	17.30%	28.4%	18.7%	22.0%	17.1%	17.8%	21.6%	13.0%	15.3%	10.3%	9.0%
Near poor	5.10%	4.70%	6.7%	4.9%	5.5%	4.6%	4.3%	5.4%	4.7%	4.1%	3.4%	4.5%
RACE												
White non-Hispanic	33.3%	45.5%	10.9%	34.7%	35.7%	53.6%	48.6%	36.6%	27.6%	36.7%	64.0%	67.6%
Black non-Hispanic	22.8%	22.3%	30.1%	26.8%	31.9%	20.7%	12.9%	17.4%	17.7%	36.3%	9.5%	6.6%
Hispanic	28.6%	20.6%	53.5%	34.4%	19.8%	13.6%	25.8%	30.8%	27.5%	17.7%	17.3%	17.6%
Asian non-Hispanic	12.6%	9.4%	3.6%	UA	10.4%	10.4%	11.2%	12.7%	22.8%	6.6%	7.4%	UA
Multi-racial non-Hispanic	2.0%	1.5%	1.6%	UA	1.6%	UA	UA	UA	UA	UA	UA	UA
HOUSING												
Total	3,371,062	369,907	511,896	12,460	1,000,293	134,267	847,090	117,455	835,127	77,164	176,656	28,561
Built prior to 1980 - Average	87.2%	80.1%	90.1%	78.2%	89.7%	89.2%	88.9%	84.6%	89.8%	80.2%	63.0%	56.7%
Occupied Units	92.2%	90.7%	94.4%	91.5%	91.7%	91.3%	90.2%	90.1%	93.4%	89.2%	93.7%	93.2%
Owner-Occupied Units	31.0%	34.4%	19.3%	45.7%	27.7%	37.5%	22.8%	15.3%	43.0%	44.7%	64.1%	63.8%
Renter-Occupied Units	69.0%	65.6%	80.7%	54.3%	72.3%	62.5%	77.2%	84.7%	57.0%	55.3%	35.9%	36.2%
1-2 Family Buildings (units w/in)	23.8%	25.4%	23.1%	14.7%	25.5%	31.2%	0.6%	0.2%	41.9%	43.2%	77.9%	77.5%
Multi-Family (3+) Buildings (units w/in)	67.3%	51.5%	66.4%	37.2%	61.8%	57.4%	59.7%	56.1%	41.1%	49.4%	19.5%	19.2%
Mixed-Use Residential/Commercial (units w/in)	18.3%	22.3%	17.8%	39.6%	11.9%	10.6%	38.0%	42.5%	8.5%	7.2%	2.1%	2.4%

Notes: UA = Unavailable data

Housing Data = Percentages under the "Total" heading represent percentage of the total housing units overall (within New York City or relevant borough; percentages under the "Inundation Area" heading represent percentage of the total housing units within the inundation area within New York City or relevant borough.

The data in this table was obtained from the 2013 City of New York Community Development Block Grant – Disaster Recovery Partial Action Plan A and the 2010 US Census.

1.3 Project Description

The focus of this Tier 1 Programmatic Environmental Review (ER) is the Multi-Family Buildings program, for which rehabilitation activities funded by CDBG-DR have been designed to address unmet housing recovery needs of people affected by Hurricane Sandy to help them achieve permanent sustainable housing solutions that allow them to remain in NYC, and, where possible, return to their neighborhoods. Assistance is targeted to 1) multi-family buildings with 5 or more units and 2) landlord-owned buildings composed of 3 to 4 units. The \$215,000,000 CDBG-DR funds target 90% (\$193,500,000) to directly benefit NYC's residents of multi-family buildings whose owners qualify, while 10% (\$21,500,000) is dedicated to citywide planning and administration of this program.

Funds will be used throughout the impacted zone, and will serve a wide range of housing types, including market-rate properties, HUD-assisted properties such as developments with Section 202 or 236 contracts, permanent housing for the formerly homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. The assistance will be provided to qualified applicants in the form of low- or no-interest loans, which may be forgiven depending on property specific circumstances, or as restricted grants to complete construction projects following environmental clearance from the HUD-designated Responsible Entity, which is the City's OMB. To achieve environmental clearance the proposed projects must comply with 24 CFR 58 and HUD Environmental Standards. In accordance with the Federal Register⁴ at least 50% of the CDBG-DR funds must be used for project activities that benefit and meet the unmet housing needs of eligible low to moderate income households. The cap-restricted grants and other eligible services will be based on damage to the original dwelling, plus the funds necessary to meet applicable housing quality standards (HQS), local, state and/or federal building codes, and other mitigation measures that reduce the risk of damage to dwellings from future storms.

HPD will prioritize loans that assist vulnerable populations such as the pre-hurricane homeless. This includes restoration of existing supportive housing properties, and where viable, conversion of damaged nursing homes, rooming houses, and other appropriate facilities to supportive housing

⁴ Federal Register 5696-N-01:Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, March 5,2013.

The CDBG-DR funds to be conveyed as preliminary HPD cost estimates for the NYC Multi-Family are approximately \$90,000 per unit. These CDBG-DR funds would be used for the following activities:

- Architectural and Engineering Services;
- Hazard reduction/mitigation work (including investigation and remediation of petroleum/chemical spills and equipment hazard controls, asbestos abatement, lead abatement and control)
- Interior repairs including renovation of common areas and dwelling units in flood-damaged areas;
- Installation/replacement of appliances including but not limited to refrigerators and stoves
- Repair/replacement and/or relocation of: Heating Ventilation / Air-Conditioning (HVAC), Mechanical, Electrical, Plumbing and or Conveyance Systems and/or components including system resiliency measures;
- Building/Site resiliency measures such as dry flood proofing, wet flood proofing, or flood barriers;
- Repair or improvements to the envelope system including masonry, water-proofing/air-sealing and/or roof work;
- Acquisition and installation of back-up generators;
- Site infrastructure and utility improvements;
- Landscaping, drainage improvements and placement of fill;
- Tenant relocation; and
- Hard cost contingency and certain soft costs associated with loan closings.

If NYC Multi-Family proposes to increase residential density by 20% or more over existing (pre-hurricane) conditions, these activities will not be eligible for CDBG-DR funding.

On a case by case basis, the City will also consider scopes of work that include non-storm related elements. Non-storm related scope items will be approved only when the work is necessary to maintain the property as a viable housing resource in a Hurricane Sandy-impacted community. NYC Multi-Family will require that all work adhere to the guidelines specified in the HUD CPD Green Building Checklist⁵.

For multi-family buildings to be eligible for housing rehabilitation, or retrofitting, they must be:

- Rental properties, co-ops, or condos with five units or more, or;

⁵ <http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-green-communities/criteria>

- Buildings composed of 3 to 4 housing units that are not owner-occupied at the time of the disaster⁶, and;
- In accordance with the City’s standard practice, residential programs will require that all rehabilitation, reconstruction, and new construction work adhere to the Enterprise Green Communities Criteria. For rehabilitation work that cannot meet the Enterprise Green Communities Criteria, the City will follow the guidelines specified in the HUD Community Planning and Development (CPD) Department’s Green Building Checklist.

Additional requirements associated with the restricted grant/loan may include the following conditions:

1. **Maintained Ownership:** The property owner must maintain ownership of the home for a period of up to five years, starting at the date of construction completion. This restricted period will decrease in cases where the estimated cost to rehabilitate the building is limited.
2. **Flood Insurance:** The property owner must purchase flood insurance in the amount prescribed by FEMA’s National Flood Insurance Program (NFIP), which is typically the cost of the project. The owners of the properties situated in the floodplain will be required to maintain flood insurance for the life of the property or term of assistance. Program policies and procedures will enumerate the distinct CDBG-DR flood insurance requirements for grants or loan awards.

1.4 Existing and Future Need

1.4.1 Estimation of Overall Housing Damage

The five boroughs of NYC were impacted by Hurricane Sandy although shoreline and other low-lying areas proved most vulnerable to the storm’s forces. Flooding exceeded long-standing NYC Zone AE boundaries established for emergency evacuation, as well as the boundaries and flood heights of the pre-storm FEMA Flood Zone AE (**Section 5.0 Exhibit 6: Flood Hazard Areas of New York City**). The Hurricane Sandy inundation area extended over an area of the City containing approximately 100,000 residential buildings and over 400,000 residential units, as displayed on **Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy**. According to 2010 Census data, this inundation area is home to approximately 10.3% of the City’s population (846,056 persons). Brooklyn had the highest number of persons impacted (310,227), followed by Manhattan (230,742), Queens (188,444), Staten Island (75,651), and the Bronx (40,992). The damages experienced by residents compounded the conditions of housing stock previously impacted by Hurricane Irene and Tropical Storm Lee, which respectively occurred in August and September 2011.

⁶ Owner-occupied dwellings that are 3-4 units are addressed by the NYC Build It Back: Single-Family Rehabilitation and Reconstruction, and thus are not addressed by this Tier I Environmental Review.

To understand the significant damage Sandy caused to New York City's housing stock and the demand for temporary and permanent housing, the City analyzed field inspections and a variety of data sources to estimate the volume and severity of damaged buildings across the five boroughs. These data sources include inspections conducted by the NYC Housing Authority (NYCHA), FEMA and the departments of Buildings (DOB) and HPD, as well as inundation assessments, utility outages, and registrations for the NYC Rapid Repairs program (RRP), which is a program designed to help residential property owners affected by Sandy make emergency repairs. The City estimates that more than 63,000 residential units in non-public housing have been impacted by physical damage as a result of Sandy. In addition, many thousands of New Yorkers were temporarily displaced from their homes due to power outages or other service interruptions.

Analysis shows that there are three main categories of housing damage:

- Severe Damage (reconstruction required). Over 800 buildings (over 900 units) were destroyed or became structurally unsound. Over 95% of these buildings are one- or two-family homes.
- Major damage. Approximately 1,700 buildings (over 20,000 units) suffered major damage, of which approximately 1,400 are one- or two-family homes. Major damage typically corresponds to flooding of basements and ground floor living space.
- Moderate damage: Approximately 16,000 buildings (over 42,000 units) suffered moderate damage, of which approximately 15,000 are one- or two-family homes. Moderate damage typically corresponds to basement flooding with little impact to ground floor living space.

NYC has concluded that the likely overall cost to reconstruct or rehabilitate destroyed, major, or moderately damaged buildings is estimated at \$2.7 billion. Approximately \$400 million is needed to reconstruct destroyed or structurally unsound units. The cost to reconstruct is estimated at \$470,000 per single-family home (1-2 units) and \$1.6 million per multi-family building (3 or more units). Approximately \$1 billion is needed to rehabilitate buildings with major damage, based on an estimated rehabilitation cost of approximately \$135,000 per single-family home (1-2 units) and up to \$3 million, on average, per multi-family building (3 or more units). Rehabilitation will include fixing boilers not addressed with permanent fixes by the Rapid Repairs program, cooling systems, electrical systems, basements and ground floor living space, as well as resiliency requirements in order to meet building codes. This cost includes resilience measures of approximately \$400 million to protect homes from future flood damage. The resilience cost estimates are based on preliminary high-level measures that may vary for each building.

Furthermore, \$1.3 billion is needed to rehabilitate buildings with less severe damage. The estimated cost is approximately \$55,000 per single-family home (1-2 units) and up to \$2.5 million, on average, per multi-family building (3 or more units). The total cost is approximately \$1.7 billion to reconstruct single-family homes (1-2 units) and approximately \$1 billion for multi-family buildings (3 or more units).

1.4.2 Multi-Family Buildings

The initial number of multi-family buildings most damaged by Hurricane Sandy is roughly estimated to be 1,400 by the City. However, this number may be adjusted as this CDBG-DR-funded program progresses and obtains more information from applicants. While the NYC Multi-Family program will not be able to meet the unmet housing recovery needs of all potentially qualified applicants with the first allocation of CDBG-DR funds, it does expect to serve the needs of a large number of high priority applicants. For those determined eligible, a site-specific inspection will be performed to determine the appropriate project type (building rehabilitation or retrofit) and to gather the information needed to perform a Tier II Environmental Assessment of the property. The multi-family building will be evaluated during the site inspection along with the conditions of the property and its vicinity characteristics to assess compliance factors required by NEPA and HUD environmental standards that apply to the project type, and may include a market value appraisal of the pre-hurricane structure. NYC Multi-Family will complete a standard site-specific Tier II checklist for Environmental Assessment of scattered, multi-family residential properties with five+ units (owner-occupied or year-round tenant-occupied), which includes 3-4 unit, non-owner-occupied buildings as presented in **Section 7.1**, in accordance with 24 CFR§58.15.

The tiered approach presented in this publication for completing the ER of the NYC Multi-Family program is only appropriate for multi-family residential buildings, where site-specific review will be done after sites are identified and applicants are determined eligible.

1.4.3 Hurricane Sandy Disaster Recovery Measures

In response to the disaster, the Mayor's Office of Housing Recovery Operations (HRO) was created by Mayor Bloomberg through an Executive Order (EO) to address Sandy-related housing needs⁷. The Special Initiative on Rebuilding and Resiliency (SIRR), responsible for developing a plan to make New York City more resilient to the impacts of climate change, has also undertaken a massive effort to increase the resiliency of the hardest hit areas.

In January, and subsequently in April of 2013, FEMA released its Advisory Base Flood Elevation (ABFE) Maps for portions of NYC affected by the Hurricane Sandy. These maps were

⁷ Operations initially included the execution of the NYC Rapid Repairs Program.

intended to provide homeowners and builders the “best available data” on flood risk for the areas impacted by the storm so they could make decisions about how to rebuild until the Preliminary Flood Insurance Rate Maps (P-FIRMS) could be updated by FEMA. However, on June 10, 2013, FEMA announced the P-FIRMS would not likely be published until 2014 and issued its newest “best available data” as preliminary work maps⁸, which advise that reconstruction projects be elevated to one foot above the BFE+1.

On February 5, 2013, Mayor Michael Bloomberg signed EO 233. The purpose of EO 233, titled “Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards,” is to waive certain provisions of the Zoning Resolution that could have prevented, hindered or delayed disaster recovery. Reconstructing or elevating a building at a higher level in many instances would be prohibited by the Zoning Resolution as creating new or increasing existing zoning noncompliance. Also, the installation of emergency generators in required side or rear yards of residential buildings would be prohibited by the Zoning Resolution. Additionally, the reconstruction of certain buildings would trigger reviews by the City Planning Commission in waterfront areas. To address these and other impediments to the rebuilding of homes and businesses at safe elevations, EO 233 suspends specific provisions of the Zoning Resolution in certain cases, provided the building will fully comply with the provisions of Appendix G of the 2008 NYC Building Code and elevate the lowest floor to the design flood elevation specified in the EO. Under this EO, buildings located in the Special Flood Hazard Areas that were not substantially damaged by Hurricane Sandy can be retrofitted (including rehabilitation) without achieving full compliance with the requirements of Appendix G; however, such repairs or other alterations should not increase the degree of non-compliance with Appendix G.

NYC recognizes that without federal assistance through the CDBG-DR program, residents of its hurricane-damaged communities would be unable to rehabilitate their homes to comply with housing construction standards within an acceptable period of time. If housing conditions in multi-family buildings are not addressed until other funding sources become available, the damaged housing stock would remain vulnerable to structural deterioration and weathering. Owners of partially damaged residential buildings, as well as tenants, would make repairs as they are able, which would not necessarily be code-compliant or resilient to future weather extremes. Residents displaced from their damaged housing units would continue to seek shelter from family and friends, through various public service agencies or non-profit organizations, and potentially relocate away from NYC. Not only would structural conditions of damaged residential buildings continue to deteriorate, but property values would continue to drop, slum and blight conditions would increase, all posing a continuing burden on the city’s tax base and

⁸ [http:// www.region2coastal.com/bestdata](http://www.region2coastal.com/bestdata)

services. As allocated to NYC, the CDBG-DR funds available are considered essential to recovering the City's overall vitality.

For the NYC Multi-Family Buildings program addressed in this Tier I ER, the CDBG-DR funds will facilitate the rehabilitation, and retrofitting of supportive housing, permanent housing for the homeless, and existing affordable housing developments, which will promote the social and economic vitality of neighborhoods and secure a degree of resiliency to the threat of severe storms in the future.

1.5 Summary of Findings and Conclusions

Through consideration of alternatives, NYC has determined that it has no practicable alternative other than to proceed with the proposed project. The alternatives considered are presented as follows:

No Action Alternative. Under the no-action alternative, the damage caused to City's neighborhoods would remain unabated. Long-established residential neighborhoods hit hard by Hurricane Sandy will languish, making it impossible for many NYC residents to return to their communities. Absent the use of CDBG-DR, hundreds of residential buildings will remain in various states of disrepair and households will inevitably be unable to return to their homes. Without CDBG-DR, neighborhood quality would deteriorate and the neediest City residents, including the elderly and supportive housing populations, would remain with limited housing options.

Limited Action Alternative – Without Post-Hurricane Sandy Recovery Measures: As indicated in **Section 1.4.3**, NYC assessed how the pre-hurricane zoning instruments and construction codes could aggravate recovery of its housing stock, even if CDBG-DR funds were awarded for distribution. Under this action alternative without the post-Hurricane Sandy Recovery Measures implemented by Mayor Bloomberg, multi-family residential structures would remain in various states of disrepair and many households would inevitably be unable to return to their homes, or make repairs to different health and safety standards. The higher costs of achieving compliance for some rehabilitated homes and neighborhoods would limit the availability and distribution of housing assistance to a greater number of households. For this NYC Multi-Family Buildings program, such partial recovery of the housing stock in damaged neighborhoods without incorporating resiliency measures could leave an unfair number and type of households without access to safe and permanent housing, and those receiving assistance would remain potentially vulnerable to the extremes of climate change. Moreover, neighborhood quality under this alternative would only partially and temporarily improve, and many affected multi-family building owners and landlords would not be served by the NYC Multi-Family Buildings program at all.

Proposed Alternative. CDBG-DR will provide the City of New York with the resources to support recovery from Hurricane Sandy and to build resilience to the challenges of climate change. The City’s Action Plan includes programs to build and support housing and resiliency, as well as programs aimed at supporting New York City’s businesses, infrastructure and other city services.

1.6 Evaluation of the Effects

Individual actions undertaken by the described NYC Multi-Family Buildings program will provide a safe and secure environment for a substantial number of its low, moderate, and middle income households adjusting and recovering from Hurricane Sandy. The CDBG-DR funds will provide a positive financial impact on these households, their residential building, their damaged neighborhoods, extended communities, and their City.

As proposed, the described NYC Multi-Family Buildings activities will be performed to rehabilitate residential structures on scattered properties throughout damaged neighborhoods as shown in **Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy**, but for which addresses will remain unknown until applicant eligibility is determined. The NYC Multi-Family Buildings program does not meet the requirements of a NEPA Categorical Exclusion and therefore an Environmental Assessment per HUD regulations at 24 CFR Part 58.40 Subpart E shall be prepared for each construction site as described in **Section 2.0** Tiering Plan for ER. This includes a review of the provisions outlined under Parts 58.5 and 58.6.

A Finding of No Significant Impact (FONSI) has been made for the project.

NYC Multi-Family Buildings Program Assistance Breakdown of Funding:

Planning and Administrative costs (10%):	\$21,500,000
Construction Project costs (90%)	\$193,500,000



Exhibit 2
Exempt Determination Form

Office of Management and Budget
255 Greenwich Street, New York City, New York 10007

Exemption Determination for Activities Listed at 24 CFR §58.34

Grant Recipient: New York City, New York. **Project Name:** CDBG-Disaster Recovery: New York City’s Build-It-Back: Multi-Family Buildings program (General Administration and Project Delivery)

Project Description (Include all actions which are either geographically or functionally related):

General Administration and Project Delivery: Reasonable costs of overall program administration activities and project delivery services, including program management, coordination, monitoring, and evaluation of the New York City CDBG-DR program eligible activities (including housing rehabilitation, reconstruction assistance for eligible applicants) and for which New York City is performing a Tiered Environmental Review, with site-specific environmental assessments for compliance with 24 CFR Part 58. The project will prioritize benefits to low to moderate income residents with destruction or damage to their homes, and meets urgent housing needs with services provided by staff, contractors, non-profit organizations, and/or consultants for management, planning, and capacity building activities. Exempt costs include, but are not limited to operating expenses, salaries, wages, and related costs of staff/contractors/consultants engaged in program administration, environmental & other studies, the development of plans, and project delivery services.

Location: New York City, New York.

Funding Source: **CDBG** HOME ESG HOPWA EDI Capital Fund Operating Subsidy Hope VI Other

Estimated Funding Amount: \$ 21,500,000 **Grant Number:** B-13-MS-36-0001

I have reviewed and determined that the abovementioned project is Exempt per 24 CFR §58.34 as follows:

<input checked="" type="checkbox"/>	58.34(1) Environmental & other studies, resource identification & the development of plans & strategies;
<input checked="" type="checkbox"/>	58.34(2) Information and financial services;
<input checked="" type="checkbox"/>	58.34 (3) Administrative and management activities;
<input type="checkbox"/>	58.34(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs;

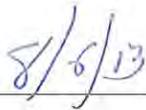
<input checked="" type="checkbox"/>	58.34(5) Inspections and testing of properties for hazards or defects;
<input checked="" type="checkbox"/>	58.34(6) Purchase of insurance;
<input checked="" type="checkbox"/>	58.34(7) Purchase of tools;
<input checked="" type="checkbox"/>	58.34 (8) Engineering or design costs;
<input checked="" type="checkbox"/>	58.34(9) Technical assistance and training;
<input type="checkbox"/>	58.34(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration;
<input type="checkbox"/>	58.34(11) Payment of principal and interest on loans made or obligations guaranteed by HUD;
<input type="checkbox"/>	58.34(12) Any of the categorical exclusions listed in §58.35(a) provided that there are no circumstances that require compliance with any other Federal laws and authorities cited in §58.5.

The Responsible Entity must also complete and attach the **58.6 Compliance Checklist**. By signing below the Responsible Entity officially determines in writing that all activities covered by this determination are Exempt and meets the conditions specified for such exemption under section 24 CFR §58.34. This document must be maintained in the ERR.

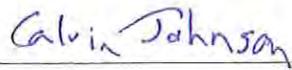
AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:



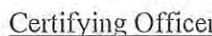
Authorized Responsible Entity Signature



Date



Authorized Responsible Entity Name (printed)



Certifying Officer

Title (printed)



**Exhibit 3
HUD Environmental Finding Form**

CDBG Grantee: Office of Management and Budget on behalf of New York City

ACTIVITY DESCRIPTION: New York City's CDBG - DR activities will include rehabilitation for eligible applicants and for which the City is performing a two Tiered Environmental Review, initiated with a City-wide programmatic Environmental Review to be followed by site-specific environmental assessments of proposed multi-family projects for compliance with 24 CFR Part 58. The NYC Multi-Family Buildings Program prioritizes benefits for low to moderate income households whose homes were damaged or destroyed by Hurricane Sandy which impacted NYC on and after October 29, 2012 and for which disaster was Presidentially declared on October 30, 2012 by FEMA DR-4085.

THE ENVIRONMENTAL LEVEL OF REVIEW FOR THIS ACTIVITY IS: ENVIRONMENTAL ASSESSMENT AS NOTED BELOW:

- Exempt (24 CFR Part 58.34), **OR**
 - Categorically Excluded NOT subject to the §58.5 statutes [24 CFR Part 58.35(b)]
- Attached documentation for either of the above:
- HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6

Categorically Excluded subject to the §58.5 statutes per 24 CFR Part 58.35(a), but requires no mitigation and *has converted to exempt status* [24 CFR Part 58.34(a)(12)],

OR

Categorically Excluded subject to the §58.5 statutes [24 CFR Part 58.35(a)], but will require mitigation and, therefore, will not convert.

Attached documentation for either of the above:

- HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6,

AND

(Choose either Statutory Worksheet or RER)

- Statutory Worksheet

If the Statutory Worksheet triggers public noticing requirements, also provide:

- Notice of Intent to Request Release of Funds (proof of publication) and
- Request for Release of Funds and Certification (HUD-7015.15 form).

OR

- Rehabilitation Environmental Review (RER) form (tiered environmental reviews only).

RER Appendix A (Parts 3-6) must be completed after the project site is identified and before you proceed with the project. A copy of Appendix A must be kept in the project file.

The RER requires public noticing, provide:

- Notice of Intent to Request Release of Funds (proof of publication) and
- Request for Release of Funds and Certification (HUD-7015.15 form)

Environmental Assessment (24 CFR Part 58.36)

Attached documentation:

- HUD Environmental Form for Statutes and Regulations at 24 CFR Part 58.6
- Environmental Assessment
- Combined Finding of No Significant Impact/Notice of Intent to Request Release of Funds (proof of publication)
- Request for Release of Funds and Certification (HUD-7015.15 form)

Environmental Impact Statement (24 CFR Part 58.37). Contact a CDBG Representative.


Certifying Officer Signature

Calvin Johnson
~~Mark Page~~
Print Name

8/8/17
Date Certified

2.0 TIERING PLAN FOR ENVIRONMENTAL REVIEW

The Multi-Family Buildings rehabilitation program is functionally tiered for the ER process in accordance with HUD tiering regulations found at 24 CFR Part 58.15 because actual project activities have yet to be determined for each site. A tiered approach allows the ER process to be streamlined by evaluating impacts of functionally and geographically aggregated activities.

The NYC CDBG-DR Partial Action Plan A and Method of Distribution (May 10, 2013) details its plans to allocate and distribute funds as described in **Section 1.0**. The activities require an Environmental Assessment per HUD regulations at 24 CFR Part 58.40 Subpart E at the Tier II site-specific level once the addresses are known. The geographical scope of NYC Multi-Family Tiering Plan includes Hurricane-Sandy damaged multi-family buildings (5+ units) and 3-4 unit properties that are not owner-occupied, which are primarily located within the areas and neighborhoods inundated by the storm and coincident with high tide and strong winds that are depicted in **Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy**. Its functional scope addresses the specific ER requirements of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied.

Site specific ER procedures and policies will be drafted in support of the project's overall funding and implementation and will be approved by the RE.

2.1 Tier I Environmental Review

In general, the Tier I ER defines a proposed program's action-area, describes the proposed activities, and helps identify potential environmental effects of these activities on NEPA compliance factors, Executive Orders, HUD environmental standards, and action-area wide issues of concern (i.e. land use and zoning). Since housing project locations are often scattered and not precisely identified at this level of review for CDBG-DR programs, the potential environmental effects cannot be evaluated at the site-specific level. Nonetheless, the Tier I analysis can generally describe the environmental conditions and factors that must be considered during execution of a program. The Tier I ER should provide sufficient level of detail so that it supports a finding of no significant impact for the CDBG-DR funded program to be implemented. It may help eliminate or minimize unnecessary and repetitive evaluation of certain compliance factors prior to the Tier II site-specific Environmental Assessments of individual construction project sites once they are identified. The site-specific assessment will verify the Tier I findings applicable to an individual site, and provide sufficient documentation about the target property, the proposed construction project and selected mitigation measures appropriate to achieve environmental compliance with NEPA factors and HUD Environmental Standards.

This Tier I ER describes the action-area targeted by NYC Multi-Family. It provides a basic profile of the proposed rehabilitation activities relative to required compliance factors, as presented in the Statutory Checklist and the Environmental Assessment Checklist (**Section 6.0**) This level of review evaluates impacts of the proposed housing activities in an aggregated way as determined by the potential for impacts relative to the protected or regulated resources and HUD Environmental Standards. This level of review has resulted in a FONSI for the NYC Multi-Family. Programmatic compliance for certain compliance factors has been achieved so that further ER at the site-specific level is not necessary (**Section 7.0**). It has also identified the potential for environmental impacts to several compliance factors evaluated during the site-specific Environmental Assessment, and must be completed before individual projects can be environmentally cleared to proceed by HUD. Tables and figures prepared to support the Tier 1 analysis of environmental compliance factors are presented in Appendix A. Agency consultations conducted in support of the Tier 1 analysis are presented in Appendix B. **Section 8.0** presents the Combined FONSI and Notice of Intent (NOI) to Request Release of Funds (RROF). This publication further includes the RE signed HUD Form 7015.15 used to formally request the Release of CDBG-DR funds (**Section 9.0**). In accordance with the HUD interagency memorandum dated December 11, 2012 the City has proceeded with the FONSI and NOIRROF, allowing these two public notices to be published together on the same date in order to expedite the periods for public comment on these notices and for objections to be received by HUD. HUD Form 7015.16, which is used to formally authorize the use of CDBG-DR grant funds, is incorporated into **Section 10.0**, once approved by HUD.

Comments received from the public in response to public notices for NYC Multi-Family are presented in **Appendix C**.

2.2 Tier II ER or Site-Specific Environmental Review

Impact findings cannot be made for all factors in the Tier I ER so NYC Multi-Family compliance cannot be fully achieved. The Tier II site specific ER for Multifamily Building Rehabilitation will be carried out for each proposed activity to address remaining unresolved compliance factors. A site-specific compliance documentation checklist will be developed for NYC Multi-Family (similar to the checklist presented in Attachment A). The following compliance factors will be analyzed for each site-specific activity:

- Preservation of Historical and Cultural Resources
- Floodplain Management
- Wetlands Protection
- Endangered Species and Migratory Birds
- Coastal Barrier Resource Act
- Toxic Chemicals and Radioactive Materials

- Explosive and Flammable Operations
- Airport Runway Clear Zones/Accident Potential Zones
- Fish and Wildlife Coordination Act
- Agriculture and Markets Law – Management of Invasive Species

Site-specific reviews will include 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, measurements, 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 NYC Multi-Family funding 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, and subject to agency consultations, and the ER process may require the publishing or posting of notices for that individual site.

HRO will submit each completed site-specific checklist and supporting documents to OMB for review and approval before individual activity site work or construction begins. A notice of environmental clearance will be issued for each project, although these may be issued in groups to reduce paperwork. All steps of the ER process will be completely documented at the site-specific level before the construction activity proceeds.

The Tier I ER will be completed and a NYC Multi-Family site-specific checklist with supporting documents will be developed for OMB submittal in request for environmental clearance of each proposed construction project. In accordance with public involvement requirements and HUD's expedited review criteria applicable to the Hurricane Sandy emergency, the FONSI/NOIRROF was published for comment by the public and interested parties, and during which time HUD will accept objections to the RROF. At the end of the applicable or 15 day comment and objection period, the OMB will submit a RROF and Certification to HUD, after which HUD is expected to issue the Authority to Use Grant Funds (AUGF).

Upon written request, the ERR will be available for review by contacting either:

Calvin Johnson
Office of Management and Budget
255 Greenwich Street
New York, NY 10007

Scott Davis
HUD, Disaster Recovery Office
Jacob K. Javits Federal Bldg.
26 Federal Plaza
New York, NY 10278

NYC Approved:


Certifying Officer Signature

Calvin Johnson
Printed Name

8/6/13
Date

3.0 BROAD EIGHT-STEP DECISION MAKING PROCESS FOR ACTION IN THE FLOODPLAIN PUBLICATIONS (EARLY AND FINAL)

In support of this **Section 3.0, Appendix A Figure 2-1** exhibits the flood hazard zones of NYC. This section describes how the 8-step decision making process is applied for NYC Multi-Family Buildings action in the floodplain.

3.1 Eight- Step Decision Making Process Provided for Proposed Action In the Floodplain

§ 55.20 Decision making process

The decision making process for compliance with this 24 CFR Part 55.20 contains eight steps, including public notices and an examination of practicable alternatives. The steps to be followed in the decision making process are:

(a) *Step 1.* Determine whether the proposed action is located in a 100-year floodplain (or a 500-year floodplain for a Critical Action). If the proposed action would not be conducted in one of those locations, then no further compliance with this part is required.

NYC Multi-Family Buildings: The proposed action is anticipated to offer federal assistance to a robust number of Hurricane Sandy-affected applicants for home rehabilitation, hazard mitigation, and accessibility to enable disaster recovery and a moderate level of resilience to mitigate the impact of future flood events. While the number of eligible applicants who occupied homes within the floodplain remains uncertain, NYC estimates that the number of Hurricane-Sandy damaged multi-family buildings to be assisted by the proposed program could surpass 1,400. This 8-Step Decision-Making Process only applies to those home construction activities that could potentially occur on multi-family building properties within the FEMA-designated floodplain, as presented in **Appendix A Figure 2-1**. The 100-year floodplain of NYC includes flood Zones AE and VE which represent approximately 15.8% (48 square miles) of the City's territory. No critical housing actions are anticipated in the City's 500-year floodplain.

Since first releasing updated flood maps and designated new Advisory Flood Hazard Zones and ABFEs on January 28, 2013, FEMA has provided further updates, the most recent being the June 10, 2013 preliminary work maps available at www.region2coastal.com/bestdata. The Advisory 1% annual chance floodplain includes both AE and VE Advisory Flood Hazard Zones. Advisory Zone VE is comprised of the area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood. Zone VE is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Advisory Zone AE is comprised of the area subject to storm surge flooding from the 1% annual chance

coastal flood. These areas are not subject to high velocity wave action, but are still considered high risk flooding areas. All projects proposed for funding under CDBG-DR which are located within Advisory Flood Zones AE and VE will be restricted from building footprint expansions and must participate in the NFIP.

While the process of confirming which residential properties had adequate flood insurance for their homes is still underway, new construction activities associated with the proposed action have the potential to occur on NYC Multi-Family properties within the 500-year floodplain. While not required, the project will strongly encourage property owners of new residential structures built within the 500-year floodplain to participate in the NFIP, even though single-family homes are not generally considered critical facilities requiring elevation and flood insurance.

All applicants will be advised about the hazards to living in floodplains.

(b) Step 2. Notify the public at the earliest possible time of a proposal to consider an action in a floodplain (or in the 500-year floodplain for a Critical Action), and involve the affected and interested public in the decision making process.

(1) The public notices required by paragraphs (b) and (g) of this section may be combined with other project notices wherever appropriate. Notices required under this part must be bilingual if the affected public is largely non-English speaking. In addition, all notices must be published in an appropriate local printed news medium, and must be sent to federal, state, and local public agencies, organizations, and, where not otherwise covered, individuals known to be interested in the proposed action.

(2) A minimum of 15 calendar days shall be allowed for comment on the public notice.

(3) A notice under this paragraph shall state: the name, proposed location and description of the activity; the total number of acres of floodplain involved; and the HUD official and phone number to contact for information. The notice shall indicate the hours and the HUD office at which a full description of the proposed action may be reviewed.

An early public notice describing NYC Multi-Family Buildings actions in the floodplain has not yet been published in the eight required NYC publications. The eligibility and location of the potentially eligible applicants has not been determined at the time of the Tier I document publication. Upon notice of eligible applicants, an early public notice will comply with the 15-day minimum requirement for public comment per 24 CFR 55.20(b)(2). Published in English, Chinese, Spanish, and Russian languages, this notice will serve to inform and update interested agencies, groups, and individuals of the proposed CDBG funded activities that may occur in the floodplain, thus engaging the public in the decision-making process. A final public notice

describing the project's proposed action in a floodplain will be issued in the four languages in the eight required NYC publications after NYC and HUD considered any comments received after the early public notice.

(c) Step 3. Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (or the 500-year floodplain for a Critical Action).

(1) The consideration of practicable alternatives to the proposed site or method may include:

(i) Locations outside the floodplain (or 500-year floodplain for a Critical Action);

(ii) Alternative methods to serve the identical project objective; and

(iii) A determination not to approve any action.

For this Tier I ER NYC has considered the following alternatives to locating the proposed activities within the floodplain:

No Action Alternative. The No Action alternative is not proposed as it does not effectively achieve City goals of restoring the health and safety of hurricane-damaged housing for its residents, nor does it promote planning and implementation of resilience measures to mitigate damage from future weather extremes. Residents would continue to be displaced from their homes located in the floodplain and wetland, live in damaged, unsafe, and unsanitary housing within the hurricane-damaged neighborhoods or seek shelter elsewhere. Poor structural integrity of hurricane-damaged homes within the floodplain and wetland would put residents at a greater risk should a flood event occur, especially if homes do not meet current elevation requirements. Abandoned structures may not be demolished, posing a lingering health and safety risk, with possible storm-debris field hazards affecting water quality if subject to flood conditions. Storm debris fields on residential properties would potentially remain unaddressed, also posing a threat to public health and water quality.

Limited Action Alternative – Without Post-Hurricane Sandy Recovery Measures: NYC assessed how the pre-hurricane zoning instruments and construction codes could aggravate recovery of its housing stock, even if CDBG-DR funds were awarded for distribution. Under this action alternative without the post-Hurricane Sandy Recovery Measures implemented by Mayor Bloomberg, multi-family residential structures would remain in various states of disrepair and many households would inevitably be unable to return to their homes, or make repairs to different health and safety standards. The higher costs of achieving compliance for some rehabilitated homes and neighborhoods would limit the availability and distribution of housing assistance to a greater number of households. For this NYC Multi-Family Buildings program, such partial recovery of the housing stock in damaged neighborhoods without incorporating

resiliency measures could leave an unfair number and type of households without access to safe and permanent housing, and those receiving assistance would remain potentially vulnerable to the extremes of climate change. Moreover, neighborhood quality under this alternative would only partially and temporarily improve, and many needy multi-family building owners and landlords would not be served by the NYC Multi-Family Buildings program at all.

Proposed Alternative. This proposed action is the most beneficial scenario for planning to meet the City's need for Hurricane Sandy disaster recovery. It includes assistance for hurricane-damaged residential properties partially or wholly located within a floodplain after determining whether the residential structure is repairable or not. Decisions regarding the project scope and siting will be made after the Tier II site-specific inspection and Environmental Assessment is completed. These home rehabilitation or reconstruction projects may be subject to consultation with the City's Floodplain Administrator as part of the site-specific environmental assessment. If proper land use decisions are ensured for the proposed housing project, it will proceed once the eligible applicant is notified of the requirement to participate in the NFIP.

If rehabilitation is determined the project may proceed if planned in accordance with site-specific mitigation requirements, which may include temporary and permanent soil erosion control measures. Rehabilitation activities may include superficial demolition only, including cabinets, stairs, railings, porches, ramps, etc., and would be managed under the same standards as full structural demolition. Rehabilitation projects should not cause temporary floodplain disturbance while site activities are performed, for which storm water control BMPs will be adhered to. Buildings on properties situated in the floodplain will be required to comply with local floodplain ordinances, permits, EOs, and the NFIP, including proof of a valid elevation certificate, minimum foundation elevation at BFE+1, and maintenance of flood insurance for the life of the property or term of assistance.

(2) In reviewing practicable alternatives, the Department or a recipient subject to 24 CFR Part 58 shall consider feasible technological alternatives, hazard reduction methods and related mitigation costs, and environmental impacts.

For the proposed project feasible technological alternatives have considered flood hazard reduction methods and related mitigation costs associated with home rehabilitation activities in the floodplains, and elsewhere in the City where construction takes place.

(d) Step 4. Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain (or 500-year floodplain for a Critical Action).

NYC has evaluated the alternatives to performing rehabilitation activities in the floodplains, and has determined the proposed action must make allowance for some activities to occur in the

floodplain. NYC Multi-Family Buildings will therefore ensure that any building repair projects located within the regulated floodplain will include required mitigation and that flood insurance is carried on the residential building property in accordance with EO 11988 and as interpreted in 24 CFR Part 55. The NYC Partial Action Plan A for CDBG-DR does not include individual assistance for the identification and full purchase of replacement properties, although NY State is preparing to offer a property buyout program for owners of residential properties in areas vulnerable to extensive and repeat flooding.

Direct and indirect environmental impacts on residential building sites from proposed construction activities and projects will be minimal as they will largely be conducted on already existing residential properties where a building was damaged or destroyed by Hurricane Sandy. However, NYC Multi-Family Buildings recognizes that construction projects executed without adequate mitigation measures could trigger storm water runoff and soil erosion by various forces and, not only threaten water quality but, impact local drainage capacity. Per site-specific environmental mitigation requirements, construction activities in or near the vicinity of wetlands will therefore be restricted to the minimum area required to safely complete the project, standard construction BMPs for storm water management will be used to avoid indirect impacts to surface water and dependent natural resources.

(e) Step 5. Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain (including the 500-year floodplain for a Critical Action) and to restore and preserve its natural and beneficial values. All critical actions in the 500-year floodplain shall be designed and built at or above the 100-year floodplain (in the case of new construction) and modified to include:

- (1) Preparation of and participation in an early warning system;
- (2) An emergency evacuation and relocation plan;
- (3) Identification of evacuation route(s) out of the 500-year floodplain; and
- (4) Identification marks of past or estimated flood levels on all structures.

The City has designed services for an early flood hazard warning system, and has established an emergency evaluation and relocation plan for residents living within the floodplain, and elsewhere in its jurisdiction.

For new construction in the 100-year floodplain a minimum foundation elevation of above the ABFE+1 is required and considered the best available data until the P-FIRM is issued for the area that may indicate a different elevation requirement. NYC does anticipate the construction of multi-family buildings within the 500-year floodplain, and these may be subject to City

ordinance requiring elevation of a residential structure at or above the BFE or to the anticipated P-FIRM.

(f) Step 6. Reevaluate the proposed action to determine:

- (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and
- (2) Whether alternatives preliminarily rejected at Step 3 (paragraph (c)) of this section are practicable in light of the information gained in Steps 4 and 5 (paragraphs (d) and (e)) of this section.

For the proposed NYC Multi-Family Buildings, the City has considered the following to mitigate and minimize adverse impacts from floodplain occupancy and to restore and preserve natural and beneficial floodplain: 1) in accordance with the local floodplain ordinance, substantial improvement to residential buildings located on properties within the 100-year floodplain will be elevated to the ABFE+1 or until FEMA publishes the P-FIRM for the area that may indicate a different elevation requirement; 2) multi-family rehabilitation may occur within the 500-year floodplain, but critical housing actions are not anticipated here; 3) notification to the owner of residential properties with the flood hazard will be provided; 4) flood insurance will be purchased and maintained for the residential structure for the life of the property. If the multi-family building is located in the 100-year floodplain, per site-specific hazard mitigation requirement the grant recipients will be required to adhere to the above as a condition of funding assistance. For buildings situated in the 500-year floodplain the maintenance of flood insurance for a minimum of five years will also be required by NYC Multi-Family Buildings. Also, per site-specific hazard mitigation requirement, appropriate storm water management controls will apply during construction.

(g) Step 7.

(1) If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain (or the 500-year floodplain for a Critical Action), publish a final notice that includes:

(i) The reasons why the proposal must be located in the floodplain;

(ii) A list of the alternatives considered; and

(iii) All mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values.

(2) In addition, the public notice procedures of § 55.20(b)(1) shall be followed, and a minimum of 7 calendar days for public comment before approval of the proposed action shall be provided.

The No Action Alternative nor the Limited Action Alternative would lead to continued residency within the most damaged properties and unsafe, unsanitary or potentially inadequately-elevated housing will not be addressed and thus the area will continue to be at risk of future flood incidents. NYC does not anticipate eligible applicants will be able to purchase a residential lot outside the floodplain due to competitive property values. However, NY State anticipates implementing a separate funding program targeted to homeowners whereby the objective is to buy-out residential properties with hurricane-damaged structures located in the most vulnerable areas of the floodplain, and thus be able to move outside the floodplain.

Tier I environmental analysis for this project indicates there will be no changes to those environmental conditions across the City that existed prior to Hurricane Sandy. This is primarily because neither land use or population densities are changing, and the replacement structures will be comparable to pre-disaster housing, but to current code and less vulnerable to certain hazards, if not more resilient to future extreme weather events. Possible minor adverse impacts from proposed construction activities were identified for ambient noise levels, air quality, solid waste, traffic volume, and storm water runoff. These temporary impacts were identified and determined to be limited to the period of construction activity. These results indicate a FONSI on the human environment from the proposed project. Site-specific Environmental Assessment will help determine potential impacts, beyond the temporary ones noted above, to the target property for the following impact categories: historic and cultural resources, floodplains, wetlands, threatened and endangered species, toxic or radioactive materials, hazardous operations, and airport runway clear/accident prevention zones. The impacts for these categories are expected to be minor given the environmental mitigation measures that would be selected for implementation, and which are summarized in **Section 4.0**.

(h) Step 8. Upon completion of the decision making process in Steps 1 through 7, implement the proposed action. There is a continuing responsibility to ensure that the mitigating measures identified in Step 7 are implemented.

NYC and HUD will ensure that flood prevention and mitigation measures identified in Step 7 are implemented for multi-family rehabilitation projects executed under NYC Multi-Family Buildings.

3.2 The Eight- Step Decision Making Process for Proposed Action in the Wetlands

Figure 4-1 displays the NYC wetlands, as documented by the U.S. Fish and Wildlife Service (USFWS) in its National Wetlands Inventory and the NY State Regulatory Freshwater Wetlands.

With regard to HUD's proposed rule **Floodplain Management and Protection of Wetlands**, dated December 12, 2011, the same eight-step process for decision-making in the floodplain has been considered for application to NYC Multi-Family Buildings. HUD's current wetland protection policy is to require the use of EO 11990's Eight-Step Process for decision making in floodplains for actions performed with HUD financial assistance. The proposed rule would codify this policy by placing EO requirements into federal regulation. In anticipation of a decision on the proposed rule, NYC Multi-Family Buildings considered that some decision making could potentially take place during the Tier II site-specific ER of proposed housing actions, as the site inspection may document the proximate presence of wetlands⁹, as defined by HUD and EO 11990.

Per HUD regulations and EO 11990, wetlands are defined as "those areas inundated by surface or ground water with a frequency sufficient to support and, under normal circumstances, do or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds".

Housing activities may take place in or adjacent to such aquatic and semi-aquatic regimes, but may not take place in or adjacent to jurisdictional wetlands as defined by the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) per the Clean Water Act and the Rivers and Harbors Act. Without approved delineations, jurisdictional wetland determinations¹⁰ cannot be achieved. Consultation with USACE regarding the subject for NYC Multi-Family Buildings was completed on June 19, 2013, (**Appendix B-7**) and waters of the U.S. within the vicinity of NYC neighborhoods where single-family housing (1-4 units) were damaged by Hurricane Sandy. Therefore, using the USFWS National Wetlands Inventory (NWI) mapping along with NY State's Department of Environmental Conservation (DEC) freshwater wetlands map is recommended for Tier II environmental assessment.

Therefore, as a precaution regarding the proposed rule, the City acting as the Subrecipient of funds has determined the eight-Step process for decision-making should be followed for those housing sites discovered proximate to a wetland. As noted above, Tier II site-specific ER will determine if the proposed housing site is proximate to a wetland. If such a site is determined eligible for housing assistance, HRO may consult further with USACE about the proposed action during the Eight-Step Process to resolve compliance. In addition, public notices to inform the

⁹ For NYC Multi-Family Buildings purposes, proximate presence to a wetland is judged to be within 300 +/- 10 feet from the nearest boundary of the proposed housing construction site within the residential property.

¹⁰ Waters of the United States, including wetlands, have three primary characteristics: hydrologic (i.e., flow), biologic (i.e., seasonally submerged vegetation), and chemical (i.e., anaerobic soil).

public about proposed project activities in or adjacent to a wetland are anticipated for NYC Multi-Family Buildings.

OMB and HUD will ensure that environmental mitigation measures required to comply with factors as identified in each site-specific environmental assessment, including the protection of wetlands, are appropriately addressed through inspections conducted during the construction phase of NYC Multi-Family Buildings.



Exhibit 4

City of New York
Office of Management and Budget (OMB)

Community Development Block Grant – Disaster Recovery Program Early Notice And Public Review Of A Proposed Activity In A 100-Year Floodplain

CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION & DEVELOPMENT (HPD)
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM

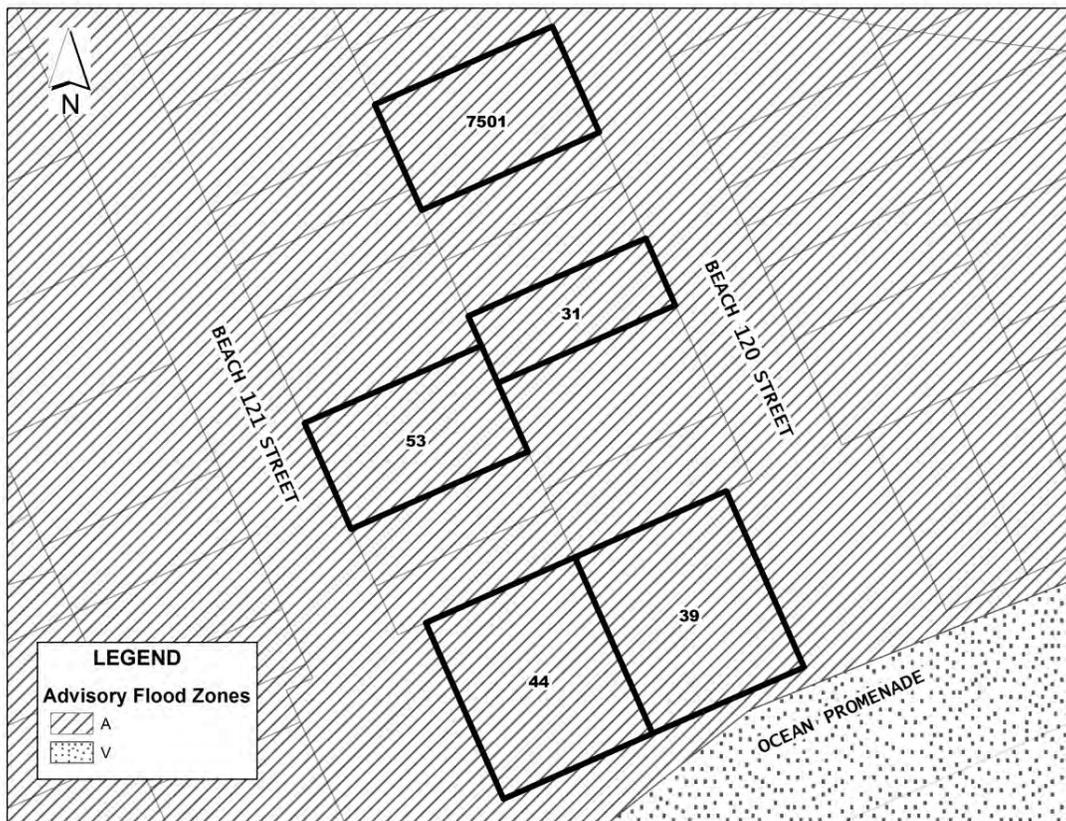
To: All Interested Agencies, Groups, and Individuals:

This is to give notice that The City of New York is proposing to undertake activities within a 100-year floodplain relating to the United States Department of Housing and Urban Development’s (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) program. President Obama signed the “Disaster Relief Appropriations Act, 2013” (Public Law 113-2) into law on January 29, 2013. Among other appropriations, the Act included \$16 billion in CDBG-DR funds “for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from Hurricane Sandy and other eligible events in calendar years 2011, 2012, and 2013”. This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management and is implemented by HUD Regulations found at 24 CFR 55.20(b) for the HUD action that is within and/or affects a floodplain.

Projects funded with CDBG-DR would be located in areas of impact from Hurricane Sandy throughout the five Boroughs of New York City. The City anticipates that most of the grant would be targeted toward rehabilitation or reconstruction activities designed to help victims of Hurricane Sandy, including homeowners and tenants of rental properties to achieve permanent, sustainable housing solutions that allow them to remain in New York City, and return to their neighborhoods where possible.

The City’s initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$648 million in funding for assistance to address the various unmet housing needs it has identified so far. The focus of this notice is the NYC Build-It-Back: Multi-family Building Rehabilitation Program, which will be administered by the Department of Housing Preservation & Development (HPD). Of the initial \$648 million of CDBG-DR allocated to housing, \$225 million would be provided to HPD for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied. The properties shown below are subject to this public notice:

BOROUGH	BLOCK/LOT	ADDRESS	LOT ACREAGE	LOT ACREAGE WITHIN 100 YR FLOOD ZONE
QUEENS	16230 / 7501	155 BEACH 120 TH STREET	0.14	0.14
QUEENS	16230 / 31	145 BEACH 120 TH STREET	0.092	0.092
QUEENS	16230 / 39	133 BEACH 120 TH STREET	0.2	0.2
QUEENS	16230 / 44	130 BEACH 121 ST STREET	0.2	0.2
QUEENS	16230 / 53	144 BEACH 121 ST STREET	0.14	0.14



There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. Second, an adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance 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. The 8-Step Decision-Making Process includes public notices and the examination of practicable alternatives to building in the floodplain as well as potential mitigation measures. Applicants

receiving CDBG-DR construction assistance for their residential properties partially or wholly situated within the 100-year floodplain will be required to participate in the National Flood Insurance Program (NFIP).

HPD is interested in alternatives and public perceptions of possible adverse impacts that could result from these projects as well as potential mitigation measures. The activities will occur in areas served by existing infrastructure. All interested persons, groups and agencies are invited to submit comments regarding the proposed use of federal funds to support activities located in a floodplain. Written comments should be sent to HPD at 100 Gold Street, New York, NY 10038, Attn: Patrick Blanchfield, AICP, Director of Environmental Planning, Office of Development, Room 9I-7. Comments may also be submitted electronically to nepa_env@hpd.nyc.gov. All comments must be received on or before the 15th day following the date of this notice.

Notice Date: August 16, 2013



Exhibit 5

City of New York
Office of Management and Budget (OMB)

**Community Development Block Grant – Disaster Recovery Program
Final Public Notice for Proposed Activities in a 100-Year Floodplain**

CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION & DEVELOPMENT (HPD)
COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY PROGRAM

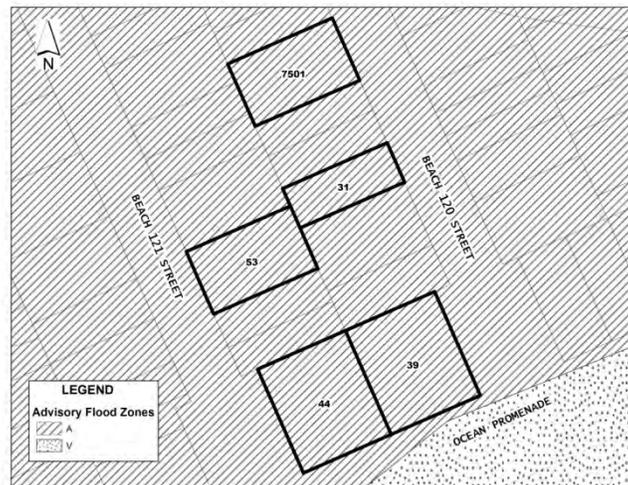
To: All Interested Agencies, Groups, and Individuals:

This publication gives notice that the City of New York has conducted an evaluation of a proposal under the NYC Build-It-Back: Multifamily Building Rehabilitation Program of the United States Department of Housing and Urban Development’s (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) grant, as required by Executive Order 11988 in accordance with HUD regulations 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. This evaluation is made to determine the potential affect that proposed activities in the floodplain will have on the human environment.

Through the “Disaster Relief Appropriations Act, 2013” (Public Law 113-2, January 29), the City’s initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$648 million in funding for assistance to address the various unmet housing needs it has identified so far. The focus of this notice is the NYC Build-It-Back: Multi-Family Building Rehabilitation Program, which will be administered by the Department of Housing Preservation & Development (HPD). Of the initial \$648 million of CDBG-DR allocated to housing, \$225 million would be provided to HPD for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied. The properties shown below are subject to this public notice:

BOROUGH	BLOCK/LOT	ADDRESS	LOT ACREAGE	LOT ACREAGE WITHIN 100 YR FLOOD ZONE
QUEENS	16230/ 7501	155 BEACH 120 TH STREET	0.14	0.14
QUEENS	16230 / 31	145 BEACH 120 TH STREET	0.092	0.092
QUEENS	16230 / 39	133 BEACH 120 TH STREET	0.2	0.2
QUEENS	16230 / 44	130 BEACH 121 ST STREET	0.2	0.2

QUEENS	16230 / 53	144 BEACH 121 ST STREET	0.14	0.14
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HPD has considered the following alternatives and mitigation measures to be taken to minimize adverse impacts and to restore and preserve natural and beneficial values of the floodplain:

Proposed Action in the Floodplain: For Multifamily Building rehabilitation, actions will include repair to structure and grounds; elevation of facilities including electrical, mechanical, plumbing and elevator equipment to the extent practicable; and in the event of substantial damage and substantial improvement, modifying structures to elevate residential use above the base flood elevation to comply with the City’s National Flood Insurance Program thus reducing the potential impact of future flood events and in an effort to reduce the cost of insurance thus reducing operating costs to the maximum extent practicable. Additional measures to meet the City-adopted Enterprise Green Community Standards and to enhance resiliency of buildings to future storms will be incorporated into the design of projects. The owners of properties situated in the floodplain will be required to purchase and maintain flood insurance for a specified number of years.

No Action: This alternative does not achieve the City goals of restoring the health and safety of hurricane-damaged multi-family housing for its residents, nor does it promote planning and implementation of resilience measures to mitigate damage from future weather extremes. Residents would continue to be displaced from their homes located in the floodplain, live in damaged, unsafe, and unsanitary housing within the hurricane-damaged neighborhoods or seek shelter elsewhere. Poor structural integrity of hurricane-damaged buildings within the floodplain would put residents at a greater risk should a flood event occur, especially if buildings do not meet current elevation requirements. Storm debris fields on the properties residential buildings would potentially remain unaddressed, also posing a threat to public health and water quality.

This notice is required by Section 2(a)(4) of Executive Order 11988 for Floodplain Management and is implemented by HUD Regulations found at 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. The 8-Step Decision-Making Process includes public notices and the examination of practicable alternatives to building in the floodplain.

All interested persons, groups and agencies are invited to submit written comments regarding the proposed use of federal funds to support activities located in a floodplain. Written comments should be sent to HPD at 100 Gold Street, New York, NY 10038, Attn: Patrick Blanchfield, AICP, Director of Environmental Planning, Office of Development, Room 9I-7. Comments may also be submitted electronically to nepa_env@hpd.nyc.gov. The minimum 7 calendar day comment period will begin the day after the publication and end on the 8th day after the publication. All comments should be received by HPD on or before _____, 2013.

Date: _____, 2013

4.0 APPLICABLE MITIGATION MEASURES

As presented in **Section 7.0** the Tier II ER employs a site-specific checklist to assess several NEPA compliance factors in accordance with 24 CFR Part 58.36 and HUD Environmental Standards. This assessment helps determine whether environmental mitigation measures should be required for the proposed housing activity to achieve NEPA compliance on a specific construction site.

Conditions encountered during the site inspection and environmental screening of a proposed construction site will typically determine whether mitigation measures will be required or not. Following a review of the property inspection report and photographs, an Environmental Assessment will be completed and describe both the project and required mitigation measures. This assessment will be packaged with supporting documentation into a site-specific file for OMB review. After OMB issues environmental clearance for the proposed construction project the file becomes available for the assigned construction contractor to review in support of site planning activities, in the NYC Multi-Family Buildings system of record and in the ERR maintained by the OMB.

This Tier I ER for NYC Multi-Family is anticipating that environmental mitigation measures may be required for several compliance factors, including:

- Preservation of Historical and Cultural Resources
- Floodplain Management
- Wetlands Protection
- Endangered Species and Migratory Birds
- Coastal Barrier Resource Act
- Toxic Chemicals and Radioactive Materials
- Explosive and Flammable Operations
- Airport Runway Clear Zones/Accident Potential Zones
- Fish and Wildlife Coordination Act
- Agriculture and Markets Law – Management of Invasive Species

While specific mitigation measures cannot be fully defined upon Tier I ER publication, they are summarized in **Section 4.0**. These will support Tier II standard environmental assessment procedures approved by OMB to help define the measures applicable to most sites. The builder will note what the specific mitigation measures are required for the assigned project by the Tier II checklist and incorporate these into their construction plans and document how compliance was achieved.

4.1 Preservation of Historical and Cultural Resources

NYC Multi-Family Buildings anticipates that some homes and properties targeted for proposed construction activity are or may be eligible for listing under the National Historic Preservation Act (NHPA). It is also expected that any ground disturbing activities that take place on previously undisturbed soil may uncover cultural remains of value to nations of Native Americans or others. Desktop review, followed by site-specific assessment will aid the initial determination of eligibility, and evaluate the potential for ground disturbing activities to occur on previously undisturbed soils. NYC's proposed rehabilitation projects may involve repairs to both the exterior and interior of homes damaged by Hurricane Sandy, and will require elevation of the structure if it is located in the 100-year floodplain and undergoes substantial improvement. NYC Multi-Family Buildings proposes to support and preserve the character of historic homes, neighborhoods and districts, as well the preservation of cultural resources by participating in a Programmatic Agreement (PA) among FEMA, the NY State Historic Preservation Office, the NY State OEM, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, the NYC Landmarks Preservation Commission (LPC), and the Advisory Council on Historic Preservation and NYC's OMB, as a result of Hurricane Sandy. This PA has been executed and the City of NY has been added to the PA using the addition of an Appendix E of the PA (Appendix B-1). It establishes the protocol for Section 106 consultation of proposed activities under the NYC Multi-Family Buildings recovery efforts.

Under the stipulations and conditions of the PA, initial site-specific review will assess the historical and cultural value of the properties targeted for NYC Multi-Family Buildings projects, and determine whether these meet one or more of the Allowances in Appendix B of the PA; if so, then the City will complete the Section 106 review process by documenting this determination in the project file, without State Historical Preservation Office (SHPO) and Tribal review or notification. If, prior to the site-specific inspections and environmental assessments, the project(s) is not composed entirely of an allowance in **Appendix B**, or does not meet the allowance criteria, the City will complete the Section 106 review process in accordance with the Standard Project Review as identified in Stipulation II.C in the PA.

In cases where rehabilitation activities require ground disturbing activities (i.e., installation of utilities) on previously undisturbed soil, then the potential exists for discovery of human or archeological remains. This potential for an adverse effect would be noted in association with the Section 106 compliance factor in the site-specific environmental assessment along with an indication that mitigation may be required if discovery is made during construction. If such a discovery were to be made, all construction activities would stop and NYC Multi-Family Buildings would initiate consultation with SHPO, LPC, tribes and others as appropriate to resolve compliance with this factor. If the potential for an Adverse Effect is determined, the

project can enter into the Abbreviated Consultation Process as described in the PA, Section II-D-5 applicable to Standard Project Review (the development of an application of Treatment Measures Plan outlined in the PA's **Appendix C** will suffice and a Memorandum of Agreement [MOA] is not necessary) or an MOA (if the Abbreviated Consultation Process is determined impractical or is objected to by any of the consulting parties) will be developed in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties.

4.2 Floodplain Management

The City's 100-year floodplain is displayed in **Appendix A, Figure 2-1: Flood Hazard Zones of NYC**. To comply with EO 11988, actions in floodplain will consider design or modification of site-specific actions to minimize potential harm. The 8-step Decision-Making process will be applied in accordance with 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposed activities, and as described in Section 3.0, and Section 5.0 of this document. NYC Multi-Family Buildings approaches to serving the unmet housing needs of eligible applicants with Hurricane Sandy-damaged homes situated partially or wholly within the floodplain area as follows:

- **Rehabilitation:** Rehabilitated buildings on residential properties partially or wholly situated in the 100-year floodplain will be required to comply with the City's local floodplain ordinance and participate in the NFIP, including proof of a valid elevation certificate, minimum foundation elevation at BFE+1 as defined in FEMA's June 10, 2013 Preliminary Work Maps, or the appropriate P-FIRM once published, and maintenance of flood insurance. While not required, NYC Multi-Family Buildings will strongly encourage households with residential structures located within the 500-year floodplain to also participate in the NFIP.

Additional environmental mitigation measures to be implemented during home multi-family building rehabilitation activities on such properties include the implementation of BMPs for stormwater management and soil erosion control.

4.3 Protection of U.S. Waters and Wetland Resources

To ensure the protection of water resource quality and that of associated wetlands across the City's hurricane-damaged neighborhoods, NYC Multi-Family Buildings will select several mitigation measures for its proposed construction activities. To comply with EO 11990 for protection of wetlands and other regulations, housing construction activities will be planned to avoid impacts to surface waters and wetlands and help preserve these habitat types for wildlife (**Appendix A, Figures 3-1 and 4-1: Surface Water Resources in NYC, and Wetlands in NYC**, respectively).

Site-specific inspection will permit environmental assessment verification of nearby surface water or wetland features potentially affected by a proposed project. If a 500 foot buffer zone is not practicable, assessment as to whether a 300 foot buffer zone is viable will be done, and if so, what additional mitigation measures may be needed to not only protect water quality but potential wetland habitat. For larger properties, an additional mitigation measure may be the selection of an alternate, more appropriate construction site than what the homeowner previously had. Per site-specific environmental mitigation requirements, NYC Multi-Family Buildings will require standard construction BMPs and mitigation measures to protect water quality, and avoid wetland disturbance (i.e., storm water management, appropriate soil erosion controls, the establishment of work/work exclusion zones, and potential schedule restrictions on construction activities due to weather.

Site-specific inspection will also permit environmental assessment identification of the presence and impact of household debris with the potential to contain hazardous substances either intentionally placed or otherwise washed into drainage channels, ditches, or other potential surface water resources by intense storm waters. This debris might include drums, barrels, cylinders, tires, and other household debris with the potential to enter and pollute U.S. waters and wetlands but also reduce local drainage capacity and increase soil erosion in shoreline communities. Measures to mitigate contamination of property and U.S. waters by visible hazardous items may be recommended, if not required, to remove or reduce the hazard to construction workers, inspectors, and residents, and to be compliant with local ordinances. These may include removal of debris, stained soils, or other items. Depending on the site-specific environmental assessment of the degree and extent of the hazard, as evaluated by NYC Multi-Family Buildings, the removal of such items may be a property owner's obligation and will be completed before a housing construction project can proceed. NYC Multi-Family Buildings may also initiate site-specific consultation as part of the 8-Step Process for decision-making regarding proposed housing activities on sites near sensitive areas.

4.4 Threatened and Endangered Species and Migratory Birds

Hurricane Sandy potentially damaged the already limited wildlife habitat associated with NYC's densely populated neighborhoods (**Appendix A, Tables 7-1 and 7-2, and Figures 7-1 and 7-2: Federal and State Listed Rare, Threatened, and Endangered Species [RTES]**). While numerous RTES and migratory birds are documented in and across NY State, few remain in NYC. Critical habitat for three species is only known to be present in some coastal areas of Queens.

Therefore, NYC Multi-Family Buildings anticipates no adverse effect on RTES or migratory birds by its proposed construction activities in the Bronx, Brooklyn, Manhattan, and Staten Island, nor in several neighborhoods of Queens. However, according to the current RTES list, the

piping plover, roseate tern, and seabeach amaranth are known/likely to occur in several areas within Queens County. The seabeach amaranth is common to only the beaches along coastal areas of the Rockaway Peninsula. However, no CDBG-DR funded activities would occur on beaches. Roseate terns historically nested on the peninsula but there are no recent records of their breeding since 1998. Based upon this information, OMB has determined that CDBG-DR funded activities in the Rockaway Peninsula area of Queens County would have No Effect on the seabeach amaranth or roseate tern. Furthermore, CDBG-DR funded activities in Manhattan, Bronx, Brooklyn, Staten Island and areas of Queens other than the Rockaway Peninsula would have No Effect on any federally identified endangered or threatened species within the USFWS jurisdiction.

CDBG-DR funded activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway in the borough of Queens have the potential to affect, but are not likely to adversely affect, the piping plover. In consultation with FWS, the piping plover habitat on the Rockaway Peninsula is generally located along the beaches between Beach 71st Street to the west and Beach 20th Street to the east. To address potential affects to this species, the City proposes to restrict all CDBG-DR funded exterior construction activities on properties that fall within 200 meters of the Rockaway boardwalk (the northern limit of the beach) between Beach 71st Street and Beach 20th Street for the duration of the nesting season (April 1 to September 1). **[Appendix A, Figures 7-1 and 7-2; Appendix B, Section 6].**

4.5 Coastal Barrier Resources Act

NYC has territory in southern Queens and southeastern Brooklyn that is protected by the Coastal Barrier Resource System, over which USFWS has management authority over two categories of regulated resources under the CBRA of 1982 and the Coastal Barrier Improvement Act of 1990. NYC Multi-Family anticipates that some multi-family buildings damaged by Hurricane Sandy are located close, if not within a regulated Coastal Barrier Resource Unit (CBRU) or a regulated Otherwise Protected Area (OPA). CDBG-DR funding will not be applied towards housing recovery assistance for projects located in a CBRU (per 24 CFR 5.6(c), nor will projects located in an OPA be funded because these would not be eligible for coverage under the NFIP.

Nonetheless, site-specific environmental assessment will identify proposed projects on target properties that may be located partially or wholly, or adjacent to a regulated resource, for which a USFWS consistency determination will be obtained. USFWS will make a finding as to whether the project is outside the boundary of a protected resource or not. For proposed projects found to be outside the protected resource, the project will be designed to minimize stormwater runoff, enhance permeability of the property (i.e. gravel surfaced driveway), and incorporate standard BMPs to protect the regulated resource. USFWS may also recommend additional mitigation measures for incorporation into the project.

4.6 Toxic Chemicals and Radioactive Materials

Landfills, Superfund Sites, and other properties with the potential to have toxic chemicals or radioactive materials on-site have been identified within area impacted by Hurricane Sandy as displayed in **Appendix A, Figure 12-1: Toxic and Radioactive Materials in NYC**. Nonetheless, site-specific inspection will permit identification of the presence of toxic or radioactive substances on, adjacent to, or near target properties that will be subject to site-specific environmental assessment. In the case of where hazards of concern are identified by a Qualified Environmental Profession (QEP), specific site assessment information (ASTM Phase 1 ESA, Phase 2 ESA, or vapor intrusion study) will be required under HUD's 24 CFR 58.5(i)(2) site contamination regulation and Phase I Threshold policy to achieve environmental compliance with this factor.

NYC Multi-Family Buildings also anticipates that some hurricane-damaged buildings will have exposed lead-based paint and asbestos-containing materials. Prior to completing the site-specific environmental assessment of these properties and the determination of project path, the structures will be tested for these substances, and a cost to remediate will be considered in determining the project path. If building rehabilitation is chosen, remediation of the hazard will be appropriately scheduled and coordinated with construction activities.

4.7 Explosive and Flammable Operations

Landfills and industrial facilities with explosive and flammable operations have been identified across the City's five boroughs (**Appendix A, Figure 11-1: Explosive and Flammable Operations in NYC**). Nonetheless, site-specific inspection will identify the presence of above-ground storage tanks (ASTs) or other hazardous operations on, adjacent to, or near target residential properties that may require consideration in the site-specific environmental assessment.

Projects involving minor rehabilitation without footprint expansion or increased occupant density are not required to be reviewed for consistency with 24 CFR 51C. However, for major rehabilitation projects determined proximate to identified hazardous operations, these will be subject to assessment using the Acceptable Separation Distance (ASD) measurement tool available on HUD's website, to determine mitigation requirements appropriate to a specific housing project's construction plans. The ASD assessment will be incorporated into the site-specific ER.

NYC Multi-Family Buildings anticipates that some infrastructure and residential construction sites will present with or be adjacent to above-ground storage tanks containing a hazardous substance such as propane gas. The approach to addressing these hazards may require consultation with HUD, but in cases where above-ground storage tanks containing propane were used for the eligible applicant's household purposes prior to Hurricane Sandy, the applicant will

have the opportunity to reconnect or replace said tank in compliance with applicable requirements or utilize an alternate acceptable fuel/energy source. In cases where an above-ground storage tank containing an explosive or flammable substance is located at an unacceptable separation distance from the target residential property, mitigation may be required to reduce the risk of damage to the target property. To mitigate the explosive or flammable hazard, several measures may be considered, but include complete removal of the above-ground storage tank or moving it to an ASD from the target property, with tank-owner's agreement, prior to proceeding with the housing project.

4.8 Airport Clear and Accident Potential Zones

The City does not anticipate that multi-family buildings are located within military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) as former such facilities are closed. However, NYC Multi-Family Buildings anticipates that some older multi-family buildings damaged by Hurricane Sandy may be located on residential properties that are partially or wholly situated within an FAA-designated civilian airport Runway Clear Zone (RCZ) or Runway Protection Zone (RPZ). If site-specific inspection and environmental assessment of a damaged residential property discovers such a case, it is NYC Multi-Family policy to not apply CDBG-DR funds towards activities on such properties. NYC Multi-Family Buildings will consider alternative approaches to serving the unmet needs of eligible applicants (see Section 5.0 Compliance Documentation Checklist), but reserve the right to determine final feasibility.

4.9 Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act applies to the impounding, diverting, deepening, or otherwise modifying the waters of any stream or other body of water. Site-specific environmental assessment may require a site visit by a qualified wetlands professional to determine whether the proposed activity would impact streams or other waters. If the potential for impact exists, the environmental assessment would require an individual public notice for action in a water body and coordination with the USFWS, the National Marine Fisheries Service (NMFS) as appropriate, and the NYSDEC. Agency coordination will support determination that the proposed activity with applicable mitigation measures and standard construction BMPs would have only temporary effects on a protected resource, and verify those federal and state permits requirements to achieve project compliance.

Upon agency determination that a proposed activity would permanently affect these protected habitat resources, compliance could not be achieved. NYC Multi-Family will consider alternative approaches to serving the unmet housing needs of eligible applicants, but reserve the right to determine final feasibility.

4.10 Agriculture and Markets – Management of Invasive Species

The Asian Longhorned Beetle (ALB) (*Anoplophora glabripennis*) is an invasive beetle believed to have arrived in New York from its native China via untreated packing crates and wooden pallets. Infestations have been discovered in Brooklyn, Queens, Manhattan, and Staten Island. On May 14, 2013, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) announced that the boroughs of Manhattan and Staten Island were free from ALB. This announcement reduced the quarantined areas of New York from 135 to 109 square miles. To prevent further spread of the insect, quarantine zones have been established to avoid transporting wood from the infested areas. NYC Multi-Family Buildings projects involving yard waste, storm clean-up and normal tree maintenance activities involving twigs and/or branches of ½" or more in diameter of ALB host species will require proper handling and disposal and the completion of associated state or federal phytosanitary certificates in accordance with New York Codes, Rules and Regulations (NYCRR).

5.0 COMPLIANCE DOCUMENTATION CHECKLIST

NYC Office of Management and Budget
255 Greenwich Street, New York, NY 10007

Compliance Checklist for 24 CFR §58.6, Other Requirements

Complete for all projects, including Exempt (§58.34), Categorically Excluded Subject to §58.5 [§58.35(a)], Categorically Excluded Not Subject to §58.5[§58.35(b)], and Projects Requiring Environmental Assessments (§58.36)

Project Name: NYC Build It Back: Multi-Family Buildings

ERR FILE # B-13-MS-36-0001

§58.6(a) and (b) Flood Disaster Protection Act of 1973, as amended; National Flood Insurance Reform Act of 1994

Does the project involve new construction, major rehabilitation, minor rehabilitation, improvements, acquisition, management, new loans, loan refinancing or mortgage insurance?

Yes No

If No, compliance with this section is complete.

If Yes, continue.

Is the project located in a FEMA identified Special Flood Hazard Area?

Yes No

If No, compliance with this section is complete.

If Yes, continue.

Is the community participating in the National Flood Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes No

If Yes, Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term and in the amount of the loan for the life of the property (or up to maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

If No, Federal assistance may not be used in the Special Flood Hazards Area.

Source Document: see **Exhibits 6 and 7** displaying the floodplains and wetlands of NYC. The City is conducting a tiered environmental review of NYC Multi-Family Buildings. In the event an applicant is eligible for assistance and a portion of the residential property lies in the 100-year floodplain, flood protection will be required and determined on a site-specific basis in accordance with the 8-step Decision Making Process.

§58.6(c) Coastal Barrier Improvement Act, as amended by the Coastal Barriers Improvement Act of 1990 (16 U.S.C. 3501)

Does the project involve new construction, conversion of land uses, major rehabilitation of existing structure, or acquisition of undeveloped land?

Yes No

If No, compliance with this section is complete.

If Yes, continue below.

Is the project located in a coastal barrier resource area?

Yes No

If No, compliance with this section is complete.

If Yes, Federal assistance may not be used in such an area.

Source Document: See **Exhibit 8** displaying the Coastal Barrier Resources of New York City. NYC Multi-Family Buildings will not provide housing assistance for residential structures located within the State's Coastal Barrier Resources.

§58.6(d) Runway Clear Zones and Clear Zones [24 CFR §51.303(a) (3)]

Does the project involve the sale or purchase of existing property?

Yes No

If No, compliance with this section is complete.

If yes, continue below.

Is the project located within 2,500 feet of the end of a civil airport runway (Civil Airport's Runway Clear Zone) or within 15,000 feet of the end of a military runway (Military Airfield's Clear Zone)?

Yes No

If No, compliance with this section is complete.

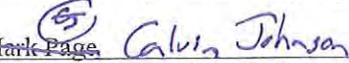
If Yes, Notice must be provided to buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in this ERR.

Source Document: See **Exhibit 9** displaying airports in or near NYC. There are no active military airfields in NYC, and NYC Multi-Family Buildings will not provide housing assistance for residential properties where the structures to be rehabilitated are located within the RCZs or CZs associated with regional civil airports.

AUTHORIZED RESPONSIBLE ENTITY OFFICIAL:


Authorized Responsible Entity Signature

8/6/13
Date


Mark Page
Authorized Responsible Entity Name (printed)

Director of NYC OMB
Title (printed)

Appendix I

Flood Insurance Protection Requirements

Duration of Flood Insurance Coverage. The statutory period for flood insurance coverage may extend beyond project completion. For loans, loan insurance or guaranty, flood insurance coverage must be continued for the term of the loan. For grants and other non-loan forms of assistance, coverage must be continued for the life of the property, regardless of transfer of ownership of such property. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that “The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property.” (42 U.S.C. 5154a)

Such anticipated economic or useful life of the property may vary with the nature of the assisted activity. For example, construction of a new or substantially improved building requires flood insurance coverage for the life of the building, while for minor rehabilitation such as repairing, weatherizing, or roofing of a building, the grantee may require flood insurance coverage ranging from five to fifteen years as deemed feasible. HUD will accept any period within that range that appears reasonable.

Dollar Amount of Flood Insurance Coverage. For loans, loan insurance or guaranty, the amount of flood insurance coverage need not exceed the outstanding principal balance of the loan. For grants and other forms of financial assistance, the amount of flood insurance coverage must be at least equal to the development or project cost (less estimated land cost) or to the maximum limit of coverage made available by the Act with respect to the particular type of building involved (SF-Single Family, OR-Other Residential, NR-Non Residential, or SB-Small Business), whichever is less. The development or project cost is the total cost for acquiring, constructing, reconstructing, repairing or improving the building. This cost covers both the federally assisted and the non-Federally assisted portion of the cost, including any machinery, equipment, fixtures, and furnishings. If the Federal assistance includes any portion of the cost of any machinery, equipment, fixtures or furnishings, the total cost of such items must also be covered by flood insurance.

Proof of Purchase. The standard documentation for compliance with Section 102 (a) is the Policy Declarations form issued by the National Flood Insurance Program or issued by any property insurance company offering coverage under the National Flood Insurance Program. The insured has its insurer automatically forward to the grantee in the same manner as to the insured, information copies of the Policy Declarations form for verification of compliance with the Act. Any financially assisted SFHA building lacking a current Policy Declarations form is in Noncompliance.

Grantee’s Evidence of Compliance under the Certification. The grantee must maintain a complete and up-to-date listing of its on-file and current Policy Declarations for all financially assisted SFHA buildings. As a part of the listing, the grantee should identify any such assisted building for which a current Policy Declarations form is lacking and attach a copy of the written request made by the grantee to the owner to obtain a current Policy Declarations form.

Appendix II

Notice to Prospective Buyers of Properties Located in Runway Clear Zones and Clear Zones

In accordance with 24 CFR §51.303(a)(3), this Notice must be given to anyone interested in using HUD assistance, subsidy or insurance to buy an existing property which is located in either a Runway Clear Zone at a civil airport or a Clear Zone at a military installation. The original signed copy of the Notice to Prospective Buyers must be maintained as part of the project file on this action. [Instruction: fill out the area shown in parentheses below.]

The property that you are interested in purchasing at (Insert: street address, city, state, zip code) is located in the Runway Clear Zone/Clear Zone for (Insert: the name of the airport/airfield, city, state).

Studies have shown that if an aircraft accident were to occur, it is more likely to occur within the Runway Clear Zone/Clear Zone than in other areas around the airport /airfield. Please note that we are not discussing the chances that an accident will occur, only where one is most likely to occur.

You should also be aware that the airport/airfield operator may wish to purchase the property at some point in the future as part of a clear zone acquisition program. Such programs have been underway for many years at airports and airfield across the country. We cannot predict if or when this might happen since it is a function of many factors, particularly the availability of funds but it is a possibility.

We want to bring this information to your attention. Your signature on the space below indicates that you are now aware that the property you are interested in purchasing is located in a Runway Clear Zone/Clear Zone.

Signature of prospective buyer

Date

Typed or printed name of prospective buyer

Appendix III

Statutory Checklist

A. Are all the project's activities exempt under 58.34(a)(1)-(11) and/or Categorically Excluded (CE) from NEPA procedures under 58.35(b)? Yes No.

If 'Exempt' or CE under 24 CFR 58.35(b) use appropriate certification form to certify environmental determination and complete Compliance Documentation Checklist (58.6). Attach supporting documentation and complete Compliance Documentation Checklist (58.6). Sign and date certification and keep in the project ERR. Remaining portions of the Checklist need not be completed. Do not initiate RROF procedures. Funds may be obligated for this project.

If "No" proceed to question B.

B. Perform all relevant compliance requirement reviews of the Statutory Checklist and complete all columns as appropriate, sign and date form.

1. Is this a 58.35(a) CE Project? Yes No.

If "Yes", use appropriate certification form and Statutory Checklist for Categorical Excluded Projects Only. Attach supporting documentation and complete Compliance Documentation Checklist (58.6). Sign and date certification and keep in the project ERR.

If "No" then go to question C.

2. Does the project trigger a 58.5 Compliance Threshold? Yes No.

If "Yes" then initiate RROF procedures, beginning with dissemination, publication and/or posting of RROF Notice.

If "No"; project may be converted to exempt under 58.34(a)(12). Document this determination on the Statutory Checklist for Categorical Excluded Projects Only. Do not initiate Public Notice/RROF procedures. After completing the Compliance Documentation Checklist and signing and dating the certifications, funds may be obligated. Keep certifications, checklists and support documentation in the project ERR.

C. If No to B (1), then this project requires an Environmental Assessment (EA)

Fill out the Environmental Assessment Checklist and document all determinations as appropriate, and sign and date.

Even if an EA has already been completed, 24 CFR Part 58, Subpart H procedures, beginning with publication/posting of FONSI/RROF Notice, cannot be initiated until all 58.5 and 58.6 determinations and compliance processes have been completed. Some CE projects may require an EA or an EIS because of their environmental effect.

Statutory Compliance Thresholds

Provide explanatory statement and date in Compliance Documentation and attach supporting documentation.

Historic Properties (including archeology):

A) The RE and SHPO agree that there are No Historic Properties Affected per 36 CFR 800.4, no adverse effects on historic properties per §800.5(b), or SHPO has not objected within 15 days¹¹ to such fully documented determinations.

B) The proposal has an adverse effect on historic properties. Consult with SHPO et al., per §800.5 et seq., to resolve or mitigate adverse effects. Provide statement and date in Compliance Documentation and attach supporting documentation

* The National Historic Preservation Act of 1966 (16 U.S.C. 470f *et seq.*): as amended: particularly section 106 (16 U.S.C. 470f): except as provided in ' 58.17 of this part for section 17 projects.

* Executive Order 11593. Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 FR 8921 *et seq.*): particularly section 2(c).

* The Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*) particularly section 3(16 U.S.C. 469a-1): as amended

* The Archeological Historic Preservation Act of 1974.

Floodplain Management:

A) The project does not involve acquisition, management, or construction within (or will impact) a 100 year floodplain (Zones AE or VE) identified by FEMA maps, or does not involve a “critical action” (see 24 CFR 55.2(a)(2)) within a 500 year floodplain (Zone B). If FEMA has not published the appropriate flood map, the RE must make a finding based on best available data.

B) Comply with Executive Order and Regulation and not support development or occupation of flood hazard area. Or complete the 8-step decision making process according to 24 CFR Part 55.20 to document that there are no practicable alternatives to the proposal and to mitigate effects of the project in a floodplain.

* Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*) as amended: particularly sections 102(a) (42 U.S.C. 4012a (a) and 4106 (a).

* Executive Order 11988. Floodplain Management, May 24, 1977 (42 FR28931 *et seq.*): particularly section 2(a).

Wetlands Protection:

A) The project does not involve construction within or adjacent (or will affect) to wetlands, marshes, wet meadows, mud flats or natural ponds per field observation and maps issued by the U.S. Fish & Wildlife Service or New York State DEC.

B) Comply with Executive Order and not support development or occupation of wetland. Or Complete the 8-step decision making process in 24 CFR 55.20 to document there are no practicable alternatives and to mitigate effects of the project on wetlands. Such action also may require obtaining a permit from the U.S. Corps of Engineers under Section 404 of the Clean Water Act or providing alternate wetland as required by USFW.

* Executive Order 11990. Protection of Wetlands. May 24, 1977 (42 FR 28951 *et seq.*): particularly section 2 and 5.

Coastal Zone Management:

¹¹ In accordance with Stipulation I.E.2 of the Programmatic Agreement Among FEMA, NYSHPO, NYOEM, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, NYCLPC, and ACHP signed on May 3, 2013.

A) The project does not involve the placement, erection or removal of materials, nor an increase in the intensity of use in the Coastal Zone (CZ) per certified local coastal plan.

B) Secure concurrence from the CZ Commission or delegated local planning commission with your determination of consistency with the applicable CZ Plan, or obtain coastal zone permit.

* The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*) as amended: particularly section 307 (c) and (d) (16 U.S.C. 1456 (c) and (d)).

* The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 *et seq.* particularly sections 5 and 6 (16 U.S.C. 3504 and 3505).

Sole Source Aquifers (Safe Drinking Water Act):

A) The project is not located within a U.S. Environmental Protection Agency- (USEPA) designated sole source aquifer watershed area per EPA Ground Water Office, **B)** Consult with the Water Management Division of EPA to design mitigation measures to avoid contaminating the aquifer and implement appropriate mitigation measures.

* The Safe Drinking Water Act of 1974 (42 U.S.C. 201.300 (f) *et seq.* and 21 U.S.C. 349) as amended: particularly section 1424(e) (42 U.S.C.300b-303(e)).

Farmland Protection:

A) The project site does not include prime or unique farmland, or other farmland of statewide or local importance as identified by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) (formerly the Soil Conservation Service, **OR** the project site includes prime or unique farmland, but is located in an area committed (zoned) to urban uses;

B) Request evaluation of land type from the NRCS using Form AD-1006, and consider the resulting rating in deciding whether to approve the proposal, as well as mitigation measures (including measures to prevent adverse effects on adjacent farmlands).

* Farmland Protection Policy Act of 1961 (7 U.S.C. 4201 *et seq.*) particularly section 1540(b) and 1541 (7U.S.C. 4201 and 4242).

Threatened and Endangered Species:

A) The RE determines that the proposal will have “no effect” **or** “is not likely to adversely affect” any federally protected (listed or proposed) Threatened or Endangered Species (i.e., plants or animals, fish, or invertebrates), nor adversely modify critical habitats. This finding is to be based on special study completed by a professional biologist or botanist and approved by the U.S. Fish and Wildlife Service and/or with State Department of Fish and Game. A determination of “no effect” does not require U.S. FWS concurrence.

B) Consult with the U.S. FWS or with the National Marine Fisheries Service, in accordance with procedural regulations contained in 50 CFR Part 402. Formal consultation with FWS or NMFS is always required for federally funded “major construction” activities and anytime a “likely to adversely affect” determination is made.

* The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.* as amended: particularly Section 7 (b) and (c) (16 U.S.C. 1278 (b) and (c)).

Wild and Scenic Rivers:

A) The project is not located within one mile of a listed Wild and Scenic River, **OR** the project will have no effects on the natural, free flowing or scenic qualities of a river in the National Wild and Scenic Rivers system.

B) Consult with the U.S. Department of Interior, National Park Service for impact resolution and mitigation.

* The Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1271 *et seq.*) as amended: particularly section 7 (b) and (c) (16 U.S.C. 1278 (c) and (d)).

Air Quality:

A) The project is located within an “attainment” area, **OR**, if within a “non-attainment” area, conforms with the EPA-approved State Implementation Plan (SIP), per contact with the State Air Quality Management District or Board, **AND** the project requires no individual NESHAP permit or notification;

B) Negotiate suitable mitigation measures with the Air Quality Management District or Board, obtain necessary permits, and issue required notices. (For example, 40 CFR §61.145 requires 10-day prior notification to the Air Quality District Administrator whenever either 260 linear ft., 160 sq. ft., or 35 cubic ft., of asbestos containing material is to be disturbed).

* The Clean Air Act (42 U.S.C. 7401 *et seq.*) as amended: particularly section 176 (c) and (d) (42 U.S.C. 7308 (c) and (d))

Noise Abatement and Control:

A) The project does not involve development of noise sensitive uses, **OR** the project is not within 1,000 feet of a major or arterial roadway, 3,000 feet of a railroad, or 15 miles from a major (listed) airport **OR** ambient noise level is documented to be 65 LDN (CNEL) or less, based upon the HUD Noise Assessment Guidelines (NAG) for calculating noise levels and Airport Noise Contour map;

B) Apply the noise standard, per 24 CFR §51.101, to the decision whether to approve the proposal (see §51.104), and implement noise attenuation measures (NAG page 39-40) as applicable.

* Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

Explosive or Flammable Operations:

A) The project is located at an Acceptable Separation Distance (ASD) from any above-ground explosive or flammable fuels or chemicals containers according to “Siting of HUD-Assisted Projects Near Hazardous Facilities” (Appendices F & G, pp. 51-52), **OR** the project will not increase danger to residents, expose neither people nor buildings to such hazards;

B) Mitigate the blast overpressure or thermal radiation hazard with the construction of a barrier of adequate size and strength to protect the project (per 24 CFR 51.205).

* Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

Toxic Chemicals and Radioactive Materials:

A) The subject and adjacent properties are free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances which could affect the health or safety of occupants or conflict with the intended use of the subject property. Particular attention should be given to nearby dumps, landfills, industrial sites and other operations with hazardous wastes. If the property: (i) is listed on an EPA Superfund National Priorities or CERCLA list or equivalent State list; (ii) is located within 3,000 feet of a toxic or solid waste landfill site; (iii) has an underground storage tank other than a residential fuel tank, or (iv) is known or suspected to be contaminated by toxic chemicals or radioactive materials, then, the grantee must provide an ASTM Phase I report, Phase 2 if required and Remediation Plan as appropriate. Proposed site must be free of hazardous materials, contamination, toxic chemicals, gasses and radioactive substances.

B) Mitigate the adverse environmental condition by removing, stabilizing or encapsulating the toxic substances in accordance with the requirements of the appropriate Federal, state or local oversight agency; **OR** reject the proposal.

* 24 CFR 58.5(i), Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

Airport Clear Zones and Accident Potential Zones:

A) The project is not within an FAA-designated civilian airport Runway Clear Zone (RCZ) -or Runway Protection Zone, or within a military airfield Clear Zone (CZ) or Accident Potential Zone (APZ) -Approach Protection Zone, based upon information from the airport or military airfield

administrator identifying the boundaries of such zones, **OR** the project involves only minor rehabilitation, **OR** the project involves only the sale or purchase of an existing property in the RCZ or CZ;

B) It is **HUD** policy not to provide any development assistance, subsidy or insurance in RCZs or CZs unless the project will not be frequently used or occupied by people and the airport operator provides written assurances that there are no plans to purchase the project site.

* Environmental Criteria and Standards (24 CFR Part 51) and Site Contamination.

Environmental Justice:

A) The proposed site is suitable for its proposed use and will NOT adversely impact any disadvantaged population.

B) Site suitability is a concern; the proposal is adversely affected by environmental conditions impacting low income or minority populations. Avoid such impacts or mitigate them to the extent practicable. Address and mitigate the disproportional human health or environmental effects adversely affecting the low income or minority populations **OR** reject the proposal.

* Executive Order 12898 Federal Actions to address environmental justice in minority populations and low-income populations.

Flood Zone	Area SqMi	Percentage
AE	41.23	61.1%
AO	0.04	0.1%
VE	6.50	9.6%
Shaded X	19.76	29.3%

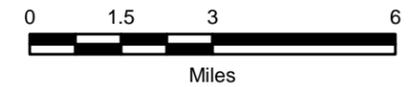
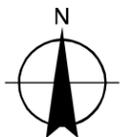
Legend

 New York City Boroughs
NYC Dept. of City Planning (March 2013)

FEMA Preliminary Work Map Flood Zones

-  100 Year Floodplain - Zone AE
-  100 Year Floodplain - Zone AO
-  100 Year Floodplain - Zone VE
-  500 Year Floodplain - Shaded Zone X
Federal Emergency Management Agency (June 2013)

Note:
Zone designations include: Zone AE: an area inundated by 1% annual chance flooding, and BFEs have been determined. Zone AO: an area inundated by 1% annual chance flooding, (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from 1 to 3 feet. Zone VE: an area inundated by 1% annual chance flooding with velocity hazard (wave action); BFEs have



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

EXHIBIT

6

FLOOD HAZARD AREAS
OF NEW YORK CITY

NYC Housing
Recovery

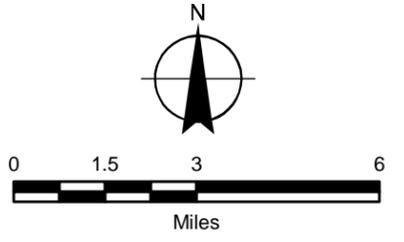
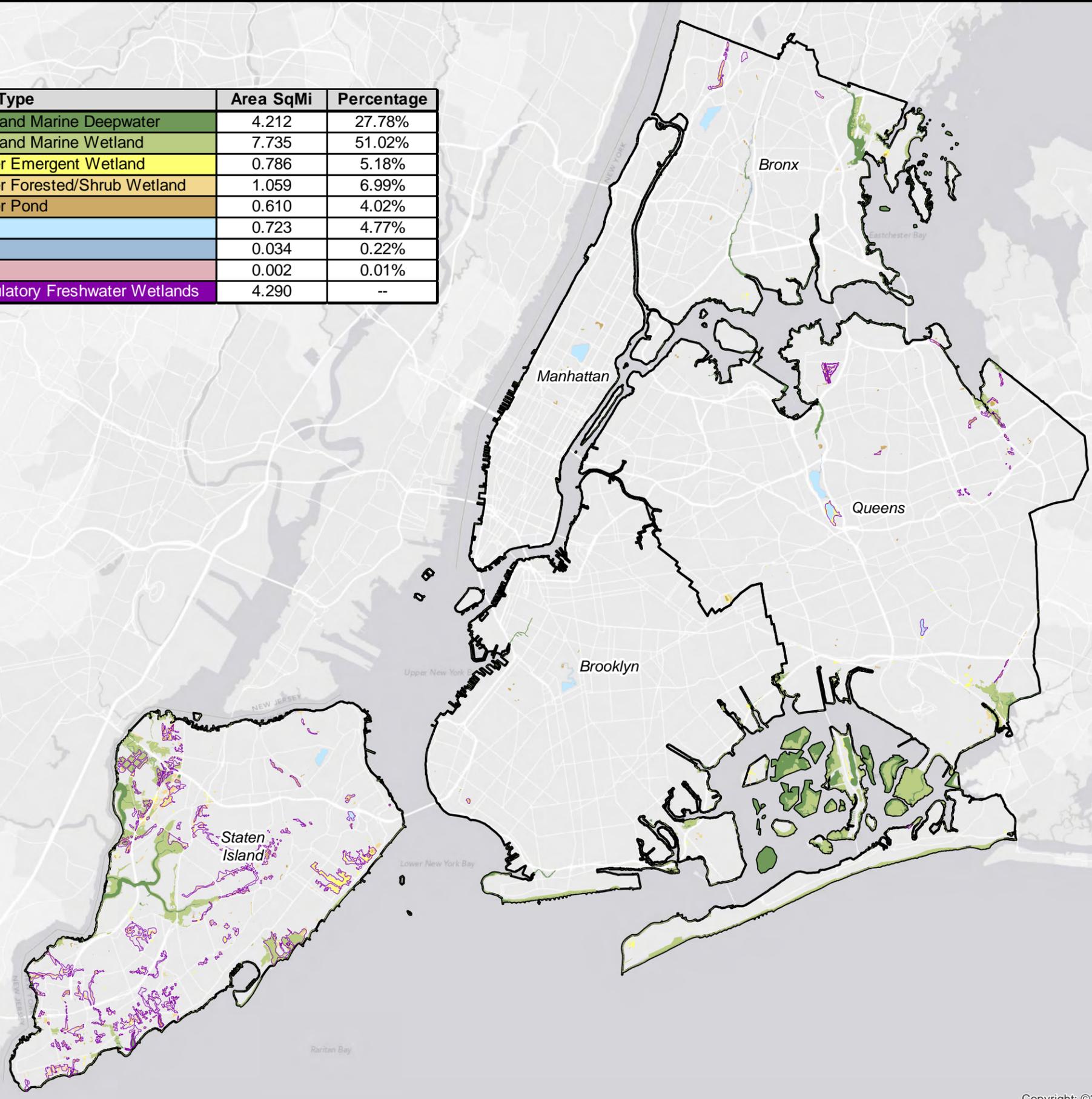
**NYC
BUILD IT
BACK**

Stronger & Safer

Wetland Type	Area SqMi	Percentage
Estuarine and Marine Deepwater	4.212	27.78%
Estuarine and Marine Wetland	7.735	51.02%
Freshwater Emergent Wetland	0.786	5.18%
Freshwater Forested/Shrub Wetland	1.059	6.99%
Freshwater Pond	0.610	4.02%
Lake	0.723	4.77%
Riverine	0.034	0.22%
Other	0.002	0.01%
NYS Regulatory Freshwater Wetlands	4.290	--

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  NYS Regulatory Freshwater Wetlands
NYS Dept. of Env. Conservation (1999)
- National Wetland Inventory - Type**
 -  Estuarine and Marine Deepwater
 -  Estuarine and Marine Wetland
 -  Freshwater Emergent Wetland
 -  Freshwater Forested/Shrub Wetland
 -  Freshwater Pond
 -  Lake
 -  Riverine
 -  Other
US Fish and Wildlife Service (Jan 2013)

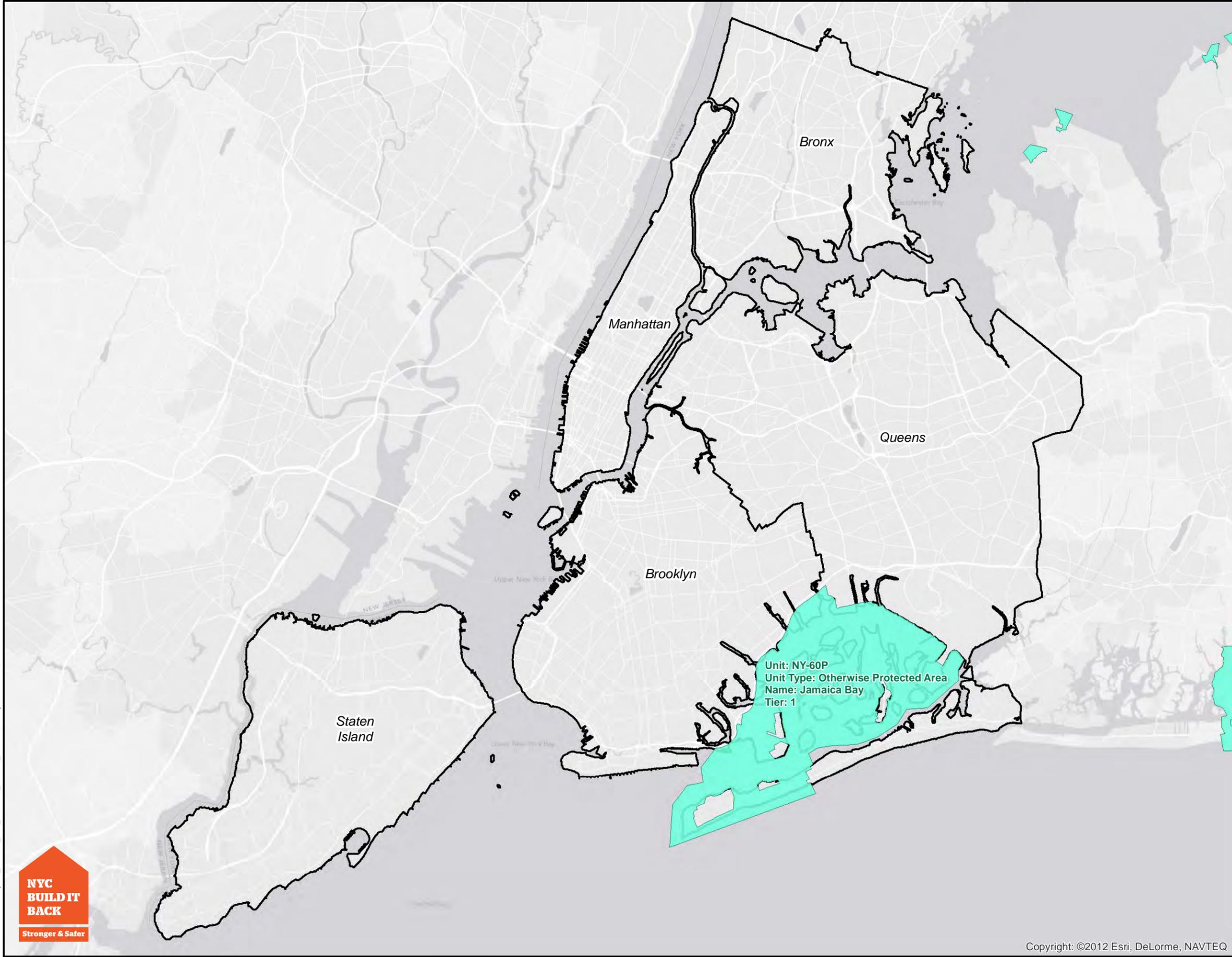


Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

EXHIBIT
7 WETLANDS
IN NEW YORK CITY





Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Coastal Barrier Resource System (30.04 SqMi)
US Fish and Wildlife Service (Nov 2012)

Note:
Coastal Barrier Resources System (CBRS) polygons in this data set are only representations of the official CBRS boundaries and are not to be considered authoritative. In general, these digital boundaries can be considered accurate to within approximately 150 feet of the actual CBRS boundaries as shown on the official maps. Additionally, because CBRS units extend seaward out to either the 20- or 30-foot bathymetric contour (depending on the location of the unit), the true seaward extent of the units is not shown.

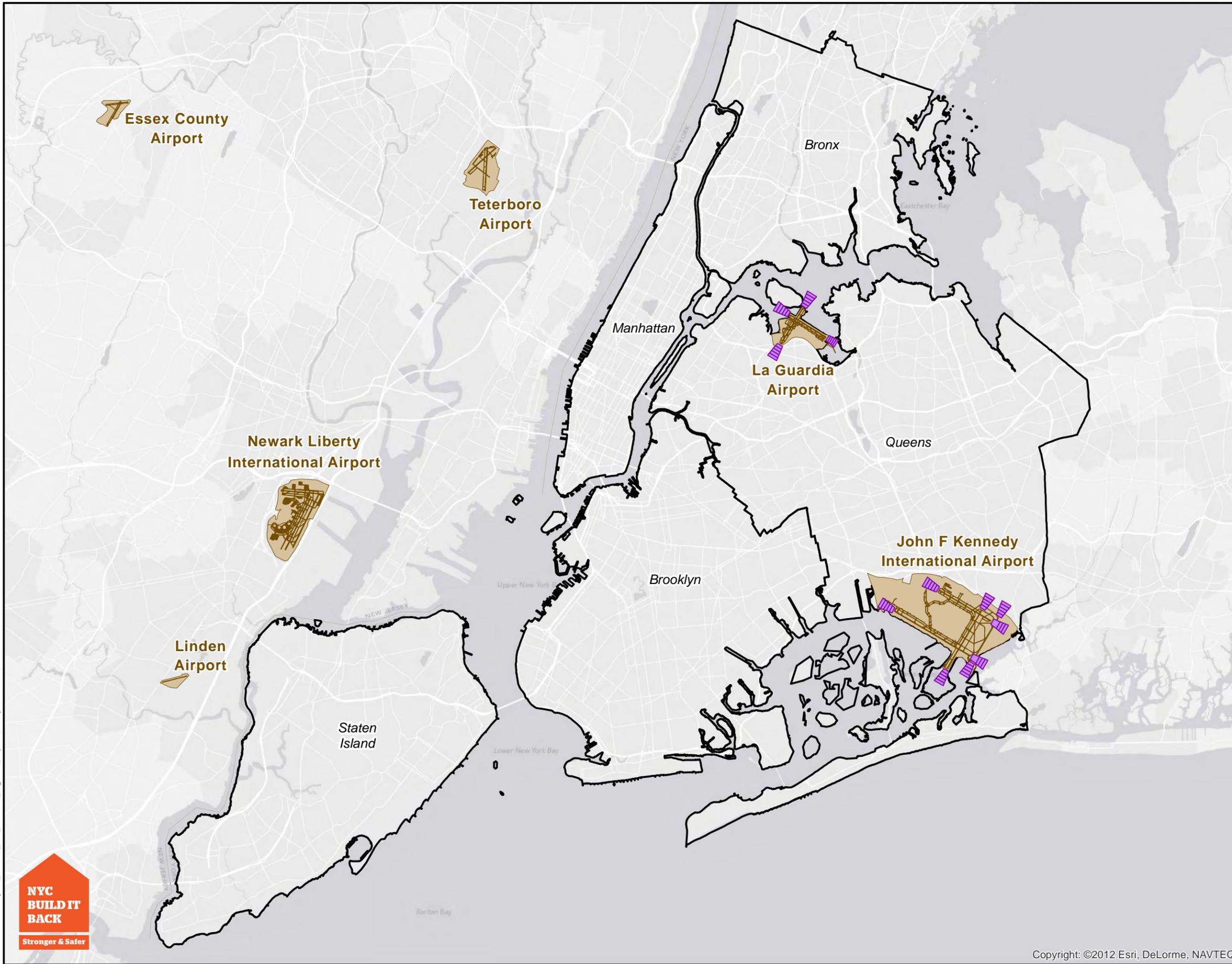


Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

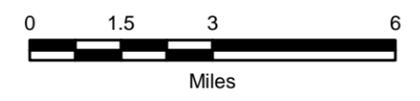
EXHIBIT
8
COASTAL BARRIER
RESOURCE MANAGEMENT





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Runway Clear Zones
Federal Aviation Administration (July 2002)
- Airports**
-  Airport Runway
-  Airport Area
Tele Atlas North America, Inc and ESRI (June 2010)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

EXHIBIT
9

REGIONAL AIRPORTS



6.0 STATUTORY AND ENVIRONMENTAL ASSESSMENT CHECKLISTS

6.1 Statutory Checklist

24 CFR §58.5 STATUTES, EXECUTIVE ORDERS & REGULATIONS

Grant Recipient: New York City, New York. **Project Name:** CDBG-DR: New York City’s Hurricane Sandy Recovery Program NYC BUILD IT BACK: NYC Multi-Family Buildings

Project Description (Include all actions which are either geographically or functionally related):

NYC OMB, as the Responsible Entity for the U.S. Department of Housing and Urban Development (HUD) will provide funding to OMB to rehabilitate multi-family buildings (5+ units) or not owner-occupied by Hurricane Sandy in October 2012. CDBG-DR funds allocated for the NYC Multi-Family Buildings will be applied towards the followings: market-rate properties, HUD-assisted properties, permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. This Statutory Checklist is intended to evaluate the project at the Tier I level of environmental review for the 16 Environmental Compliance Factors listed below, prior to release of funding by HUD. This approach is consistent with HUD’s tiering regulations found at 24 CFR 58.15.

Location: New York City, NY

This project requires preparation of an Environmental Assessment according to: [Cite section(s)] HUD NEPA regulations at 24 CFR Part 58.36.

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

<p>Historic Preservation [36 CFR 800]</p>	<p>New York City (NYC) has numerous registered historic sites and cultural resources of significance. These include listed sites from the National Register of Historic Places, historic markers, historic districts, and cemeteries as displayed in Appendix A, Figure 1-1. The historic value of structures will be evaluated during site-specific environmental review (ER). A Programmatic Agreement (PA) among the Federal Emergency Management Agency (FEMA), the New York State Historic Preservation Office, the New York State Office of Emergency Management (OEM), the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, the NYC Landmarks Preservation Commission, and the Advisory Council on Historic Preservation, as a result of Hurricane Sandy has been executed and the City of New York has been added to the PA using the addition of an Appendix to the PA (dated June 24, 2013). The PA establishes the protocol for Section 106 consultation of proposed activities under the NYCHA Public Housing recovery efforts. [Appendix B, Attachment 1].</p> <p>The property/structure meets one or more of the programmatic allowances identified in Appendix B of the PA. Beyond file documentation, no additional coordination is required.</p> <p><u>Or</u></p> <p>The property/structure does involve a National Historic Landmark, involves work beyond the programmatic allowance, or does not meet the allowance criteria. The Standard Project Review in accordance with the PA is required. If a finding of No Historic Properties Affected is determined, Section 106 compliance has been met. If an Adverse Effect is determined, the project can enter into the Abbreviated Consultation Process (the application of Treatment Measures outlined in Appendix C will suffice and a Memorandum of Agreement [MOA] is not necessary) or an MOA (if the Abbreviated Consultation Process is determined infeasible or is objected to by any of the consulting parties) will be developed in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties.</p>
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Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

<p>Floodplain Management [24 CFR 55, Executive Order 11988]</p>	<p>FEMA released preliminary work maps on June 10, 2013 as an interim product prior to developing the preliminary flood insurance rate maps (P-FIRM) at www.region2coastal.com/bestdata; these have replaced the Advisory Base Flood Elevation (ABFE) information that was utilized in some impacted communities as the Best Available Data for rebuilding and recovery efforts in the aftermath of Hurricane Sandy. The zones are displayed in Appendix A, Figure 2-1. The Advisory 1% annual chance floodplain includes both AE and VE Advisory Flood Hazard Zones. Advisory Zone VE is comprised of the area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood. Zone VE is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Advisory Zone AE is comprised of the area subject to storm surge flooding from the 1% annual chance coastal flood. These areas are not subject to high velocity wave action but are still considered high risk flooding areas. All projects proposed for funding under CDBG-DR which are located within Advisory Flood Zones AE and VE will be restricted from building footprint expansions and must purchase and maintain flood insurance.</p> <p>A number of multi-family buildings were damaged by Hurricane Sandy. Under NYC Executive Order (EO) 233, these buildings can be raised one-foot above the ABFE (ABFE+1) if they meet flood proofing requirements up to this elevation. Substantially damaged buildings – where damage exceeds 50 percent of the pre-storm value of the building – that need zoning relief from EO 233 must comply fully with the Building Code requirements for the 100-year flood zone shown on the FEMA ABFE Maps (Appendix A, Figure 2-1). This means that the basement must be backfilled with soil and entrances/utilities must be relocated above the ABFE. Project sites located within Advisory Flood Zones AE and VE will follow the decision-making process in accordance with § 55.20. HRO will conduct an evaluation as required by EO11988 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of construction activity in the floodplain. Construction would occur in accordance with the NYC Building Code’s provisions for flood-resistant construction.</p> <p>An 8-step decision-making process is prescribed for proposed activities in the floodplains once the construction sites are determined, and in accordance with site-specific compliance and mitigation measures required by federal regulations and local floodplain ordinance. The Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain, and Final Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain will be published once the property addresses for construction sites are determined and Notice of Intent to Request Release of Funds has been published (Section 8.0).</p>
<p>Wetlands Protection [Executive Order 11990]</p>	<p>Surface waters and wetlands that may be associated are present in NYC as viewed through the USFWS National Wetlands Inventory through http://www.fws.gov/wetlands/Data/Mapper.html and the NYSDEC Freshwater Wetlands Program. NYC Multi-Family Buildings will conduct an evaluation as required by EO 11990 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of proposed activities in or near a wetland area.</p> <p>Appendix A, Figures 3-1 and 4-1 respectively display surface waters and wetlands in NYC. Housing activities will be completed on existing residential structures and properties, some of which may contain, or be located adjacent to wetlands. The potential for construction activities to impact wetlands exists and will be assessed by site-specific environmental review, and completion of an 8-step decision-making process may be prescribed (Section 3.0), in addition to mitigation measures. Mitigation measures for housing sites located adjacent to wetlands will include the implementation of BMPs for storm water management and soil erosion control. Construction debris will be properly handled and disposed of to avoid impact on surrounding wetlands. Consultation was initiated with USACE (Appendix B) for site-specific guidance regarding wetlands. If site-specific review determines the project will impact wetlands, it will not be covered by this Tier I Environmental Review, would require a public notice for action in a wetland, and a separate FONSI to be eligible to receive CDBG-DR funding.</p>

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

<p>Coastal Zone Management Act [Sections 307(c),(d)]</p>	<p>Portions of the action area in NYC fall within Coastal Zone Management (CZM) areas as displayed in Appendix A, Figure 5-1. Activities will be completed on existing residential developed sites, existing structures and/or existing structural footprints, and will not contribute to an increase of the structural footprint or increased occupant density for any project site. For projects located within NYC's designated coastal zone, the proposed activities will be covered through compliance with the City's federally approved CZM plan for its Waterfront Revitalization Plan (WRP) as presented in Appendix B-5 and B-7</p>
<p>Sole Source Aquifers [40 CFR 149], SDWA (42 USC 201,300(f) et seq., and 21 USC 349</p>	<p>There are Sole Source Aquifers located in NYC as viewed on U.S. Environmental Protection Agency (EPA) Region 6 sole source aquifers information page as displayed in Appendix A, Figure 6-1 and at http://www.epa.gov/earth1r6/6wq/swp/ssa/maps.htm. However, these aquifers are not currently used to provide water to NYC as the potable water supply is provided from impoundment water sources located in watersheds north of NYC, as viewed at: http://www.nyc.gov/html/dep/html/drinking_water/wsmaps_wide.shtml. Additionally, NYCDEC maintains a well system in southwest Queens and although not currently in use, potential plans to reactivate the wells as temporary stopgaps or to provide long term potable water for the City are in place. However, this system is located in southwest Queens, north and outside of the inundation area. NYC Multi-Family Buildings activities will be completed on existing residentially developed sites, on existing structures and footprints, and water utilities will be connected to City sources with the required permits. No further assessment of this compliance factor is required.</p>
<p>Endangered Species Act [50 CFR 402]</p>	<p>According to the most current species list for NY State available from the USFWS website http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf and displayed in Appendix A, Tables 7-1 and 7-2, and Figures 7-1 and 7-2. With the exception of occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under USFWS jurisdiction are known to exist in the counties of New York (Borough of Manhattan), Kings (Borough of Brooklyn), Bronx (Borough of the Bronx), and Richmond (Borough of Staten Island). However, the piping plover, roseate tern, and seabeach amaranth are known/likely to occur in Queens County. The piping plover and seabeach amaranth are common to the beaches along coastal areas of the Rockaway Peninsula (roseate terns historically nested on the peninsula but there are no recent records of their breeding since 1998). Based upon this information, USFWS has determined that federally funded rehabilitation activities in Manhattan, Bronx, Brooklyn, Staten Island and areas of Queens other than the Rockaway Peninsula would have No Effect on federally identified endangered or threatened species within the USFWS's jurisdiction (Appendix B-8).</p> <p>For Queens County (Borough of Queens), the piping plover (threatened bird species), the roseate tern (endangered bird species), and the seabeach amaranth (threatened plant species) are known/likely to occur. Therefore, CDBG-DR funded activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway in the borough of Queens have the potential to affect, but are not likely to adversely affect, the piping plover. In consultation with FWS, the piping plover habitat on the Rockaway Peninsula is generally located along the beaches between Beach 71st Street to the west and Beach 20th Street to the east. To address potential affects to this species, the City proposes to restrict all CDBG-DR funded exterior construction activities on properties that fall within 200 meters of the Rockaway boardwalk (the northern limit of the beach) between Beach 71st Street and Beach 20th Street for the duration of the nesting season (April 1 to September 1). Appendix A, Figures 7-1 and 7-2 displays vicinities of Critical Habitat for Rare, Threatened, and Endangered Species in NYC.</p>
<p>Migratory Bird Treaty Act [50 CFR 10, 20, 21, Executive Order 13186]</p>	<p>Project activities proposed under NYC Multi-Family Buildings will be completed on existing residential developed sites and existing structures. The Atlantic Flyway, as displayed in Appendix A, Figure 4-1, encompasses the NYC area and as such, the potential to affect migratory birds, migratory bird nesting sites, or critical migratory bird habitat exists (see Table 4-1). Two threatened and endangered species of migratory birds are already addressed by the 50 CFR 402 compliance factor above. Beyond these species, NYC Multi-Family Buildings has determined that the targeted residential sites and neighborhoods do not offer critical habitat to migratory birds, and therefore no further assessment of this compliance is required.</p> <p>Consultation was completed with the USFWS for the Endangered Species Act compliance</p>

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

	<p>factor above (Appendix B-8), which indicates that for Queens County (Borough of Queens), the piping plover (threatened migratory bird species), the roseate tern (endangered migratory bird species) are known/likely to occur. Therefore, CDBG-DR funded activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway in the borough of Queens have the potential to affect, but are not likely to adversely affect, the piping plover. In consultation with FWS, the piping plover habitat on the Rockaway Peninsula is generally located along the beaches between Beach 71st Street to the west and Beach 20th Street to the east. To address potential affects to this species, the City proposes to restrict all CDBG-DR funded exterior construction activities on properties that fall within 200 meters of the Rockaway boardwalk (the northern limit of the beach) between Beach 71st Street and Beach 20th Street for the duration of the nesting season (April 1 to September 1).</p>
<p>Wild and Scenic Rivers Act [Sections 7 (b), (c)]</p>	<p>There are no wild and scenic rivers within New York City, as designated by the U.S. Department of the Interior and displayed in Appendix A, Figure 8-1. No impacts would result and further assessment is not required.</p>
<p>Air Quality [Clean Air Act, Sections 176 (c) and (d), and 40 CFR 6, 51, 93]</p>	<p>NYC is classified as within an area of non-attainment, as viewed on the EPA's "Counties Designated Nonattainment" map at http://www.epa.gov/airquality/greenbook/ and air monitoring is performed as displayed in Appendix A, Figure 9-1. 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. No significant impacts on air quality will result and further assessment is not required.</p>
<p>Farmland Protection Policy Act [7 CFR 658]</p>	<p>Project sites would be located in developed, urban, areas of New York City, where prime farmland does not remain, so the NYC Multi-Family Buildings projects would not involve the conversion of farmland to non-agricultural use, as can be seen on review of http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/dma/?cid=nrcs143_014196 and therefore would not violate the Farmland Protection Policy Act. Further assessment is not required.</p>
<p>Environmental Justice [Executive Order 12898]</p>	<p>NYC Multi-Family Building project activities must ensure the housing needs of the City's eligible low-income households are assisted if they suffered housing damage from Hurricane Sandy. The NYC Multi-Family Building has established a priority to serve its low income residents whose homes were moderately to heavily damaged by Hurricane Sandy. The proposed project is not expected to result in environmental justice impacts, as it is intended to address the unprecedented damage to NYC neighborhoods devastated by Hurricane Sandy.</p>
<p>HUD Environmental Standards</p>	<p>Determinations and Compliance Documentation</p>
<p>Noise Abatement and Control [24 CFR 51 B]</p>	<p>Potentially excessive noise sources are present in neighborhoods of NYC, as displayed in Appendix A, Figure 10-1. Major rehabilitation and reconstruction projects funded with CDBG-DR may be proximate to excessive noise sources such as area civil airports, major roads, and elevated rail/transit lines. Excessive noise affecting a property will require noise attenuation measures during construction to bring interior noise levels into compliance with NYC's residential noise standard, which requires every construction site to have a noise mitigation plan on location. However, as per the requirements at 24 CFR 51.101(a)(3), noise is not applicable for a disaster recovery (DR) program including reconstruction and rehabilitation. HUD consultation on March 18, 2013 concurs with the regulatory requirements cited above. Therefore, no further assessment of this compliance factor is required.</p>
<p>Explosive and Flammable Operations [24 CFR 51C]</p>	<p>Potentially explosive and/or flammable facilities containing above ground storage tanks are present in NYC, as displayed in Appendix A, Figure 11-1. Projects involving rehabilitation without expansion or increased occupant density are not required to be reviewed for consistency with 24 CFR 51C. However, the potential exists for explosive and/or flammable facilities to be located near or adjacent to residential properties targeted for major rehabilitation or reconstruction. Site-specific review will identify potentially explosive and/or flammable facilities located within 3,000 feet of a proposed project site, an acceptable separation distance (ASD) will be calculated for the largest and/or closest above ground storage tank(s) to determine the minimum distance from the hazardous site for which a home can be placed. ASD calculations will be completed using HUD's ASD electronic assessment</p>

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

	<p>tool, located at http://www.ezrc.hud.gov/offices/cpd/environment/asdcalculator.cfm. A housing project will require mitigation if the distance between a facility's tanks and the project is less than the ASD. Mitigation measures for major rehabilitation and reconstruction projects may include relocation of the project away from the hazardous operation, or relocation of the hazard way from the project site until the ASD is achieved. Certain cases may require consultation with HUD.</p>
<p>Toxic Chemicals and Radioactive Materials [24 CFR 58.5(i); HUD Notice 79-33]</p>	<p>NYC contains a number of sites that are known to be contaminated, or may potentially be contaminated, with toxic chemicals or radioactive materials as displayed in Figure 12-1. Projects will be screened for potential Recognized Environmental Concerns (REC) and critical distances to threatening hazardous facilities/toxic cleanup sites. If the RECs cannot be resolved or properties are within 3,000 feet of a threatening hazardous facility/toxic cleanup site, then additional investigations may be required to resolve this compliance factor. If contaminants are identified, remediation may be required and conducted in accordance with all applicable city, state, and federal regulations. Mitigation measures would include removal of hazards in accordance with regulatory requirements.</p> <p>NYC Multi-Family Buildings anticipates some of the facilities targeted for rehabilitation projects have exposed lead-based paint and asbestos-containing materials that may expose people to a health and safety hazard. Lead and asbestos will be handled in accordance with all applicable federal, state and local regulations. Additionally, the recipients shall comply with the Lead Disclosure Rule (24 CFR part 35, subpart A), and the Lead Safe Housing Rule's provisions for rehabilitation (subpart J) and the accompanying procedural requirements in subparts B and R. Also, according to the EPA, NYC is located in Radon Zone 3, where the predicted average indoor radon screening level less than 2 picocuries per liter (pCi/L). Certain cases may require further agency consultation to resolve compliance.</p>
<p>Airport Clear Zones and Accident Potential Zones [24 CFR 51 D]</p>	<p>There are no military airports within one mile of NYC. Projects located within 2,500 feet of a civil airport would require consultation with the appropriate civil airport operator. NYC has multi-family buildings within 3 miles of JFK and La Guardia airports that may be partially within or adjacent to airport clear or accident potential zones, as seen in Appendix A, Figure 13-1 Airports in NYC.</p>
<p>Coastal Barrier Resource Act</p>	<p>The Coastal Barrier Resource System occupies a portion of NYC, involving coastal zone territory in southern Queens and southeast Brooklyn. As multi-family building properties damaged by Hurricane Sandy may be partially or wholly within, or located adjacent to, a CBRA Unit or Other Protected Area (see Section 5.0 Exhibit 8). NYC Multi-Family Buildings anticipates site-specific consultation with USFWS to achieve a consistency determination, identify effects of proposed activities on protected resources, and applicable mitigation measures for those projects located near but outside the protected resource boundary. Per Section 5.0 Compliance Documentation Checklist, NYC Multi-Family Buildings will not provide housing assistance to rehabilitate residential buildings damaged by Hurricane Sandy that are located within a CBRA unit. Proposed housing recovery projects located in Other Protected Areas of the coastal barrier resource would not be eligible to receive flood insurance, and therefore would not be served by NYC Multi-Family Buildings.</p>
<p>Magnuson-Stevens Fishery Conservation and Management Act [16 USC 1801 et seq]</p>	<p>The Magnuson-Stevens Fishery Conservation and Management Act applies to ocean fish, including ocean fish that spawn in freshwater or estuaries. The act requires protection of "essential fish habitat", defined as habitat fish need for spawning, breeding, feeding, or growth to maturity. There are no projects proposed in areas of Essential Fish Habitat (Appendix A, Figure 7-3) and the implementation of best management practices for erosion and sedimentation control and the management of hazardous and toxic materials will prevent sediment and contaminants from entering the areas of Essential Fish Habitat in the waters adjacent to the five boroughs within NYC. Therefore, no adverse effects are anticipated as a result of the proposed activity and therefore, no further coordination is required relating to this act.</p>
<p>Fish and Wildlife Coordination Act [16 USC 661-666c]</p>	<p>The Fish and Wildlife Coordination Act applies to the impounding, diverting, deepening, or otherwise modifying the waters of any stream or other body of water. If site-specific review determines the project will impact streams or other waters, despite mitigation measures, it will not be covered by this Tier I ER, and would require an individual public notice for action in a water body and coordination with the USFWS, the National Marine Fisheries Service (NMFS) as appropriate, and the NYSDEC.</p>

Compliance Factors:

Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5

Compliance Documentation

<p>Agriculture and Markets Law [Title 1 NYCRR Section 139.2]</p>	<p>The Asian Longhorned Beetle (ALB) (<i>Anoplophora glabripennis</i>) is an invasive beetle believed to have arrived in New York from its native China via untreated packing crates and wooden pallets. Infestations have been discovered in Brooklyn, Queens, Manhattan, and Staten Island. On May 14, 2013, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS) announced that the boroughs of Manhattan and Staten Island were free from ALB. This announcement reduced the quarantined areas of New York from 135 to 109 square miles. To prevent further spread of the insect, quarantine zones have been established to avoid transporting wood from the infested areas. NYCHA projects involving yard waste, storm clean-up and normal tree maintenance activities involving twigs and/or branches of 1/2" or more in diameter of ALB host species will require proper handling and disposal and the completion of associated state or federal phytosanitary certificates.</p>
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DETERMINATION:

- () This project converts to Exempt, per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license (Status "A" has been determined in the status column for all authorities); Funds may be drawn down for this (now) EXEMPT project; OR
- () This project cannot convert to Exempt because one or more statutes/authorities require consultation or mitigation. Complete consultation/mitigation requirements, publish NOI/RROF and obtain Authority to Use Funds (HUD 7015.16) per Section 58.70 and 58.71 before drawing down funds; OR
- (X) This project is not exempt under §58.34 or categorically excluded under §58.35, and requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Preparer Signature: Catherine Castaneda Date: August 6, 2013

Preparer Name: Catherine Castaneda, Senior Environmental Scientist, CB&I

RESPONSIBLE ENTITY AGENCY

Official Signature:  Date: 8/6/13

Name, Title: Calvin Johnson, Assistant Director

6.2 Environmental Assessment Checklist

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

Evaluate the significance of the effects of the proposal on the character, features and resources of the project area. Enter relevant base data and verifiable source documentation to support the finding. Then enter the appropriate impact code from the following list to make a finding of impact.

Impact Codes: **(1)** No impact anticipated; **(2)** Potentially beneficial; **(3)** Potentially adverse; **(4)** Requires mitigation; **(5)** Requires project modification. Note names, dates of contact, telephone numbers and page references. Attach additional materials as needed.

Project Name and Identification No.: **NYC Build It Back: Multi-Family Buildings Rehabilitation**

Land Development	Code	Source or Documentation
Conformance with Comprehensive Plans and Zoning	1	<p>FEMA released its Advisory Base Flood Elevation (ABFEs) maps for portions of New York City impacted by Sandy in January 2013– the first significant update to these data since 1983. The maps contain the best available information on flood hazard zones and the elevation buildings should meet to be protected from damage.</p> <p>Subsequent to this, Mayor Michael Bloomberg signed an emergency executive order to suspend height and other restrictions so that buildings can meet new flood elevation standards. The City also adopted a new rule to increase the required minimum flood proofing elevation so that substantially damaged buildings and other new construction would be built to withstand greater flood risk. In most cases, elevating buildings to the FEMA-recommended elevations would conflict with current height and other limitations. Zoning restrictions also limit the types of buildings that can be rebuilt – for example, retail establishments located in residential-only districts. The EO 233 relaxes zoning to the extent necessary to allow construction to the new FEMA-recommended standards, and suspends zoning limitations that prevent the reconstruction of certain building types altogether.</p> <p>Based on these FEMA advisory elevations, some new and reconstructed buildings would be elevated to heights above the current zoning limits. Without the executive order, a number of existing and new buildings would not be able to be built in compliance with the FEMA-recommended elevations without creating conflicts with current zoning height limits and other requirements. The executive order suspends those limits so that those who need to build now can meet the new advisory elevations. Existing buildings can be reconstructed or retrofitted to meet the new advisory elevations, and new buildings can be built to adhere to these standards as well. The executive order also allows the reconstruction of many destroyed or severely damaged buildings that could not otherwise be rebuilt as they existed before the storm because of inconsistencies with current zoning requirements, provided that these buildings are flood proofed to the new FEMA advisory elevations.</p> <p>The measures are intended to limit the cost of future Federal flood insurance premiums by better protecting properties in flood-prone areas from risk and damage. The emergency rule will also encourage building to better flood protection standards by increasing the minimum elevation requirements for buildings located in at-risk areas. The added elevation will provide a further margin of safety from</p>

Land Development	Code	Source or Documentation
		<p>potential flood damage, serve to enhance life safety and reduce property loss.</p> <p>The emergency suspension is necessary for property owners who need to make immediate rebuilding decisions, because the process of changing zoning limits takes many months. The City will proceed to introduce permanent zoning changes through the land use review process in the coming months. The Executive Order makes these changes on a temporary, emergency basis. The Department of City Planning will introduce a set of zoning text amendments that would make these changes permanent. These amendments will go through the City's full land use review process.</p> <p>Based on the objectives of the Mayor's executive order, the proposed use of CDBG-DR funds to rehabilitate multi-family buildings would not result in significant impacts.</p>
Compatibility and Urban Impact	2	<p>CDBG-DR would be used to rehabilitate multi-family residential buildings damaged by Sandy and would not result in impacts associated with urban design. Rehabilitation would include fixing boilers not addressed with permanent fixes by the Rapid Repairs program, cooling systems, electrical systems, basements and ground floor living space, as well as resiliency requirements in order to meet building codes. Existing buildings would be retrofitted to meet the new advisory elevations and some may require building heights above current zoning limits. Buildings with substantial damage in need of repair would be protected by building at least one foot above the flood elevation currently required in the building code. The added elevation would provide a further margin of safety from potential flood damage, serve to enhance life safety and reduce property loss. No impacts associated with urban design would occur. Rather, CDBG-DR could potentially result in design benefits by rebuilding neighborhoods destroyed by Sandy. All projects would be consistent with NYC Zoning Resolution and EO 233. No significant effects related to zoning and adopted public policies are expected from the proposed projects, which would consist of rehabilitation of existing housing stock destroyed by Sandy (Appendix A, Figure 14-1 displays Vegetation and Land Use in NYC that was in effect during Hurricane Sandy).</p>
Slope	1	<p>CDBG-DR funds applied to multi-family buildings would be used for rehabilitation. Slope would not be altered with the proposed project and impacts related to changes in slope would not occur.</p>
Erosion	1	<p>CDBG-DR funds would be used for the rehabilitation of multi-family buildings destroyed by Sandy. Funding would not be used for projects which result in erosion. Proposed rehabilitation of buildings in the same footprint will not involve placement of significant amounts of fill or creation of significant expanses of bare soil, and would therefore have little potential to cause any significant erosion. (See Appendix A, Figures 15-1 and 16-1 for Geology and Soil Survey Classification in NYC).</p>
Soil Suitability	1	<p>Soil suitability is irrelevant to the proposed activities, as new construction and associated ground disturbance would not occur. No impacts related to soil suitability would result from the proposed project, which would involve the rehabilitation of existing storm-damaged, multi-family buildings (see Appendix A, Figures 15-1 and 16-1 for Geology and Soil Survey Classification in NYC).</p>
Hazards and Nuisances including Site Safety	1	<p>The construction effects associated with the proposed activities would be typical of construction effects throughout New York City. Typical effects of rehabilitation include sidewalk closures or narrowing, fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York City.</p> <p>Appropriate measures to mitigate or minimize effects of construction-related activities on historic resources, endangered or threatened species, and/or redevelopment in the floodplain or wetland would be incorporated into project construction and or operation. Measures to minimize exposure of hazardous</p>

Land Development	Code	Source or Documentation
		materials to workers and the public would be undertaken at sites identified with contamination (see Appendix A, Figures 1-1 through 19-1).
Energy Consumption	1	All rehabilitation work would meet Enterprise Green Communities standards for environmentally sustainable construction, including energy efficiency measures. Projects would utilize the existing electrical grid and would be developed in accordance with the New York State Energy Conservation Code. No significant impacts would occur.
Noise - Contribution to Community Noise Levels	1	In terms of stationary noise sources, building mechanical systems (i.e. heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) to avoid producing levels that would result in any significant increase in ambient noise levels. No significant impacts would occur. The rehabilitation of multi-family buildings using CDBG-DR would result in the same amount of development which existed at pre-Sandy levels. Significant levels of traffic would not be generated and no significant impacts related to project-generated mobile source noise would occur (see Appendix A, Figure 10-1).
Air Quality Effects of Ambient Air Quality on Project and Contribution to Community Pollution Levels	2	NYC is a non-attainment area for particulate matter, and in some instances for ozone (see Appendix A, Figures 9-1 and 17-1). It is not expected that projects would contribute to community air pollution levels as they would not result in significant levels of traffic or unusually high concentrations of stationary source emissions (boiler emissions). In cases where boiler replacement is necessary, cleaner burning natural-gas fired boilers would be installed, resulting in potential benefits in the form of cleaner air.
Environmental Design Visual Quality - Coherence, Diversity, Compatible Use and Scale	2	No effects related to environmental design are anticipated and significant effects related to compatibility and urban impact would not result from rehabilitation projects. The proposed use of CDBG-DR funds could potentially provide an environmental design benefit by improving visual quality in neighborhoods destroyed by Hurricane Sandy with homes built to meet HUD Housing Quality Standards (HQS), Enterprise Green Community Standards, or HUD's Green Building Checklist. In addition, the proposed use of CDBG-DR would not result in the placement of new residential uses in industrial areas.
Socioeconomic	Code	Source or Documentation
Demographic Character Changes	1	The use of CDBG-DR funds for the rehabilitation of storm damaged multi-family residential buildings would not alter the demographic character of these areas. The occupants of a proposed project will most likely be the same occupants that resided in the area prior to Hurricane Sandy. No significant impacts would occur.
Displacement	2	Under circumstances where tenants may occupy existing residential buildings on a project site, relocation during rehabilitation activities would be conducted in conformance with HUD Handbook 1378 which provides policy and guidance in implementing 49 CFR Part 24 for HUD funded programs and projects. Compliance with these procedures would ensure that projects will not result in any permanent displacement of residents or businesses. One of the primary objectives of the City's response to Sandy is to avoid the permanent displacement of residents. Rehabilitation of storm damaged 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	In addition to housing, CDBG-DR funding would be used to revitalize neighborhoods by repairing vital infrastructure and commercial businesses. The funding is intended to generate economic activity and revitalize businesses and other commercial operations lost when Sandy struck the City. The rehabilitation of the City's multi-family housing stock would support employment and income

Land Development	Code	Source or Documentation
		patterns. Projects are 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	1	Multi-family rehabilitation projects would not result in significant impacts on public schools operated or chartered by the New York City Department of Education (DOE). The activities would not generate a substantial new demand for schools (see Appendix A, Figure 18-1 for location of educational facilities).
Commercial Facilities	2	Rehabilitation projects would not result in a significant effect on existing commercial establishments. Rather, the use of CDBG-DR for residential rehabilitation would result in potential benefits by supporting businesses in neighborhoods hit by Sandy.
Health Care	1	The proposed use of CDBG-DR to rehabilitate multi-family buildings would not introduce a sizeable new neighborhood to the City and no new demand would be generated. No significant impacts would occur (see Appendix A, Figure 18-1).
Social Services	1	Multi-family rehabilitation projects would not create a new demand for social services and no significant impacts would occur. Social services are provided by a range of non-profit and New York City and State agencies.
Solid Waste	1	The New York City Department of Sanitation (DSNY) provides municipal solid waste disposal. The multi-family rehabilitation activities proposed under CDBG-DR would result in generation of remodeling waste and a temporary increase in the generation of municipal waste (see Appendix A, Figure 12-1).
Waste Water	1	Waste water is handled by the New York City Department of Environmental Protection (DEP). The proposed use of CDBG-DR to rehabilitate multi-family buildings would not place a significant demand on waste water disposal/treatment services.
Storm Water	1	Storm water is managed by DEP. The proposed use of CDBG-DR to rehabilitate multi-family buildings would not place a significant demand on the City's storm water system.
Water Supply	1	NYC's potable water supply is provided and managed by DEP and the water sources are from impoundments located in watersheds north of the City. Sole source aquifers are not used as can be seen in Appendix A, Figure 6-1 and at http://www.nyc.gov/html/dep/html/drinking_water/wsmaps_wide.shtml . The proposed use of CDBG-DR funding for the rehabilitation of multi-family buildings would not place a significant demand on the City's water supply. No significant impact would occur.
Public Safety – Police	2	The New York City Police Department (NYPD) provides police protection service. No significant impact related to public safety would occur. The use of CDBG-DR to revitalize neighborhoods devastated by Sandy could result in potential benefits by improving neighborhoods and bringing back residents to buildings which were once occupied (see Appendix A, Figure 18-1).
Public Safety – Fire	2	Fire protection service is provided by the New York City Fire Department (FDNY). No significant impacts would occur. The proposed project may provide potential benefits by reducing the amount of derelict properties, which pose potential fire hazards (see Appendix A, Figure 18-1).
Emergency Medical	1	Rehabilitation projects would not place a significant demand on area emergency medical facilities. In New York City, an analysis of demand for health care and emergency medical facilities is typically conducted if a proposed project would

Land Development	Code	Source or Documentation
		introduce a sizeable new neighborhood to the City. There is no impact anticipated on emergency medical services due to the proposed use of CDBG-DR funds for rehabilitation activities (see Appendix A, Figure 18-1).
Open Space and Recreation - Open Space	1	The proposed use of CDBG-DR to rehabilitate multi-family buildings would not introduce a sizeable new population to neighborhoods struck by Sandy; therefore no new demand on open space would be generated. As part of its overall recovery effort, the City will repair damaged parks and equipment. No significant impacts would occur (see Appendix A, Figure 19-1).
Open Space and Recreation - Recreation	1	The proposed use of CDBG-DR to rehabilitate multi-family buildings would not introduce a sizeable new population to neighborhoods struck by Sandy; therefore no new demand on recreational facilities would be generated. As part of its overall recovery effort, the City will repair damaged parks and equipment. No significant impacts would occur (see Appendix A, Figure 19-1).
Open Space and Recreation - Cultural Facilities	1	The proposed use of CDBG-DR to rehabilitate multi-family buildings would not result in impacts to cultural facilities.
Transportation	1	Multi-family rehabilitation projects would not generate significant levels of traffic or place a significant demand on transportation systems in the area. Hurricane Sandy caused substantial damage to the A line on the Rockaway Peninsula; however, New York City Transit restored full service to the A Line, the Q22, Q35, Q52, and Q53 bus lines serving the Rockaways. No significant impacts related to transportation would occur with CDBG-DR funded rehabilitation projects.
Natural Features	Code	Source or Documentation
Water Resources	1	Projects involving rehabilitation of existing structures are not required to be reviewed for consistency with 40 CFR 149 (sole source aquifers). No significant impacts would occur. All projects would utilize municipal water and sewer service and have appropriate local drainage and runoff approvals (see Appendix A, Figure 6-1).
Surface Water	1	There are limited surface waters within the boundaries of New York City. Most of New York City's surface waters are located within designated open space areas managed by the New York City Department of Parks and Recreation. In addition, there are no wild and scenic rivers within New York City, as designated by the US Department of the Interior. It is anticipated that projects would not result in a significant effect on water resources, including groundwater and surface water. An evaluation would be conducted as required by 11990 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of proposed activities near a wetland area. If a project will impact wetlands, it will not be covered by this programmatic review and will require an individual FONSI to be published. Such sites will be subject to site-specific notices and would require a separate FONSI to be eligible to receive CDBG-DR funding (see Appendix A, Figures 3-1, 4-1, 5-1, and 6-1).
Unique Natural Features and Agricultural Lands	1	There are no unique natural features or agricultural lands in New York City; therefore, the projects would have no effect on unique natural features and agricultural lands.
Vegetation and Wildlife	1	According to the most current species list for New York State available from the U.S. Fish and Wildlife Service (FWS) website (http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf), except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under FWS jurisdiction are known to exist in the counties of New York (Borough of Manhattan), Kings (Borough of Brooklyn), Bronx (Borough of the Bronx), and Richmond (Borough of Staten Island).

Land Development	Code	Source or Documentation
		<p>However, according to the current list, the piping plover, roseate tern, and seabeach amaranth are known/likely to occur in Queens County. The seabeach amaranth is common to only the beaches along coastal areas of the Rockaway Peninsula. However, no CDBG-DR funded activities would occur on beaches. Roseate terns historically nested on the peninsula but there are no recent records of their breeding since 1998. Based upon this information, it has been determined that CDBG-DR funded activities in the Rockaway Peninsula area of Queens County would have No Effect on the seabeach amaranth or roseate tern. Furthermore, CDBG-DR funded activities in Manhattan, Bronx, Brooklyn, Staten Island and areas of Queens other than the Rockaway Peninsula would have No Effect on any federally identified endangered or threatened species within the FWS's jurisdiction.</p> <p>CDBG-DR funded activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway in the borough of Queens have the potential to affect, but are not likely to adversely affect, the piping plover. In consultation with FWS, the piping plover habitat on the Rockaway Peninsula is generally located along the beaches between Beach 71st Street to the west and Beach 20th Street to the east. To address potential affects to this species, the City proposes to restrict all CDBG-DR funded exterior construction activities on properties that fall within 200 meters of the Rockaway boardwalk (the northern limit of the beach) between Beach 71st Street and Beach 20th Street for the duration of the nesting season (April 1 to September 1).</p>
Other Factors	Code	Source or Documentation
Historical and Cultural Resources	3	<p>NYC has numerous registered historic sites and cultural resources of significance. These include listed sites from the National Register of Historic Places, historic markers, historic districts, and cemeteries as displayed in Appendix A, Figure 1-1. The historic value of structures will be evaluated during site specific environmental review. A Programmatic Agreement (PA) 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 has been executed and the City of New York has been added to the PA using the addition of an Appendix to the PA. The PA establishes the protocol for Section 106 consultation of proposed activities under the NYC Multi-Family Buildings recovery efforts. [Appendix B, Attachment 1].</p>
Coastal Zone Management	2	<p>Portions of the action area in NYC fall within Coastal Zone Management (CZM) areas as displayed in Appendix A, Figure 5-1. Activities will be completed on existing residential developed sites, existing structures and/or existing structural footprints, and will not contribute to an increase of the structural footprint not increased occupant density for any project site. Because many of the buildings damaged by Hurricane Sandy are older, improvements will likely be beneficial, i.e., decreased impervious surfaces, improved aesthetics and consistency with the neighborhood characteristics. For projects located within NYC's designated coastal zone, the proposed activities will be covered through compliance with the City's federally approved CZM plan as presented in Appendix B-5 and B-7. No further assessment of this compliance factor is required.</p>
Agriculture and Markets	4	<p>The Asian Longhorned Beetle (ALB) (<i>Anoplophora glabripennis</i>) is an invasive beetle believed to have arrived in New York from its native China via untreated packing crates and wooden pallets. Infestations have been discovered in Brooklyn, Queens, Manhattan, and Staten Island. On May 14, 2013, the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (USDA-APHIS)</p>

Land Development	Code	Source or Documentation
		announced that the boroughs of Manhattan and Staten Island were free from ALB. This announcement reduced the quarantined areas of New York from 135 to 109 square miles. To prevent further spread of the insect, quarantine zones have been established to avoid transporting wood from the infested areas. NYC Multi-Family Buildings projects involving yard waste, storm clean-up and normal tree maintenance activities involving twigs and/or branches of ½" or more in diameter of ALB host species will require proper handling and disposal and the completion of associated state or federal phytosanitary certificates in accordance with New York Codes, Rules and Regulations (NYCRR) of the Agriculture and Markets Law.

Note: The Responsible Entity must additionally document compliance with 24 CFR §58.6 in the ERR, particularly with the Flood Insurance requirements of the Flood Disaster Protection Act and the Buyer Disclosure requirements of the HUD Airport Runway Clear Zone/Clear Zone regulation at 24 CFR 51 Subpart D.

Summary of Findings and Conclusions: See **Sections 1.0, 2.0, and 9.0** of this document.

Summary of Environmental Conditions: See **Sections 1.0, 2.0, 3.0, 4.0, 5.0 and 9.0** of this document.

Alternatives: Determine and describe possible alternatives to the proposed project, including the alternative of not implementing the project. The feasibility of each alternative and the reasons why each should be adopted or rejected should be discussed sufficiently to indicate that an adequate consideration of each alternative has occurred. See **Section 1.0** of this document.

Comparative Analysis: See **Sections 1.0, 5.0, and 6.0** of this document. Local and area-wide plans that demonstrate environmental considerations can serve as the context within which a comparison of alternative sites is made (i.e., by a project’s consistency with the environmental criteria for site selection as may be established with such plans).

Additional Studies Performed (attach study or summary): Work plans and standard procedures will be developed for Tier II site-specific ER.

7.0 TIER II SITE-SPECIFIC STATUTORY AND ENVIRONMENTAL ASSESSMENT CHECKLISTS

7.1 Tier II NYC Multi-Family Buildings Site Specific Statutory Checklist

*Intended for use following CEST and EA level Tier 1 Environmental Review conducted for rehabilitation and mitigation activities for NYC multi-family buildings

HUD Grant Number: B-13-MS-36-0001	
NYC OMB Submittal Date:	File #:
Date of Field Inspection:	Date of Desktop Review:
Time In:	Time Out:
Inspector Name:	Contact Information:
Reviewer Name:	Contact Information:
Name of applicant: NYC Build It Back: Multi-Family Buildings Rehabilitation and	
Public housing development name:	
Property address:	
Borough:	Census Tract:
Block:	Lot:
Target Building Site(s):	GPS Coordinates:
Attachments:	
<p>Project Description: [Note: Throughout this annotated form, explanatory language is in blue font. Introduction for all activities:</p> <p>A Tier 1 Environmental Assessment (EA) was completed for Multi-Family Buildings Rehabilitation. This is the site specific review for activities eligible under this program.]</p> <ul style="list-style-type: none"> • For rehabilitation: The proposed project involves rehabilitation and construction activities on an existing residential building with the above-listed address, where the building site is not located in the 100-year floodplain but received damage as a result of Hurricane Sandy. This building was constructed in (insert year). Proposed activities would include addressing storm-related damage to the building (insert roofing, drywall and window repairs, flooring, mechanical, utilities, etc.) to bring it to current minimum residential property standards and compliance with applicable requirements, and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and minimize the hazard of toxic and radioactive materials, explosive and flammable hazards, and invasive species). Activities would be limited to the disturbed area of the previously developed residential site (OR Activities would largely be limited to the disturbed area of the previously developed residential site, but would disturb ground surface to accommodate required utilities). Figure A-1 displays the location of the proposed activity is provided in Appendix A (Attach map). • For rehabilitation plus elevation: The proposed project involves rehabilitation and elevation activities on an existing building with the above-listed address, where the building site is located in the 100-year floodplain and received damage as a result of Hurricane Sandy. This building was constructed in (insert year). Proposed activities would include addressing storm-related damage to the residence (insert roofing, drywall and window repairs, flooring, mechanical, utilities, etc.) to bring it to current minimum residential property standards and compliance with applicable requirements, elevation of the building to one foot above the base flood elevation (BFE) in accordance with the Preliminary Work Maps published by FEMA at www.region2coastal.com (OR the Preliminary-Flood Insurance Rate Maps published by FEMA), and site-specific EA mitigation measures (insert to protect wetlands, U.S. waters, threatened and endangered species, and to minimize the hazard of toxic and radioactive materials, explosive and flammable hazards, and invasive species). Activities would be limited to the disturbed area of the previously developed building site (OR Activities would largely be limited to the disturbed area of the previously developed residential site, but would disturb ground surface to install pier and beam foundation and to accommodate required utilities). Figure Appendix A-1 displays the location of the proposed activity. (Attach map) • For mitigation: The proposed activity is mitigation to address the presence of (insert as applicable: asbestos, mold, lead, gas vapors, or other substance) on a residential building property that received damage as a result of Hurricane Sandy, located at the above-listed address and in targeted work areas to reduce the risk of exposure to workers and residents. The multi-family building was constructed in (insert year). Mitigation would include (briefly describe the proposed mitigation). All activities would be limited to the disturbed area of the previously developed lot. Figure A-1 displays the location of the proposed activity is provided in 	

Appendix A (Attach map).

Finding of Tier 2 Review (Note: Choose one of the following:)

- The proposed activity complies with environmental requirements for funding.
- The proposed activity does not comply with environmental requirements for funding because (Provide reason such as permanent impact to a wetland or inconsistency with the coastal program).
- A finding cannot be made without (describe missing information or documentation).

Site Specific Findings

**1. Historic Preservation
(36 CFR Part 800)**

- Project area is located entirely within a mapped “green zone” where there are no above-ground historic properties as identified jointly by FEMA and NYCOMB windshield surveys, and no ground disturbance is proposed outside of the previously developed area of the lot.

If yes, concurrence was provided for: Name of town _____; Date: _____ ;
OMB project #: _____ (Review concluded)

- Project area is not located entirely within a mapped “green zone”, but is comprised entirely of an activity listed in the Tier I or Tier II Programmatic Allowance specified in the Programmatic Agreement.

- Activity meets Tier I Programmatic Allowance # _____
- Activity meets Tier II Programmatic Allowance # _____ (Requires SOI qualified professional)

Name of SOI Qualified Professional(s): _____

- Activity involves a National Historic Landmark.
NYC LPC and National Park Service NHL Program Manager notified and provided appropriate project documentation.

- Project activity is proposed for buildings or structures less than 45 years of age, and proposed activities substantially conform to the original footprint or would be performed in previously disturbed soils, and the buildings or structures are not in or adjacent to a historic district. (Review concluded)

- Proposed activity does not meet any of the above circumstances, and requires full Section 106 review of the entire undertaking (Standard Project Review under Stipulation II.C. of the Programmatic Agreement).

- Consultation completed with NYCOMB to identify appropriate consulting parties, including federally recognized tribes that need to be part of the Section 106 consultation process.

Historic Buildings and Structures

- No historic properties 45 years or older in area of activity. (Review Concluded)
- Building or structure 45 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file).
 - Are project conditions required?
 - No (Review Concluded)
 - Yes. Attach conditions. (Review Concluded)
 - Determination of Historic Properties Affected (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file).

- Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments.

- No Adverse Effect Determination (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file)

- Are project conditions required?
 - No (Review Concluded)
 - Yes. Attach conditions. (Review Concluded)

- Adverse Effect Determination (FEMA/NYCOMB (HUD) finding/SHPO/THPO concurrence on file).

- Resolution of Adverse Effect completed
 - Standard Treatment Measures applied, letter on file
 - MOA on file
- Are project conditions required?

- No **(Review Concluded)**
- Yes. Attach conditions. **(Review Concluded)**

Archaeological Resources

- Project affects only previously disturbed soils as defined on page 33 of the Programmatic Agreement. **(Review Concluded)**
- Project affects undisturbed soils.
 - Project area has no potential for presence of archeological resources.
 - Determination of no historic properties affected (FEMA/NYCOMB (HUD) finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**
 - Project area has potential for presence of archeological resources.
 - Determination of no historic properties affected (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file).
 - Are project conditions required?
 - No **(Review Concluded)**
 - Yes. Attach conditions. **(Review Concluded)**
 - Determination of historic properties affected
 - NR eligible resources not present (FEMA/NYCOMB (HUD) finding and SHPO/ THPO concurrence on file).
 - SHPO/ THPO concurrence on file).
 - Are project conditions required?
 - No **(Review Concluded)**
 - Yes. Attach conditions. **(Review Concluded)**
 - NR eligible resources present in area of activity. (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file).
 - No Adverse Effect Determination (FEMA/NYCOMB (HUD) finding and SHPO/THPO concurrence on file).
 - Are project conditions required?
 - No **(Review Concluded)**
 - Yes. Attach conditions. **(Review Concluded)**
 - Adverse Effect Determination (FEMA/NYCOMB (HUD) finding and SHPO/ THPO concurrence on file).
 - Resolution of Adverse Effect completed.
 - Standard Treatment Measures applied.
 - MOA on file.
 - Are project conditions required?
 - No **(Review Concluded)**
 - Yes. Attach conditions. **(Review Concluded)**

**2. Floodplain Management and Flood Insurance
(EO 11988, 24 CFR Part 55, and 24 CFR 58.6)**

- The proposed site is (check only one of the following):
- Not in a 100-year floodplain (AE and VE zones). Attach appropriate floodplain map showing site location. (Complies with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Analysis complete.)
 - In a 100-year floodplain (AE and VE zones) and in a NFIP-participating community. Is the activity in a floodway?
 - Yes. **Does not comply** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Attach appropriate floodplain map showing site location. (Analysis complete)
 - No. The activity:
 - Is not known to be exempt from the 8-step floodplain management decision making process but is adequately covered by the 8-step process completed for rehabilitation, reconstruction, elevation, and mitigation under the NYC Multi-Family. Substantial improvement actions will be elevated to the best available (most recent) flood elevation plus at least 1 foot. **Compliance met** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Explain basis for conclusion. Attach appropriate floodplain map. Activity requires a NYC Department of Buildings permit:

Is not known to be exempt from the 8-step floodplain management decision making process and is not adequately covered by the 8-step process completed for rehabilitation, reconstruction, elevation, and mitigation under the programs. Prepare site-specific supplement to 8-step process. Substantial improvement actions will be elevated to the best available (most recent) flood elevation plus at least 1 foot. **Compliance met** with EO 11988, 24 CFR Part 55, and 24 CFR 58.6. Activity requires a NYC Department of Buildings permit:

An activity is not adequately covered by the programmatic 8-step process if it would not comply with a requirement listed in the 8-step document or it would involve special circumstances not addressed in the 8-step document. The fundamental requirements are:

- Flood insurance
- Elevation to at least 1 foot above the 100-year flood level (2 feet in nontidal floodplains),
- Not building or rebuilding in a floodway, and,
- If applicable, compliance with the special requirements for VE zones.

Flood insurance is required only if the structure is in the 100-year floodplain (AE or VE zone) shown on the preliminary work maps or the P-FIRMs. Flood insurance is not required if the structure is in the 100-year floodplain shown on an ABFE map, preliminary work map, or a preliminary FIRM, but not in the 100-year floodplain shown on the effective FIRM. If a parcel is partly in the 100-year floodplain and partly outside it, and the structure could be reconstructed inside or outside the floodplain that is a special circumstance not addressed in the 8-step document. If the structure is rebuilt, it should be rebuilt outside the floodplain.

3. Wetlands Protection

(EO 11990 and Clean Water Act, especially Section 404)

Are coastal or freshwater wetlands on or adjacent to the site?

No. Document the determination. Attach appropriate Wetland map. **Compliance met.** (Analysis complete)

Yes. Would the activity affect the wetlands?

Work in wetlands, including operation of equipment in wetlands, would affect the wetlands. A freshwater wetland greater than 12.4 acres and the 100-foot 'adjacent area' (measured horizontally) surrounding the wetland is granted protection under the Freshwater Wetland Act of 1975 (Article 24 of the ECL). Tidal wetlands within the City of New York and the 150-foot landward boundary 'adjacent area' are granted protection under the Tidal Wetlands Act (Article 25 of the ECL). Work in state or federally protected wetlands and/or their adjacent areas constitute a direct impact to the wetland. Best management practices should prevent impact to adjacent wetlands.

No. Outside wetland and no effect on wetlands. Explain why wetlands would not be affected and attach appropriate wetland map. **Compliance met.** (Analysis complete)

In most cases, the explanation will be a lack of nearby wetlands, implementation of best management practices, or a combination. A site inspection by a qualified wetlands professional may be necessary for this determination.

Yes. Possible adverse effect associated with constructing in or near wetlands. Would the effect be permanent or temporary?

If the wetlands and/or their adjacent areas, if appropriate, would be filled, paved, or built upon, the effect would be permanent. Effects of operating equipment on wetlands should be temporary. A site inspection by a trained wetland professional is required to confirm wetlands will be adversely affected.

Permanent. Explain basis for conclusion. **Activity is not in compliance.** (Analysis complete)

Temporary. Describe the impact on wetlands and the status of the 8-step process for determining no practical alternative pursuant to Executive Order 11990. Explain the process for securing a permit for modifications to wetland areas pursuant to Section 404 of the Clean Water Act.

Temporary impacts to wetlands require the 8-step process to be completed. The activity is not in compliance unless the 8-step process is completed for the activity. A State Freshwater Wetland permit or a Coastal Wetland Permit would also be required.

Is the 8-step process complete?

No. **Activity not in compliance.**

Yes. Describe the outcome of the 8-step process.

Activity in compliance with EO 11990 and the Clean Water Act. Explain basis for the conclusion and describe the permitting process and mitigation measures. Attach supporting documentation. (Analysis complete).

Activity not in compliance with EO 11990 and the Clean Water Act. Explain basis for the conclusion. Attach supporting documentation (Analysis complete).

4. Coastal Zone Management Act

(Sections 307 (c), (d))

Not applicable. Compliance determined in Tier I Environmental Assessment.

**5. Sole Source Aquifers
(40 CFR Part 149)**

Not applicable. Compliance determined in Tier I Environmental Assessment.

**6. Endangered Species Act
(16 USC 1531 et seq., 50 CFR Part 402)**

Based on desktop review, could the proposed activity affect piping plovers?

- No. Explain finding that piping plovers would not be affected by any eligible activity and attach map.

Compliance met. (Analysis complete)

For the Tier I Environmental Review USFWS defined the geographic area of concern in Queens where project activities may affect piping plovers. Initial findings of no potential for impact should be based on comparing the proposed project site in Queens with the mapped buffer zone for the piping plover (the area of concern plus a 200 foot buffer zone).

- Yes, piping plovers may be affected by the proposed activity. Based on comparison of the proposed project site with the with the mapped buffer zone for the piping plover, it has been determined that (check only one of the following):

- The project is located within the mapped buffer zone, but not the area of concern for the piping plover. Eligible project activities cannot proceed during the nesting season which occurs from April 1 to September 1. Explain finding and attach supporting documentation. (Analysis complete)

Work sites within the mapped buffer zone where effects could occur may also benefit from a schedule consultation with the USFWS.

- The project is located within the area of concern for the piping plover. Eligible project activities cannot proceed during the nesting season which occurs from April 1 to September 1, and will require USFWS consultation. Explain finding and attach supporting documentation. (Analysis complete)

The supporting documentation will include a map of the proposed project site and the finding of the USFWS biologist consulted for the project.

Consultation with USFWS resulted in a determination that (check only one of the following):

- The proposed activity, including appropriate measures to avoid adverse impacts, would not adversely affect piping plovers. Explain how this conclusion was reached. Describe required mitigation measures. Attach supporting documentation. **Compliance met.** (Analysis complete)

- The proposed activity would adversely affect the piping plover. Explain how this conclusion was reached. Attach supporting documentation. **Activity is not in compliance.** (Analysis complete)

**7. Wild & Scenic Rivers Act
(Sections 7(b), (c))**

Not applicable. Compliance determined in tier 1 environmental assessment.

**8. Air Quality
(Clean Air Act, Sections 176 (c) & (d), & 40 C.F.R. Part 6, 51, & 93)**

Not applicable. Compliance determined in Tier 1 environmental assessment.

**9. Farmland Protection Policy Act
(7 C.F.R. Part 658)**

Not applicable. Compliance determined in Tier 1 environmental assessment.

**10. Environmental Justice
(E.O. 12898)**

Not applicable. Compliance determined in Tier 1 environmental assessment.

**11. Toxic Chemicals and Gases, Hazardous Materials, Contamination, and Radioactive Substances
(24 CFR Part 58.5(i)(2))**

Do any of the following apply to the subject property? (1) Property is within 3,000 feet of a Hazardous Waste facility that handles hazardous materials or toxic substances. (2) Property is within 3,000 feet of a landfill, hazardous waste or solid waste cleanup site(s). (3) Property is listed on a State or Federal Hazardous Waste sites data base and is presently under analysis or remediation. (4) During site reconnaissance of subject property and adjoining properties, inspector has observed recognized environmental conditions (RECs).

REC explanation: Site conditions indicate that the subject property is contaminated or likely contaminated via the release of on-site or off-site hazardous substances or petroleum products.

During the site reconnaissance, the subject property and adjoining properties are visually inspected for RECs, such as:

- UST vent or fill pipes

- Corroded ASTs, drums or containers
 - Pits, ponds, lagoons, pools of hazardous substances or petroleum products
 - Mounds of rubble, garbage, or solid waste
 - Distressed vegetation
 - Surface staining
 - Faulty septic systems
 - Ground water monitoring or injection wells
 - Proximity to sensitive receptors (wetlands, floodplains, critical habitats, etc.)
 - Structure(s): present and former uses
- Note any obstacles to identification of RECs.

Finding Categories

- No, RECs not present. Property is not within the 3,000 foot critical distance (CD) of hazardous facilities/toxic cleanup sites, or is within CD but no threat is found to exist. Explain findings and attach map showing absence of or non-threatening hazardous facilities/toxic cleanup sites within CD of subject property, and that no RECs have been observed during site reconnaissance. (Analysis complete)
Screening for toxics is completed by an in-house or consulting Qualified Environmental Professional (QEP) that meets the qualifications per the ASTM E 1527-05 ESA standard, which would uphold EPA's AAI rule. Secondly, Tier 2 screening for toxics shall include but is not limited to broad-researched conditions such as site observations, analysis of State and Federal HW and SW sites data bases, 3,000 feet Radius searches for landfills, HW and SW sites, on a site specific basis.
- Yes, RECs identified during site reconnaissance. Explain findings and attach CD map delineating the presence of hazardous facilities or toxic cleanup sites of concern that suggest that the subject property is contaminated or is likely contaminated. Without submittal of specific site assessment information (ASTM Phase 1 ESA, Phase 2 ESA, or vapor intrusion investigative study), site will be considered as not being in compliance with HUD's 24 CFR 58.5(i)(2) site contamination regulation and Phase I Threshold policy. If this information exists it must be submitted to NY DEP for review.
Assessment information must be supported by an ASTM E 1527-05 phase 1 ESA, phase 2 ESA, and/or an ASTM vapor encroachment screening (VES) report (for landowner liability protection). Findings must indicate that the site is not contaminated or that any REC findings or actual site contamination have been addressed and remediated appropriately.

12. Environmental Criteria and Standards: Noise Abatement and Control (24 CFR Part 51, Subpart B)

Not applicable. Compliance determined in Tier 1 environmental assessment.

13. Environmental Criteria and Standards: Siting of HUD-Assisted Projects near Hazardous Operations (24 CFR Part 51, Subpart C)

Would the proposed activity expand or move the footprint of the residential structure that was on the site at the time of Hurricane Sandy?

- No. Identify source of information. **Compliance met.** (Analysis complete)
In most cases the source of information will be the grant application.
- Yes. Would the modified structure be less than the acceptable separation distance (ASD) from a stationary aboveground storage tank (AST) that is within 1 mile of the subject property and holds an explosive or combustible substance? Note: ASTs of 100 gallons or less that hold "common liquid fuels" such as fuel oil, kerosene, and gasoline are exempt from the ASD requirements, and cannot cause the answer to this question to be Yes. However, this exemption does not apply to compressed fuel gases such as propane, so it is possible that a stationary compressed fuel gas tank of 100 gallons or less could cause the answer to this question to be Yes.
Additional explanation of ASD analysis is provided below:
- No. Explain finding. **Compliance met.** (Analysis complete)
- Yes. Describe the information used in calculating the Acceptable Separation Distance (ASD) and attach a map showing the location of the tank relative to the subject property. Describe any feasible mitigation measures per 24 CFR 51.205, or other verifiable information that is pertinent to compliance with the ASD standard. If no mitigation measures are feasible the **activity is not in compliance** with the applicable HUD environmental standard, 24 CFR Part 51C.
- Requires use of Google Earth or like tool for desktop search for large ASTs within 1 mile plus a field reconnaissance of subject property and surrounding properties.
 - Common liquid fuels include fuel oil, gasoline, diesel fuel, and kerosene. Other flammable or explosive substances include propane and other fuel gases. If the type of substance in a tank cannot be determined, it must be assumed to contain a flammable or explosive substance that is not a common liquid fuel.
 - The ASD is determined using HUD's Acceptable Separation Distance Electronic Assessment Tool, found at <http://www.hud.gov/offices/cpd/environment/asdcalculator.cfm>. The information required to use the tool depends on the type of tank involved. For diked tanks, it is not necessary to know the volume of the tank, but the dimensions of the diked area must be estimated. This can be done using Google Earth®. For tanks holding ordinary fuel gases such as

propane, which are always pressurized, only the volume of the tank must be determined. Information at the following link can be used to determine the volume of a tank if at least one of its dimensions is known:

<http://www.missiongas.com/lpgastankdimensions.htm>. A tank holding a cryogenic liquid such as liquid natural gas may or may not be diked. If it is, the dimensions of the diked area must be estimated. If it is not diked, the volume of the tank must be estimated.

The ASD Electronic Assessment Tool calculates three ASDs for pressurized tanks containing ordinary fuel gas: blast overpressure, thermal radiation for people, and thermal radiation for buildings. The blast overpressure ASD is not calculated for unpressurized tanks because they are not subject to explosion. The activity must comply with all applicable ASDs. The ASD for thermal radiation for people is the longest. Blast overpressure can be mitigated with a blast wall, but this approach is generally not feasible for thermal radiation because the maximum thermal radiation comes from a fireball well above the tank.

14. Coastal Barrier Resource Act/Coastal Barrier Improvement Act

(24 CFR 58.6(c))

- No. Explain that the proposed activity is not within or adjacent to a CBRA Unit or Other Protected Area and attach map. **Compliance met.** (Analysis complete)

The supporting documentation will include a map of the proposed project site displaying the distance relationship between the protected resource and the target property of the proposed project to demonstrate it is not within or adjacent to a CBRA Unit or Other Protected Area.

- Yes. The proposed activity is proximate to a CBRA Unit or Other Protected Area and consultation with USFWS is required. Consultation with USFWS regarding the proposed activity proximate to a CBRA Other Protected Area is complete and resulted in a determination that (*check only one of the following*):

- USFWS determined that the project is near but not within a CBRA Unit or Other Protected Area. The eligible project activities may include USFWS required mitigation measures to minimize project effects on the protected resource. Explain finding and attach supporting documentation. **Compliance met.** (Analysis complete)

The supporting documentation will include a map of the proposed project site, the finding and recommended mitigation measures of the USFWS biologist consulted for the proposed project.

- USFWS determined that the project is located within a CBRA Unit or Other Protected Area, and the proposed activity would affect the protected resource. Explain finding that the **activity is not in compliance** and attach supporting documentation. (Analysis complete).

The supporting documentation will include a map of the proposed project site and the finding of the USFWS biologist consulted for the project.

15. Airport Clear Zones and Accident Potential Zones

(24 CFR Part 51, Subpart D)

Based on desktop review, could proposed activity be located within 2,500 feet of a civilian airport?

- No. Explain that the proposed activity is not within an airport clear zone or an accident potential zone and attach map. **Compliance met.** (Analysis complete)

The supporting documentation will include a map of the proposed project site displaying the relationship between the protected zones and the proposed project to demonstrate it is not within 2,500 feet of a civilian airport.

- Yes. The proposed activity is within 2,500 feet of a civilian airport and consultation with the airport authority is complete and resulted in a determination that (check only one of the following):

- The proposed activity is located near but not within the airport's runway clear zone (RCZ) or the protection zone (RPZ). Explain finding and attach supporting documentation. **Compliance met.** (Analysis complete)

The supporting documentation will include a map of the proposed project site and the finding of the airport authority consulted for the proposed project.

- The proposed activity is located within the airport's runway clear zone (RCZ) or the runway protection zone (RPZ). Explain finding that the **activity is not in compliance** and attach supporting documentation. (Analysis complete)

The supporting documentation will include a map of the proposed project site and the finding of the airport authority consulted for the proposed project.

16. Fish and Wildlife Coordination Act

(16 U.S.C. 661-666c)

Would the proposed activity include impounding, diverting, deepening or otherwise modifying the waters of any stream or other body of water? (Check one of the following):

- No. Explain the determination. Attach appropriate map. **Compliance met.** (Analysis complete)

In most cases, the explanation will be a lack of nearby surface water, implementation of best management practices, or a combination. A site inspection by qualified wetlands professional may be necessary for this determination.

- Yes. The activity would temporarily (**insert impound, divert, deepen or otherwise modify**) the waters of a stream or body of water and mitigation measures are required. Explain the determination, the applicable mitigation measures indicated after consulting with USFWS, and attach appropriate map. **Compliance**

met. (Analysis complete)

Site preparation and construction activities, including temporary operation of equipment, may modify and affect a surface water resource. Work in federally protected waters and/or their adjacent wetland areas constitute a direct impact to the fish and wildlife habitat. A site inspection by qualified wetlands professional may be necessary to make this determination, recommend mitigation measures developed in consultation with USFWS, and complete any required permits to achieve compliance. A combination of best management practices and mitigation measures should prevent impact to the protected resource.

- Yes. The activity would permanently (**insert impound, divert, deepen or otherwise modify**) the waters of a stream or body of water and adversely affect fish and wildlife habitat. Explain basis for conclusion.

Activity is not in compliance. (Analysis complete)

If the fish and wildlife habitat would be filled, paved, or built upon, the effect would be permanent. A site inspection by a trained wetland professional is required to confirm habitat will be adversely affected.

17. Magnuson-Stevens Fishery Conservation and Management Act
(16 U.S.C. 1801 et seq.)

Not applicable. Compliance determined in Tier 1 environmental assessment.

18. Agriculture and Markets Law
(Title 1 NYCRR Section 139.2)

Is the project within a quarantine zone?

- No. Attach documentation and map (Analysis complete)
- Yes. (If yard waste, storm clean-up, and normal tree maintenance activities involve twigs and/or branches of 1/2" or more in diameter of ALB host species, proper handling and disposal is required. **Attach state and/or federal phytosanitary certificates to achieve compliance.**

Quarantine zones are established by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service at www.nycgovparks.org/trees/beetle-alert.com.

7.2 Tier II Site-Specific Photographic Documentation

Client: New York City

Facility #: _____

Date: ___/___/2013

Location: _____, _____, Borough (or County), New York City, New York

Description: Lot _____ structure _____

Photographer: _____

Memo To: Multi-Family Buildings Rehabilitation Environmental Review Record

Applicant ID: #_____

Location: Latitude/Longitude: _____/_____; _____, _____, New York City.

A visual assessment was conducted by _____ of the above property on _____, 2013/4. Visual observation indicated said property was free of any hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. The project will expose neither people nor buildings to hazardous facilities, no above-ground explosive or flammable fuels or chemical containers were observed on or near site. In conclusion the housing rehabilitation will meet requirements of 24 CFR 58.5(i)(2)(i).

8.0 COMBINED FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (FONSI/NOIRROF)

**CITY OF NEW YORK
OFFICE OF MANAGEMENT AND BUDGET
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT- MULTI-FAMILY BUILDINGS
COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR)
COMBINED FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of New York.

REQUEST FOR RELEASE OF FUNDS

The New York City Office of Management and Budget (NYCOMB) is the Responsible Entity for environmental reviews conducted under the CDBG-DR Program. On or about August 06, 2013 the city will submit to HUD its request for the release of CDBG-DR funds to undertake the NYC Build It Back: Multi-Family Buildings program for the purposes of addressing unmet housing needs associated with damages from Hurricane Sandy in the City's five boroughs for the amount of \$215,000,000. The NYC Multi-Family Buildings program will provide rehabilitation loans for multi-family (five units or more) housing, which includes 3-4 unit, non-owner-occupied buildings. Funds will be used throughout the City, and will serve a wide range of housing types, including market-rate properties, HUD-assisted properties, permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. Some of the activities include:

- Rehabilitation and new build supportive housing projects and on-site supportive services serving chronically homeless individuals with special needs;
- Conversion of damaged nursing homes, rooming houses, and other facilities to supportive housing; and
- Rehabilitation and retrofit of existing affordable housing developments, including HUD-assisted housing (Section 202 senior housing, Low Income Housing Tax Credit projects, and State Mitchell-Lama program developments).

The CDBG-DR funding will convey loans as low- or no-interest, potentially forgivable, or as restricted grants. In addition, projects that will maintain the property as a viable housing resource in a storm-impacted community even if the scope items are non-storm related will be considered. The Department of Housing Preservation and Development will oversee the program.

FINDING OF NO SIGNIFICANT IMPACT

The City has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record on file with Mr. Calvin Johnson, Assistant Director, New York City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007 and may be examined weekdays 10:00 A.M. to 5:00 P.M or using the following link <http://www.nyc.gov/html/housingrecov> and then clicking on “Public Notices”.

PUBLIC COMMENTS

Any individual, group or agencies disagreeing with this determination or wishing to comment on the project may submit written comments to NYCOMB to the above address or submitted via email to CDBGDR-enviro@omb.nyc.gov. All comments received by August 03, 2013 will be considered by NYC OMB prior the submission of the request for release of funds to HUD. Comments should reference which Notice they are addressing.

RELEASE OF FUNDS

NYC OMB certifies to HUD that Mark Page, in his capacity as the Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City to use CDBG-DR program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NYCOMB certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NYCOMB; (b) NYCOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: Tennille S. Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual last day of the objection period.

City of New York, Office of Management and Budget, Mark Page, Director

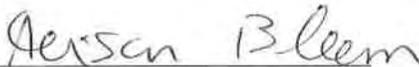
Date: July 19, 2013

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK

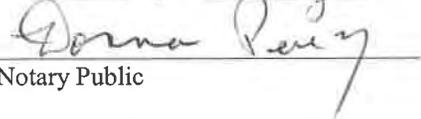
COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in the **New York Daily News** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.


Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013


Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

NOTICES

Legal Notices

PUBLIC AUCTION:
OFFICE OF SALE OF CONGRESSIONAL APARTMENT SECURITY:
 By virtue of default in a security agreement dated November 9, 2009, executed by **MALORY DELSON**, Owner, and in accordance with its terms, the holder of the Security, **MORGAN CHASE BANK, NA**, by Victor Stovick, Assistant, DCA & IRDCA Senior Donald Lewis, Assistant, DCA & IRDCA will conduct a public sale of the security consisting of 154 shares of common stock, 1425 PERRY AVENUE OWNERS, INC. and all rights thereto and interest in and to a Proprietary Lease between said corporation and certain for Apartment UNIT # 1 in a building known as and by the street address, 1425 PERRY AVENUE, BRONX, N.Y. 10454, together with fixtures and appurtenances thereto and all other rights or interests therein to be sold by the court on August 15, 2013 at 1:00 p.m. on the first steps of the Bronx County Court, 1000 Third Grand Concourse, 9th Court Concourse, Bronx, N.Y. in satisfaction of an indebtedness in the principal amount of \$ 44,000.00 plus interest, late fees, attorney's fees, disbursements to attorneys and all other disbursements, an execution of which will be appended upon request. Such sale shall be subject to the terms of sale, any existing fixtures, and the content of and payment of all taxes due, if any, to **MORGAN CHASE BANK, NA**, as the holder of the Security. The sale proceeds received the first to bid. Closing within 30 days.
 For Sale by: **Stovick & Lewis, LLP**
 741 Convent Road
 Suite 200
 Elizabeth, NJ, N.Y. 07208
 Attention: Victor Stovick
 D & S Legal Associates, LLC
 15-875-5611

Legal Notices

Superior Court of New Jersey
 CHANCERY DIV. - FAMILY PART
 DOCKET NO. FM-02-02310 N
 Civil Action - Final Judgment
 Name Change For Minor Child
 In the Matter of the Application of
 Elizabeth Polanco Plaintiff
 To Change the Name of
 Miranda Lie Garcia Minor Child,
 To
 Miranda Lee Garcia Minor Child
 Elizabeth Polanco, Plaintiff having made an application to the Court by duly verified complaint for a judgment authorizing his/her minor child to assume the name of Miranda Lee Garcia and in answering to the Court that all provisions of N.J.S.A. 2A:51-1 and the Current New Jersey Court rules relating thereto have been complied with; and the Court finding good and sufficient cause for the entry of the Order: IT IS on this 24th day of June 2013, ORDERED AND ADJUDGED that MIRANDA LIE GARCIA minor child, who was born on February 16, 1999, be and hereby is authorized to assume the name of MIRANDA LEE GARCIA, from and after June 24th 2013; and it is further ORDERED that within twenty days thereof the Plaintiff shall cause a copy of this Final Judgment to be published once in the Daily News, and within forty five days after entry of Judgment, Plaintiff shall file proof of publication of this Final Judgment with the Deputy Clerk of the Superior Court of Essex County and a certified copy of this Final Judgment with the Department of Treasury pursuant to the provisions of the Statute and Rules in such case made and provided; and it is further ORDERED that the published version of the Final Judgment shall not contain a minor child's social security number.
 BONIE J MIZDOL, P J P P

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Legal Notices

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CITY OF NEW YORK
OFFICE OF MANAGEMENT AND BUDGET
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT- MULTI-FAMILY BUILDINGS
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- Rehabilitation and new build supportive housing projects and on-site supportive services serving chronically homeless individuals with special needs;
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The City has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record on file with Mr. Calvin Johnson, Assistant Director, New York City Office of Management and Budget, 285 Greenwich Street, 8th Floor, New York, NY 10007 and may be examined weekdays 10:00 A.M. to 5:00 P.M. by using the following link: <http://www.nyc.gov/html/housing/revoc> and then clicking on "Public Notices".

PUBLIC COMMENTS

Any individual, group or agencies disagreeing with this determination or wishing to comment on the project may submit written comments to NYCOMB to the above address by email to CDBGDR-envr@omb.nyc.gov. All comments received by August 03, 2013 will be considered by NYC OMB prior to the submission of the request for release of funds to HUD. Comments should reference which Notice they are addressing.

RELEASE OF FUNDS

NYC OMB certifies to HUD that Mark Page, in his capacity as the Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that those responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City to use CDBG-DR program funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NYCOMB certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the NYCOMB; (b) NYCOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the request procedures (24 CFR Part 58) and shall be addressed to: Tammie S. Parker, Disaster Recovery and Social Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 2222, Washington, D.C. 20416. Potential objectors should contact HUD to verify the actual last day of the objection period.

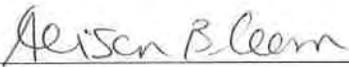
City of New York, Office of Management and Budget, Mark Page, Director
 Date: July 19, 2013

AFFIDAVIT OF PUBLICATION

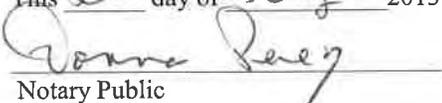
STATE OF NEW YORK

COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **the New York Post** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.


Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013

Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

LEGAL NOTICES

CITY OF NEW YORK OFFICE OF MANAGEMENT AND BUDGET DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT- MULTI-FAMILY BUILDINGS

COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR)

COMBINED FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of New York

REQUEST FOR RELEASE OF FUNDS

The New York City Office of Management and Budget (NYCOMB) is the Responsible Entity for environmental reviews conducted under the CDBG-DR Program. On or about August 06, 2013 the city will submit to HUD its request for the release of CDBG-DR funds to undertake the NYC Build It Back Multi-Family Buildings program for the purposes of addressing unmet housing needs associated with damages from Hurricane Sandy in the City's five boroughs for the amount of \$215,000,000.

- Rehabilitation and new build supportive housing projects and on-site supportive services serving chronically homeless individuals with special needs;
Conversion of damaged nursing homes, rooming houses, and other facilities to supportive housing; and
Rehabilitation and retrofit of existing affordable housing developments, including HUD-assisted housing (Section 202 senior housing, Low Income Housing Tax Credit projects, and State Mitchell-Lama program developments)

The CDBG-DR funding will convey loans as low- or no-interest, potentially forgivable, or as restricted grants. In addition, projects that will maintain the property as a viable housing resource in a storm-impacted community even if the scope items are non-storm related will be considered. The Department of Housing Preservation and Development will oversee the program

FINDING OF NO SIGNIFICANT IMPACT

The City has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Report on file with Mr. Calvin Johnson, Assistant Director, New York City Office of Management and Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007 and may be examined weekdays 10:00 A.M. to 5:00 P.M. or using the following link: http://www.nyc.gov/html/housingrecov and then clicking on "Public Notices"

PUBLIC COMMENTS

Any individual, group or agencies disagreeing with this determination or wishing to comment on the project may submit written comments to NYCOMB at the above address or submitted via email to CDBGDR-enviro@omb.nyc.gov. All comments received by August 03, 2013 will be considered by NYCOMB prior to the submission of the request for release of funds to HUD. Comments should reference which Notice they are addressing

RELEASE OF FUNDS

NYCOMB certifies to HUD that Mark Page, in his capacity as the Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied, HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City to use CDBG-DR program funds

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NYCOMB certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following basis: (a) the certification was not executed by the Certifying Officer of the NYCOMB; (b) NYCOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: Tammie S. Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 461 7th Street SW, Rm 7272, Washington, D.C. 20410. Potential objectors should contact HUD to verify the actual test day of the objection period.

City of New York, Office of Management and Budget, Mark Page, Director
Date: July 19, 2013

Notice of Formation of JAMES JOYCE ARCHITECT, PLLC. Arts. of Org. filed with Secy of State of New York on 05/22/2013. Office location: Nassau County, SSNY designated as agent upon whom process against the PLLC may be served. SSNY shall mail a copy of process to the PLLC, 41 Georgia Ave., Long Beach, NY 11561. Purpose: ARCHITECTURE.

NOTICE OF SALE
SUPREME COURT: QUEENS COUNTY. NYCL 2010-A TRUST ARS. THE BANK OF NEW YORK MELLON AS COLLATERAL AGENT AND CUSTODIAN FOR NYCL 2010-A TRUST. PHILIP VS FRANK CASTELLANO, et al. Date: Index 09/09/2011. Judgment to judgment of foreclosure and sale dated Nov. 2, 2011. I will sell at public auction in Courtroom #25 on Aug. 2nd, 2013 at 10:00 a.m. at the Queens County General Courthouse, 85-11 Sutphin Boulevard, Jamaica, NY 11431, Block 4626, Lot 7. Subject to terms and conditions of filed judgment and terms of sale and the rights of the United States of America to redeem within 120 days from the date of sale as provided by law, JUDAN L. HOBBS, Referee, LSNY & LTV, Attys. for Plt., 12 Tulp Dr., Great Neck, NY 11021.

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SUPREME COURT COUNTY OF QUEENS
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS CREDIT, INC. ALTERNATIVE LOAN TRUST 2005-85CB MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-85CB, Plaintiff against ARMANDO SPAVENTA, ALEX SPAVENTA, ABEL SPAVENTA, et al Defendants. Pursuant to a Judgment of Foreclosure and Sale entered on June 11, 2013, I, the undersigned Referee will sell at public auction at the Queens County General Courthouse, 85-11 Sutphin Boulevard, Court Room # 25, Jamaica, N.Y. on the 23rd day of August, 2013 at 10:00 a.m. Said premises known as 73-32 67th Road, Middle Village, NY 11379. Tax account number: 58L # 371-28. Approximate amount of lien \$ 277,733.26 plus interest and costs. Premises will be sold subject to provisions of filed judgment and terms of sale. Index No. 23078/09. Pamela Jordan, Esq., Referee.
McCabe Weisberg & Conway, Attorneys for Plaintiff
145 Hugenot Street, Suite 210
New Rochelle, New York 10801
(914) 636-8900
Want it sold? Need it sold? Sell in NY Post Classifieds
Call 212-930-8100
Or email classifieds@nypost.com

Notice of formation of TANGLES HAIR STUDIO, L.L.C., Arts. of Org. filed with Secy. of State of NY (SSNY) on 05/17/2013. Office located in Nassau County. SSNY has been designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 61 Babylon Tpke., Merrick, NY 11566. Purpose: Any lawful purpose.
Notice of formation of 3-Shyo Real Estate Management LLC, Arts. of Org. filed with NY Secy. of State (SSNY) on 02/14/2013. Office location: Nassau County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 280 Bayview Avenue, Manhasset, NY 11030. Purpose: Any lawful activity.
Too cute! Puppies, Kittens, Dogs, and Cats
Sell them in the New York Post Classifieds
Call 212-930-8100 today
Notice is hereby given that a Licensee, serial #1270485 for beer & wine has been applied for by the undersigned to sell beer & wine at retail in a restaurant under the Alcoholic Beverage Control Law at 125 Nagle Avenue, New York, NY 10040 for on-premises consumption, 125 Micasa Restaurant

Notice of formation of SD Musik LLC, Arts. of Org. filed with NY Secy. of State (SSNY) on 03/26/2013. Office location: Broome County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, Jackson M. Infante, 1000 McConnis Rd., 66A, Broome, NY 10453. Purpose: Any lawful activity.
Sell your car today
on vehicles.classifieds.nypost.com
Notice of formation of 5B Mobile Systems LLC, Arts. of Org. filed with Secy. of State of New York (SSNY) on 04/15/2013. Office loc: New York County. Reg. agent upon whom process against the LLC may be served is U.S. Corp. Agents, Inc., 2014 15th Ave., Ste. 202, Bklyn, NY 11228. SSNY shall mail copy of process to Reg. Agt. Purpose: Any lawful activity.
List your property for sale!
Place an ad in the NY Post section: the weekly real estate guide running on Thursdays
Call 212-930-8100 today!
Notice is hereby given that an application for S S TRIO LOUNGE BAR CORP. was submitted for an On-Premises Liquor, Wine and Beer License to sell at retail in a lounge/bar under the Alcoholic Beverage Control Law with Serial No. 1271593 at 2347 Jerome Avenue, Bronx, NY 10468

LEGAL NOTICES

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF KINGS

SUMMONS
Docket No. B-00043/13
In the Matter of the Petition of HEART SHARE HUMAN SERVICES OF NEW YORK, ROMAN CATHOLIC DIOCESE OF BROOKLYN for an order committing to it the guardianship and custody of THE DWYANE BRYANT a dependent child

A verified Petition having been filed in this Court alleging that the above named child in the care of Heart Share Human Services of New York, Roman Catholic Diocese of Brooklyn, the Petitioner, is permanently neglected by said child's parents and/or that said child's Mother is mental ill as defined by Social Services Law Section 384-b 6, and/or that said Putative-Father's consent to said child's adoption is not required by law, a copy of said Petition being annexed hereto; YOU ARE HEREBY SUMMONED TO APPEAR before the Family Court, Kings County, at 330 Jay Street, Brooklyn, New York, Part 17A on the 21st day of August 2013, at 11:00 o'clock in the forenoon of said day to show cause why the Court should not enter an Order depriving you of all the rights of guardianship and custody of THE DWYANE BRYANT, awarding guardianship and custody to said child to the petitioning authorized agency and the Commissioner of Social Services of the City of New York, jointly and severally as provided by law.

PLEASE TAKE NOTICE that if guardianship and custody of the child are committed to the Petitioner and to the Commissioner of Social Services of the City of New York, the child may be adopted with the consent of said authorized agency, without further notice to you and without your consent. PLEASE TAKE FURTHER NOTICE that you are entitled to be represented by an attorney, and if you cannot afford to retain an attorney, one will be appointed to represent you by the Court free of charge to you. In the event of your failure to appear, said failure to appear will result in the termination of all your parental rights to the child. PLEASE TAKE FURTHER NOTICE that your failure to appear shall constitute a denial of interest in the child, which denial may result in the transfer or commitment of the child's care, custody, guardianship or adoption of the child, all without further notice to the parent of the child.

Dated: By Order of the Court
Clerk of the Family Court
WINGATE, KEARNEY & CULLEN, LLP
Attorneys for Petitioner
45 Main Street, Suite 1020
Brooklyn, New York 11201
(718)852-5900

Sell your car today
on vehicles.classifieds.nypost.com
Notice of formation of 23-67 LLC, Arts. of Org. filed with the Secy of State of New York (SSNY) 02/27/13. Office Loc: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 31 Birch St, Port Washington, New York 11050. Purpose: Any lawful purpose.
Notice of formation of 23-67 LLC, Arts. of Org. filed with the Secy of State of New York (SSNY) 02/27/13. Office Loc: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 31 Birch St, Port Washington, New York 11050. Purpose: Any lawful purpose.

Notice of formation of Fine Drawn Hospitality LLC, Arts. of Org. filed with Secy of State of New York (SSNY) 05/20/2013. Office loc: New York County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 220 Bowery, New York, NY 10012. Purpose: any lawful activity.

LEGAL NOTICES

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF KINGS

SUMMONS
Docket No. B-00044/13
In the Matter of the Petition of HEART SHARE HUMAN SERVICES OF NEW YORK, ROMAN CATHOLIC DIOCESE OF BROOKLYN for an order committing to it the guardianship and custody of NATHANIEL LEE BRYANT a dependent child

A verified Petition having been filed in this Court alleging that the above named child in the care of Heart Share Human Services of New York, Roman Catholic Diocese of Brooklyn, the Petitioner, is permanently neglected by said child's parents and/or that said child's Mother is mental ill as defined by Social Services Law Section 384-b 6, and/or that said Putative-Father's consent to said child's adoption is not required by law, a copy of said Petition being annexed hereto; YOU ARE HEREBY SUMMONED TO APPEAR before the Family Court, Kings County, at 330 Jay Street, Brooklyn, New York, Part 17A on the 21st day of August 2013, at 11:00 o'clock in the forenoon of said day to show cause why the Court should not enter an Order depriving you of all the rights of guardianship and custody of NATHANIEL LEE BRYANT, awarding guardianship and custody to said child to the petitioning authorized agency and the Commissioner of Social Services of the City of New York, jointly and severally as provided by law.

PLEASE TAKE NOTICE that if guardianship and custody of the child are committed to the Petitioner and to the Commissioner of Social Services of the City of New York, the child may be adopted with the consent of said authorized agency, without further notice to you and without your consent. PLEASE TAKE FURTHER NOTICE that you are entitled to be represented by an attorney, and if you cannot afford to retain an attorney, one will be appointed to represent you by the Court free of charge to you. In the event of your failure to appear, said failure to appear will result in the termination of all your parental rights to the child. PLEASE TAKE FURTHER NOTICE that your failure to appear shall constitute a denial of interest in the child, which denial may result in the transfer or commitment of the child's care, custody, guardianship or adoption of the child, all without further notice to the parent of the child.

Dated: By Order of the Court
Clerk of the Family Court
WINGATE, KEARNEY & CULLEN, LLP
Attorneys for Petitioner
45 Main Street, Suite 1020
Brooklyn, New York 11201
(718)852-5900

Notice is hereby given that a license, serial #1272165 for beer, wine and liquor has been applied for by the undersigned to sell beer, wine and liquor at retail in a restaurant under the Alcoholic Beverage Control Law at 1558 Third Avenue, NYC 10128 for on-premises consumption; Mia Max Like Corp.

Notice of formation of 24-12 LLC, Arts. of Org. filed with the Secy of State of New York (SSNY) 02/27/13. Office Loc: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 31 Birch St, Port Washington, New York 11050. Purpose: Any lawful purpose.
Notice of formation of 36-07 LLC, Arts. of Org. filed with the Secy of State of New York (SSNY) 02/26/13. Office Loc: Nassau County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail process to the LLC, 31 Birch St, Port Washington, New York 11050. Purpose: Any lawful purpose.

LEGAL NOTICES

Notice is hereby given that a license, serial # 127217 for beer & wine has been applied for by the undersigned to sell beer & wine at retail in a restaurant under the Alcoholic Beverage Control Law at 3535 Merrick Rd., Seaford, NY 11783 for on-premises consumption; LDCS Group LLC

Notice is hereby given that a license, serial # 1272290 for beer, wine and liquor has been applied for by the undersigned to sell beer, wine and liquor at retail in a bar-restaurant under the Alcoholic Beverage Control Law at 131 Jackson Ave., Syosset, NY 11791 for on-premises consumption; JC Jackson Ave. Corp.

FAMILY COURT OF THE STATE OF NEW YORK COUNTY OF KINGS
SUMMONS
Docket No. B-00042/13
In the Matter of the Petition of HEART SHARE HUMAN SERVICES OF NEW YORK, ROMAN CATHOLIC DIOCESE OF BROOKLYN for an order committing to it the guardianship and custody of BRANDON LEE BRYANT a dependent child

A verified Petition having been filed in this Court alleging that the above named child in the care of Heart Share Human Services of New York, Roman Catholic Diocese of Brooklyn, the Petitioner, is permanently neglected by said child's parents and/or that said child's Mother is mental ill as defined by Social Services Law Section 384-b 6, and/or that said Putative-Father's consent to said child's adoption is not required by law, a copy of said Petition being annexed hereto; YOU ARE HEREBY SUMMONED TO APPEAR before the Family Court, Kings County, at 330 Jay Street, Brooklyn, New York, Part 17A on the 21st day of August 2013, at 11:00 o'clock in the forenoon of said day to show cause why the Court should not enter an Order depriving you of all the rights of guardianship and custody of BRANDON LEE BRYANT, awarding guardianship and custody to said child to the petitioning authorized agency and the Commissioner of Social Services of the City of New York, jointly and severally as provided by law.

PLEASE TAKE NOTICE that if guardianship and custody of the child are committed to the Petitioner and to the Commissioner of Social Services of the City of New York, the child may be adopted with the consent of said authorized agency, without further notice to you and without your consent. PLEASE TAKE FURTHER NOTICE that you are entitled to be represented by an attorney, and if you cannot afford to retain an attorney, one will be appointed to represent you by the Court free of charge to you. In the event of your failure to appear, said failure to appear will result in the termination of all your parental rights to the child. PLEASE TAKE FURTHER NOTICE that your failure to appear shall constitute a denial of interest in the child, which denial may result in the transfer or commitment of the child's care, custody, guardianship or adoption of the child, all without further notice to the parent of the child.

Dated: By Order of the Court
Clerk of the Family Court
WINGATE, KEARNEY & CULLEN, LLP
Attorneys for Petitioner
45 Main Street, Suite 1020
Brooklyn, New York 11201
(718)852-5900

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AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK

COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **Newsday** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.

Alison Bloom
Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013
Donna Perez
Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

Legal Notice 1711986
OFFICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712043
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712045
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712052
30-42 29 Ave Realty LLC Arts of Org filed with NY Sec of State...

Legal Notice 1712054
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712054
150-85 RIVERSIDE DRIVE L.P. has been formed as a Limited Partnership...

Legal Notice 1712056
Notice of Formation of Broadhurst Management, LLC...

Legal Notice 1712060
NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY...

Legal Notice 1712039
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712041
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712043
SUPREME COURT - COUNTY OF QUEENS...

Legal Notice 1712045
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

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NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712060
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

Legal Notice 1712062
NOTICE OF SALE SUPREME COURT COUNTY OF QUEENS...

CITY OF NEW YORK OFFICE OF MANAGEMENT AND BUDGET DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) COMBINED FINDING OF NO SIGNIFICANT IMPACT AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

NEWSPAPER CASES

AFFIDAVIT OF PUBLICATION

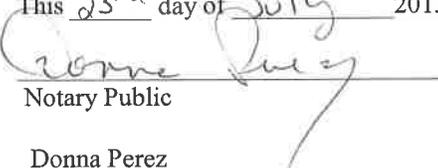
STATE OF NEW YORK

COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **Rockaway Wave** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.


Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013

Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

LEGAL NOTICES

NOTICE OF FORMATION OF DC Online Worldwide, LLC. Articles of Organization filed with the Secretary of State of New York (SSNY) on 4/22/2013. Location: Queens. SSNY designated as agent for service of process on LLC. SSNY shall mail a copy of process to: Daisy E Christie, 1352 Eggert Pl, Far Rockaway, NY, 11691. Purpose: Any lawful purpose. Date of Dissolution: No specific date. #2013-133, 6x 6/14-7/19/13

A & N HOME BUYERS LLC, Arts. of Org. filed with SSNY on 05/22/13. Office Location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to: The LLC, 75-43 198th St., 1st/FL, Fresh Meadows, NY 11366. Purpose: to engage in any lawful act. #2013-134, 6x 6/14-7/19/13

BHRE GROUP LLC, a domestic LLC, Arts. of Org. filed with the SSNY on 3/1/13. Office location: Queens County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, 137-12 72nd Rd., Flushing, NY 11367. General Purposes. #2013-135, 6x 6/14-7/19/13

JCW INTERNET ENTERPRISE LLC, a domestic LLC, Arts. of Org. filed with the SSNY on 3/26/13. Office location: Queens County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: Jay Chun Wang, 58-16 208th St., Oakland Gardens, NY 11364. General Purposes. #2013-136, 6x 6/14-7/19/13

LEGAL NOTICES

Notice of Formation of ALKEMIO, LLC. Arts. of Org. filed with the Secy. of State of NY SSNY on 09/18/2012. Office location: Queens County. Princ. office of LLC: 28-24 Stelway Street, Suite 221, Astoria, New York 11103 SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o ALKEMIO LLC. at the princ. office of the LLC. Purpose: Any lawful activity. #2013-141, 6x 6/14-7/19/13

Notice of Formation of H & F Really Group LLC. Art. of Org. filed Secy. of State of NY (SSNY) on 04/10/2013. Office location: Queens County. SSNY Designated as agent of LLC upon whom process against it may be served. SSNY shall mail copy of process to: The LLC, 92-10 Jamaica Ave, Woodhaven, NY 11421. Purpose: any lawful activity. #2013-142, 6x 6/14-7/19/13

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. NAME: LUCKY CHAN REALTY LLC. Articles of Organization were filed with the Secretary of State of New York (SSNY) on 07/12/12. Office location: Queens County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of process to the LLC, 140-41 Poplar Avenue, Flushing, New York 11355. Purpose: For any lawful purpose. #2013-144, 6x 6/21 - 7/26/2013

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. NAME: GAIMS LLC. Articles of Organization were filed with the Secretary of State of New York (SSNY) on 04/30/13. Office location: Queens County. SSNY has been designated as agent of the LLC upon whom

LEGAL NOTICES

process against it may be served. SSNY shall mail a copy of process to the LLC, 95-24 37th Avenue, Jackson Heights, New York 11372. Purpose: For any lawful purpose. #2013-145, 6x 6/21 - 7/26/2013

Notice of Formation of ROSANO REAL ESTATE HOLDINGS LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 06/06/13. Office location: Queens County. SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Corporation Service Co., 80 State St., Albany, NY 12207-2543. Purpose: Any lawful activity. #2013-146, 6x 6/14-7/19/13

PRINCE TNP REALTY LLC, Arts. of Org. filed with SSNY on 05/30/13. Office Location: Queens County, SSNY designated as agent of LLC upon whom process against it may be served. SSNY shall mail a copy of process to: The LLC, 37-20 Prince St., Unit 4A, Flushing, NY 11354. Purpose: to engage in any lawful act. #2013-148, 6x 6/21-7/26/13

Notice of Formation of Lindal's Bodywork, LLC. Arts. of Org. filed with NY Secy of State (SSNY) on 3/5/13. Office:Queens. SSNY is designated as agent of LLC upon whom process against it may be served and shall mail process to 2835 41 St. #A3 Astoria, NY 11103. Purpose: any lawful activity. #2013-149, 6x 6/21-7/26/13

Notice of Formation NKS Queens LLC Arts. of Org. filed with SSNY on 5/28/2013. Off. Loc.: Queens Cnty. SSNY designated as agent of LLC whom process may be served. SSNY shall mail process to: c/o the LLC, 85-15 139 Street, Apt 4C,

LEGAL NOTICES

Blarwood, NY 11435. Purpose: all lawful activities. #2013-150, 6x 7/19-8/23/13

NOTICE OF FORMATION OF LIMITED LIABILITY COMPANY. NAME: 45-41 40th STREET LLC. Articles of Organization were filed with the Secretary of State of New York (SSNY) on 4/24/13. Office location: Queens County. SSNY has been designated as agent of the LLC upon whom process against it may be served. SSNY shall mail a copy of process to the LLC, 45-41 40th Street, Sunnyside, New York 11104. Purpose: For any lawful purpose. #2013-152, 6x 6/28-8/2/13

Notice of Formation of Lindal's Bodywork, LLC. Arts. of Org. filed with NY Secy of State (SSNY) on 3/5/13. Office:Queens. SSNY is designated as agent of LLC upon whom process against it may be served and shall mail process to 2835 41 St. #A3 Astoria, NY 11103. Purpose: any lawful activity. #2013-154, 6x 6/21-7/26/13

30-76 30th Street Realty, LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 9/26/05. Office in Queens County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to 219-63 Stewart Rd, Hollis Hills, NY 11427. Purpose: General. #2013-155, 6x 6/21-7/26/13

Fernie Creations LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 3/18/13. Office in Queens County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Lisa Fernandes, 3433 59th St Apt 2, Woodside, NY 11377. Purpose: General. #2013-156, 6x 6/21-7/26/13

LEGAL NOTICES

Optionam LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 4/5/13. Office in Queens County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to c/o Himanshoo Puniani, 139-21 85 Dr. #4G, Blarwood, NY 11435. Purpose: General. #2013-157, 6x 6/21-7/26/13

New Century Glass & Aluminum LLC. Arts. of Org. filed with Secy. of State of NY (SSNY) on 4/16/13. Office in Queens County. SSNY designated agent of LLC upon whom process against it may be served. SSNY shall mail process to Ding Liang Cao, 71-15 51 Ave., Woodside, NY 11377. Purpose: General. #2013-158, 6x 6/21-7/26/13

G & YI DEVELOPMENT LLC Articles of Org. filed NY Sec. of State (SSNY) 12/31/12. Office in Queens Co. SSNY design. Agent of LLC upon whom process may be served. SSNY shall mail copy of process to C/O Yi Zhou Lu Xiao Hang Xu 43-47 164th ST, 1st FL Flushing, NY 11358. Purpose: Any lawful activity. #2013-160, 6x 6/28-8/2/13

GRAND FORTUNE, a domestic LLC, Arts. of Org. filed with the SSNY on 4/4/13. Office location: Queens County. SSNY is designated as agent upon whom process against the LLC may be served. SSNY shall mail process to: The LLC, c/o Sophia Tseng, 63-84 Saunders St., Ste. 6M, Rego Park, NY 11374. General Purposes. #2013-161, 6x 6/28-8/2/13

See Legals, page 47

**CITY OF NEW YORK
OFFICE OF MANAGEMENT AND BUDGET
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT
MULTI-FAMILY BUILDINGS
COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR)**

**COMBINED FINDING OF NO SIGNIFICANT IMPACT
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

This notice shall satisfy two separate but related procedural requirements for activities to be undertaken by the City of New York

REQUEST FOR RELEASE OF FUNDS

The New York City Office of Management and Budget (NYOMB) is the Responsible Entity for environmental reviews conducted under the CDBG-DR Program. On or about August 06, 2013 the city will submit to HUD its request for the release of CDBG-DR funds to undertake the NYC Build It Back: Multi-Family Buildings program for the purposes of addressing unmet housing needs associated with damage from Hurricane Sandy in the City's five boroughs for the amount of \$215,000,000. The NYC Multi-Family Buildings program will provide rehabilitation loans for multi-family (five units or more) housing, which includes 3-4 unit, non-owner-occupied buildings. Funds will be used throughout the City, and will serve a wide range of housing types, including market-rate properties, HUD-assisted properties, permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. Some of the activities include:

- Rehabilitation and new build supportive housing projects and on-site supportive services serving chronically homeless individuals with special needs;
- Conversion of damaged nursing homes, rooming houses, and other facilities to supportive housing; and
- Rehabilitation and retrofit of existing affordable housing developments, including HUD-assisted housing (Section 202 senior housing, Low Income Housing Tax Credit projects, and State Mitchell-Lama program developments).

The CDBG-DR funding will convey loans as low- or no-interest, potentially forgivable, or as restricted grants. In addition, projects that will maintain a viable housing resource in a storm-impacted community even if the scope items are non-storm related will be considered. The Department of Housing Preservation and Development will oversee the program.

FINDING OF NO SIGNIFICANT IMPACT

The City has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record on file with Mr. Colvin Johnson, Assistant Director, New York City Office of Management and Budget, 255 Greenwich Street, 6th Floor, New York, NY 10007 and may be examined weekdays 10:00 A.M. to 5:00 P.M. or using the following link <http://www.nyc.gov/html/housingrecov> and then clicking on "Public Notices"

PUBLIC COMMENTS

Any individual, group or agencies disagreeing with this determination or wishing to comment on the project may submit written comments to NYOMB by the above address or submitted via email to CDBGDR-enviro@omb.nyc.gov. All comments received by August 03, 2013 will be considered by NYC OMB prior to the submission of the request for release of funds to HUD. Comments should reference which Notice they are addressing

RELEASE OF FUNDS

NYC OMB certifies to HUD that Mark Page, in his capacity as the Certifying Officer of the CDBG-DR Program consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City to use CDBG-DR program funds

OBJECTIONS TO RELEASE OF FUNDS

HUD will accept objections to its release of funds and the NYOMB certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following basis: (a) the certification was not executed by the Certifying Officer of the NYOMB; (b) NYOMB has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to: Terrence S. Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410. Potential objections should contact HUD to verify the actual last day of the objection period.

City of New York, Office of Management and Budget, Mark Page, Director
Date: July 19, 2013

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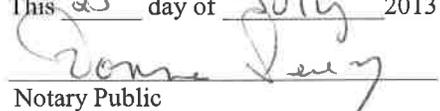
STATE OF NEW YORK

COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **Staten Island Advance** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.


Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013

Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

FIREPLUG FREEBIE



A driver wades himself of a car wash on Peconic Avenue in the Park — but you don't need us to tell you that opening fire hydrants left here is dangerous and against the law.

FUGITIVE FROM PAGE A 1

Fugitive waltzes out of court

respond to questions, according to the report. Her Staten Island parents told the Advance that Ms. Elkins is nothing like her former self since she fell under a pimp's spell in 2008. Her parents, who called the situation their worst nightmare, said they believe Ms. Elkins has mental health issues that need professional attention.

to the arrest report. The man, realizing the switch was missing, chased her out of the room and onto the street, where a security guard detained her, officials said. She subsequently returned over the watch, according to the arrest report. She is charged with second-degree grand theft in the case.

Woman accused of stealing ring from mom's home

By JOHN ANNESE STATEN ISLAND ADVANCE

A 31-year-old woman kicked out of her mother's Oakwood house as a tough-love tactic to get her into drug rehabilitation burglarized the home to steal a ring, and forged four checks from her mom's account, police allege.

clined comment Thursday, saying only that she felt "helpless" to fight her daughter's problem.

According to court papers, Mrs. Burrows lives at her address an alcohol treatment center in the Bedford-Stuyvesant section of Brooklyn.

Ms. Burrows admitted to the thefts, and to forging the checks, which she signed using the name of an 18-year-old woman on her mother's bank account, according to court papers.

"I went into my mom's house and took a ring of hers, not hopefully for money for," she said, according to court papers. "I took the four checks and the ID. I filled them out, and I tried to cash the checks, but they didn't let me because they said the ID was expired."

Ms. Burrows faces multiple felonies and misdemeanors, according to information from District Attorney Daniel Donovan's offices, with second- and third-degree larceny as the top charges against her.

John Annesse is a news reporter for the Advance. He may be reached at john@statenadvance.com.

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CITY OF NEW YORK OFFICE OF MANAGEMENT AND BUDGET DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT - MULTI-FAMILY BUILDINGS COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR)

THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID NY NOTICE OF HEREBY GIVEN by National Grid NY that it issued and filed with the New York State Public Service Commission tariff revisions to its Schedule for Gas Service, PSC No. 12-G-54. These revisions become effective July 1, 2013 on a temporary basis.

THE BROOKLYN UNION GAS COMPANY d/b/a NATIONAL GRID NY NOTICE OF HEREBY GIVEN by National Grid NY that it issued and filed with the New York State Public Service Commission tariff revisions to its Schedule for Gas Service, PSC No. 12-G-544. These revisions become effective July 1, 2013 on a temporary basis.

DRUG FROM PAGE A 1

Drug link seen in sudden death

circle when, about six months ago, he moved in with his grandparents in Midland Beach, he spent the first several years of his life there. During Rybarczyk's early years on the island, his mother studied dentistry in Buffalo.

As part of a military family that also includes stepbrother Indiana and step-sister Miami and Tennessee (now Rybarczyk) moved from Midland Beach to Gulfport, Miss., Chevy Chase, Md., Millani, Hawaii, and

As a child, he sat first and second chairs in several orchestras, Jones said.

Rybarczyk became a fan of hockey's Washington Capitals while excelling academically at Bethesda Chevy Chase High School, Jones said.

The beach life beckoned when Rybarczyk moved to Hawaii in 2009, although he continued athletics at the varsity level, enjoyed biking, and became a part of "a great Christian family" at Hanalei school. Rybarczyk graduated from Mililani High School in 2011, then moved to Auburn, where he became an Auburn Tigers fan in addition to his long affection for the Miami Dolphins.

"He truly loved sports and was a supportive, funny and inspirational teammate, always giving everything of himself, whether it be in practice, scrimmages or games, no matter what his playing time or role on any team was," Jones said.

As high schoolers and college students know, "Molly" is the nickname for MDMA, which was patented a century ago but became notorious as the key ingredient in the club drug ecstasy in the late 1990s and early 2000s. Likely fueled by celebrity "endorsements" and rap lyrics, the club drug is all the rage among club-goers and attendees of music festivals, according to federal drug officials.

The drug is a stimulant and a hallucinogenic and in extreme cases it can cause heart problems, coma, or death. Even though the users think they're getting "pote" MDMA, they may end up with something else entirely, such as lisdex and methamphetamine.

OBITUARY IN TODAY'S PAPER Page A19

AFFIDAVIT OF PUBLICATION

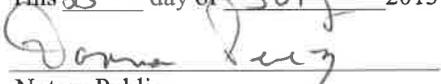
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COUNTY OF NEW YORK

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Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013

Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

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0805 Avisos Legales

CIUDAD DE NUEVA YORK DEPARTAMENTO DE PRESERVACIÓN Y PRESUPUESTO

CONCESIÓN PARA DESARROLLO COMUNAL RECUPERACIÓN DE DESASTRES (CDBG-DR)

AVISO COMBINADO DE INTENCIÓN DE SOLICITUD DE LIBERACIÓN DE FONDOS Y DE NO HABER HALLADO NINGÚN IMPACTO SIGNIFICATIVO

Este anuncio deberá satisfacer dos requisitos de presentamiento separados pero relacionados con los actividades a realizar por la ciudad de Nueva York.

SOLICITUD DE LIBERACIÓN DE FONDOS

La Oficina de Administración y Presupuesto de la Ciudad de Nueva York (NYCDBP) es la Entidad Responsable para revisiones ambientales...

• Rehabilitación y nueva construcción de proyectos de vivienda de apoyo y servicios de apoyo a individuos críticamente en riesgo con necesidades especiales.

• Construcción de hogares de ancianos, edificios, casas de vacaciones y otras instalaciones para viviendas subvencionadas.

• Rehabilitación y mejoramiento de viviendas asequibles existentes, incluyendo viviendas subvencionadas por HUD (viviendas para ancianos de la sección 202, Proyecto de Crédito de Impuestos de Vivienda para Bajas Ingresos, y del Programa Estatal de Edificios Multifamiliares).

Los fondos de CDBG-DR estarán prestados con bajo interés o sin interés, generalmente perentorios, o como donaciones restringidas. Además, se considerarán las propuestas que mantendrán la propiedad como uso recamo viable de vivienda en una comunidad afectada por la tormenta, aunque su área no estuvo relacionada con la tormenta. El Departamento de Preservación y Desarrollo de Vivienda se encargará de supervisar el programa.

HALLAZGO DE NINGÚN IMPACTO SIGNIFICATIVO

La ciudad ha determinado que el proyecto no tendrá un impacto significativo sobre el medio humano. Por lo tanto, no se requiere de una Declaración de Impacto Ambiental bajo la National Environmental Policy Act de 1969.

COMENTARIOS DEL PÚBLICO Cualquiera interesado, grupo o agencia en desacuerdo con esta determinación o que deseen comentar sobre el proyecto pueden presentar observaciones por escrito a NYCDBP a la dirección antes mencionada o por correo electrónico a NYCDBP@nyc.gov. Todas las comunicaciones recibidas hasta el 30 de agosto de 2013 serán consideradas por la NYCDBP previo a la presentación de la solicitud de liberación de los fondos de HUD. Los comentarios deben hacer referencia al aviso que están abriendo.

LIBERACIÓN DE FONDOS NYCDBP certifica a HUD que Mark Page, en su capacidad como Interventor del Programa CDBG-DR, presta su consentimiento para cumplir la jurisdicción de los tribunales federales si una acción tiene que surgir responsabilidades en relación con el grupo de revisión ambiental y que estas responsabilidades van solo a satisfacción. Y que la aprobación de HUD en la certificación satisface sus responsabilidades bajo NEPA y leyes y autoridades y permite a la ciudad usar los fondos del programa CDBG-DR.

OBJECIONES A LA LIBERACIÓN DE FONDOS HUD aceptará las objeciones a las solicitudes de fondos y la certificación de NYCDBP por un periodo de quince días siguientes a la fecha de presentación anti-objeción o su recepción efectiva de la solicitud (o que sea posterior) sólo si está en una de las bases siguientes: (a) la certificación no ha sido revisada por el interventor de NYCDBP; (b) NYCDBP ha emitido un plan o un planado para una decisión o determinación de financiación por el 24 CFR parte 50, los el receptor de la solicitud ha cumplido los requisitos de financiación o incumplido en estos requisitos; (c) el 40 CFR parte 504 ha presentado una objeción escrita que el proyecto es incompatible dentro del punto de vista de la ciudad ambiental. Las objeciones deben ser presentadas y presentadas de conformidad con los procedimientos requeridos (24 CFR parte 50) y se dirigirá a: Terrence S. Parker, Director Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 401, 7th Street SW, Rm 7272, Washington, D.C. 20410. El Proponente objetará antes de la emisión de HUD para verificar el último día del periodo de objeción.

La Ciudad de Nueva York, Oficina de Administración y Presupuesto, Mark Page, Director Fecha: 19 de julio de 2013

0805 Avisos Legales

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AVISO COMBINADO DE INTENCIÓN DE SOLICITUD DE LIBERACIÓN DE FONDOS Y DE NO HABER HALLADO NINGÚN IMPACTO SIGNIFICATIVO

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La Oficina de Administración y Presupuesto de la Ciudad de Nueva York (NYCDBP) es la Entidad Responsable para revisiones ambientales...

• Rehabilitación y nueva construcción de proyectos de vivienda de apoyo y servicios de apoyo a individuos críticamente en riesgo con necesidades especiales.

• Construcción de hogares de ancianos, edificios, casas de vacaciones y otras instalaciones para viviendas subvencionadas.

• Rehabilitación y mejoramiento de viviendas asequibles existentes, incluyendo viviendas subvencionadas por HUD (viviendas para ancianos de la sección 202, Proyecto de Crédito de Impuestos de Vivienda para Bajas Ingresos, y del Programa Estatal de Edificios Multifamiliares).

Los fondos de CDBG-DR estarán prestados con bajo interés o sin interés, generalmente perentorios, o como donaciones restringidas. Además, se considerarán las propuestas que mantendrán la propiedad como uso recamo viable de vivienda en una comunidad afectada por la tormenta, aunque su área no estuvo relacionada con la tormenta. El Departamento de Preservación y Desarrollo de Vivienda se encargará de supervisar el programa.

HALLAZGO DE NINGÚN IMPACTO SIGNIFICATIVO

La ciudad ha determinado que el proyecto no tendrá un impacto significativo sobre el medio humano. Por lo tanto, no se requiere de una Declaración de Impacto Ambiental bajo la National Environmental Policy Act de 1969.

COMENTARIOS DEL PÚBLICO Cualquiera interesado, grupo o agencia en desacuerdo con esta determinación o que deseen comentar sobre el proyecto pueden presentar observaciones por escrito a NYCDBP a la dirección antes mencionada o por correo electrónico a NYCDBP@nyc.gov. Todas las comunicaciones recibidas hasta el 30 de agosto de 2013 serán consideradas por la NYCDBP previo a la presentación de la solicitud de liberación de los fondos de HUD. Los comentarios deben hacer referencia al aviso que están abriendo.

LIBERACIÓN DE FONDOS NYCDBP certifica a HUD que Mark Page, en su capacidad como Interventor del Programa CDBG-DR, presta su consentimiento para cumplir la jurisdicción de los tribunales federales si una acción tiene que surgir responsabilidades en relación con el grupo de revisión ambiental y que estas responsabilidades van solo a satisfacción. Y que la aprobación de HUD en la certificación satisface sus responsabilidades bajo NEPA y leyes y autoridades y permite a la ciudad usar los fondos del programa CDBG-DR.

OBJECIONES A LA LIBERACIÓN DE FONDOS HUD aceptará las objeciones a las solicitudes de fondos y la certificación de NYCDBP por un periodo de quince días siguientes a la fecha de presentación anti-objeción o su recepción efectiva de la solicitud (o que sea posterior) sólo si está en una de las bases siguientes: (a) la certificación no ha sido revisada por el interventor de NYCDBP; (b) NYCDBP ha emitido un plan o un planado para una decisión o determinación de financiación por el 24 CFR parte 50, los el receptor de la solicitud ha cumplido los requisitos de financiación o incumplido en estos requisitos; (c) el 40 CFR parte 504 ha presentado una objeción escrita que el proyecto es incompatible dentro del punto de vista de la ciudad ambiental. Las objeciones deben ser presentadas y presentadas de conformidad con los procedimientos requeridos (24 CFR parte 50) y se dirigirá a: Terrence S. Parker, Director Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 401, 7th Street SW, Rm 7272, Washington, D.C. 20410. El Proponente objetará antes de la emisión de HUD para verificar el último día del periodo de objeción.

La Ciudad de Nueva York, Oficina de Administración y Presupuesto, Mark Page, Director Fecha: 19 de julio de 2013

0805 Avisos Legales

NOTICE IS HEREBY

Given, that a Deed is held by the Civil Court, Bro. Cou. by. of the 11th day of July, 2013, bearing the Number NC-000317-13-BX, a copy of which may be examined at the Office of the Clerk, located at 351 Gra. of Co. Court, Bro. X, New York, 10451, go to me and the right to: Assume the role of KHALIQ ABU MURHAMMAD My name: CALVIN MILLER

AKA CALVIN JOHN MILLER, AKA CALVIN J. MILLER. My present address is: 80 East 190th Street, Apt. 2H, Bronx, New York 10468

My place of birth is: Queens, NY My date of my birth is: December 10, 1950.

0805 Avisos Legales

CASPRT MANAGEMENT CO., INC. As Agents for Genl Financial Services, Inc. d/b/a Gem Pawnbrokers.

All locations will sell all unencumbered pledges or pawns from 0081 12/01/90 to 999,000 07/01/2013 To be held at Gem Pawnbrokers, 1708 Atlantic Ave., Brooklyn, N.Y. on JULY 31, 2013

0805 Avisos Legales

0806 Avisos Públicos

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0806 Avisos Públicos

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ABOGADOS QUE solo en EL DIARIO

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EL DIARIO LA PRENSA VIERNES 19 DE JULIO DE 2013

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK

COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **Sing Tao** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.

Alison Bloom
Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013

Donna Perez
Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014



▲樂基兒與黎明同場獻唱，事關她與黎明關係。

恢復單身 風騷大解放 樂基兒 獲裸男送吻無feel

前天王樂基兒(Gaile)與黎明(Leon)離婚恢復單身後隨即來個大解放，昨日她率領20名作SM打扮的《TABOO 色慾》兵團在中環鬧市巡遊。期間Gaile更獲半裸男橫送吻，她作狀用皮鞭拍打方面頰，乘坐的士宣傳片，Gaile還大送飛吻，表現熱情風騷！

Gaile

穿上黑白魚網相襯，並趨向與火辣兵團合照，惹來逾百途人圍觀。事後問Gaile感不感覺到那半裸男摸吻了她一下？她說：「感覺不到，可能因頭髮遮擋着。(介意他們如此熱情嗎?)這工作，大家都很專業，我不會在創作畫面，也不清楚是否有人親了我一口，要看片才知。」

子高

大會公關丁子高(Real)帶領火辣兵團到場，問他此舉怕不怕被老婆罵千陣揮耳屎？Real說：「我當公關10年以來第一次舉辦巡遊活動，這次更牽涉了很多部門，所以老婆不會揮耳屎。還會因我所籌備的活動很成功而稱讚我。」

子高不怕千陣揮耳屎

大會公關丁子高(Real)帶領火辣兵團到場，問他此舉怕不怕被老婆罵千陣揮耳屎？Real說：「我當公關10年以來第一次舉辦巡遊活動，這次更牽涉了很多部門，所以老婆不會揮耳屎。還會因我所籌備的活動很成功而稱讚我。」



▲一部數百元價的嬰兒學步車，Real立即騎下來滿足孩子。名模Alice B與Leon T乃火辣兵團之一，二人首度參與巡遊，並大呼過癮！

中一部數百元價的嬰兒學步車，Real立即騎下來滿足孩子。名模Alice B與Leon T乃火辣兵團之一，二人首度參與巡遊，並大呼過癮！

沈震軒盼演而優則唱

沈震軒早前為電影《濟女不離三兄弟》獻唱主題曲《講多嘢真》，並於昨日舉行微電影MV首播會，首次唱電影主題曲的沈震軒表示有機會想繼續唱歌，希望演而優則唱。問他為何不參加無線節目《星夢傳奇》，他指無線有找過他參加，但因為當時忙於工作沒有成事，笑言現在看了幾集《星》之後，如參加會感到有壓力，又須為同事察言，覺得同事批評頭品是挺慘。他說：「張景淳和李建禧都唱得很好，希望他們可以參加復活賽。」

▲沈震軒與微電影MV女主角Joy出席宣傳活動。

何浩文渴望面謝劉老闆

何浩文、趙勁皓和龍又銘昨日到會前歡Fama娛樂，他們3人的寫真集對劉老闆極光，令他們趕緊加印4千本，昨天才看到自己的寫真集，他們想感謝劉老闆，又說離開公司已安排見面。但因為3人的工作都很忙，所以何時見面要等公司安排，問他們為何不能先見劉老闆？何浩文已公開感謝劉老闆，相信劉老闆也聽他們真心工作，又說不擔心見面時對方會有奇怪要求，他笑說：「我們的手背加起來都有百吋，不怕的。」他們又指今年報復真真的宣傳及勢很低俗和賤弄，為了突出自己更以謙和大小做宣傳，一點表態都沒有。

▲(左起)龍又銘、趙勁皓和何浩文批評報復真真低俗。

樂基兒前日與助手中環名店買手談

樂基兒前日與助手中環名店買手談，她與買手在店內全盤表現有少女般跳脫，在貨架拿了大袋、小袋狂買一番。

第二十三屆 紐約香港龍舟節

紐約香港龍舟節

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www.hkdbf-ny.org

HSBC

紐約市政府 管理與財政預算辦公室 房屋保護與發展局 - 多家庭住宅樓宇 社區發展災難復原撥款 (CDBG-DR)

無重大影響結論與 要求發放撥款意向通知 綜合公告

本公告應可充分遵守兩項分別但有關連的程序規定，是與紐約市政府要進行的活動有關的。

票務發放通知

紐約市政府管理與財政預算辦公室 (NYCMB) 是根據社區發展災難復原撥款 (CDBG-DR) 計劃，應進行環境評估的負責機構。在 2013 年 8 月 6 日，市政府將會向聯邦房屋與城市發展部 (HUD) 提交要求，發放 CDBG-DR 撥款，以進行「紐約市重建計劃」；多家庭住宅樓宇，目標是處理在本市 5 大區內颶風「桑迪」造成破壞有關，而未獲處理的住屋需求。撥款數目為 2 億 1500 萬元。

紐約市多家庭住宅樓宇計劃會提供復原貸款給多家庭住宅樓宇 (3 個單位或以上)，包括 3 到 4 單位樓宇，非業主自住樓宇等。撥款將會在全市各區通用，為廣泛類型的住宅樓宇服務，包括市價價格房屋、HUD 補助樓宇，無家人士永久居所，獲得計劃補助的私人市場單位，或參加第 8 項住屋選擇補助券計劃的人士。部分活動包括：

- 復原與新建補助房屋計劃，與即場為其特殊需要，長期無家的人士提供支援；
- 改建被損壞的戲院院，分房樓宇與其他機構轉為為補助樓宇；
- 復原與修補現有的可負擔住屋發展區，包括 HUD 援助樓宇 (如 202 項長住者住屋，低收入房屋抵稅計劃，州政府 Mitchell-Lama 補助計劃樓宇等)。

CDBG-DR 撥款可以提供低息或無息貸款，或用作為有限額撥款。此外，維持物業在一個風暴危險區內應儘可能靠房屋資源的工程，即使舉行的項目與風暴無關，也會獲得考慮。這項計劃將由房屋保護與發展局監督。

結論：無重大影響

市政府決定，這項計劃對人類生活環境無重大影響。因此不需要根據 1969 年「全國環境政策法案」(NEPA) 提供一項「環境影響報告」。其他更多的計劃資訊包含在「環境評估紀錄」內，由管理與財政預算辦公室助理署長 Calvin Johnson 存檔，辦公室地址在 255 Greenwich Street, 8th floor, New York, NY 10007。周一至周五上午 10 時至下午 5 時可供參閱，上網請按 <http://www.nyc.gov/html/housingrecov>，按「Public Notices」。

公眾評論

任何個人、團體或機構不同意這項決定，或希望對這項計劃作評論者，可以書面按上述地址向 NYCMB 發表意見，也可以發電郵到 CDBGDR-environment@nyc.gov。所有在 2013 年 8 月 3 日前收到的意見都會在遞交要求發放 HUD 撥款前，獲得紐約市管理與財政預算辦公室考慮。意見應說明是針對哪一項的公告。

發放撥款

紐約市管理與財政預算辦公室向 HUD 證明，如果是有新案提出要求執行環境評估程序責任，署長 Alan Page，根據他擔任 CDBG-DR 計劃副總監官員的職責，同意接受聯邦法庭的管轄，直到這些程序責任圓滿完成為止。HUD 對認領的批准可以滿足根據 NEPA 的責任，與有關的法例與權力，容許市政府使用 CDBG-DR 計劃撥款。

反對發放撥款

HUD 會接受反對發放撥款，與 NYCMB 的認領，為期 15 天，必須在要求預期是交日期前或在真正接受要求的日期前 (兩者取其較早日期)，但只限根據下列理由反對：(a) 認領未獲 NYCMB 認領官員簽名；(b) NYCMB 備做一項程序，或未有關根據法例 24 CFR 58 條的 HUD 規定作出決定或結論；(c) 在 HUD 批准發放撥款前，接受撥款者把撥款用於法例 24 CFR 58 條未有批准的項目上；(d) 另一個聯邦部門，根據 40 CFR 1504 條交一項書面而結論，認為這項計劃未能滿足環境品質。反對必須根據規定程序 (24 CFR 58 條) 撰寫與遞交，送交 Tammie S. Parker, Disaster Recovery and Special Justice Division, Office of Black Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410。有意提出反對者可聯絡 HUD 查詢提出反對的最後日期。

紐約市管理與財政預算辦公室 署長 Mark Page
日期：2013 年 7 月 18 日

AFFIDAVIT OF PUBLICATION

STATE OF NEW YORK

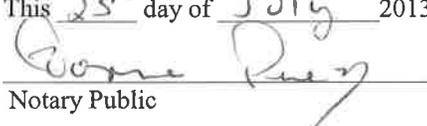
COUNTY OF NEW YORK

Alison Bloom, being duly sworn, hereby declares and says, that she is the Advertising Account Executive responsible for placing of advertisement in **Russkaya Reklama** for Miller Advertising Agency Inc; Located in New York, NY, and that the **Legal Advertisement** of which the annexed is a true copy, has been published in the said publication for **the New York City Housing Preservation and Development** on the **19th day of July** of the year **2013**.


Alison Bloom

**Subscribed to and
Sworn before me**

This 23rd day of July 2013


Notary Public

Donna Perez
Notary Public State Of New York
No. 01PE6151365
Qualified In New York County
Commission Expires August, 14th - 2014

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Мэр Майкл Блумберг лично объявил об открытии летней программы YouthWRAP, которая позволит 450 подросткам, находящимся на испытательном сроке, получить оплачиваемую работу с неполной занятостью.



Несовершеннолетние будут работать на различных объектах, которые сильно пострадали от урагана, разразившегося 29 октября. Они помогут восстанавливать здания и предприятия в Конн-Айленде и Рокауэй. «Это отличная идея, — считает мэр Блумберг, — эти дети совершили необдуманные поступки, но они понимают, что могут вернуться на правильный путь и изменить свою судьбу».

Программа YouthWRAP начала работу в январе. Большинство подростков, которые участвовали в ней в этом семестре, изъявили желание продолжать работу летом в течение семи недель. Им не только засчитают часы общественных работ, но и выплатят деньги.

туте, это школьное образование. В целом, 40% опрошенных считают, что главная проблема, которая стоит перед городом — государственное образование, и они правы. Крупнейшая образовательная система страны нуждается в серьезных преобразованиях.

Мы знаем, что город уже добился некоторых успехов: с 2005 года уровень выпуска в средних школах возрос на 39%. Количество детей, которые бросают школу, сократилось в два раза. В ближайшее время, невзирая на сопротивление учительского про-

дители этих детей хотят, чтобы они учились в хороших школах. Так где же смелые, но выполнимые планы кандидатов на пост мэра по усилению влияния родителей на учебный и воспитательный процесс? Где стремление поднять достижения на более высокий уровень?

Жители Нью-Йорка слышат от кандидатов в мэры скорее сигнал капитуляции и отступлению назад. Некоторые хотят лишить чартерные школы права размещаться в общественных зданиях школ. Со своей стороны ньюйоркцы ждут от Билла де Блазио, Билла Томпсона и Джона Лю активных действий или хотя бы вразумительных намерений.

Единственный кандидат, который согласен с необходимостью закрепить достижения Блумберга в реформе системы образования и двигаться вперед, — республиканец Джозеф Лота. Остальные почему-то молчат. Реформа школьного образования должна продолжаться. Дальнейшего прогресса можно добиться только с помощью активных действий.

**С ПОЛЬЗОЙ ДЛЯ ВСЕХ
Подростки, которые сбились с
правильного пути и попали в
беду, получат возможность ре-
абилитировать себя, помогая**



фсоюза, будет введена новая система оценки работы преподавателей, которая повысит уровень их ответственности за учеников.

Но этого недостаточно. Как сообщил канцлер городских школ Деннис Уолкотт, очередь на места в чартерных школах достигла 53 тысяч человек. По его словам, ро-

**ПРИОРИТЕТ ДЛЯ
СЛЕДУЮЩЕГО МЭРА**
Главный вопрос, который тревожит умы избирателей на предстоящих выборах в мэры Нью-Йорка, — не нарушение прав меньшинств в результате незаконной практики останова и обыска, и не иллюзорная борьба за лучшие результаты в программах для бездомных и душевнобольных и даже не плачевное состояние некоторых городских парков.

Согласно недавнему опросу Zogby, опубликованному Manhattan Insti-

ГОРОД НЬЮ-ЙОРК
ОФИС МЕНЕДЖМЕНТА И БЮДЖЕТА
ДЕПАРТАМЕНТ ЖИЛИЩНОГО СОХРАНЕНИЯ И РАЗВИТИЯ — МНОГОСЕМЕЙНЫЕ БИЛДИНГИ
COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR)
СОВМЕСТНОЕ ИССЛЕДОВАНИЕ ОТСУТСТВИЯ ЗНАЧИТЕЛЬНОГО ВОЗДЕЙСТВИЯ И
ЗАЯВЛЕНИЕ О НАМЕРЕНИЯХ ПОТРЕБОВАТЬ ВЫДЕЛЕНИЕ ФОНДОВ

Это сообщение удовлетворяет двум отдельным, но взаимосвязанным процедурным требованиям к деятельности, которая должна быть предпринята городом Нью-Йорк.

ТРЕБОВАНИЕ О ВЫДЕЛЕНИИ ФОНДОВ

The New York City Office of Management and Budget (NYCOMB) является ответственным за экологические исследования, проведенные в соответствии с программой CDBG-DR. Примерно 6 августа 2013 года город представит HUD свое требование о выделении фондов для CDBG-DR в целях проведения программы NYC Build It Back: Multi-Family Buildings, призванной решить оставшиеся жилищные проблемы, связанные с ущербом, который ураган «Сэнди» причинил 5 бро-ро, в размере \$215,000,000. Программа NYC Multi-Family Buildings предусматривает выделение средств на восстановление многосемейных (5 и квартир и более) домов, а также 3-4-квартирных билдингов, в которых не проживают владельцы. Фонды будут распределены по всему городу и будут предназначены для домов всех типов, в том числе рыночного уровня, объектов, которым помогает HUD, постоянного жилья для бездомных и частных рыночных квартир, получающих предусмотренную проектом помощь или населенных жильцами, участвующими в Section 8 Housing Choice Voucher Program. Эта деятельность, в частности, включает:

- восстановление и новое строительство вспомогательных жилых проектов и поддержка хронически бездомных с особыми потребностями;
- перестройку поврежденных домов престарелых, пансионов и других объектов вспомогательного проживания; и
- восстановление и модернизацию существующего доступного жилья, в том числе поддерживаемого HUD (программа Section 202 для пожилых, проекты Low Income Housing Tax Credit и программа State Mitchell-Lama).

Финансирование CDBG-DR позволит предоставить мало- и беспроцентные ссуды, возможно, безвозмездные или ограниченные гранты. Кроме того, будут рассмотрены проекты в пострадавших от урагана районах, которые являются ценным жилищным ресурсом, даже если повреждения им были нанесены не стихией. The Department of Housing Preservation and Development будет осуществлять контроль за программой.

ФИНАНСИРОВАНИЕ НЕЗНАЧИТЕЛЬНОГО ВОЗДЕЙСТВИЯ

Город установил, что реализация проекта не окажет значительное воздействие на среду обитания. Поэтому Environmental Impact Statement, предусмотренный National Environmental Policy Act от 1969 г., не требуется. Дополнительная информация о проекте содержится в Environmental Review Record, который можно получить у мистера Кальвина Джонсона, заместителя директора офиса менеджмента и

бюджета Нью-Йорк-Сити, по адресу: 255 Greenwich Street, 8-й этаж, New York, NY 10007, в будние дни с 10 am до 5 pm. Или воспользуйтесь ссылкой <http://www.nyc.gov/html/housingrecov> и затем зайдите в раздел Public Notices.

ПУБЛИЧНЫЕ КОММЕНТАРИИ

Любые человек, организация или агентство, не согласные с определением или желающие прокомментировать проект, могут отправлять письменные комментарии в NYCOMB по вышеуказанному адресу или по электронной почте на CDBGDR-enviro@omb.nyc.gov. Все комментарии, полученные до 3 августа 2013 г., будут рассмотрены NYCOMB перед подачей запроса на выделение средств в HUD. В комментариях должно быть указано, к какой программе они относятся.

ВЫДЕЛЕНИЕ СРЕДСТВ

NYCOMB подтверждает HUD, что Марк Пейдж как сертифицирующий сотрудник программы CDBG-DR может принять юрисдикцию федеральных судов, если будут предприняты действия, призванные ввести обязательства в отношении экологического исследования, и что эти обязательства будут выполнены. Одобрение сертификации HUD соответствует его ответственности по правилам NEPA и соответствующих законов и ведомств и разрешает городу использовать фонды программы CDBG-DR.

ВОЗРАЖЕНИЯ ПО ВЫДЕЛЕНИЮ СРЕДСТВ

HUD примет возражения по выделению средств и сертификации NYCOMB в течение 15 дней до ожидаемого финансирования или удовлетворения запроса (в зависимости от того, что из них произойдет позже), только в одном из следующих случаев: (a) сертификация не была осуществлена сертифицирующим сотрудником NYCOMB; (b) NYCOMB не принял решение или не потребовал финансирование в соответствии с правилом HUD, указанным в 24 CFR Part 58; (c) получатель гранта затребовал фонды или включил расходы в нарушение 24 CFR Part 58 перед одобрением выделения средств HUD; или (d) другое федеральное агентство в соответствии с 40 CFR Part 1504 представило письменное заключение о несоблюдении в проекте стандартов экологического качества. Возражения должны быть подготовлены и представлены в соответствии с обязательными процедурами (24 CFR Part 58) и отправлены: Tennille S. Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410. Потенциальные оппоненты должны связаться с HUD, чтобы уточнить крайний срок подачи возражений.

Город Нью-Йорк, Офис менеджмента и бюджета, Марк Пейдж, директор
Дата: 19 июля 2013 г. 1057-53

9.0 REQUEST FOR RELEASE OF FUNDS (FORM 7015.15)

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 10/31/2014)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) NYC Build It Back: Multi-Family Buildings	2. HUD/State Identification Number B-13-MS-36-0001	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity Mark Page, Director, NYC Office of Management & Budget, 255 Greenwich Street, 8th Floor, New York, NY 10007	
6. For information about this request, contact (name & phone number) Calvin Johnson, NYC Office of Management & Budget		7. Name and address of recipient (if different than responsible entity)
8. HUD or State Agency and office unit to receive request Tenille Smith Parker, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, HUD 451 7th Street SW, Rm 7272, Washington, D.C. 20410. (email: tenille.s.parker@hud.gov)		

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) <small>The rehabilitation of multi-family buildings (5 units or more plus 3-4 units, non-owner occupied building(s)) is targeted to facilities that include: • those identified as supportive housing projects; and those with on-site supportive services serving chronically homeless individuals with special needs; • damaged nursing homes, rooming houses, and other facilities; benefiting supportive housing subject to conversion; and • rehabilitation/retrofitting of existing affordable housing developments, including HUD-assisted housing (Section 202 senior housing, Low Income Housing Tax Credit projects, and State Mitchell-Lama program developments).</small>	10. Location (Street address, city, county, State) Multi-Family Buildings located on scattered residentially-zoned properties across the five boroughs of New York City, New York
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11. Program Activity/Project Description

The NYC Build It Back: Multi-Family Building activities to be funded by CDBG-DR are designed to address unmet housing recovery needs of people affected by Hurricane Sandy to help them achieve permanent, sustainable housing solutions that allow them to remain in NYC and, as possible, return to their neighborhoods. Assistance is targeted to 1) non-owner occupied buildings targeted as supportive housing projects and those with on-site supportive services serving chronically homeless individuals; 2) HUD-assisted properties such as developments with Section 202 or 236 contracts, permanent housing for the formerly homeless; and 3) private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. The CDBG-DR funding in the amount of \$215,000,000 will support this rehabilitation program. A 90% portion (\$193,500,000) is available to qualified facilities, while 10% (\$21,500,000) is dedicated to Citywide Planning and Administration of the program.

The assistance is composed of cap-restricted grants or forgivable loans to complete construction projects following environmental clearance from the Responsible Entity, which is the City's OMB. To achieve environmental clearance the proposed projects must comply with 24 CFR 58 and HUD Environmental Standards. The City targets 67% of the CDBG-DR funds for project activities that benefit and meet the unmet housing needs of eligible low to moderate income households. The grants and other eligible services will be based on damage to the original building, plus the funds necessary to meet applicable housing quality standards (HQS), local, state and/or federal building codes, and other mitigation measures that reduce the risk of damage to dwellings from future storms. This assistance is targeted to existing buildings as described above, construction activities are anticipated to occur on developed sites, within the existing footprint of the damaged structure, and not result in increased population density.

The NYC Multi-Family Building funds will assist the rehabilitation of buildings damaged by Hurricane Sandy and will be distributed according to priorities established in the City's Partial Action Plan A. The City will prioritize assistance for those buildings with the potential to serve NYC residents of neighborhoods most affected by Hurricane Sandy.

Previous editions are obsolete

form HUD-7015.15 (1/99)

Part 2. Environmental Certification (to be completed by responsible entity)

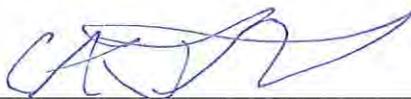
With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

X 

Address of Certifying Officer

Assistant (5)
Title of Certifying Officer

Director, New York City Office of Management & Budget

Date signed

8/6/13

255 Greenwich Street, 8th Floor, New York, NY 10007

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

10.0 AUTHORITY TO USE GRANT FUNDS (FORM 7015.16)

Authority to Use Grant Funds

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

To: (name & address of Grant Recipient & name & title of Chief Executive Officer)	Copy To: (name & address of SubRecipient)
Mr. Calvin Johnson Assistant Director, CDBG Disaster Recovery NYC Office of Management and Budget (OMB) 255 Greenwich Street, 8th Floor New York, NY 10007	

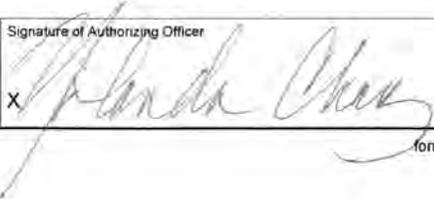
We received your Request for Release of Funds and Certification, form HUD-7015.15 on	8/25/2013
Your Request was for HUD/State Identification Number	B-13-MS-36-0001

All objections, if received, have been considered. And the minimum waiting period has transpired.
You are hereby authorized to use funds provided to you under the above HUD/State Identification Number.
File this form for proper record keeping, audit, and inspection purposes.

Program Activity: NYC Build It Back: Multi-family Buildings

Program Description: Rehabilitation of multi-family buildings to include (5 units or more plus 3-4 units). This project will provide supportive housing and services to the homeless population with special needs. Also, rehabilitation will consist of nursing homes, rooming houses and other facilities. Retrofitting and/or rehabilitating affordable housing units, including HUD assisted housing, senior housing (Sec 202) and Low Income Housing Tax Credits and State Mitchell-Lama Program developments.

CDBG-DR Funding-\$215,000,000
Total Funding-\$215,000,000

Typed Name of Authorizing Officer Yolanda Chávez	Signature of Authorizing Officer 	Date (mm/dd/yyyy) 8/25/2013
Title of Authorizing Officer Deputy Assistant Secretary for Grant Programs	X	

Previous editions are obsolete.

form HUD-7015.16 (2/94)
ref. Handbook 6513.01

Appendix A

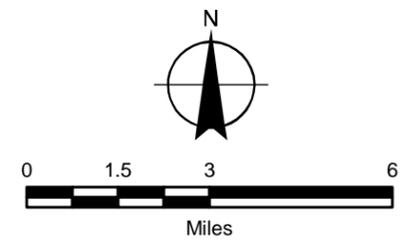
Figures and Tables

Historic/Cultural Feature	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Cemeteries (Count)	2	3	0	9	1	15
Landmark Interiors (Count)	5	7	96	4	3	115
Individual Landmarks (Count)	79	154	793	53	102	1,181
Scenic Landmarks (SqMi)	0.00	1.00	2.08	0.00	0.00	3.09
Historic Districts (SqMi)	0.26	1.57	2.28	0.80	0.62	5.54

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Cemeteries
NYC Dept. of Planning (Jan 2010)
-  Landmark Interiors
NYC Landmarks Preservation Commission (2009)
-  Individual Landmarks
NYC Landmarks Preservation Commission (2009)
-  Scenic Landmarks
NYC Landmarks Preservation Commission (2009)
-  Historic Districts
NYC Landmarks Preservation Commission (2009)
- Indian Nation Areas of Interest**
-  Shinnecock and Delaware Nations
NYS Historic Preservation Office

Note:
The information depicted in this figure has been obtained from public sources and does not represent a complete accounting of historic and cultural resources, some of which may be undergoing evaluation and others are unknown.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

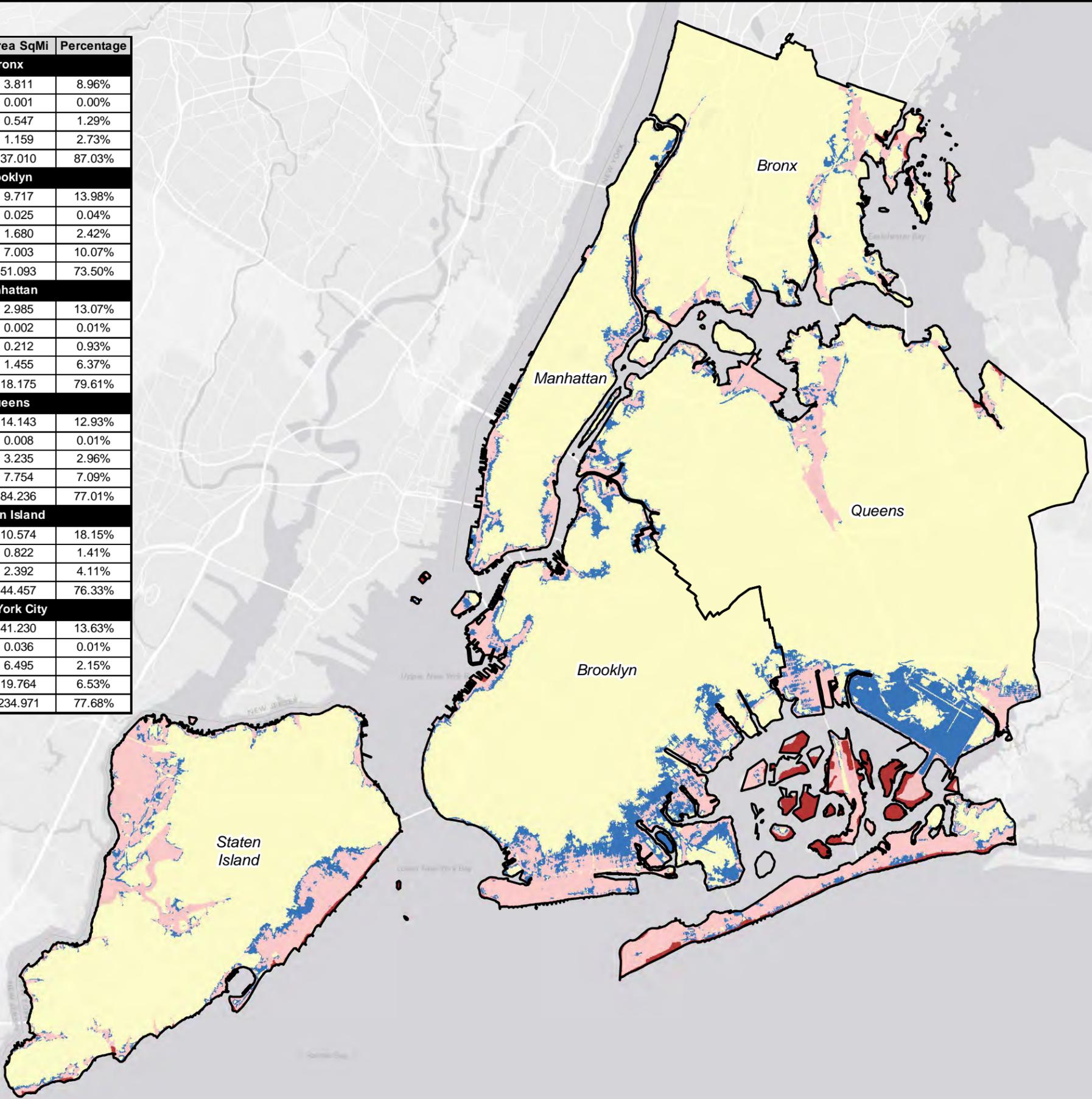
FIGURE NUMBER
1-1 HISTORIC AND CULTURAL SITES
IN NEW YORK CITY

NYC Housing Recovery

**NYC
BUILD IT
BACK**

Stronger & Safer

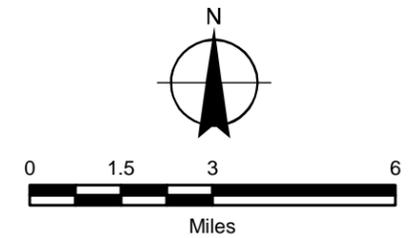
Flood Zone	Area SqMi	Percentage
Bronx		
AE	3.811	8.96%
AO	0.001	0.00%
VE	0.547	1.29%
Shaded X (500yr)	1.159	2.73%
Unshaded X	37.010	87.03%
Brooklyn		
AE	9.717	13.98%
AO	0.025	0.04%
VE	1.680	2.42%
Shaded X (500yr)	7.003	10.07%
Unshaded X	51.093	73.50%
Manhattan		
AE	2.985	13.07%
AO	0.002	0.01%
VE	0.212	0.93%
Shaded X (500yr)	1.455	6.37%
Unshaded X	18.175	79.61%
Queens		
AE	14.143	12.93%
AO	0.008	0.01%
VE	3.235	2.96%
Shaded X (500yr)	7.754	7.09%
Unshaded X	84.236	77.01%
Staten Island		
AE	10.574	18.15%
VE	0.822	1.41%
Shaded X (500yr)	2.392	4.11%
Unshaded X	44.457	76.33%
New York City		
AE	41.230	13.63%
AO	0.036	0.01%
VE	6.495	2.15%
Shaded X (500yr)	19.764	6.53%
Unshaded X	234.971	77.68%



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- FEMA Preliminary Work Map Flood Zones**
- 100 Year Floodplain - Zone AE
- 100 Year Floodplain - Zone AO
- 100 Year Floodplain - Zone VE
- 500 Year Floodplain - Shaded Zone X
- Outside of Floodplain - Unshaded X
Federal Emergency Management Agency (June 2013)

Note:
Zone designations include: Zone AE: an area inundated by 1% annual chance flooding, and BFEs have been determined. Zone AO: an area inundated by 1% annual chance flooding, (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from 1 to 3 feet. Zone VE: an area inundated by 1% annual chance flooding with velocity hazard (wave action); BFEs have been determined. Shaded Zone X: an area inundated by 0.2% annual chance flooding.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
2-1

**FLOOD HAZARD AREAS
IN NEW YORK CITY**

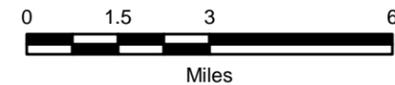
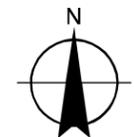
NYC Housing
Recovery



Borough	Hydrography (Miles)	Waterbody (SqMiles)
Bronx	16.48	1.55
Brooklyn	2.74	2.04
Manhattan	0.49	0.43
Queens	38.91	2.84
Staten Island	105.81	1.27
New York City	164.43	8.13

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Hydrography
US Geological Survey (Feb 2012)
-  Waterbody
US Geological Survey (Feb 2012)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
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NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

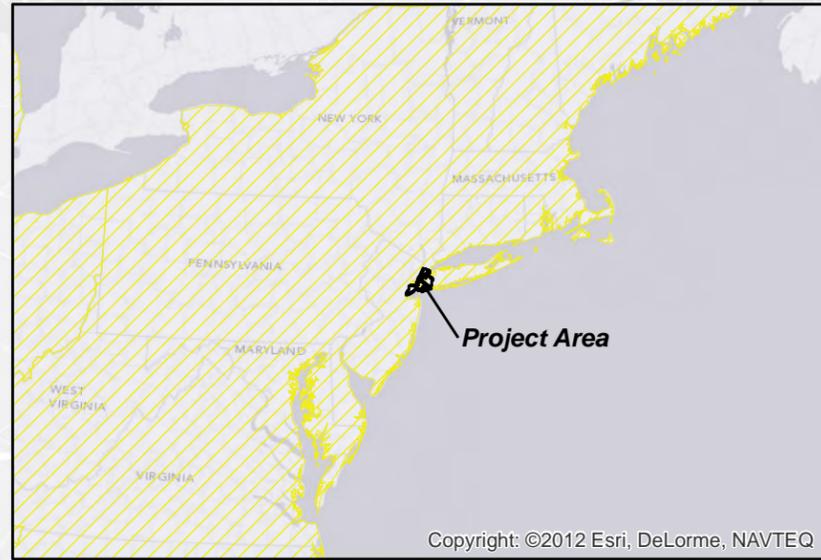
FIGURE NUMBER
3-1 SURFACE WATER RESOURCES
IN NEW YORK CITY



**Table 4 - 1
New York City Migratory Bird List***

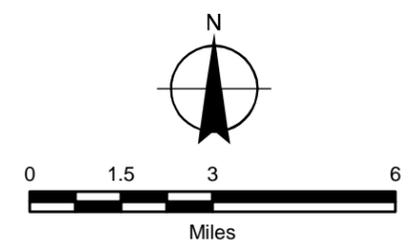
Common Name	Scientific Name	Common Name	Scientific Name	Common Name	Scientific Name
Acadian Flycatcher	<i>Empidonax virescens</i>	Eastern Kingbird	<i>Tyrannus tyrannus</i>	Peregrine Falcon	<i>Falco peregrinus</i>
American Black Duck	<i>Anas rubripes</i>	Eastern Meadowlark	<i>Sturnella magna</i>	Pied-billed Grebe	<i>Podilymbus podiceps</i>
American Crow	<i>Corvus brachyrhynchos</i>	Eastern Phoebe	<i>Sayornis phoebe</i>	Pine Warbler	<i>Setophaga pinus</i>
American Goldfinch	<i>Spinus tristis</i>	Eastern Screech-Owl	<i>Megascops asio</i>	Piping Plover**	<i>Charadrius melodus</i>
American Kestrel	<i>Falco sparverius</i>	Eastern Towhee	<i>Pipilo erythrophthalmus</i>	Purple Martin	<i>Progne subis</i>
American Oystercatcher	<i>Haematopus palliatus</i>	Eastern Wood-Pewee	<i>Contopus virens</i>	Red-bellied Woodpecker	<i>Melanerpes carolinus</i>
American Redstart	<i>Setophaga ruticilla</i>	Field Sparrow	<i>Spizella pusilla</i>	Red-eyed Vireo	<i>Vireo olivaceus</i>
American Robin	<i>Turdus migratorius</i>	Fish Crow	<i>Corvus ossifragus</i>	Red-tailed Hawk	<i>Buteo jamaicensis</i>
American Woodcock	<i>Scolopax minor</i>	Forster's Tern	<i>Sterna forsteri</i>	Red-winged Blackbird	<i>Agelaius phoeniceus</i>
Baltimore Oriole	<i>Icterus galbula</i>	Gadwall	<i>Anas strepera</i>	Roseate Tern**	<i>Sterna dougallii</i>
Bank Swallow	<i>Riparia riparia</i>	Glossy Ibis	<i>Plegadis falcinellus</i>	Rose-breasted Grosbeak	<i>Pheucticus ludovicianus</i>
Barn Owl	<i>Tyto alba</i>	Gray Catbird	<i>Dumetella carolinensis</i>	Ruby-throated Hummingbird	<i>Archilochus colubris</i>
Barn Swallow	<i>Hirundo rustica</i>	Great Blue Heron	<i>Ardea herodias</i>	Ruddy Duck	<i>Oxyura jamaicensis</i>
Belted Kingfisher	<i>Megaceryle alcyon</i>	Great Crested Flycatcher	<i>Myiarchus crinitus</i>	Saltmarsh Sharp-tailed Sparrow	<i>Ammodramus caudacutus</i>
Black Skimmer	<i>Rynchops niger</i>	Great Horned Owl	<i>Bubo virginianus</i>	Savannah Sparrow	<i>Passerculus sandwichensis</i>
Black-and-white Warbler	<i>Mniotilta varia</i>	Green Heron	<i>Butorides virescens</i>	Scarlet Tanager	<i>Scarlet Tanager</i>
Black-billed Cuckoo	<i>Coccyzus erythrophthalmus</i>	Gull-billed Tern	<i>Gelochelidon nilotica</i>	Seaside Sparrow	<i>Ammodramus maritimus</i>
Black-capped Chickadee	<i>Poecile atricapillus</i>	Hairy Woodpecker	<i>Picoides villosus</i>	Short-eared Owl	<i>Asio flammeus</i>
Black-crowned Night-Heron	<i>Nycticorax nycticorax</i>	Herring Gull	<i>Larus argentatus</i>	Snowy Egret	<i>Egretta thula</i>
Blue Grosbeak	<i>Passerina caerulea</i>	Hermit Thrush	<i>Catharus guttatus</i>	Song Sparrow	<i>Melospiza melodia</i>
Blue Jay	<i>Cyanocitta cristata</i>	Hooded Warbler	<i>Setophaga citrina</i>	Spotted Sandpiper	<i>Actitis macularius</i>
Blue-gray Gnatcatcher	<i>Polioptila caerulea</i>	House Finch	<i>Haemorhous mexicanus</i>	Swamp Sparrow	<i>Melospiza georgiana</i>
Blue-winged Teal	<i>Anas discors</i>	House Wren	<i>Troglodytes aedon</i>	Tree Swallow	<i>Tachycineta bicolor</i>
Blue-winged Warbler	<i>Vermivora cyanoptera</i>	Indigo Bunting	<i>Passerina cyanea</i>	Tricolored Heron	<i>Egretta tricolor</i>
Boat-tailed Grackle	<i>Quiscalus major</i>	Kentucky Warbler	<i>Geothlypis formosa</i>	Tufted Titmouse	<i>Baeolophus bicolor</i>
Bobolink	<i>Dolichonyx oryzivorus</i>	Killdeer	<i>Charadrius vociferus</i>	Turkey Vulture	<i>Cathartes aura</i>
Broad-winged Hawk	<i>Buteo platypterus</i>	Laughing Gull	<i>Leucophaeus atricilla</i>	Upland Sandpiper	<i>Bartramia longicauda</i>
Brown Thrasher	<i>Toxostoma rufum</i>	Least Bittern	<i>Ixobrychus exilis</i>	Veery	<i>Catharus fuscescens</i>
Brown-headed Cowbird	<i>Molothrus ater</i>	Least Tern	<i>Ixobrychus exilis</i>	Virginia Rail	<i>Rallus limicola</i>
Canada Goose	<i>Branta canadensis</i>	Little Blue Heron	<i>Egretta caerulea</i>	Warbling Vireo	<i>Vireo gilvus</i>
Carolina Wren	<i>Thryothorus ludovicianus</i>	Mallard	<i>Anas platyrhynchos</i>	White-breasted Nuthatch	<i>Sitta carolinensis</i>
Cattle Egret	<i>Bubulcus ibis</i>	Mallard x Am. Black Duck Hybrid	<i>Anas platyrhynchos x rubripes</i>	White-eyed Vireo	<i>Vireo griseus</i>
Cedar Waxwing	<i>Bombycilla cedrorum</i>	Marsh Wren	<i>Cistothorus palustris</i>	Willet	<i>Tringa semipalmata</i>
Chimney Swift	<i>Chaetura pelagica</i>	Mourning Dove	<i>Zenaida macroura</i>	Willow Flycatcher	<i>Empidonax traillii</i>
Chipping Sparrow	<i>Spizella passerina</i>	Northern Cardinal	<i>Cardinalis cardinalis</i>	Wilson's Snipe	<i>Gallinago delicata</i>
Clapper Rail	<i>Rallus longirostris</i>	Northern Flicker	<i>Colaptes auratus</i>	Wood Duck	<i>Aix sponsa</i>
Common Grackle	<i>Quiscalus quiscula</i>	Northern Harrier	<i>Circus cyaneus</i>	Wood Thrush	<i>Hylocichla mustelina</i>
Common Moorhen	<i>Gallinula galeata</i>	Northern Mockingbird	<i>Mimus polyglottos</i>	Yellow-billed Cuckoo	<i>Coccyzus americanus</i>
Common Nighthawk	<i>Chordeiles minor</i>	Northern Shoveler	<i>Anas clypeata</i>	Yellow-breasted Chat	<i>Icteria virens</i>
Common Tern	<i>Sterna hirundo</i>	Northern Parula	<i>Setophaga americana</i>	Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>
Common Yellowthroat	<i>Geothlypis trichas</i>	Northern Rough-winged Swallow	<i>Stelgidopteryx serripennis</i>		
Cooper's Hawk	<i>Accipiter cooperii</i>	Ovenbird	<i>Seiurus aurocapilla</i>	* US Fish and Wildlife Service Migratory Bird List (4/2012)	
Double-crested Cormorant	<i>Phalacrocorax auritus</i>	Orchard Oriole	<i>Icterus spurius</i>	** Denotes a federally-listed species	
Downy Woodpecker	<i>Picoides pubescens</i>	Osprey	<i>Pandion haliaetus</i>		

Wetland Type	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%
Estuarine and Marine Deepwater	0.75	51.93%	1.44	53.35%	0.11	34.29%	1.18	23.80%	0.73	12.70%	4.21	27.78%
Estuarine and Marine Wetland	0.37	25.54%	1.11	41.18%	0.00	0.00%	3.03	61.08%	3.22	56.22%	7.74	51.02%
Freshwater Emergent Wetland	0.04	2.96%	0.03	1.23%	0.00	0.00%	0.19	3.80%	0.52	9.10%	0.79	5.18%
Freshwater Forested/Shrub Wetland	0.06	4.08%	0.02	0.75%	0.00	0.00%	0.11	2.28%	0.87	15.13%	1.06	6.99%
Freshwater Pond	0.06	3.89%	0.02	0.90%	0.06	19.18%	0.19	3.74%	0.28	4.94%	0.61	4.02%
Lake	0.15	10.08%	0.07	2.59%	0.15	46.53%	0.25	5.12%	0.10	1.83%	0.72	4.77%
Riverine	0.02	1.52%	0.00	0.00%	0.00	0.00%	0.01	0.18%	0.00	0.05%	0.03	0.22%
Other	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.03%	0.00	0.01%
NYS Regulatory Freshwater Wetlands	0.13	--	0.01	--	0.00	--	0.38	--	3.77	--	4.29	--



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- NYS Regulatory Freshwater Wetlands
NYS Dept. of Env. Conservation (1999)
- National Wetland Inventory - Type**
 - Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Riverine
 - Other
US Fish and Wildlife Service (Jan 2013)
 - Migratory Bird Flyway
ESRI/Ducks Unlimited Oracle-based
Habitat Project Tracking System (April 2005)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER
4-1

**WETLANDS
IN NEW YORK CITY**



Document Name: nycr_149831_084_multifam_wetlands; Analyst: ben.holt; Date: 7/1/2013 10:15:12 AM

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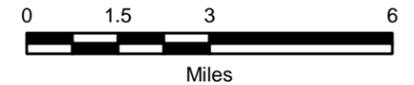
Coastal Feature	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
	Area SqMi	Area SqMi				
Coastal Zone Boundary	15.98	17.99	8.01	34.42	43.56	119.96
Waterfront Access Plan	0.03	0.30	0.00	0.13	0.00	0.47

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Coastal Zone Boundary
NYC Dept. of City Planning,
Waterfront and Open Space Division (Sep 2011)
-  Waterfront Access Plan
NYC Dept. of City Planning, Planning Coordination,
Waterfront and Open Space Division (Sep 2011)
-  Significant Maritime and Industrial Areas
NYC Dept. of City Planning,
Waterfront and Open Space Division (Mar 2012)
-  Significant Coastal Fish
and Wildlife Habitats
NYS Dept. of State,
Division of Coastal Resources (Jan 2013)
-  Local Waterfront Revitalization Areas
NYS Dept. of State,
Office of Communities and Waterfronts (April 2013)
-  Local Waterfront Revitalization
Program Communities
NYS Dept. of State,
Office of Communities and Waterfronts (April 2013)

Note:
The Coastal Zone Boundary represented in this figure is being revised by the Waterfront Revitalization Program of the NYC Department of City Planning and is expected to take effect in 2014.

The Coastal Zone Boundary encompasses the following coastal features: Significant Maritime and Industrial Areas, Significant Coastal Fish and Wildlife Habitats, Special Natural Waterfront Areas, Staten Island Bluebelts, Tidal and Freshwater Wetlands, Coastal Floodplains and Flood Hazard Areas, Erosion Hazard Areas, Coastal Barrier Resources Act Areas, Steep Slopes, Parks and Beaches, Visual Access and Views of Coastal Waters and the Harbor, Historic, Archaeological, and Cultural Sites Closely Associated with the Coast, and Special Zoning Districts.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
5-1

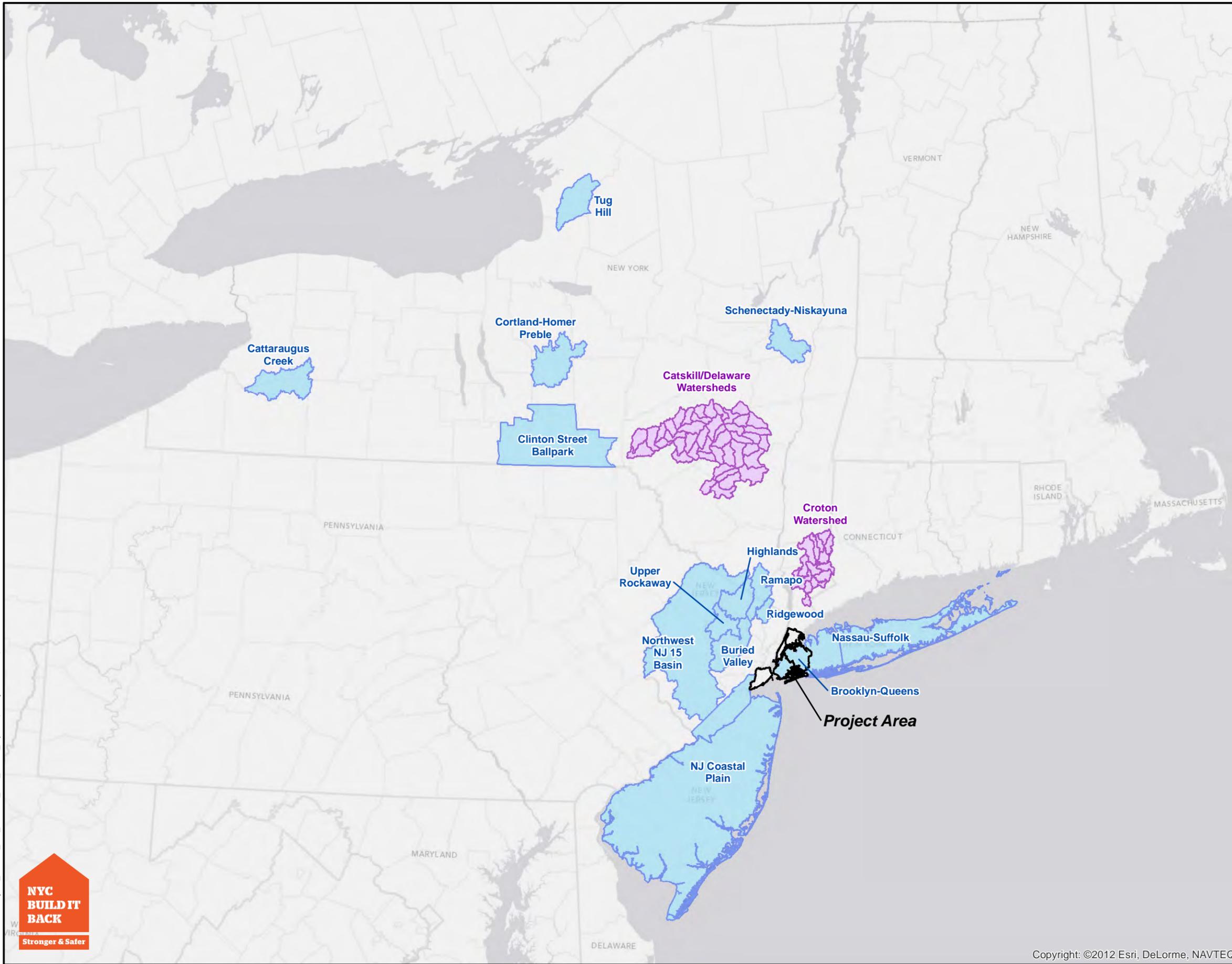
**COASTAL ZONE MANAGEMENT
IN NEW YORK CITY**

NYC Housing
Recovery

**NYC
BUILD IT
BACK**

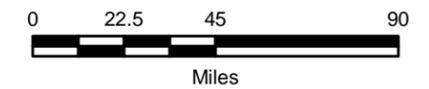
Stronger & Safer

Document Name: nycer_149831_086_multifam_sole_source_aquifers; Analyst: ben.holt; Date: 7/1/2013 10:16:25 AM



Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Sole Source Aquifers for NY and NJ
US Environmental Protection Agency Region 2 (Sep 2007)
-  NYC Water Supply Watersheds
NYC DEP and US Geologic Survey (Feb 2012)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
6-1

**SOLE SOURCE AQUIFERS
IN NEW YORK STATE**

NYC Housing
Recovery



**Table 7-1
Federally-Listed Rare, Threatened, and Endangered Species, Including Species of Concern, with Occurrence in New York City**

Common Name	Scientific Name	Federal Status	State Status	Habitat ^{3,4}	Global Rank ^{1,2}	State Rank ^{1,2}	County Listed ⁶
<u>BIRDS</u>							
Piping Plover	<i>Charadrius melodus</i>	LE, LT	E	BS, MV	G3	S3B	Q
Roseate Tern	<i>Sterna dougallii</i>	LE	E	SS, BI, MV	G4	S1B	None
Redknot	<i>Calidris canutus</i>	C		B	G4		Q
<u>FISHES</u>							
Atlantic Sturgeon ⁵	<i>Acipenser oxyrinchus</i>	LE	PNOS	RI, M	G3	S1	NY
Shortnose Sturgeon ⁵	<i>Acipenser brevirostrum</i>	LE	E	RI, M	G3	S1	B, NY
<u>MAMMALS</u>							
New England Cottontail	<i>Sylvilagus transitionalis</i>	C	SC	SS, WL, ES	G3	S1S2	None
<u>BEETLES</u>							
American Burying Beetle	<i>Nicrophorus americanus</i>	E	E	WFG, AG	G2G3	SH	None
Northeastern Beach Tiger Beetle	<i>Cicindela dorsalis dorsalis</i>	T	T	BS	G4T2	SX	None
<u>BUTTERFLIES AND MOTHS</u>							
Karner Blue	<i>Plebejus melissa samuelis</i>	E	E	SS, ES, F	G5T2	S1	None
<u>PLANTS</u>							
Seabeach Amaranth	<i>Amaranthus pumilus</i>	T	T	BS	G2	S2	Q
Sandplain Gerardia	<i>Agalinis acuta</i>	E		SS, FO	G1	N/A	None
Swamp Pink	<i>Helonias bullata</i>	T		F, WL, S	G3	SX	None

Notes

"Status" headings = identifies Federal or State conservation status, or Species of Concern (SC); see below.
 "Habitat" heading = identifies known or preferred species habitats, see right.
 Blank cells under "Status" headings = rare or sensitive species of conservation concern, but with no regulatory listing status.

Key to Habitat types

F = Forest
 G = Grassland
 AG = Agricultural
 SS = Sandy soils
 ST = Streams
 RI = Rivers
 ES = Early successional
 B = Beach sand
 BI = Barrier islands
 M = Marine
 MV = Minimal vegetation
 WL = Wetlands
 FO = Forest openings
 WFG = Woodland, Forest, Grassland Mosaic
 NIG = Native and Introduced Grasses

County Codes

B = Bronx County
 NY = New York County
 K = Kings County
 Q = Queens County
 R = Richmond County

Key to Global and State Ranking System

G# = Global Rank
 S# = State Rank
 T# = Intraspecific Taxa (subspecies) Rank
 G1 or S1 = Critically Imperiled
 G2 or S2 = Imperiled
 G3 or S2 = Vulnerable
 G4 or S4 = Apparently Secure
 G5 or S5 = Secure
 G#G# = Variant Rank - Global

Key to Status Listings

S#S# = Variant Rank - State
 T#T# = Variant Intraspecific Taxa Rank
 NA = Not applicable
 B = Breeding
 N = Non-breeding
 SU = Unrankable in State
 TU = Intraspecific Taxa Unrankable
 SH = Possibly Extirpated
 SX = Presumed Extirpated
 LE = Listed Endangered (Federal)
 E = Endangered (State)
 LT = Listed Threatened (Federal)
 PNOS = Protected, No Open Season (State)
 T = Threatened (State)
 SC = Species of Concern
 C = Candidate (Federal)

References

¹New York State Department of Environmental Conservation, 2009, *Nature Explorer A Gateway to New York's Biodiversity*, April 25 (updated), Multiple New York State databases, <<http://www.dec.ny.gov/natureexplorer/app/>>
²U.S. Fish and Wildlife Service, 2013, *List of Species by County for New York State (Bronx, Kings, New York, Queens, Richmond Counties)*, April 25 (updated), Database, <http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=NY&s8fid=112761032792&s8fid=112762573902>
³New York State Department of Environmental Conservation, 2013, *Biodiversity and Species Conservation Endangered Species*, April 25 (updated), List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State, <<http://www.dec.ny.gov/animals/7494.html>>
⁴NatureServe Explorer, 2012, *Plants and Animals*, (updated April 25) <<http://www.natureserve.org/explorer/servlet/NatureServe?init=Species>>
⁵ Under the jurisdiction of the National Oceanic and Atmospheric Administration
⁶ Personal communication with Mr. Steven Papa, US Fish and Wildlife Service (species are extirpated from the five-county region (New York City))

Table 7-2

State-Listed Rare, Threatened, and Endangered Species, Including Species of Concern, with Occurrence in New York City

Source: New York Natural Heritage Program, 2013

Common Name	Scientific Name	Federal Status	State Status	Habitat ^{3,4}	Global Rank ^{1,2}	State Rank ^{1,2}	County Listed ^{1,2}
<u>AMPHIBIANS</u>							
Southern Leopard Frog	<i>Lithobates sphenoccephalus</i>		SC	FWL, VP	G5	S1S2	R
<u>BIRDS</u>							
Barn Owl	<i>Tyto alba</i>		PB	N, NIG	G5	S1S2	B, K, Q, R
Black Skimmer	<i>Rynchops niger</i>		SC	CW, B, N	G5	S2	Q
Cattle Egret	<i>Bubulcus ibis</i>		PB	BR, WL, AG, G	G5	S2	B, K, R
Chuck-will's-widow	<i>Antrostomus carolinensis</i>		PB	F, FO	G5	S1B	R
Common Tern	<i>Sterna hirundo</i>		T	F, FO	G5	S3B	K, NY, Q
Forster's Tern	<i>Sterna forsteri</i>		PB	CW, R, B, MV	G5	S1	Q
Glossy Ibis	<i>Plegadis falcinellus</i>		PB	CW, WL	G5	S2	B, K, R
Laughing Gull	<i>Leucophaeus atricilla</i>		PB	CW, TSM	G5	S1	Q
Least Bittern	<i>Ixobrychus exilis</i>		T	TSM	G5	S3B,S1N	K, Q, R
Least Tern	<i>Sternula antillarum</i>		T	CW, B	G4	S3B	Q
Little Blue Heron	<i>Egretta caerulea</i>		PB	TSM, FWL, ST	G5	S2	B, K, R
Northern Harrier	<i>Circus cyaneus</i>		T	TSM, G, SB	G5	S3B,S3N	K, Q
Peregrine Falcon	<i>Falco peregrinus</i>		E	RC, N	G4	S3B	B, K, NY, Q, R
Pied-billed Grebe	<i>Podilymbus podiceps</i>		T	FM, MV, ST	G5	S3B,S1N	K, Q, R
Piping Plover	<i>Charadrius melodus</i>	T	E	CW, TSM, MV, BS	G3	S3B	B, Q
Roseate Tern	<i>Sterna dougallii</i>	E	E	SS, BI, MV	G4	S1B	Q
Short-eared Owl	<i>Asio flammeus</i>		E	G, TSM, FM	G5	S2	K, Q
Snowy Egret	<i>Egretta thula</i>		PB	TSM, B	G5	S2S3	B, K, R
Tricolored Heron	<i>Egretta tricolor</i>		PB	CW, TSM, BI	G5	S2	K, R
Upland Sandpiper	<i>Bartramia longicauda</i>		T	G	G5	S3B	Q
Yellow-crowned Night-Heron	<i>Nyctanassa violacea</i>		PB	TSM, SB	G5	S2	B, K, Q, R
<u>BUTTERFLIES</u>							
Checkered White	<i>Pontia protodice</i>		SC	B, MV, D	G4	S1	Q
<u>DRAGONFLIES AND DAMSELFLIES</u>							
Little Bluet	<i>Enallagma minusculum</i>		T	CP, P	G4	S1	Q
<u>FISH</u>							
Shortnose Sturgeon	<i>Acipenser brevirostrum</i>	E	E	BR, RI, ST	G3	S1	B, NY, R
<u>REPTILES</u>							
Fence Lizard	<i>Sceloporus undulatus</i>		T	HF, G, R	G5	S1	R

Table 7-2

State-Listed Rare, Threatened, and Endangered Species, Including Species of Concern, with Occurrence in New York City

Source: New York Natural Heritage Program, 2013

Common Name	Scientific Name	Federal Status	State Status	Habitat ^{3,4}	Global Rank ^{1,2}	State Rank ^{1,2}	County Listed ^{1,2}
VASCULAR PLANTS							
American Strawberry-bush	<i>Euonymus americanus</i>		E	HS	G5	S1	R
Angled Spikerush	<i>Eleocharis quadrangulata</i>		E	TPC	G4	S1	R
Blunt Mountain-mint	<i>Pycnanthemum muticum</i>		T	HS, TPC	G5	S2S3	R
Coast Flatsedge	<i>Cyperus polystachyos var. texensis</i>		E	TSM, TPC	G5T5	S1S2	Q
Cut-leaved Evening-primrose	<i>Oenothera laciniata</i>		E	G, SS	G5	S1	Q
Downy Carrion-flower	<i>Smilax pulverulenta</i>		E	HS, HF	G4G5	S1	R
Dune Sandspur	<i>Cenchrus tribuloides</i>		T	B, DN, G	G5	S2	K, Q, R
Dwarf Hawthorn	<i>Crataegus uniflora</i>		E	HF, SS	G5	S1	R
False Lettuce	<i>Lactuca floridana</i>		E	HF	G5	S1	B
Featherfoil	<i>Hottonia inflata</i>		T	VP, SP	G4	S2	R
Field Beadgrass	<i>Paspalum laeve</i>		E	SS, G	G4G5	S1	B
Fringed Boneset	<i>Eupatorium torreyanum</i>		T	TSM, DN, G	G5T4T5	S2	Q, R
Globose Flatsedge	<i>Cyperus echinatus</i>		E	HF, TSM, G	G5	S1	B, R
Great Plains Flatsedge	<i>Cyperus lupulinus ssp. lupulinus</i>		T	AG, B	G5T5?	S2	R
Green Milkweed	<i>Asclepias viridiflora</i>		T	R, G	G5	S2	R
Nantucket Juneberry	<i>Amelanchier nantucketensis</i>		E	SS, G, CF, DN	G3Q	S1	R
Narrow-leaf Sea-blite	<i>Suaeda linearis</i>		E	TSM, B, DN	G5	S1	Q
Northern Gama Grass	<i>Tripsacum dactyloides</i>		T	TSM, G, DN, HF	G5	S2	B, Q, R
Oakes' Evening-primrose	<i>Oenothera oakesiana</i>		T	SS, DN, MF	G4G5Q	S2	Q, R
Pale Duckweed	<i>Lemna valdiviana</i>		E	P, ST, RI	G5	S1	Q
Persimmon	<i>Diospyros virginiana</i>		T	CP, HS, HF	G5	S2	B, R
Possum-haw	<i>Viburnum nudum var. nudum</i>		E	CP, HS	G5T5	S1	R
Primrose-leaf Violet	<i>Viola primulifolia</i>		T	HS, CP, SS	G5	S2	R
Purple Milkweed	<i>Asclepias purpurascens</i>		T	G, WL, WM	G5?	S2S3	B
Red Pigweed	<i>Chenopodium rubrum</i>		T	CP, B, DN	G5	S2	K
Retorse Flatsedge	<i>Cyperus retrorsus var. retrorsus</i>		E	DN, G, SB, M	G5T5	S1	K, Q
Roland's Sea-blite	<i>Suaeda rolandii</i>		E	TSM	G1G2	S1	K, Q
Rose-pink	<i>Sabatia angularis</i>		E	SB, HF	G5	S1	R
Rough Rush-grass	<i>Sporobolus clandestinus</i>		E	N/A	G5	S1	Q
Saltmarsh Aster	<i>Symphotrichum subulatum var. subulatum</i>		T	BR, TSM, SB, P	G5T5	S2	Q
Schweinitz's Flatsedge	<i>Cyperus schweinitzii</i>		R	HS, WM, FWL	G5	S3	K, Q
Scirpus-like Rush	<i>Juncus scirpoides</i>		E	M, SB, DN, WL	G5	S1	Q, R
Seabeach Amaranth	<i>Amaranthus pumilus</i>	T	T	B	G2	S2	Q
Seabeach Knotweed	<i>Polygonum glaucum</i>		R	M, TSM, B, DN	G3	S3	K, Q
Seaside Bulrush	<i>Bolboschoenus maritimus ssp. paludosus</i>		T	BR, DN, WM, TSM	G5	S2	Q
Short-fruit Rush	<i>Juncus brachycarpus</i>		E	FM	G4G5	S1	B
Side-oats Grama	<i>Bouteloua curtipendula var. curtipendula</i>		E	CA, R	G5T5	S1	Q

Table 7-2
State-Listed Rare, Threatened, and Endangered Species, Including Species of Concern, with Occurrence in New York City

Source: *New York Natural Heritage Program, 2013*

Common Name	Scientific Name	Federal Status	State Status	Habitat ^{3,4}	Global Rank ^{1,2}	State Rank ^{1,2}	County Listed ^{1,2}
Slender Blue Flag	<i>Iris prismatica</i>		T	BR, CW, TSM, G	G4G5	S2	B
Slender Spikerush	<i>Eleocharis tenuis</i> var. <i>pseudoptera</i>		E	CP, G	G5T5	S1	B
Southern Dodder	<i>Cuscuta obtusiflora</i> var. <i>glandulosa</i>		E	FM	G5T4T5	S1	R
Swamp Cottonwood	<i>Populus heterophylla</i>		T	HS, FM	G5	S2	R
Sweetbay Magnolia	<i>Magnolia virginiana</i>		E	HS	G5	S1	R
Thicket Sedge	<i>Carex abscondita</i>		E	HF, SB	G4G5	S1	R
Trinerved White Boneset	<i>Eupatorium album</i> var. <i>subvenosum</i>		T	CP, MF, G	G5T4	S2S3	R
Virginia Pine	<i>Pinus virginiana</i>		E	HF, MF	G5	S1	R
White-bracted Boneset	<i>Eupatorium leucolepis</i> var. <i>leucolepis</i>		E	CP, P	G5T5	S1	R
Wild Pink	<i>Silene caroliniana</i> ssp. <i>pensylvanica</i>		T	M, G, HF, MF	G5T4T5	S2	B
Willow Oak	<i>Quercus phellos</i>		E	HF, HS, G, M	G5	S1	Q, R
Yellow Flatsedge	<i>Cyperus flavescens</i>		E	CP, TSM	G5	S1	K, Q
Yellow Giant-hyssop	<i>Agastache nepetoides</i>		T	HF, CA	G5	S2S3	B, Q, R

"Status" headings = identifies Federal or State conservation status, or Species of Concern (SC); see below.

"Habitat" heading = identifies known or preferred species habitats, see right.

Blank cells under "Status" headings = rare or sensitive species of conservation concern, but with no regulatory listing status.

County Codes

B = Bronx County
 NY = New York County
 K = Kings County
 Q = Queens County
 R = Richmond County

Key to Global and State Ranking System

G# = Global Rank G#G# = Variant Rank - Global
 S# = State Rank S#S# = Variant Rank - State
 T# = Intraspecific Taxa (subspecies) Rank T#T# = Variant Intraspecific Taxa Rank
 G1 or S1 = Critically Imperiled
 G2 or S2 = Imperiled
 G3 or S2 = Vulnerable
 G4 or S4 = Apparently Secure
 G5 or S5 = Secure
 B = Breeding
 N = Non-breeding
 SU = Unrankable in State
 TU = Intraspecific Taxa Unrankable
 SH = Possibly Extirpated
 SX = Presumed Extirpated

Key to Status Listings

LE = Listed Endangered (Federal)
 E = Endangered (State)
 LT = Listed Threatened (Federal)
 PNOS = Protected, No Open Season (State)
 T = Threatened (State)
 SC = Species of Concern
 C = Candidate (Federal)

Key to Habitat types

G = grassland CW = coastal waters P = ponds
 AG = agricultural SB = scrub shrub NIG = native and introduced grasses
 SS = sandy soils RC = rocky cliffs ES = early successional
 ST = streams DN = dunes MV = minimal vegetation
 RI = rivers VP = vernal pools FWL = freshwater wetlands
 B = beach sand CF = conifer forest TSM = tidal salt marsh
 BI = barrier islands HF = hardwood forest FM = freshwater marsh
 M = marine MF = mixed forest HS = hardwood swamps
 V = vernal pools CP = coastal plain TPC = tidal pools & creeks
 N = nests WM = wet meadow F = forest
 D = disturbed BR = brackish FO = forest openings
 R = rock outcrops CA = calcareous NA = not available

¹New York State Department of Environmental Conservation, 2009, *Nature Explorer A Gateway to New York's Biodiversity*, April 25 (updated), Multiple New York State databases, <<http://www.dec.ny.gov/natureexplorer/app/>>

²U.S. Fish and Wildlife Service, 2013, *List of Species by County for New York State (Bronx, Kings, New York, Queens, Richmond Counties)*, April 25 (updated), Database, <http://ecos.fws.gov/tess_public/pub/stateListingAndOccurrenceIndividual.jsp?state=NY&s8fid=112761032792&s8fid=112762573902>

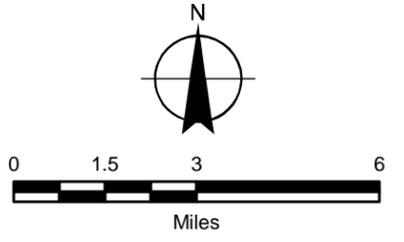
³New York State Department of Environmental Conservation, 2013, *Biodiversity and Species Conservation Endangered Species*, April 25 (updated), List of Endangered, Threatened and Special Concern Fish & Wildlife Species of New York State, <<http://www.dec.ny.gov/animals/7494.html>>

⁴NatureServe Explorer, 2012, *Plants and Animals*, (updated April 25) <<http://www.natureserve.org/explorer/servlet/NatureServe?init=Species>>



Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
- RTE Group Name**
-  Birds
-  Vascular Plants
*New York Natural Heritage Program,
New York State Department of
Environmental Conservation, May 2013,
Biodiversity Databases, Element Occurrence
Digital Data Set, Albany, New York*



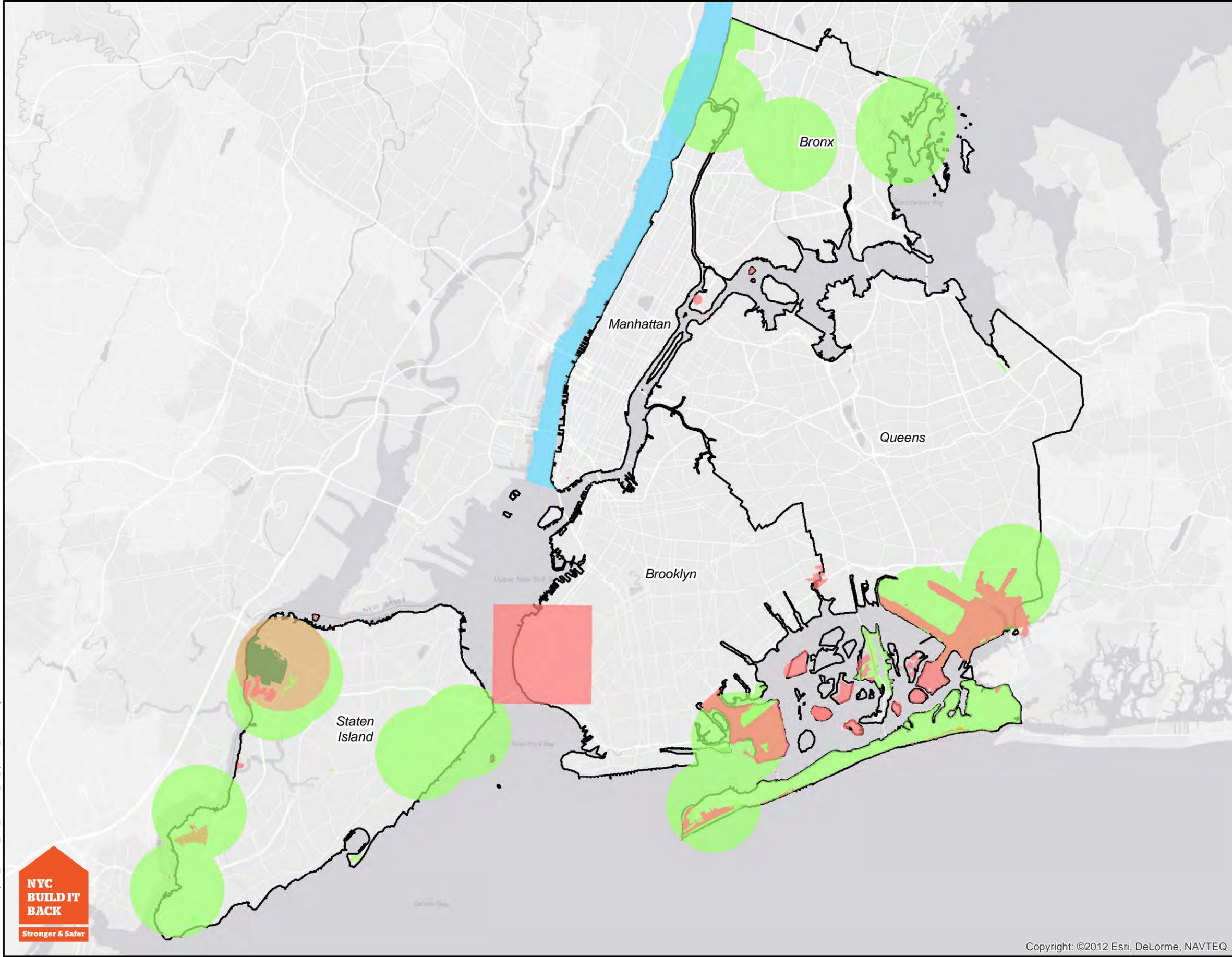
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER	FEDERAL CRITICAL HABITAT FOR RARE, THREATENED, AND ENDANGERED SPECIES IN NEW YORK CITY
7-1	

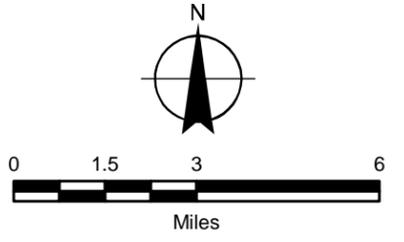
NYC Housing Recovery





Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
 - RTE Group Name**
 - Amphibians
 - Birds
 - Butterflies
 - Dragonflies and Damselflies
 - Fish
 - Reptiles
 - Vascular Plants
- New York Natural Heritage Program,
New York State Department of
Environmental Conservation, May 2013,
Biodiversity Databases, Element Occurrence
Digital Data Set, Albany, New York*

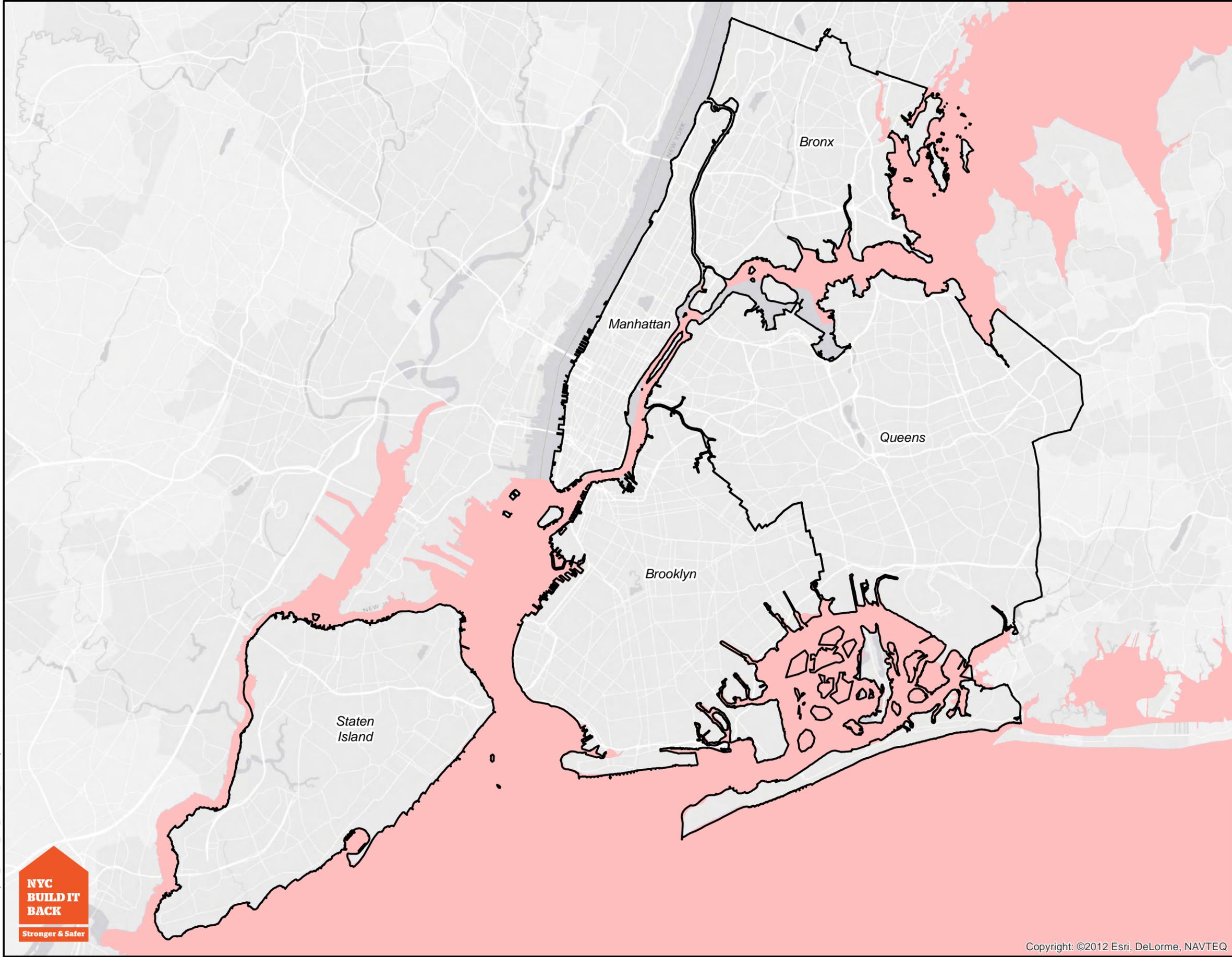


Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER	STATE CRITICAL HABITAT FOR RARE, THREATENED, AND ENDANGERED SPECIES IN NEW YORK CITY
7-2	





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Essential Fish Habitats
NOAA Fisheries, Office of Habitat Conservation, Habitat Protection Division (June 2013)

Note:
Essential Fish Habitats are designated as areas where fishing or the use of fishing gears has been restricted or modified in order to minimize the adverse effects of fishing on EFH, as required by Section 303(a)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA).

The species directly linked to the MSFCMA are: Atlantic Herring, Monkfish, Pollock, Red Hake, Silver Hake, Window Pane Flounder, and Winter Flounder.

The other species not directly linked to the MSFCMA are: Clearnose Juvenile and Adult, Little Skate Juvenile and Adult, and Winter Skate Juvenile and Adult.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

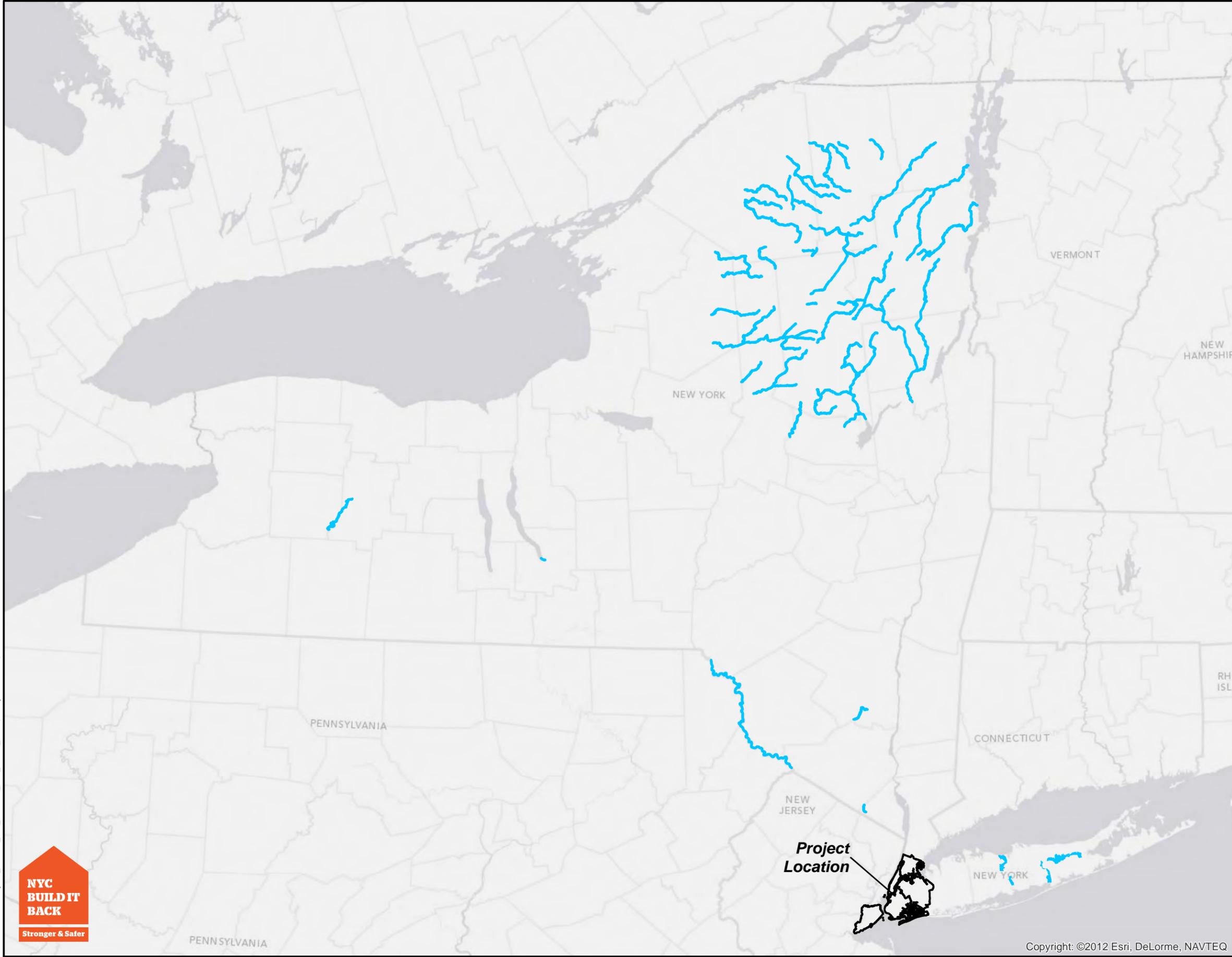
FIGURE
NUMBER
7-3

**ESSENTIAL FISH HABITATS
SURROUNDING NEW YORK CITY**

NYC Housing
Recovery

**NYC
BUILD IT
BACK**

Stronger & Safer



Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Wild and Scenic Rivers
NYS Dept. of Environmental Conservation (April 2013)



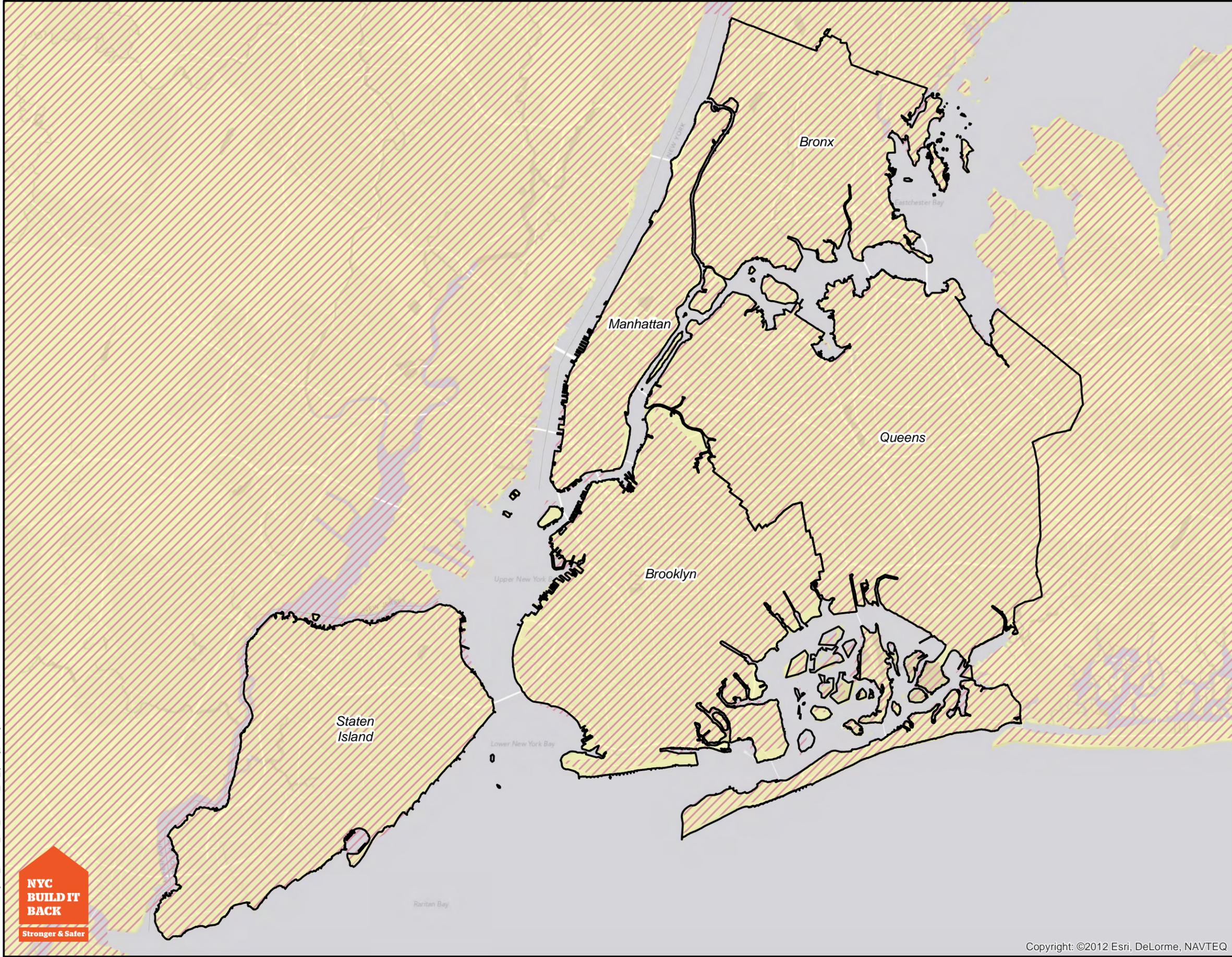
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
8-1

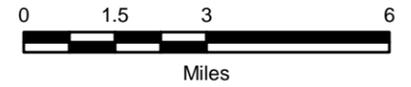
**WILD AND SCENIC RIVERS
IN NEW YORK STATE**





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  PM-2.5 Nonattainment Areas (2006 Std)
US Environmental Protection Agency (2009)
-  Ozone Nonattainment Areas (2008 Std)
US Environmental Protection Agency (June 2012)



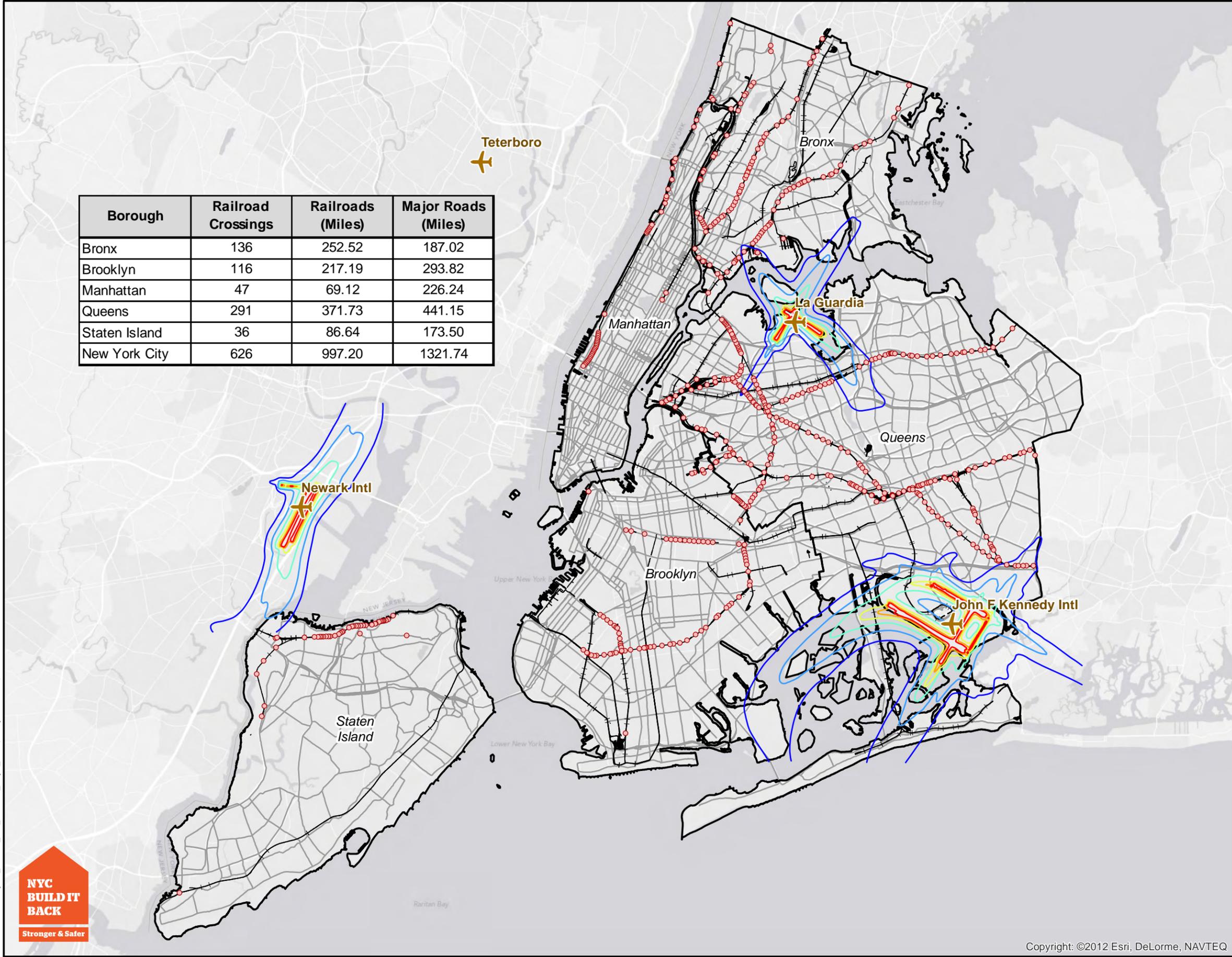
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The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
9-1

**AIR QUALITY
IN NEW YORK CITY**





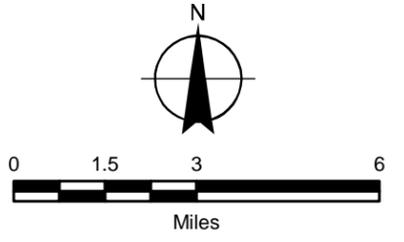
Borough	Railroad Crossings	Railroads (Miles)	Major Roads (Miles)
Bronx	136	252.52	187.02
Brooklyn	116	217.19	293.82
Manhattan	47	69.12	226.24
Queens	291	371.73	441.15
Staten Island	36	86.64	173.50
New York City	626	997.20	1321.74

Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Airports
ESRI/Tele Atlas North America, Inc. (June 2010)
- Railroad Crossings
Federal Railroad Administration (Feb 2013)
- Railroads
NYC DOITT (2008)
- Major Roads
ESRI/Tele Atlas North America, Inc. (June 2010)

Airport Noise Contours

- 60 DNL
- 65 DNL
- 70 DNL
- 75 DNL
- 80 DNL
- 85 DNL
Federal Aviation Administration (2003)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER
10-1
MAJOR NOISE SOURCES
IN NEW YORK CITY

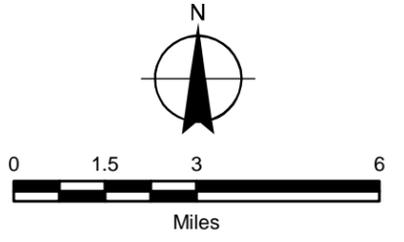


Facility Type	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Formerly Used DoD Site		2				2
Major Oil Storage	4	8		6	2	20
Chemical Bulk Storage	2	12	2	12	6	34
Petroleum Bulk Storage	273	464	212	496	115	1,560

- Legend**
-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
 -  Formerly Used DoD Sites
US Army Corps of Engineers
 - Bulk Storage Facility Program Type**
 -  Major Oil Storage
 -  Chemical Bulk Storage
 -  Petroleum Bulk Storage
NYS Dept. of Env. Conservation (July 2010)

Note:
Bulk storage facilities include Chemical Distributors, Manufacturing (Other than Chemical)/Processing, Municipality (Incl. Waste Water Treatment Plants, Utilities, Swimming Pools, etc.), Retail Gasoline Stations, and Storage Terminal/Petroleum Distributors. All facilities displayed on this map are Active sites.

This figure displays sites as identified by the New York State Department of Environmental Conservation and the US Army Corps of Engineers. Some unknown facilities may exist that are not shown on this figure.



Reference:
The source of each feature is displayed beneath each feature in the legend.

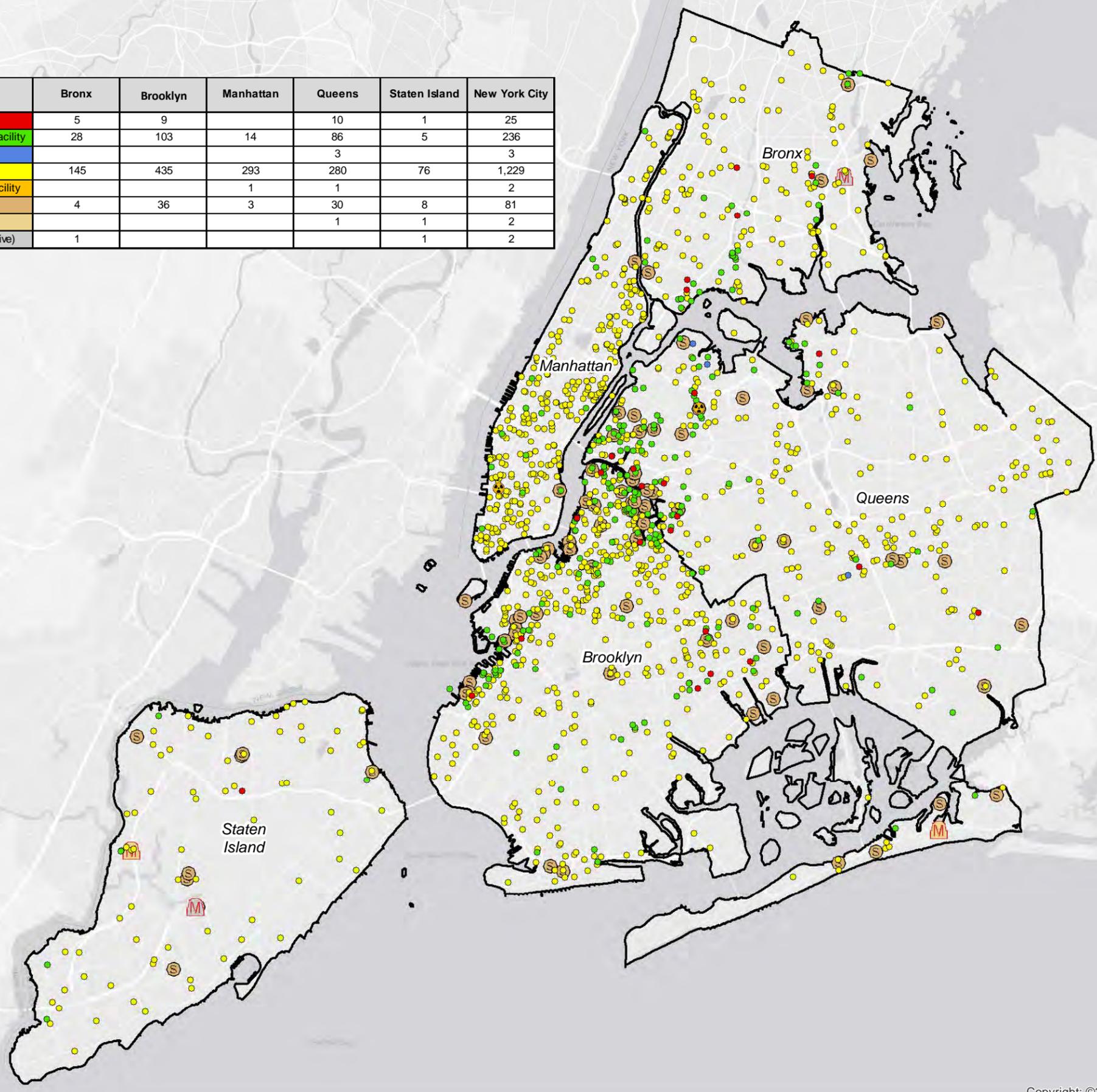
TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
11-1

**EXPLOSIVE AND
FLAMMABLE OPERATIONS
IN NEW YORK CITY**



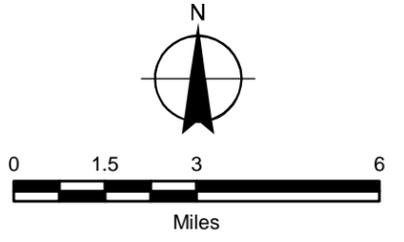
Facility Type	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
SSTS Pesticide Producer	5	9		10	1	25
Toxic Release Inventory Facility	28	103	14	86	5	236
RCRA TSD				3		3
RCRA LQG	145	435	293	280	76	1,229
Radiation/Radioactivity Facility			1	1		2
Superfund Site	4	36	3	30	8	81
Municipal Landfill (Active)				1	1	2
Municipal Landfill (Not Active)	1				1	2



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- EPA/NYS Regulated Facilities**
- SSTS Pesticide Producer
- Toxic Release Inventory Facility
- RCRA TSD
- RCRA LQG
- Radiation/Radioactivity Facility
- Superfund Site
- Municipal Landfill (Active)
- Municipal Landfill (Not Active)
*US Env. Protection Agency (March 2013);
NYS Dept. of Env. Conservation (July 2010)*

Note:
This figure displays sites as identified by the US Environmental Protection Agency and the New York State Department of Environmental Conservation. Some unknown facilities may exist that are not shown on this figure.



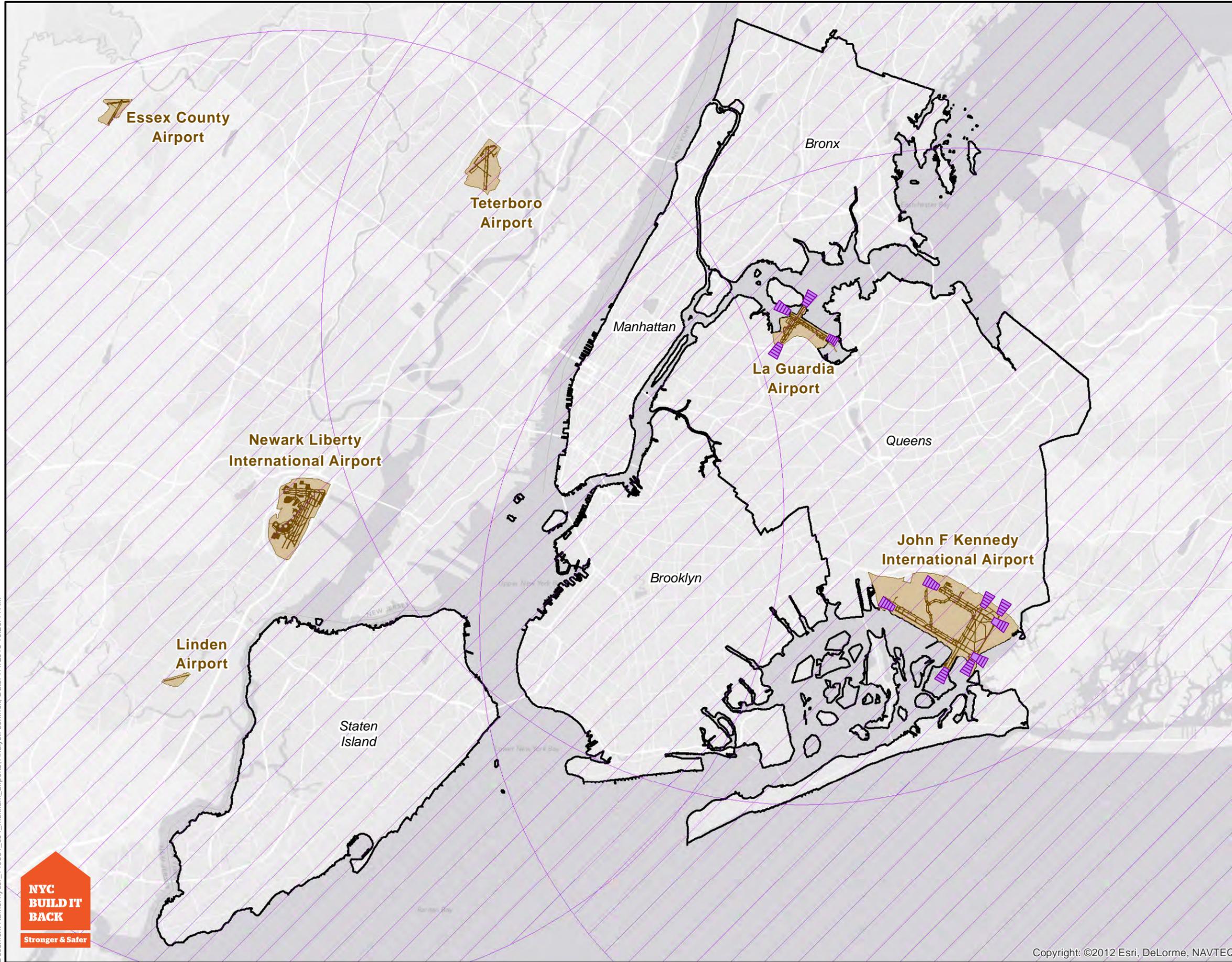
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
12-1

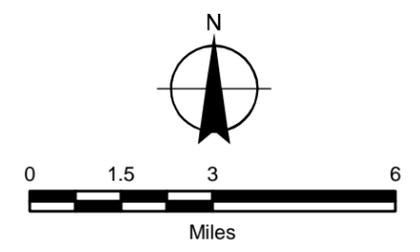
**TOXIC AND
RADIOACTIVE OPERATIONS
IN NEW YORK CITY**





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Runway Clear Zones
Federal Aviation Administration (July 2002)
-  15-Mile Buffer of Airports
- Airports**
-  Airport Runway
-  Airport Area
Tele Atlas North America, Inc and ESRI (June 2010)



Reference:
The source of each feature is displayed beneath each feature in the legend.

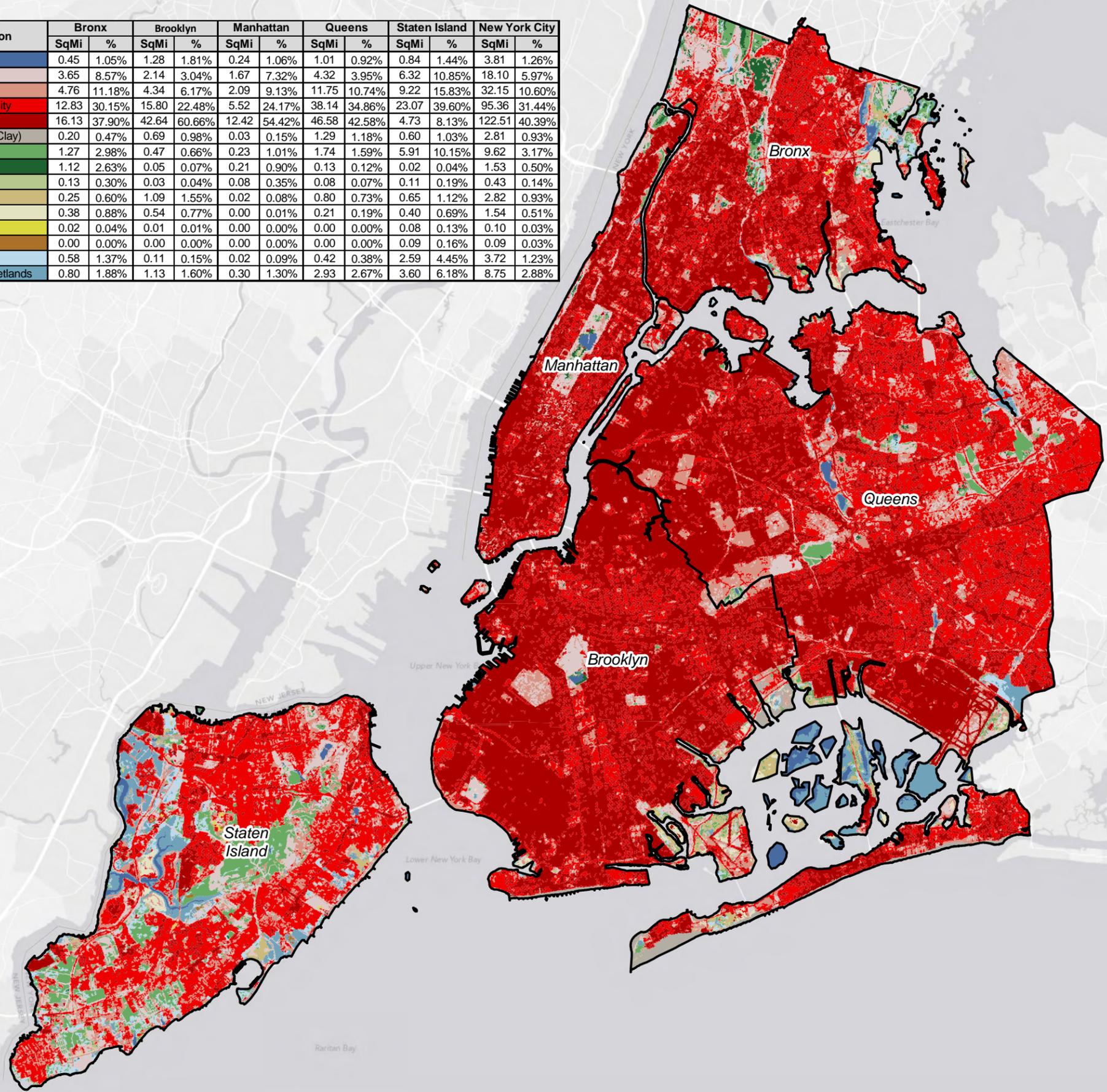
TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
13-1

**AIRPORTS
IN NEW YORK CITY**

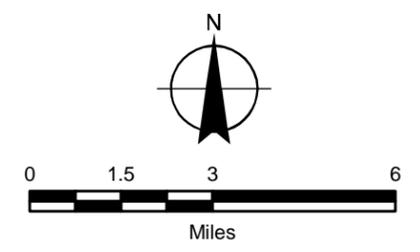


NLCD Classification	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%
Open Water	0.45	1.05%	1.28	1.81%	0.24	1.06%	1.01	0.92%	0.84	1.44%	3.81	1.26%
Developed, Open Space	3.65	8.57%	2.14	3.04%	1.67	7.32%	4.32	3.95%	6.32	10.85%	18.10	5.97%
Developed, Low Intensity	4.76	11.18%	4.34	6.17%	2.09	9.13%	11.75	10.74%	9.22	15.83%	32.15	10.60%
Developed, Medium Intensity	12.83	30.15%	15.80	22.48%	5.52	24.17%	38.14	34.86%	23.07	39.60%	95.36	31.44%
Developed, High Intensity	16.13	37.90%	42.64	60.66%	12.42	54.42%	46.58	42.58%	4.73	8.13%	122.51	40.39%
Barren Land (Rock/Sand/Clay)	0.20	0.47%	0.69	0.98%	0.03	0.15%	1.29	1.18%	0.60	1.03%	2.81	0.93%
Deciduous Forest	1.27	2.98%	0.47	0.66%	0.23	1.01%	1.74	1.59%	5.91	10.15%	9.62	3.17%
Evergreen Forest	1.12	2.63%	0.05	0.07%	0.21	0.90%	0.13	0.12%	0.02	0.04%	1.53	0.50%
Mixed Forest	0.13	0.30%	0.03	0.04%	0.08	0.35%	0.08	0.07%	0.11	0.19%	0.43	0.14%
Shrub/Scrub	0.25	0.60%	1.09	1.55%	0.02	0.08%	0.80	0.73%	0.65	1.12%	2.82	0.93%
Grassland/Herbaceous	0.38	0.88%	0.54	0.77%	0.00	0.01%	0.21	0.19%	0.40	0.69%	1.54	0.51%
Pasture/Hay	0.02	0.04%	0.01	0.01%	0.00	0.00%	0.00	0.00%	0.08	0.13%	0.10	0.03%
Cultivated Crops	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.00%	0.09	0.16%	0.09	0.03%
Woody Wetlands	0.58	1.37%	0.11	0.15%	0.02	0.09%	0.42	0.38%	2.59	4.45%	3.72	1.23%
Emergent Herbaceous Wetlands	0.80	1.88%	1.13	1.60%	0.30	1.30%	2.93	2.67%	3.60	6.18%	8.75	2.88%



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- National Land Cover Database - 2006**
- Open Water
- Developed, Open Space
- Developed, Low Intensity
- Developed, Medium Intensity
- Developed, High Intensity
- Barren Land (Rock/Sand/Clay)
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/Scrub
- Grassland/Herbaceous
- Pasture/Hay
- Cultivated Crops
- Woody Wetlands
- Emergent Herbaceous Wetlands
US Geological Survey (Feb 2011)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER
14-1
VEGETATION AND LAND USE
IN NEW YORK CITY

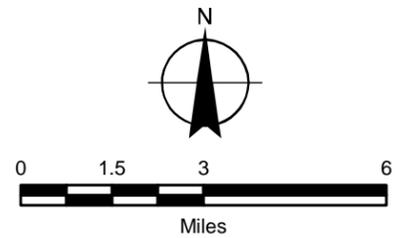


Map Unit Symbol	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%
Km		0.00%	27.38	38.96%		0.00%	71.09	64.98%		0.00%	98.47	32.47%
Kr		0.00%	23.81	33.88%		0.00%	28.10	25.68%	31.29	53.72%	83.20	27.43%
OCi	5.53	12.98%		0.00%	4.06	17.82%		0.00%		0.00%	9.58	3.16%
Ohr		0.00%	0.00	0.01%	0.75	3.31%	1.42	1.30%		0.00%	2.18	0.72%
Oht	12.61	29.63%		0.00%		0.00%		0.00%		0.00%	12.61	4.16%
Om	14.20	33.35%		0.00%	17.03	74.82%		0.00%		0.00%	31.23	10.30%
Os		0.00%		0.00%	0.08	0.37%		0.00%	15.03	25.80%	15.11	4.98%
Q	0.66	1.55%	17.97	25.57%	0.02	0.07%	7.24	6.62%		0.00%	25.88	8.54%
Trb		0.00%		0.00%		0.00%		0.00%	0.12	0.20%	0.12	0.04%
Trp		0.00%		0.00%		0.00%		0.00%	7.16	12.29%	7.16	2.36%
Trs		0.00%		0.00%		0.00%		0.00%	3.80	6.53%	3.80	1.25%
f	7.92	18.60%		0.00%	0.25	1.09%		0.00%		0.00%	8.17	2.69%
h2o	1.03	2.41%	1.12	1.59%	0.58	2.53%	1.56	1.43%	0.84	1.45%	5.13	1.69%
y	0.63	1.47%		0.00%		0.00%		0.00%		0.00%	0.63	0.21%

Map Unit Symbol	Map Unit Name	Unit Age
Km	Monmouth/Matawan Group and Magothy Formation	Upper Cretaceous
Kr	Raritan Formation	Upper Cretaceous
OCi	Inwood Marble	Early Cambrian - Lower Ordovician
Ohr	Harrison/Ravenswood Gneiss	Ordovician?
Oht	Hartland Formation	Ordovician?
Om	Manhattan Formation, undivided	Ordovician?
Os	Serpentinite	Lower Ordovician
Q	Glacial and Alluvial Deposits	Quaternary
Trb	Brunswick Formation, undivided	Upper Triassic
Trp	Palisade Diabase	Early Jurassic
Trs	Stockton Formation	Upper Triassic
f	Fordham Gneiss, undivided	Precambrian - Middle Proterozoic
h2o	Water	Holocene
y	Yonkers Gneiss	Middle Proterozoic

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Geology Map Unit Symbol (Name)**
-  Km (Monmouth/Matawan Group and Magothy Formation)
-  Kr (Raritan Formation)
-  OCi (Inwood Marble)
-  Ohr (Harrison/Ravenswood Gneiss)
-  Oht (Hartland Formation)
-  Om (Manhattan Formation, undivided)
-  Os (Serpentinite)
-  Q (Glacial and Alluvial Deposits)
-  Trb (Brunswick Formation, undivided)
-  Trp (Palisade Diabase)
-  Trs (Stockton Formation)
-  f (Fordham Gneiss, undivided)
-  h2o (Water)
-  y (Yonkers Gneiss)
US Geological Survey (2005)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

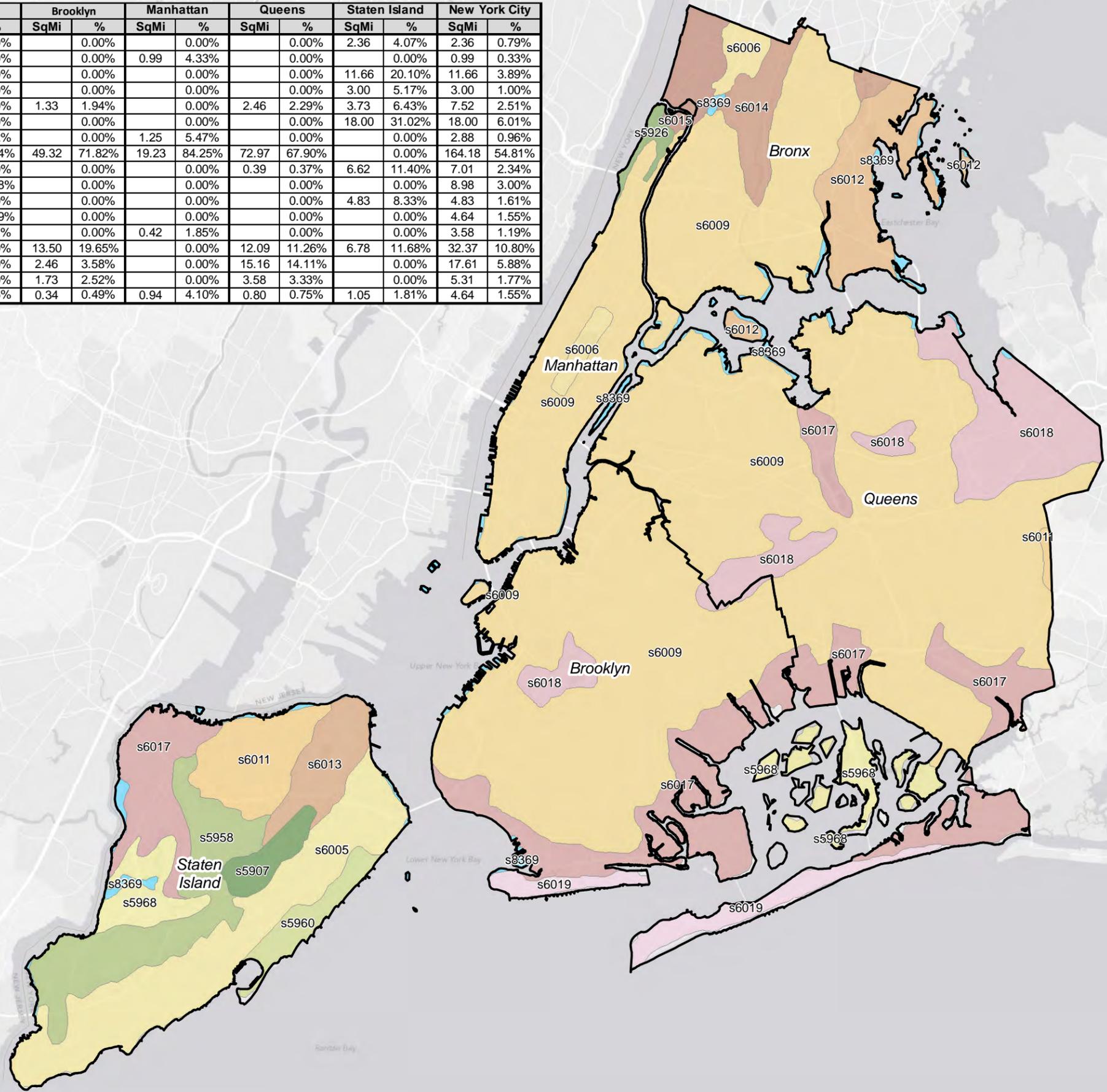
FIGURE
NUMBER
15-1

**GEOLOGY
IN NEW YORK CITY**

NYC Housing
Recovery

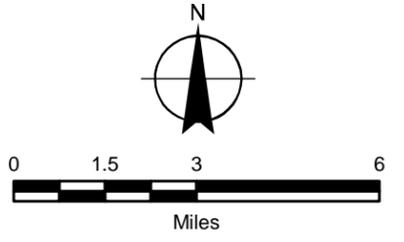


Map Unit Symbol	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%	SqMi	%
s5907		0.00%		0.00%		0.00%		0.00%	2.36	4.07%	2.36	0.79%
s5926		0.00%		0.00%	0.99	4.33%		0.00%		0.00%	0.99	0.33%
s5958		0.00%		0.00%		0.00%		0.00%	11.66	20.10%	11.66	3.89%
s5960		0.00%		0.00%		0.00%		0.00%	3.00	5.17%	3.00	1.00%
s5968		0.00%	1.33	1.94%		0.00%	2.46	2.29%	3.73	6.43%	7.52	2.51%
s6005		0.00%		0.00%		0.00%		0.00%	18.00	31.02%	18.00	6.01%
s6006	1.63	3.82%		0.00%	1.25	5.47%		0.00%		0.00%	2.88	0.96%
s6009	22.66	53.24%	49.32	71.82%	19.23	84.25%	72.97	67.90%		0.00%	164.18	54.81%
s6011		0.00%		0.00%		0.00%	0.39	0.37%	6.62	11.40%	7.01	2.34%
s6012	8.98	21.08%		0.00%		0.00%		0.00%		0.00%	8.98	3.00%
s6013		0.00%		0.00%		0.00%		0.00%	4.83	8.33%	4.83	1.61%
s6014	4.64	10.89%		0.00%		0.00%		0.00%		0.00%	4.64	1.55%
s6015	3.15	7.41%		0.00%	0.42	1.85%		0.00%		0.00%	3.58	1.19%
s6017		0.00%	13.50	19.65%		0.00%	12.09	11.26%	6.78	11.68%	32.37	10.80%
s6018		0.00%	2.46	3.58%		0.00%	15.16	14.11%		0.00%	17.61	5.88%
s6019		0.00%	1.73	2.52%		0.00%	3.58	3.33%		0.00%	5.31	1.77%
s8369	1.51	3.55%	0.34	0.49%	0.94	4.10%	0.80	0.75%	1.05	1.81%	4.64	1.55%



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- State Soil Geographic Database - Map Unit**
- Wethersfield-Watchaug-Urban land (s5907)
- Wethersfield-Rock outcrop-Holyoke (s5926)
- Riverhead-Haven (s5958)
- Urban land-Udipsammts-Pawcatuck-Matunuck-Dune land-Beaches (s5960)
- Udipsammts-Pawcatuck-Ipswich (s5968)
- Nassau-Mardin-Bernardston (s6005)
- Hollis-Chatfield-Charlton (s6006)
- Urban land (s6009)
- Urban land-Riverhead (s6011)
- Urban land-Udorthents-Charlton (s6012)
- Wethersfield-Urban land-Holyoke (s6013)
- Urban land-Udorthents-Paxton (s6014)
- Urban land-Udorthents-Chatfield (s6015)
- Urban land-Udorthents-Sudbury (s6017)
- Urban land-Riverhead-Montauk (s6018)
- Urban land-Udorthents-Udipsammts-Beaches (s6019)
- Water (s8369)
US Dept. of Agriculture, NRCS (July 2006)

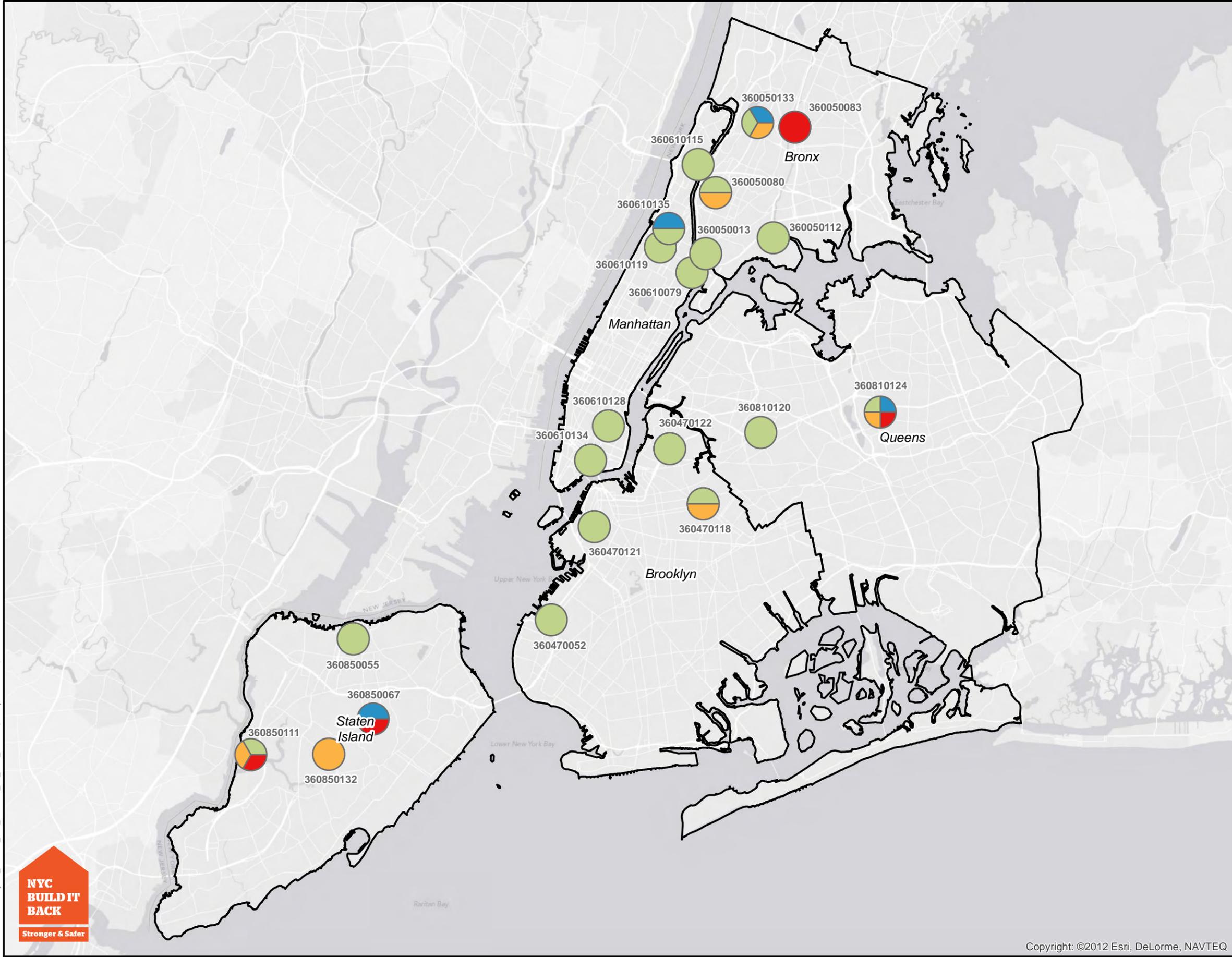


Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

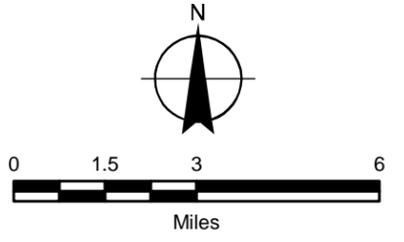
FIGURE NUMBER
16-1 SOIL SURVEY CLASSIFICATIONS
IN NEW YORK CITY





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
 - Air Monitoring Stations**
 - 
 -  Ozone, SO2, NO2, CO, Acid Rain, Methane, PAMS
 -  PM2.5, PM10, Speciation
 -  Lead, Metals, Toxics, Carbonyls, Chrome6
 -  MET, Precip, Wind
- NYS DEC Division of Air Resources, Bureau of Air Quality Surveillance (April 2012)*



Reference:
The source of each feature is displayed beneath each feature in the legend.

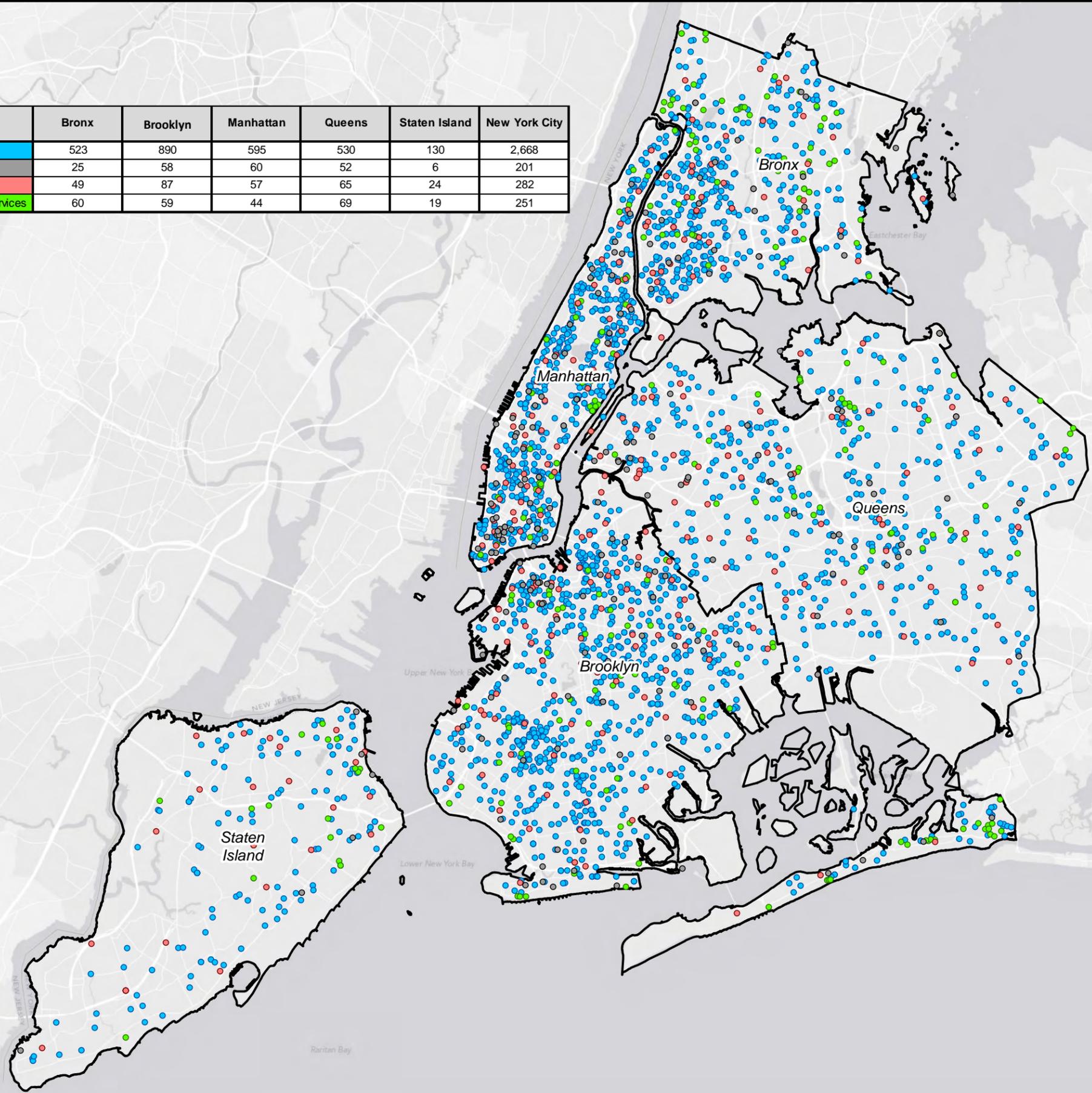
TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE
NUMBER
17-1

**AIR MONITORING STATIONS
IN NEW YORK CITY**



Facility Type	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Education Facilities	523	890	595	530	130	2,668
Police/NYCHA Police	25	58	60	52	6	201
Fire Department	49	87	57	65	24	282
Residential Health Services	60	59	44	69	19	251

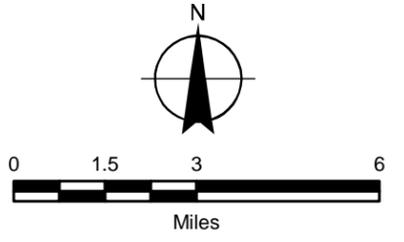


Legend

 New York City Boroughs
 NYC Dept. of City Planning (March 2013)

Facility Type

-  Education Facilities
-  Police/NYCHA Police
-  Fire Department
-  Residential Health Services
 NYC Dept. of City Planning (2012 Rev.1)



Reference:
The source of each feature is displayed beneath each feature in the legend.

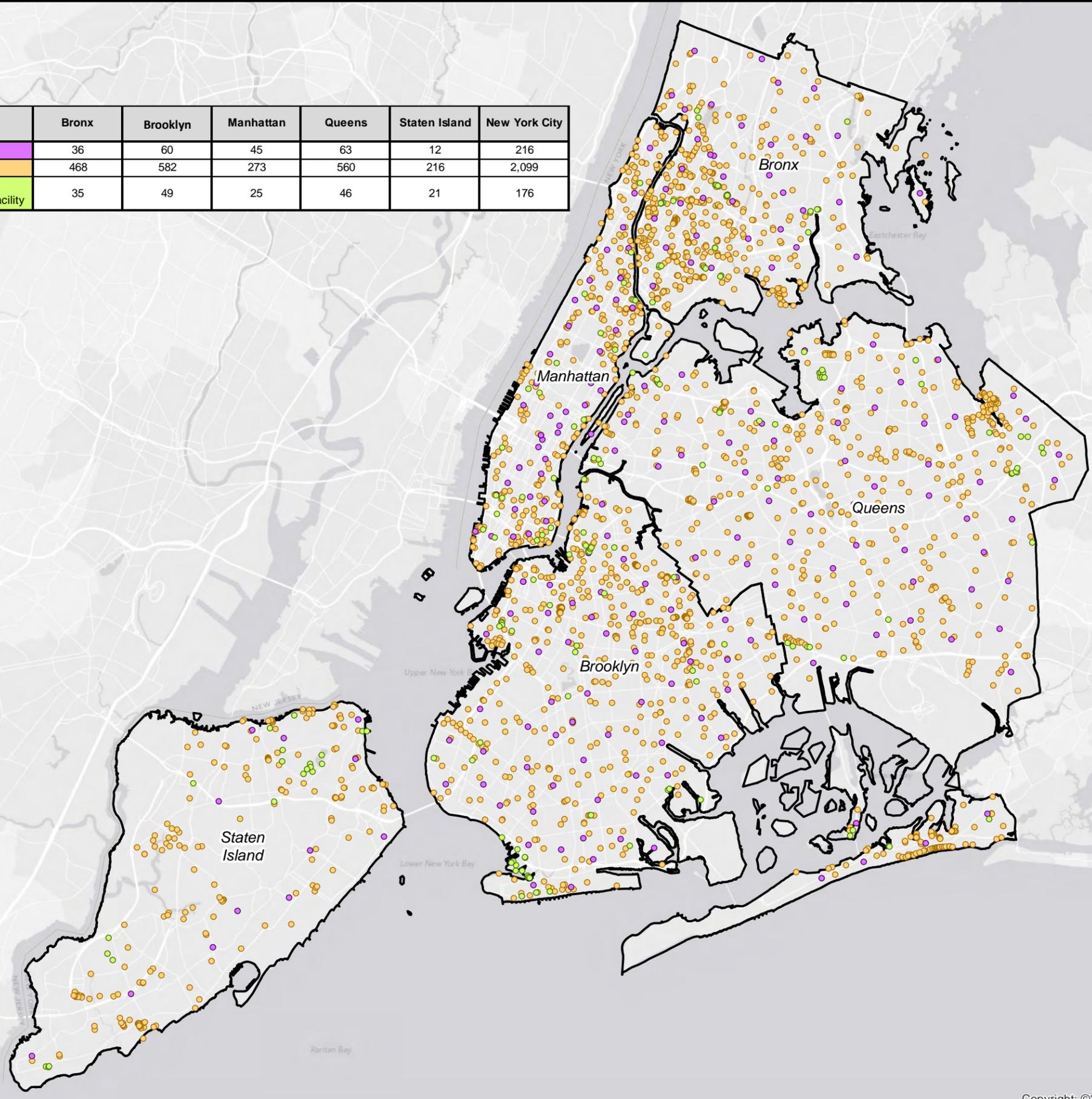
TIER I ENVIRONMENTAL REVIEW
 COMMUNITY DEVELOPMENT BLOCK GRANT FOR
 HURRICANE SANDY DISASTER RECOVERY
 NYC BUILD IT BACK:
 MULTI-FAMILY BUILDINGS

FIGURE NUMBER
18-1

**PUBLIC SAFETY
 IN NEW YORK CITY**

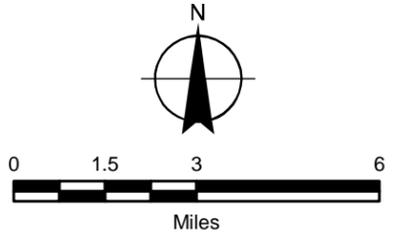


Facility Type	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Public Library	36	60	45	63	12	216
Park/Playground	468	582	273	560	216	2,099
Buildings/Institutions, Athletic/Recreation Facility	35	49	25	46	21	176



Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Facility Type**
-  Public Library
-  Park/Playground
-  Buildings/Institutions,
Athletic/Recreation Facility
NYC Dept. of City Planning (2012 Rev.1)



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HURRICANE SANDY DISASTER RECOVERY
NYC BUILD IT BACK:
MULTI-FAMILY BUILDINGS

FIGURE NUMBER
19-1

**RECREATION
IN NEW YORK CITY**



Appendix B

Agency Consultations

- 1 Historic Preservation**
- 2 Delaware Tribal Nation**
- 3 Shinnecock Tribal Nation**
- 4 NYC Waterfront Revitalization Program**
- 5 NY State Department of State Coastal Zone Management**
- 6 NY Department of Environmental Conservation**
- 7 U.S. Army Corps of Engineers**
- 8 U.S. Fish and Wildlife Service**
- 9 U.S. Department of Housing and Urban Development**

**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.nycnet/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 SecretaryOI and the FEMA Administrator.

III. OTHER CONSIDERATIONS

- A. **Changes to an Approved Scope of Work:** OEM is required to notify FEMA and will require its subgrantees to notify it immediately when there are proposed changes to an approved scope of work for an Undertaking. When notified by OEM of any proposed substantive change to the approved scope of work for an Undertaking, FEMA may authorize the OEM or subgrantee to proceed with the change once the required review is completed.
- B. **Unexpected Discoveries:** Upon notification by a subgrantee of an unexpected discovery in accordance with Stipulation I.B.3.d, OEM Roles and Responsibilities, OEM will immediately notify FEMA and require the subgrantee to:
 - 1. Stop construction activities in the vicinity of the discovery; and,
 - 2. Notify the local law enforcement office and coroner/medical examiner if human remains are discovered, in accordance with applicable New York State statute(s);
 - 3. Take all reasonable measures to avoid or minimize harm to the property until FEMA has completed consultation with the SHPO, Participating Tribe(s), and any other consulting parties. Upon notification by OEM of a discovery, FEMA will immediately notify the SHPO, Participating Tribe(s), and any other consulting parties that may have an interest in the discovery, and consult to evaluate the discovery for National Register eligibility.
 - 4. FEMA will consult with the consulting parties in accordance with the review process outlined in Stipulation II, Project Review, to develop a mutually agreeable action plan

with timeframes to identify the discovery, take into account the effects of the Undertaking, resolve adverse effects if necessary, and ensure compliance with applicable Federal and State statutes.

5. In cases where discovered human remains are determined to be American Indian, FEMA shall consult with the appropriate Tribal representatives and SHPO. In addition, FEMA shall follow the guidelines outlined in the ACHP's *Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects* (2007).
6. FEMA will coordinate with OEM and the subgrantee regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations of the consultation and facilitate proceeding with the Undertaking.

C. Curation

1. FEMA and OEM shall ensure that all records and materials (collections) produced during the course of an archaeological survey, testing, and any data recovery operations for the implementation of its Undertakings are curated at a facility, preferably in-state, that meets the standards of, and in accordance with the applicable provisions of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections," and applicable State law and guidelines.
2. In cases where the survey, testing, or data recovery are conducted on private land, any recovered collections remain the property of the land owner and FEMA will return the collections to them with the assistance of the SHPO. In such instances, FEMA and OEM, in coordination with the SHPO or Participating Tribe(s), shall encourage land owners to donate the collection(s) to an appropriate public or Tribal entity. In cases where the property owner declines to accept responsibility for the collection(s) and wishes to transfer ownership of the collection(s) to a public or Tribal entity, FEMA and OEM will ensure curation of the collection(s) in accordance with Stipulation III.C.1 above.

D. Anticipatory Actions and After the Fact Review

1. OEM shall advise its subgrantees that they may jeopardize Federal funding if work is performed without all required local, State and Federal licenses, permits or approvals, including the completion of the Section 106 process. FEMA also shall document this requirement in its Record of Environmental Consideration, as applicable, as well as all project approval documents specifying the project scope and limits, and containing all conditions and caveats, including an approved Project Worksheet (PW) for a Public Assistance project, and an approved Application for an HMGP project.
2. In accordance with Section 110(k) of the NHPA, FEMA shall not grant assistance to a subgrantee who, with intent to avoid the requirements of this Agreement or Section 106 of the NHPA, has intentionally significantly and adversely affected a historic

property to which the assistance would relate, or having legal power to prevent it, allowed an adverse effect to occur. However, if after consultation with the SHPO, Participating Tribes(s), and ACHP, FEMA determines that extraordinary circumstances justify granting assistance despite the adverse effect created or permitted by the subgrantee, FEMA shall complete consultation for the Undertaking pursuant to the terms of this Agreement.

3. In circumstances where FEMA determines a subgrantee has initiated an Undertaking without willful intent to avoid the requirements of this Agreement or Section 106 of NHPA, FEMA will determine if the Undertaking would have required Section 106 review in accordance with Stipulation II.D, Standard Project Review.
4. If FEMA determines no Section 106 review or consultation with SHPO and Participating Tribe(s) would have been required pursuant to Stipulation II.D, Standard Project Review, FEMA will document this determination to the project files and consider the project Section 106 compliant.
5. If FEMA determines the Undertaking would have required Section 106 review, FEMA will coordinate with SHPO and Participating Tribe(s) to determine if consultation is feasible.
 - a. If after coordination with the SHPO and affected Tribes, FEMA determines that consultation is feasible, FEMA will review the Undertaking in accordance with Stipulation II.D, Standard Project Review.
 - b. If after coordination with the SHPO and Participating Tribe(s), FEMA determines that review is infeasible, FEMA will document that the project is noncompliant with Section 106, and the FEMA program then will make a funding eligibility decision.
6. FEMA will ensure that all Undertakings considered for after the fact review in accordance with this stipulation are included in the bi-annual reports.

IV. IMPLEMENTATION OF AGREEMENT

A. Amendments

1. If any signatory or invited signatory to the terms of the Agreement determines that the Agreement cannot be fulfilled, or that an amendment to the terms of this agreement must be made, the signatories and the invited signatories will consult for no more than 30 days to seek amendment of the Agreement.
2. This Agreement may be amended only upon the written consensus of the signatories. This Stipulation does not apply to amendments made to Appendices A, B, and C pursuant to Stipulation IV.A.3, Amendments, below.

3. Appendix A (FEMA Programs), Appendix B (Programmatic Allowances) and Appendix C (Treatment Measures) may be amended at the request of FEMA, a signatory party, or an invited signatory party in the following manner:
 - a. FEMA, on its own behalf or on behalf of another signatory or invited signatory, shall notify all signatory and invited signatory parties to this Agreement of the intent to add to or modify the current Appendix or Appendices and shall provide a draft of the updated Appendix or Appendices to all signatory and invited signatory parties.
 - b. If no signatory or invited signatory object in writing within 15 days of receipt of FEMA's proposed addition or modification, FEMA will date and sign the amended Appendix and provide a copy of the amended Appendix to all signatory and invited signatory parties.

B. Dispute Resolution

1. Should any signatory or invited signatory to this Agreement object in writing within 30 days to the terms of this Agreement, FEMA will consult with the objecting party for not more than 30 days to resolve the objection.
2. If the objection is resolved within 30 days, FEMA shall proceed in accordance with the resolution.
3. If FEMA determines within 30 days that the objection cannot be resolved, FEMA will forward to ACHP all documentation relevant to the objection, including FEMA's proposed resolution. Within 30 days of receipt, ACHP will:
 - a. Concur in FEMA's proposed resolution; or
 - b. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the objection; or
 - c. Notify FEMA that the objection will be referred for comment in accordance with 36 CFR § 800.7(a)(4), and proceed to do so. FEMA will take the resulting comment into account.
4. FEMA will take into account any ACHP recommendations or comments, and any comments from the other signatories and invited signatories, in reaching a final decision regarding the objection in accordance with 36 CFR § 800.7(c)(4). The signatories will continue to implement all other terms of this Agreement that are not subject to objection.
5. Should ACHP not respond within 30 days, FEMA may assume ACHP has no comment and proceed with its proposed resolution to the objection.

6. FEMA will provide the signatories and invited signatories with its final written decision regarding any objection brought forth pursuant to this Stipulation.
7. FEMA may authorize any disputed action to proceed, after making its final decision.
8. At any time while this Agreement is in effect, should a member of the public object in writing to implementation of its terms, FEMA will notify the other signatories and invited signatories in writing and take the objection into consideration. FEMA will consult with the objecting party and, if that party so requests, the other signatories and invited signatories, for not more than 21 days. In reaching its decision regarding the objection, FEMA will take into consideration all comments from these parties. Within 15 days after closure of this consultation period, FEMA will provide the other parties with its final decision in writing. FEMA's decision will be final.
9. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with Stipulation II.D.3.c, Determinations of Eligibility.

C. Severability and Termination

1. In the event any provision of this Agreement shall be deemed contrary to, or in violation of, any applicable existing law or regulation of the United States of America and/or the State New York, only the conflicting provision(s) shall be deemed null and void, and the remaining provisions of the Agreement shall remain in effect.
2. FEMA, the SHPO, OEM, or Participating Tribe(s) may terminate this Agreement by providing 30 days' written notice to the other signatory and invited signatory parties, provided that the parties consult during this period to seek amendments or other actions that would prevent termination. If this Agreement is terminated, FEMA will comply with 36 CFR Part 800. Upon such determination, FEMA will provide all other signatories and invited signatories with written notice of the termination of this Agreement.
3. A Participating Tribe may notify the other signatories and invited signatories that it is fully withdrawing from participation in the Agreement. Following such a withdrawal, FEMA will review undertakings that may affect historic properties of religious and cultural significance to the Tribe in accordance with 36 CFR §§ 800.3 through 800.7 or an applicable alternative under 36 CFR § 800.14. Withdrawal from this Agreement by a Participating Tribe does not terminate the Agreement. A Tribe that has withdrawn from the Agreement may at any time that this Agreement remains in effect notify FEMA, OEM, and SHPO in writing that it has rescinded its notice withdrawing from participation in the Agreement.
4. This Agreement may be terminated by the implementation of a subsequent Agreement that explicitly terminates or supersedes this Agreement, or by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR § 800.14(a).

D. Duration and Extension

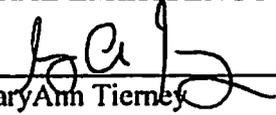
- 1. Unless terminated in accordance with Stipulation IV.C.2 or IV.C.4, Severability and Termination, this Agreement shall remain in effect until FEMA, in consultation with all other signatories, determines that all undertakings related to 4085-DR-NY have been completed.**
- 2. If another federally-declared disaster occurs within the State of New York while this PA is effective, the signatories and invited signatories will consult to determine whether it would be appropriate to extend the PA. If the parties agree that the extension of this PA is an acceptable mechanism for reviewing undertakings as a result of the new disaster, its duration shall be extended pursuant to Stipulation IV.A.**

E. Execution and Implementation

- 1. This Agreement may be implemented in counterparts, with a separate page for each signatory, invited signatory and concurring party and will become effective on the date of the final signature, and will become effective on the date of signature by FEMA, SHPO, and ACHP. FEMA will ensure that each signatory, invited signatory and concurring party is provided with a complete copy.**
- 2. Execution and implementation of this Agreement evidence that FEMA has afforded ACHP a reasonable opportunity to comment on FEMA's administration of all referenced Programs, and that FEMA has satisfied its Section 106 responsibilities for all individual Undertakings of the Programs.**

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
THE NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT,
THE DELAWARE NATION,
THE DELAWARE TRIBE OF INDIANS,
THE SHINNECOCK NATION,
THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS,
THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Signatory:
FEDERAL EMERGENCY MANAGEMENT AGENCY

By:  Date: 5/6/13
By: MaryAnn Tierney
Acting Regional Administrator, Region II

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

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,
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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**

Signatory:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____

John M. Fowler
Executive Director

Date: _____

5/10/13

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

NEW YORK STATE OFFICE OF EMERGENCY MANAGEMENT



Date: 9/1/13

By: Jerome M. Hauer
Commissioner

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICER,
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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 DELAWARE NATION

By: _____ Date: _____
C. J. Watkins
Vice President

**PROGRAMMATIC AGREEMENT AMONG
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:
THE DELAWARE NATION

By: _____ Date: _____
Paula Pechonick
Chief

**PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
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THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION,
AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AS A RESULT OF HURRICANE SANDY**

Invited Signatory:
THE SHINNECOCK NATION

By: [name]
[title]

Date: _____

By: [name]
[title]

Date: _____

**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**

Invited Signatory:

THE STOCKBRIDGE-MUNSEE COMMUNITY BAND OF MOHICANS

By: Robert Chicks
President of Tribal Council

Date: _____

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

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) 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 City Office of Management & Budget (NYCOMB) as the Responsible Entity for 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, in keeping with the attached 1986 Memorandum of Agreement, or subsequent revision, regarding Section 106 identification and evaluation of historic properties, NYCOMB will designate the New York City Landmarks Preservation Commission (LPC) as Qualified Staff to participate in Identification and Evaluation per Stipulation II. D.3; and

WHEREAS, NYCOMB 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, NYCOMB 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 City.

EXECUTION AND IMPLEMENTATION This Addendum to the Agreement may be implemented in counterparts, with separate signature pages, and will become effective on the date of the final signature of the Signatory Parties. Execution and Implementation of this Addendum to the Agreement evidences that New York City Office of Management & Budget (NYCOMB) 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, NYCOMB 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 City.

APPENDIX D

**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: 
By MaryAnn Tierney
Acting Regional Administrator, Region II

Date: 6/24/13

APPENDIX D

**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:

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont Date: 6/25/13
By: Ruth Pierpont
New York Deputy Commissioner/New York Deputy State Historic Preservation Officer

APPENDIX D

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:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

Date: 10/26/13

APPENDIX D

**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:

NEW YORK CITY OFFICE OF MANAGEMENT AND BUDGET

By: _____

By: Mark Page

Director of Management and Budget

Date: _____

6/25/13

APPENDIX D

**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**

Concurring Party:

NEW YORK CITY LANDMARKS PRESERVATION COMMISSION

By: _____

By: Robert B. Tierney

Chair, The New York City Landmarks Preservation Commission

Date: _____

6/21/13

Advisory Council On Historic Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004



MEMORANDUM OF AGREEMENT

WHEREAS, the City of New York, New York (City), has determined that the proposed implementation of its Community Development Block Grant Program, Urban Development Action Grant Program, Rental Rehabilitation Program, and Housing Development Grant Program (Programs), with funds from the Department of Housing and Urban Development (HUD), will have an effect on properties included in or eligible for inclusion in the National Register of Historic Places and has requested the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800),

WHEREAS, the City's Unsafe Building Demolition and Seal-Up Program is covered under a separate Memorandum, and

WHEREAS, this Memorandum of Agreement will supercede previous Memoranda ratified February 9, 1981, and July 28, 1981,

NOW, THEREFORE, the City, the New York State Historic Preservation Officer (SHPO), and the Council agree that the Programs shall be implemented in accordance with the following stipulations in order to take into account the effect of the programs on historic properties.

Stipulations

The City will ensure that the following measures are carried out.

1. Long Range Identification.

A comprehensive survey of the City will be continued to identify districts, sites, buildings, structures, and objects (hereafter "properties") that may meet the Criteria for listing in the National Register of Historic Places (36 CFR Section 60.6). The survey will be conducted in accordance with the "Guidelines for the Location and Identification of Historic Properties Containing Scientific, Prehistoric, Historical, or Archeological Data" (36 CFR Part 66, Appendix B). The New York City Landmarks Preservation Commission (LPC) will keep a comprehensive record of all properties surveyed.

(a) Upon completion of the survey, LPC, on behalf of the City and in consultation with the New York SHPO, will apply the National Register Criteria to the properties identified in the survey.

(b) If there is any question concerning the eligibility of a property, the City sponsoring agency will submit the matter to the Secretary of the Interior for a determination of eligibility for inclusion in the National Register, in accordance with 36 CFR 63.2

(c) Properties which have been determined to meet the National Register criteria and which are designated New York City Landmarks will be nominated by LPC, on behalf of the City, to the National Register through the process provided for in the State of New York.

2. Interim Identification.

Until the survey is completed, properties that may be affected by the Programs will be evaluated by LPC, on behalf of the City, against the National Register criteria. This process of evaluation is detailed in the attached "New York City Process."

(a) Properties that appear to meet the Criteria will be considered and treated as eligible for the National Register of Historic Places.

(b) If there is any question as to whether a property may meet the Criteria, the City sponsoring agency will request a determination of eligibility from the Secretary of the Interior in accordance with 36 CFR Section 63.2.

3. Review and Treatment.

Properties that are determined eligible for the National Register, nominated to the National Register, or listed in the National Register, will be treated in the following manner:

(a) Prior to initiating work on a project, the City sponsoring agency will submit documentation on the project to the New York SHPO for review and comment, following the process detailed in the attached "New York City Process."

(b) Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards). The City will require that contracts for rehabilitation work adhere to the Standards.

(c) If the Standards cannot be met, or the proposed treatment of the property is not rehabilitation, or demolition is contemplated, or if the contemplated action could have an indirect effect on such properties, prior to taking any action, the City sponsoring agency will consult with the New York SHPO and obtain the Council's comments pursuant to 36 CFR Section 800.6(a), (b) and Section 801.4(b), (c).

(d) Funding of commercial moving costs and purchase of machinery and equipment will be exempt from the above-mentioned review process.

4. Ground-disturbing activity

(a) Prior to any ground-disturbing activity, LPC, on behalf of the City, will determine the archeological sensitivity of project areas. For those areas determined archeologically sensitive, the city sponsoring agency will submit documentation to the New York SHPO. This review process is detailed in the attached "New York City Process."

(b) If, after reviewing the documentation, the New York SHPO, in consultation with LPC, determines that the potential for significant archeological resources exists, then an archeological survey (field testing) of the affected area will be undertaken by the City sponsoring agency in consultation with the New York SHPO.

(c) The New York SHPO will evaluate the results of the survey and determine if there are archeological resources eligible for the National Register. If eligible resources exist, they will be avoided or preserved in place whenever feasible. When this is not feasible, the New York SHPO will be consulted, and a treatment consistent with the Council's handbook, "Treatment of Archeological Properties," and approved by the New York SHPO will be developed and implemented.

5. Personnel Training

All City agencies receiving funding through the Programs will send a representative to an annual training session with the New York SHPO staff architect on the application of the Standards.

6. Renewal.

This Memorandum of Agreement will continue in force in perpetuity. At two year intervals, the City and the New York SHPO will review and evaluate the Memorandum for possible modifications, termination, or extension. At the request of any of the parties, this Agreement may be reviewed for possible modification or termination at any time.

Execution of this Memorandum of Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the Programs and that the City has taken into account the effects of the Programs on historic properties.

DEPUTY

John M. Fowler (date) 7/19/85
Executive Director
Advisory Council on Historic Preservation

Seane (date) 10/4/85
City of New York, New York

Julia S. Hope (date) *12/11/85*
New York State Historic Preservation
Officer

Thomas J. Baker (date) *3 Jan '86*
Chairman
Advisory Council on Historic Preservation

NEW YORK CITY PROCESS

The following process applies to activities funded through the Community Development Block Grant Program, the Urban Development Action Grant Program, the Rental Rehabilitation Program, and the Housing Development Grant Program (Programs).

1. All City agencies requesting funding through the Programs will send the Environmental Review Unit of Budget (OMB) three copies of the environmental reviews. OMB will send the New York City Landmarks Preservation Commission (LPC) one copy of the environmental review. The City sponsoring agency, ~~when required by LPC~~, will send photographs and maps itemizing properties under consideration.

2. LPC will analyze each review and will send OMB a response, within two weeks of receipt of the reviews, indicating those projects which may affect properties that are listed in the National Register of Historic Places or, in LPC's opinion, appear to meet the criteria for listing in the National Register, or which are proposed for areas that appear to be archeologically sensitive.

LPC shall consider the following criteria when conducting its analysis:

(a) individual exterior significance of any property to be affected by the Programs;

(b) context of any property to be affected by the Programs (designated or potential historic district?)

(c) proximity of any property to be affected by the Programs to a designated or potential historic district.

In addition, for any project involving ground disturbance, LPC will evaluate the project area against the New York SHPO's "Archeological Site Sensitivity Model" and other documentation maintained by LPC to determine the area's likelihood of yielding significant archeological remains.

3. For all projects involving properties listed in the National Register of Historic Places, or that appear to meet the criteria for listing in the National Register, or that appear to be archeologically sensitive as determined by LPC, OMB will then notify the sponsoring agency to submit the Project Review Checklist, including maps and necessary photographs, to the New York State Historic Preservation Officer (SHPO) for review. For areas that appear to be archeologically sensitive, the sponsoring agency will submit an historical background report (Stage 1A archeological report) describing the developmental history of the area from prehistoric to present times; this report will also contain information concerning prior ground disturbance. The sponsoring agency will supply OMB with a copy of the Project Review Checklist and/or the archeological historical background report submitted to the New York SHPO.

4. Upon receipt of the Project Review Checklist, the New York SHPO will review the information supplied and comment in 30 days. If the sponsoring agency submission is inadequate to complete review, the New York SHPO will notify the City sponsoring agency and OMB within 15 working days. When the New York SHPO receives adequate information, the 30-day comment period will begin.

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.



The Delaware Nation
Cultural Preservation Office
P.O. Box 825 - 31064 State Highway 281- Anadarko, OK 73005
Phone: 405/247-2448 – Fax: 405/247-8905

NAGPRA ext. 1180
Section 106 ext. 1181
Museum ext. 1181
Library ext. 1196
Clerk ext. 1182

May 16, 2013

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

Dear Mr. Kevin Donnelly,

The Delaware Nation Cultural Preservation Department received correspondence regarding the above referenced project. Our office is committed to protecting sites important to tribal heritage, culture and religion. Furthermore, the tribe is particularly concerned with archaeological sites that may contain human burials or remains, and associated funerary objects.

As described in your correspondence and upon research of our database(s) and files, we find that the Lenape people occupied this area either prehistorically or historically. However, the location of the project does not endanger cultural or religious sites of interest to the Delaware Nation. Please continue with the project as planned. However, should this project inadvertently uncover an archaeological site or object(s), we request that you halt all construction and ground disturbance activities and immediately contact the appropriate state agencies, as well as our office (within 24 hours).

Please Note the Delaware Nation, the Delaware Tribe of Indians, and the Stockbridge Munsee Band of Mohican Indians are the only Federally Recognized Delaware/Lenape entities in the United States and consultation must be made only with designated staff of these three tribes. We appreciate your cooperation in contacting the Delaware Nation Cultural Preservation Office to conduct proper Section 106 consultation. Should you have any questions regarding this email or future consultation feel free to contact our offices at 405-247-2448 or by email tfrancis@delawarenation.com.

Sincerely,

Mrs. Tamara Francis Fourkiller
Cultural Preservation Director

CC: Nikki Ahtone (Assistant Director)
nahtone@delawarenation.com

From: [Donnelly, Kevin \(Recovery\)](#)
To: [Berger, Sharon \(Recovery\)](#); [Gearrity, John \(HPD\)](#); [Castaneda, Catherine](#)
Cc: [Gair, Brad \(Recovery\)](#)
Subject: FW: Delaware Nation Contact
Date: Monday, April 29, 2013 6:08:41 PM

FYI,

Looks like Delaware got the letter. This is the correct contact person.

Kevin F. Donnelly, P.E. | Program Manager, NYC Houses | Mayor's Office, Housing Recovery Operations
(o) (212) 615-8035 (c) (646) 283-9842 | KDonnelly@recovery.nyc.gov

. Please consider the environment before printing this email or any attachments therein.

-----Original Message-----

From: Tamara Francis [<mailto:TFrancis@delawarenation.com>]
Sent: Monday, April 29, 2013 3:55 PM
To: KDonnelly@dep.nyc.gov
Subject: Delaware Nation Contact

Good Afternoon Mr. Donnelly,

Mrs. Horn is not the Delaware Nation's THPO. But the Vice President's secretary.
Please direct all inquiries of this nature to my office, please.

Sincerely,

Tamara Francis-Fourkiller
Cultural Preservation Director/THPO
Delaware Nation



April 26, 2013

Kerry Holton, President
Delaware Nation Historic Preservation Office
P.O. Box 825
Anadarko, OK 73005
nhorn@delawarenation.com

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

Dear Mr. Holton:

The National Environmental Policy Act (NEPA) requires federal agencies, including the U.S. Department of Housing and Urban Development (HUD), to integrate environmental values into their decision making process by considering the environmental impacts of proposed actions. As the Responsible Entity for several Community Development Block Grant (CDBG)-Disaster Recovery (DR) funded programs to be implemented in New York City (NYC) in the aftermath of the devastation caused by Hurricane Sandy in October 2012, the NYC Office of Management and Budget (OMB) is required to complete Environmental Reviews (ER) of proposed activities. Per NEPA, the ER must include consideration of various environmental factors and regulations, including historic preservation, floodplain management, wetland protection, threatened and endangered species, environmental justice, and EOs. NYC is conducting a two-tiered ER of several Programs. The purpose of the a Tier I ER is to facilitate review of environmental factors and regulations on a broad or programmatic-wide level. The following provides a brief description of the **NYC Houses Program** and, as part of its Tier I ER the City is requesting comments from the Delaware Tribal Nation. The Nation's comments or guidance will inform both tiers of the ER process.

New York City (NYC) was declared a disaster area prior to the October 29, 2012 landfall of Hurricane Sandy. On October 30th, President Obama issued a major disaster declaration for affected areas in the State of New York making disaster assistance available to those in the heaviest hit areas affected by the storm. Following damage assessments performed by the Federal Emergency Management Agency President Obama also signed into law the "Disaster Relief Appropriations Act, of January 29, 2013" (Public Law 113-2¹), which included \$16B 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. Approximately 89 square miles of the City's land area (321 square miles) was inundated by Hurricane Sandy's floodwaters. Nearly 10% (846,056 persons) of the City's total population resided in these damaged neighborhoods situated throughout its five burroughs as shown in **Exhibit 1**. According to NYC analysis of damage to its housing stock in these neighborhoods, over 63,000 residential units were damaged or destroyed along with devastating impacts to other sectors.

¹ <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

To specifically assist disaster recovery for the NYC housing sector, CDBG-DR funds in the amount of \$648,000,000 have been allocated by HUD². As indicated in the City's CDBG-DR-required Hurricane Sandy Disaster Action Plan published on April 23, 2013, the NYC OMB will administer the funds received from HUD for the recovery of Hurricane Sandy-damaged housing. Of these funds, a portion is being specifically set aside to provide assistance under the Program. Its projects are designed to address unmet housing recovery needs of people affected by Hurricane Sandy, specifically homeowners and certain tenants of rental properties, to achieve permanent, sustainable housing solutions that allow them to remain in NYC and, where possible, return to their neighborhoods. CDBG-DR funds, in the amount of \$340,000,000, are targeted for the Program to assist the needs of eligible applicants who occupied single-family homes (1 to 4 units) impacted by the hurricane. The Program will offer three core housing recovery paths to eligible project beneficiaries by providing different assistance types for owners of NYC houses that fall into one of the following three categories of damage to housing:

- Reconstruction: Residential property that has been destroyed or is more expensive to rehabilitate than to reconstruct;
- Major rehabilitation: Residential property that is not destroyed but has substantial damage as assessed by the Program; and
- Moderate Rehabilitation: Residential property that was damaged by Hurricane Sandy, but is not destroyed and does not have substantial damage as determined by the Program.

All demolition, rehabilitation, and reconstruction work will be completed to applicable building codes and standards, local ordinances, zoning, and permitting requirements. The assistance will be provided in the form of deferred forgivable loans. In accordance with the Federal Register³ at least 50% of the CDBG-DR funds must be used for project activities that benefit eligible low to moderate income households. This Program is anticipated to provide permanent, sustainable housing solutions that allow these residents to remain in NYC, returning to their neighborhoods, where possible. All grants, loan amounts or other eligible programs will be based on damage to the original dwelling, plus the funds necessary to meet applicable housing quality standards, local, state and/or federal building codes, and funds necessary for mitigation efforts to reduce the risk of damage from future storm events. This housing assistance is specifically targeted to existing residential properties, construction activities will occur on original home sites, and not result in increased population density.

The area of potential effects for this Program includes residential properties in hurricane-damaged neighborhoods of NYC inadequately covered by homeowner insurance policies, where the owners lack sufficient funds to perform the repair themselves, and where the applicants satisfy eligibility requirements. The exact number and location of hurricane-damaged home sites to be addressed is not known at this time since homeowner eligibility for housing assistance funds must be determined on a case by case basis. The two-tiered ER consists of a Tier I Environmental Review (ER) and Tier II site-specific assessments. The purpose of the Tier I ER is to facilitate review of environmental factors and regulations on a broad or programmatic-wide level. Any environmental compliance factors and/or regulations determined through the Tier I ER to be affected by the Program or to have a potential affect on the Program will be addressed by the site-specific environmental reviews, once specific home sites are known. Site-specific environmental assessments will include desktop reviews of field inspections that document property conditions in order to determine environmental compliance requirements of the proposed construction activities.

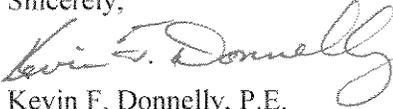
NYC has reviewed information available from its Department of Housing Preservation & Development, its Landmarks Preservation Commission, the New York State Historic Preservation Office, and the US Department of the Interior for guidance regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). It was noted during this

² For additional information regarding Hurricane Sandy housing and other recovery efforts in New York City <http://www.nyc.gov/html/recovery/html/housing/housing.shtml>

³ Federal Register 5696-N-01:Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, March 5, 2013.

review that the NYC Counties of Bronx, New York (Burrough of Manhattan), Queens, and Richmond (Burrough of Staten Island) are included within the Delaware Nation's Area of Interest for historic resources of religious and cultural significance. Given the nature of proposed construction activities on established residential properties, the characteristics of individual site locations, and the conditions of work, NYC is not anticipating significant effects to historical or archeological features protected by the NHPA and NAGPRA. However, should potential historic or cultural resources be discovered in the course of construction activities at a site, NHPA policies and procedures would be adhered to and the NY State Historic Preservation office would be notified for site-specific guidance. NYC invites the Delaware Tribal Nation's Historic Preservation Office to provide comments on the described CDBG-DR funded Program to assist our environmental evaluation of its proposed actions in storm-damaged neighborhoods. Should your office have comments on the Program's potential effects in the Delaware Nation's Area of Interest or recommendations for NYC to consider in its ER, we respectfully request comments be provided within 30 days of the above date to the Program's Point of Contact listed below, or we may assume that the Delaware Nation has no NEPA or otherwise related issues with this described program. Please do not hesitate to contact us if you have any questions.

Sincerely,



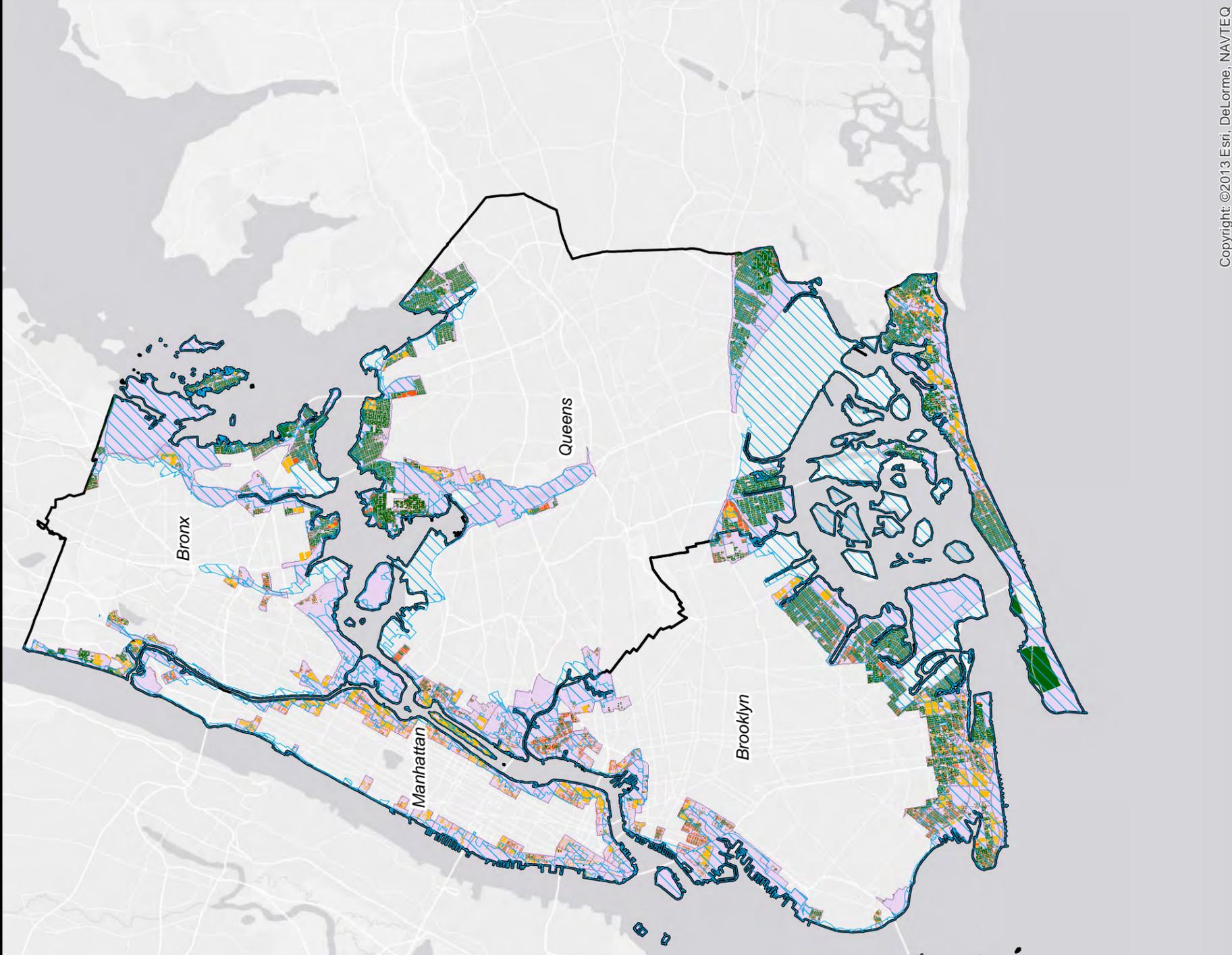
Kevin F. Donnelly, P.E.
Program Manager
Mayor's Office, Housing Recovery Operations
250 Broadway
New York, NY 10007
KDonnelly@recovery.nyc.gov

Point of Contact: John Gearrity, Assistant Commissioner, Building and Land Development Services,
NYC-Housing Preservation Development, 100 Gold Street, Rm 70-1, New York City,
NY 10038; email: gearritj@hpd.nyc.gov

Attachment: Exhibit 1 – New York City Neighborhoods Damaged by Hurricane Sandy
Figure 1-1: Historic and Cultural Sites in New York City

MapPLUTO - Land Use	No. of Buildings	No. of Residential Units
Bronx		
One & Two Family Buildings	11,096	13,543
MultiFamily Walkup Buildings	1,890	8,988
MultiFamily Elevator Buildings	270	24,676
Brooklyn		
One & Two Family Buildings	39,063	54,891
MultiFamily Walkup Buildings	11,990	46,490
MultiFamily Elevator Buildings	854	64,648
Manhattan		
One & Two Family Buildings	622	895
MultiFamily Walkup Buildings	2,819	37,557
MultiFamily Elevator Buildings	1,554	131,097
Queens		
One & Two Family Buildings	46,979	54,012
MultiFamily Walkup Buildings	5,117	19,857
MultiFamily Elevator Buildings	524	42,132
Staten Island		
One & Two Family Buildings	58,523	68,154
MultiFamily Walkup Buildings	5,387	10,518
MultiFamily Elevator Buildings	131	10,090

Note:
These data reflect the total number of buildings and total number of residential units within the impacted census tracts only.



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Census Tracts
NYC Dept. of City Planning (March 2013)
- Sandy Impact Zone (89.30 SqMi)
NYC Office of Emergency Management
- MapPLUTO - Land Use
 - One & Two Family Buildings
 - MultiFamily Walkup Buildings
 - MultiFamily Elevator Buildings

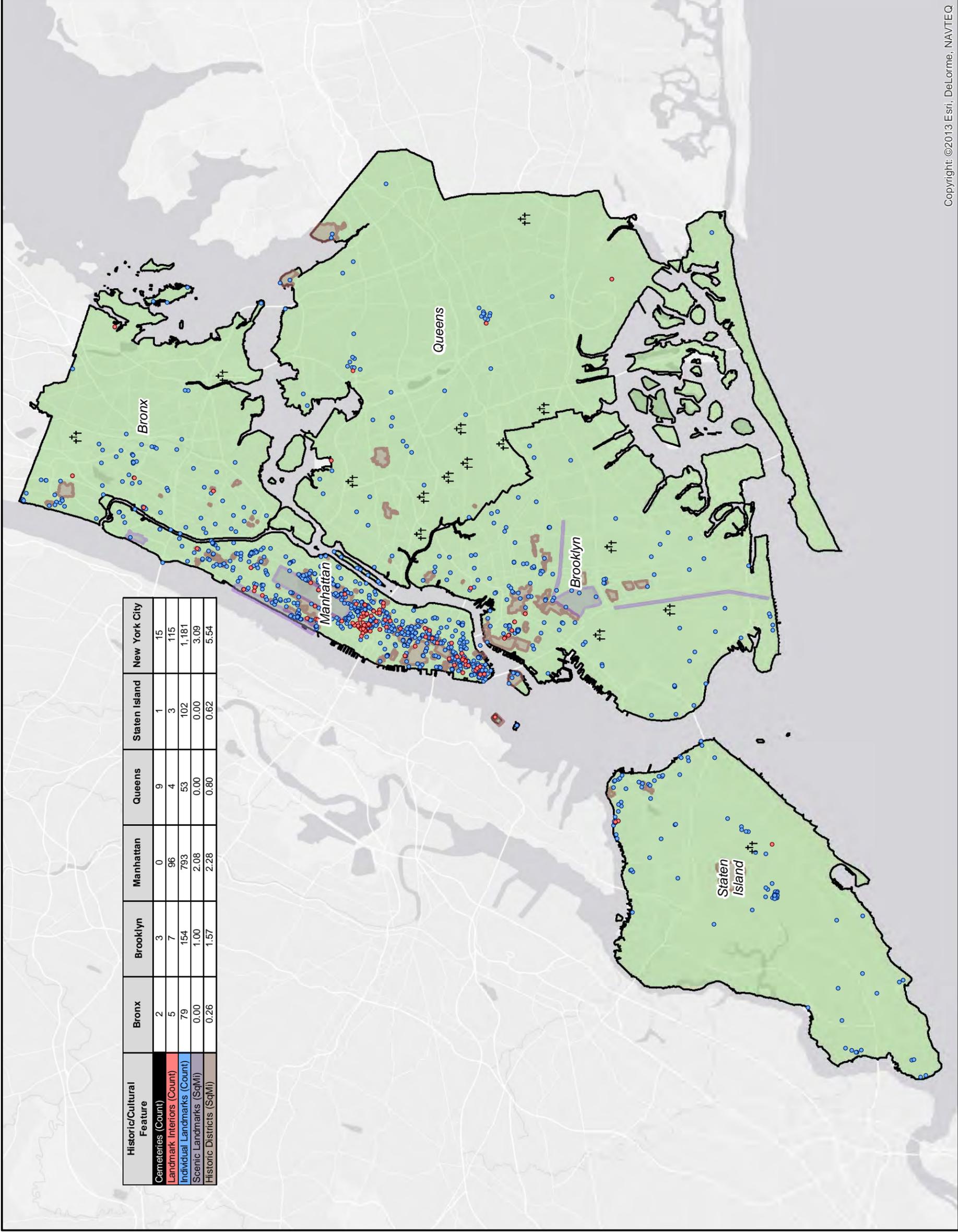
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

EXHIBIT
1

NEW YORK CITY
NEIGHBORHOODS DAMAGED
BY HURRICANE SANDY





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Cemeteries
NYC Dept. of Planning (Jan 2010)
-  Landmark Interiors
NYC Landmarks Preservation Commission (2009)
-  Individual Landmarks
NYC Landmarks Preservation Commission (2009)
-  Scenic Landmarks
NYC Landmarks Preservation Commission (2009)
-  Historic Districts
NYC Landmarks Preservation Commission (2009)
-  Indian Nation Areas of Interest
Shinnecock and Delaware Nations
NYS Historic Preservation Office

Note:
The information depicted in this figure has been obtained from public sources and does not represent a complete accounting of historic and cultural resources, some of which may be undergoing evaluation and others are unknown.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW HURRICANE SANDY DISASTER RECOVERY PROGRAM NEW YORK CITY HOUSES REHABILITATION AND RECONSTRUCTION	
FIGURE NUMBER 1-1	HISTORIC AND CULTURAL SITES IN NEW YORK CITY
	

Historic/Cultural Feature	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Cemeteries (Count)	2	3	0	9	1	15
Landmark Interiors (Count)	5	7	96	4	3	115
Individual Landmarks (Count)	79	154	793	53	102	1,181
Scenic Landmarks (SqMi)	0.00	1.00	2.08	0.00	0.00	3.09
Historic Districts (SqMi)	0.26	1.57	2.28	0.80	0.62	5.54



SHINNECOCK INDIAN NATION
Shinnecock Indian Reservation
P.O. Box 5006
Southampton, New York 11969-5006
Phone (631) 283-6143 Fax (631) 283-0751

*The oldest self-governing
Tribe of Indians in the United States*

Tribal Trustees

Daniel S. Collins, Chairman

D. Taobi Silva

Brad Smith

June 21, 2013

The attached "Comments on the Tier I Environmental Review: NYC Houses Rehabilitation and Resilience Program" has been authorized to be submitted on behalf of the Shinnecock Indian Nation on this Friday June 21, 2013, by the following:

Rebecca Genia

CoChair of the Shinnecock Archeological Advisory Committee

Elizabeth Thunderbird Haile

Vice President of the Board of Directors of the Shinnecock Nation Cultural Center and Museum

From: [Berger, Sharon \(Recovery\)](#)
To: blanchfp@hpd.nyc.gov; [Donnelly, Kevin \(Recovery\)](#); ["Armao.Christopher@bcg.com"](mailto:Armao.Christopher@bcg.com); [Vovaris, Jill](#); [Castaneda, Catherine](#)
Cc: [Brogan, Jane \(OMB\)](#); [Johnson, Calvin \(OMB\)](#)
Subject: FW: Comments Submitted by Shinnecock Indian Nation: NYC Tier 1s
Date: Monday, June 24, 2013 3:21:23 PM
Attachments: [20132106 Shinnecock Comments for NYC Houses Environmental Review Tier 1.....docx](#)
[Shinnecock NYC HOUSES Comments Signature Page 20132106.png.png](#)

Team,

See below, Shinnecock is on board for all three Tier 1s as well as the Programmatic Agreement. I just got off the phone with their legal counsel, Kelly Dennis, and she has confirmed they are going to sign the Programmatic Agreement.

Regards,
Sharon

From: Kelly Dennis [mailto:KDennis@ndnlaw.com]
Sent: Monday, June 24, 2013 3:20 PM
To: Berger, Sharon (Recovery)
Subject: RE: Comments Submitted by Shinnecock Indian Nation: NYC Tier 1s

The previously attached documents for the Shinnecock Indian Nation are meant to include comments for both NYC Houses (1 to 4 units) and Multifamily, thank you.

Kelly Dennis
Fredericks Peebles & Morgan LLP
2020 L Street, Suite 250
Sacramento, CA 95811
T: (916) 441-2700
F: (916) 441-2067

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From: Kelly Dennis
Sent: Friday, June 21, 2013 4:05 PM
To: 'Berger, Sharon (Recovery)'; 'kdonnelly@recovery.nyc.gov'
Cc: Sally Eredia; 'jill.vovaris@cbi.com'; 'Catherine.Castaneda@cbi.com'
Subject: RE: Comments Submitted by Shinnecock Indian Nation: NYC Tier 1s

Hello Sharon,
My apologies. Please see attached for the NYC Houses documents.

Kelly Dennis
Fredericks Peebles & Morgan LLP
2020 L Street, Suite 250
Sacramento, CA 95811
T: (916) 441-2700
F: (916) 441-2067

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From: Berger, Sharon (Recovery) [<mailto:sberger@recovery.nyc.gov>]
Sent: Friday, June 21, 2013 2:34 PM
To: Kelly Dennis; kdonelly@recovery.nyc.gov
Cc: Sally Eredia; 'jill.vovaris@cbi.com'; 'Catherine.Castaneda@cbi.com'
Subject: RE: Comments Submitted by Shinnecock Indian Nation: NYC Tier 1s

Kelly,

The attached signature page only references NYCHA (public housing). Do you have signature pages for NYC Houses (1 to 4 units) and Multifamily? Also, does the Nation plan on signing the Programmatic Agreements regarding the Section 106 historical review?

Thank you,
Sharon Berger

From: Kelly Dennis [<mailto:KDennis@ndnlaw.com>]
Sent: Friday, June 21, 2013 4:54 PM
To: Berger, Sharon (Recovery); kdonelly@recovery.nyc.gov
Cc: Sally Eredia; 'jill.vovaris@cbi.com'; 'Catherine.Castaneda@cbi.com'
Subject: Comments Submitted by Shinnecock Indian Nation: NYC Tier 1s

Please see attached for the Shinnecock Indian Nation's comments submitted by the Shinnecock Archeological Advisory Committee.

Thank you,
Kelly Dennis
Fredericks Peebles & Morgan LLP
2020 L Street, Suite 250
Sacramento, CA 95811
T: (916) 441-2700
F: (916) 441-2067

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From: Berger, Sharon (Recovery) [<mailto:sberger@recovery.nyc.gov>]
Sent: Wednesday, June 05, 2013 6:55 PM
To: Kelly Dennis
Cc: Sally Eredia; 'jill.vovaris@cbi.com'; 'Catherine.Castaneda@cbi.com'
Subject: Re: Shinnecock Indian Nation: NYC Tier 1s

Thank you, Kelly. June 21st.
Regards,

Sharon Berger
Director of Technical Services
Housing Recovery Office
Cell: 347-255-6290

From: Kelly Dennis [<mailto:KDennis@ndnlaw.com>]
Sent: Wednesday, June 05, 2013 08:36 PM
To: Berger, Sharon (Recovery)
Cc: Sally Eredia <SEredia@ndnlaw.com>; Vovaris, Jill <jill.vovaris@cbi.com>;
catherine.castaneda@cbi.com <catherine.castaneda@cbi.com>
Subject: Re: Shinnecock Indian Nation: NYC Tier 1s

Hello,

I was able to log into the portal and download the documents. Can you please confirm the date for which you will expect the Shinnecock Nation's comments? Thank you.

Kelly Dennis

On Jun 6, 2013, at 8:12 AM, "Berger, Sharon (Recovery)" <sberger@recovery.nyc.gov> wrote:

Terrific, thank you

From: Sally Eredia [<mailto:SEredia@ndnlaw.com>]
Sent: Wednesday, June 05, 2013 7:11 PM
To: Berger, Sharon (Recovery); Kelly Dennis
Cc: Vovaris, Jill; catherine.castaneda@cbi.com
Subject: RE: Shinnecock Indian Nation: NYC Tier 1s

Yes, I will follow up with Ms. Dennis.

Thank you.

Sally Eredia, Legal Assistant
FREDERICKS PEEBLES & MORGAN LLP
2020 L Street, Suite 250
Sacramento, CA 95811
T: (916) 441-2700
F: (916) 441-2067
www.ndnlaw.com

<image001.png>

From: Berger, Sharon (Recovery) [<mailto:sberger@recovery.nyc.gov>]
Sent: Wednesday, June 05, 2013 4:03 PM
To: Sally Eredia; Kelly Dennis
Cc: Vovaris, Jill; catherine.castaneda@cbi.com
Subject: Shinnecock Indian Nation: NYC Tier 1s

Sally,

As per our phone conversation, could you follow up with Kelly and confirm that she and her client were able to access the FTP site with the 3 Tier 1 documents. The Tier 1 documents are separated as follows: New York City Public Housing, NYC Houses (1-4 family homes) and Multi-family Homes.

Thank you,

Sharon I. Berger Esq.
Director of Technical Services
Housing Recovery Office
250 Broadway - 24th Floor, NY, NY
Office 212-615-8031
Cell 347-255-6290

Comments on the Tier I Environmental Review: NYC Houses Rehabilitation and Resilience Program

Submitted by:

SHINNECOCK INDIAN NATION

Date: June 21, 2013

I. Introduction

The Shinnecock Indian Nation is the one of the oldest self-governing Indian Nations in the State of New York and is a federally recognized Indian tribe (75 Fed. Reg. 60810, Oct. 1, 2010), and the recognized governing body of the Nation is known as the Shinnecock Indian Nation Board of Trustees.

Thank you for inviting the Shinnecock Indian Nation's Historic Preservation Office to provide comments on the Tier I Environmental Review (ER) process for the NYC Houses Rehabilitation and Reconstruction Program (NYC Houses). The Shinnecock Archeological Advisory Committee (the "Committee") is the division of the Shinnecock Indian Nation (the "Nation") responsible for protecting the cemeteries, burial grounds, human remains and objects of religious and cultural significance in the New York Metro area. The Nation does not yet have a Historic Preservation Office.

The Nation's area of interest, as recognized by the Mayor's Office, includes the New York City counties of Bronx, New York (Borough of Manhattan), Queens, and Richmond (Borough of Staten Island), and the Long Island counties of Suffolk and Nassau.

The Nation, through the Committee, intends to become a signatory to the Programmatic Agreement (PA) 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 Indian Nation, the Stockbridge-Munsee Community Band of Mohicans, the New York City Landmarks Preservation Commission, and the Advisory Council on Historic Preservation as invited.

The Nation exerts the authority and responsibility to protect the heritage and traditions of the Shinnecock People and acknowledges that the Shinnecock Archeological Advisory Committee is best qualified to perform the necessary duties and responsibilities under the PA. The Nation's comments and recommendations relevant to the Nation's Area of Interest and the NYC Houses ER process are provided below.

II. Overview

The Shinnecock Indian Nation may potentially have ancestral remains, funerary objects, sacred objects, and objects of cultural patrimony within both disturbed and undisturbed locations in the Area of Interest. The Nation appreciates the opportunity to participate in this process where the unearthing of Indian burial sites has occurred all over Long Island, many of which have gone unreported and/or desecrated.¹

The most recent unearthing of the Nation's ancestral remains occurred in Water Mill in the South Fork in 2006 at the former St. James Hotel development site on Montauk Highway.² Although human remains were not expected to be disturbed during the development in Water Mill, Shinnecock oral history indicates a seasonal Indian village existed in the South Fork.³ This property was later purchased by the Town of Southampton through its Community Preservation Fund, to be held in perpetuity.⁴ Previously, in 2003, the Nation's ancestral remains were also uncovered on private property in Shelter Island.⁵

Furthermore, private landowners and archeological excavations have unearthed several ancestral remains and funerary objects at the Sugar Loaf Indian Burial Site throughout the early to mid twentieth century. The New York State Department of Environmental Conservation and the Town of Southampton has designated this site as a Critical Environmental Area (CEA) in 1990 after the Sugar Loaf Hill archaeological site was destroyed in the 1980s. The Sugar Loaf site in the Shinnecock Hills is a notable historic area that was once considered to be the most significant Indian burial site in the State of New York by the New York State Museum and Science Service. The Sugar Loaf site was radiocarbon dated to approximately 1043 B.C, +/- 300 years.⁶ The area was known to have a large burial pit in the center of the hill, as well as smaller burial pits scattered around the area.⁷ The burial pits were believed to "have approximated 30 feet in length, 18-23 feet in breadth, and 5-8 1/2 feet in maximum depth. The smaller, apparently individual burial pits, measured some 6 feet in diameter by 3-8 feet in depth."⁸ In addition to human remains, excavations of the area also produced a large number of

¹ See e.g., GAYNELL STONE, *THE SHINNECOCK INDIANS: A CULTURE HISTORY*, 28-29 (Vol. VI. Lexington: Ginn Custom Publishing, 1983). The archeological site at Strong Neck holding skulls and long bones was raided by individuals seeking profit and was further desecrated through wanton destruction. Burials at Strong Neck were shallow, about six or seven inches below the surface and contained six skeletons – five adults and one small child.

² Nicole Controneo, *Calls to Preserve Indian Sites After a Skull Is Unearthed*, *THE NEW YORK TIMES*, (Dec. 31, 2006), <http://query.nytimes.com/gst/fullpage.html?res=9B02E1DF1F31F932A05751C1A9609C8B63>.

³ *Id.*

⁴ Stacey Altherr, *Town mulls laws to preserve burial sites*, *NEWSDAY* (Oct. 15, 2012), <http://www.newsday.com/long-island/towns/town-mulls-laws-to-preserve-burial-sites-1.4117748>.

⁵ *Id.*

⁶ William A. Ritchie, "The Stony Brook Site And Its Relation to Archaic and Transitional Cultures on Long Island," *The State Education Department, State Museum And Science Service, Bulletin 372*, 75 (1959).

⁷ *Id.* at 50.

⁸ *Id.*

associated burial items such as pottery, fishing hoods, chipped stone, and other items. Because of these excavations, the digging of foundations for new buildings could easily disturb the final resting places of the Nation's ancestors for which many tribal members are currently protesting.⁹

Excavations have also occurred on the western end of Long Island within the Area of Interest. Specifically, excavations of a burial pit at Aqueduct in Queens County in 1982 revealed the remains of an adult female in a flexed position with an infant buried near her knees.¹⁰ A shell layer was placed over the deceased to a depth of five inches and shards of pottery were also found in the pit.¹¹ The burial pit also indicated that a fire was built over the grave of shells as part of the burial ceremony.¹² Remains were also found in Port Washington in 1977 where sixteen pits had human burials, mostly children.¹³ The remains were buried in depths ranging from eighteen to forty inches.¹⁴

III. Comments on Preservation of Historical and Cultural Resources

Section 4.1 of the NYC Houses Tier I ER focuses on the preservation of historical and cultural resources. The section indicates that the NYC Houses Program “maintains public housing facilities eligible for listing under the National Historic Preservation Act. Desktop review, followed by site-specific assessment will aid determination.”¹⁵

The Nation requests further explanation of the term “desktop review” and the procedure for which a site will be assessed for protection under the National Historic Preservation by the NYC Houses Program. The Nation is concerned about this aspect given that the Nation's ancestral remains are deserving of such protection. In addition, per New York State Law, the Nation's burial grounds are eligible to be preserved by the Office of Parks, Recreation and Historic Preservation.¹⁶ Indian cemeteries and burial grounds on New York State lands, in consultation with Native Americans, are eligible for preservation as a place of historic interest.¹⁷ Any excavation or destruction of the area would have to be permitted by the Office of Parks, Recreation and Historic Preservation, and violators would be subject to a misdemeanor and a \$10,000.00 fine.¹⁸

IV. Comments on Section 106 Consultation

⁹ Michael Wright, *Shinnecoeks Protest New Development at Sugar Loaf*, 27EAST (Apr. 10, 2013), <http://www.27east.com/news/article.cfm/General-Interest-Southampton/458740/Shinnecoeks-Protest-New-Development-At-Sugar-Loaf>.

¹⁰ STONE, *supra* note 1, at 29-30.

¹¹ *Id.* at 30.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ NYC Houses (1-4) Tier 1 Environmental Review, 32 (05.23.2013) [hereinafter *NYC Houses (1-4)*].

¹⁶ N.Y. Indian Law § 12-a.

¹⁷ *Id.*

¹⁸ N.Y. Educ. Law § 233.

The NYC Houses Program draft also refers to a Programmatic Agreement (PA) among the Federal Emergency Management Agency, the New York State Historic Preservation Office, the New York State Office of Emergency Management, the Shinnecock Nation (among other tribes), the New York City Landmarks Preservation Commission, and the Advisory Council on Historic Preservation, as a result of Hurricane Sandy has been executed and the City of New York has been added to the PA using the addition of an Appendix to the PA.¹⁹ Specifically, the NYC Houses Program draft states that the PA establishes the following protocol for Section 106 consultation of proposed activities under the NYC Houses recovery efforts:

Under...the PA, initial site-specific review will assess the historical and cultural value and the properties targeted for NYC Houses projects, and determine whether these meet one or more of the Allowances in Appendix B of the PA; if so, then the City will complete the Section 106 review process by documenting this determination in the project file, ***without SHPO and Tribal review or notification***. If, prior to the site-specific inspections and environmental assessments, the project(s) is not composed entirely of an allowance in Appendix B, or does not meet the allowance criteria, the City will complete the Section 106 review process in accordance with the Standard Project Review as identified in Stipulation II.C in the PA.²⁰

The Nation requests further explanation and clarification of those circumstances when SHPO and Tribes will not be involved in review and notification and the process by which the City will complete the Section 106 review process by documenting this determination in the project file. The Nation is concerned whether this project file will be open for public review in the chance that the NYC Houses Program's assessments of historical and cultural values of properties are incorrect.

The Nation welcomes the NYC Houses Program's commitment to stopping construction and initiating consultation with SHPO, LPC, tribes and others as appropriate to resolve compliance where groundbreaking activities occur on previously undisturbed soil and there is the potential for discovery of human or archeological remains. The Nation appreciates that this potential for an adverse effect would be noted in association with the Section 106 compliance factor in the site-specific environmental assessment along with an indication that mitigation may be required if discovery is made during construction. If the potential for an Adverse Effect is determined, the Nation understands that the project can enter into the Abbreviated Consultation Process (the application of Treatment Measures outlined in Appendix C will suffice and a Memorandum of Agreement [MOA] is not necessary) or an MOA (if the Abbreviated Consultation Process is determined infeasible or is objected to by any of the consulting parties) will be

¹⁹ In accordance with Stipulation I.E.2 of the Programmatic Agreement among FEMA, NY SHPO, NY OEM, the Delaware Nation, the Delaware Tribe of Indians, the Shinnecock Nation, the Stockbridge-Munsee Community Band of Mohicans, the NYC LPC, and the Advisory Council on Historic Preservation as a Result of Hurricane Sandy, signed by NY SHPO on May 3, 2013.

²⁰ *NYC Houses (1-4)*, *supra* note 15, at 33 (emphasis added).

developed in accordance with 36 CFR § 800.6(c) to stipulate treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties.

The Nation also suggests that the Unkechaug Indian Nation, the Brothertown Indians of Wisconsin, the Montauk Indian Nation, and other historically New York state and federally recognized tribes, not otherwise named as actual or potential signatories to the PA, be involved in the consultation process with the NYC Houses Program. These tribes have a historic connection with the Shinnecock Indian Nation and may also have ancestral remains within the area of interest.

V. Comments on Historic Preservation

Section 6.1 of the NYC Houses Program draft provides a statutory checklist to evaluate the project at the Tier I level of environmental prior to release of funding by the GLO. The draft states that the approach is consistent with HUD's tiering regulations found at 24 CFR Sec. 58.15.²¹

Pursuant to 36 CFR 800, NYC Houses Program draft states that New York City has numerous registered historic sites and cultural resources of significance.²² These include listed sites from the National Register of Historic Places, historic markers, historic districts, and cemeteries as displayed in Appendix A, Figure 1-1.²³ The historic value of structures will be evaluated during site specific environmental review.²⁴

Again, the Nation requests an explanation of the process for which the historic value of the structures will be evaluated.

The Nation further requests that the NYC Houses Program specify instances where the property or structure may meet one or more of the programmatic allowances identified in Appendix B of the PA where beyond file documentation, no additional coordination is required.

Where the property or structure does involve a National Historic Landmark, the Nation appreciates that the NYC Houses Program will pursue the required Standard Project Review in accordance with the PA. The Nation understands that if a finding of No Historic Properties Affected is determined, Section 106 compliance has been met.²⁵ However, if an Adverse Effect is determined, the project can enter into the Abbreviated Consultation Process (the application of Treatment Measures outlined in Appendix C will suffice and a Memorandum of Agreement [MOA] is not necessary) or an MOA (if the Abbreviated Consultation Process is determined infeasible or is objected to by any of the consulting parties) will be developed in accordance with 36 CFR § 800.6(c) to stipulate

²¹ *Id.* at 48.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

treatment measures to avoid, minimize, and/or mitigate adverse effects on historic properties.²⁶

VI. Conclusion

The Nation is grateful for the NYC Houses Program's invitation to participate in the analysis of the potential impacts of this program to the Nation's historical, cultural, and ancestral remains. The Nation recommends that the NYC Houses Program consider the overview as provided above that describes the conditions and circumstances under which ancestral remains as well as funerary objects have been uncovered previously while pursuing the much needed reconstruction efforts after Hurricane Sandy. Where not only ancestral remains but also funerary and sacred objects are potentially present in the NYC Houses Program's projects, the Nation wishes to be notified and consulted. From there, in accordance with the PA and Section 106 consultation, the Nation anticipates coordinated efforts to pursue archaeological investigations, make detailed documentation, preserve materials, and initiate a construction protection plan to avoid destruction and desecration of Indian burial sites.

²⁶ *Id.*

From: [Castaneda, Catherine](#)
To: [Rachel Valdez](#); tellbeckyg@yahoo.com
Cc: [Berger, Sharon \(Recovery\)](#); [Donnelly, Kevin \(Recovery\)](#)
Subject: RE: Shinnecock Nation: Historic Preservation Officer
Date: Thursday, May 16, 2013 9:47:43 AM
Attachments: [Shinnecock consultation letter signed 04262013.pdf](#)
Importance: High

Good Morning Rachel and Rebecca,

We appreciate your response and wish to share the letter that was sent to Beverly Jensen in Southampton, NY on April 26th after determining she serves as the Communications Officer for the Shinnecock Nation. You may certainly forward this to Dave Martine as well.

A coordinated response to the NYC request for comments on the proposed NYC Houses activities would be most appreciated.

Regards,



Catherine Castaneda, Ph.D.
Senior Environmental Scientist
Environmental & Infrastructure, Inc.
Office: 281.531.3178
Cell: 713.306.7818
email: catherine.castaneda@cbi.com

CB&I
1401 Enclave Parkway, Suite 250
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U.S.A.
www.cbi.com

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From: Rachel Valdez [<mailto:r.valdez565@gmail.com>]
Sent: Monday, May 06, 2013 10:57 AM
To: Castaneda, Catherine
Subject: Shinnecock Nation: Historic Preservation Officer

Hello/Akwe Catherine,

I don't know if anyone has given you the information you requested a few weeks ago, but I would like to give you my moms name and email so that she may further assist you. She is the chair of our Graves Protection committee, I'm sure she can help you. Her name is Rebecca Genia, email is tellbeckyg@yahoo.com .

Another possible source is David Martine, he is one the Directors at the Shinnecock Museum and Cultural Center. I will have to send you another email with his contact info, just give me a few hours and I will have that for you.

The reason I gave you these two names is because we do not have any one official person with the title you were seeking, but they are extremely knowledgable about our Nation, it's history and have much passion, I think that you will find what you need between them both.

Thank you/Tabutne,
Rachel

--

Rachel Valdez-Castillo

Shinnecock Nation Housing Department

R.Valdez565@gmail.com

631.965.1521

"Move Forward With Courage"



April 26, 2013

Beverly Jensen
Communications Officer
Shinnecock Indian Nation
P.O. Box 5006
Southampton, New York 11969
sination@delawaretribe.org

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

Dear Ms. Jensen:

The National Environmental Policy Act (NEPA) requires federal agencies, including the U.S. Department of Housing and Urban Development (HUD), to integrate environmental values into their decision making process by considering the environmental impacts of proposed actions. As the Responsible Entity for several Community Development Block Grant (CDBG)-Disaster Recovery (DR) funded programs to be implemented in New York City (NYC) in the aftermath of the devastation caused by Hurricane Sandy in October 2012, the NYC Office of Management and Budget (OMB) is required to complete Environmental Reviews (ER) of proposed activities. Per NEPA, the ER must include consideration of various environmental factors and regulations, including historic preservation, floodplain management, wetland protection, threatened and endangered species, environmental justice, and EOs. NYC is conducting a two-tiered ER of several Programs. The purpose of the a Tier I ER is to facilitate review of environmental factors and regulations on a broad or programmatic-wide level. The following provides a brief description of the **NYC Houses Program** and, as part of its Tier I ER the City is requesting comments from the Shinnecock Tribal Nation. The Nation's comments or guidance will inform both tiers of the ER process.

New York City (NYC) was declared a disaster area prior to the October 29, 2012 landfall of Hurricane Sandy. On October 30th, President Obama issued a major disaster declaration for affected areas in the State of New York making disaster assistance available to those in the heaviest hit areas affected by the storm. Following damage assessments performed by the Federal Emergency Management Agency President Obama also signed into law the "Disaster Relief Appropriations Act, of January 29, 2013" (Public Law 113-2¹), which included \$16B 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. Approximately 89 square miles of the City's land area (321 square miles) was inundated by Hurricane Sandy's floodwaters. Nearly 10% (846,056 persons) of the City's total population resided in these damaged neighborhoods situated throughout its five burroughs as shown in **Exhibit 1**. According to NYC

¹ <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

analysis of damage to its housing stock in these neighborhoods, over 63,000 residential units were damaged or destroyed along with devastating impacts to other sectors.

To specifically assist disaster recovery for the NYC housing sector, CDBG-DR funds in the amount of \$648,000,000 have been allocated by HUD². As indicated in the City's CDBG-DR-required Hurricane Sandy Disaster Action Plan published on April 23, 2013, the NYC OMB will administer the funds received from HUD for the recovery of Hurricane Sandy-damaged housing. Of these funds, a portion is being specifically set aside to provide assistance under the Program. Its projects are designed to address unmet housing recovery needs of people affected by Hurricane Sandy, specifically homeowners and certain tenants of rental properties, to achieve permanent, sustainable housing solutions that allow them to remain in NYC and, where possible, return to their neighborhoods. CDBG-DR funds, in the amount of \$306,000,000, are targeted for the Program to assist the needs of eligible applicants who occupied single-family homes (1 to 4 units) impacted by the hurricane. The Program will offer three core housing recovery paths to eligible project beneficiaries by providing different assistance types for owners of NYC houses that fall into one of the following three categories of damage to housing:

- Reconstruction: Residential property that has been destroyed or is more expensive to rehabilitate than to reconstruct;
- Major rehabilitation: Residential property that is not destroyed but has substantial damage as assessed by the Program; and
- Moderate Rehabilitation: Residential property that was damaged by Hurricane Sandy, but is not destroyed and does not have substantial damage as determined by the Program.

All demolition, rehabilitation, and reconstruction work will be completed to applicable building codes and standards, local ordinances, zoning, and permitting requirements. The assistance will be provided in the form of deferred forgivable loans. In accordance with the Federal Register³ at least 50% of the CDBG-DR funds must be used for project activities that benefit eligible low to moderate income households. This Program is anticipated to provide permanent, sustainable housing solutions that allow these residents to remain in NYC, returning to their neighborhoods, where possible. All grants, loan amounts or other eligible programs will be based on damage to the original dwelling, plus the funds necessary to meet applicable housing quality standards, local, state and/or federal building codes, and funds necessary for mitigation efforts to reduce the risk of damage from future storm events. This housing assistance is specifically targeted to existing residential properties, construction activities will occur on original home sites, and not result in increased population density.

The area of potential effects for this Program includes residential properties in hurricane-damaged neighborhoods of NYC inadequately covered by homeowner insurance policies, where the owners lack sufficient funds to perform the repair themselves, and where the applicants satisfy eligibility requirements. The exact number and location of hurricane-damaged home sites to be addressed is not known at this time since homeowner eligibility for housing assistance funds must be determined on a case by case basis. The two-tiered ER consists of a Tier I Environmental Review (ER) and Tier II site-specific assessments. The purpose of the Tier I ER is to facilitate review of environmental factors and regulations on a broad or programmatic-wide level. Any environmental compliance factors and/or regulations determined through the Tier I ER to be affected by the Program or to have a potential affect on the Program will be addressed by the site-specific environmental reviews, once specific home sites are known. Site-specific environmental assessments will include desktop reviews of field inspections that document property conditions in order to determine environmental compliance requirements of the proposed construction activities.

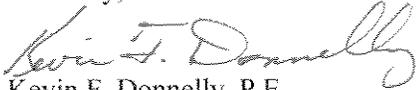
NYC has reviewed information available from its Department of Housing Preservation & Development, its Landmarks Preservation Commission, the New York State Historic Preservation Office, and the US Department

² For additional information regarding Hurricane Sandy housing and other recovery efforts in New York City <http://www.nyc.gov/html/recovery/html/housing/housing.shtml>

³ Federal Register 5696-N-01:Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, March 5,2013.

of the Interior for guidance regarding compliance with Section 106 of the National Historic Preservation Act (NHPA) and the Native American Graves Protection and Repatriation Act (NAGPRA). It was noted during this review that the NYC Counties of Bronx, New York (Burrough of Manhattan), Queens, and Richmond (Burrough of Staten Island) are included within the Shinnecock Nation's Area of Interest for historic resources of religious and cultural significance. Given the nature of proposed construction activities on established residential properties, the characteristics of individual site locations, and the conditions of work, NYC is not anticipating significant effects to historical or archeological features protected by the NHPA and NAGPRA. However, should potential historic or cultural resources be discovered in the course of construction activities at a site, NHPA policies and procedures would be adhered to and the NY State Historic Preservation Office would be notified for site-specific guidance. NYC invites the Shinnecock Tribal Nation's Historic Preservation Office to provide comments on the described CDBG-DR funded Program to assist our environmental evaluation of its proposed actions in storm-damaged neighborhoods. Should your office have comments on the Program's potential effects in the Tribe's Area of Interest or recommendations for NYC to consider in its ER, we respectfully request comments be provided within 30 days of the above date to the Program's Point of Contact listed below, or we may assume that the Shinnecock Nation has no NEPA or otherwise related issues with this described program. Please do not hesitate to contact us if you have any questions.

Sincerely,



Kevin F. Donnelly, P.E.

Program Manager

Mayor's Office, Housing Recovery Operations

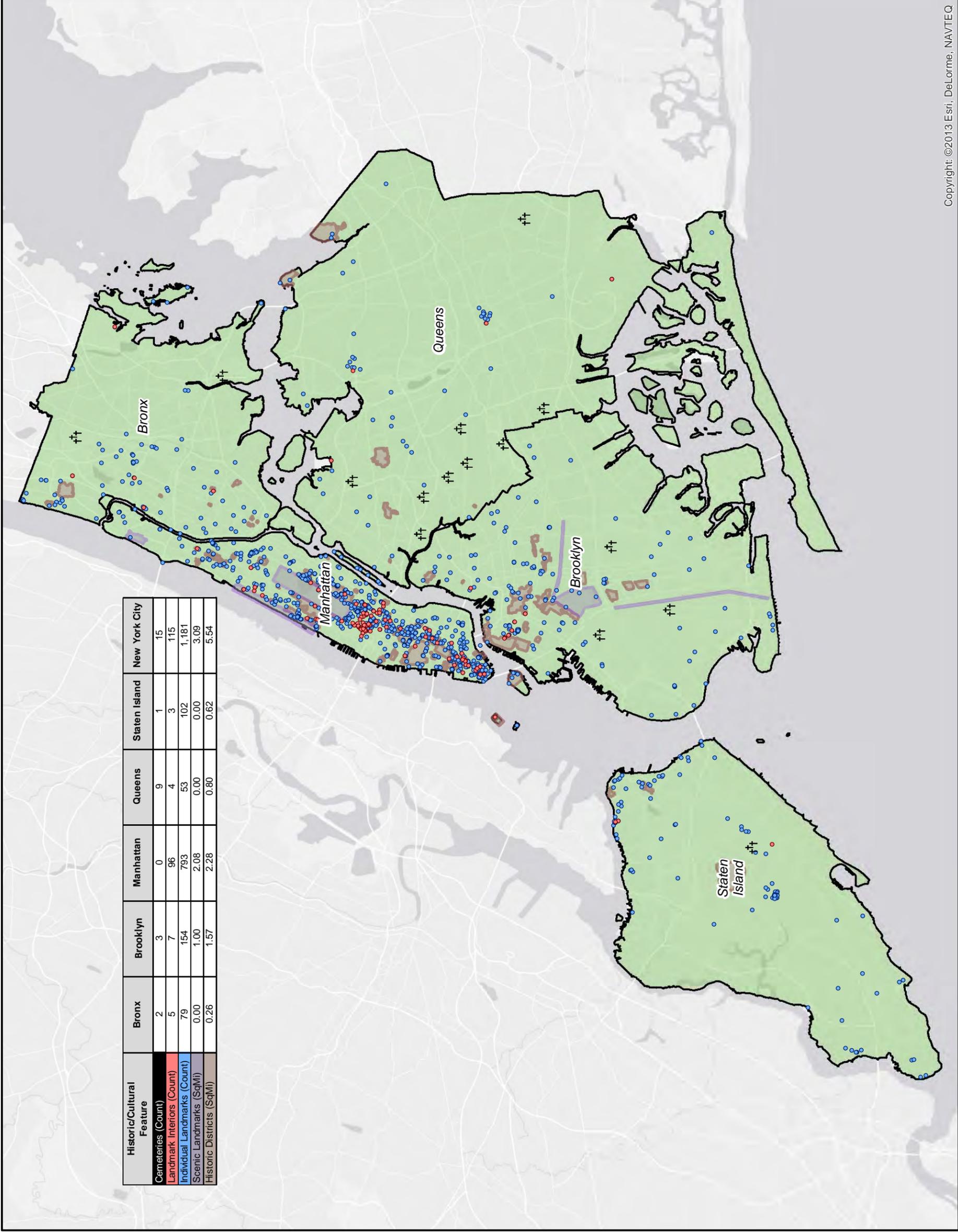
250 Broadway

New York, NY 10007

KDonnelly@recovery.nyc.gov

Point of Contact: John Gearrity, Assistant Commissioner, Building and Land Development Services,
NYC-Housing Preservation Development, 100 Gold Street, Rm 70-1, New York City,
NY 10038; email: gearritj@hpd.nyc.gov

Attachment: Exhibit 1 – New York City Neighborhoods Damaged by Hurricane Sandy
Figure 1-1: Historic and Cultural Sites in New York City

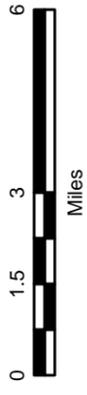
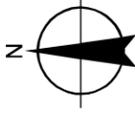


Historic/Cultural Feature	Bronx	Brooklyn	Manhattan	Queens	Staten Island	New York City
Cemeteries (Count)	2	3	0	9	1	15
Landmark Interiors (Count)	5	7	96	4	3	115
Individual Landmarks (Count)	79	154	793	53	102	1,181
Scenic Landmarks (SqMi)	0.00	1.00	2.08	0.00	0.00	3.09
Historic Districts (SqMi)	0.26	1.57	2.28	0.80	0.62	5.54

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Cemeteries
NYC Dept. of Planning (Jan 2010)
-  Landmark Interiors
NYC Landmarks Preservation Commission (2009)
-  Individual Landmarks
NYC Landmarks Preservation Commission (2009)
-  Scenic Landmarks
NYC Landmarks Preservation Commission (2009)
-  Historic Districts
NYC Landmarks Preservation Commission (2009)
-  Indian Nation Areas of Interest
Shinnecock and Delaware Nations
NYS Historic Preservation Office

Note:
The information depicted in this figure has been obtained from public sources and does not represent a complete accounting of historic and cultural resources, some of which may be undergoing evaluation and others are unknown.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
1-1

**HISTORIC AND CULTURAL SITES
IN NEW YORK CITY**



From: Castaneda, Catherine
To: ["sination@optonline.net"](mailto:sination@optonline.net)
Subject: Shennecock Section 106 consultation
Date: Tuesday, April 23, 2013 1:16:00 PM

Good Afternoon,

On behalf of New York City's Housing Recovery Operations at the Department of Environmental Protection, and the City's Office of Management and Budget, I am drafting letters to conduct National Environmental Policy Act/NHPA Section 106 and NAGPRA consultations with Native American Tribal Nations for a proposed Hurricane Sandy housing rehabilitation and reconstruction project funded by HUD.

Herein, I am requesting that the name, title and address of the Shinnecock Indian Nation's Historic Preservation Officer please be provided to me so we may direct the letter to the responsible party for review in an expeditious manner. Also, if considered appropriate, please provide an email address and phone number for follow-up.

Thank you very much!



Catherine Castaneda, Ph.D.
Senior Environmental Scientist
Environmental & Infrastructure, Inc.
Office: 281.531.3178
Cell: 713.306.7818
email: catherine.castaneda@cbi.com

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DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
WATERFRONT AND OPEN SPACE PLANNING

Amanda M. Burden, FAICP, *Director*
Department of City Planning

May 7, 2013

Patrick Blanchfield
Director of Environmental Planning
City of New York - Department of Housing Preservation & Development
100 Gold Street, Rm 9I-7
New York, NY 10038

Re: Multi-Family Rehabilitation Program
WRP # 13-048

Dear Mr. Blanchfield:

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

Multi-Family Rehabilitation Program: Using funding through the Community Development Block Grant Disaster Recovery (CDBG-DR), the Multi-family Building Rehabilitation program includes grants, low interest loans, and/or credit support for rebuilding or rehabilitation of multi-family rental buildings that have suffered damaged during Hurricane Sandy.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby recommends that this action is found consistent with the WRP policies.

This consistency determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 13-048. If there are any questions regarding this review, please contact me or Jessica Fain.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Marrella".

Michael Marrella
Director, Waterfront and Open Space Division
New York City Department of City Planning

cc: Jeff Zappieri, Terra Sturn (NYS DOS)



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

May 10, 2013

Mr. Aaron Werner, AICP
NYC Housing Preservation & Development
Environmental Planner
100 Gold Street, Room 9V-4
New York, New York 10038

Re: F-2013-0388(FA)
Assistance to Hurricane Sandy victims. activities as
funded through the Multifamily Rehabilitation
Program.
General Concurrence - No Objection To Funding

Dear Mr. Werner:

The Department of State received the information you submitted regarding the above matter on 5/8/2013.

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-2013-0388(FA).

Sincerely,

Jeffrey Zappieri
Supervisor, Consistency Review Unit
Division of Coastal Resources

JZ/TS/dc

May 7, 2013

Mr. Jeffrey Zappieri, Supervisor
Consistency Review Unit
NYS Department of State - Division of Coastal Resources
99 Washington Avenue – Suite 1010
Albany, New York 12231

Re: U.S. Department of Housing and Urban Development (HUD)
Community Development Block Grant Disaster Recovery (CDBG-DR) Housing Component
Multifamily Rehabilitation Program

Dear Mr. Zappieri

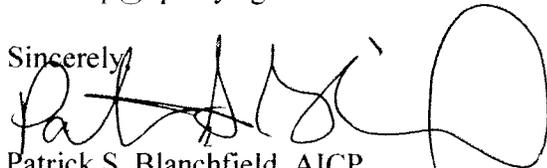
The City of New York - Department of Housing Preservation & Development (HPD) intends to undertake activities funded through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. CDBG-DR would be used to help victims of Sandy achieve permanent, sustainable housing solutions that allow them to remain in New York City and return to their neighborhoods, where possible.

Enclosed please find a completed New York City Waterfront Revitalization Program (WRP) Consistency Assessment Form for activities proposed under the Multifamily Rehabilitation component of the CDBG-DR grant.

The WRP Consistency Assessment form is being sent to your office for concurrence with New York State's Coastal Management Program. This package was submitted to the New York City Department of City Planning's (DCP) Waterfront and Open Space Division on April 30, 2013. In a letter dated May 7, 2013 (attached), DCP found these activities consistent with local WRP policies.

If you have any questions or comments, please feel free to reach me via e-mail at blanchfp@hpd.nyc.gov or at 212-863-5056.

Sincerely,



Patrick S. Blanchfield, AICP
Director of Environmental Planning, HPD

C: Michael Marella, DCP
Jessica Fain, DCP





DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK
WATERFRONT AND OPEN SPACE PLANNING

Amanda M. Burden, FAICP, *Director*
Department of City Planning

May 7, 2013

Patrick Blanchfield
Director of Environmental Planning
City of New York - Department of Housing Preservation & Development
100 Gold Street, Rm 9I-7
New York, NY 10038

Re: Multi-Family Rehabilitation Program
WRP # 13-048

Dear Mr. Blanchfield:

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

Multi-Family Rehabilitation Program: Using funding through the Community Development Block Grant Disaster Recovery (CDBG-DR), the Multi-family Building Rehabilitation program includes grants, low interest loans, and/or credit support for rebuilding or rehabilitation of multi-family rental buildings that have suffered damaged during Hurricane Sandy.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby recommends that this action is found consistent with the WRP policies.

This consistency determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 13-048. If there are any questions regarding this review, please contact me or Jessica Fain.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Marrella".

Michael Marrella
Director, Waterfront and Open Space Division
New York City Department of City Planning

cc: Jeff Zappieri, Terra Sturn (NYS DOS)

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP). The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: City of New York - Department of Housing Preservation & Development (HPD)
2. Address: 100 Gold Street, Rm 9I-7, New York, NY 10038 (c/o Patrick Blanchfield)
3. Telephone: 212-863-5056 Fax: 212-863-5052 E-mail: blanchfp@hpd.nyc.gov
4. Project site owner: (multiple sites with various owners)

B. PROPOSED ACTIVITY

1. Brief description of activity:

The City of New York - Department of Housing Preservation & Development intends to undertake activities funded through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. The City's initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$720 million in funding for assistance to address the various unmet housing needs it has identified thus far. The focus of this WRP Consistency Assessment is the Multi-family Building Rehabilitation program. Of the initial \$720 million allocated to housing, \$250 million would be provided for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied. SEE ATTACHED EXPANDED PROJECT DESCRIPTION

2. Purpose of activity:

CDBG-DR would be used to help victims of Sandy achieve permanent, sustainable housing solutions that allow them to remain in New York City and return to their neighborhoods, where possible. Grants would provide for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied.

3. Location of activity: (street address/borough or site description):

Various properties throughout New York City where housing has been destroyed or damaged by Sandy. Properties would consist of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
Possible SPDES permits for any sites larger than 1 acre.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
Grant funding from HUD's Community Development Block Grant Disaster Recovery (CDBG-DR) program.

6. Will the proposed project require the preparation of an environmental impact statement?
Yes _____ No If yes, identify Lead Agency:

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
Construction funding.

C. COASTAL ASSESSMENT

Location Questions:	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	_____
2. Does the proposed project require a waterfront site?	<input checked="" type="checkbox"/>	_____
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input checked="" type="checkbox"/>	_____
Policy Questions	Yes	No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	<input checked="" type="checkbox"/>	_____
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	<input checked="" type="checkbox"/>	_____
6. Will the action result in a change in scale or character of a neighborhood? (1.2)	_____	<input checked="" type="checkbox"/>

Policy Questions cont'd

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

_____ ✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

✓ _____

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

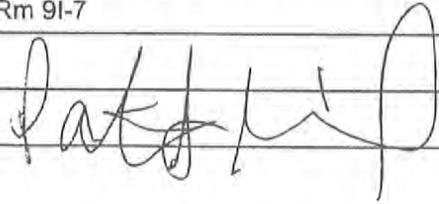
Applicant/Agent Name: City of New York - Department of Housing Preservation & Development

Address: 100 Gold Street, Rm 9I-7

New York, NY 10038

Telephone 212-863-5056

Applicant/Agent Signature: _____

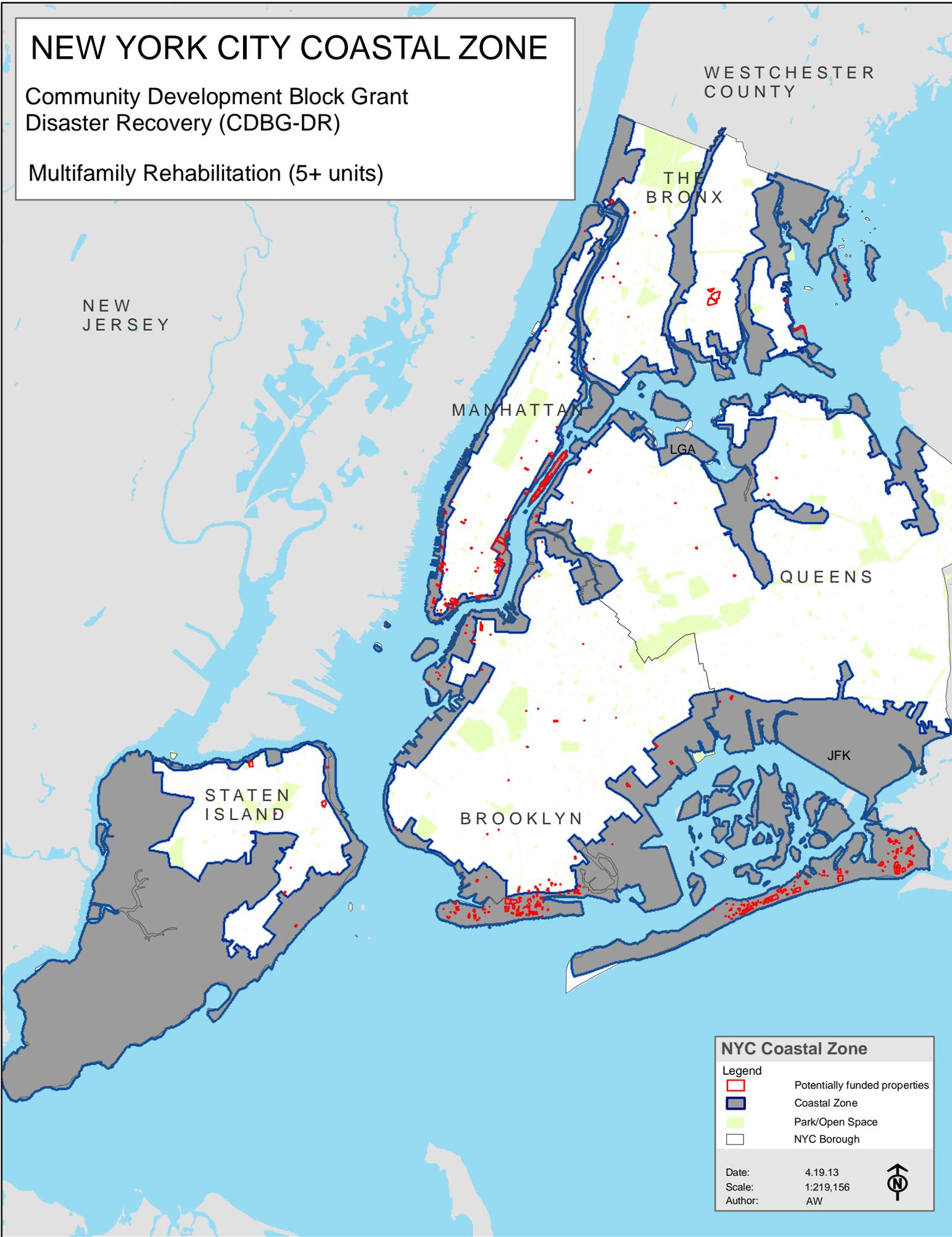


Date: 4/29/13

NEW YORK CITY COASTAL ZONE

Community Development Block Grant
Disaster Recovery (CDBG-DR)

Multifamily Rehabilitation (5+ units)



WESTCHESTER
COUNTY

THE
BRONX

NEW
JERSEY

MANHATTAN

LGA

QUEENS

JFK

STATEN
ISLAND

BROOKLYN

NYC Coastal Zone

Legend

-  Potentially funded properties
-  Coastal Zone
-  Park/Open Space
-  NYC Borough

Date: 4.19.13
Scale: 1:219,156
Author: AW



COASTAL ASSESSMENT EXPLANATION OF CONSISTENCY

Community Development Block Grant Disaster Recovery (CDBG-DR) Housing Component – Multifamily Rehabilitation (5+ units)

Full Project Description:

The City of New York – Department of Housing Preservation & Development (HPD) intends to undertake activities funded through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. As described in more detail below, CDBG-DR would be used to help victims of Sandy achieve permanent, sustainable housing solutions that allow them to remain in New York City and return to their neighborhoods, where possible.

The objectives of the program include:

1. Help Sandy victims directly by replacing and rehabilitating housing units, including identifying opportunities for mitigation enhancement measures;
2. Help Sandy victims by improving the resilience of their housing units while restoring their buildings/residences;
3. Support resilience improvements to reduce risk and strengthen neighborhoods in flood zones;
4. Leverage philanthropic investments to address immediate gaps with flexible capital and maximize CDBG dollars at scale.

President Obama signed the "Disaster Relief Appropriations Act, 2013" (Public Law 113-2) into law on January 29, 2013. Among other appropriations, the Act included \$16 billion in CDBG-DR funds "for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from Sandy and other eligible events in calendar years 2011, 2012, and 2013". The U.S. Department of Housing and Urban Development (HUD), which administers CDBG-DR funds, was ordered to disburse the funds in at least two phases: 33% within the 60 days following the law's enactment and the remainder to be released at a later date. The Act also requires grantees to submit an Action Plan to the HUD Secretary "detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas."

Projects funded with CDBG-DR would be located in areas of impact from Sandy throughout New York City. HPD anticipates that the most of the grant would be targeted to substantial and moderate rehabilitation activities designed to help victims of Sandy achieve permanent, sustainable housing solutions that allow them to remain in New York City – returning to their neighborhoods, where possible.

The City's initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$720 million in funding for assistance to address the various unmet housing needs it has identified thus far. The Housing Action Plan released by the City of New York details how the City's housing agencies intend to utilize the housing portion of this first allocation, including how it will leverage other funding sources to address areas of unmet need. The City will have a single program with several permanent housing recovery paths that maximize coordination across agencies. In this way, the City's program will leverage scale, where possible, while providing solutions tailored for the different needs of homeowners

or landlords in need of assistance (e.g., by geography, building type and size). Specifically, the City will have the following core paths to provide assistance to those who suffered damage from Sandy:

- NYC Houses Rehabilitation – Grants for reconstruction or rehabilitation of homes that have been destroyed or damaged by Sandy. Assistance will incorporate resilience measures for homes that are destroyed or have substantial damage, as defined by the Department of Buildings.
- Multi-family Building Rehabilitation – Grants, low interest loans, and/or credit support for rebuilding or rehabilitation of multi-family rental buildings that have suffered damage. Rebuilding or rehabilitation will incorporate resilience measures for those multi-family buildings that have been destroyed or have suffered major damage.
- Public Housing Rehabilitation and Resilience - Under this program, improvements will be made to the City's public housing infrastructure. These improvements are intended to make direct rehabilitation, replacement of critical systems and building infrastructure as well as installing new measures that will restore buildings systems and services to pre-storm conditions, strengthening the buildings by making the new systems more resilient, and further promoting the preservation of the public housing asset with the implementation of sustainable designs.

The focus of this WRP Consistency Assessment is the Multi-family Building Rehabilitation program. Of the initial \$720 million allocated to housing, \$250 million would be provided for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied. Funds will be used throughout the impacted zone, and will serve a wide range of housing types, including market-rate properties, HUD-assisted properties such as developments with section 202 or 236 contracts, permanent housing for the homeless, and private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program. HPD will prioritize loans that assist vulnerable populations such as the pre-storm homeless. This includes restoration of existing supportive housing properties, and where viable, conversion of damaged class B properties (2-family dwellings) to supportive housing.

Policy Question Explanations

The answer to the following Policy Questions was yes; therefore, more detailed explanations on relevant policies are provided below.

Policy Questions:

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (Policy 1 - Support and facilitate commercial and residential redevelopment in areas well-suited to such development)

Yes, the proposed project would result in the revitalization of severely damaged residential neighborhoods in coastal areas. CDBG-DR funding would support the rehabilitation of storm damaged multifamily residential buildings (5+ units) in coastal areas. The CDBG-DR grant would have no substantial effect on this policy other than to rehabilitate multifamily residential buildings in these areas. No new construction on previously vacant sites within the coastal zone or in waterfront areas is proposed. The rehabilitation activities would be served by existing infrastructure and would be carried out in accordance with the City's Zoning Resolution (including recently issued Executive Order 233) and the guidelines of FEMA's Advisory Base Flood Elevations (ABFE). Funding made available through the CDBG-DR grant would help victims of Sandy – including homeowners and tenants of rental properties - achieve permanent, sustainable housing solutions that allow them to remain in New York City – returning to their neighborhoods,

where possible. The available funding would help revitalize these neighborhoods in coastal areas and reconnect displaced residents to the waterfront.

5. Is the project site appropriate for residential or commercial redevelopment? (Policy 1.1 - Encourage commercial and residential redevelopment in appropriate coastal zone areas)

Yes, the sites are appropriate since CDBG-DR funding would be used to rehabilitate storm damaged multifamily residential buildings (5+ units) damaged by Sandy. Funding would be applied to projects located on sites that have been improved with residential buildings. Land uses would remain compatible and funding would not result in new construction on any vacant sites or sites containing unique or significant natural features. For any properties located near Special Natural Waterfront Areas (SNWAs), the proposed activities would allow for the continued functioning of these areas.

In response to the need to elevate buildings based on the ABFE maps released by FEMA in January 2013, Mayor Michael Bloomberg signed Executive Order 233 on February 5, 2013. The purpose of Executive Order 233, titled "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards", allows for the waiving of certain provisions of the Zoning Resolution that could have prevented, hindered or delayed disaster recovery.

Projects would be consistent with New York City's Zoning Resolution and some may construct in accordance with provisions allowed through Executive Order 233. No significant effects related to zoning and adopted public policies are expected from the proposed projects, which would consist of the rehabilitation of existing multifamily housing stock damaged by Sandy.

18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (Policy 4 - Protect and restore the quality and function of ecological systems within the New York City coastal area; Policy 9.2 - Protect scenic values associated with natural resources)

Yes, existing multifamily residential buildings which are located near or within one of the designated SNWAs may be funded through the CDBG-DR grant; however, the CDBG-DR grant would have no substantial effect on either policy other than to rehabilitate buildings in these areas. Funding would be applied to projects located on sites that have been improved with residential buildings.

The proposed activities associated with the CDBG-DR grant would allow for the continued functioning of SNWAs and would have no effect on ecological systems, unique or significant natural features, and scenic resources. Fragmentation or loss of habitat areas within the SNWAs would not occur and no adverse changes to the ecological complexes and their natural processes would result. The rehabilitation of structures would not interrupt landscapes, nor would it include the introduction of discordant elements. The funded activities would not result in changes to the continuity and configuration of natural shorelines and associated vegetation.

Regarding federally designated tidal and freshwater wetlands, an evaluation as required by Executive Order 11990 would be conducted in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of any proposed activities near a wetland area. The use of CDBG-DR funding to rehabilitate storm damaged multifamily residential properties would not involve any new construction on previously vacant sites, including designated wetlands or associated vegetation buffer areas. Furthermore, no filling or draining of such areas would occur as a result of these activities.

Regarding threatened or endangered species, according to the U.S. Fish and Wildlife Service (FWS) information available for Queens County (Borough of Queens), the piping plover (threatened bird species), the roseate tern (endangered bird species), and the seabeach amaranth

(threatened plant species) are known/likely to occur. Therefore, CDBG-DR funded rehabilitation activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway have the potential to affect these species and for any CDBG-DR funded rehabilitation activities located on the Rockaway peninsula, HPD would consult with FWS to determine whether these species are likely to be affected. Potential impacts will be addressed in the event that FWS involvement is warranted. In addition, the species list by County for New York State on the FWS website will be checked routinely for updates.

20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (Policy 4.1 - Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats; Policy 9.2 - Protect scenic values associated with natural resources)

Yes, existing multifamily residential buildings (5+ units) which are located near or within the South Shore of Staten Island may be funded through the CDBG-DR grant; however, the CDBG-DR grant would have no substantial effect on either policy other than to rehabilitate buildings in these areas. Funding would be applied to projects located on sites that have been improved with residential buildings.

The proposed activities associated with the CDBG-DR grant would have no effect on ecological systems, unique or significant natural features, and scenic resources in these areas. Fragmentation or loss of habitat areas would not occur and no adverse changes to the ecological complexes and their natural processes would result. The rehabilitation of damaged buildings would not interrupt landscapes, nor would it include the introduction of discordant elements. The funded activities would not result in changes to the continuity and configuration of natural shorelines and associated vegetation.

Regarding federally designated tidal and freshwater wetlands, an evaluation as required by Executive Order 11990 would be conducted in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of any proposed activities near a wetland area. The use of CDBG-DR funding to rehabilitate storm damaged multifamily residential properties would not involve any new construction on previously vacant sites, including designated wetlands or associated vegetation buffer areas. Furthermore, no filling or draining of such areas would occur as a result of these activities.

Regarding threatened or endangered species, according to the U.S. Fish and Wildlife Service (USFWS) information available for Queens County (Borough of Queens), the piping plover (threatened bird species), the roseate tern (endangered bird species), and the seabeach amaranth (threatened plant species) are known/likely to occur. Therefore, CDBG-DR funded rehabilitation activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway have the potential to affect these species and for any CDBG-DR funded rehabilitation activities located on the Rockaway peninsula, HPD would consult with FWS to determine whether these species are likely to be affected. Potential impacts will be addressed in the event that FWS involvement is warranted. In addition, the species list by County for New York State on the FWS website will be checked routinely for updates.

21. Would the action involve any activity in or near a tidal or freshwater wetland? (Policy 4.2 - Protect and restore tidal and freshwater wetlands)

Yes, the proposed activities may occur within proximity to federally designated tidal or freshwater wetlands. An evaluation as required by Executive Order 11990 would be conducted in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of proposed activities near a wetland area. The use of CDBG-DR funding to rehabilitate storm damaged

multifamily residential properties would not involve any new construction on previously vacant sites, including designated wetlands or associated vegetation buffer areas. Furthermore, no filling or draining of such areas would occur as a result of these activities.

22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (Policy 4.3 - Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community)

According to the most current species list (by County) for New York State available from the U.S. Fish and Wildlife Service (FWS) website <http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf>, except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under FWS jurisdiction are known to exist in the counties of New York (Borough of Manhattan), Kings (Borough of Brooklyn), Bronx (Borough of the Bronx), and Richmond (Borough of Staten Island).

However, the piping plover, roseate tern, and seabeach amaranth are known/likely to occur in Queens County. The piping plover and seabeach amaranth are common to the beaches along coastal areas of the Rockaway Peninsula (roseate terns historically nested on the peninsula but there are no recent records of their breeding since 1998). Based upon this information, the City has determined that federally funded rehabilitation activities in Manhattan, Bronx, Brooklyn, Staten Island and areas of Queens other than the Rockaway Peninsula would have No Effect on federally identified endangered or threatened species within the USFWS's jurisdiction.

For Queens County (Borough of Queens), the piping plover (threatened bird species), the roseate tern (endangered bird species), and the seabeach amaranth (threatened plant species) are known/likely to occur. Therefore, CDBG-DR funded rehabilitation activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway have the potential to affect these species and for any CDBG-DR funded rehabilitation activities located on the Rockaway peninsula, HPD would consult with FWS to determine whether these species are likely to be affected. Potential impacts will be addressed in the event that FWS involvement is warranted. In addition, the species list by County for New York State on the FWS website will be checked routinely for updates.

32. Would the action result in any activities within a federally designated flood hazard area or state designated erosion hazards area? (Policy 6 - Minimize loss of life, structures and natural resources caused by flooding and erosion)

Yes, the proposed activities would occur within federally designated flood hazard areas. For CDBG-DR funded activities within the FEMA Special Flood Hazard Areas (100 year floodplain), a Notice for Early Public Review of a Proposal to Support Activity in the 100-Year Floodplain and Wetland, and Notice and Public Explanation of a Proposed Activity in the 100-Year Floodplain and Notice of Intent to Request Release of Funds will be published/posted.

Project sites located within these zones will follow the decision making process in accordance with § 55.20. HPD will conduct an evaluation as required by Executive Order 11988 in accordance with HUD regulations at 24 CFR 55.20 to determine the potential environmental effect of construction activity in the floodplain.

FEMA released updated flood maps and designated new Advisory Base Flood Elevations (ABFE) on January 28, 2013. The Advisory 1% annual chance floodplain includes both A and V Advisory Flood Hazard Zones. Advisory Zone V is comprised of the area subject to high velocity wave action (a 3-foot breaking wave) from the 1% annual chance coastal flood. Zone V is subject to more stringent building requirements than other zones because these areas are exposed to a higher level of risk. Advisory Zone A is comprised of the area subject to storm surge flooding

from the 1% annual chance coastal flood. These areas are not subject to high velocity wave action but are still considered high risk flooding areas. All projects proposed for funding under CDBG-DR which are located within Advisory Flood Zones A and V will be restricted from building footprint expansions and must purchase flood insurance. As part of the CDBG-DR rehabilitation activities for multifamily buildings, resiliency measures will be incorporated to the extent practicable. Such measures include floodproofing basements and elevating boilers and other critical infrastructure.

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (Policy 6.2 - Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit)

Yes, CDBG-DR funding may be used to provide flood prevention and erosion control measures for storm damaged multifamily residential properties. The proposed activities associated with the CDBG-DR grant would have no substantial effect on this policy other than to rehabilitate buildings in areas prone to coastal flooding. The measures funded, which would include rehabilitation of these buildings in accordance with ABFEs and other forms of structural flood-proofing would provide a public health and safety benefit by preventing damage and residential displacement as a result of future coastal flooding. Standard erosion control measures would be in place at construction sites in accordance with all applicable state, federal, and local regulations.

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (Policy 7 - Minimize environmental degradation from solid waste and hazardous substances)

Yes, the proposed activities may result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants. The CDBG-DR grant would involve rehabilitation of storm damaged multifamily residential properties. These activities may result in the generation, handling, storage and shipment of construction and demolition debris, and other regulated waste. The handling, storage, and transport of waste generated by CDBG-DR-related activities, including excavated contaminated soil, would be handled in accordance with applicable regulations. No deleterious effects on humans or the environment are anticipated. Work would be performed by United States Environmental Protection Agency-licensed (EPA) firms with licensed workers who hold an EPA certification. The proposed activities would have no substantial effect on this policy.

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (Policy 7.2 - Prevent and remediate discharge of petroleum products)

Yes, the proposed activities may occur on sites that contain contamination or have a history of underground storage tanks and open spills from previous uses. This includes cases of open petroleum spills called in to the New York State Department of Environmental Conservation (NYSDEC) as a result of Sandy related damage and flooding. CDBG-DR funding would be used exclusively for residential purposes and all funded projects will be screened for potential hazardous materials contamination, including, but not limited to the review of historic Sanborn Maps, database searches and field inspections. If the potential for contamination cannot be ruled out, a Phase II Subsurface Investigation would be required. If contaminants are identified, remediation would be required and conducted in accordance with all applicable city, state and federal regulations. In addition, demolition debris including lead and asbestos will be handled in accordance with all applicable federal, state and local regulations. In some cases, the installation of new above-ground or underground storage tanks for residential fuel oil may be required. These tanks would be registered with NYSDEC and would be sited and installed in accordance with all applicable federal, state and local regulations to prevent the unregulated discharge of petroleum products into coastal waterways. The proposed activities would have no substantial effect on this policy.

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (Policy 7.3 - Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources)

Yes, the funded activities may result in the storage and transportation of construction and demolition debris, and other regulated waste, including hazardous materials. However, the proposed activities would have no effect on this policy. The CDBG-DR grant would involve rehabilitation of storm damaged multifamily residential properties. The proposed activities would be limited to residential properties and would not include the siting of solid or hazardous waste facilities or major petroleum-related facilities. If on site contaminants are identified prior to the rehabilitation activities, remediation would be required and conducted in accordance with all applicable city, state and federal regulations. Hazardous waste, including contaminated soil, lead and asbestos would be transported by State licensed haulers that would comply with federal, state and local regulations regarding commercial trucking. In some cases, the installation of new above-ground or underground storage tanks for residential fuel oil may be required. These tanks would be registered with NYSDEC and would be sited and installed in accordance with all applicable federal, state and local regulations to prevent the unregulated discharge of petroleum products into coastal waterways.

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (Policy 8 - Provide public access to and along New York City's coastal waters)

Yes, storm damaged multifamily residential properties awarded funding through the CDBG-DR grant may be located adjacent to federal, state, or city parkland or other land in public ownership protected for open space preservation; however, grant activities would have no effect on this policy as funding would be provided to existing residential properties and activities are limited to minor to major rehabilitation. Grant activities would not trigger Waterfront Public Access requirements per the New York City Zoning Resolution. New construction on designated open spaces would not occur and the proposed activities would not alter physical, visual, or recreational access to any public open space or coastal waters. Existing public waterfront access locations would be preserved.

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (Policy 9 - Protect scenic resources that contribute to the visual quality of the New York City coastal area)

Yes, the funded activities may affect built resources that contribute to the scenic quality of a coastal area. Funding would be provided to existing residential properties and activities are limited to minor to major rehabilitation. Scenic quality of the coastal area would generally remain unchanged following grant activities; however, in some cases, scenic quality may be improved since funding would be used to repair damaged buildings on coastal areas. The proposed activities would not introduce new residential development on previously vacant sites that would be incompatible with existing scenic elements, such as historic landmarks, the maritime industry, recreational boating facilities, natural features, topography, landforms and the botanic environment. The rehabilitation of storm-damaged buildings would not interrupt landscapes, nor would it include the introduction of discordant elements. The funded activities would not result in changes to the continuity and configuration of natural shorelines and associated vegetation. Funded properties would be compatible with the scenic elements defining the character of the area, and all proposed activities would be consistent with the New York City Zoning Resolution (including waterfront landscaping), and some may construct in accordance with provisions allowed through Executive Order 233 to protect against future damage from coastal flooding. Existing public waterfront view corridors and access locations would be preserved.

Prior to a grant award, HPD will consult with the New York City Landmarks Preservation Commission on architectural and archaeological historic resources (either on-site or within close proximity) including State or National Register eligible or listed buildings or resources related to the historical use and development of the waterfront. In the event the proposed activity has the potential to affect a historic resource, it will be referred to the State Office of Historic Preservation (SHPO) to determine whether the project would result in an adverse effect on historic resources, in accordance with Section 106 of the National Historic Preservation Act of 1966. In the event the project could result in an adverse effect on a historic property, additional studies may be required and HPD would resolve adverse effects in consultation with the SHPO, the Advisory Council on Historic Preservation (ACHP) if it wishes to participate, and any consulting parties. The grant may not be approved until adverse effects are resolved or ACHP comment is considered by HPD. If necessary, a Memorandum of Agreement (MOA) will be executed between OPRHP and HPD to ensure there is no significant adverse effects to historic resources.

52. Will the proposed activity affect or be located in, on or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (Policy 10 - Protect, preserve and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area)

Yes, storm damaged multifamily residential properties awarded funding through the CDBG-DR grant may be located in, on or adjacent to a historic resource listed on the State or National Register of Historic Places, or designated as a landmark by the City of New York. However, the proposed activities would have no substantial effect on this policy. Prior to a grant award, HPD will consult with the New York City Landmarks Preservation Commission on architectural and archaeological historic resources (either on-site or within close proximity) including State or National Register eligible or listed buildings or resources related to the historical use and development of the waterfront. In the event the proposed activity has the potential to affect a historic resource, it will be referred to the State Office of Historic Preservation (SHPO) to determine whether the project would result in an adverse effect on historic resources, in accordance with Section 106 of the National Historic Preservation Act of 1966. In the event the project could result in an adverse effect on a historic property, additional studies may be required and HPD would resolve adverse effects in consultation with the SHPO, the Advisory Council on Historic Preservation (ACHP) if it wishes to participate, and any consulting parties. The grant may not be approved until adverse effects are resolved or ACHP comment is considered by HPD. If necessary, a Memorandum of Agreement (MOA) will be executed between OPRHP and HPD to ensure there is no significant adverse effects to historic resources.

From: JESSICA FAIN
To: Berger, Sharon (Recovery)
Cc: Blanchfield, Patrick (HPD); Gearrity, John (HPD); Leonard, John (OMB); Johnson, Calvin (OMB); james.scanlon@nycha.nyc.gov; raymond.ribeiro@nycha.nyc.gov; Vovaris, Jill; Castaneda, Catherine; Donnelly, Kevin (Recovery); MICHAEL MARRELLA
Subject: RE: NYCHA WRP Assessment - CDBG-DR
Date: Tuesday, May 28, 2013 4:59:36 PM
Attachments: image001.png

Ms. Berger,

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

CDBG-DR Public Housing Rehabilitation and Resilience: Using funding through the Community Development Block Grant Disaster Recovery (CDBG-DR), through the Public Housing Rehabilitation and Resilience program the City will allocate \$108 Million to design and construct improvements to public housing directly impacted by Hurricane Sandy.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby recommends that this action is found consistent with the WRP policies.

This consistency determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 13-056. If there are any questions regarding this review, please contact me.

Sincerely,

JESSICA FAIN
PLANNER, WATERFRONT AND OPEN SPACE DIVISION

NYC DEPT OF CITY PLANNING
22 READE STREET, 6th FLOOR • NEW YORK, NY 10007
t 212.720.3525 • f 212.720.3490
JFAIN@PLANNING.NYC.GOV
www.nyc.gov/planning

 Follow us on Twitter [@NYCPlanning](https://twitter.com/NYCPlanning)

From: Berger, Sharon (Recovery) [mailto:sberger@recovery.nyc.gov]
Sent: Thursday, May 23, 2013 4:14 PM
To: MICHAEL MARRELLA; JESSICA FAIN
Cc: Blanchfield, Patrick (HPD); Gearrity, John (HPD); Leonard, John (OMB); Johnson, Calvin (OMB);

james.scanlon@nycha.nyc.gov; raymond.ribeiro@nycha.nyc.gov; Vovaris, Jill;
catherine.castaneda@cbi.com; Donnelly, Kevin (Recovery)
Subject: RE: NYCHA WRP Assessment - CDBG-DR

Mr. Marrel and Ms. Fain,

Attached please find the revised WRP for NYCHA. If you have any questions please let me know.

Best regards,

Sharon I. Berger Esq.
Director of Technical Services
Housing Recovery Office
250 Broadway - 24th Floor, NY, NY
Office 212-615-8031
Cell 347-255-6290

From: Berger, Sharon (Recovery)
Sent: Wednesday, May 22, 2013 7:11 PM
To: 'MMARREL@PLANNING.NYC.GOV'; 'JFAIN@planning.nyc.gov'
Cc: blanchfp@hpd.nyc.gov; 'Gearrity, John (HPD)'; Leonard, John (OMB); Johnson, Calvin (OMB);
james.scanlon@nycha.nyc.gov; raymond.ribeiro@nycha.nyc.gov; Vovaris, Jill;
catherine.castaneda@cbi.com; Donnelly, Kevin (Recovery)
Subject: RE: NYCHA WRP Assessment - CDBG-DR

Mr. Marrel and Ms. Fain,

By way of this email, I am rescinding the notice sent this afternoon. I will resend the notice shortly.
I apologize for the inconvenience.

Regards,

Sharon Berger

From: Berger, Sharon (Recovery)
Sent: Wednesday, May 22, 2013 5:27 PM
To: 'MMARREL@PLANNING.NYC.GOV'; 'JFAIN@planning.nyc.gov'
Cc: blanchfp@hpd.nyc.gov; Gearrity, John (HPD); Leonard, John (OMB); Johnson, Calvin (OMB);
james.scanlon@nycha.nyc.gov; raymond.ribeiro@nycha.nyc.gov; Vovaris, Jill;
catherine.castaneda@cbi.com; Donnelly, Kevin (Recovery)
Subject: NYCHA WRP Assessment - CDBG-DR

Mr. Marrel and Ms. Fain,

Please find the WRP consistency assessments for Public Housing Resiliency and Rehabilitation - NYCHA's properties. This is for a portion of the City's Community Development Block Grant-Disaster Recovery (CDBG-DR) funding for Sandy-impacted housing. In addition to CPC/DCP's concurrence with our consistency assessments, we also need approval by NYSDOS. Our

understanding is that they won't issue their determination until the City issues its own, so your prompt response would be greatly appreciated. Please let me know if you need anything or have questions.

Best regards,

Sharon I. Berger Esq.
Director of Technical Services
Housing Recovery Office
250 Broadway - 24th Floor, NY, NY
Office 212-615-8031
Cell 347-255-6290

From: Venetia Lannon [valannon@gw.dec.state.ny.us]
Sent: Friday, June 21, 2013 5:04 PM
To: Vovaris, Jill
Subject: Fwd: Re: NYC Tier 1 Environmental Review for CDBG Sandy Housing Program

Jill,

Here are our preliminary comments on the draft:

- 1) The analysis should include a discussion of not rebuilding in certain areas. In those areas most likely to reflow, buying out the properties would seem to be viable option and might actually result in a long term cost savings when considering that these areas will inevitably be flooded again. Multiple rebuilds would greatly increase the economic cost, not to mention the emotional cost of repeated losing personal property. Getting infrastructure and personal property out of harm's way by establishing or enhancing natural infrastructure should be included in the City's analysis.
- 2) DEC should be included in any discussions on endangered and threatened species, not just the US Fish and Wildlife Service.
- 3) DEC is pleased to see that projects impacting wetlands will not be covered by this programmatic review and will require an individual finding of no significant impact.
- 4) We would not limit the analysis of wetlands to those depicted on the National Wetlands Inventory and would suggest consulting other available information, such as NYSDEC wetlands maps, when determining the extent of wetlands. We have found that the National Wetlands Inventory tends to underestimate the extent of freshwater wetlands in an area.

Thanks,

Venetia

[website](#) | [directions](#) | [email](#) |

>>> "Holt, Ben" <Ben.Holt@cbi.com> 6/6/2013 12:57 PM >>>

Venetia Lannon

You have been granted access to the below XNet site, where NYC Environmental Review documents (drafts and finals) will be posted for review. You will be able to download these documents to a hard drive and to print pages as you wish.

URL Address for SharePoint

Site: <https://shawxnet.shawgrp.com/sites/NYCEEnvironment/External%20NYC%20Tier%20I%20Review/Forms/AllItems.aspx>

Username: shawdmz\nyce.VLannon

Password: iz2haZ6N

NOTE: All passwords are case sensitive. You must enter exactly as noted. If you copy and paste your information, please be sure there are no extra spaces.

Please let me know if you have any questions or concerns.



Ben J. Holt
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Geospatial & Information Management
Environmental & Infrastructure
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April 26, 2013

Venetia Lannon
Director, Region 2
Department of Environmental Conservation
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101-5407

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

Ms. Lannon:

The National Environmental Policy Act (NEPA) requires federal agencies, including the U.S. Department of Housing and Urban Development (HUD), to integrate environmental values into their decision making process by considering the environmental impacts of proposed actions. As the Responsible Entity for several Community Development Block Grant (CDBG)-Disaster Recovery (DR) programs funded by HUD to be implemented in New York City (NYC) in the aftermath of the devastation caused by Hurricane Sandy in October 2012, the NYC Office of Management and Budget (OMB) is required to complete Environmental Reviews (ER) of proposed activities. Per NEPA, the ER must include consideration of various environmental factors and regulations, including historic preservation, floodplain management, wetland protection, threatened and endangered species, environmental justice, and Executive Orders (EO). NYC is conducting a two-tiered ER of several Programs. The purpose of the Tier I ER is to facilitate and streamline review of environmental factors and regulations on a broad or programmatic-wide level. The following provides a brief description of the **NYC Houses Program** and, as part of this Tier I ER the City is requesting comments from the **NY Department of Environmental Conservation** (DEC) as well as other federal, state, and local agencies. Agency comments or guidance will inform both tiers of the ER process and be retained for the projects Environmental Review Record (ERR).

The densely populated coastal City of New York was declared a disaster area prior to the October 29, 2012 landfall of Hurricane Sandy. President Obama subsequently issued a major disaster declaration on October 30, 2012 for affected areas in the State of New York making disaster assistance available to those in the heaviest hit areas affected by the storm. Following damage assessments performed by the Federal Emergency Management Agency (FEMA) President Obama also signed into law the "Disaster Relief Appropriations Act, of January 29, 2013" (Public Law 113-2¹), which included \$16B 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. Approximately 89 square miles of the City's land area (321 square miles) was inundated by Hurricane Sandy's floodwaters. Nearly 10% (846,056 persons) of the City's total population resided in damaged neighborhoods situated in or near the coastal zone of the five boroughs as shown in **Exhibit 1**. According to NYC analysis of damage to its housing stock in these

¹ <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

neighborhoods, over 63,000 residential units were damaged or destroyed along with devastating impacts to other sectors.

To specifically assist disaster recovery for the NYC housing sector, CDBG-DR funds in the amount of \$648,000,000 have been allocated by the HUD². As indicated in the City's CDBG-DR-funded Hurricane Sandy Disaster Action Plan published on April 23, 2013, the NYC OMB will administer the CDBG-DR funds received from HUD for the recovery of Hurricane Sandy-damaged housing. Of these funds, a portion is being specifically set aside to provide assistance under this Program. Its activities are designed to address unmet housing needs of people affected by Hurricane Sandy, specifically residential property homeowners (owner occupied and year-round tenants of 1-2 single-family units) as well as owners and tenants of rental properties (owner occupied, 3-4 single-family units) to achieve permanent, sustainable housing solutions that allow them to remain in NYC and, where possible, return to their neighborhoods. CDBG-DR funds, in the amount of \$340,000,000, are targeted to assist the needs of eligible applicants who occupied these single-family houses impacted by the hurricane. The Program will offer three core recovery paths to eligible beneficiaries by providing different assistance types for owners of houses that fall into one of the following three categories of damage to housing:

- Reconstruction: Residential property that has been destroyed or is more expensive to rehabilitate than to reconstruct;
- Major Rehabilitation: Residential property that is not destroyed but has substantial damage as assessed by the Program;
- Moderate Rehabilitation: Residential property that was damaged by Hurricane Sandy, but is not destroyed and does not have substantial damage as determined by the Program.

The assistance will be provided to qualified applicants in the form of cap-restricted grants to complete these construction projects. In accordance with the Federal Register³ at least 50% of the CDBG-DR funds must be used for project activities that benefit and meet the unmet housing needs of eligible low to moderate income households. All grants, loan amounts or other eligible services will be based on damage to the original dwelling, plus the funds necessary to meet applicable housing quality standards, local, state and/or federal building codes, and funds necessary for mitigation efforts to reduce the risk of damage to dwellings from future storm events. This assistance is specifically targeted to existing residential properties as described above, construction activities are anticipated to occur on original home sites, within the existing footprint of the damaged structure, and not result in increased population density.

Under CDBG-DR requirements, all demolition, rehabilitation, and reconstruction work will be completed to applicable building codes and standards, local ordinances, permitting. Zoning requirements would also typically be adhered to but exceptions may occur. In fact, due to potential concerns over certain provisions of NYC's Zoning Resolution that could have prevented, hindered or delayed disaster recovery, Mayor Bloomberg issued EO 233 on February 5, 2013⁴, entitled "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards". This EO will remain in effect and therefore applicable to HRR construction activities until the NYC Department of City Planning completes the Uniform Land Use Review Process (ULURP) to update land use zoning in accordance with long-term city-wide planning goals. Once ULURP is complete, Program construction activities will adhere to the new land use zoning requirements in order to achieve environmental compliance.

For purposes of the ER, the area of the Program's potential environmental effects includes residential properties of NYC inadequately covered by homeowner insurance policies or where owners have insufficient financial

² For additional information regarding Hurricane Sandy housing and other recovery efforts in New York City visit <http://www.nyc.gov/html/recovery/html/housing/housing.shtml>

³ Federal Register 5696-N-01: Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, March 5, 2013.

⁴ http://www.nyc.gov/html/om/pdf/eo/eo_230.pdf

resources to complete repair themselves, and where the applicants satisfy CDBG eligibility requirements. The exact number and location of hurricane-damaged home sites to be addressed by the Program is not known at this time since homeowner eligibility for housing assistance funds must be determined on a case by case basis. As described in the Tier I ER, NYC will conduct a Tier II Site-Specific ER for each proposed construction site that will assess required environmental compliance factors and HUD standards. Any environmental compliance factors and/or regulations determined through the Tier I ER to be affected by the Project or to have a potential affect on the Project will be addressed by the Tier II ER, once specific home sites are known. Site-specific environmental reviews will include desktop reviews of field inspections that document property conditions in order to determine environmental compliance requirements of the proposed construction activities.

In preparation of the Tier I ER, the City has reviewed information available from federal agencies as well as the NY Department of Environmental Conservation, the NY State Department of State, the NYC Department of City Planning and other agencies. The City has also reviewed the the Advisory Based Flood Elevation (ABFE) maps published by FEMA for portions of NYC that were impacted by Hurricane Sandy and understands that Preliminary Flood Insurance Rate Maps (P-FIRM) are currently under preparation for these same areas. For the Tier I ER, the City has established a robust geospatial database for the HRR and prepared numerous figures, including **Figures 2-1, 3-1, and 5-1** to respectfully depict the Flood Hazard Areas, Wetlands, and Coastal Zone in New York City, here attached for review and comment.

While EO 233 is in effect, the City understands that the rehabilitation and reconstruction activities in flood hazard areas may proceed despite non-compliance with certain zoning provisions, as long as the number of non-compliances does not increase, and flood protection standards are improved in these at-risk neighborhoods. While the ABFE is in effect, major and moderate rehabilitation of residential structures will be designed and executed to meet these new advisory elevations. As the P-FIRM maps are adopted by NYC, the elevation requirements for HRR projects may be adjusted. These adjustments to elevation requirements are expected to affect the costs of construction, potentially causing a proposed rehabilitation project to be more expensive than a reconstruction and thus trigger a change in the project type.

Despite the coincidence of hurricane-damaged single family houses within the NYC coastal boundary, the City does not anticipate a need for Environmental Assessments beyond what the Program completes for its ERR. The City has filed a Waterfront Revitalization Program (WRB) Consistency Assessment Form with both WRB and the NY State Department of State indicating that the Program's construction activities are being designed and executed to be consistent with NYC's 2002 WRP policies applicable to residential construction. With respect to the 10 NYC WRP policies, and the potential resource management concerns of the DEC and other Federal, State, and Local agencies, Program activities are expected to accomplish the following while serving the unmet housing needs of NYC residents in the aftermath of Hurricane Sandy:

- NYC residential properties damaged or destroyed by Hurricane Sandy will be improved by rehabilitation or reconstruction of hurricane-damaged homes and services to meet the qualified applicant's established housing need and meet the City-adopted greenbuilding standards as well as HRR resiliency goals, thus the City's tax base will thus be modestly enhanced. The owners of properties situated in the floodplain will be required to purchase and maintain flood insurance for at least five years.
- The general condition of properties will be improved by demolition and removal of hurricane-damaged secondary structures, such as piers or decking⁵, as well as abandoned vehicles or other storm debris and other hazards that might otherwise restrict recreational access to the waterfront and contribute to environmental degradation of coastal resources. Solid and hazardous waste removal will be managed and transported in accordance with regulatory requirements.

⁵ The CDBG-DR funds are strictly designated to address housing needs of disaster victims that comply with NEPA and HUD environmental standards, as well as NYC objectives for the HRR. Such structures as piers, docks, and boat ramps on hurricane-damaged waterfront will not be replaced with CDBG-DR funds.

- Standard best management practices (BMPs) will be implemented to control stormwater runoff and soil erosion during construction activities and thus protect the quality of surface waters and dependent natural resources. Similarly, implementation of these BMPs during construction can be expected to minimize effects on air quality as well as mitigate noise impacts of construction activities in accordance with the City's 2007 Construction Noise Rules.
- Where landscaping is required for HRR projects to meet the City-adopted greenbuilding standards, vegetative plantings will be selected that are protective of shoreline characteristics and other natural features, and that have a potentially high success rate for achieving restoration of basic environmental quality and the function of coastal resources in areas damaged by Hurricane Sandy.
- Significant effects to historical or archeological features are expected to be minimal. However, as the demolition of structures may involve ground-breaking activities, archeological/cultural artifacts may be uncovered. In such cases, construction activities will be halted and site-specific consultation with State and Tribal Historic Preservation Officers to resolve this 36 CFR Section 106 compliance factor.

Given the nature of the proposed construction activities on established residential properties in the damaged residential neighborhoods of NYC's coastal zone, and the above approach to construction activities, NYC is not anticipating significant adverse effects from the Program described. As the Tier II site-specific ERs progress, NYC does expect certain cases may pose complex and unexpected circumstances where the guidance of the DEC and other agencies may be warranted to resolve certain compliance factors, and for which site-specific consultation will be undertaken as indicated above. Prior to proceeding with its construction projects, the Program anticipates that site-specific measures to mitigate potential effects on the floodplain, wetlands, threatened and endangered species, and migratory birds may be required. Site-specific measures to protect properties from various hazards may also be required. In summary, NYC finds the Program will enhance the environmental quality of Hurricane Sandy-damaged neighborhoods and help strengthen the resiliency of its coastal communities.

The City invited comment from various agencies on the Hurricane Sandy Disaster Recovery Action Plan. The City also extends an invitation for DEC to comment on this Program's Tier I ER as well as provide any guidance deemed pertinent to further assist its environmental evaluation of its proposed actions in storm-damaged coastal neighborhoods. The City also invites comments from the DEC on the Program's potential effects or recommendations to consider in the two-tiered ER process, we respectfully request comments be provided within 30 days of the above date or we may assume the DEC has no NEPA or otherwise related issues with this described project. Please do not hesitate to contact us if you have any questions.

Sincerely,



Kevin F. Donnelly, P.E.

Program Manager

Mayor's Office, Housing Recovery Operations

250 Broadway

New York, NY 10007

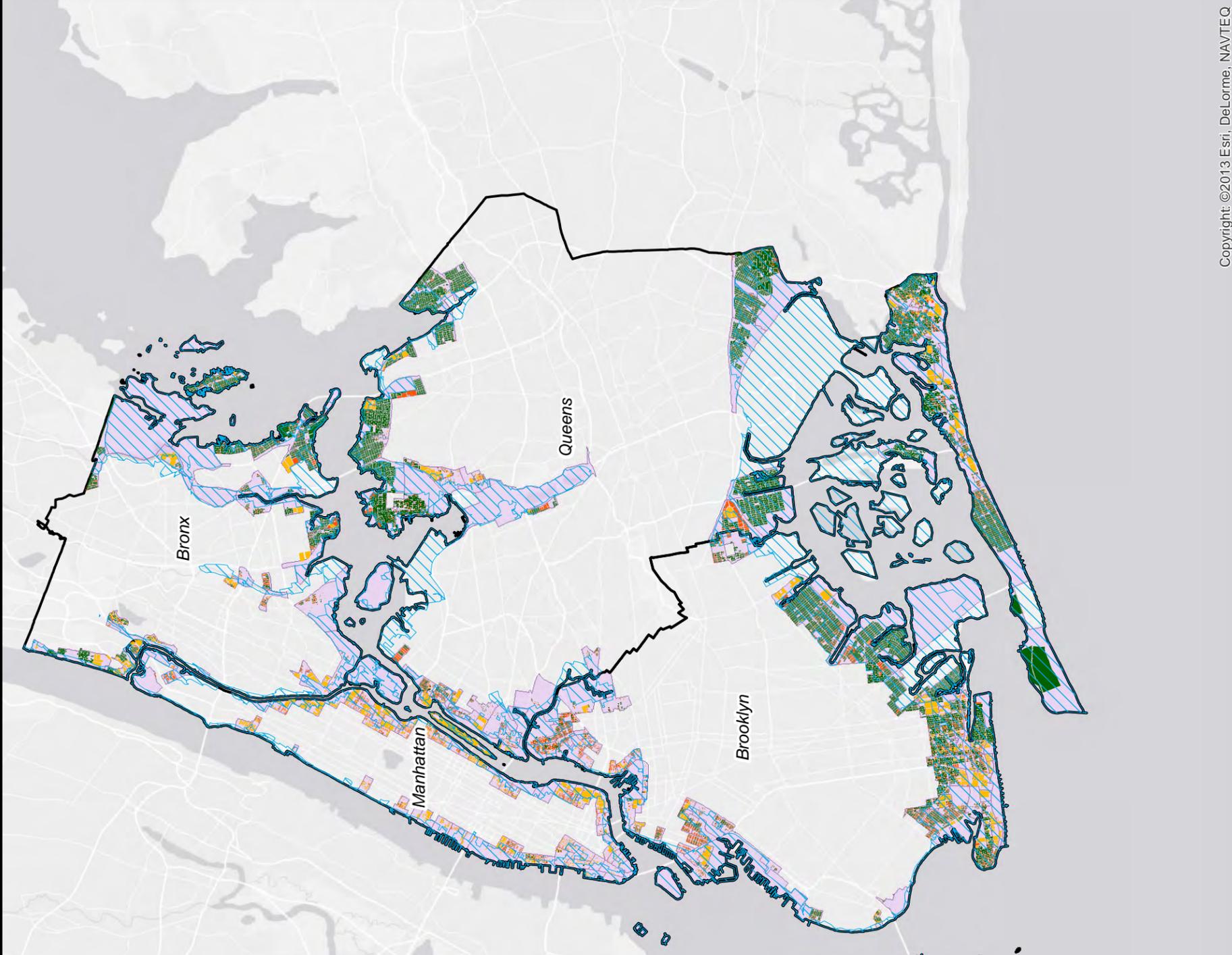
KDonnelly@recovery.nyc.gov

Point of Contact: John Gearrity, Assistant Commissioner, Building and Land Development Services, NYC-Housing Preservation Development, 100 Gold Street, Rm 70-1, New York City, NY 10038; email: gearritj@hpd.nyc.gov

Attachments: Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy
Figure 2-1: Flood Hazard Areas of New York City
Figure 3-1: Wetlands in New York City
Figure 5-1: Coastal Zone Management in New York City

MapPLUTO - Land Use	No. of Buildings	No. of Residential Units
Bronx		
One & Two Family Buildings	11,096	13,543
MultiFamily Walkup Buildings	1,890	8,988
MultiFamily Elevator Buildings	270	24,676
Brooklyn		
One & Two Family Buildings	39,063	54,891
MultiFamily Walkup Buildings	11,990	46,490
MultiFamily Elevator Buildings	854	64,648
Manhattan		
One & Two Family Buildings	622	895
MultiFamily Walkup Buildings	2,819	37,557
MultiFamily Elevator Buildings	1,554	131,097
Queens		
One & Two Family Buildings	46,979	54,012
MultiFamily Walkup Buildings	5,117	19,857
MultiFamily Elevator Buildings	524	42,132
Staten Island		
One & Two Family Buildings	58,523	68,154
MultiFamily Walkup Buildings	5,387	10,518
MultiFamily Elevator Buildings	131	10,090

Note:
These data reflect the total number of buildings and total number of residential units within the impacted census tracts only.



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Census Tracts
NYC Dept. of City Planning (March 2013)
- Sandy Impact Zone (89.30 SqMi)
NYC Office of Emergency Management
- MapPLUTO - Land Use**
 - One & Two Family Buildings
 - MultiFamily Walkup Buildings
 - MultiFamily Elevator Buildings
- NYC Dept. of City Planning (November 2012)

Reference:
The source of each feature is displayed beneath each feature in the legend.

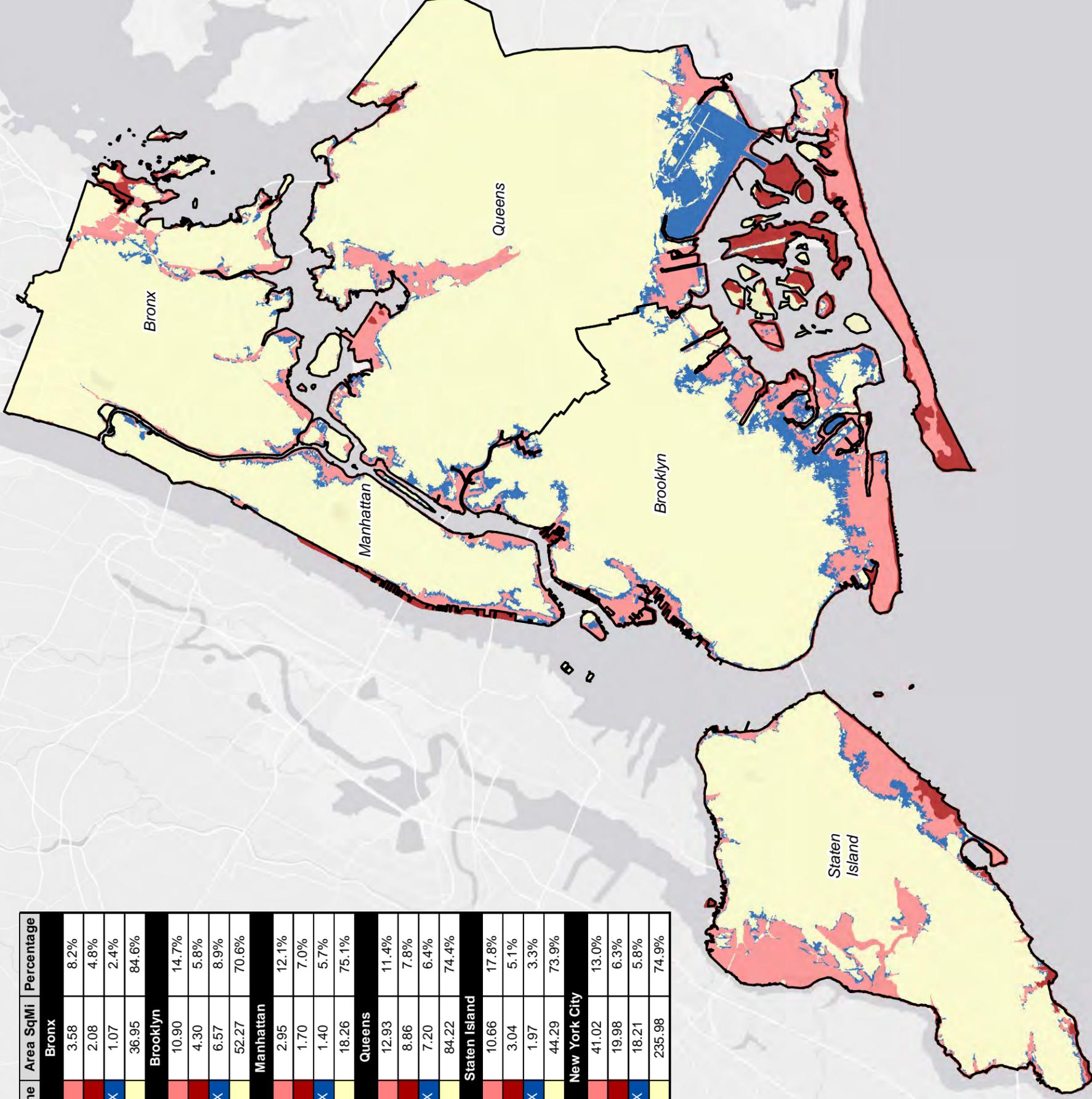
TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

EXHIBIT
1

NEW YORK CITY
NEIGHBORHOODS DAMAGED
BY HURRICANE SANDY



Flood Zone	Area SqMi	Percentage
Bronx		
A	3.58	8.2%
V	2.08	4.8%
Shaded X	1.07	2.4%
X	36.95	84.6%
Brooklyn		
A	10.90	14.7%
V	4.30	5.8%
Shaded X	6.57	8.9%
X	52.27	70.6%
Manhattan		
A	2.95	12.1%
V	1.70	7.0%
Shaded X	1.40	5.7%
X	18.26	75.1%
Queens		
A	12.93	11.4%
V	8.86	7.8%
Shaded X	7.20	6.4%
X	84.22	74.4%
Staten Island		
A	10.66	17.8%
V	3.04	5.1%
Shaded X	1.97	3.3%
X	44.29	73.9%
New York City		
A	41.02	13.0%
V	19.98	6.3%
Shaded X	18.21	5.8%
X	235.98	74.9%

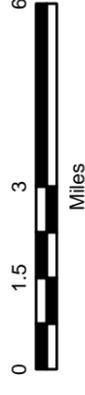
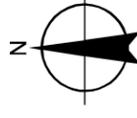


Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  FEMA Advisory Flood Zones
-  100 Year Floodplain - Zone A
-  100 Year Floodplain - Zone V
-  500 Year Floodplain - Shaded Zone X
Federal Emergency Management Agency (April 2013)
-  Outside of Floodplain - Zone X

Note:
Zone designations include: Zone V, which designates areas in the coastal high hazard zone, subject to high velocity wave action with breaking waves over 3 ft in height based on the 1% annual chance flood elevation. Zone A, which designates areas subject to coastal flood effects based on the 1% annual chance flood elevation. Shaded Zone X, which designates areas subject to coastal flood effects associated with 0.2% annual chance flood event.

Zone X was calculated by taking the difference between the NYC Borough area and the FEMA Advisory Flood Zones.



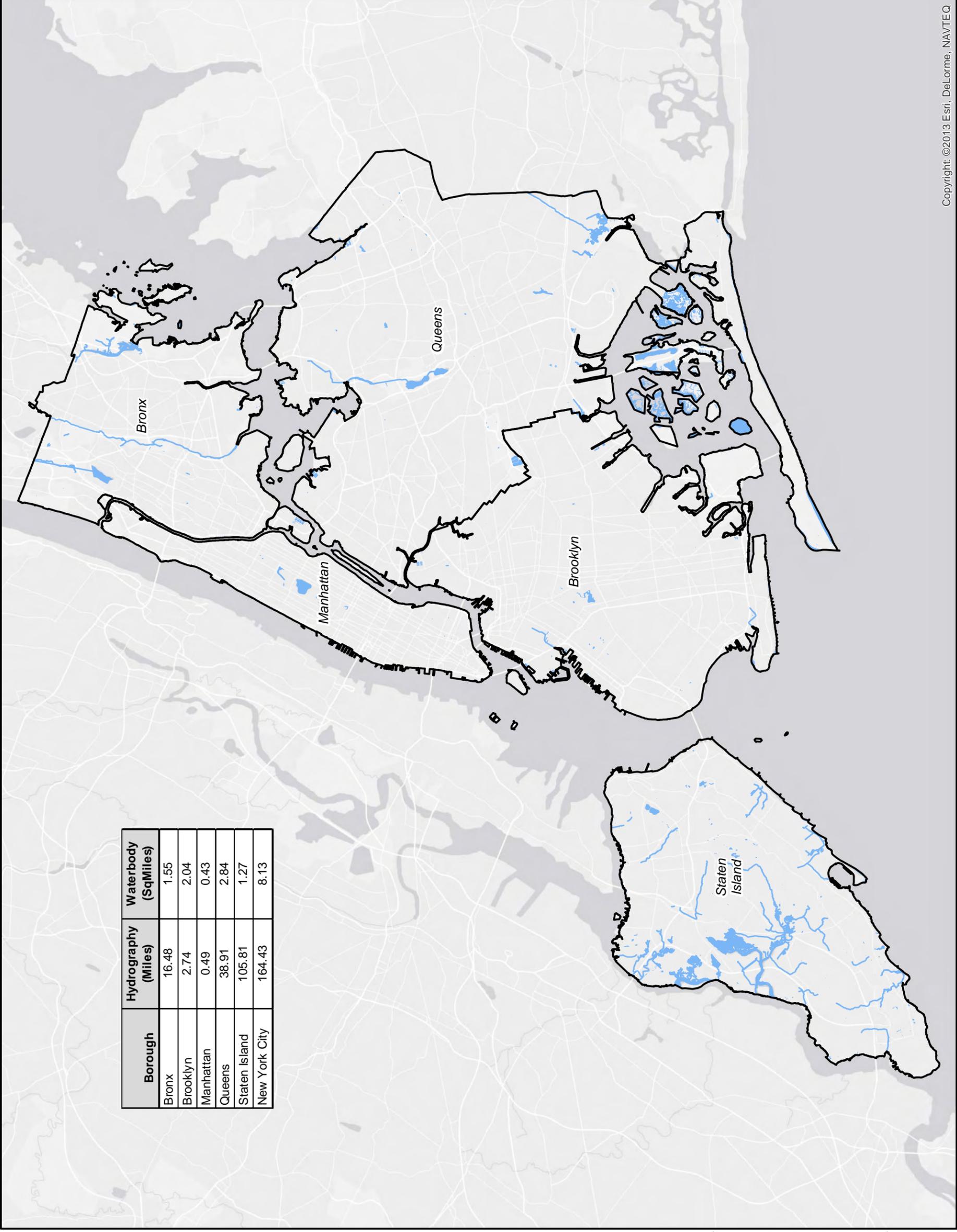
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
2-1

FLOOD HAZARD AREAS
IN NEW YORK CITY

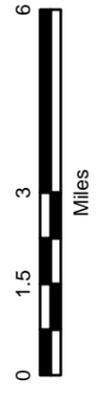
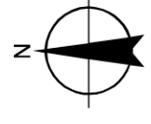




Borough	Hydrography (Miles)	Waterbody (SqMiles)
Bronx	16.48	1.55
Brooklyn	2.74	2.04
Manhattan	0.49	0.43
Queens	38.91	2.84
Staten Island	105.81	1.27
New York City	164.43	8.13

Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Hydrography
US Geological Society (Feb 2012)
-  Waterbody
US Geological Society (Feb 2012)



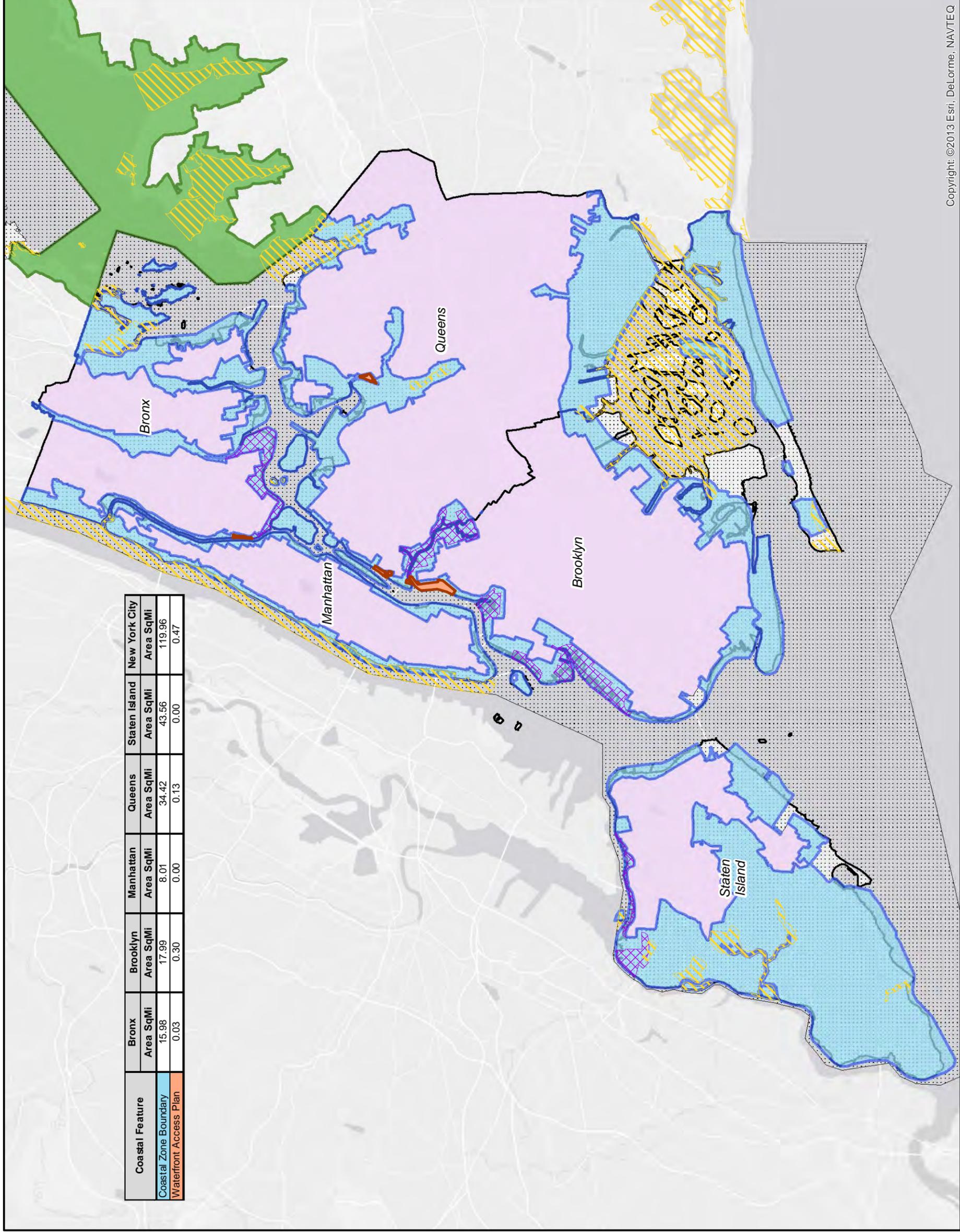
Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
 NEW YORK CITY HOUSES
 REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
3-1

SURFACE WATER RESOURCES
IN NEW YORK CITY





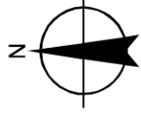
Coastal Feature	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	Area SqMi	0.03	Area SqMi	0.30	Area SqMi	0.00	Area SqMi	0.13	Area SqMi	0.00	Area SqMi	0.47
Coastal Zone Boundary	15.98		17.99		8.01		34.42		43.56		119.96	
Waterfront Access Plan												

Legend

-  **New York City Boroughs**
NYC Dept. of City Planning (March 2013)
-  **Coastal Zone Boundary**
NYC Dept. of City Planning, Waterfront and Open Space Division (Sep 2011)
-  **Waterfront Access Plan**
NYC Dept. of City Planning, Planning Coordination, Waterfront and Open Space Division (Sep 2011)
-  **Significant Maritime and Industrial Areas**
NYC Dept. of City Planning, Waterfront and Open Space Division (Mar 2012)
-  **Significant Coastal Fish and Wildlife Habitats**
NYS Dept. of State, Division of Coastal Resources (Jan 2013)
-  **Long Island Sound CMP**
NYS Dept. of State, Division of Coastal Resources (Jan 1999)
-  **Local Waterfront Revitalization Areas**
NYS Dept. of State, Office of Communities and Waterfronts (April 2013)
-  **Local Waterfront Revitalization Program Communities**
NYS Dept. of State, Office of Communities and Waterfronts (April 2013)

Note:
The Coastal Zone Boundary represented in this figure is being revised by the Waterfront Revitalization Program of the NYC Department of City Planning and is expected to take effect in 2014.

The Coastal Zone Boundary encompasses the following coastal features: Significant Maritime and Industrial Areas, Significant Coastal Fish and Wildlife Habitats, Special Natural Waterfront Areas, Staten Island Bluebelts, Tidal and Freshwater Wetlands, Coastal Floodplains and Flood Hazard Areas, Erosion Hazard Areas, Coastal Barrier Resources Act Areas, Steep Slopes, Parks and Beaches, Visual Access and Views of Coastal Waters and the Harbor, Historic, Archaeological, and Cultural Sites Closely Associated with the Coast, and Special Zoning Districts.



Reference:
The source of each feature is displayed beneath each feature in the legend.

TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
5-1

COASTAL ZONE MANAGEMENT
IN NEW YORK CITY



Vovaris, Jill

From: Scarano, Michael NAN02 [Michael.Scarano@usace.army.mil]
Sent: Wednesday, June 19, 2013 10:50 AM
To: Vovaris, Jill
Cc: steve.ryba@usace.army.mil; jody.mcdonald@usace.army.mil; Castaneda, Catherine
Subject: RE: NYC Housing - CDBG-DR Tier I Environmental Review Agency Consultations (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Jill,

Nice chatting with you.

Here is a link to our program:

<http://www.nan.usace.army.mil/Missions/Regulatory.aspx> (New York area-centric)

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> (National-centric)

A quick perusal will give you a good feel for what we regulate and how; permit applications, etc.

As I mentioned on the phone call, if the project in question does not involve dredging/ filling/ discharging into regulated wetlands or Waters of the United States, the Department of the Army has no regulatory jurisdiction over the work and would have no adverse comments.

Best Regards,

Mike

MICHAEL SCARANO, P.E.
Deputy Chief of Regulatory



US Army Corps of Engineers
New York District

BUILDING STRONG.

US Army Corps of Engineers
New York District
Operations Division
26 Federal Plaza, Room 1937
New York, NY 10278-0090
(917) 790-8520 office
(718) 504-4281 fax

New York District Regulatory Information
<http://www.nan.usace.army.mil/Missions/Regulatory.aspx>
Customer Satisfaction Survey
<http://per2.nwp.usace.army.mil/survey.html>

From: Vovaris, Jill [mailto:jill.vovaris@cbi.com]
Sent: Wednesday, June 19, 2013 10:33 AM
To: Scarano, Michael NAN02
Cc: steve.ryba@usace.army.mil; jody.mcdonald@usace.army.mil; Castaneda, Catherine
Subject: NYC Housing - CDBG-DR Tier I Environmental Review Agency Consultations

Hi Michael,

Thank you taking the time to discuss the proposed activities and the USACE role in these activities this morning. Your information is much appreciated.

Attached is a copy of the letter that was sent to Steve Ryba in late April requesting consultation re: project activities as well as color copies of the figures included in the letter. Please take a minute to review and provide any additional comments beyond our conversation as well as a letter indicating the Corps' position/recommendations as we move forward.

Thanks again!

Jill Vovaris (on behalf of NYC Housing Recovery Operations)



Jill Vovaris
Project Manager/Senior Biologist
Commercial, State, and Local
Environmental & Infrastructure, Inc.
Office: 412.858.3829
Cell: 412.592.5790
email: jill.vovaris@cbi.com

CB&I
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U.S.A.
www.cbi.com

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Classification: UNCLASSIFIED
Caveats: NONE



April 26, 2013

USACE Eastern Permit Section - Steve Ryba
26 Federal Plaza
Room 1937
New York City, New York 10278-0090

RE: Hurricane Sandy Disaster Recovery
New York City Houses Program
NEPA Consultation: Tier I Environmental Review

Dear Mr. Ryba:

The National Environmental Policy Act (NEPA) requires federal agencies, including the U.S. Department of Housing and Urban Development (HUD), to integrate environmental values into their decision making process by considering the environmental impacts of proposed actions. As the Responsible Entity for several Community Development Block Grant (CDBG)-Disaster Recovery (DR) programs funded by HUD to be implemented in New York City (NYC) in the aftermath of the devastation caused by Hurricane Sandy in October 2012, the NYC Office of Management and Budget (OMB) is required to complete Environmental Reviews (ER) of proposed activities. Per NEPA, the ER must include consideration of various environmental factors and regulations, including historic preservation, floodplain management, wetland protection, threatened and endangered species, environmental justice, and Executive Orders (EO). NYC is conducting a two-tiered ER of several Programs. The purpose of the Tier I ER is to facilitate and streamline review of environmental factors and regulations on a broad or programmatic-wide level. The following provides a brief description of the **NYC Houses Program** and, as part of this Tier I ER the City is requesting comments from the **US Army Corps of Engineers-Eastern Permit Section** as well as other federal, state, and local agencies. Agency comments or guidance will inform both tiers of the ER process and be retained for the projects Environmental Review Record (ERR).

The densely populated coastal City of New York was declared a disaster area prior to the October 29, 2012 landfall of Hurricane Sandy. President Obama subsequently issued a major disaster declaration on October 30, 2012 for affected areas in the State of New York making disaster assistance available to those in the heaviest hit areas affected by the storm. Following damage assessments performed by the Federal Emergency Management Agency (FEMA) President Obama also signed into law the "Disaster Relief Appropriations Act, of January 29, 2013" (Public Law 113-2¹), which included \$16B 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. Approximately 89 square miles of the City's land area (321 square miles) was inundated by Hurricane Sandy's floodwaters. Nearly 10% (846,056 persons) of the City's total population resided in damaged neighborhoods situated in or near the coastal zone of the five boroughs as shown in **Exhibit 1**. According to NYC analysis of damage to its housing stock in these neighborhoods, over 63,000 residential units were damaged or destroyed along with devastating impacts to other sectors.

¹ <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

To specifically assist disaster recovery for the NYC housing sector, CDBG-DR funds in the amount of \$648,000,000 have been allocated by the HUD². As indicated in the City's CDBG-DR-funded Hurricane Sandy Disaster Action Plan published on April 23, 2013, the NYC OMB will administer the CDBG-DR-required funds received from HUD for the recovery of Hurricane Sandy-damaged housing. Of these funds, a portion is being specifically set aside to provide assistance under this Program. Its activities are designed to address unmet housing needs of people affected by Hurricane Sandy, specifically residential property homeowners (owner occupied and year-round tenants of 1-2 single-family units) as well as owners and tenants of rental properties (owner occupied, 3-4 single-family units) to achieve permanent, sustainable housing solutions that allow them to remain in NYC and, where possible, return to their neighborhoods. CDBG-DR funds, in the amount of \$340,000,000, are targeted to assist the needs of eligible applicants who occupied these single-family houses impacted by the hurricane. The Program will offer three core recovery paths to eligible beneficiaries by providing different assistance types for owners of houses that fall into one of the following three categories of damage to housing:

- Reconstruction: Residential property that has been destroyed or is more expensive to rehabilitate than to reconstruct;
- Major Rehabilitation: Residential property that is not destroyed but has substantial damage as assessed by the Program;
- Moderate Rehabilitation: Residential property that was damaged by Hurricane Sandy, but is not destroyed and does not have substantial damage as determined by the Program.

The assistance will be provided to qualified applicants in the form of cap-restricted grants to complete these construction projects. In accordance with the Federal Register³ at least 50% of the CDBG-DR funds must be used for project activities that benefit and meet the unmet housing needs of eligible low to moderate income households. All grants, loan amounts or other eligible services will be based on damage to the original dwelling, plus the funds necessary to meet applicable housing quality standards, local, state and/or federal building codes, and funds necessary for mitigation efforts to reduce the risk of damage to dwellings from future storm events. This assistance is specifically targeted to existing residential properties as described above, construction activities are anticipated to occur on original home sites, within the existing footprint of the damaged structure, and not result in increased population density.

Under CDBG-DR requirements, all demolition, rehabilitation, and reconstruction work will be completed to applicable building codes and standards, local ordinances, permitting. Zoning requirements would also typically be adhered to but exceptions may occur. In fact, due to potential concerns over certain provisions of NYC's Zoning Resolution that could have prevented, hindered or delayed disaster recovery, Mayor Bloomberg issued EO 233 on February 5, 2013⁴, entitled "Emergency Order to Suspend Zoning Provisions to Facilitate Reconstruction in Accordance with Enhanced Flood Resistant Construction Standards". This EO will remain in effect and therefore applicable to HRR construction activities until the NYC Department of City Planning completes the Uniform Land Use Review Process (ULURP) to update land use zoning in accordance with long-term city-wide planning goals. Once ULURP is complete, Program construction activities will adhere to the new land use zoning requirements in order to achieve environmental compliance.

For purposes of the ER, the area of the Program's potential environmental effects includes residential properties of NYC inadequately covered by homeowner insurance policies or where owners have insufficient financial resources to complete repair themselves, and where the applicants satisfy CDBG eligibility requirements. The exact number and location of hurricane-damaged home sites to be addressed by the Program is not known at this

² For additional information regarding Hurricane Sandy housing and other recovery efforts in New York City visit <http://www.nyc.gov/html/recovery/html/housing/housing.shtml>

³ Federal Register 5696-N-01: Allocations, Common Application, Waivers, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy, March 5, 2013.

⁴ http://www.nyc.gov/html/om/pdf/oc/eo_230.pdf

time since homeowner eligibility for housing assistance funds must be determined on a case by case basis. As described in the Tier I ER, NYC will conduct a Tier II Site-Specific ER for each proposed construction site that will assess required environmental compliance factors and HUD standards. Any environmental compliance factors and/or regulations determined through the Tier I ER to be affected by the Project or to have a potential affect on the Project will be addressed by the Tier II ER, once specific home sites are known. Site-specific environmental reviews will include desktop reviews of field inspections that document property conditions in order to determine environmental compliance requirements of the proposed construction activities.

In preparation of the Tier I ER, the City has reviewed information available from federal agencies as well as the NY Department of Environmental Conservation, the NY State Department of State, the NYC Department of City Planning and other agencies. The City has also reviewed the the Advisory Based Flood Elevation (ABFE) maps published by FEMA for portions of NYC that were impacted by Hurricane Sandy and understands that Preliminary Flood Insurance Rate Maps (P-FIRM) are currently under preparation for these same areas. For the Tier I ER, the City has established a robust geospatial database for the HRR and prepared numerous figures, including **Figures 2-1, 3-1, and 5-1** to respectfully depict the Flood Hazard Areas, Wetlands, and Coastal Zone in New York City, here attached for review and comment.

While EO 233 is in effect, the City understands that the rehabilitation and reconstruction activities in flood hazard areas may proceed despite non-compliance with certain zoning provisions, as long as the number of non-compliances does not increase, and flood protection standards are improved in these at-risk neighborhoods. While the ABFE is in effect, major and moderate rehabilitation of residential structures will be designed and executed to meet these new advisory elevations. As the P-FIRM maps are adopted by NYC, the elevation requirements for HRR projects may be adjusted. These adjustments to elevation requirements are expected to affect the costs of construction, potentially causing a proposed rehabilitation project to be more expensive than a reconstruction and thus trigger a change in the project type.

Despite the coincidence of hurricane-damaged single family houses within the NYC coastal boundary, the City does not anticipate a need for Environmental Assessments beyond what the Program completes for its ERR. The City has filed a Waterfront Revitalization Program (WRB) Consistency Assessment Form with both WRB and the NY State Department of State indicating that the Program's construction activities are being designed and executed to be consistent with NYC's 2002 WRP policies applicable to residential construction. With respect to the 10 NYC WRP policies, and the potential resource management concerns of the DEC and other Federal, State, and Local agencies, Program activities are expected to accomplish the following while serving the unmet housing needs of NYC residents in the aftermath of Hurricane Sandy:

- NYC residential properties damaged or destroyed by Hurricane Sandy will be improved by rehabilitation or reconstruction of hurricane-damaged homes and services to meet the qualified applicant's established housing need and meet the City-adopted greenbuilding standards as well as HRR resiliency goals, thus the City's tax base will thus be modestly enhanced. The owners of properties situated in the floodplain will be required to purchase and maintain flood insurance for at least five years.
- The general condition of properties will be improved by demolition and removal of hurricane-damaged secondary structures, such as piers or decking⁵, as well as abandoned vehicles or other storm debris and other hazards that might otherwise restrict recreational access to the waterfront and contribute to environmental degradation of coastal resources. Solid and hazardous waste removal will be managed and transported in accordance with regulatory requirements.
- Standard best management practices (BMPs) will be implemented to control stormwater runoff and soil erosion during construction activities and thus protect the quality of surface waters and dependent natural resources. Similarly, implementation of these BMPs during construction can be expected to

⁵ The CDBG-DR funds are strictly designated to address housing needs of disaster victims that comply with NEPA and HUD environmental standards, as well as NYC objectives for the HRR. Such structures as piers, docks, and boat ramps on hurricane-damaged waterfront will not be replaced with CDBG-DR funds.

minimize effects on air quality as well as mitigate noise impacts of construction activities in accordance with the City's 2007 Construction Noise Rules.

- Where landscaping is required for HRR projects to meet the City-adopted greenbuilding standards, vegetative plantings will be selected that are protective of shoreline characteristics and other natural features, and that have a potentially high success rate for achieving restoration of basic environmental quality and the function of coastal resources in areas damaged by Hurricane Sandy.
- Significant effects to historical or archeological features are expected to be minimal. However, as the demolition of structures may involve ground-breaking activities, archeological/cultural artifacts may be uncovered. In such cases, construction activities will be halted and site-specific consultation with State and Tribal Historic Preservation Officers to resolve this 36 CFR Section 106 compliance factor.

Given the nature of the proposed construction activities on established residential properties in the damaged residential neighborhoods of NYC's coastal zone, and the above approach to construction activities, NYC is not anticipating significant adverse effects from the Program described. As the Tier II site-specific ERs progress, NYC does expect certain cases may pose complex and unexpected circumstances where the guidance of the USACE and other agencies may be warranted to resolve certain compliance factors, and for which site-specific consultation may be undertaken as indicated above. Prior to proceeding with its construction projects, the Program anticipates that site-specific measures to mitigate potential effects on the floodplain, wetlands, threatened and endangered species, and migratory birds may be required. Site-specific measures to protect properties from various hazards may also be required. In summary, NYC finds the Program will enhance the environmental quality of Hurricane Sandy-damaged neighborhoods and help strengthen the resiliency of its coastal communities.

The City invited comment from various agencies on the Hurricane Sandy Disaster Recovery Action Plan. The City also extends an invitation for USACE to comment on this Program's Tier I ER as well as provide any guidance deemed pertinent to further assist its environmental evaluation of its proposed actions in storm-damaged coastal neighborhoods. The City also invites comments from USACE on the Program's potential effects or recommendations to consider in the two-tiered ER process, we respectfully request comments be provided within 45 days of the above date or we may assume the USACE has no NEPA or otherwise related issues with this described project. Please do not hesitate to contact us if you have any questions.

Sincerely,



Kevin F. Donnelly, P.E.

Program Manager

Mayor's Office, Housing Recovery Operations

250 Broadway

New York, NY 10007

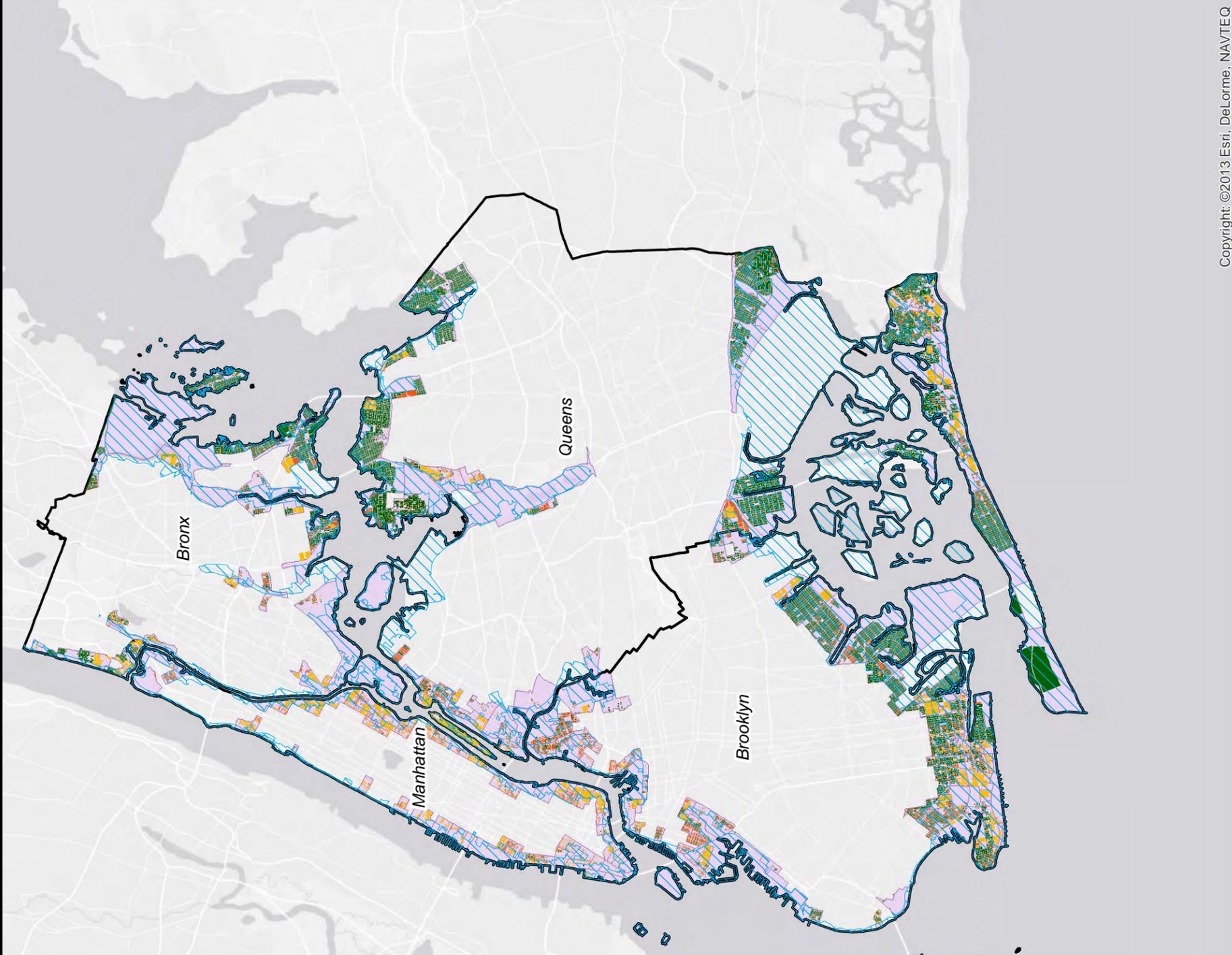
KDonnelly@recovery.nyc.gov

Point of Contact: John Gearrity, Assistant Commissioner, Building and Land Development Services, NYC-Housing Preservation Development, 100 Gold Street, Rm 70-1, New York City, NY 10038; email: gearritj@hpd.nyc.gov

Attachments: Exhibit 1: New York City Neighborhoods Damaged by Hurricane Sandy
Figure 2-1: Flood Hazard Areas of New York City
Figure 3-1: Wetlands in New York City
Figure 5-1: Coastal Zone Management in New York City

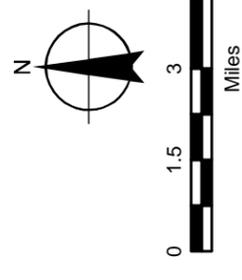
MapPLUTO - Land Use	No. of Buildings	No. of Residential Units
Bronx		
One & Two Family Buildings	11,096	13,543
MultiFamily Walkup Buildings	1,890	8,988
MultiFamily Elevator Buildings	270	24,676
Brooklyn		
One & Two Family Buildings	39,063	54,891
MultiFamily Walkup Buildings	11,990	46,490
MultiFamily Elevator Buildings	854	64,648
Manhattan		
One & Two Family Buildings	622	895
MultiFamily Walkup Buildings	2,819	37,557
MultiFamily Elevator Buildings	1,554	131,097
Queens		
One & Two Family Buildings	46,979	54,012
MultiFamily Walkup Buildings	5,117	19,857
MultiFamily Elevator Buildings	524	42,132
Staten Island		
One & Two Family Buildings	58,523	68,154
MultiFamily Walkup Buildings	5,387	10,518
MultiFamily Elevator Buildings	131	10,090

Note:
These data reflect the total number of buildings and total number of residential units within the impacted census tracts only.



Legend

- New York City Boroughs
NYC Dept. of City Planning (March 2013)
- Census Tracts
NYC Dept. of City Planning (March 2013)
- Sandy Impact Zone (89.30 SqMi)
NYC Office of Emergency Management
- MapPLUTO - Land Use**
 - One & Two Family Buildings
 - MultiFamily Walkup Buildings
 - MultiFamily Elevator Buildings
- NYC Dept. of City Planning (November 2012)



Reference:
The source of each feature is displayed beneath each feature in the legend.

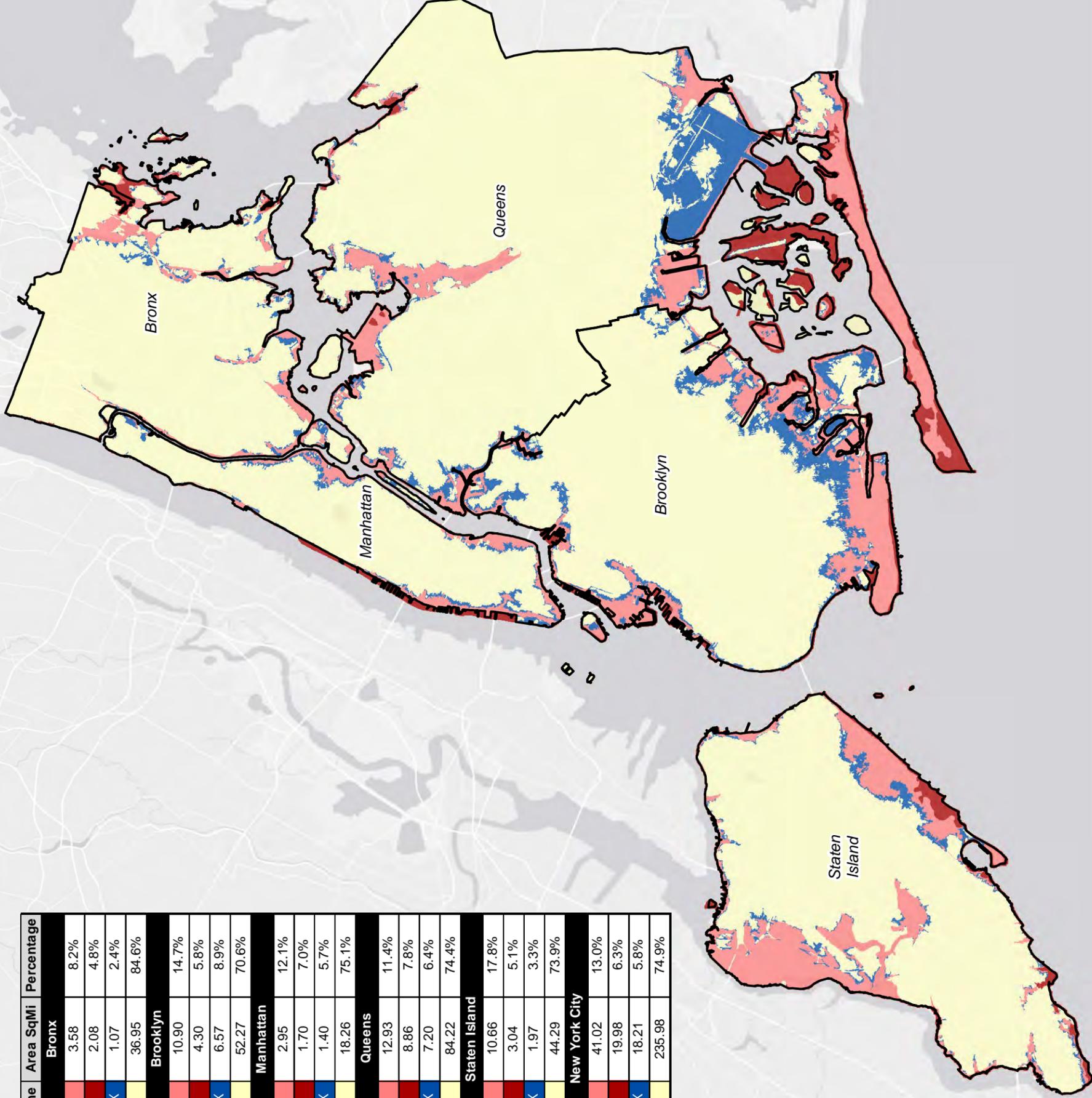
TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

EXHIBIT
1

NEW YORK CITY
NEIGHBORHOODS DAMAGED
BY HURRICANE SANDY



Flood Zone	Area SqMi	Percentage
Bronx		
A	3.58	8.2%
V	2.08	4.8%
Shaded X	1.07	2.4%
X	36.95	84.6%
Brooklyn		
A	10.90	14.7%
V	4.30	5.8%
Shaded X	6.57	8.9%
X	52.27	70.6%
Manhattan		
A	2.95	12.1%
V	1.70	7.0%
Shaded X	1.40	5.7%
X	18.26	75.1%
Queens		
A	12.93	11.4%
V	8.86	7.8%
Shaded X	7.20	6.4%
X	84.22	74.4%
Staten Island		
A	10.66	17.8%
V	3.04	5.1%
Shaded X	1.97	3.3%
X	44.29	73.9%
New York City		
A	41.02	13.0%
V	19.98	6.3%
Shaded X	18.21	5.8%
X	235.98	74.9%

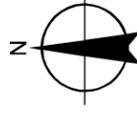


Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  FEMA Advisory Flood Zones
-  100 Year Floodplain - Zone A
-  100 Year Floodplain - Zone V
-  500 Year Floodplain - Shaded Zone X
Federal Emergency Management Agency (April 2013)
-  Outside of Floodplain - Zone X

Note:
Zone designations include: Zone V, which designates areas in the coastal high hazard zone, subject to high velocity wave action with breaking waves over 3 ft in height based on the 1% annual chance flood elevation. Zone A, which designates areas subject to coastal flood effects based on the 1% annual chance flood elevation. Shaded Zone X, which designates areas subject to coastal flood effects associated with 0.2% annual chance flood event.

Zone X was calculated by taking the difference between the NYC Borough area and the FEMA Advisory Flood Zones.



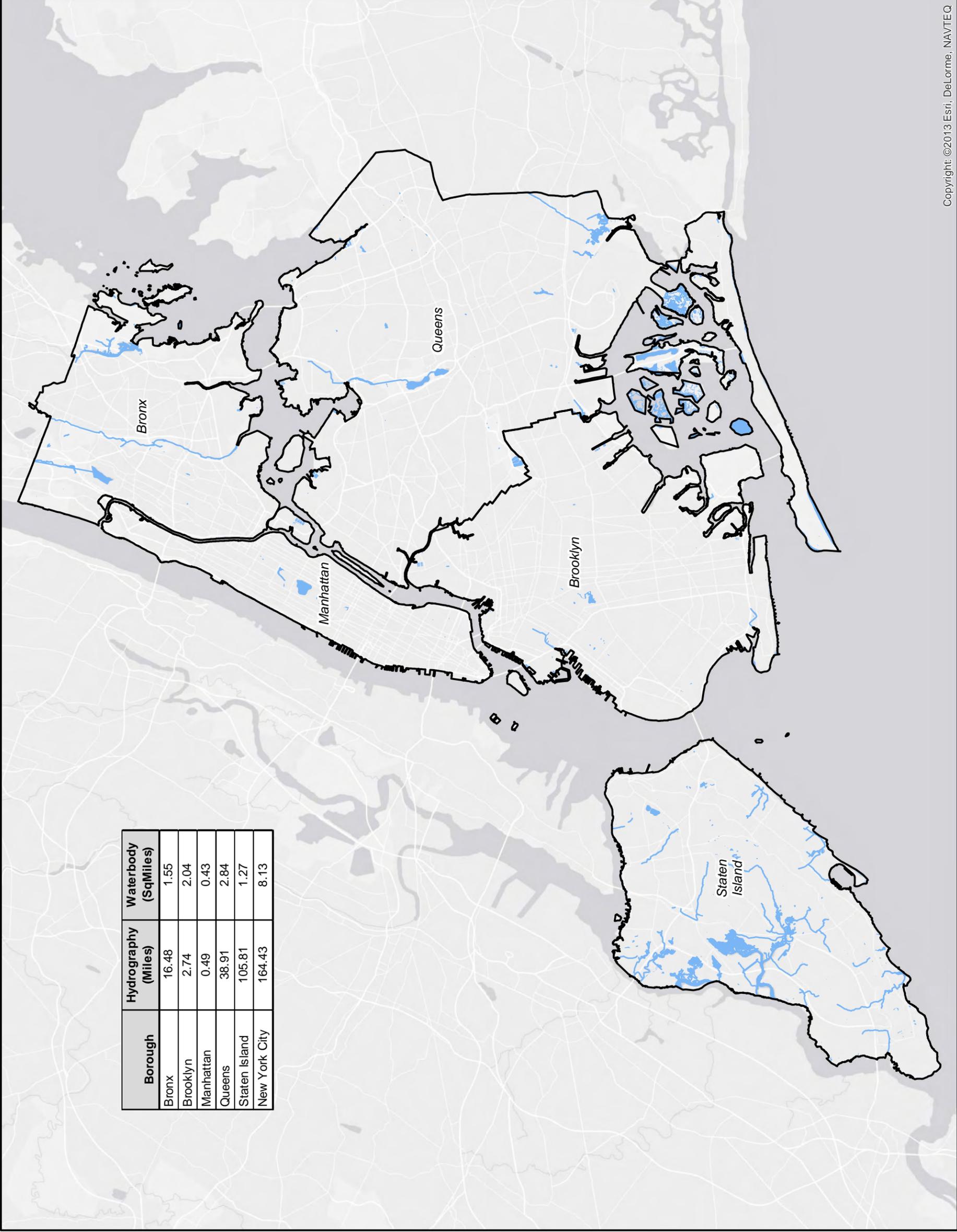
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TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
2-1

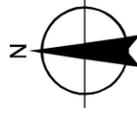
FLOOD HAZARD AREAS
IN NEW YORK CITY





Legend

-  New York City Boroughs
NYC Dept. of City Planning (March 2013)
-  Hydrography
US Geological Society (Feb 2012)
-  Waterbody
US Geological Society (Feb 2012)



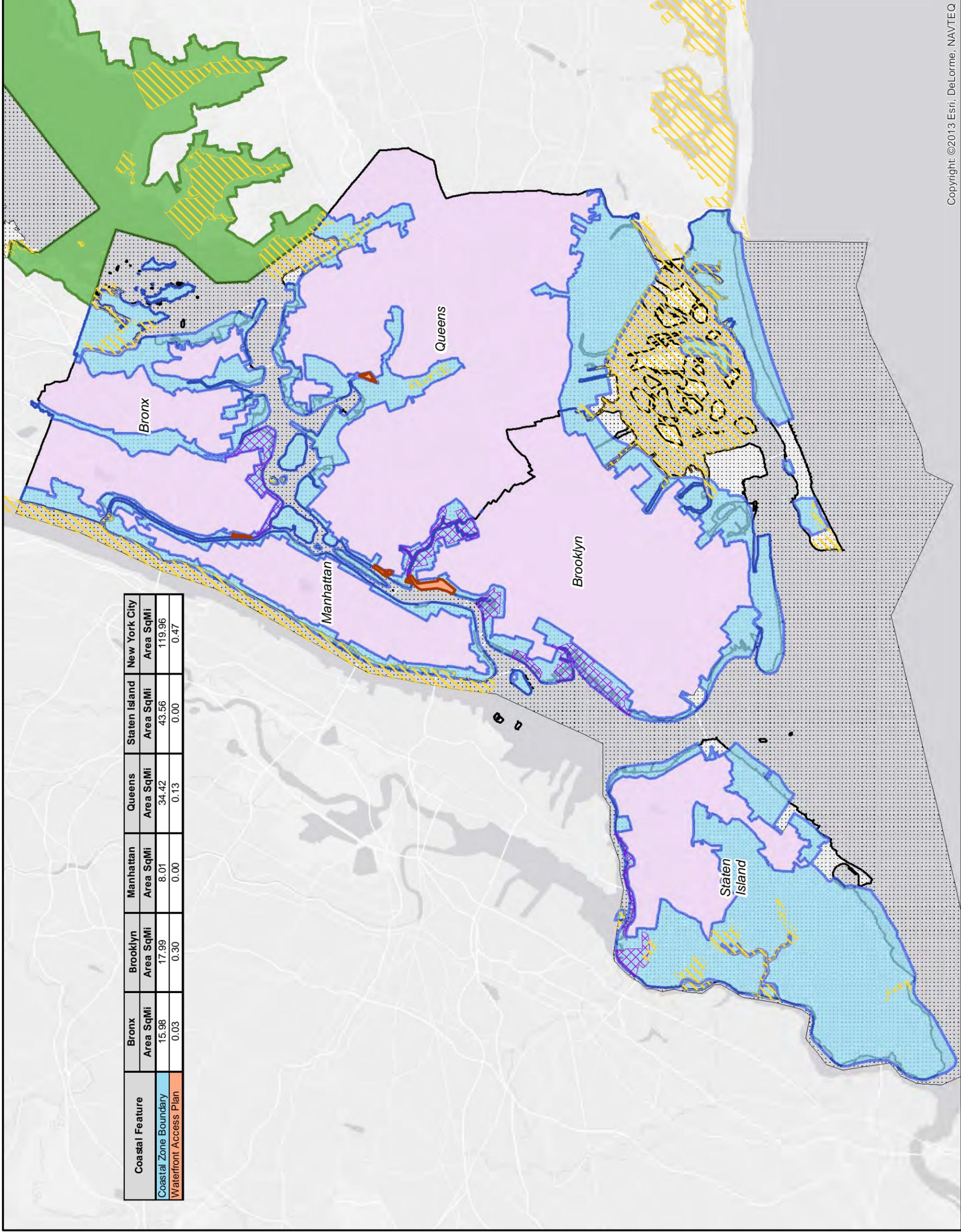
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HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
3-1

**SURFACE WATER RESOURCES
IN NEW YORK CITY**





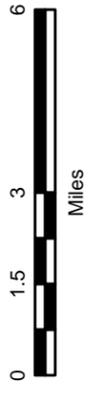
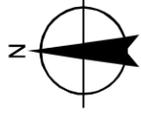
Coastal Feature	Bronx		Brooklyn		Manhattan		Queens		Staten Island		New York City	
	Area SqMi	0.03	17.99	0.30	8.01	0.00	34.42	0.13	43.56	0.00	119.96	0.47
Coastal Zone Boundary	15.98	17.99	8.01	34.42	43.56	119.96						
Waterfront Access Plan	0.03	0.30	0.00	0.13	0.00	0.47						

Legend

-  **New York City Boroughs**
NYC Dept. of City Planning (March 2013)
-  **Coastal Zone Boundary**
NYC Dept. of City Planning, Waterfront and Open Space Division (Sep 2011)
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-  **Local Waterfront Revitalization Areas**
NYS Dept. of State, Office of Communities and Waterfronts (April 2013)
-  **Local Waterfront Revitalization Program Communities**
NYS Dept. of State, Office of Communities and Waterfronts (April 2013)

Note:
The Coastal Zone Boundary represented in this figure is being revised by the Waterfront Revitalization Program of the NYC Department of City Planning and is expected to take effect in 2014.

The Coastal Zone Boundary encompasses the following coastal features: Significant Maritime and Industrial Areas, Significant Coastal Fish and Wildlife Habitats, Special Natural Waterfront Areas, Staten Island Bluebelts, Tidal and Freshwater Wetlands, Coastal Floodplains and Flood Hazard Areas, Erosion Hazard Areas, Coastal Barrier Resources Act Areas, Steep Slopes, Parks and Beaches, Visual Access and Views of Coastal Waters and the Harbor, Historic, Archaeological, and Cultural Sites Closely Associated with the Coast, and Special Zoning Districts.



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TIER I ENVIRONMENTAL REVIEW
HURRICANE SANDY DISASTER RECOVERY PROGRAM
NEW YORK CITY HOUSES
REHABILITATION AND RECONSTRUCTION

FIGURE NUMBER
5-1

COASTAL ZONE MANAGEMENT
IN NEW YORK CITY





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Long Island Field Office
340 Smith Road
Shirley, NY 11967
Phone: (631) 286-0485 Fax: (631) 286-4003
http://www.fws.gov/northeast/nyfo

To: Mr. Calvin Johnson

Date: June 11, 2013

USFWS File No:

Regarding your: [X] letter [] FAX [] E-mail dated: June 10, 2013

For project: NYC Hurricane Sandy Disaster Recovery Community Development Block Grant Disaster Recovery

Located: New York City

In Town/County: Queens, New York, Kings, Bronx and Richmond Counties

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service:

- [X] Acknowledges receipt of your "no effect" determination. No further ESA coordination or consultation is required.
[] Acknowledges receipt of your determination. Please provide copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.
[] Is taking no action pursuant to ESA or any other legislation at this time but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project area is current. Should project plans change or additional information on listed or proposed species or critical habitat become available, this determination may be reconsidered.

Pursuant to the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.),

- [] Requests additional time for review. [] Is taking no action pursuant to FWCA due to lack of funding.
[] Is providing FWCA comments (see attached). [X] Has no objection pursuant to the FWCA.
[] Will provide FWCA comments separately. [] Is taking no action pursuant to the FWCA at this time but would like to be kept informed of project developments.

USFWS Contact(s): [Signature] Date: 6/11/13
Supervisor: _____ Date: _____



The City of New York
Office of Management and Budget
255 Greenwich Street • New York, New York 10007-2146

May 21, 2013
Steve Sinkevich
Senior Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Long Island Field Office (Region 5)
340 Smith Road
Shirley, N.Y. 11967

RE: Hurricane Sandy Disaster Recovery
Community Development Block Grant – Disaster Recovery
NEPA Consultation: Tier I Environmental Reviews

Dear Mr. Sinkevich:

The National Environmental Policy Act (NEPA) requires federal agencies, including the U.S. Department of Housing and Urban Development (HUD), to integrate environmental values into their decision making process by considering the environmental impacts of proposed actions. As the Responsible Entity for several Community Development Block Grant (CDBG)-Disaster Recovery (DR) programs funded by HUD to be implemented in New York City (NYC) in the aftermath of the devastation caused by Hurricane Sandy in October 2012, the NYC Office of Management and Budget (OMB) is required to complete Environmental Reviews (ER) of proposed activities. Per NEPA, the ER must include consideration of various environmental factors and regulations, including historic preservation, floodplain management, wetland protection, threatened and endangered species, environmental justice, and Executive Orders (EO). NYC is conducting a two-tiered ER of several Programs. The purpose of the Tier I ER is to facilitate and streamline review of environmental factors and regulations on a broad or programmatic-wide level. The City is requesting comments from the **US Fish and Wildlife Service** (USFWS) as well as other federal, state, and local agencies. Agency comments or guidance will inform both tiers of the ER process and be retained for the project's Environmental Review Record (ERR).

The densely populated coastal City of New York was declared a disaster area prior to the October 29, 2012 landfall of Hurricane Sandy. President Obama subsequently issued a major disaster declaration on October 30, 2012 for affected areas in the State of New York making disaster assistance available to those in the heaviest hit areas affected by the storm. Following damage assessments performed by the Federal Emergency Management Agency (FEMA) President Obama also signed into law the "Disaster Relief Appropriations Act, of January 29, 2013" (Public Law 113-2¹), which included \$16B in funding for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, as well as economic

¹ <http://gpo.gov/fdsys/pkg/PLAW-113publ2/pdf/PLAW-113publ2.pdf>

revitalization in the most impacted and distressed areas resulting from Hurricane Sandy. Approximately 89 square miles of the City's land area (321 square miles) was inundated by Hurricane Sandy's floodwaters. Nearly 10% (846,056 persons) of the City's total population resided in damaged neighborhoods situated in or near the coastal zone of the five boroughs. According to NYC analysis of damage to its housing stock in these neighborhoods, over 63,000 residential units were damaged or destroyed along with devastating impacts to other sectors.

The City of New York - Department of Housing Preservation & Development (HPD) and the New York City Housing Authority (NYCHA) intend to undertake activities funded through the United States Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) program. For the CDBG-DR funding, the NYC Office of Management and Budget (OMB) has assumed the role of Responsible Entity under 24 CFR 58 Subpart B. As described in more detail below, CDBG-DR would be used to help victims of Sandy achieve permanent, sustainable housing solutions that allow them to remain in New York City and return to their neighborhoods, where possible.

The City's initial allocation of CDBG-DR funds is \$1,772,820,000. Of this total, the City has allocated \$648 million in funding for assistance to address the various unmet housing needs it has identified thus far. Of the initial \$648 million, \$306 million would provide for the reconstruction and/or rehabilitation of homes with 1 – 4 units that are either owner-occupied or occupied by a year-round tenant, \$225 million would be provided for the rehabilitation of multifamily buildings (5+ units) and 3-4 unit properties that are not owner-occupied, and \$108 million would be provided to NYCHA to design and construct improvements to public housing developments.

HPD, the New York City Housing Recovery Office (HRO), and NYCHA are in the process of preparing Tier 1 Programmatic Environmental Assessments to consider the potential effects of the activities which may be funded under each program, even though specific projects have not yet been determined. It is anticipated that the projects would vary in terms of construction type, scope of work and geography, but all would be subject to related statutes referenced in 24 CFR Part 58, including the Endangered Species Act (ESA).

According to the most current species list for New York State available from the U.S. Fish and Wildlife Service (FWS) website (<http://www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf>), except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under FWS jurisdiction are known to exist in the counties of New York (Borough of Manhattan), Kings (Borough of Brooklyn), Bronx (Borough of the Bronx), and Richmond (Borough of Staten Island).

However, according to the current list, the piping plover, roseate tern, and seabeach amaranth are known/likely to occur in Queens County. The seabeach amaranth is common to only the beaches along coastal areas of the Rockaway Peninsula. However, no CDBG-DR funded activities would occur on beaches. Roseate terns historically nested on the peninsula but there are no recent records of their breeding since 1998. Based upon this information, OMB has determined that CDBG-DR funded activities in the Rockaway Peninsula area of Queens County would have No Effect on the seabeach amaranth or roseate tern. Furthermore, CDBG-DR funded activities in Manhattan, Bronx, Brooklyn, Staten Island and areas of Queens other than the Rockaway Peninsula would have No Effect on any federally identified endangered or threatened species within the USFWS's jurisdiction.

CDBG-DR funded activities in the Rockaway neighborhoods of Breezy Point, Roxbury, Neponsit, Belle Harbor, Rockaway Park, Seaside, Broad Channel, Arverne, Somerville, Edgemere, and Far Rockaway in the borough of Queens have the potential to affect, but are not likely to adversely affect, the piping plover. In consultation with USFWS, the piping plover habitat on the Rockaway Peninsula is generally located along the beaches between Beach 71st Street to the west and Beach 20th Street to the east. To address potential affects to this species, the City proposes to restrict all CDBG-DR funded exterior construction activities on properties that fall within 200 meters of the Rockaway boardwalk (the northern limit of the beach) between Beach 71st Street and Beach 20th Street for the duration of the nesting season (April 1 to September 1).

OMB is requesting concurrence from USFWS regarding these activities as they relate to compliance with the ESA. Thank you for your assistance with this matter. Feel free to contact me at 212-788-6024 if you have any questions.

Sincerely,



Calvin Johnson
Director, Community Development Block Grant – Disaster Recovery
NYC Office of Management and Budget
255 Greenwich Street,
New York, NY 10007
johnsonc@omb.nyc.gov

cc: Preparer: Kevin Donnelly, Department of Environmental Protection, New York City;
kdonnelly@recovery.nyc.gov

From: [Berger, Sharon \(Recovery\)](#)
To: [Slutsky, Laura \(Recovery\)](#); [Acosta Daniel \(Acosta.Daniel@bcg.com\)](#); [Vovaris, Jill](#); [Hackenberg, Tyson](#); [Castaneda, Catherine](#); [Donnelly, Kevin \(Recovery\)](#); ["Armao.Christopher@bcg.com"](#)
Subject: FW: Noise and above ground storage tanks - New Jersey
Date: Tuesday, June 04, 2013 11:37:32 AM

Team,
Looks like we are all clear – no noise mitigation!

From: Fretwell, Therese J [mailto:Therese.J.Fretwell@hud.gov]
Sent: Tuesday, June 04, 2013 12:29 PM
To: Berger, Sharon (Recovery); Leonard, John (OMB); 'Gearrity, John (HPD)'; 'Blanchfield, Patrick (HPD) (blanchfp@hpd.nyc.gov)'
Subject: FW: Noise and above ground storage tanks - New Jersey

Please see HQ guidance below on inapplicability of noise regulation to disaster reconstruction/rehabilitation.

Therese Fretwell
Regional Environmental Officer
Regions I & II
New York Office
212-542-7445

From: Schopp, Danielle L
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)
Connect with us on [social media](#).

Appendix C

Public Comments

- 1 **Finding of No Significant Impact**
- 2 **Notice of Intent to Request Release of Funds**
- 3 **Objections to the Release of Funds**
- 4 **Early Public Notice for a Proposed Activity in a Floodplain and Wetlands (pending Tier II)**
- 5 **Final Public Notice for a Proposed Activity in a Floodplain and Wetlands (pending Tier II)**



1-Finding of No Significant Impact

The City did not receive public comments regarding this public notice.

2-Notice of Intent to Request Release of Funds

The City did not receive public comments regarding this public notice.

3-Objections to the Release of Funds

The City did not receive public comments regarding this public notice.

4- Early Floodplain Notice

Pending; to be addressed during Tier II

5- Final Floodplain Notice

Pending; to be addressed during Tier II