

**Draft Environmental Assessment
Community Development Block Grant - Disaster Recovery
Hazard Mitigation Grant Program
Global Match Acquisition & Elevation**

**Village of Sidney and Sidney Center,
Delaware County, New York
FEMA-4020-DR-NY**

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GOSR

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LIST OF ACRONYMS

ACHP	Advisory Council on Historic Preservation
AD	Area of Disturbance
amsl	Above Mean Sea Level
APE	Area of Potential Effect
AST	Aboveground Storage Tank

ASTM	American Society for Testing and Materials
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CDBG-DR	Community Development Block Grant – Disaster Recovery
CDC	Centers for Disease Control and Prevention
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
dBA	Decibels
DHSES	New York State Department of Homeland Security and Emergency Services
DRP	Data Recovery Plan
EA	Environmental Assessment
EFH	Essential Fish Habitat
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
EO	Executive Order
FEA	Final Environmental Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPMS	Floodplain Management Services
FPPA	Farmland Protection Policy Act
GOSR	Governor’s Office of Storm Recovery
HMGP	Hazard Mitigation Grant Program
HUD	United States Department of Housing and Urban Development
IMPLAN	Impact Analysis for Planning
IPaC	Information for Planning and Conservation
IPCC	Intergovernmental Panel on Climate Change
Ldn	Day Night Noise Level
Leq	Equivalent Noise Level
LTCR	Long Term Community Recovery Plan
MBTA	Migratory Bird Treaty Act
NAAQS	National Ambient Air Quality Standards
NASS	National Agricultural Statistics Service
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHP	Natural Heritage Program
NLEB	Northern Long-Eared Bat
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRE	National Register Eligible
NRHP	National Register of Historic Places

NRL	National Register Listed
NWI	National Wetlands Inventory
NYCDEP	New York City Department of Environmental Preservation
NYNHP	New York Natural Heritage Program
NYRCR	New York Rising Community Reconstruction
NYS	New York State
NYSBC	New York State Building Code
NYSDEC	New York State Department of Environmental Conservation
NYSDHSES	New York State Division of Homeland Security and Emergency Services
NYSECL	New York State Environmental Conservation Law
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
OSHA	Occupational Safety and Health Administration
PAF	Public Archaeology Facility
PM	Particulate Matter
QEP	Qualified Environmental Professional
RCRA	Resource Conservation and Recovery Act
RRP	Repair, Renovation, and Painting
SCO	Soil Cleanup Objectives
SEQRA	State Environmental Quality Review Act
SF	Square Foot
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office
SPDES	State Pollutant Discharge Elimination System
SPL	Sound Pressure Level
SVOC	Semi-Volatile Organic Compounds
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Office
TSP	Total Suspended Particulate
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VOC	Volatile Organic Compounds
WBDG	Whole Building Design Guide
WEG	Wind Erodibility Group

1.0 Introduction

Delaware County, herein referred to as the “Subgrantee”, has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the elevation or acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the “Proposed Action”). If approved, New York State (State) proposes to cover 100% of the cost associated with the Proposed Action with Community Development Block Grant—Disaster Recovery (CDBG-DR) funds. Based on an agreement between the State and FEMA, CDBG-DR funding will be credited toward the 25% non-federal matching share required under HMGP. This “Global Match Strategy” will capitalize on the portfolio of projects managed by the Governor’s Office of Storm Recovery (GOSR) that meet HMGP match requirements, and in so doing identified projects eligible for both CDBG-DR and HMGP funds that create programmatic, policy, and administrative efficiencies for the State’s recovery from Hurricane Irene and Tropical Storm Lee.

The Proposed Action would entail a combination of elevating structures located within the Special Flood Hazard Area and acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area, all of which were damaged due to flooding. Hurricane Irene and Tropical Storm Lee were declared major disasters by President Barack H. Obama on August 31, 2011 and September 13, 2011, respectively, and subsequently amended (FEMA 4020-DR-NY and FEMA 4031-DR-NY). In the wake of Hurricane Irene and Tropical Storm Lee, along with other disasters that occurred nationwide in 2011, Congress appropriated funding in the Federal Fiscal Year 2011-2012 (FY 11-12) Budget for the Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) program. Section 239 of Public Law 112-55 (the Appropriations Act) enacted on November 18, 2011, appropriated \$400 million through the CDBG-DR program to address necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing in disaster-impacted Counties. On April 16, 2012, HUD published Federal Register Notice 5628-N-01, which established the requirements and processes for \$71,654,116 in Federal CDBG-DR aid to the State. Under the CDBG-DR program, the State has established a number of individual programs to provide assistance for housing, economic development, resilience and retrofit, community planning and redevelopment, and public infrastructure. In addition, the State has created a matching program that utilizes CDBG-DR funds to cover the local matching requirement for several Federal funding sources, including HMGP.

HMGP, as administered by the New York State Department of Homeland Security and Emergency Services (DHSES) in cooperation with FEMA, is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (the Stafford Act), Title 42, United States Code (U.S.C.) 5170c, and implementing regulations at 44 CFR 206 subpart N. It provides grants to eligible applicants to implement long-term hazard mitigation measures that reduce the risk of loss of life and property from future disasters. Eligible risk reduction activities include property acquisition and structure demolition for purposes of open space, as well as elevation of structures in the floodplain.

As a federal agency, FEMA is required to evaluate the potential environmental impacts of its Proposed Actions and alternatives to Proposed Actions, in order to make an informed decision in

defining a proposed project for implementation. As “responsible entity” for HUD under 24 CFR 58.4, GOSR shares these National Environmental Policy Act (NEPA) of 1969 responsibilities. FEMA and GOSR must consider and incorporate, to the extent practicable, measures to avoid, minimize or mitigate adverse impacts to the human environment. The environmental analysis is conducted in compliance with NEPA, the President’s Council on Environmental Quality (CEQ) regulations implementing NEPA at 40 Code of Federal Regulation (CFR) Parts 1500-1508, FEMA’s regulations at 44 CFR Part 10, and HUD’s regulations at 24 CFR Part 58. FEMA and GOSR complete environmental reviews for projects prior to grant approval.

For the purposes of this NEPA environmental review, HUD/GOSR is serving as the Lead Agency and FEMA is serving as a Cooperating Agency. This Environmental Assessment (EA) serves as documentation of GOSR’s and FEMA’s analysis of the potential environmental impacts of the Proposed Action, including analysis of project alternatives and identification of impact minimization measures. The document serves as written communication of the environmental evaluation for public and interested party comment. Public involvement is a component of NEPA to inform an agency’s determination of whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI).

2.0 Purpose and Need

FEMA’s Hazard Mitigation Grant Program provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the Hazard Mitigation Grant Program (HMGP) is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. HUD’s Community Development Block Grant – Disaster Recovery (CDBG-DR) program provides grants to rebuild areas affected by Presidentially declared disasters. The purpose of the CDBG-DR program is to assist rebuilding and recovery efforts in communities and neighborhoods that have limited resources to allocate to such programs.

The purpose of FEMA, HUD, and GOSR involvement in the Sidney Global Match Acquisition and Elevation program is to leverage these programs (HMGP and CBDG-DR) in order to reduce the loss of life and property and to assist in the rebuilding and recovery efforts in the community.

The Village of Sidney and Sidney Center are seeking assistance from these programs to implement mitigation measures to reduce the risks of loss of life and property due to storms. The need for this project is due to the significant flood damage sustained to homes in the Village of Sidney and Sidney Center as a result of Tropical Storm Lee, as well as a significant flooding event in 2006 (DR-1650). As demonstrated by past storm events, residential structures in the floodplain are vulnerable to on-going flooding events. Implementation of the proposed mitigation measures is intended to reduce the risks to structures in the floodplain and to bring the community into greater compliance with NFIP standards.

3.0 Background

Flooding in Sidney from Tropical Storm Lee began on September 7, 2011, in the form of flash flooding of the smaller streams and tributaries. Flooding was especially severe along Weir Creek, which runs steeply down through the hillside neighborhoods south of the railroad and flows under Delaware Avenue. Weir Creek’s natural channel had previously been altered to

make a 90-degree turn west and flooding overwhelmed the channel. The flooding of Weir Creek and other tributaries washed out roads and culverts, as well as flooded more than 400 homes and businesses.

The Susquehanna River overflowed its banks when the tributaries began to drain and overwhelmed the Susquehanna's main stem. According to the NY Rising Community Reconstruction (NYRCR) Sidney – NY Rising Community Reconstruction Plan (“Sidney Reconstruction Plan”), “this occurred in part because of a narrowing of the river over time, with more than 50% of the river's conveyance capacity lost because of sediment and deposited debris. The quantity of water overwhelmed the valleys and infrastructure, creating a series of pinch points at NY State Route 8 and the Main Street Bridge that did not allow the water to drain through to the river's flood plain.” The Susquehanna River crested on September 11, 2011, but was slow to recede leaving some areas under water for as much as a week.¹

In Sidney, village officials estimated that at least 422 buildings were flooded. One-hundred percent of the buildings in the 100-year floodplain (262 properties, housing approximately 1,200 residents) and 60% of the properties in the 500-year floodplain flooded (167 properties and approximately 900 residents).²

The geographic scope for the Proposed Action is the Village of Sidney and Sidney Center, both of which are located in the Town of Sidney, in the northwest corner of Delaware County, NY, in the foothills of the Catskill Mountains. They are bounded by Chenango County to the west, Otsego County to the north, the Towns of Masonville and Walton to the south, and the Town of Franklin to the east. The Village of Sidney is situated on the south side of the Susquehanna River, at its confluence with the mouth of the Unadilla River (See Appendix A, Figures A-1 and A-2). The portion of the Village most affected by the 2006 flooding event and Tropical Storm Lee were those properties located in the 100-year floodplain (see Appendix A, Figure A-3). In particular, the neighborhood bounded by NYS Route 8 to the west, the railroad tracks to the south, and the Susquehanna River to the north and east were particularly affected by the flooding. These areas, as well as three additional properties south of the railroad tracks and two properties in Sidney Center are included in the Proposed Action for elevation or acquisition and demolition (see Appendix A, Figure A-2). All except the two properties in Sidney Center are located within the Village of Sidney National Register Historic District.

In addition to preparation of the Sidney Reconstruction Plan, the NY Rising Community Reconstruction Program created the NYRCR Sidney Planning Committee to establish a democratic, bottom-up approach to rebuilding the Sidney community in a resilient manner. The NYRCR Sidney Planning Committee engaged the public through open Committee Meetings, public workshops, open houses and neighborhood workshops. The outreach process built on the overlapping NYS Long Term Community Recovery Plan (LTCR Plan), which included a 3-day design workshop, multiple public events, interviews, and focus groups. In January 2014, a public outreach event in support of the NYRCR Plan gathered over 150 residents from the most

¹ NYRCR Sidney – NY Rising Community Reconstruction Plan, March 2014

² NYRCR Sidney – NY Rising Community Reconstruction Plan, March 2014

vulnerable riverfront neighborhood. The Village met with more than 60 families, confirming their interest in relocation to a safe new neighborhood. Working with GOSR, the Village hosted an open house and over 50 families applied for housing assistance or buyouts.³

Sidney's participation in the NYRCR Program offers access to up to \$3 million in Community Development Block Grant Disaster Recovery funds to help implement its vision for a resilient future. As part of the NYRCR program, Sidney is pursuing new approaches, especially best practices in green infrastructure to keep residents safe. The NYRCR-Sidney Planning Committee selected 20 proposed and featured recovery projects. The projects are directly linked to the strategies and cover the entire range of Recovery Support Functions of the National Disaster Recovery Framework. Some of these projects, including the Riverlea Housing project and the Sidney "GreenPlain," assume that homeowners in the most flood-prone areas of the Village of Sidney would be eligible for acquisition and demolition assistance and would relocate to flood-safe areas.

The initial project application to the CDBG-DR program proposed to acquire and demolish all 136 properties within the project area, many of which are located in the Sidney Historic District. As a result of the Section 106 review, discussed in Section 5.9 of this EA, and after consulting with residents of the Village of Sidney, GOSR revised the project application to include the option of funding elevations for homeowners in a portion of the Project Area. Delaware County is currently modifying the scope of work in the HMGP application to include both the elevation and acquisition and demolition options available to homeowners. The acquisition and demolition of homes within the Sidney Historic District has been determined to be an Adverse Effect on cultural resources. As a result, this EA and the Programmatic Agreement discussed in Section 5.9 of this EA have been undertaken in an effort to mitigate that adverse effect.

4.0 Alternatives

NEPA requires the analysis of practicable alternatives as part of the environmental review process for the Proposed Action. Inclusion of a No Action Alternative in the environmental analysis and documentation is required under NEPA. The No Action Alternative is used to evaluate the effects of not providing federal financial assistance for the project, thus providing a "without project" benchmark against which "action alternatives" may be evaluated. After consideration of the following alternatives, GOSR and FEMA have determined that the best practicable alternative is the Proposed Action. The alternative actions considered are as follows:

4.1 Alternatives Considered in this EA

4.1.1 No Action Alternative

Under the No Action alternative, the funding for the proposed elevation or acquisition and demolition of the 134 Village of Sidney, and two Sidney Center, residential properties in high flood risk areas of the project area would not be authorized. There would be no elevation or

³ NYRCR Sidney – NY Rising Community Reconstruction Plan, March 2014

purchase of properties.

Homeowners would not relocate outside of the high flood risk areas. The storm attenuation characteristics of the floodplain would not be improved, as such, the community located in the floodplain would be at continued risk of flood damage. Under the No Action alternative, the flood damaged and destroyed residential properties would remain under their current ownership and at their current elevations.

The homeowners would be responsible for the repair and rehabilitation of their properties. The homeowners may apply for other programs for financial assistance in the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area. The communities' storm attenuation characteristics would remain the same.

The extreme risk neighborhoods in the Village's 500- and 100-year floodplains have deteriorated physically and lost value since 2006. Between those properties in the various buyout programs, and those vacant or abandoned, some Sidney residential streets are largely empty and raise serious concerns for long-term viability. The homes in this neighborhood sell for far less than their pre-storm value, and this trend is expected to continue.⁴

Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs would be limited, not completed to current building codes, and would not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions. Therefore, the No Action alternative would not address GOSR's need to reduce the potential for loss of life and property during future storm events.

Overall, the No Action alternative would be less consistent with local land use, zoning, and public policy objectives than the Proposed Action. Compared with the Proposed Action, it would have the potential for adverse impacts to economic conditions, community character, and cultural and visual resources. Similar to the Proposed Action, the No Action Alternative would not be anticipated to result in potential impacts to natural resources, water resources, air quality, energy consumption, noise, or hazardous materials.

4.1.2 Proposed Action

Under the Proposed Action, individual property owners in the Village of Sidney would either be given assistance to elevate their homes or their homes would be acquired and demolished. Participation in the elevation and acquisition and demolition programs would be voluntary.

Only the Individual property owners in the Village's Historic North End Neighborhood would

⁴ NYRCR Sidney – NY Rising Community Reconstruction Plan, March 2014

receive assistance to elevate their homes in their original locations or have them acquired and demolished. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms. As part of the Proposed Action, homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation (BFE). The elevation area is identified as those properties east of approximately 70 River Street (see Appendix A, Figure A-4). Participation in the elevation program would be voluntary. Although the total number of properties to be elevated is yet to be determined, it is estimated based on community input and preliminary interest that at least 35 homes and as many as 74 homes would be elevated as part of the Proposed Action. Properties in this area are given the option of elevation as they are located in the oldest portion of the Village of Sidney Historic District and are the least prone to flooding among those properties within the 100-year floodplain. This area is also nearer to the Village's existing commercial corridor along Main Street. Under the Proposed Action, GOSR would provide up to 100% of the cost of the HMGP-approved elevation as a part of its global match financing strategy.

In addition, the Proposed Action would fund the acquisition and demolition only of identified properties in the Camp Street Neighborhood west of approximately 70 River Street in the Village of Sidney (see Appendix A, Figure A-4) and two properties in Sidney Center by Delaware County. Though the total number of properties to be acquired and demolished is yet to be determined, it is estimated that approximately 60 homes would be acquired and demolished as part of the Proposed Action. The Village of Sidney properties proposed for acquisition and demolition are located in the areas most susceptible to flooding, and are not located within the older portion of the Village of Sidney Historic District. In addition, elevations in this area are constrained by the presence of the Sidney Municipal Airport and potential environmental contamination from a plume associated with the nearby Amphenol property.⁵

Participation in the acquisition and demolition would be voluntary. Delaware County would not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), foundations would be removed, and clean suitable fill would be brought in to fill the basements. Topsoil would then be placed over the sites, and they would be re-graded and seeded in a manner consistent with limiting site disturbance. The scope of work does not specifically include tree or shrub removal; however, minimal incidental removal of woody vegetation may be necessary for equipment access or as a result of the vegetation's close proximity to the foundation of the structure to be demolished. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements set forth in 44 CFR Part 80.

In the Proposed Action, the acquired property on which homes were demolished would remain in Village of Sidney or Town of Sidney (for the Sidney Center properties) ownership, and may be used for passive recreation or other uses that require minimal site improvement and investment.

⁵ NYSDEC Environmental Site Remediation Database Site Code 413018

The Sidney Reconstruction Plan recommends the development of a 140-acre “GreenPlain” to transform vacated neighborhoods into a high-capacity, green infrastructure floodplain that would handle millions of gallons of floodwater and use natural areas to improve water quality. While this use would conform to the land use restrictions prescribed for the Camp Street Neighborhood acquisition and demolition properties, the review of this potential future project would be evaluated under NEPA at such time that the scope of the project has been more fully formulated. Additionally, future uses of deed-restricted land would require approval by the FEMA Regional Administrator.

4.2 Alternatives Considered and Dismissed from Further Analysis in this EA

4.2.1 Home Re-Location Alternative

Under this alternative, homes with enough structural integrity to endure relocation would be detached from their foundations, lifted onto mobilized platforms, and relocated to a new site outside of the floodplain. The new site would be appropriately excavated and/or graded, footers would be placed, and new foundations capable of receiving the re-located structure would be constructed. Re-located homes would be placed onto their new foundation and secured. This alternative requires new site work and ground disturbing activities, potential extension of infrastructure such as water, sewer and electric connections, and also requires willing homeowners to purchase property to receive the structure prior to re-locating their home.

The Village of Sidney is exploring the possibility of annexing land outside the current village boundaries for the construction of new homes and/or for the relocation of existing flood-prone structures. Some Sidney property owners have expressed interest in relocating their homes rather than having them acquired and demolished or elevated. However, a relocation site with required infrastructure is currently not available. Should such a site become available in the future, properties that have not been demolished might be candidates for relocation. If state and/or federal funding is available in the future to support development of a new site and to relocate structures, additional state and federal environmental reviews would be undertaken at that time. This EA does not address, but also does not preclude, the future possibility of individual property owners removing houses or other structures from their properties acquired by Delaware County and relocating them to new sites through another grant program or funding mechanism.

4.2.2 Acquisition and Demolition Alternative

The acquisition and demolition alternative (without offering the elevation option - “Proposed Action” would fund the purchase of the identified 134 properties in the Village of Sidney and two properties in Sidney Center (see Appendix A, Figure A-2) by Delaware County. Participation in the acquisition and demolition program would be voluntary. Delaware County would not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), foundations would be removed, and clean suitable fill would be brought in to fill the basements. Topsoil would then be placed over the sites, and they would be re-graded and seeded in a manner consistent with limiting site disturbance. The scope of work does not specifically include tree or shrub removal; however, minimal incidental removal of woody vegetation may be necessary for equipment access or as a result of the vegetation’s close proximity to the

foundation of the structure to be demolished. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements.

As part of this alternative, the acquired property where the homes were demolished would remain in Village of Sidney and Sidney Center ownership, and may be used for passive recreation or other uses that require minimal site improvement and investment. The Sidney Reconstruction Plan recommends the development of a 140-acre “GreenPlain” to transform vacated neighborhoods into a high-capacity, green infrastructure floodplain that would handle millions of gallons of floodwater and use natural areas to improve water quality. While this use would conform to the land use restrictions prescribed by this alternative, the review of this potential future project would be evaluated under NEPA at such time that the scope of the project has been more fully formulated. Additionally, future uses of deed-restricted land would require approval by the FEMA Regional Administrator.

4.2.3 Elevation Alternative

Under this alternative, all individual property owners within the project area would receive assistance to elevate their homes in their original locations and would not be eligible to receive acquisition and demolition assistance. The elevation assistance would include financial support and requirements for resiliency upgrades to identified individual properties that would reduce the potential damage from future storms. Under this alternative, homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation.

After the 2011 floods, Delaware County retained an engineering firm to evaluate the feasibility of elevating 45 homes in anticipation of seeking grant funding. The results of the analysis indicated homes would need to be elevated an additional two to as much as 6.5 feet, at costs estimated between \$29,000 and \$87,000. It was also determined that some homes were not suitable for elevation due to existing deficiencies in structural integrity. Further analysis indicated that some of the homes within the identified project area would require elevation of greater than 8 feet, which would decrease accessibility of homes. Given the aging population in Delaware County, this is particularly undesirable for some residents.

In addition, approximately 10 homes within the Project Area are located within the Sidney Municipal Airport Runway Protection Zone. Pursuant to 24 CFR Part 51D, it is HUD's general policy to apply standards to prevent incompatible development around civil airports and military airfields. HUD-assisted construction or major rehabilitation of any property located in a Runway Protection Zone is prohibited for a project to be frequently used or occupied by people. As such, HUD regulations would preclude the elevation of the homes located within the Sidney Municipal Airport Runway Protection Zone (see Appendix A, Figure A-5).

This alternative would not provide significant community resiliency as many homes in those areas most at risk of flooding would continue to be susceptible to flooding, and first responders and public works employees would still be required to remain on call before, during, and after flood events.

A public information session was held on September 24, 2015, in which homeowners indicated

that elevation may be preferable for some homeowners outside of the most at-risk flood hazard area but that elevation is not suitable for all homeowners in the project area. The partial interest in homeowner elevation was confirmed through subsequent meetings with individual homeowners. Given the structural, accessibility, Airport Runway Protection Zone, and first responder concerns in conjunction with homeowner preference, it was concluded that elevation of all homes within the project area is not a suitable alternative. However, elevation of a select sub-set of homes, as proposed in the Proposed Action, addresses many of these concerns and responds to homeowner preferences.

4.2.4 Infrastructure Alternatives

After flooding in 2006, the Planning Division of the U.S. Army Corps of Engineers (USACE) Baltimore District initiated a flood risk analysis of the Village of Sidney as part of its Floodplain Management Services (FPMS) Program. The FPMS Program is authorized by Section 206 of the Flood Control Act of 1960, as amended, and provides technical services and planning guidance to federal and non-federal entities on floods and floodplain issues.

The study analyzed the flooding problem in two areas of the Village: (1) the area north of the D&H Railroad, which is subject to flooding from the Susquehanna River (“the Susquehanna Area”); and (2) the “Weir Creek (Amphenol Area)” south of the D&H Railroad, which is subject to flooding from Weir Creek. Most of the properties proposed for acquisition/demolition are located in the Susquehanna Area, which is the focus of this section of the EA.

The USACE evaluated a variety of flood risk reduction alternatives in an attempt to identify measures that would mitigate future flooding from the 1% annual chance (100-year) flood. Hydraulic modelling was used to estimate changes in 100-year flood elevation that might result from each alternative. General cost estimates were developed based on other similar projects. Detailed engineering and Benefit-Cost Analyses were not part of the study scope of work.⁶

The following alternatives were evaluated for the Susquehanna Area:

- **Levee/floodwall system.** This alternative would require the construction of a levee/floodwall system 8,500 feet in length, with an average height of 10 feet, and an average base width of 60 feet for the levee and 12-15 feet for the floodwall. In order to function, this alternative would require installation of a flap gate for Weir Creek; flap gate and check valve for the Sidney Wastewater Treatment Plant; a closure structure for the Main Street Bridge; acquisition of approximately 20 properties; four pump stations; and removal of vegetation to create a 15-foot vegetative-free zone on either side.

The levee/floodwall alternative was the only alternative to significantly reduce flooding in Sidney. However, flooding would increase slightly across the river in Unadilla Township (approximately 0.5 feet increase for a 100-year flood.) The estimated cost of

⁶ “Flood Risk Management Analysis, Village of Sidney, Delaware County, NY” August 2010, prepared by U.S. Army Corps of Engineers Baltimore District.

this alternative is between \$35 to \$50 million, which does not take into account the cost of purchasing and transporting earthen materials for the levee should soil tests determine that local geology is not suitable for the levee structure. Environmental concerns include removal of hundreds of trees along the Susquehanna, increased flood levels in Unadilla, wetlands impacts, and aesthetics. Approximately 20 properties would need to be acquired. Operating and maintenance costs are high for this alternative.

- **Increasing hydraulic capacity under the State Route 8 Bridge.** This alternative would increase flow capacity of the Susquehanna at a point of constriction. This would require installation of two additional piers to increase the bridge deck and girder length. The existing embankment would be excavated to make room for the new deck. In addition, channelization of the river would be required. This alternative would reduce 100-year flood elevations upstream of the bridge between 0.3 and 0.5 feet which is insufficient to reduce significant flood damages in Sidney. Environmental concerns include impacts to wetlands, disturbance of some plant and animal species. Approximately 80 buildings would need to be removed. The cost of this alternative was not estimated.
- **Diversion of the Unadilla River Channel.** This alternative would divert the Unadilla River from its current confluence with the Susquehanna just upstream of the State Route 8 Bridge to an old channel downstream of the bridge. The project design would include a 700 ft. long floodwall, one new bridge, one bridge enlargement, a few property buyouts, and dredging an old oxbow channel. Diversion of the river would reduce 100-year flood elevations by an average of 0.6 feet, which is insufficient to reduce flood damages to most structures in Sidney. The cost would be between \$15 million and \$25 million, not including the floodwall component or a new bridge that would be needed. Environmental concerns include impacts to wetlands and fish habitat.
- **Channelization/dredging of the Susquehanna.** This would require dredging and channelization from a point about 400 feet upstream of the Main Street Bridge to a point 1,400 feet downstream of the Route 8 Bridge, a distance of about 7,500 feet. The goal would be to decrease flood elevations by increasing channel capacity and velocity. Two large islands and several sand bars would be removed and concrete would be used to line the channel under the Main Street and State Route 8 bridges to prevent erosion around the abutments. Wing walls would be installed upstream and downstream of the bridge.

This alternative would result in a decrease in the 100-year flood elevation by an average of 0.8 feet, which is insufficient to significantly reduce flood damages in Sidney. The cost of this alternative was estimated at between \$12 and \$14 million. Environmental concerns include impacts to wetlands and fish and wildlife habitat and removal of large trees. Downstream impacts were not evaluated in detail. It's possible this alternative would have an adverse effect on downstream communities due to the increased flows and velocity. Approximately 80 buildings would need to be removed.

- **Main Street Bridge improvements.** This alternative involves increasing the hydraulic capacity of the bridge to reduce flood elevations caused by backwater flooding upstream. The bridge opening would be increased horizontally and vertically to expand capacity. A permanent trapezoidal channel would be created similar to the one for the channelization

alternative. In addition, the bridge deck would be raised approximately two feet. Improvements to the Main Street Bridge provide minimal reduction in the 100-year flood elevation (0.0 to 0.1 ft. decrease). Costs were not estimated due to the minimal benefits of this alternative.

The overall conclusion of the USACE study was that the levee/floodwall alternative would be the only feasible alternative that would eliminate flooding during a 100-year storm event for the portion of the Village of Sidney upstream of the Route 8 Bridge. However, this would be extremely expensive to construct, would have high operating and maintenance costs, would have environmental impacts, and would cause a slight increase in flooding in Unadilla Township. Environmental impacts would include impacts to hundreds of trees along the Susquehanna River and potential wetlands impacts. This alternative would also require land acquisition, as approximately 20 homes are in close proximity to the proposed floodwall alignment. Detailed findings can be found in the 2010 Flood Risk Management Analysis report by USACE. As such, the report recommended that whether or not a flood risk reduction project would be constructed, property owners should purchase flood insurance, and the community should prepare and implement flood evacuation plans, and adopt sound land-use management practices within the floodplain. This conclusion formed the basis of the Village of Sidney's subsequent flood mitigation strategies developed under the NY Rising Program.

5.0 Affected Environment and Environmental Consequences

Potential environmental impacts and proposed mitigation measures associated with the No Action Alternative and the Proposed Action are presented in the following sections and are summarized in **Table 1** on Page 12.

Table 1 Summary of Potential Environmental Impacts and Mitigation

Resource	Potential Impacts No Action Alternative	Potential Impacts Proposed Action	Agency/ Permits	Mitigation
Topography, Geology and Soils	No impact.	No impact.		
Land Use and Zoning	Existing residential uses within the Project Area may deteriorate over time resulting in a “gap-tooth effect” as the area would continue to be susceptible to flooding.	The Proposed Action would change the land use character for some properties from residential to open space. However, this is not considered an adverse impact.		
Water Resources and Water Quality	No impact.	No impact.	NYSDEC SPDES General Permit NYCDEP	Compliance with SWPPP and SPDES.
Wetlands	No impact.	No impact.		
Floodplains	Residential structures would continue to exist within an extreme risk area within the floodplain.	Positive impact as a result of elevating structures to at least 2 feet above the BFE and removing other structures from the extreme risk area within the 100-year floodplain and creating additional pervious surfaces for the absorption of flood waters.		
Vegetation	No impact.	Positive impact as a result of the planting of native species in the footprint of demolished homes once clean suitable fill is brought in and site is graded.		Native plant species would be selected for landscape plantings to the extent practicable in accordance with EO13112.
Wildlife and Fisheries Habitat	No impact.	No impact.		
Threatened and Endangered Species and Critical Habitat	No impact.	No impact. Tree removal is not anticipated, however, if site conditions require tree removal, any tree removal must take place between October 1 st and March 31 st , or otherwise the tree would be examined by a qualified biologist to determine if removal would have adverse effect on long-eared bats.	USFWS/NYSDEC/NHP	
Cultural Resources	Adverse impact may result from continued exposure to flood hazards and deterioration.	Adverse impact to historic properties from demolition within the Village of Sidney Historic District. Programmatic Agreement with SHPO, Native American Tribes, New York State Division of Homeland Security and Emergency Services, and Delaware County sent for signature the 13 of November 2015.	NYSHPO/THPO	Photo Recordation and preservation of certain character defining features of each home.
Aesthetic and Visual Resources	Existing residential uses within the Project Area may deteriorate over time resulting in a “gap-tooth effect” as the area would continue to be susceptible to flooding.	The transition of portions of the neighborhood from residential to open space may have temporary aesthetic impacts on the acquisition and demolition portion of the Project Area. However, the long term use of the acquisition and demolition portion of the Project Area as open space is anticipated to be visually pleasing.		
Socioeconomic Resources	Potential adverse impact associated with continued flood losses in high risk areas.	Short-term positive impact with construction and demolition activities, potential negative long term impacts associated with a decreased tax base within the Village of Sidney.		
Environmental Justice	No impact.	No impact.		
Air Quality	No impact.	Temporary dust and emissions due to construction; no long-term impact to air quality.		Best management practices.
Contaminated Materials	No impact.	No impact.	NYSDEC	Best management practices.

Noise	No impact.	Temporary construction noise; no long-term impact.		Compliance with local ordinances and best management practices.
Traffic	No impact.	Short-term impact, no long-term impact expected.		Compliance with local ordinances related to operations on the construction site.
Infrastructure	No impact.	No impact.	NYSDEC/DOH	Compliance with state and local regulations.
Public Health and Safety	Adverse impact associated with continued residential occupation of high hazard area.	Positive impact to the Village and community from the removal of residents from hazardous high-risk area and elevation of other residents above the BFE.	NYSDOH	Compliance with Federal, State, and local safety standards and codes.
Climate Change	No impact to climate change, but as extreme weather events become more commonplace, would not protect residents in high-risk areas.	No impact to climate change, but as extreme weather events become more commonplace, would serve as an adaptive strategy that would help the Village avoid future catastrophic loss that would result from continued residential occupation of the floodway.		
Cumulative Impacts	No cumulative adverse impact concerns.	No adverse cumulative impacts. Positive cumulative benefit to the community with the other actions in the Village including other projects to be funded by the State of New York involving the creation of additional housing within the Village of Sidney.		

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5.1 Topography, Soils, and Geology

5.1.1 Existing Conditions

Topography

The 134 Village of Sidney properties associated with the Proposed Action are located just south of the Susquehanna River, and just east of Weir Creek (see Appendix A, Figure A-1). The 2 Sidney Center properties are located adjacent to and just east of an unnamed Class C stream that is a tributary to Carrs Creek (a tributary to the Susquehanna River). The Area of Disturbance is approximately 13.4 to 17.8⁷ acres of the 44.5 acre project site.

The topography of the Village of Sidney, which lies in the floodplain of the Susquehanna River, is generally flat with a gentle slope towards the river. On the north side of the Susquehanna River, the elevation rises to 1,900 ft. above mean sea level (amsl). South of the Village of Sidney, and on the south side of Interstate 88, the elevation rises to 1,800 ft. amsl. Sidney Center is located at the bottom of a small river valley, bounded by hills ranging in elevation from 1,700 ft. amsl to the east and 1,900 ft. amsl to the west (see Appendix A, Figure A-6).⁸

Soils

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) operates the Web Soil Survey (<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>), which includes the soils of Delaware County.

Village of Sidney

Based on soil survey findings, the majority of soils within the area of disturbance for the Proposed Action are characterized as having 0 to 3% slopes. The soil types within this area include: Chenango gravelly silt loam (ChA); Chenango gravelly silt loam (ChB); Chenango gravelly silt loam (ChE); Fluvaquents-Udifluvents complex (Ff); Udorthents, graded (Ud); Unadilla silt loam (Un), Urban land (Ur), and Wenonah silt loam (Wg). Of these soils, Chenango gravelly silt loam (A and B), Unadilla silt loam, and Wenonah silt loam (Wg), are considered prime farmland soils. The majority of the Project Site is comprised of Unadilla silt loam (Un) and Urban land (Ur).

Sidney Center

Based on soil survey findings, all of the soils within the Sidney Center portion of the Proposed Action are characterized as having 0 to 3% slopes. The soil types within this area include: Tunkhannock and Chenango soils, fan (TtA), which comprises 6.3% of the site; and Wenonah silt loam (Wg), which comprises 93.7% of the site. Both of these soil types are considered prime farmland soils.

⁷ Estimate based on Village of Sidney Zoning, which permits a maximum lot coverage of 30% or 40% in residential zoning districts.

⁸ USGS topographic maps

Geology

Executive Order (EO) 12699 requires federal agencies assisting in the financing, through federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings to initiate measures to assure appropriate consideration of seismic safety (WBDG, 1990).

The 2014 U.S. Geological Survey (USGS) National Seismic Hazard Maps display earthquake ground motions for various probability levels across the United States and are applied in seismic provisions of building codes, insurance rate structures, risk assessments, and other public policy. These maps indicate that the Project Sites are located in a low risk area. Bedrock in the area of the Project Site is greater than 80 inches below grade according to the above-referenced Soil Survey.

5.1.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would have no impacts to topography, geology or soils.

Proposed Action

With the appropriate short term Best Management Practices (BMPs) and, if required a Stormwater Pollution Prevention Plan (SWPPP), in place, the elevation and demolition of homes and regrading of properties proposed in the Proposed Action Alternative would have no impacts on topography, geology or soils.

Topography

Elevation of selected properties would have no effect on topography.

For those acquisition and demolition properties, after acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), fill any basements, re-grade, place topsoil over the sites, and seed with a native seed mix in a manner consistent with limiting site disturbance. After demolition and site reclamation, the properties would be turned over to the Village of Sidney to maintain as open space. Because these properties are already developed, no significant changes to slope are anticipated. Sites would be graded to direct stormwater runoff towards open space areas and away from existing roadways and other impervious surfaces.

Soils

There would be no long-term effect to soils as a result of elevation of selected properties. The homes proposed for acquisition and demolition are located within floodplain areas that are subject to erosion and loss of soil from storm activity. Properties would be graded and revegetated following demolition activities to prevent erosion.

However, during construction associated with both elevation and demolition, there would be a short-term increase in the potential for erosion from site disturbance. Short-term BMPs, such as silt fence and erosion prevention, would be implemented to mitigate erosion where highly erodible soils are present, if required by permit or agency discretion (see Soil Erosion Conditions for Approval). Since the elevation or demolition of 134 structures in the Village of Sidney would involve more than one acre of disturbance as defined by NYSDEC, a SWPPP pursuant to NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit

No. GP-0-15-002) would be implemented on-site during construction to reduce the potential for erosion. State and local permitting requirements would incorporate BMPs (erosion blanketing, phasing, and sequencing of construction) to eliminate erosion impacts for program locations that require excavation or soil modification. Demolition and incidental grading would be carried out in a manner to avoid the discharge of fill in accordance with the Clean Water Act during demolition. Work in areas of soils with high wind erosion potential may have to be scheduled only during calm weather conditions or include additional watering and other dust suppression mitigation methods. However, the above mentioned soil survey indicates that soils within the Project Area are categorized as having a wind erodibility group of 5 and 6, which indicates that they are moderately susceptible to wind erosion.⁹

Acquisition and demolition would return the land to open space, for which soil suitability issues would be minimal. BMPs, including silt fences, would be employed for stabilization from potential erosion during the revegetation process.

The Farmland Protection Policy Act (FPPA) requires federal agencies to minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural use and to assess potential conversion of farmland to developed property. The elevation or acquisition and demolition of residential properties in an urbanized area do not involve the conversion of prime agricultural soils to a nonagricultural use. As such, the FPPA would not be applicable to the Proposed Action Alternative, and no impacts to farmland are anticipated.

Geology

The elevation of residences involves the elevation of existing structures on their existing footprints. The acquisition and demolition of residences involves the removal of existing structures and the conversion of parcels to open space. As such, EO 12699 does not apply to the Proposed Action Alternative.

5.2 Land Use and Zoning

5.2.1 Existing Conditions

The Village of Sidney portion of the Project Area is bounded by the Susquehanna River to the north, a commercial area and railroad tracks to the southwest, single family residential to the southeast, and farmland to the east.

The western portion of the Project Area within the Village of Sidney is characterized by single family homes on approximately ¼-acre lots. The majority of the Project Area is zoned “Residential District: One & Two Family Residential and Other Uses” (R-2). There are also some institutional uses typical of a residential area, such as schools, public parks, and churches, interspersed between the residences in this area. Most of the homes are contributing to the Village of Sidney Historic District.

⁹ According to the USDA, a wind erodibility group (WEG) consists of soils that have similar properties affecting their susceptibility to wind erosion in cultivated areas. The soils assigned to group 1 are the most susceptible to wind erosion, and those assigned to group 8 are the least susceptible.

The western portion of the Project Area is separated from the eastern portion by Main Street, which is characterized by two to three story commercial/retail buildings with office and residential uses on the second and third floors. Main Street is zoned “Commercial District: Residential and Commercial Uses, Street Level Store Fronts Restricted to Commercial Use” (B1-A), and the blocks immediately surrounding Main Street are zoned “Commercial District: Residential and Commercial Uses” (B-1). These commercial/retail buildings form a unified street wall, with some alleys connecting to surface parking lots in the rear of the buildings.

The eastern portion of the Project Area is similarly characterized by single-family homes on ¼-acre lots, also zoned R-2. Many of these homes are also contributing to the Sidney Historic District.

The Sidney Center portion of the Project Site is located in a small hamlet surrounded by hills rising to an elevation of 1900 feet. Structures within this hamlet are characterized by single family homes on ¼-acre lots. There are some commercial uses along Main Street, particularly on the north end. The two homes within the Project Site are single family residences of a similar age and character to nearby homes. The lots on the north side of Depot Street, across from these residences, are currently vacant.

The Village of Sidney, Sidney Center, and Delaware County land use policies and plans regarding mitigation of flood risk have been considered as part of this assessment. In light of recent flooding events, municipalities have been revising building codes to incorporate requirements for flood and storm mitigation measures along the shore and riverbanks. The Village of Sidney has been actively pursuing land use and policy changes to improve the flood protection and resiliency of its community since 2006, when a regional flooding event caused substantial damage to the community. The demolition of homes in accordance with FEMA’s acquisition/demolition program reflects these changing land use policies by prohibiting redevelopment of properties in the areas most prone to storm damage.

The Sidney Reconstruction Plan, which included extensive public outreach and involvement, serves as a master planning document for the Village of Sidney. It expresses the community’s long term goals for land use, development, community resources, and resiliency. According to the Sidney Reconstruction Plan, the character of the riverside neighborhoods has eroded in recent years due to Tropical Storm Lee, as well as the 2006 flood. A substantial number of properties within these neighborhoods have already been bought out under previous programs, and other units have been abandoned because property owners did not have the resources to repair flood-damaged properties. This has left these neighborhoods with a “gap tooth effect.” The Sidney Reconstruction Plan reported that FEMA has classified over 200 properties in the floodplain as “repetitive loss,” meaning that flood insurance may increase dramatically unless a homeowner elevates their home to FEMA standards. This classification could lead to increasing rates of foreclosure in the high-risk neighborhoods, thus exacerbating the decline of community character.

5.2.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not change the local zoning. However, existing residential uses within the Project Area may deteriorate over time, as the area would continue to be

susceptible to flooding.

Proposed Action

The Proposed Action Alternative would preserve at least 35 and as many as 74 residences within the floodplain by elevating the structures at least two feet above the BFE and would convert approximately 60 existing residential properties within the floodplain in storm-impacted areas to open space in perpetuity. Under this Alternative, a permanent covenant or comparable restriction would be placed on the continued use of demolished properties to preserve the floodplain from future development. Once all targeted properties are converted, much of the resulting open space would be contiguous and, therefore, compatible with the surrounding land uses. Acquisition and demolition would not require any changes to existing zoning designations as the land would revert to publicly owned vacant land. It is anticipated that Delaware County would transfer the ownership of the vacant land to the Village and Town of Sidney. As Village/Town owned land it would be immune from local zoning regulations.

The appropriate permits for all elevation and demolition activities would be obtained. Acquisition and demolition would create new open space within the Village of Sidney and Sidney Center, primarily in low-lying areas prone to flooding from the Susquehanna River and its tributaries. The Proposed Action Alternative conforms to all of the regional and local plans, particularly with regard to flood mitigation and conserving and creating open space. The conversion of a portion of the Project Area to open space land use and reduction in housing density is compatible with the visual character and quality of the acquisition and demolition area. Creating the open space would establish a larger buffer between the areas identified with potential for future flooding and residential uses.

The approximated 35 to 74 residences that would be elevated as part of the Proposed Action are located in the oldest portion of the Village of Sidney Historic District and are nearer to the Village's existing commercial corridor along Main Street. As a result, elevating these properties rather than demolishing them would help maintain the historic character of the Village and provide support to the commercial corridor.

5.3 Water Resources and Water Quality

Congress enacted the Federal Water Pollution Control Act in 1948, which was reorganized and expanded in 1972 and became known as the Clean Water Act (CWA) in 1977, as amended. The CWA regulates discharge of pollutants into water with sections falling under the jurisdiction of the U.S Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA). Section 404 of the CWA establishes the USACE permit requirements for discharging dredged or fill materials into Waters of the United States, traditional navigable waterways, and/or wetlands subject to federal jurisdiction. Under the National Pollutant Discharge Elimination System (NPDES), the EPA regulates both point sources and non-point sources of pollutants, including certain stormwater runoff. In New York, EPA has delegated this NPDES permitting authority to New York State to be administered by the Department of Environmental Conservation (NYSDEC) under the State Pollution Discharge Elimination System (SPDES). Activities that disturb one (1) acre of ground or more are required to apply for a SPDES permit, administered in New York State through the NYSDEC.

5.3.1 Existing Conditions

The 134 Village of Sidney properties associated with the Proposed Action are located just south of the Susquehanna River, and just east of Weir Creek (See Appendix A, Figure A-2). The NYSDEC has classified the Susquehanna River as a Class B protected waterbody, not suitable for drinking water but suitable for fishing and primary contact activities. NYSDEC has classified Weir Creek as a Class C stream, which can support fishing, but is not suitable for primary contact activities or drinking water. The two Sidney Center properties are located adjacent to and just east of an unnamed Class C stream that is a tributary to Carrs Creek (a tributary to the Susquehanna River).

The Village of Sidney and Sidney Center are not located over a sole source aquifer. Therefore, review under the Section 1424(e) of the Safe Drinking Water Act governing Sole Source Aquifers is not required.

There are no Wild and Scenic Rivers within the Village of Sidney or Sidney Center, as designated by the U.S. Department of the Interior, and no Wild, Scenic, or Recreational Rivers, as designated by the NYSDEC.

5.3.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact water resources and water quality.

Proposed Action

The Proposed Action Alternative would have no impact to surface water quality of the Susquehanna River, Weir Creek, or the unnamed tributary to Carrs Creek. Disturbances to either watercourse's bed or banks are not proposed. There are no proposed discharges to these surface waters.

Stormwater discharges during construction would be regulated by the NYSDEC Stormwater SPDES General Permit. Stormwater would be controlled to prevent pollutants from entering the off-site surface water. Since the elevation or demolition of 134 structures in the Village of Sidney would involve more than one acre of disturbance as defined by NYSDEC, a SWPPP pursuant to NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (Permit No. GP-0-15-002) would be implemented on-site during demolition to reduce the potential for erosion. These regulations prohibit or strictly limit the volume and quality of stormwater discharges to protect water quality in surface waters on and off the Project Site. The SPDES permit would ensure that stormwater runoff from construction sites related to the Proposed Action Alternative is controlled through best management practices, and would prevent stormwater runoff from polluting Weir Creek or the Susquehanna River.

As noted above, the properties associated with the Proposed Action Alternative comprise 44.5 acres, of which approximately 13.4 to 17.8 acres would be disturbed during either elevation or demolition. The County would create, implement and maintain erosion and sedimentation control measures to prevent deposition of sediment and eroded soil in on-site and off-site wetlands and waters. Soil compaction would be controlled by minimizing project activities in vegetated areas, including lawns. The demolition of two structures in Sidney Center would involve less than one acre of ground disturbance. However, BMPs would be employed to ensure

that stormwater runoff from the demolition sites is controlled.

Overall, the removal of approximately 60 existing residential buildings and associated impervious surfaces and conversion to open space would reduce the amount of stormwater runoff, and could have a beneficial impact on groundwater recharge. Elevation of at least 35 and as many as 74 existing structures would have no impact on the quantity or quality of stormwater runoff in the area.

5.4 Wetlands

EO 11990 “Wetlands Protection” requires that federal agencies take actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the beneficial effects of wetlands. Compliance with this EO is ensured through the process of identifying whether the action would be located within or would potentially affect federally-regulated wetlands (USFWS, 2013). Federal regulation of wetlands is under the jurisdiction of the USACE. Federal actions within wetlands require the federal agency to conduct an Eight-Step Review Process. This process, like NEPA, requires the evaluation of alternatives prior to funding the action. FEMA’s regulations for conducting the Eight-Step Review process are contained in 44 CFR Part 9.5 and 9.6. HUD’s regulations for conducting the Eight-Step Review process are contained in 24 CFR Part 55. NYSDEC also regulates and protects freshwater wetlands as defined by NYS Environmental Conservation Law (NYSECL) Article 24 and Tidal Wetlands under Article 25. Documentation of the Eight-Step review process can be found in Appendix D.

5.4.1 Existing Conditions

The project sites have been evaluated for the presence of wetlands. Based on a review of the project sites on NYSDEC’s “Environmental Resource Mapper” website (<http://www.dec.ny.gov/ismaps/ERM/viewer.htm>), and the U.S. Fish and Wildlife Services’ (USFWS) National Wetland Inventory (NWI) “Wetlands Mapper” website (<http://www.fws.gov/wetlands/data/mapper.HTML>), there are no state or federally regulated wetlands mapped within the Project Area.

According to the USDA Web Soil Survey, there are some small areas of hydric soils are mapped in the Project Area, including Chenango gravelly silt loam (ChA), Chenango gravelly silt loam (ChB), Fluvaquents-Udifluvents complex (Ff), Tunkhannock and Chenango soils (TtA), and Wenonah silt loam (Wg). These areas are primarily found adjacent to the Susquehanna River, Weir Creek, and the unnamed tributary to Carrs Creek. The majority of the homes within the Village of Sidney portion of the Project Site are located on non-hydric soils. However, the two homes in Sidney Center are located entirely within mapped hydric soil groups Tunkhannock and Chenango soils (TtA) and Wenonah silt loam (Wg).

5.4.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact state or federal wetlands.

Proposed Action

The Proposed Action Alternative would not impact state or federal wetlands.

5.5 Floodplains

EO 11988 “Floodplain Management” requires that federal agencies avoid funding activities that directly or indirectly support occupancy, modification or development of the 100-year floodplain whenever there are practicable alternatives. FEMA uses Flood Insurance Rate Maps (FIRM) to identify floodplains and flood risks for the NFIP. Federal actions within the 100-year floodplain, or 500-year floodplain for critical actions, require the federal agency to conduct an Eight-Step Review process. This process, like NEPA, requires the evaluation of alternatives prior to funding the action. FEMA’s regulations for conducting the Eight-Step Review process are contained in 44 CFR Part 9.5 and HUD’s regulations for conducting the Eight-Step Review are contained in 24 CFR Section 55.20.

5.5.1 Existing Conditions

According to the National Flood Hazard Layer published February 17, 2015, the parcels are located in Zones AE and X and are within the 100-year and 500-year floodplains (see Appendix A, Figure A-3).

5.5.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would allow for the continued residential occupation of the high-risk areas of the floodplain in the Village of Sidney and Sidney Center. This continued occupation would likely place residents in physical danger, and would likely result in further property damage during future storm events.

Proposed Action

The Proposed Action Alternative would reduce risk of future flood damage to the residential properties elevated or acquired, and reduce the chance that an occupant of such a property faces physical danger resulting from floodwaters. The Proposed Action Alternative would also remove impervious surfaces on acquired properties and allow for greater infiltration and reduced stormwater runoff. Overall, the Proposed Action Alternative would have a beneficial impact on flood protection.

5.6 Vegetation

5.6.1 Existing Conditions

The Project Area is currently composed of residential properties and associated driveways, patios, lawns and landscaping. Native vegetation has been previously disturbed by development. There are no significant vegetation or habitat areas within the Project Area.

As of May 2015, The Town and Village of Sidney are located within the Severe Risk Area of the Unadilla Quarantine Boundary for Emerald Ash Borer (EAB) (*Agilus planipennis*).¹⁰ Portions of the Village of Sidney and Sidney Center are located in the Infested Core Area, while

¹⁰ http://www.dec.ny.gov/docs/lands_forests_pdf/eabquarmay2015.pdf (accessed 1/7/16)

the entire project area is located within the Severe Risk Area. It is important to note that EAB Quarantine Boundaries are subject to revision per annual updates and thus these conditions may change.

5.6.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact vegetation.

Proposed Action

The Proposed Action Alternative would restore disturbed areas of the acquired and demolished sites with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of the Project Site. The acquired properties would be maintained by the Village of Sidney and Sidney Center, and would be mowed periodically. There would be no change to vegetation on properties to be elevated in place.

Should any removal and disposal of vegetative debris be necessary, disposal methods would adhere to the EAB Quarantine Protocol pursuant to NYS Department of Agriculture and Markets Law Sections 18, 164, and 167; and CFR Title 7 Parts 300-399.

5.7 Wildlife and Fisheries Habitat

The Migratory Bird Treaty Act (MBTA) of 1918 provides a program for the conservation of migratory birds that fly through lands of the United States. The lead Federal agency for implementing the MBTA is the United States Fish and Wildlife Service (USFWS). The law requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any migratory birds or result in the destruction or adverse modification of designated critical habitat of such species.

As an inland site, the Proposed Action would have no effect on Essential Fish Habitat (EFH), which is protected by the Magnuson-Stevens Fishery Conservation and Management Act, the primary law governing marine fisheries management in United States federal waters

5.7.1 Existing Conditions

Terrestrial

The Project Area is categorized as a residential neighborhood with maintained lawn areas and residential landscaping. It does not support any sensitive landscape features such as wetlands, streams or water bodies. Habitat areas within the Project Area support the types of species accustomed to living in developed areas, such as raccoons, skunks, chipmunks, squirrels, sparrows, wild turkey, whitetail deer, rabbits and passerine birds. The Proposed Action takes place within the Atlantic Flyway, but there is no sensitive migratory bird habitat at the site.

As discussed above, the Project Area is located in close proximity to the Susquehanna River, Weir Creek, and an unnamed tributary to Carrs Creek. However, the Proposed Action would not involve direct disturbance to any of these waterbodies.

Aquatic

The Susquehanna River and its tributaries support freshwater fish and shellfish habitat. However, the Proposed Action is not located in or near Essential Fish Habitat; as such, further review

under the Magnuson-Stevens Fishery Conservation and Management Act is not required. The Carrs Creek tributary is classified by NYSDEC a Class C stream, and is suitable fish habitat, but does not support trout or trout spawning.

5.7.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact wildlife, birds (including sensitive migratory bird habitat) or fisheries habitat.

Proposed Action

The Proposed Action Alternative would have no impact on wildlife, birds, and fisheries habitat. As noted, the Project Area is comprised of residential development. This Alternative would restore disturbed areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of properties to be acquired and demolished.

GOSR and FEMA determined that the Proposed Action Alternative would have no significant adverse impact on migratory birds or their habitat (see correspondence in Appendix B). It is anticipated that passerine birds would temporarily leave the area during construction and demolition due to noise and disturbance. There is a small likelihood that a nest in a structure to be demolished or in vegetation to be incidentally removed could be disturbed; however, the residential backyard habitat is not sensitive priority habitat. The conversion of the acquired and demolished properties to deed-restricted open space would provide long-term benefits for migratory bird habitat. Elevation of properties would have no effect on habitat.

A SWPPP and BMPs would be employed during elevation, demolition, and site restoration activities to ensure that stormwater runoff would not contaminate the Susquehanna River, Weir Creek, or the unnamed stream.

The Proposed Action Alternative involves the elevation or acquisition and demolition of existing residential structures and appurtenances, with minimal grading and revegetation to reestablish acquired and demolished properties. In accordance with Migratory Bird Treaty Act, GOSR and FEMA have determined that there would be no significant adverse impact to migratory bird habitat and no take of migratory bird species associated with the Proposed Action Alternative.

5.8 Threatened and Endangered Species and Critical Habitat

The Endangered Species Act (ESA) of 1973 provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead Federal agencies for implementing ESA are the United States Fish and Wildlife Service (USFWS) and the U.S. National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS). The law requires Federal agencies to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a “taking” of any listed species of endangered fish or wildlife.

5.8.1 Existing Conditions

The Proposed Action was reviewed on January 23, 2015 using the USFWS Information for Planning and Conservation (IPaC) website (<http://ecos.fws.gov/ipac/>). Endangered species identified as being in the project area include the clam species dwarf wedgemussel (*Alasmidonta heterodon*) and the threatened mammal species, the northern long-eared Bat (*Myotis septentrionalis*).

There are currently no known maternity roost trees or hibernacula known to be occupied by northern long-eared bats within ¼-mile of the project locations' boundaries. However, the proposed Project Area serves as potential summer roosting habitat for the northern long-eared bat.

According to NY Natural Heritage Program (NYNHP) consultation dated September 4, 2014 (see Appendix B), the NYNHP database has no records of state or federal endangered, threatened, or rare species being found in residential buildings in New York State. Furthermore, the elevation or acquisition and demolition of a property in itself would not impact endangered, threatened, and/or rare species or their habitats.

The NYNHP "Nature Explorer" website (<http://www.dec.ny.gov/natureexplorer/app/>) identifies bald eagles as being present in Delaware County. Bald eagle (*Haliaeetus leucocephalus*) habitat and breeding sites have been found within 1.5 miles of the Project Area in neighboring Chenango County. However, the backyard habitats of the Project Area do not provide habitat for the eagle, and vegetation removal is anticipated to be minimal.

5.8.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not affect endangered, threatened, or rare species or any critical habitat.

Proposed Action

Based upon the review of federal and state sources, GOSR and FEMA have found that the Proposed Action Alternative would not adversely affect endangered, threatened or rare species, including the dwarf wedgemussel (*Alasmidonta heterodon*), northern long-eared bat (*Myotis septentrionalis*), or any critical habitat. In accordance with Bald and Golden Eagle Protection Act, GOSR and FEMA have determined that this alternative would have no impact on the bald eagle.

Pursuant to Section 7 of ESA, GOSR and FEMA found that the Proposed Action Alternative would have no effect on the endangered dwarf wedgemussel, as no habitat for this species is within the residential Project Area. The Action involves no in-stream work and no discharge to streams.

GOSR and FEMA determined that the Proposed Action Alternative may affect, but is not likely to adversely affect, the northern long-eared bat. The scope of work does not specifically include tree removal, but some incidental tree removal may be necessary to provide access to buildings to be demolished. The scope of work does include removal of housing structures that may be vacant and could become viable habitat for bats. The USFWS has concurred with this determination regarding the in a letter dated April 3, 2015 (see Appendix B). An updated

consultation letter was sent to USFWS on November 20, 2015 (see Appendix B). Confirmation of continued concurrence from USFWS was assumed, as an updated concurrence letter from USFWS was not received.

5.9 Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 Code of Federal Regulations (CFR) Part 800 requires federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on federal projects that would have an effect on historic properties. These actions must take place prior to the expenditure of federal funds. Historic properties include districts, buildings, structures, objects, landscapes, archaeological sites and traditional cultural properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP).

5.9.1 Existing Conditions

The Village of Sidney portion of the Proposed Action is entirely within the Sidney Historic District, which is listed on the State and National Register of Historic Places. 134 of the 136 properties are located within the boundaries of the Sidney Historic District. Of the 134 properties within the Sidney Historic District, 117 are contributing, 5 are non-contributing, and 12 are vacant lots that are also non-contributing to that district. The Area of Potential Effect (APE) is identified as the Sidney Historic District.

5.9.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact cultural resources.

Proposed Action

Per the Criteria of Adverse Effect (36 CFR 800.5(a)(1)), an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Since the Proposed Action Alternative includes, partially, the acquisition and demolition of historic structures, it would meet the Criteria of Adverse Effect. The extent of adverse effect would be mitigated partially in the Proposed Action Alternative through elevation of at least 35 and as many as 74 homes rather than acquisition and demolition of all homes within the Project Area.

GOSR and FEMA have consulted with the State Historic Preservation Officer (SHPO) and appropriate Consulting Parties (Oneida Indian Nation and Sidney Historical Association) to determine whether they concur with the determination of adverse effect. Once concurrence was established, the SHPO and other Consulting Parties were consulted to seek agreement on ways to avoid or reduce the adverse effect.

Agreement upon the selected mitigation measures to be implemented was effectuated through a Programmatic Agreement between the New York State Housing Trust Fund, the SHPO, FEMA, DHSES, and Delaware County. The Advisory Council on Historic Preservation (ACHP) was invited to participate in consultation on the Programmatic Agreement but chose not to participate

in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii). Programmatic Agreements are used when effects on historic properties are similar and repetitive, such as those proposed under the Proposed Action Alternative; or when effects on historic properties cannot be fully determined before approval of an undertaking, among other reasons. All correspondence can be found in Appendix B.

Initially, the Programmatic Agreement was drafted to evaluate the alternative in which all participating properties within the project area were acquired and demolished. Based on comments received during the Section 106 consultation process indicating opposition to the demolition of certain historic structures, the concurring parties of the Programmatic Agreement held a meeting with residents at the Sidney Central School on September 24, 2015 and the Proposed Action was identified as a preferable alternative. Many residents preferred the opportunity to elevate their homes, particularly those properties east of approximately 70 River Street, while the other identified properties would still receive acquisition and demolition assistance. Such homeowner preferences were confirmed through meetings with individual homeowners, which are ongoing.

In order to mitigate the adverse effect associated with acquisition and demolition or elevation of greater than four (4) feet of some properties, the Programmatic Agreement stipulates architectural salvage and recordation treatment measures to be implemented prior to any demolition activities. Treatment measures are to include documentation, recordation, design review, and salvage of architectural features. A complete listing of the required treatment measures is included in Appendix 4 of the Programmatic Agreement, included in Appendix E of this document.

The Programmatic Agreement has been signed and executed by the concurring parties. The final Programmatic Agreement was filed with ACHP on December 24, 2015 (see Appendix E).

5.10 Aesthetics and Visual Resources

5.10.1 Existing Conditions

The majority of the Project Area is located within the Village of Sidney Historic District, which is listed on the State and National Register of Historic Places. 134 of the 136 properties are located within the boundaries of the Sidney Historic District. Of the 134 properties within the Sidney Historic District, 117 are contributing, 5 are non-contributing, and 12 are vacant lots that are also non-contributing to that district.

The Village of Sidney portion of the Project Area is bounded by the Susquehanna River to the north, a commercial area and railroad tracks to the southwest, single family residential to the southeast, and farmland to the east. The western portion of the Project Area within the Village of Sidney is characterized by single family homes on approximately ¼-acre lots. There are some institutional uses typical of a residential area, such as schools, public parks, and churches, interspersed within the residences in this area. Most of these homes are contributing to the Village of Sidney Historic District. This area is separated from the eastern portion of the Project Area by Main Street, which is characterized by two to three story commercial/retail buildings with office and residential uses on the second and third floors. These commercial/retail buildings form a unified street wall, with some alleys connecting to surface parking lots in the rear of the

buildings. The eastern portion of the Project Area is similarly characterized by single-family homes on ¼ acre lots. Many of these homes are also contributing to the Sidney Historic District.

The Sidney Center portion of the Project Site is located in a small hamlet surrounded by hills rising to an elevation of 1900 feet. Structures within this hamlet are characterized by single family homes on ¼ acre lots. There are some commercial uses along Main Street, particularly on the north end. The two homes within the Project Site are single family residences of a similar age and character to nearby homes. The lots on the north side of Depot Street across from these residences are currently vacant.

5.10.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not directly affect aesthetic resources. However, long term disinvestment in the neighborhood due to continued flooding could lead to a deterioration of community character.

Proposed Action

The Proposed Action Alternative would have an effect on the aesthetic quality of the Village of Sidney Historic District, as the Proposed Action would acquire and demolish approximately 60 properties within the Sidney Historic District and elevate at least 35 and as many as 74 properties within the District. The demolition of structures would irreversibly affect the visual character of the Village of Sidney Historic District.

However, the Proposed Action Alternative would reestablish a portion of the Project Area as public open space, which as its own beneficial visual and aesthetic qualities. Furthermore, by elevating at least 35 and as many as 74 homes in the eastern portion of the Sidney Historic District, some of the oldest, most historic homes and the associated aesthetic and visual character would be preserved.

5.11 Socioeconomic Resources

5.11.1 Existing Conditions

The U.S. Census Bureau indicates the population within the Town of Sidney (which encompasses the Village of Sidney and Sidney Center) was 5,774 persons in 2010, down from 6,109 in 2000. This is consistent with the population decline in Delaware County as a whole, which was 47,980 in 2010, a decrease from 48,055 in 2000. The Village of Sidney also declined from 4,068 in 2000 to 3,900 in 2010.

The total number of households located within the Town of Sidney was approximately 2,520 in 2010. At that time, 1,543 (or 61.2%) of households in the Town of Sidney were classified as family households, meaning those living together are related. The remaining households were classified as non-family households or those with individuals who cohabitate but are unrelated, such as roommates. The average household size in the Town was 2.28 persons in 2010, while average family size was 2.83 persons.

The total number of households located within the Village of Sidney was approximately 1,697 in 2010. At that time, 1,005 (or 59.2%) of households in the Village of Sidney were classified as

family households, meaning those living together are related. The remaining households were classified as non-family households or those with individuals who cohabitate but are unrelated, such as roommates. The average household size in the Village was 2.28 persons in 2010, while the average family size was 2.90 persons.

The US Census 2009-2013 American Community Survey 5-Year Estimates of median annual household income for the Village of Sidney was \$35,213, the Town of Sidney was \$40,672, and Delaware County was estimated to be \$44,470. Approximately 17.5% of individuals in the Village and 12.2% of individuals in the Town are estimated to be below the poverty level. Of individuals within Delaware County, 14.2% are estimated to be below the poverty level.

The Project Site includes 134 properties in the Village of Sidney and two properties in Sidney Center, located in the Town of Sidney outside the Village; all are single family detached housing units. Village of Sidney representatives have stated that the vast majority of the Village homes are currently occupied. The 134 properties represent approximately 6.8% of the total Village housing stock (1,960 units) and 12.1% of the 1,108 single family detached housing units in the Village. The two housing units that in Sidney Center represent 0.8% of the total Town of Sidney housing stock (2,520 units) and 0.12% of the Town's 1,693 single family detached housing units.

According to the US Census 2009-2013 American Community Survey 5-Year Estimates, 7.6% of the Village of Sidney, and 11.6 % of the Town of Sidney housing stock is vacant. According to the Multiple Listing Service (MLS), as of April 29, 2015, approximately 85 homes were listed for sale in the Town of Sidney, of which 65 were located in the Village of Sidney.

In 2014, the Village of Sidney had an annual operating budget of \$3,495,604, and annual real property tax revenues of \$2,388,854. In 2014 the 134 properties in the Project Site in the Village of Sidney generated approximately \$112,261 in real property tax revenue, representing 4.7% of the total real property tax revenue for the Village. In 2014, these properties also generated approximately \$40,704 in Delaware County taxes, \$24,490 in Town and Highway taxes, and \$87,371 in Sidney Central School District taxes. The two properties in Sidney Center generated approximately \$579 in Delaware County taxes, \$354 in Town and Highway taxes, and \$1,334 in Sidney Central School District taxes in 2014. In total, the real property taxes for the properties associated with the Proposed Action represent approximately 0.14% of the Delaware County real property tax revenue, 2.6% of the Town and Highway real property tax revenue, and 1.5% of the Sidney Central School District real property tax revenue annually.

5.11.2 Potential Impacts and Proposed Mitigation

No Action Alternative

Under the No Action Alternative, homeowners would not relocate outside of the high flood risk areas. The storm attenuation characteristics of the community would not be improved. Under the No Action alternative, the flood damaged and destroyed residential properties would remain under their current ownership.

The homeowners would be responsible for the repair and rehabilitation of their properties. The homeowners may apply for other programs for financial assistance in the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs include financial support and requirements for resiliency upgrades for the

individual properties that would reduce the potential damage from future storms, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area. The communities' storm attenuation characteristics would remain the same.

Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs may be limited, may not be completed to current building codes, and may not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions. In the future with the No Action Alternative, homes may not be upgraded to protect from the potential damage from future storms and would be at continued risk of future flood damage. As stated previously, the extreme risk neighborhoods in the Village's 500- and 100-year floodplains have deteriorated physically and lost value since 2006. If homes are not protected from future storms, they would be more vulnerable in future storms and they could continue to deteriorate, which could have a blighting effect on the Village. Therefore, the No Action alternative could have an adverse socioeconomic impact.

Proposed Action

In the Proposed Action, individual property owners in the Village's Historic North End Neighborhood would receive assistance to elevate their homes in their original locations. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms. As part of the Proposed Action, it is estimated for the purposes of this evaluation that approximately 74 homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation. These properties are located in the oldest portion of the Village of Sidney Historic District, and are contiguous to the Village's existing commercial corridor along Main Street.

In the Proposed Action, at least 35 and as many as 74 households would remain in the Village's Historic North End Neighborhood and would continue to purchase goods and services, including food and beverage, household items and services, apparel, healthcare, and transportation. This continued spending power would support businesses in the local area and throughout Delaware County. Based on the median household income in the Village of Sidney and Bureau of Labor Statistics Census Consumer Expenditure Survey data, the total after-tax household income for these estimated approximate 74 households is an estimated \$2.57 million.

The economic benefits that would result from \$2.57 million in household expenditures were estimated using the IMPLAN (Impact Analysis for PLANning) economic model.¹¹

¹¹ The IMPLAN model was originally developed by the United States Department of Agriculture Forest Service in 1979 and was subsequently privatized by the Minnesota IMPLAN Group (MIG). The model uses the most recent economic data from sources such as the U.S. Bureau of Economic Analysis, the U.S. Bureau of Labor Statistics, and the U.S. Census Bureau to predict effects on the local economy from direct changes in spending. This analysis is based on the 2013 model for Delaware County, New York. Using IMPLAN terminology, economic impacts are broken into three components: direct, indirect, and induced. Direct effects represent the initial benefits to the economy that would be generated from the household expenditures that would remain in the Village. Indirect

Based on the IMPLAN economic model, it is estimated that the household expenditures would support 14 direct, indirect, and induced full- and part-time jobs in Delaware County. Total direct, indirect, and induced employee compensation resulting from the household expenditures is estimated at \$298,400 annually. The total effect on the Delaware County economy from the household expenditures, measured as economic output or demand, is estimated at approximately \$1.76 million annually. Given the close proximity of the estimated approximate 74 households to businesses in the Village, it is expected that the Village would capture a portion of estimated economic benefits resulting from household spending.

In addition, the Proposed Action would fund the purchase of approximately 60 properties in the Camp Street Neighborhood and two properties in Sidney Center by Delaware County. These properties are located in the areas most susceptible to flooding, and are not located within the older portion of the Village of Sidney Historic District. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Town of Sidney (for Sidney Center properties) to maintain as open space.

With the acquisition and demolition of approximately 60 homes, local businesses may experience some level of reduced demand for products and services. Based on the methodology described above, expenditure potential for these approximately 60 households in the Village is estimated at \$2.15 million. Businesses in the Village would be less likely to capture a portion of this expenditure potential with the acquisition and demolition of approximately 60 homes, as these households could relocate further from the Village's commercial corridor along Main Street.

5.12 Environmental Justice

Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," guides federal agencies to "make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations" (EPA, 1994).

5.12.1 Existing Conditions

According to 2010 US Census, the population of the Town of Sidney is predominantly Caucasian (96.4%). Approximately 12.2% of Town residents live below the poverty level. The project location is not identified as an Environmental Justice community. According to the NYSDEC (http://www.dec.ny.gov/docs/permits_ej_operations_pdf/delawareej.pdf), a portion of the Village of Sidney contains a potential environmental justice area. However, this site is not within the Project Area.

effects represent the benefits generated by industries purchasing from other industries as a result of the household expenditures. Induced effects represent the impacts caused by increased income in a region. Direct and indirect effects generate more worker income by increasing employment and/or salaries in certain industries. Households spend some of this additional income on local goods and services, such as food and drink, recreation, and medical services. Benefits generated by these household expenditures are quantified as induced effects.

5.12.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not have disproportionately high or adverse impacts on human health and human environment of minority or low-income populations.

Proposed Action

The Proposed Action Alternative would not have disproportionately high or adverse impacts on human health and human environment of minority or low-income populations.

5.13 Air Quality

The Clean Air Act (CAA) of 1963 (amended 1970, 1977 and 1990) requires each state to attain and maintain specified air quality standards. National Ambient Air Quality Standards (NAAQS) have been promulgated by the federal government and by NYS for carbon monoxide (CO), nitrogen dioxide (NO₂), total suspended particulate (TSP), sulfur dioxide (SO₂) and lead (Pb). The New York standards are generally the same as the federal standards for these pollutants. Primary air quality standards are set to protect human health and secondary standards are set to protect human welfare. The EPA is presently implementing the 2008 ozone standards as required by the Clean Air Act and meeting these standards would provide important public and environmental health benefits.

5.13.1 Existing Conditions

The Proposed Action is located in Delaware County, which is not within the most recent nonattainment or maintenance area for inhalable particulate matter (PM_{2.5}) or 8-hour ozone as of April 23, 2015.¹² Therefore, a conformity assessment is not warranted.

5.13.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not affect air quality.

Proposed Action

Construction activities as a result of the Proposed Action Alternative may result in temporary increases in emissions from on-site equipment, construction-related vehicles and non-road engines, and fugitive dust. However, all activities under the Proposed Action Alternative would comply with applicable federal, state, and local laws and regulations regarding construction emissions, as discussed in the project description. Overall, construction activities would occur at scattered sites under the Proposed Action Alternative, and air pollutant concentration increments from construction activities are highly localized, i.e., almost entirely due to construction activity in close proximity to receptor locations and not due to cumulative impacts from the larger area.

The Proposed Action Alternative would result in a temporary minor impact to air quality due to construction activities; no long-term impacts are anticipated. Construction activities on the

¹² EPA air quality attainment status determinations are frequently updated. The most recent determinations are announced in the Federal Register and updated in the Code of Federal Regulations.

project site may have a potential impact on the local air quality through the generation of fugitive dust or airborne dust. Fugitive dust is generated during ground breaking and excavation activities. Emissions from diesel construction vehicles are also a potential source of air pollution. The use of BMPs would help minimize dust and vehicle emissions. Occupational Safety and Health Administration (OSHA) standards would be followed to preserve public health of construction workers and nearby residences.

5.14 Contaminated Materials

5.14.1 Existing Conditions

HUD policy requires that the proposed site and adjacent areas be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants of the property.

According to the EPA, Delaware County is located in Radon Zone 1, where predicted average indoor radon screening level greater than 4 pCi/L (picocuries per liter). However, radon testing and mitigation measures would not be necessary under the Proposed Action as no housing would be constructed or reoccupied.

5.14.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact or be impacted by contaminated materials.

Proposed Action

The Proposed Action Alternative would include elevation or demolition of structures constructed prior to 1978. As such, structures to be modified or demolished may include lead-based paint and materials containing asbestos. All solid waste materials would be managed and transported in accordance with the state's solid and hazardous waste rules. Program activities would conform to Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the NYS Department of Labor (12 NYCRR Part 56); the National Emission Standard for Asbestos—Standard for demolition and renovation (40 CFR Part 61.145); National Emission Standard for Asbestos—Standard for waste disposal for manufacturing, fabricating, demolition, and spraying operations (40 CFR Part 61.150); EPA Repair, Renovation, and Painting (RRP) Rule (40 CFR 745.80 Subpart E), HUD's lead-based paint regulations in 24 CFR Part 35 Subparts A, B, H, J, and R, and HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing." The Guidelines complement regulations that have been issued by HUD, the EPA, and the Occupational Safety and Health Administration (OSHA), and policies from the Centers for Disease Control and Prevention (CDC). In general, these regulations apply to housing constructed prior to 1978.

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

Prior to demolition or disturbance of building materials for elevation, an asbestos survey would be prepared by a Qualified Environmental Professional (QEP) for each property to determine the presence or absence of asbestos containing materials. Based on the findings of the asbestos survey, remediation would be conducted prior to demolition or elevation in accordance with all applicable city, state, and federal regulations. Any remediation would be appropriately scheduled and coordinated with any demolition, elevation, and/or redevelopment activities.

When the target residential property is on or within 3,000 feet of a potentially hazardous site, a QEP would determine if the potential hazard requires remediation. If remediation is required, it would be appropriately scheduled and coordinated with any demolition or elevation activities. There may be some residential properties with improper storage and excessive accumulation of toxic substances (i.e. petroleum products, pesticides, cleaning substances). Initial site inspection of residential properties may document the presence of abandoned and otherwise non-working vehicles with the potential for leakage of toxic materials. Barrels or tanks with petroleum products or other potentially toxic substances may be identified. Remediation activities may include the purging of lines, tanks, and equipment containing hazardous chemicals, gasses, or flammable materials. If tank removal is required, tanks would be excavated, soil would be removed, and soil samples would be taken prior to closure. Air monitoring equipment may be used to determine if any hazardous conditions remain. Demolition and elevation activities would adhere to dust suppression and personal protective gear to minimize exposure to lead paint.

Mold can also have an adverse effect on human health and is a very common problem in houses that have been flooded. Some situations would require extra precautions to limit the distribution of airborne mold spores during demolition or elevation.

5.15 Noise

Sound pressure level (SPL) is used to measure the magnitude of sound and is expressed in decibels (dB or dBA), with the threshold of human hearing defined as 0 dBA. The SPL increases logarithmically, so that when the intensity of a sound is increased by a factor of 10, its SPL rises by 10 dB, while a 100-fold increase in the intensity of a sound increases the SPL by 20 dB.

Equivalent noise level (Leq) is the average of sound energy over time, so that one sound occurring for two minutes would have the same Leq of a sound twice as loud occurring for one minute. The day night noise level (Ldn) is based on the Leq, and is used to measure the average sound impacts for the purpose of guidance for compatible land use. It weights the impact of sound as it is perceived at night against the impact of the same sound heard during the day. This is done by adding 10 dBA to all noise levels measured between 10:00 pm and 7:00 am. For instance, the sound of a car on a rural highway may have an SPL of 50 dBA when measured from the front porch of a house. If the measurement were taken at night, a value of 60 dBA would be recorded and incorporated into the 24-hour Ldn.

Leq and Ldn are useful measures when they are used to determine levels of constant or regular sounds (such as road traffic or noise from a ventilation system). However, neither represents the sound level as it is perceived during a discrete event, such as a fire siren or other impulse noise. They are averages that express the equivalent SPL over a given period of time. Because the decibel scale is logarithmic, louder sounds (higher SPL) are weighted more heavily; however,

loud infrequent noises (such as fire sirens) with short durations do not significantly increase Leq or Ldn over the course of a day.

The Noise Control Act of 1972 required the EPA to create a set of noise criteria. In response, the EPA published *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* in 1974 which explains the impact of noise on humans. The EPA report found that keeping the maximum 24-hour Ldn value below 70 dBA would protect the majority of people from hearing loss. The EPA recommends an outdoor Ldn of 55 dBA. According to published lists of noise sources, sound levels and their effects, sound causes pain starting at approximately 120 to 125 dBA (depending on the individual) and can cause immediate irreparable damage at 140 dBA. OSHA has adopted a standard of 140 dBA for maximum impulse noise exposure.

5.15.1 Existing Conditions

The ambient noise level in the vicinity of the project site is typical for a residential/rural area. Most of the land in the vicinity of the Project Area is comprised of residential development. Temporary increases in noise levels due to demolition activities would be minimized through compliance with local noise ordinances, including time-of-day work limitations and construction of temporary noise barriers. During demolition, GOSR would ensure that all equipment would operate with mufflers.

Noise regulations under 24 CFR Part 51 Subpart B do not apply to disaster recovery programs which meet the definition under Part 51.101(a)(3), which states, “[t]he 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.”

5.15.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact ambient noise levels.

Proposed Action

Construction activities associated with elevation, demolition and re-grading at selected properties could cause temporary increases in noise levels. Temporary increases in noise levels would be mitigated by compliance with local noise ordinances. HUD has determined that its Part 51 noise regulations are not applicable to a disaster recovery program which meets the definition of 24 CFR Part 51.101(a)(3) for emergency assistance under disaster provisions or appropriations provided to save lives, protect property, protect public health and safety, and remove debris and wreckage, or provide assistance that has the effect of restoring facilities substantially as they existed prior to the disaster. The Proposed Action provides disaster assistance for the purpose of saving lives and protecting property, public health, and public safety. However, the Proposed Action would comply with all applicable local noise regulations, including hours of operation.

5.16 Traffic

5.16.1 Existing Conditions

The Village of Sidney and Sidney Center are accessible from Interstate 88 and NYS Route 8. Exit 9 on Interstate 88 provides access to the Village of Sidney, and Exit 10 provides access to Sidney Center. Interstate 88 has an average daily total of 5,408 eastbound and 5,390 westbound trips.¹³

NYS Route 8 is classified by NYS as a Rural Principal Arterial road. Through the Project Area is four-lanes (two north and two south), with an average daily total volume of 7,319 trips (3,660 north and 3,659 south).¹⁴

Within the Project Area, the main roads include West Main Street and County Highway 23/East Main Street. West Main Street has an average daily total volume of 1,413 eastbound and 1,582 westbound.¹⁵ County Highway 23/East Main Street has an average daily total volume of 1,441 eastbound and 1,404 westbound.¹⁶

5.16.2 Potential Environmental Impacts

No Action Alternative

The No Action Alternative would not impact traffic volume, as existing levels of service and traffic volumes are anticipated to remain the same.

Proposed Action

A short-term impact to traffic would be anticipated during the construction period associated with elevation, demolition and, site restoration of properties. The presence of construction and delivery vehicles is unavoidable; however, this impact would be short lived and all site construction activities would comply with local ordinances that relate to operations on a construction site.

No long-term impacts to traffic are anticipated as a result of the Proposed Action Alternative.

5.17 Infrastructure

5.17.1 Existing Conditions

The Project Area is located in the Village of Sidney and Sidney Center. The 134 properties within the Village are served by Village water and sewer services. The two Sidney Center properties have individual wells and septic systems.

5.17.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact existing infrastructure.

¹³ http://ftp.dot.ny.gov/tdv/YR2009/R09/93_Delaware/93_0043.pdf (accessed 5/25/15)

¹⁴ http://ftp.dot.ny.gov/tdv/YR2012/R09/93_DELAWARE/93_0122_VOL_10-2012.pdf (accessed 5/25/15)

¹⁵ http://ftp.dot.ny.gov/tdv/YR2011/R09/93_Delaware/93_2010.pdf (accessed 5/25/15)

¹⁶ http://ftp.dot.ny.gov/tdv/YR2011/R09/93_Delaware/93_2000.pdf (accessed 5/25/15)

Proposed Action

The Proposed Action Alternative would involve the acquisition and demolition of approximately 60 existing residential structures within the Village of Sidney, most of which are currently occupied. As such, the Proposed Action would reduce existing demand on the Village's water and sewer infrastructure. Water and sewer lines to the acquired and demolished properties would be capped and existing wells and septic systems at the two properties to be acquired and demolished in Sidney Center would be abandoned in accordance with all applicable regulations. Point of use connections to existing homes to be elevated may require minor modification to accommodate added structural elevation. There would be no change to existing water or sewer demand as a result of the elevation of at least 35 and as many as 74 homes in the Village of Sidney.

5.18 Public Health and Safety

5.18.1 Existing Conditions

The Village of Sidney and Sidney Center's public health and safety was negatively impacted by Tropical Storm Lee. The homes within the floodplain experienced extensive flood damage, which threatened life and safety.

5.18.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The no-action alternative would have an adverse impact to the community's public health and safety because residents would remain vulnerable within the floodplain.

Proposed Action

The overall public health and safety of the Village of Sidney and Sidney Center would be positively impacted by the Proposed Action Alternative. The elevation of at least 35 and as many as 74 properties within the Project Area would reduce the risk to life and safety associated with residential flooding. The acquisition and demolition of approximately 60 properties within the Project Area would result in fewer residents in the areas most susceptible to future flood hazards and contribute to natural storm attenuation characteristics.

5.19 Climate Change

Executive Order 13653, Preparing the United States for the Impacts of Climate Change, signed in 2013, sets standards to prepare the United States for the impacts of climate change by undertaking actions to enhance climate preparedness and resilience. Under this EO, FEMA and HUD are required to consider climate change risks and vulnerabilities, and when feasible, implement climate change preparedness in federally-funded projects.

According to EPA, climate change "...refers to any significant change in the measures of climate lasting for an extended period of time" (EPA 2014). Observed trends include higher temperatures, changing rain and snow patterns, more droughts, warmer oceans, rising sea level, stronger storms, increased ocean acidity, shrinking sea ice, and thawing permafrost (EPA 2014). This is dubbed "abrupt climate change" which occurs over decades and distinguishes it from natural variability that occurs gradually over centuries or millennia. The EPA identifies and regulates human actions that may affect climate change. Embodied energy measures sustainability by accounting for the energy used by structures or to create materials. Another

measure of sustainability is life-cycle or cradle-to-grave analysis, which accounts for the extraction, manufacture, distribution, use, and disposal of materials. While resources exist to quantify embodied energy and life cycle analysis, no such calculations were required to be prepared by the Subgrantee for the options presented in this EA.

5.19.1 Existing Conditions

Climate change could potentially increase temperatures in the northeast United States; could potentially cause more severe weather incidents to occur; and could potentially cause sea levels to rise.

Climate change impacts relevant to the Proposed Action are summarized below. Broader discussion of climate change impacts can be found in the following documents and are incorporated here by reference, as recommended by CEQ:

- Intergovernmental Panel on Climate Change Fifth Assessment Report (IPCC 2013)
- Third National Climate Assessment (United States Global Change Research Program 2014)

While climate change impacts many aspects of the climate, resulting in myriad secondary effects, the effects most relevant to the Proposed Action's planning efforts are an increase in temperatures in the northeast United States; the potential to cause more severe weather incidents to occur; and a projected rise in mean sea levels.

Under existing conditions, the homes within the project area use energy, and induce energy use by associated with the production of materials and construction required for rebuilding efforts after flooding events. This energy use results in both direct and indirect greenhouse gas emissions.

5.19.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative does not provide for flood damage risk reduction and other hazard mitigation measures; therefore, the facility would be subject to greater risk of damage and operational disruption in the future. The risks would increase over time due to anticipated storm frequency increases and sea level rise associated with climate change. Existing energy use would not change.

Proposed Action

The Proposed Action Alternative would provide for flood damage risk reduction that are relevant to climate change; through the demolition of flood-prone structures, the creation of open space, and restoration of floodplain functions. Likewise, structure elevations will reduce the risk of future damages caused by increasingly severe storm events. Though the Proposed Action would result in a short-term increase in energy use and emissions from construction equipment, the Proposed Action would result in improved long-term climate preparedness and resilience.

5.20 Cumulative Impacts

In accordance with NEPA, this EA considers the overall cumulative impact of the Proposed Action and other actions that are related in terms of time or proximity. According to the Council of Environmental Quality (CEQ) regulations, cumulative impacts represent the "impact on the

environment which results from the incremental impacts of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time” (40 CFR 1508.7).

This section examines the Proposed Action as well as other actions occurring or proposed in the vicinity of the proposed project. The combined effects of these actions are evaluated to determine if they could result in any cumulative impacts.

The Sidney Reconstruction Plan identifies several future projects that the Village would like to undertake to mitigate loss of life and property during future storm events, as well as create a more stable and resilient community. Two of these projects, the Riverlea Housing Project and the Sidney GreenPlain, if developed, would have cumulative impacts with the Proposed Action. Additionally, these potential future projects would be tiered and implemented separately from one another.

The Riverlea Housing project would seek to relocate existing area residents to safer locations within the community. This proposed project contemplates a 165-lot development on a 165 acre parcel that would be annexed to the Village of Sidney. The Riverlea Housing project, which has independent utility from the acquisition/demolition program, would be evaluated under a separate NEPA review once the project has been more fully formulated.

The Sidney Reconstruction Plan also contemplates the possible future development of a “GreenPlain” which would incorporate some parcels associated with the Proposed Action. The 140-acre Sidney GreenPlain would be designed to provide additional flood storage for both the Susquehanna River and Weir Creek by creating a series of meandering channels that connect to larger vegetated storage areas. With or without the Proposed Action, the GreenPlain could move forward. However, in the absence of the Proposed Action, it would likely involve a smaller area. The cumulative impact of the GreenPlain and the Proposed Action would be the reduction of loss of life and property damage during future storm events, as well as enhanced flood protection. The review of the potential future GreenPlain project would be evaluated under NEPA at such time that the scope of the project has been more fully formulated. The acquisition/demolition of homes under the Proposed Action has independent utility from the GreenPlain, thus justifying independent NEPA reviews for these complementary projects.

Additionally, there are potential regional projects currently proposed which would include breaching of dams on tributary waterways and establishment of alternative drinking water sources. Careful study of system-level hydrodynamic effects associated with such a project would be required. Understanding of the cumulative impact of this type of project and the Proposed Action will continue to evolve as further project information becomes available.

5.20.1 Flood Risk

Many of the properties encompassed by the Proposed Action are older, and therefore were not built to current standards and codes. In some areas, flood information was not available, not applicable at the time, or not taken into account when these homes were built. The areas which experienced flood damage from the recent storms are at risk of flooding in future storms. Climate change poses an increasing risk of flooding as sea levels rise and storms become more

intense.

Flood risk maps have been and are being revised to account for the projected increasing flooding due to climate change. Building codes have been and are being changed to reflect these changes in flood risk.

The Proposed Action would result in the elevation of at least 35 and as many as 74 homes to an elevation of at least two feet above the BFE and the acquisition and demolition of approximately 60 homes, thereby greatly reducing the risk of flood damage within the Project Area. For acquisition properties, after demolition of the structures, basements, and foundations, any holes from the removed foundation would be filled, topsoil would be placed, and the sites would be re-graded and seeded in a manner consistent with limiting site disturbance. After demolition and site reclamation, Delaware County would transfer ownership of the Village parcels to the Village of Sidney to maintain as open spaces. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements described above. The program would create open space for flood attenuation, which would mitigate the future flood risk for nearby neighborhoods.

The Sidney Reconstruction Plan identifies several village neighborhoods that are at extreme risk of flooding. These include River Street at Division and at Oak Avenue, the Sherman Avenue and Adams Street neighborhood, and the Willow and Liberty Street neighborhood. As identified in Appendix A, Figure A-2, the majority of the properties within these neighborhoods are included in the Proposed Action.

5.20.2 Land Use and Community Character

Land use policies have been changing regarding development along the shore and banks of waterways. Sidney land use policies and plans regarding mitigation of flood risk have been considered as part of this assessment. In light of recent flooding events, municipalities have been revising building codes to incorporate requirements for flood and storm mitigation measures along the shore and riverbanks. Sidney has been actively pursuing land use and policy changes to improve the flood protection and resiliency of its community since 2006, when a regional flooding event caused substantial damage to the community. The elevation or acquisition and demolition of these homes reflects these changing land use policies by improving the resiliency of homes to remain and by removing some homes from flood hazard areas and prohibiting redevelopment of properties in the areas most prone to storm damage.

According to the Sidney Reconstruction Plan, the character of the riverside neighborhoods has eroded in recent years due to Tropical Storm Lee, as well as the 2006 flood. A substantial number of properties within these neighborhoods have already been bought out under previous programs, and other units have been abandoned because property owners did not have the resources to fix flood-damaged properties. This has left these neighborhoods with a “gap tooth effect.” The Sidney Reconstruction Plan reported that FEMA has classified over 200 properties in the floodplain as “repetitive loss,” meaning that flood insurance may increase dramatically unless a homeowner elevates their home to FEMA standards. This classification could lead to increasing rates of foreclosure in the high-risk neighborhoods, thus exacerbating the decline of community character.

The Proposed Action, which would seek voluntary elevations or acquisition/demolitions of the

remaining properties, would provide options to community members for risk reduction. Homes to be elevated would remain in place, contributing to continuity in land use and community character while reducing the risk of repetitive flood losses. The acquisition and demolition of other properties by Delaware County would enable the future development of a portion of the neighborhood for use as community greenspace, as well as flood protection. The Sidney Reconstruction Plan contemplates the development of a “GreenPlain” for this location. However, the review of this potential future project will be evaluated under NEPA at such time that the scope of the project has been more fully formulated. The acquisition/demolition of homes under the Proposed Action has independent utility from the GreenPlain, thus justifying independent NEPA reviews for these complementary projects.

Other programs currently being developed by the Sidney community and GOSR, such as the Riverlea Housing project, would seek to relocate existing residents to safer locations within the community. The Riverlea Housing project will also be evaluated under a separate NEPA review. This project’s different location, timing, and independent utility regardless of whether either the Proposed Action or GreenPlain are ever approved also permits independent NEPA reviews.

As such, while the Proposed Action would transform a neighborhood, significant adverse impacts to community character are not anticipated.

5.20.3 Historic Resources

Standing Structures: The Proposed Action would permit the elevation or acquisition and demolition of 117 of properties that contribute to the Sidney National Register Historic District. An additional 25 properties contributing to the historic district were approved for demolition in 2014 in accordance with FEMA’s HMGP, and one was approved for elevation. Furthermore, it is possible that other homeowners within the historic district will take advantage of the HMGP in the future and choose the acquisition/demolition or elevation of their homes. As such, the cumulative effects of the acquisition/demolition of residences could result in a gradual degradation of the historic district that rises to the level of extraordinary circumstance under 44 CFR § 10.8(d)(3)(i) as an action with *a greater scope or size than normally experienced for a particular category of action*.

The Sidney Historic District encompasses the northern half of the Village of Sidney or about 420 acres. It was determined eligible for the National Register of Historic Places September 4, 2013 after the flooding events described above allowing the owners of the properties to take advantage of tax credits available if repairs are done in accordance with the Secretary of the Interior Standards for Rehabilitation. The boundaries include 912 buildings that contribute to the character of the district and largely encompass the developed portions of the village’s 1888 incorporation limits. Under the Proposed Action, approximately 13 percent of the historic district would be demolished or elevated, or approximately 15.5 percent when including the additional 25 properties that were slated for demolition as the result of the earlier HMGP project.

The elevation or removal of these properties from the historic district would significantly impact the cohesive character of the district over time, particularly in those areas where the majority of the properties are located including northeast of the railroad, between the railroad and the Susquehanna River, from Camp Street in the south to Clinton Street in the north. The fact that the scope of work for this project allows for elevation of properties in the Village’s historic North End Neighborhood mitigates some of the adverse impact to the district by allowing those

residences to remain in place. Maintaining these buildings, albeit elevated, is important to the historic character of the Historic District as some of the oldest residences in the Village are located in this neighborhood.

To date, the tax credits made available to the owners of the properties as a result of the designation of the district has not sparked a great deal of interest in rehabilitation of the at-risk properties. It is likely that if these properties continue to be inundated by floods, that the character of the district in these area will continue to erode, with or without the acquisition/demolition through HMGP. As a result, while the cumulative effects of the Proposed Action lead to the degradation of at least a portion of the historic district that potentially rise to the level of extraordinary circumstance, this EA and the Section 106 process has provided the opportunity to consider ways to avoid, minimize and mitigate the potential adverse effects.

Archeological Resources: The Village of Sidney has a high sensitivity for archaeological resources. The Proposed Action itself will have little if any impact on them given the nature of the scope of work and the low impact stipulations put in place to protect them through the Section 106 process. However, when considered in conjunction with the GreenPlain project, there is the potential for impacts to archeological resources. The extent is unknown but it depends upon the degree of the re-grading and channeling activities and the amount of archeological resources in the Project Area. However, due to the independent utility of the GreenPlain project, these potential impacts would be further analyzed during the NEPA review of that project should it move forward.

5.20.4 Construction Impacts

While there is the potential for a cumulative impact from the generation of construction debris from the elevation or demolition of a great number of homes through the Proposed Action, most of the impact would be mitigated. Strict requirements for the disposal of debris are in place to prevent, to the extent possible, any negative impacts to the environment. The handling and disposal of demolition and construction debris, control of storm water runoff, and noise impacts resulting from the Proposed Action in Sidney would be in accordance with all local, state, and federal regulations as part of the acceptance of assistance funding.

5.20.5 Growth Inducement

The Proposed Action involves purchasing approximately 60 storm-damaged residential properties, securing the sites, and demolishing and clearing existing structures. While the Proposed Action would partially displace existing neighborhoods, it is anticipated that these residents would relocate elsewhere in the community, or perhaps the region. Furthermore, the Proposed Action would elevate at least 35 and as many as 74 homes in their original locations, thereby maintaining a large portion of the neighborhood and its residents.

As such, the Proposed Action is not anticipated to substantially alter regional growth patterns, change residential settlement patterns, displace any public or publicly funded community facilities, or significantly affect growth in employment centers. Therefore, the Proposed Action would not be expected to generate significant secondary or induced effects, or induce any significant development activity that would otherwise not occur in the region or study area.

5.20.6 Summary

Elevation and acquisition/demolition actions undertaken by the described Proposed Action

would result in the elevation or removal of existing residential structures in extreme risk areas, including some that have been identified as “repetitive loss”. After considering the alternatives, FEMA and GOSR have determined that there is no practicable alternative other than to proceed with the proposed program. The individual actions undertaken by the described Proposed Action would result in fewer residents in the areas most susceptible to future flood hazards and contribute to the communities’ storm attenuation characteristics.

While the Proposed Action is anticipated to result in an adverse effect to historic properties, the benefits of the Proposed Action outweigh the anticipated impacts.

6.0 Permits and Project Conditions

The Subgrantee is responsible for obtaining all applicable federal, state and local permits for project implementation prior to construction, and to adhere to all permit conditions. The Subgrantee has already completed a New York State Environmental Quality Review Act (SEQRA) documentation process with forms provided in Appendix C. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The Subgrantee must also adhere to the following conditions during project implementation. Failure to comply with these conditions may jeopardize federal funds:

1. Buildings must be elevated in accordance with state/local building code and be in compliance with the flood damage prevention local law; generally, at a minimum, buildings should have their lowest floor elevated above the base flood elevation, as identified under the community’s Flood Insurance Rate Maps incorporating best available data with appropriate freeboard.
2. Any proposed construction in the floodplain will need to be coordinated with the local floodplain administrator and must comply with Federal, state, and local floodplain laws and regulations.
3. The Subgrantee shall be responsible to complete the SEQRA process and local land-use reviews in accordance with state and local regulations.
4. Excavated soil and waste materials will be managed and disposed of in accordance with applicable federal, state and local regulations.
5. The Subgrantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with NYSECL. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the Proposed Action, the Subgrantee shall provide DHSES/FEMA a copy of the Stormwater Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out or other time identified by DHSES/FEMA per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the Subgrantee shall provide a copy of the obtained permit, as well as supporting SWPPP to DHSES/FEMA at grant project close-out or other times identified by DHSES/FEMA per grant administrative documentation guidance requirements. For more information regarding SPDES, visit the following website: <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the Subgrantee and its

- construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation, and erosion during construction.
6. The Subgrantee shall be responsible to comply with all applicable state and local noise regulations, including all hours of operation, and the use of muffling equipment where feasible to reduce noise associated with construction and demolition activities.
 7. In the event that unmarked graves, burials, human remains or archaeological deposits are uncovered, the Subgrantee and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee will inform the DHSES, SHPO and FEMA immediately. FEMA would then notify the Delaware Tribe of Indians, the St. Regis Mohawk Tribe, Oneida Indian Nation, and the Stockbridge Munsee Band of Mohicans. The Subgrantee must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery. Work may not resume at or around the delineated archaeological deposit until the Subgrantee is notified by DHSES.
 8. The disconnection of any water supply or sanitary sewer connection shall be coordinated with the Delaware County Health Department, the New York State Department of Health, and/or the Village of Sidney.
 9. The project area serves as potential summer roosting habitat for the threatened Northern long-eared bat (*Myotis septentrionalis*). The following conditions shall apply:
 - a. Avoid cutting or destroying trees within 150 feet of known, occupied maternity roost trees during the pup season (June 1-July 31) for the Northern long-eared bat;
 - b. Any bat colonies observed in structures to be demolished shall be reported to FEMA, HUD & USFWS. If bats (of any species) are using a structure (e.g., residences, barns or other outbuildings) as a roost, demolition of the structure will be performed outside of the June 1-July 31 bat pup season, unless there are human health or safety concerns associated with the structure; and
 - c. Limit removal of existing vegetation, such as woody shrubs and trees, to conserve habitat for bats, migratory birds and other wildlife.
 10. To minimize impact to bird nests, woody vegetation removal shall be scheduled outside of March 15 to July 31, if practicable.
 11. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
 12. Any woody tree and shrub material to be removed for the Proposed Action is required to be chipped on site to chips of less than one inch in two dimensions or must not be transported whole outside the community. In order to comply with EO 13112 Invasive Species, the Subgrantee is referred to the NYSDEC website (<http://www.dec.ny.gov/animals/47761.html>), Federal regulations at 7 CFR Part 301 (<http://www.gpo.gov/fdsys/granule/CFR-2011-title7-vol5/CFR-2011-title7-vol5-part301>) and state regulations at 1 NYCRR Part 141 (http://www.agriculture.ny.gov/PI/eab/Part_141.pdf) for guidance and updates to the regulations.

13. It is recommended that the Subgrantee restore disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil areas be planted with native plant material, as soon as practicable after exposure, to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the Proposed Action site:

- <http://plants.usda.gov/java/>
- www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
- www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml

7.0 Public Involvement

In accordance with NEPA, an Environmental Assessment (EA) will be released for a 15-day public review and comment period. Availability of the document for comment will be advertised in the *Daily Star*. A hard copy of the EA will be made available for review at the Civic Center Building, 21 Liberty St # 1, Sidney, NY 13838. An electronic copy of the EA is available for download from the FEMA website at <http://www.fema.gov/resource-document-library> and the GOSR website at <http://stormrecovery.ny.gov/environmental-docs>. The public was invited to submit written comments by mail to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; by email to NYSCDBG_DR_ER@nyshr.org; or by telephone at (518) 473-0015, Monday through Friday, 9:00 a.m. to 5:00 p.m. During the public review and comment period, the following comments were received:

[REDACTED]

This EA reflects the evaluation and assessment of the federal government, the decision-maker for the federal action. The NEPA evaluation resulted in the identification of no unmitigated significant impacts to the human environment. Obtaining and implementing permit requirements along with appropriate best management practices would avoid or minimize potential adverse effects of the Proposed Action to below the level of a significant impact. FEMA will be signing a Finding of No Significant Impact for the Proposed Action on [REDACTED].

Copies of the EA will be sent to:

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The following parties received notices of the EA's availability for comment:

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412 State Route 37
Akwesasne, NY 13655

8.0 Conclusion

GOSR and FEMA through NEPA, and the Subgrantee through the State Environmental Quality Review Act (SEQRA) have found that the Proposed Action Alternative, which involves the elevation or acquisition and demolition of up to 134 structures in the Village of Sidney, and two structures in Sidney Center, would not significantly adversely impact the human environment. It is estimated that at least 35 and as many as 74 homes in the Village of Sidney would be elevated in place and that approximately 60 homes in the Village of Sidney and two homes in Sidney Center would be acquired and demolished. The estimated numbers of homes to be elevated or acquired and demolished are preliminary and may be subject to change. During construction associated with elevation or demolition of homes, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated. Short-term impacts would be mitigated utilizing BMPs, such as silt fences, proper equipment maintenance, and appropriate signage. Environmental impacts of elevation or demolition activities would also be minimized per adherence to the required Stormwater Pollution Prevention Plan (SWPPP) and conditions of issued permits. In the event that contamination is encountered during construction, it would be handled and disposed of properly and in compliance with applicable regulations. Adverse effects

to cultural resources are to be mitigated in accordance with the requirements set forth in the Programmatic Agreement (Appendix E).

9.0 List of Preparers

GOSR, 99 Washington Avenue, Suite 1224, Albany New York 12231

FEMA Region II, 26 Federal Plaza, New York, New York 10278

AKRF, Inc., 34 South Broadway, Suite 401, White Plains, New York 10601

10.0 References

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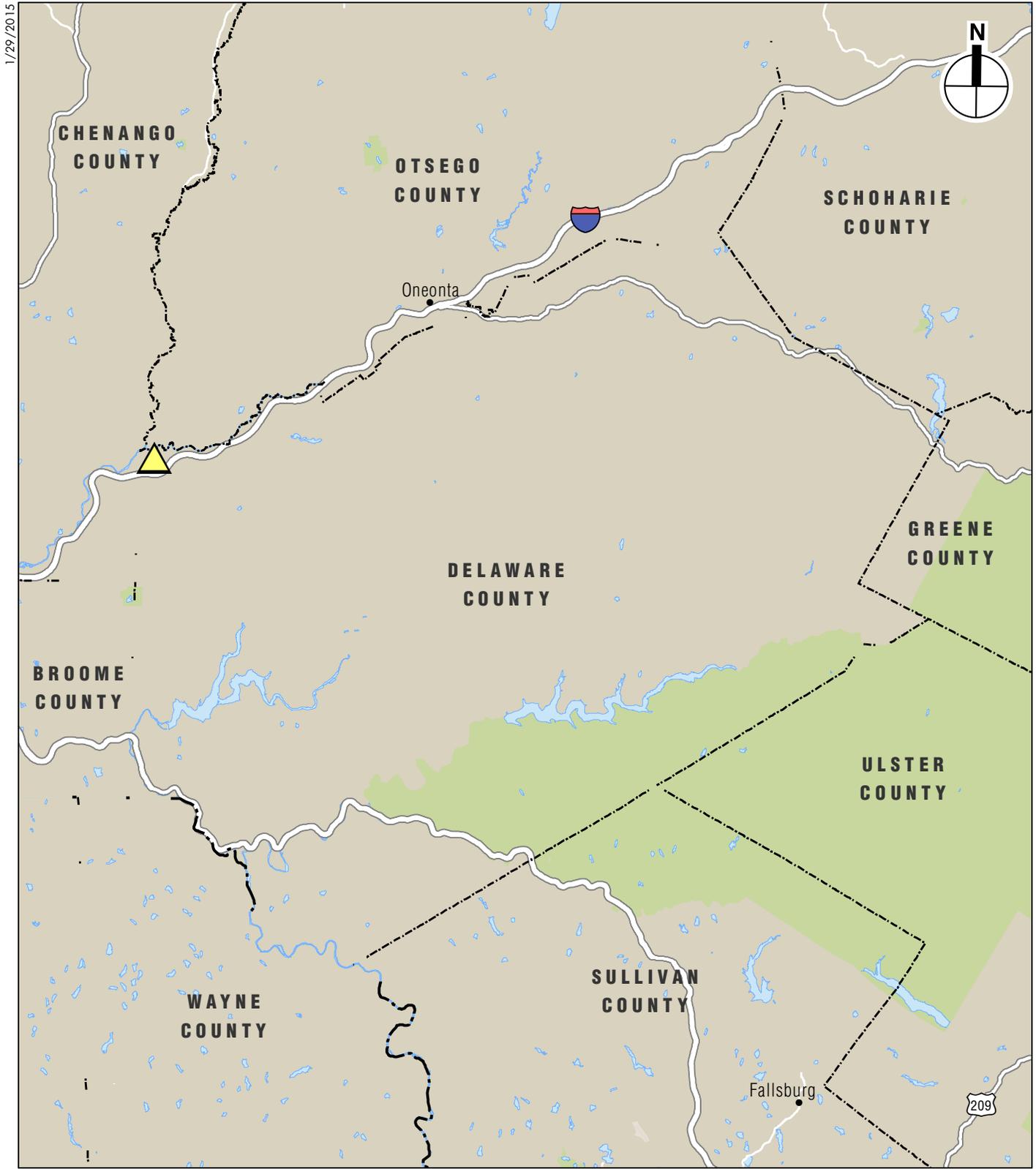
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Appendices

Appendix A

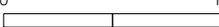
Project Figures, Maps, and Plans



1/29/2015

 Project Location

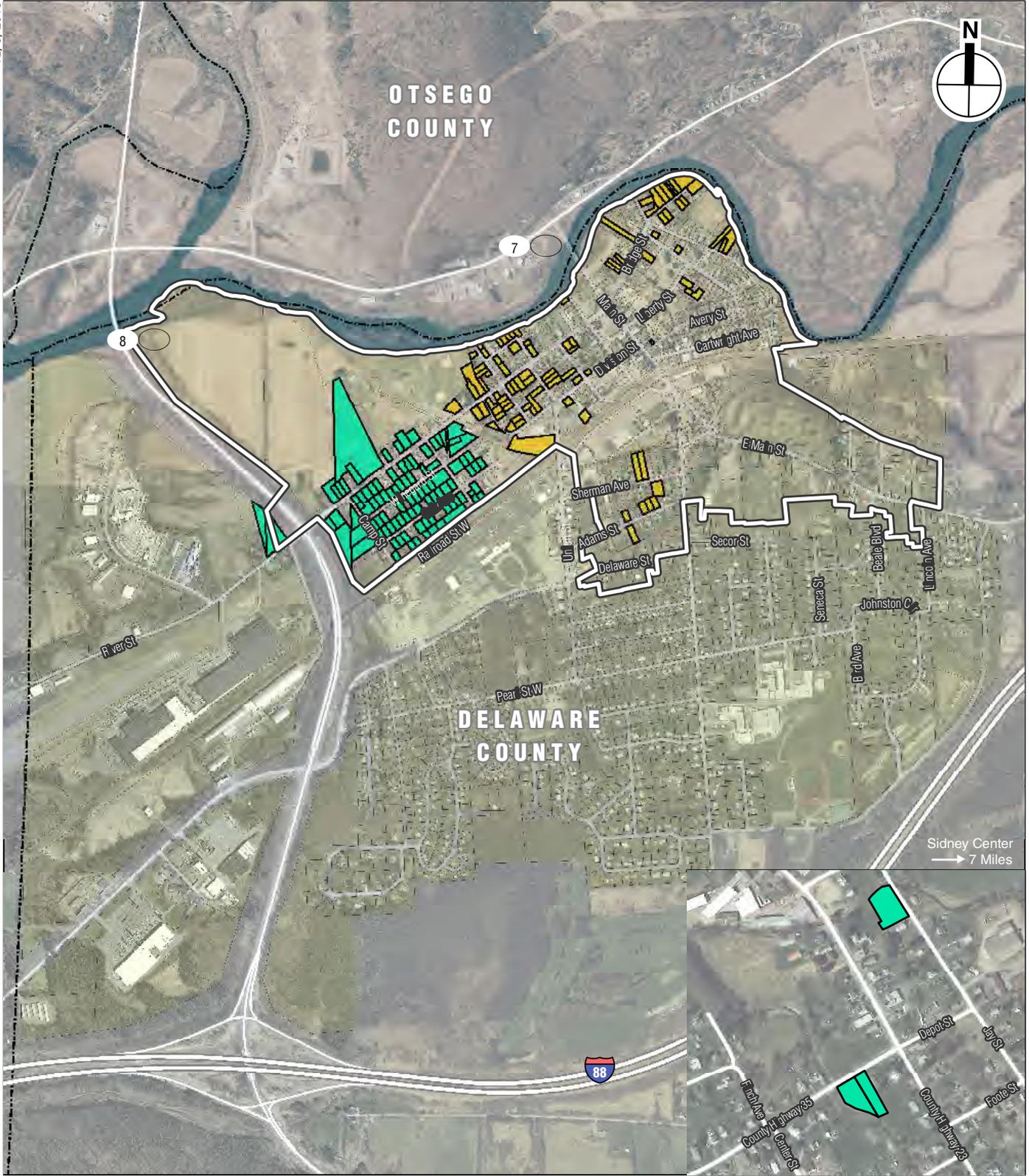
0 10 MILES





OTSEGO COUNTY

DELAWARE COUNTY



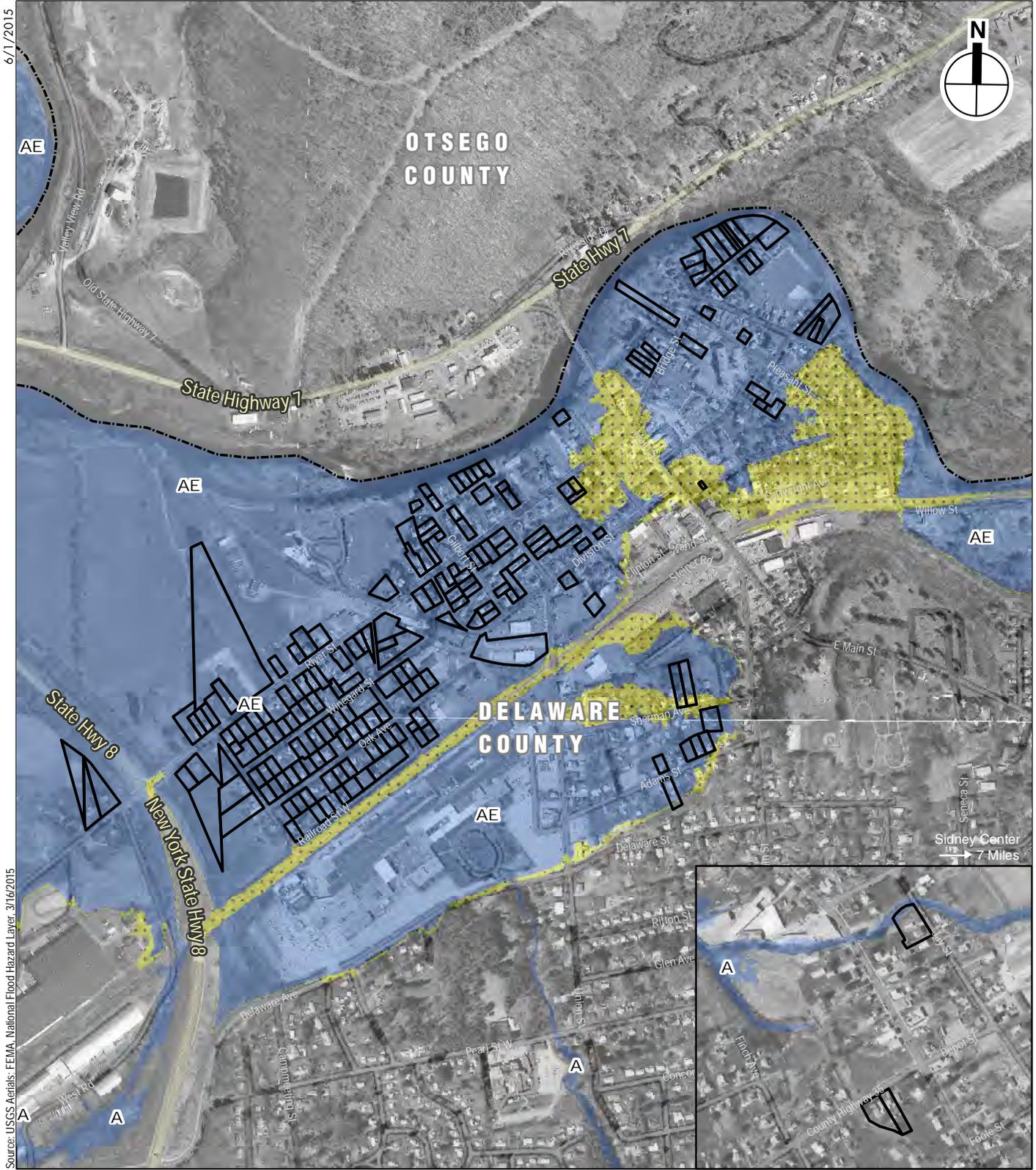
- Potential Acquisition and Demolition Properties
- Potential Elevation or Acquisition and Demolition Properties
- Sidney Historic District Boundary

0 1,000 Feet

Sidney Center
→ 7 Miles

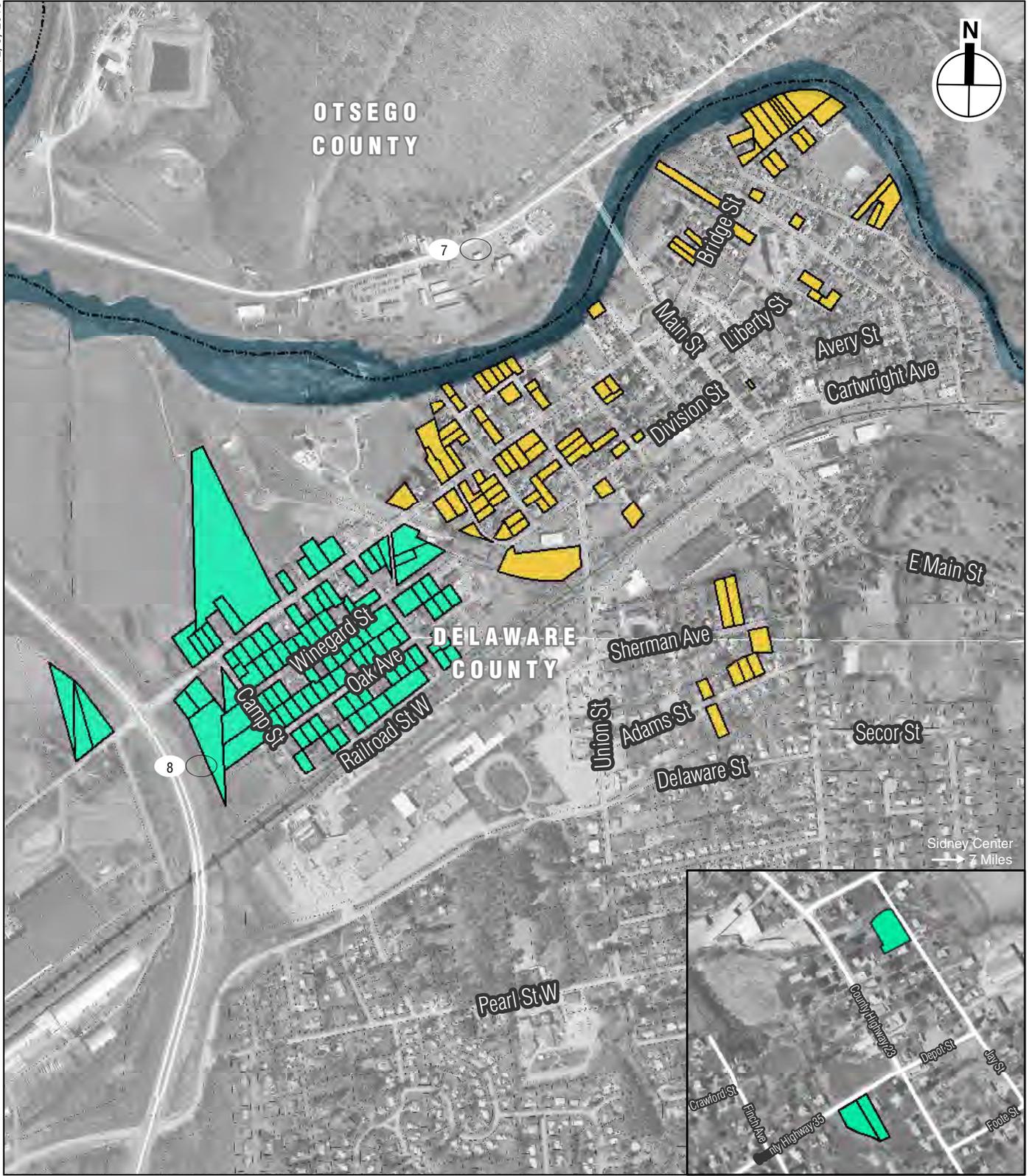


6/1/2015



-  HMGP Ongoing Acquisition, Global Match, and Proposed Elevation Properties
-  100-Year Floodplain
-  500-Year Floodplain

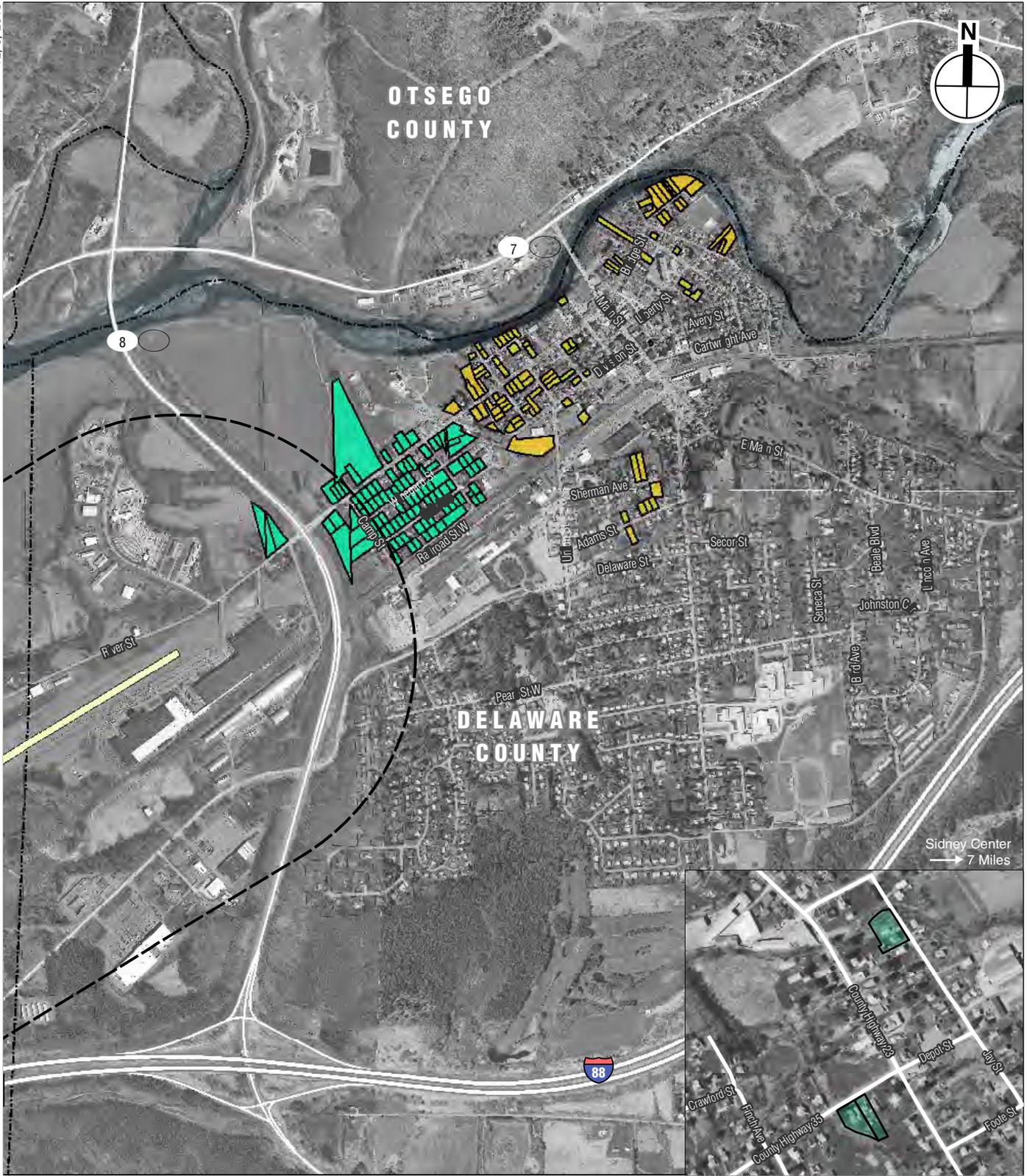
0 1,000 Feet



- Potential Acquisition and Demolition Properties
- Potential Elevation or Acquisition and Demolition Properties

0 1,000 Feet

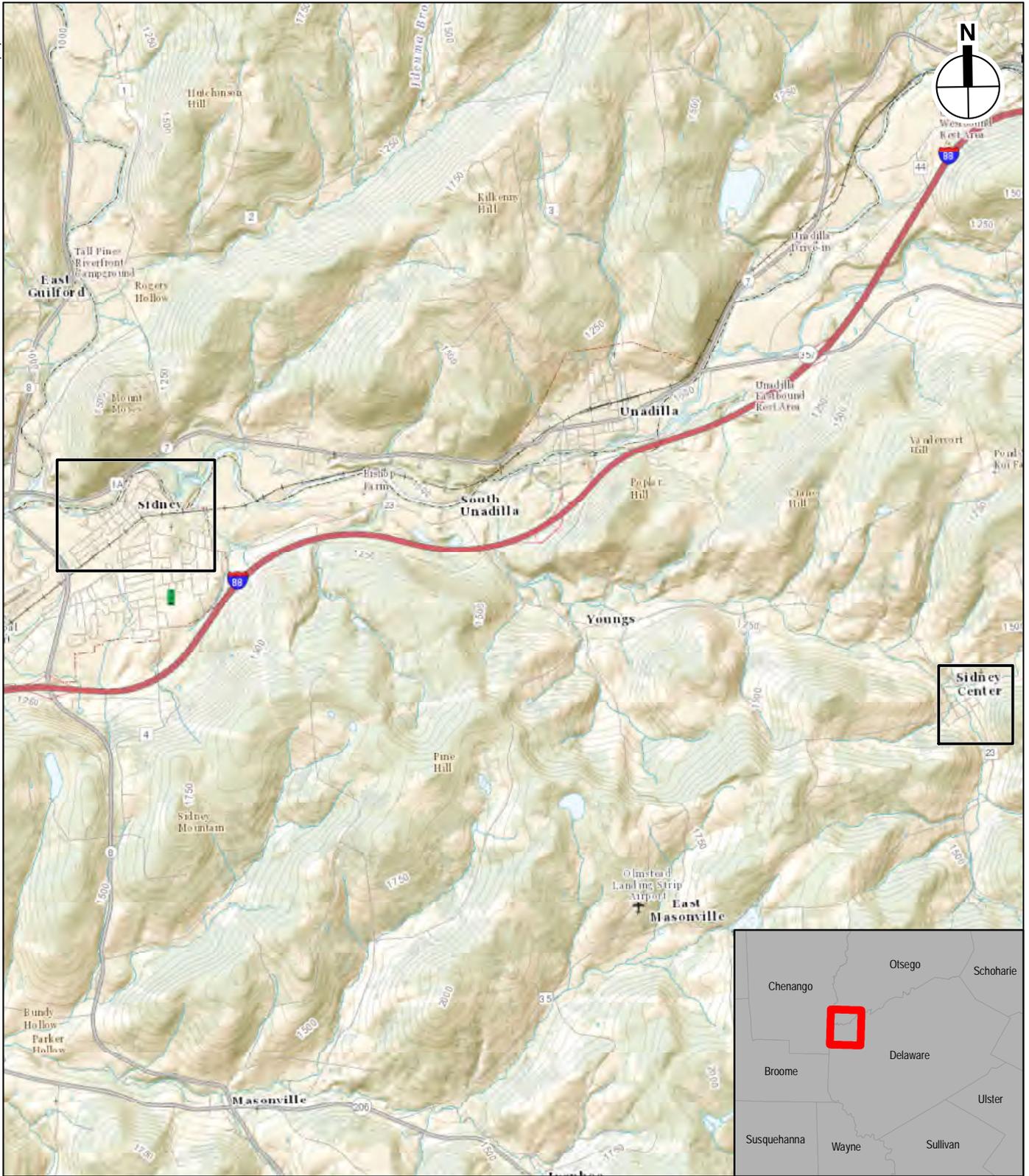
Proposed Action Alternative
 Approximate Boundaries of Proposed
 Elevation/Acquisition & Demolition



- Potential Acquisition and Demolition Properties
- Potential Elevation or Acquisition and Demolition Properties
- Sidney Municipal Airport Runway
- 2,500-ft Runway Clearance Zone

0 1,000 Feet

6/1/2015



 Project Locations

0 1 MILES

USGS 7.5 Minute Topographic Map
Sidney and Unadilla Quads

Appendix B Correspondence

U.S. Fish & Wildlife Service



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 1, 2015

Ms. Patricia Cole
Deputy Field Supervisor
U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045

Re: Joint NYS GOSR and FEMA Informal Consultation (ESA/MBTA/BGEPA/NEPA)
CDBG & HMGP 4020-DR-NY #0067
Acquisition and Demolition of 136 residential structures
Village of Sidney and Sidney Center (Town of Sidney), Delaware County, NY

Dear Ms. Cole:

The New York State Governor's Office of Storm Recovery (GOSR), as a Housing & Urban Development (HUD) Responsible Entity, and Department of Homeland Security-Federal Emergency Management Agency (FEMA) are proposing to provide Community Development Block Grant (CDBG) and Hazard Mitigation Grant Program (HMGP) financial assistance, respectively, to Delaware County for buyout of flood-prone homes as a flood damage risk reduction project. GOSR is acting as HUD's non-federal representative for the purposes of conducting consultation pursuant to Section 7 of the Endangered Species Act. New York State Department of Homeland Security and Emergency Services is the Grantee and the County is the Subgrantee for the FEMA HMGP funding. Jointly, GOSR and FEMA are initiating unified informal consultation with your office concerning the proposed action in accordance with the following laws: Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), Migratory Bird Treaty Act of 1918 (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act of 1940 (BGEPA) (54 Stat. 240, as amended; 16 U.S.C. 668-668c). Additionally, as GOSR and FEMA plan to prepare an Environmental Assessment to evaluate the proposed action, U.S. Fish & Wildlife Service (USFWS) comments on the proposed action are also welcomed in accordance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*).

Proposed Project & Existing Conditions Description

The scope of work for this project includes the acquisition and demolition of 136 private residences: 134 residential properties in the northern section of the Village of Sidney, and two in Sidney Center (Town of Sidney) along County Rt. 35. Several vacant properties will also be acquired. Outbuildings (including barns, garages, sheds, etc.) and other improvements would also be demolished, and the land would be reserved for open-space uses. The scope of work does not specifically include tree or shrub removal; however, minimal incidental removal of

woody vegetation may be necessary for equipment access or as a result of the vegetation's close proximity to the foundation of the structure to be demolished. Clean fill from a permitted source or commercial supplier would be used for infill of foundations. The project locations consist of village-and hamlet-density residential development and typical residential landscaped habitat. Please see attached maps and address list for locations of individual buildings.

Assessment & Conservation Measures

ESA –According to the USFWS Information, Planning and Conservation System (IPaC) website, accessed 3/10/15, Dwarf Wedgemussel (*Alasmidonta heterodon*) and Northern Long-eared bat (*Myotis septentrionalis*) may be found within the project vicinity. There are currently no known maternity roost trees or hibernacula known to be occupied by Northern Long-Eared Bats within ¼-mile of the project locations' boundaries. However, the proposed project area serves as potential summer roosting habitat for the Northern long-eared bat. Pursuant to Section 7 of ESA, GOSR & FEMA found that the project will have no effect on the endangered Dwarf Wedgemussel, as no habitat for this species is within the residential/urban project area. The action involves no in-stream work and no discharge to streams.

As previously discussed, the scope of work does not specifically include tree removal. The scope of work does include removal of housing structures that may be vacant and could become viable habitat for bats. As it is anticipated that the Northern Long-eared bat will be potentially be federally listed in April of 2015 as threatened or endangered, our agencies request to advance an informal Section 7 consultation with a finding of may affect, but not likely to adversely affect the bat because: (1) the project area contains no known northern long-eared bat roosts (tree or house); (2) the project area is urban and does not include forest, but individual trees that would generally not be considered suitable northern long-eared bat habitat; and (3) the proposed project does not involve tree removal. In addition GOSR and FEMA will adhere to the following conservation measures:

- 1) Should tree removal be necessary during demolition activities, crews will avoid cutting or destroying trees during the pup season (June 1-July 31) for the Northern long-eared bat. This will further reduce the already minimal likelihood of impacting Northern Long-Eared bats;
- 2) Any bat colonies observed in structures to be demolished shall be reported to FEMA, HUD & USFWS. If bats (of any species) are using a structure (e.g., residences, barns or other outbuildings) as a roost, demolition of the structure will be performed outside of the June 1- July 31 bat pup season, unless there are human health or safety concerns associated with the structure.
- 3) Limit removal of existing vegetation, such as woody shrubs and trees, to conserve habitat for bats, migratory birds and other wildlife.

MBTA – The project takes place within the Atlantic Flyway. GOSR and FEMA determined that the project would have no significant adverse impact on migratory birds or their habitat. It is anticipated that passerine birds would temporarily leave the area during demolition due to noise and disturbance. There is a small likelihood that a nest in a structure to be demolished or in vegetation to be incidentally removed could be disturbed; however, the residential backyard habitat is not sensitive priority habitat. The conversion of the properties to deed-restricted open space would provide long-term benefits for migratory bird habitat. It will be recommended that required woody vegetation removal be scheduled outside the March 15-July 31st window if practicable to minimize impact to bird nests. As discussed above as conservation measure #3, removal of site vegetation will be limited.

BGEPA - Bald Eagle (*Haliaeetus leucocephalus*) habitat and breeding sites have been found within 1.5 miles of the project location in neighboring Chenango County, and both can be found throughout Delaware County; however, the backyard habitats of the project area do not provide habitat for the eagle and vegetation removal is anticipated to be minimal. GOSR and FEMA determined that the proposed action would have no impact on the Bald Eagle.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

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

Thomas J. King, Esq.
Certifying Officer, NYS Homes
and Community Renewal

Attachments:

- Attachment 1 – Maps from IPaC reports with project extents listed
- Attachment 2 – Address List
- Attachment 3 – Project Location and Site Maps

Cc:

- Ilene Wagner, FEMA Region 2
- Jeffrey D'Agostino, HUD Region 2
- Shelly Johnson, Delaware County Planning



Trust Resources List

Project Location Map:



Project Counties:

Delaware, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-75.2563365 42.2897082, -75.2566829 42.2896216, -75.2568008 42.2896609, -75.25716 42.2899681, -75.2567264 42.2901692, -75.2563365 42.2897082)))

Project Type:

Federal Grant / Loan Related



Trust Resources List

Project Location Map:



Project Counties:

Delaware, NY | Otsego, NY

Geographic coordinates (Open Geospatial Consortium Well-Known Text, NAD83):

MULTIPOLYGON (((-75.3940082 42.3080392, -75.394682 42.3115429, -75.4017566 42.3076345, -75.4028724 42.3100148, -75.40325 42.3114969, -75.4023509 42.3122712, -75.3960445 42.3154732, -75.3942442 42.3164887, -75.3932572 42.3178532, -75.3926177 42.3190352, -75.3914977 42.3195033, -75.3903625 42.3198682, -75.3889463 42.3196746, -75.3877576 42.3184767, -75.3870774 42.3171551, -75.3857062 42.3158191, -75.3858328 42.3144863, -75.3904248 42.3139182, -75.3897381 42.3132518, -75.3894699 42.3096292, -75.3940082 42.3080392)))

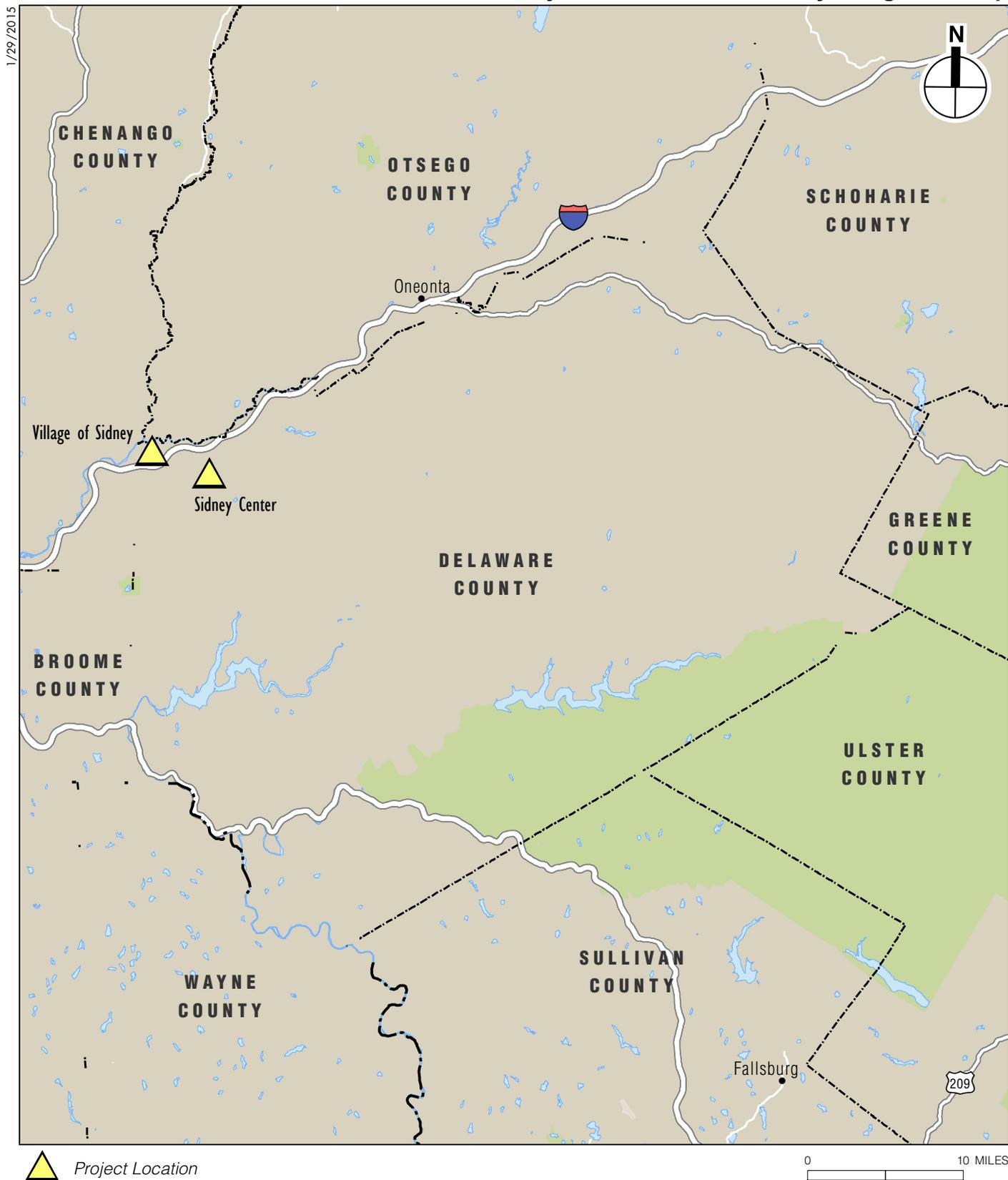
Table 1
Acquisition/Demolition Properties in
Sidney, Delaware County, NY

No.	Property Address	Tax ID
1	10 Adams	115.16-11-20
2	15 Adams	115.16-10-10
3	13 Bridge	115.12-2-8
4	15 Bridge	115.12-2-7
5	19 Bridge	115.12-2-5
6	28 Bridge	115.12-2-5
7	33 Bridge	115.8-1-3
8	44 Bridge	115.8-2-4
9	48 Bridge	115.8-2-2
10	10 Camp	115.15-2-11
11	11 Camp	115.15-4-27
12	19 Camp	115.15-7-29
13	1 Clinton	115.12-15-19
14	8 Clinton	115.15-3-17
15	11 Clinton	115.12-15-14
16	12 Clinton	115.12-16-10
17	8 Colegrove	115.15-3-17
18	12 Colegrove	115.15-4-14
19	19 Colegrove	115.15-6-12
20	21 Colegrove	115.15-6-11
21	23 Colegrove	115.15-6-10
22	34 Division	115.11-5-11
23	36 Division	115.11-5-12
24	3 Dunham	115.11-7-10
25	4 Gilbert	115.11-2-6
26	5 Gilbert	115.11-3-2
27	12 Gilbert	115.11-2-9
28	18 Gilbert	115.11-6-5
29	19 Gilbert	115.11-5-14
30	20 Gilbert	115.11-6-6
31	22 Gilbert	115.11-6-7
32	28 Gilbert	115.11-6-10
33	30 Gilbert	115.11-6-11
34	2 Grand	115.12-1-5
35	26 Liberty	115.12-5-16
36	3 Maple	115.8-2-11
37	4 Maple	115.8-2-38
38	6 Maple	115.8-2-37
39	7 Maple	115.8-2-8
40	11 Maple	115.8-2-10
41	13 Maple	115.8-2-11
42	15 Maple	115.8-2-12
43	1 New	115.12-5-14
44	4 Oak	115.15-5-9
45	6 Oak	115.15-5-10

46	8 Oak	115.15-5-11
47	13 Oak	115.15-7-13
48	18 Oak	115.15-4-15
49	20 Oak	115.15-4-16
50	22 Oak	115.15-4-17
51	23 Oak	115.15-7-8
52	25 Oak	115.15-7-7
53	28 Oak	115.15-4-20
54	33 Oak	115.15-7-3
55	34 Oak	115.15-4-23
56	35 Oak	115.15-7-2
57	40 Oak	115.15-4-26
58	Off Oak	115.15-2-2
59	3 Patterson	115.11-6-16
60	4 Patterson	115.11-7-7
61	5 Patterson	115.11-6-15
62	1A Pleasant	115.12-3-3
63	13 Pleasant	115.12-3-12
64	21 River	115.1-15-2
65	23 River	115.12-15-1
66	36 River	115.11-3-14
67	39 River	115.11-5-3
68	41 River	115.11-5-2
69	43 River	115.11-5-1
70	47 River	115.11-11-6-3
71	48 River	115.11-4-12
72	51 River	115.11-6-1
73	53 River	115.11-7-5
74	62 River	115.11-2-4
75	64 River	115.11-2-15
76	65 River	115.11-8-3
77	67 River	115.11-8-2
78	69 River	115.11-8-1
79	70 River	115.11-2-18
80	71-73 River	115.15-3-15
81	79 River	115.15-3-12
82	81 River	115.15-3-11
83	82 River	115.11-2-21
84	83 River	115.15-3-10
85	84 River	115.11-2-22
86	86-88 River	115.11-2-23
87	87 River	115.15-3-8
88	94 River	115.11-2-25
89	97 River	115.11-2-33
90	99-100 River	115.15-3-3
91	103 River	115.15-3-2
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94	106 River	115.11-2-30.1
95	110 River	115.11-2-32

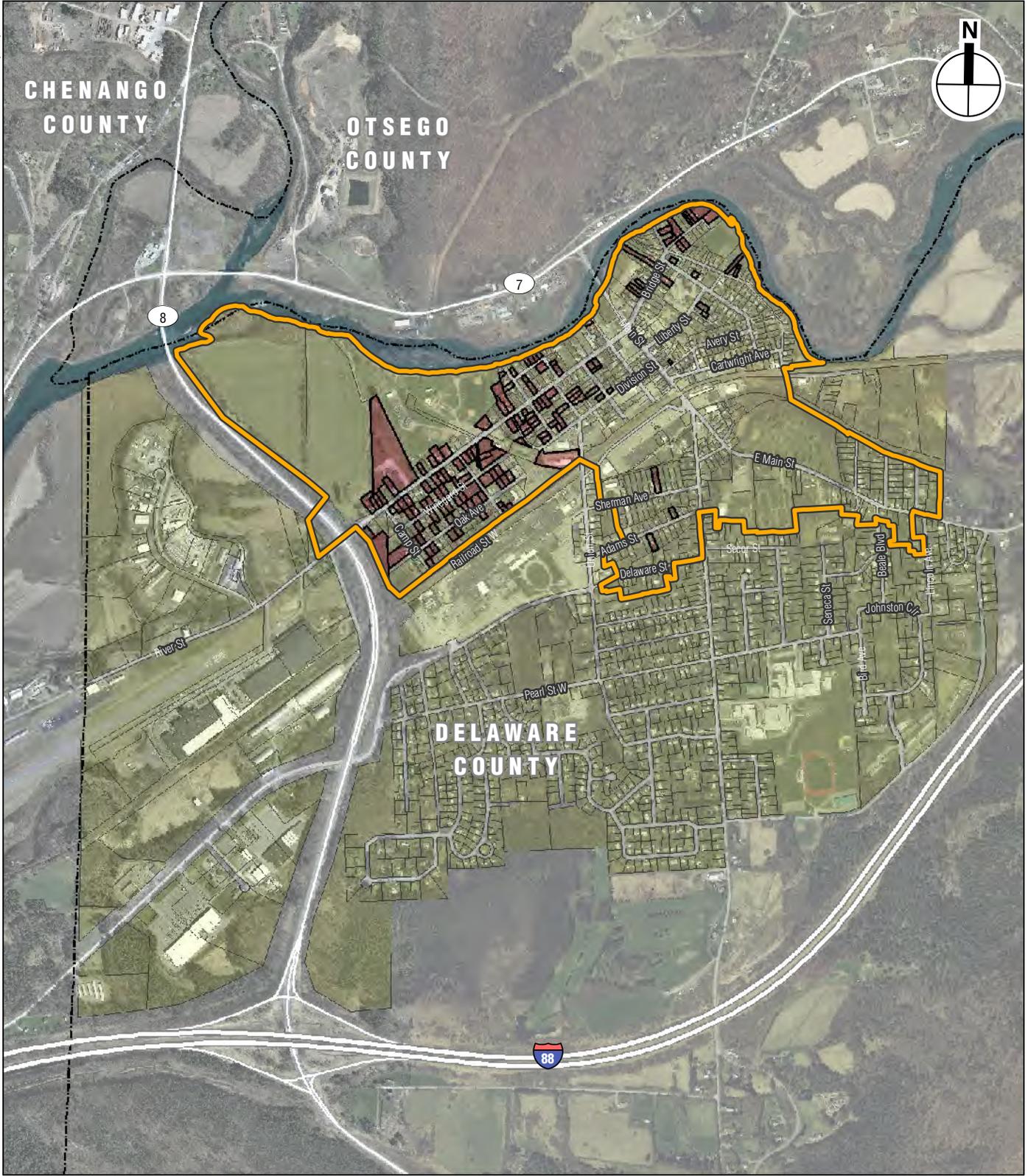
96	112 River	115.11-2-33
97	113 River	115.15-2-3
98	114 River	115.11-2-34
99	116 River	115.11-2-35
100	12 Sherman	115.16-1-15
101	5 Smith	115.12-5-44
102	2 Union	115.11-4-6
103	4 Union	115.11-5-4
104	5 Union	115.11-3-15
105	9 Union	115.12-16-19
106	10 Union	115.11-5-7
107	11 Union	115.12-16-18
108	13 Union	115.12-16-17
109	22 Union	115.11-7-8.1
110	8 Weir	115.11-3-8
111	9 Weir	115.11-4-2
112	10 Weir	115.11-3-7
113	12-14 Weir	115.11-3-6
114	16-18 Weir	115.11-3-5
115	21 Willow	115.8-2-17
116	25 Willow	115.8-2-23
117	7 Winegard	115.15-4-13
118	9 Winegard	115.15-5-2
119	10 Winegard	115.11-7-9
120	11 Winegard	115.15-5-1
121	16 Winegard	115.15-3-18
122	17 Winegard	115.15-4-13
123	22 Winegard	115.15-3-21
124	23 Winegard	115.15-4-11
125	23 Winegard (Vacant)	115.15-4-12
126	24 Winegard	115.15-3-22
127	27 Winegard	115.15-4-8
128	28 Winegard	115.15-3-24
129	29 Winegard	115.15-4-9
130	30 Winegard	115.15-3-25
131	33 Winegard	115.15-4-6
132	34 Winegard	115.15-3-27
133	36 Winegard	115.15-3-28
134	39 Winegard	115.15-4-3
135	6726 Cty Hwy 35	141.4-2-5
136	6736 Cty Hwy 35	141.4-2-6
Source: Delaware County HMGP Application		

Attachment 3 – Project Locations and Sidney Village Site Map



 Project Location

0 10 MILES



- Sidney Tax Parcels
- Acquisition/Demolition Parcels
- Sidney Historic District Boundary

0 1,000 Feet



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045



April 3, 2015

Mr. Thomas J. King, Esq.
Certifying Officer, NYS Homes and Community Renewal
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12231

Dear Mr. King:

This responds to your April 1, 2015, letter regarding the proposed acquisition and demolition of 136 residential structures located in the Village of Sidney and Sidney Center, Delaware County, New York. We understand the U.S. Department of Housing and Urban Development (HUD) and Federal Emergency Management Agency (FEMA) may provide funding for this project.

As you are aware, federal agencies have responsibilities under Section 7 of the ESA to consult with the U.S. Fish and Wildlife Service (Service) regarding projects that may affect federally-listed species or designated critical habitat and confer with the Service regarding projects that are likely to jeopardize federally-proposed species and/or adversely modify proposed critical habitat. We understand that HUD has designated the Governor's Office of Storm Recovery as their non-federal representative for the purposes of completing informal consultation pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

On behalf of HUD, the Governor's Office has determined that the proposed project will have "no effect" on the federally-listed endangered dwarf wedgemussel (*Alasmodonta heterodon*) as there is no suitable habitat for this species in the project action area. The Service acknowledges your determinations and has no further comments on this species.

The Governor's Office also determined the proposed project may affect, but is not likely to adversely affect, the federally-listed threatened (effective May 4, 2015) northern long-eared bat (*Myotis septentrionalis*). Based on the project location (unlikely suitable habitat), and project description, we concur with your determination.

No further coordination or consultation under the ESA is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical

habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.*

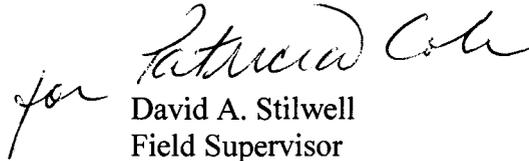
In addition to the above-mentioned determination, the Governor's Office has also determined that the project will result in no effects to the bald eagle (*Haliaeetus leucocephalus*). As you are aware, bald eagles have been delisted pursuant to the ESA, but remain protected under the Migratory Bird Treaty Act (MBTA) (40 Stat. 755; 16 U.S.C. 703-712), the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended; 16 U.S.C. 668 *et seq.*), and by the state of New York. If eagles are found within the project area, the Service recommends that the project sponsor follow the Bald Eagle Management Guidelines found on our website.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the ESA, MBTA, and BGEPA. This response does not preclude additional Service comments under other legislation.

Any additional information regarding the proposed project and its potential to impact listed species should be coordinated with both this office and with the New York State Department of Environmental Conservation.

Thank you for your time. If you require additional information or assistance please contact Robyn Niver at 607-753-9334. Future correspondence with us on this project should reference project file 150605.

Sincerely,

for Patricia Cole
David A. Stilwell
Field Supervisor

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

cc: NYSDEC, Stamford, NY (Env. Permits)



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

Ms. Patricia Cole
U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045

November 20, 2015

Re: USFWS Project File No. 150605
Joint NYS GOSR and FEMA Informal Consultation
Elevation, Acquisition, and Demolition of Residences
Village of Sidney and Sidney Center (Town of Sidney), Delaware County, NY

Dear Ms. Cole:

This letter is intended as a follow-up to our previous correspondence in April 2015. Since our previous contact, the proposed project referenced above is being considered for amendment to include elevation of some homes, rather than solely acquisition and demolition. Though exact numbers for homes to be elevated versus acquired and demolished have not yet been determined, it is estimated for the purpose of environmental review that approximately 74 homes would be elevated and 62 homes would be acquired and demolished. Homes to be elevated would be raised and reconstructed in place. The scope of work for acquired properties has not changed and still includes demolition of all structures and maintenance of the subsequently vacant lots as open space. Similarly, the location and geographic scope of the project has not changed since our previous correspondence.

We trust that the updated project program will not change your previous determinations for this project, including: a determination of no effect on the dwarf wedgemussel (*Alasmidonta heterodon*), a determination that the project is not likely to adversely affect the northern long-eared bat (*Myotis septentrionalis*), and a determination of no effect on the bald eagle (*Haliaeetus leucocephalus*). Please confirm if your previous determinations will vary based upon the proposal to change some of the proposed demolitions to proposed elevations within 15 days; if we do not hear from you within that time frame we will assume that you have no objection to this change.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

Thomas J. King, Esq.
Certifying Officer, NYS Homes and Community Renewal

**National Oceanographic & Atmospheric
Administration**

National Marine Fisheries Service



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

APR 16 2014

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

Re: CDBG-DR Programmatic Consultation

Dear Ms. Spitzberg,

We received your letter dated April 1, 2014 regarding the program update and introduction of the NY Rising and NYC Build It Back Acquisition for Redevelopment Program. As we understand these activities, they are upland activities that will occur above the high water mark and do not involve work in waterways. We also understand that appropriate best management practices will be required by other permits and employed to avoid any discharge into waterways and wetlands during any work.

While there are Endangered Species Act (ESA) listed species under National Marine Fisheries Service (NMFS) jurisdiction in New York, all of these species are aquatic and limited to oceans and rivers. Activities not affecting waterways or wetlands do not appear to have the potential to impact NMFS listed species and their habitats. ESA Section 7 consultation is required when a proposed Federal action may affect a listed species. Because no NMFS listed species will be exposed to any effects of the proposed activities for the NY Rising and NYC Build It Back Acquisition for Redevelopment Program, no further coordination regarding endangered species is necessary. Additionally, no consultation or coordination pursuant to the Fish and Wildlife Protection Act or the Essential Fish Habitat provisions of the Magnuson-Stevens Act regarding impacts is necessary.

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



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

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

Essential Fish Habitat

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

Conclusion

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

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

Sincerely,



Mary A. Colligan
Assistant Regional Administrator
for Protected Resources

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

Advisory Council on Historic Preservation



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Interim Executive Director

July 8, 2015

Ms. Jaime Loichinger
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

RE: Notice of Intent to Enter into a Secondary Programmatic Agreement

Dear Ms. Loichinger:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA), are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). See Attachment 1. The Governor's Office of Storm Recovery (GOSR) is an office of the HCR's Housing Trust Fund Corporation that is charged with administering New York State's Community Development Block Grant for Disaster Recovery (CDBG-DR) grant. As such, GOSR is acting as the "responsible entity," as that term is defined by 24 C.F.R. Section 58.2(a)(7)(i), tasked with assuring compliance with environmental laws including Section 106 of the National Historic Preservation Act ("NHPA" 16 USC § 470f).

Pursuant to Section 106 of the NHPA, GOSR and FEMA consulted with the State Historic Preservation Officer (SHPO) which resulted in the following effect determinations: (1) for standing structures (Adverse Effect); and for below-ground resources (No Adverse Effect to Historic Properties with Conditions).¹ The Undertaking was originally set for processing under Stipulation II.D.6.b (Memorandum of Agreement) of the New York Statewide Programmatic Agreement executed on November 24, 2014, which HCR executed and adopted on January 23, 2015. Since that time, GOSR and FEMA have determined to resolve the Adverse Effects under Stipulation II.D.6.c (Secondary Programmatic Agreement).

¹ HCR and FEMA submitted this determination to SHPO on February 25, 2015. SHPO concurrence with this determination was received on March 10, 2015.

In furtherance of the Undertaking, GOSR and FEMA are proposing the creation and execution of a Secondary Programmatic Agreement. The Secondary Programmatic Agreement will be designed to accommodate the Undertaking as it is currently conceived, as well as potential future acquisitions and demolitions or relocations or elevations within or directly adjacent to the Sidney Historic District through the application of standard treatment measures such as photo documentation and salvage of architectural components of historic significance, as well as expedited design review.

A Secondary Programmatic Agreement is appropriate in this circumstance as additional homeowners within or directly adjacent to the Sidney Historic District will likely express interest in selling their homes in the future and/or the Undertaking may be amended to incorporate different property addresses; e.g., FEMA previously executed a Memorandum of Agreement on February 27th, 2014, between the SHPO, the New York State Division of Homeland Security and Emergency Services, and Delaware County using funds under FEMA's HMGP to elevate one property and acquire and demolish twenty-five residential properties in the Village of Sidney, which were damaged as a result of flooding that occurred during Hurricane Irene and Tropical Storm Lee. Rather than repeatedly executing Memoranda of Agreement, a Secondary Programmatic Agreement would provide a more efficient approach to addressing the Adverse Effects associated with demolishing structures within a historic district. In addition, should the Undertaking be amended or a separate Undertaking be pursued in the future, this Secondary Programmatic Agreement will establish a process for expedite design review and procedures in compliance with Section 106 of the NHPA.

To assure that cultural resources that may exist below ground in the vicinity of the proposed site are not disturbed, GOSR, in cooperation with FEMA and the SHPO, has developed a Low Impact Debris Removal Stipulation (LIDRS) that will be incorporated into the Secondary Programmatic Agreement. A draft copy of these LIDRS is attached to this letter as Attachment 2.

FEMA and GOSR have notified the following parties of the Adverse Effect and have sent letters communicating the intent to create and execute a Secondary Programmatic Agreement: the Delaware Tribe of Indians, the Delaware Nation, the Oneida Indian Nation, the Stockbridge-Munsee Community Band of the Mohicans, the Saint Regis Mohawk Tribe, the Town of Sidney Historian, the Sidney Historical Association, the Preservation League of New York State, the Delaware County Historical Association, and the Delaware County Historian. The Sidney Historical Association and the Oneida Indian Nation have requested to participate in the consultation. The Stockbridge-Munsee Community Band of the Mohicans have declined to participate in the consultation. See Attachment 3.

This letter, pursuant to 36 CFR §800.6(a)(1), is intended to notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect. We have reviewed Appendix A to Part 800, the Criteria for Council Involvement in Reviewing Individual

Section 106 Cases. The Undertaking does not present important questions of policy or interpretation or present a situation where the outcome will set a precedent affecting the ACHP's policies or program goals. The Area of Potential Effects contains no known properties that may have religious and cultural significance to Indian tribes. The potential demolition of 117 contributing properties will have an impact on a locally-significant historic district. GOSR is working with local interested parties to avoid, minimize, and mitigate the Adverse Effect through the Section 106 review process and to address any public controversy related to historic preservation issues. We have enclosed maps, photographs, and documentation required by 36 CFR §800.11(e) in digital format to provide context. See Attachments 1 - 4. It should be noted that these photographs are not be provided in lieu of photo documentation, which will occur at a later date, if required. Please advise GOSR within 15 days of receipt of this letter if the ACHP determines to participate in this consultation as set out in 36 CFR §800.6(a)(1)(ii).

If any questions should arise concerning this matter, please contact me (518) 473-0015 or at Thomas.King@stormrecovery.ny.gov. You may also contact FEMA Historic Preservation Specialist Catherine Dluzak at (212) 680-8825 or at Catherine.Dluzak@fema.dhs.gov.

Sincerely,



Thomas J. King
Certifying Officer
Governor's Office of Storm Recovery

CC:

Ms. Charlene Dwin Vaughn, AICP
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Mary Neustadter, FEMA, R2 (by email)

John Bonafide, New York SHPO (by email)

Attachment 1 – List of Properties and Maps

Attachment 2 – LIDRS

Attachment 3 – Stakeholder Outreach

Attachment 4 – Photos (by e-mail only – print copies available upon request)

**New York State
Department of Environmental Conservation**

New York Natural Heritage Program



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



December 30, 2014

Nicholas Conrad
New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program – Information Services
625 Broadway, 5th Floor
Albany, New York 12233-4757

Re: Program Introduction/Update for the Hazard Mitigation Grant Program (HMGP)/New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) – Sidney Buyout, administered by New York State Department of Homeland Security and Emergency Services (DHSES) in cooperation with the U.S. Federal Emergency Management Agency (FEMA): Natural Heritage Compliance Process Request for the Sidney HMGP Buyout in Delaware County, NY

Dear Mr. Conrad:

The Hazard Mitigation Grant Program (HMGP) acquisition/buyout program, as administered by New York State Department of Homeland Security and Emergency Services (DHSES), in cooperation with the U.S. Federal Emergency Management Agency (FEMA), provides grant funding to municipal grantees to effectuate the acquisition and demolition of substantially damaged residential structures. Delaware County has submitted an HMGP application to DHSES for review and approval.

New York State Homes and Community Renewal (NYSHCR) is acting as the Responsible Entity (RE) under 24 CFR Part 58—Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities.

The purpose of this letter is to provide the New York State Department of Environmental Conservation (DEC) Natural Heritage Program (NYNHP) notice of the Sidney HMGP Buyout and to develop an agreed-upon compliance process so NYSHCR, as the RE, can accurately determine compliance at the NEPA Tier 2 and SEQR reviews.

Program Overview

The implementation of the Sidney HMGP Buyout will encompass numerous properties throughout Sidney in Delaware County, NY. The Federal Action related to this program is the buyout of storm-damaged one- to two-unit residential buildings in specified areas from residents who wish to sell their homes and relocate away from areas prone to repeated storm damage. The State will buy eligible

properties which will then undergo demolition and will be returned to green space for perpetuity. The Housing Trust Fund Corporation would hold title to the property until the property is transferred to another owner, but will retain restrictions on use.

Compliance

Because of the extent of the Sidney HMGP Buyout, it is appropriate to coordinate with NYNHP, so NYSHCR, as the RE, can accurately document compliance. NYSHCR is requesting a letter from NYNHP documenting the potential presence or absence of state or federal endangered, threatened, or rare species that could be affected by the demolition of existing residential buildings as part of the Sidney HMGP Buyout.

We understand from your previous letter to NYSHCR dated September 4, 2013, regarding the NY Rising reconstruction program that the NYNHP database has no records of state or federal endangered, threatened, or rare species which are found in existing residential buildings in NYS. However, NYSHCR understands that if the Sidney HMGP Buyout identifies the potential for actions to clear or disturb land more than 75 feet from the footprint of a building being demolished, then a specific project site screening should be conducted.

NYSHCR is requesting a program comprehensive response letter from NYNHP, covering all actions, that can be included in the Tier 1 Environmental Review Records to document that coordination with NYNHP is being completed, and that program compliance will be completed during Tier 2 site-specific review.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

Thomas J. King, Esq.
Certifying Officer, NYS Homes and
Community Renewal

"[SECOND NAME]"
[TITLE]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

March 24, 2015

Thomas J. King, Esq.
New York State Governor's Office of Storm Recovery
25 Beaver Street
New York, NY 10004

Re: Demolition of 134 residential properties in the Village of Sidney and two in Sidney Center, under FEMA's Hazard Mitigation Grant Program
Town/City: Sidney. County: Delaware.

Dear Thomas J. King, Esq. :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Hellbender (*Cryptobranchus alleghaniensis*, NYS listed as Species of Special Concern) has been documented in the Susquehanna River at Sydney, adjacent to some of the subject demolition properties. If there is any potential disturbance to, or input into, the Susquehanna River from the proposed project, we recommend that potential impacts to this salamander be addressed.

For further consultation regarding the hellbender and this project, please contact Paul Novak, Wildlife Biologist in NYSDEC Region 4, at 1130 North Westcott Rd., Schenectady, NY, 12306-2014, (518) 357-2071, paul.novak@dec.ny.us.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

Mr. Nicholas Conrad
Information Resources Coordinator, New York Natural Heritage Program
New York State Department of Environmental Conservation
625 Broadway, 5th Floor
Albany, NY 12233

November 20, 2015

Re: Natural Heritage Program Compliance for the HMGP Global Match Acquisition
Village of Sidney and Sidney Center (Town of Sidney), Delaware County, NY

Dear Mr. Conrad:

This letter is intended as a follow-up to our previous correspondence in March 2015. Since our previous contact, the proposed project referenced above is being considered for amendment to include elevation of some homes, rather than solely acquisition and demolition. Though exact numbers for homes to be elevated versus acquired and demolished have not yet been determined, it is estimated for the purpose of environmental review that approximately 74 homes would be elevated and 62 homes would be acquired and demolished. Homes to be elevated would be raised and reconstructed in place. The scope of work for acquired properties has not changed and still includes demolition of all structures and maintenance of the subsequently vacant lots as open space. Similarly, the location and geographic scope of the project has not changed since our previous correspondence.

We trust that the updated project program will not change your previous determinations with regards to the project. As before, this consultation is intended as documentation of coordination with the NYNHP as part of the environmental review process. Program compliance will be completed during Tier 2 site-specific review. Please confirm if your previous determination will vary based upon the proposal to change some of the proposed demolitions to proposed elevations within 15 days; if we do not hear from you within that time frame we will assume that you have no objection to this change.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

Thomas J. King, Esq.
Certifying Officer, NYS Homes and Community Renewal

From: dec.sm.NaturalHeritage
Sent: Tuesday, November 24, 2015 12:54 PM
To: King, Thomas J (STORMRECOVERY)
Subject: RE: 2015_11_20_Sidney_DEC NHP Follow-up Letter.pdf

Mr. King,

In regards to the correspondence of March 24, 2015, from this office regarding the demolition of 134 residential properties in the Village of Sidney and two in Sidney Center, under FEMA's Hazard Mitigation Grant Program, Town of Sidney, Delaware County, and the change in project program to now include elevation of some homes rather than demolition: You are correct, the updated project program does not change our previous response with regards to the project.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program
SUNY College of Environmental Science and Forestry
In partnership with NYS Department of Environmental Conservation
625 Broadway
Albany, NY 12233-4757
[\(518\) 402-8944](tel:5184028944)
Nick.Conrad@dec.ny.gov
www.nynhp.org

**New York State
Department of Environmental Conservation
Division of Environmental Permits**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



March 11, 2015

Martha Bellinger
Regional Permit Administrator for Delaware County
New York Department of Environmental Conservation
65561 State Highway 10
Stamford, New York 12167-9503

Re: Air Quality Standards Compliance for the HMGP Global Match Acquisition, Delaware County, NY

Dear Ms. Bellinger:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently preparing an Environmental Assessment (EA) for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (see **Table 1**) (the "Proposed Action") under FEMA's Hazard Mitigation Grant Program (HMGP) (see **Figures 1** and **2**).

The purpose of this letter is to provide the New York Department of Environmental Conservation (DEC) notice of the Proposed Action and to obtain written confirmation from DEC that the proposed activities will be in compliance with Federal and New York State air quality standards.

Program Overview

The Proposed Action would fund the acquisition and demolition of 134 residential properties in the Village of Sidney and two residential properties in Sidney Center. Participation in the Proposed Action is voluntary. Neither Delaware County nor the State will use eminent domain to force any homeowner to sell their property. After acquisition, all structures will be demolished (including walkways, paved driveways, and patios), basements will be filled in, and topsoil will be placed over the sites, which will be re-graded and seeded with minimized ground disturbance. After demolition and site reclamation, the properties will be maintained as open space in accordance with deed restrictions that will prohibit future residential development. All open space compatible uses will be in accordance with FEMA requirements under the HMGP program.

Compliance

Because of the extent of the Proposed Action, it is appropriate to coordinate with DEC, so GOSR, as the RE, can accurately document compliance.

GOSR anticipates that the Proposed Action will conform to the State Implementation Plan because they are not anticipated to:

1. Cause or contribute to a new violation of any existing standard in any area,
2. Increase the frequency or severity of any existing violation of any standard in any area, or
3. Delay timely attainment of any standard or any required interim emission reduction or other milestones in any area.

Mitigation measures such as dust suppression, covering haul loads, street sweeping, vehicle idling reduction, and spill mitigation measures, among others, are examples of Best Management Practices that may be implemented during demolition activities associated with the Proposed Action. GOSR anticipates a Negative Declaration and Finding of No Significant Impact (FONSI) for these actions.

HCR is requesting a program comprehensive response letter from DEC, covering all actions, that can be included in the EA to document coordination with DEC with regard to compliance with Federal and State air quality standards.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,



Thomas J. King, Esq.
Certifying Officer
Governor's Office of Storm Recovery
NYS Homes and Community Renewal

cc: Mary Neustadter, Deputy Environmental Liaison Officer, FEMA Region 2

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
65561 State Highway 10, Suite 1, Stamford, NY 12167-9503
P: (607) 652-7741 | F: (607) 652-3672
www.dec.ny.gov

April 8, 2015

Thomas J. King, Esq.
Governor's Office of Storm Recovery
NYS Homes and Community Renewal
25 Beaver Street
New York, NY 10004

Re: Air Quality Standards Compliance
HMGP Global Match Acquisition
Village of Sidney & Sidney Center
(T) Sidney, Delaware County

Dear Mr. King:

NYSDEC staff from Region 4 have conducted a review of the above referenced document dated March 11, 2015 from your office in regard to compliance with air quality standards. The project is the demolition of 134 residential property in the Village of Sidney and two residential properties in Sidney Center.

Region 4 Division of Air staff have advised that any emissions associated with construction equipment are considered trivial as described in 201-3.3 (c)(10) and (11). Part 211 general nuisance regulations apply to any dust generated by the proposed activities. Based on the letter you sent, it appears that the Best Management Practices proposed for dust suppression measures are appropriate.

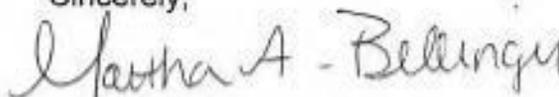
In order for our Department to respond to any questions that may come in during the demolition, we would appreciate a notification prior to the start of the project (email or letter) notifying the Division of Air as to the start and proposed end dates of the project, and approximately how long you plan to be working in each neighborhood. You may email Mark Lanzafame, Division of Air Resources, at mark.lanzafame@dec.ny.gov.

Also, the activity may be subject to Storm Water Phase II Permits for Small Construction Site for activities disturbing **equal to or greater than 1 acre**. Those wishing to obtain coverage under the new permit must file a Notice of Intent (NOI) with NYSDEC at the Albany office. For more information on this permit, you may visit our website as shown above or call the Division of Water at 518-357-2045.

Also, it appears some of the properties abut the Susquehanna River. Any disturbance to the bed or bank of the River may require a permit from this office. Be aware that demolition activities shall not result in the degradation or contravening of water quality standards of the stream. Activity resulting in sedimentation and/or turbid waters may constitute a violation of water quality standards and the Environmental Conservation Law.

Thank you for the opportunity to review this project at this time. If you have any questions, please do not hesitate to contact me.

Sincerely,



Martha A. Bellinger
Deputy Regional Permit Administrator

/mb

cc: R4DOW
R4DAR

Gov storm recovery Sidney.doc



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

Ms. Martha Bellinger
Regional Permit Administrator for Delaware County
New York State Department of Environmental Conservation
65561 State Highway 10
Stamford, NY 12167

November 20, 2015

Re: Air Quality Standards Compliance for the HMGP Global Match Acquisition
Village of Sidney and Sidney Center (Town of Sidney), Delaware County, NY

Dear Ms. Bellinger:

This letter is intended as a follow-up to our previous correspondence in March and April 2015. Since our previous contact, the proposed project referenced above is being considered for amendment to include elevation of some homes, rather than solely acquisition and demolition. Though exact numbers for homes to be elevated versus acquired and demolished have not yet been determined, it is estimated for the purpose of environmental review that approximately 74 homes would be elevated and 62 homes would be acquired and demolished. Homes to be elevated would be raised and reconstructed in place. The scope of work for acquired properties has not changed and still includes demolition of all structures and maintenance of the subsequently vacant lots as open space. Similarly, the location and geographic scope of the project has not changed since our previous correspondence.

We trust that the updated project program will not change your previous determination that air quality emissions associated with construction equipment for this project are considered trivial. The project scope continues to include implementation of Best Management Practices for dust suppression, as proposed in our previous correspondence. Please confirm if your previous determination will vary based upon the proposal to change some of the proposed demolitions to proposed elevations within 15 days; if we do not hear from you within that time frame we will assume that you have no objection to this change.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov. Thank you for your time and consideration.

Sincerely,

Thomas J. King, Esq.
Certifying Officer, NYS Homes and Community Renewal

Native American Tribes & Nations

Delaware Nation

Delaware Tribe of Indians

Oneida Indian Nation

Saint Regis Mohawk Tribe

Stockbridge-Munsee Community Band of the Mohicans



FEMA

April 2, 2015

Mr. Clifford Peacock
President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

CC: Delaware Nation
 Ms. Nekole Alligood, Cultural Preservation Director
 Mr. Corey Smith, Cultural Preservation Assistant Director
 Mr. Jason Ross, Section 106 Manager
Delaware Tribe of Indians
Oneida Indian Nation
Saint Regis Mohawk Tribe
Stockbridge-Munsee Community Band of the Mohicans
HUD/HCR

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions
Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County
Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York
Determination: **Adverse Effect to Historic Properties** for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear President Peacock:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). FEMA is coordinating with tribal nations that may have an interest in this Undertaking on behalf of HCR/HUD and is initiating Section 106 consultation for the proposed Undertaking in accordance with 36 CFR Part 800 and Stipulation II.D of FEMA's New York Statewide Programmatic Agreement executed on November 24, 2014.

Undertaking

The Undertaking consists of the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center (Table 1, Figure 1). Participation in the program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County will demolish all structures (including walkways, paved driveways, and patios), fill any basements, place topsoil over the sites, re-grade, and seeded in a manner consistent with FEMA's lower impact demolition stipulations; i.e., foundations of structures to be demolished will be pushed in below grade and basements will be backfilled using clean fill from an off-site location. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment will be operated within existing driveways and the perimeters of structures to limit ground disturbance. In accordance with HMGP guidelines, the lots will remain green space in perpetuity.

Area of Potential Effects (APE)

The Area of Potential Effects (APE) for the properties in the Village of Sidney is identified as the Sidney Historic District. The APE for the properties in Sidney Center are the two adjoining tax parcels. The APE for archaeological resources is the ground that will be disturbed for the Undertaking and any staging areas. The APEs are depicted in Figure 2.

Identification and Evaluation

Known Standing Structure and Archaeological Historic Resources

FEMA consulted the New York State Cultural Resource Information System (CRIS) and the National Register of Historic Places (National Register) database, as well as online topographic maps and Historic Map Works. The Sidney Historic District was listed in the National Register on September 4, 2013. The entire Village of Sidney APE is also within an area identified by the New York State Historic Preservation Office as archaeologically sensitive.

Standing Structures

Of the 134 properties located in the Village of Sidney, 117 are contributing properties to the National Register-listed historic district. Please refer to Table 1 for the contributing/non-contributing status of the 134 properties in the Village of Sidney.

As for the two properties in Sidney Center, HCR and FEMA determined that the two twentieth-century residential properties were highly altered and did not qualify for listing in the National Register due to lack of significance and integrity. SHPO concurrence with these eligibility determinations was received on March 10, 2015.

Archaeological Resources

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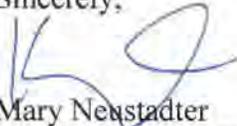
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Sincerely,



MW

Mary Neustadter
Deputy Regional Environmental Officer

MWN/cd
Enc: Attachment



FEMA

April 2, 2015

Chief Chet Brooks
Delaware Tribe of Indians
Delaware Tribal Headquarters
170 N.E. Barbara
P.O. Box 825
Bartlesville, OK 74006

CC: Delaware Tribe of Indians
Ms. Blair Fink, Delaware Tribe of Indians Historic Preservation Representative
Delaware Nation
Oneida Indian Nation
Saint Regis Mohawk Tribe
Stockbridge-Munsee Community Band of the Mohicans
HUD/HCR

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions
Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County
Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York
Determination: **Adverse Effect to Historic Properties** for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear Chief Brooks:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). FEMA is coordinating with tribal nations that may have an interest in this Undertaking on behalf of HCR/HUD and is initiating Section 106 consultation for the proposed Undertaking in accordance with 36 CFR Part 800 and Stipulation II.D of FEMA's New York Statewide Programmatic Agreement executed on November 24, 2014.

Undertaking

The Undertaking consists of the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center (Table 1, Figure 1). Participation in the program is

voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County will demolish all structures (including walkways, paved driveways, and patios), fill any basements, place topsoil over the sites, re-grade, and seeded in a manner consistent with FEMA's lower impact demolition stipulations; i.e., foundations of structures to be demolished will be pushed in below grade and basements will be backfilled using clean fill from an off-site location. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment will be operated within existing driveways and the perimeters of structures to limit ground disturbance. In accordance with HMGP guidelines, the lots will remain green space in perpetuity.

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Identification and Evaluation

Known Standing Structure and Archaeological Historic Resources

FEMA consulted the New York State Cultural Resource Information System (CRIS) and the National Register of Historic Places (National Register) database, as well as online topographic maps and Historic Map Works. The Sidney Historic District was listed in the National Register on September 4, 2013. The entire Village of Sidney APE is also within an area identified by the New York State Historic Preservation Office as archaeologically sensitive.

Standing Structures

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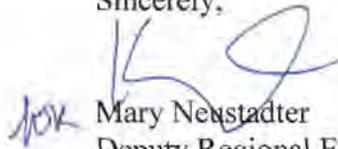
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Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Neustadter', is written over the typed name.

Mary Neustadter
Deputy Regional Environmental Officer

MWN/cd
Enc: Attachment



Delaware Tribe Historic Preservation Representatives
Department of Anthropology
Gladfelter Hall
Temple University
1115 W. Polett Walk
Philadelphia, PA 19122
temple@delawaretribe.org

June 5, 2015

U.S. Department of Homeland Security
Region II
Jacob K. Javits Federal Office Building
Mitigation Division
Attn: Catherine Dluzak
26 Federal Plaza, 13th Floor
New York, NY 10278

Re: NSGP-2014-UA-00002 (20040) Temple Beth El, Cedarhurst, NY - Hardening

Dear Catherine Dluzak,

Thank you for notifying the Delaware Tribe of the above referenced project. The Delaware Tribe is committed to protecting sites important to our tribal heritage, culture and religion. Our review indicates that there are no religious or culturally significant sites within the selected project area and we have no objection to the proposed project. We defer further comment to your office.

We ask that if any archaeological remains (artifacts, subsurface features, etc.) are discovered during the construction process that construction be halted until an archaeologist can view and assess the finds. Furthermore, we ask that if any human remains are accidentally unearthed during the course of the project that you cease development immediately and inform the Delaware Tribe of Indians of the inadvertent discovery. If you have any questions, feel free to contact this office by phone at (609) 220-1047 or by e-mail at temple@delawaretribe.org.

Sincerely,

A handwritten signature in cursive script that reads "Blair Fink".

Blair Fink
Delaware Tribe Historic Preservation Representatives
Department of Anthropology
Gladfelter Hall
Temple University
1115 W. Polett Walk
Philadelphia, PA 19122



FEMA

April 2, 2015

Mr. Ray Halbritter
Nation Representative
Oneida Indian Nation
5218 Patrick Road
Verona, NY 13478

CC: Oneida Indian Nation
Mr. Jesse Bergevin, Historic Resources Specialist
Delaware Nation
Delaware Tribe of Indians
Saint Regis Mohawk Tribe
Stockbridge-Munsee Community Band of the Mohicans
HUD/HCR

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions
Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County
Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York
Determination: **Adverse Effect to Historic Properties** for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear Mr. Halbritter:

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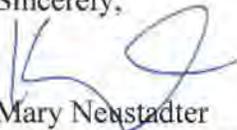
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MW

Mary Neustadter
Deputy Regional Environmental Officer

MWN/cd
Enc: Attachment



FEMA

April 2, 2015

Chief Ron LaFrance, Jr.
Saint Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

CC: Saint Regis Mohawk Tribe
Mr. Arnold Printup, THPO
Delaware Tribe of Indians
Oneida Indian Nation
Stockbridge-Munsee Community Band of the Mohicans
HUD/HCR

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions
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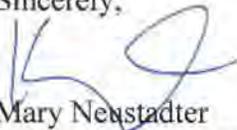
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Sincerely,



MW

Mary Neustadter
Deputy Regional Environmental Officer

MWN/cd
Enc: Attachment



St. Regis Mohawk Tribe

April 14, 2015

She:kon Ms. Britt,

This letter is in response to a request for a Section 106 consultation between your agency and the Saint Regis Mohawk Tribe. The following project that you requested my office to consult on is considered to have "No Adverse Effect" in regards to cultural properties of concern to the Saint Regis Mohawk Tribe:

HMGP 4020-0067 – Sidney Acquisitions – Demolition of 136 Properties Delaware County 2015

The St. Regis Mohawk Tribe requests to be immediately contacted in the event any inadvertent discoveries of human remains, funerary objects, sacred objects and objects of cultural patrimony are made during the scope of this project.

Should you or your office have any further questions in regards to these comments please feel free to contact my office at your earliest convenience.

Nia:wen,

A handwritten signature in cursive script that reads "Arnold L. Printup III".

Arnold L. Printup
Saint Regis Mohawk Tribe
Tribal Historic Preservation Office
1(518)358-2272 Ext. 2163



FEMA

April 2, 2015

Mr. Wallace Miller
President
Stockbridge-Munsee Community Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, WI 54416

CC: Stockbridge-Munsee Community Band of the Mohicans
Ms. Sherry White, THPO
Ms. Bonney Hartley, THPO Assistant
Delaware Tribe of Indians
Oneida Indian Nation
Saint Regis Mohawk Tribe
HUD/HCR

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions
Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County
Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York
Determination: **Adverse Effect to Historic Properties** for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear President Miller:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). FEMA is coordinating with tribal nations that may have an interest in this Undertaking on behalf of HCR/HUD and is initiating Section 106 consultation for the proposed Undertaking in accordance with 36 CFR Part 800 and Stipulation II.D of FEMA's New York Statewide Programmatic Agreement executed on November 24, 2014.

Undertaking

The Undertaking consists of the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center (Table 1, Figure 1). Participation in the program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to

sell their property. After acquisition, the County will demolish all structures (including walkways, paved driveways, and patios), fill any basements, place topsoil over the sites, re-grade, and seeded in a manner consistent with FEMA's lower impact demolition stipulations; i.e., foundations of structures to be demolished will be pushed in below grade and basements will be backfilled using clean fill from an off-site location. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment will be operated within existing driveways and the perimeters of structures to limit ground disturbance. In accordance with HMGP guidelines, the lots will remain green space in perpetuity.

Area of Potential Effects (APE)

The Area of Potential Effects (APE) for the properties in the Village of Sidney is identified as the Sidney Historic District. The APE for the properties in Sidney Center are the two adjoining tax parcels. The APE for archaeological resources is the ground that will be disturbed for the Undertaking and any staging areas. The APEs are depicted in Figure 2.

Identification and Evaluation

Known Standing Structure and Archaeological Historic Resources

FEMA consulted the New York State Cultural Resource Information System (CRIS) and the National Register of Historic Places (National Register) database, as well as online topographic maps and Historic Map Works. The Sidney Historic District was listed in the National Register on September 4, 2013. The entire Village of Sidney APE is also within an area identified by the New York State Historic Preservation Office as archaeologically sensitive.

Standing Structures

Of the 134 properties located in the Village of Sidney, 117 are contributing properties to the National Register-listed historic district. Please refer to Table 1 for the contributing/non-contributing status of the 134 properties in the Village of Sidney.

As for the two properties in Sidney Center, HCR and FEMA determined that the two twentieth-century residential properties were highly altered and did not qualify for listing in the National Register due to lack of significance and integrity. SHPO concurrence with these eligibility determinations was received on March 10, 2015.

Archaeological Resources

A review of the NY State Office of Parks, Recreation and Historic Preservation Office's (NYSOPRHP) Cultural Resource Information System (CRIS) indicates that the APE for the Village of Sidney properties is entirely located within an archaeological sensitive area (Figure 3) and within approximately six Museum Areas. Only one Museum Site #3121, no info, is less than one half mile of two properties (21 and 25 Willow Street) for this project, both located in the northeast corner of the village. All 134 properties lie within one half mile south of the Susquehanna River (the North Branch), which flows southwest through Pennsylvania and into the Chesapeake Bay in Maryland (see figure 3). In addition, the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS) soil maps indicate the majority of the properties are located within Unadilla silt Loam (Un) which is primarily found on lake plains and is well-drained. Urban Land (Ur) comprises the next largest soil group, which is

comprised of disturbed soils primarily fill and can have macadam or concrete surfaces. Chenango gravelly silt loam, 0-3 percent slopes (ChA), Chenango gravelly silt loam, 3-8 percent slopes (ChB), and Chenango gravelly silt loam, 25-50 percent slopes (ChE) can be found in the south portion of the project area. These soils are found on valley trains and terraces and are all somewhat excessively well drained (Figure 4). This entire APE is located within a known historic district and cursory map research on www.historicmapworks.com, found the area comprised of map-documented structures (MDS) (Figure 5).

Two additional properties are located in Sidney Center (6726 and 6736 Cty Hwy; see Table 1, Figure 1 and Figure 2), which according to NYSOPRHP CRIS is not in an archaeological sensitive zone, nor in a Museum Zone. Additionally, an archaeological survey 12SR61689 Phase IA/B Cultural Resource Investigation for the Delaware IDA Off-Site Stream Mitigation Area for Amphenol Facility Relocation, Hamlet of Sidney Center, Town of Sidney, Delaware County, New York took place in 2012 just south of the two properties by PanAmerican Consultants. No historic or pre-contact cultural resources were identified within this project. Both properties are approximately within 250 feet east of a tributary of Carr's Creek. USDA NRCS soil survey maps indicate these properties are located within Tunkhannock and Chenango soils, fan, 0-3 percent slopes (TtA) and Wennoah silt loam (Wg) found on terraces and valley trains (TtA) and floodplains (Wg) and both well drained. cursory map research on www.historicmapworks.com did not produce any map-documented properties within the APE.

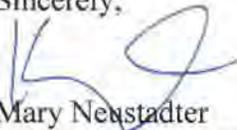
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Assessment of Effects

Due to the demolition of 117 contributing properties within the National Register-listed Sidney Historic District, FEMA has determined a finding of **Adverse Effect to Historic Properties** for this Undertaking for above ground resources and a **No Adverse Effect to Historic Properties** for archaeological resources with the use of the low impact debris removal stipulations as conditions that are cited above and are submitting this Undertaking to you for your review and comment. FEMA requests your comments within thirty (30) days. FEMA looks forward to your concurrence with this determination.

HCR and FEMA submitted this determination to SHPO on February 25, 2015. SHPO concurrence with this determination was received on March 10, 2015. HCR and FEMA will be working with the SHPO in the next few weeks to develop a Memorandum of Agreement in accordance with Stipulation II.D.6.b of the New York Statewide Programmatic Agreement to resolve the adverse effects to above ground historic properties. If you have any comments or suggestions, please contact Kelly M Britt, PhD, RPA, Archaeologist at (212) 680-8816 or at kelly.britt@fema.dhs.gov. If practicable, we would appreciate an electronic copy of the concurrence letter be emailed to Ms. Britt to expedite the review process.

Sincerely,



MW

Mary Neustadter
Deputy Regional Environmental Officer

MWN/cd
Enc: Attachment

Interested Parties

**Preservation League of New York State
Delaware County Historian
Delaware County Historical Association
Town of Sidney Historian
Sidney Historical Museum**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 10, 2015

Preservation League of New York State

44 Central Avenue
Albany, NY 12206-3002

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions

Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County

Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York

Determination: Adverse Effect to Historic Properties for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear Preservation League of New York State:

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Assessment of Effects

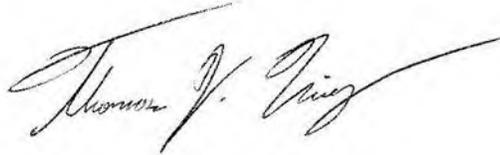
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Counsel to the Governor's Office of Storm Recovery at (518) 473-0079 or at thomas.king@stormrecovery.ny.gov or Catherine Dluzak, Historic Preservation Specialist, FEMA Region 2, at (212) 680-8825 or at Catherine.Dluzak@fema.dhs.gov. If practicable, we would appreciate an electronic copy of the concurrence letter be emailed to Mr. King to expedite the review process.

Sincerely,

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Assistant General Counsel
Governor's Office of Storm Recovery



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 10, 2015

Delaware County Historian

Gabrielle Pierce
One Court House Square, Suite 1
Delhi, NY 13753

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions

Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County

Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York

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Dear Ms. Pierce:

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GOVERNOR'S OFFICE OF STORM RECOVERY

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April 10, 20105

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46549 State Hwy 10
Delhi, NY 13753

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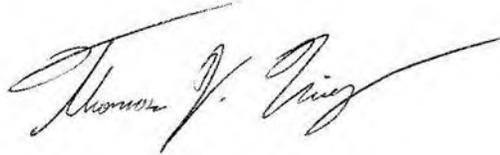
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HCR and FEMA submitted this determination to SHPO on February 25, 2015. SHPO concurrence with this determination was received on March 10, 2015. HCR and FEMA will be working with the SHPO in the next few weeks to develop a Memorandum of Agreement in accordance with Stipulation II.D.6.b of the New York Statewide Programmatic Agreement to resolve the adverse effects to above ground historic properties. If you have any comments or suggestions, please contact Thomas King, Assistant General

Counsel to the Governor's Office of Storm Recovery at (518) 473-0079 or at thomas.king@stormrecovery.ny.gov or Catherine Dluzak, Historic Preservation Specialist, FEMA Region 2, at (212) 680-8825 or at Catherine.Dluzak@fema.dhs.gov. If practicable, we would appreciate an electronic copy of the concurrence letter be emailed to Mr. King to expedite the review process.

Sincerely,

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

Assistant General Counsel
Governor's Office of Storm Recovery



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 10, 2015

Town of Sidney Historian

Sidney Civic Center
21 Liberty St.
Sidney, NY 13838

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions

Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County

Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York

Determination: Adverse Effect to Historic Properties for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear Town of Sidney Historian:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). FEMA is coordinating with tribal nations that may have an interest in this Undertaking on behalf of HCR/HUD and is initiating Section 106 consultation for the proposed Undertaking in accordance with 36 CFR Part 800 and Stipulation II.D of FEMA's New York Statewide Programmatic Agreement executed on November 24, 2014.

The Undertaking

The Undertaking consists of the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center (Table 1, Figure 1). Participation in the program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County will demolish all structures (including walkways, paved driveways, and patios), fill any basements, place topsoil over the sites, re-grade, and seeded in a manner consistent with FEMA's lower impact demolition stipulations; i.e., foundations of structures to be demolished will be pushed in below grade and basements will be backfilled using clean fill from an off-site location. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment

will be operated within existing driveways and the perimeters of structures to limit ground disturbance. In accordance with HMGP guidelines, the lots will remain green space in perpetuity.

Area of Potential Effects (APE)

The Area of Potential Effects (APE) for the properties in the Village of Sidney is identified as the Sidney Historic District. The APE for the properties in Sidney Center are the two adjoining tax parcels. The APE for archaeological resources is the ground that will be disturbed for the Undertaking and any staging areas. The APEs are depicted in Figure 2.

Identification and Evaluation

Known Standing Structure and Archaeological Historic Resources

FEMA consulted the New York State Cultural Resource Information System (CRIS) and the National Register of Historic Places (National Register) database, as well as online topographic maps and Historic Map Works. The Sidney Historic District was listed in the National Register on September 4, 2013. The entire Village of Sidney APE is also within an area identified by the New York State Historic Preservation Office as archaeologically sensitive.

Standing Structures

Of the 134 properties located in the Village of Sidney, 117 are contributing properties to the National Register-listed historic district. Please refer to Table 1 for the contributing/noncontributing status of the 134 properties in the Village of Sidney. As for the two properties in Sidney Center, HCR and FEMA determined that the two twentieth-century residential properties were highly altered and did not qualify for listing in the National Register due to lack of significance and integrity. SHPO concurrence with these eligibility determinations was received on March 10, 2015.

Archaeological Resources

A review of the NY State Office of Parks, Recreation and Historic Preservation Office's (NYSOPRHP) Cultural Resource Information System (CRIS) indicates that the APE for the Village of Sidney properties is entirely located within an archaeological sensitive area (Figure 3) and within approximately six Museum Areas. Only one Museum Site #3121, no info, is less than one half mile of two properties (21 and 25 Willow Street) for this project, both located in the northeast corner of the village. All 134 properties lie within one half mile south of the Susquehanna River (the North Branch), which flows southwest through Pennsylvania and into the Chesapeake Bay in Maryland (see figure 3). In addition, the United States Department of Agriculture, Natural Resources Conservation Service (USDA NRCS) soil maps indicate the majority of the properties are located within Unadilla silt Loam (Un) which is primarily found on lake plains and is well-drained. Urban Land (Ur) comprises the next largest soil group, which is comprised of disturbed soils primarily fill and can have macadam or concrete surfaces. Chenango gravelly silt loam, 0-3 percent slopes (ChA), Chenango gravelly silt loam, 3-8 percent slopes (ChB), and Chenango gravelly silt loam, 25-50 percent slopes (ChE) can be found in the south portion of the project area. These soils are

found on valley trains and terraces and are all somewhat excessively well drained (Figure 4). This entire APE is located within a known historic district and cursory map research on www.historicmapworks.com, found the area comprised of map-documented structures (MDS) (Figure 5).

Two additional properties are located in Sidney Center (6726 and 6736 Cty Hwy; see Table 1, Figure 1 and Figure 2), which according to NYSOPRHP CRIS is not in an archaeological sensitive zone, nor in a Museum Zone.

Additionally, an archaeological survey 12SR61689 Phase IA/B Cultural Resource Investigation for the Delaware IDA Off-Site Stream Mitigation Area for Amphenol Facility Relocation, Hamlet of Sidney Center, Town of Sidney, Delaware County, New York took place in 2012 just south of the two properties by PanAmerican Consultants. No historic or pre-contact cultural resources were identified within this project. Both properties are approximately within 250 feet east of a tributary of Carr's Creek. USDA NRCS soil survey maps indicate these properties are located within Tunkhannock and Chenango soils, fan, 0-3 percent slopes (TtA) and Wennoah silt loam (Wg) found on terraces and valley trains (TtA) and floodplains (Wg) and both well drained. cursory map research on www.historicmapworks.com did not produce any map-documented properties within the APE.

Due to the variety of factors listed above, the APE in the Village of Sidney has a high sensitivity for archaeological resources and a low sensitivity for archaeological resources within Sidney Center. However, due to the nature of this Undertaking where ground disturbance will be limited to the immediate area of the demolished structures and construction equipment will be operated within existing driveways and the perimeters of structures to limit ground disturbance there is a low probability to affect archaeological resources. The entire area in both locations will be converted into green space in perpetuity. In addition, FEMA places a condition on all projects that states if ground disturbing activities occur during construction, the subgrantee will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

Assessment of Effects

Due to the demolition of 117 contributing properties within the National Register-listed Sidney Historic District, FEMA and HCR have determined a finding of **Adverse Effect to Historic Properties** for this Undertaking for above ground resources and a **No Adverse Effect to Historic Properties** for archaeological resources with the use of the low impact debris removal stipulations as conditions that are cited above and are submitting this Undertaking to you for your review and comment.

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HCR and FEMA submitted this determination to SHPO on February 25, 2015. SHPO concurrence with this determination was received on March 10, 2015. HCR and FEMA will be working with the SHPO in the next few weeks to develop a Memorandum of Agreement in accordance with Stipulation II.D.6.b of the New York Statewide Programmatic Agreement to resolve the adverse effects to above ground historic properties. If you have any comments or suggestions, please contact Thomas King, Assistant General Counsel to the Governor's Office of Storm Recovery at (518) 473-0079 or at thomas.king@stormrecovery.ny.gov or Catherine Dluzak, Historic Preservation Specialist, FEMA Region 2, at (212) 680-8825 or at Catherine.Dluzak@fema.dhs.gov. If practicable, we would appreciate an electronic copy of the concurrence letter be emailed to Mr. King to expedite the review process.

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Assistant General Counsel
Governor's Office of Storm Recovery



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



April 10, 2015

Sidney Historical Museum

Sidney Civic Center
21 Liberty St.
2nd Fl. – Room 218
Sidney, NY 13838

Re: **Grant Name and Number:** HMGP 4020-0067- Sidney Acquisitions

Grantee/Subgrantee: New York State Department of Homeland Security and Emergency Services/Delaware County

Undertaking: Acquisition and Demolition of 136 Properties, Village of Sidney and Sidney Center, Delaware County, New York

Determination: Adverse Effect to Historic Properties for standing structures and **No Adverse Effect to Historic Properties with Conditions** for below ground resources

Dear Sidney Historical Museum:

New York State Homes and Community Renewal (HCR), on behalf of the Department of Housing & Urban Development (HUD), and the Department of Homeland Security-Federal Emergency Management Agency (FEMA) are currently reviewing an application for the acquisition and demolition of 134 properties in the Village of Sidney and two properties in Sidney Center, Delaware County, New York (Undertaking) under FEMA's Hazard Mitigation Grant Program (HMGP). FEMA is coordinating with tribal nations that may have an interest in this Undertaking on behalf of HCR/HUD and is initiating Section 106 consultation for the proposed Undertaking in accordance with 36 CFR Part 800 and Stipulation II.D of FEMA's New York Statewide Programmatic Agreement executed on November 24, 2014.

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Sincerely,

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Assistant General Counsel
Governor's Office of Storm Recovery

Community Facilities

**Sidney Police Department
Delaware County Sheriff
Sidney Emergency Squad #1
Sidney Fire Department
New York State Police Troop C**



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 11, 2015

Michael Hood, Chief of Police
Sidney Police Department
21 Liberty Street
Sidney, NY 13838

Re: Request for Information Regarding the Village of Sidney, NY

Dear Chief Hood,

Delaware County has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the "Proposed Project"). The Proposed Project would entail acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area that were damaged due to flooding. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements. The Governor's Office of Storm Recovery (GOSR) is currently preparing an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act (NEPA).

To assess the potential effects of the Proposed Project, existing conditions and estimated future demands for community services such as police, fire protection, and emergency services will be considered.

For our analysis, we need to obtain information relevant to the current services provided by the Sidney Police Department to the Village of Sidney, NY 13838. Specifically, we need to obtain the following information:

- Level of staffing of the Village Police Department
- Typical response times to residential properties within the Project Area (see attached map) during flooding events

In addition, has the department found that historical flooding in the Project Area affected the department's ability to provide service to other areas of the Village during emergency situations? Can the department anticipate a faster response time, or increased level of service to emergency situations (i.e. extreme weather events) in the future with the Proposed Project due to the removal of residential structures within the floodplain?

In addition to the above information, please provide any relevant information on anticipated changes to your department that may affect its future capacities to respond to emergencies, such as new equipment, anticipated changes in personnel or budget, or other factors that are expected to increase or decrease capacity.

I would greatly appreciate a response as soon as possible. You can contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov.

Sincerely,

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

Thomas J. King, Esq.
Certifying Officer, NYS homes and
Community Renewal



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 11, 2015

Thomas E. Mills, Sheriff
Delaware County Sheriff's Office
280 Phoebe Lane – Suite One
Delhi, NY 13753

Re: Request for Information Regarding the Village of Sidney, NY

Dear Sheriff Mills,

Delaware County has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the "Proposed Project"). The Proposed Project would entail acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area that were damaged due to flooding. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements. The Governor's Office of Storm Recovery (GOSR) is currently preparing an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act (NEPA).

To assess the potential effects of the Proposed Project, existing conditions and estimated future demands for community services such as police, fire protection, and emergency services will be considered.

For our analysis, we need to obtain information relevant to the current services provided by the County Sheriff's Department to the Village of Sidney, NY 13838. Specifically, we need to obtain the following information:

- Level of staffing of the Delaware County Sheriff's Office
- Typical response times to residential properties within the Project Area (see attached map) during flooding events

In addition, has the department found that historical flooding in the Project Area affected the department's ability to provide service to other areas of the Village during emergency situations? Can the department anticipate a faster response time, or increased level of service to emergency situations (i.e. extreme weather events) in the future with the Proposed Project due to the removal of residential structures within the floodplain?

In addition to the above information, please provide any relevant information on anticipated changes to your department that may affect its future capacities to respond to emergencies, such as new equipment, anticipated changes in personnel or budget, or other factors that are expected to increase or decrease capacity.

I would greatly appreciate a response as soon as possible. You can contact me at (646) 417-4660 or thomas.king@stormrecovery.ny.gov.

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Thomas J. King, Esq.
Certifying Officer, NYS homes and
Community Renewal



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 11, 2015

Sidney Emergency Squad #1, Inc.
74 River Street
Sidney, NY 13838

Re: Request for Information Regarding the Village of Sidney, NY

Dear Sir/Madame,

Delaware County has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the "Proposed Project"). The Proposed Project would entail acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area that were damaged due to flooding. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements. The Governor's Office of Storm Recovery (GOSR) is currently preparing an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act (NEPA).

To assess the potential effects of the Proposed Project, existing conditions and estimated future demands for community services such as police, fire protection, and emergency services will be considered.

For our analysis, we need to obtain information relevant to the current services provided by the Sidney Emergency Squad to the Village of Sidney, NY 13838. Specifically, we need to obtain the following information:

- Level of staffing of the Sidney Emergency Squad #1, Inc.
- Typical response times to residential properties within the Project Area (see attached map) during flooding events

In addition, has the department found that historical flooding in the Project Area affected the department's ability to provide service to other areas of the Village during emergency situations? Can the department anticipate a faster response time, or increased level of service to emergency situations (i.e. extreme weather events) in the future with the Proposed Project due to the removal of residential structures within the floodplain?

In addition to the above information, please provide any relevant information on anticipated changes to your department that may affect its future capacities to respond to emergencies, such as new equipment, anticipated changes in personnel or budget, or other factors that are expected to increase or decrease capacity.

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Thomas J. King, Esq.
Certifying Officer, NYS homes and
Community Renewal



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 11, 2015

Fire Chief Sean Sands
Sidney Fire Department
McDonald Hose
Sidney, NY, 13838

Re: Request for Information Regarding the Village of Sidney, NY

Dear Chief Sands,

Delaware County has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the "Proposed Project"). The Proposed Project would entail acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area that were damaged due to flooding. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements. The Governor's Office of Storm Recovery (GOSR) is currently preparing an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act (NEPA).

To assess the potential effects of the Proposed Project, existing conditions and estimated future demands for community services such as police, fire protection, and emergency services will be considered.

For our analysis, we need to obtain information relevant to the current services provided by the Sidney Fire Department to the Village of Sidney, NY 13838. Specifically, we need to obtain the following information:

- Level of staffing of the Sidney Fire Department
- Typical response times to residential properties within the Project Area (see attached map) during flooding events

In addition, has the department found that historical flooding in the Project Area affected the department's ability to provide service to other areas of the Village during emergency situations? Can the department anticipate a faster response time, or increased level of service to emergency situations (i.e. extreme weather events) in the future with the Proposed Project due to the removal of residential structures within the floodplain?

In addition to the above information, please provide any relevant information on anticipated changes to your department that may affect its future capacities to respond to emergencies, such as new equipment, anticipated changes in personnel or budget, or other factors that are expected to increase or decrease capacity.

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Thomas J. King, Esq.
Certifying Officer, NYS homes and
Community Renewal



GOVERNOR'S OFFICE OF STORM RECOVERY

Andrew M. Cuomo
Governor

James Rubin
Executive Director



June 11, 2015

NYS Police Troop C
Troop Headquarters
823 State Route 7,
Unandilla, NY 13849

Re: Request for Information Regarding the Village of Sidney, NY

Dear Sir/Madame,

Delaware County has submitted a Hazard Mitigation Grant Program (HMGP) application to the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) for the acquisition and demolition of 136 residential structures, 134 of which are located in the Village of Sidney and 2 of which are located in Sidney Center (the "Proposed Project"). The Proposed Project would entail acquiring and demolishing structures located in high-risk areas within the Special Flood Hazard Area that were damaged due to flooding. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements. The Governor's Office of Storm Recovery (GOSR) is currently preparing an Environmental Assessment (EA) for this project in accordance with the National Environmental Policy Act (NEPA).

To assess the potential effects of the Proposed Project, existing conditions and estimated future demands for community services such as police, fire protection, and emergency services will be considered.

For our analysis, we need to obtain information relevant to the current services provided by the NYS Police Troop C to the Village of Sidney, NY 13838. Specifically, we need to obtain the following information:

- Level of staffing of NYS Police Troop C
- Typical response times to residential properties within the Project Area (see attached map) during flooding events

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Thomas J. King, Esq.
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Community Renewal

Appendix C
SEQRA Environmental Evaluation
TO BE INCLUDED IN FINAL ENVIRONMENTAL ASSESSMENT

Appendix D
DRAFT Floodplain Management Plan
Eight-Step Review Process

DRAFT

Floodplain Management Plan

Governor's Office of Storm Recovery
Federal Emergency Management Agency

Hazard Mitigation Grant Program Global Match Acquisition & Elevation
Village of Sidney and Sidney Center, New York

Delaware County, New York
Effective Date: **January XX, 2016**

Executive Order 11988 – Floodplain Management

Governor’s Office of Storm Recovery Federal Emergency Management Agency

Hazard Mitigation Grant Program Global Match Acquisition & Elevation Village of Sidney and Sidney Center, New York

Delaware County, New York

Effective Date: [REDACTED]

This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—for the Hazard Mitigation Grant Program global Match Acquisition and Elevation Project (Project) in the Village of Sidney and Sidney Center, Delaware County, NY. This Floodplain Management Plan documents the eight-step decision making for the Project and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final.

Description of Proposed Program Activities

Hurricane Irene and Tropical Storm Lee were declared major disasters by President Barack H. Obama on August 31, 2011 and September 13, 2011, respectively, and subsequently amended (FEMA 4020-DR-NY and FEMA 4031-DR-NY). In the wake of Hurricane Irene and Tropical Storm Lee, along with other disasters that occurred nationwide in 2011, Congress appropriated funding in the Federal Fiscal Year 2011-2012 (FY 11-12) Budget for the Housing and Urban Development (HUD) Community Development Block Grant—Disaster Recovery (CDBG-DR) program. Section 239 of Public Law 112-55 (the Appropriations Act) enacted on November 18, 2011, appropriated \$400 million through the CDBG-DR program to address necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing in disaster-impacted Counties. On April 16, 2012, HUD published Federal Register Notice 5628-N-01, which established the requirements and processes for \$71,654,116 in Federal CDBG-DR aid to New York State (the State). Under the CDBG-DR program, the State has established a number of individual programs to provide assistance for housing, economic development, resilience and retrofit, community planning and redevelopment, and public infrastructure. In addition, the State has created a matching program that utilizes CDBG-DR funds to cover the local matching requirement for several Federal funding sources, including the Hazard Mitigation Grant Program (HMGP).

HMGP, as administered by the New York State Department of Homeland Security and Emergency Services (DHSES) in cooperation with FEMA, is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (the Stafford Act), Title 42, United States Code (U.S.C.) 5170c, and implementing regulations at 44 CFR 206 subpart N. It provides grants to eligible applicants to implement long-term hazard mitigation measures that reduce the risk of loss of life and property from future disasters. Eligible risk

reduction activities include property acquisition and structure demolition for purposes of open space as well as elevation of structures in the floodplain.

The Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that Project activity in the floodplain would have on the human environment.

Funding for the Project will be provided by the HUD CDBG-DR program in cooperation with FEMA.

Homes in the Village of Sidney and Sidney Center sustained significant flood damage as a result of Tropical Storm Lee and a significant flooding event in 2006 (declared disaster number DR-1650). As demonstrated by these past storm events, residential structures need to be removed from or elevated above the floodplain to minimize potential impacts from future storm events.

As part of the proposed Project, individual properties in the Village of Sidney and Sidney Center would be elevated or acquired and demolished. Homes would be elevated such that the lowest floor would be at least two feet above the Base Flood Elevation. It is estimated that approximately 74 homes are anticipated to be elevated the proposed project, though final applications for home elevation have not yet been completed and this number is subject to change.

In addition, the proposed Project would fund the purchase and demolition by Delaware County of identified properties in the Camp Street Neighborhood in the Village of Sidney and two properties in Sidney Center. The Village of Sidney properties to be acquired are located in the areas most susceptible to flooding. It is estimated that approximately 62 homes would be acquired and demolished, though final applications for acquisition have not yet been completed and this number is subject to change. Participation in the elevation or acquisition and demolition program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property.

After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under HMGP requirements.

Executive Order 11988 & 24 CFR Part 55

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

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

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

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

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

24 CFR Part 55.1 (c)

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

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

24 CFR Parts 55.11 & 55.20

Under 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-step decision making process (eight-step process) outlined in 24 CFR Part 55.20. The eight-step process was conducted for the HMGP Global Match Acquisition & Elevation Project as outlined below.

24 CFR Part 55.20 Eight-Step Process

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

The geographic scope for the HMGP Global Match Acquisition & Elevation Project is located in the jurisdictional area of Delaware County and includes 136 properties, of which 135 properties are located partially or wholly within in FEMA Zones “A” or “AE.”

The locations of the Project site and FEMA floodplain are provided in **EXHIBIT 1**.

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

Because the majority of the Project activities would be located in the floodplain, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Project activities in this area.

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

A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain” was published in Tri-Town News on December 3, 2015. The 15-day period expired on December 18, 2015. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on December 3, 2015: FEMA, U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S. Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); Advisory Council on Historic Preservation (ACHP); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation (NYSDEC); the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP); NYS DHSES; and the NYS Department of Transportation (NYSDOT). The notice was also sent to Delaware County entities, Village of Sidney municipal offices, and historic preservation organizations in the Village of Sidney and throughout Delaware County (see **EXHIBIT 2** for the notice).

GOSR received **TBD** public comments on this notice. Comments received are provided in **EXHIBIT 4**.

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

After a consideration of the following alternatives and public comments received, Delaware County, FEMA, and GOSR have determined the best practicable alternative is the Proposed

Action. The alternative actions considered are as follows: No Action, Elevation or Reconstruction, Infrastructure, Home Relocation, and Acquisition and Demolition.

No Action Alternative

Under the No Action alternative, the funding for the proposed elevation or acquisition/demolition of the 134 Village of Sidney, and two Sidney Center, residential properties in high flood risk areas of the would not be authorized. There would be no elevation or purchase of properties.

Homeowners would not relocate outside of the high flood risk areas. The storm attenuation characteristics of the floodplain would not be improved, as such, the community located in the floodplain would be at continued risk of flood damage. Under the No Action alternative, the flood damaged and destroyed residential properties would remain under their current ownership. The homeowners would be responsible for the repair and rehabilitation of their properties. The homeowners may apply for other programs for financial assistance in the repair and rehabilitation of their properties that were damaged or destroyed by the storms. While these assistance programs include financial support and requirements for resiliency upgrades for the individual properties that would reduce the potential damage from future storms, these homeowners and their properties would continue to be susceptible to future flooding and other damage resulting from future storm events due to their location in the flood area. The communities' storm attenuation characteristics would remain the same.

The extreme risk neighborhoods in the Village's 500- and 100-year floodplains have deteriorated physically and lost value since 2006. Between those properties in the various buyout programs, and those vacant or abandoned, some Sidney residential streets are largely empty and raise serious concerns for long-term viability. The homes in this neighborhood sell for far less than their pre-storm value, and this trend is expected to continue.

Without any financial assistance, depending on motivations of owners and their willingness and/or ability to access resources to repair and upgrade homes and properties, there is potential that repairs would be limited, not completed to current building codes, and would not include resiliency measures (e.g., elevating their homes), leaving their properties more vulnerable to future flooding conditions.

Elevation or Reconstruction

Under this alternative, individual property owners would receive assistance to elevate or reconstruct their homes in their original locations. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms. Under this alternative, homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation.

After the 2011 floods, Delaware County retained an engineering firm to evaluate the feasibility of elevating 45 homes in anticipation of seeking grant funding. The results of the analysis indicated homes would need to be elevated an additional two to as much as 6.5 feet, at costs estimated between \$29,000 and \$87,000. Based on FEMA's recent experience funding elevation projects, it is likely these costs would be significantly higher. Furthermore, some homes were not suitable for elevation due to existing deficiencies in structural integrity.

In addition, approximately 10 homes within the Project Area are located within the Sidney Municipal Airport Runway Protection Zone. Pursuant to 24 CFR Part 51D, it is HUD's general policy to apply standards to prevent incompatible development around civil airports and military airfields. HUD assisted construction or major rehabilitation of any property located in a Runway Protection Zone is prohibited for a project to be frequently used or occupied by people. As such, HUD regulations would preclude the elevation of the homes located within the Sidney Municipal Airport Runway Protection Zone.

This alternative would not provide significant community resiliency as many homes in those areas most at risk of flooding would continue to be susceptible to flooding, and first responders and public works employees would still be required to remain on call before, during, and after flood events. Additionally, given the aging population in Delaware County, additional front stairs to enter a home is not considered desirable for all residents.

Infrastructure

After flooding in 2006, the Planning Division of the USACE Baltimore District initiated a flood risk analysis of the Village of Sidney as part of its Floodplain Management Services (FPMS) Program. The FPMS Program is authorized by Section 206 of the Flood Control Act of 1960, as amended, and provides technical services and planning guidance to federal and non-federal entities on floods and floodplain issues.

The study analyzed the flooding problem in two areas of the Village: (1) the area north of the D&H Railroad, which is subject to flooding from the Susquehanna River (“the Susquehanna Area”); and (2) the “Weir Creek (Amphenol Area)” south of the D&H Railroad, which is subject to flooding from Weir Creek. Most of the properties proposed for acquisition/demolition are located in the Susquehanna Area, which is the focus of this section of the EA.

The USACE evaluated a variety of flood risk reduction alternatives in an attempt to identify measures that would mitigate future flooding from the 1% annual chance (100-year) flood. Hydraulic modelling was used to estimate changes in 100-year flood elevation that might result from each alternative. General cost estimates were developed based on other similar projects. Detailed engineering and Benefit-Cost Analyses were not part of the study scope of work.

The following alternatives were evaluated for the Susquehanna Area:

- **Levee/floodwall system.** This alternative would require the construction of a levee/floodwall system 8,500 feet in length, with an average height of 10 feet, and an average base width of 60 feet for the levee and 12-15 feet for the floodwall. In order to function, this alternative would require installation of a flap gate for Weir Creek; flap gate and check valve for the Sidney Wastewater Treatment Plant; a closure structure for the Main Street Bridge; acquisition of approximately 20 properties; four pump stations; and removal of vegetation to create a 15-foot vegetative-free zone on either side.

The levee/floodwall alternative was the only alternative to significantly reduce flooding in Sidney. However, flooding would increase slightly across the river in Unadilla Township (approximately 0.5 feet increase for a 100-year flood.) The estimated cost of this alternative is between \$35 to \$50 million, which does not take into account the cost of purchasing and transporting earthen materials for the levee should soil tests determine that local geology is not suitable for the levee structure. Environmental concerns include removal of hundreds of trees along the Susquehanna, increased flood levels in Unadilla, wetlands impacts, and aesthetics. Approximately 20 properties would need to be acquired. Operating and maintenance costs are high for this alternative.

- **Increasing hydraulic capacity under the State Route 8 Bridge.** This alternative would increase flow capacity of the Susquehanna at a point of constriction. This would require installation of two additional piers to increase the bridge deck and girder length. The existing embankment would be excavated to make room for the new deck. In addition, channelization of the river would be required. This alternative would reduce 100-year flood elevations upstream of the bridge between 0.3 and 0.5 feet which is insufficient to reduce significant flood damages in Sidney. Environmental concerns include impacts to wetlands, disturbance of some plant and animal species. Approximately 80 buildings would need to be removed. The cost of this alternative was not estimated.
- **Diversion of the Unadilla River Channel.** This alternative would divert the Unadilla River from its current confluence with the Susquehanna just upstream of the State Route 8 Bridge to an old channel downstream of the bridge. The project design would include a 700 ft. long floodwall, one new bridge, one bridge enlargement, a few property buyouts, and dredging an old oxbow channel. Diversion of the river would reduce 100-year flood elevations by an average of 0.6 feet, which is insufficient to reduce flood damages to most structures in Sidney. The cost would be between \$15 million and \$25 million, not including the floodwall component or a new bridge that would be needed. Environmental concerns include impacts to wetlands and fish habitat.
- **Channelization/dredging of the Susquehanna.** This would require dredging and channelization from a point about 400 feet upstream of the Main Street Bridge to a point 1,400 feet downstream of the Route 8 Bridge, a distance of about 7,500 feet. The goal would be to decrease flood elevations by increasing channel capacity and velocity. Two large islands and several sand bars would be removed and concrete would be used to line the channel under the Main Street and State Route 8 bridges to prevent erosion around the abutments. Wing walls would be installed upstream and downstream of the bridge. This alternative would result in a decrease in the 100-year flood elevation by an average of 0.8 feet, which is insufficient to significantly reduce flood damages in Sidney. The cost of this alternative was estimated at between \$12 to \$14 million. Environmental concerns include impacts to wetlands and fish and wildlife habitat and removal of large trees. Downstream impacts were not evaluated in detail. It's possible this alternative would have an adverse effect on downstream communities due to the increased flows and velocity. Approximately 80 buildings would need to be removed.
- **Main Street Bridge improvements.** This alternative involves increasing the hydraulic capacity of the bridge to reduce flood elevations caused by backwater flooding upstream. The bridge opening would be increased horizontally and vertically to expand capacity. A permanent trapezoidal channel would be created similar to the one for the channelization alternative. In addition, the bridge deck would be raised approximately two feet. Improvements to the Main Street Bridge provide minimal reduction in the 100-year flood elevation (0.0 to 0.1 ft. decrease). Costs were not estimated due to the minimal benefits of this alternative.

The overall conclusion of the USACE study was that the levee/floodwall alternative would be the only feasible alternative that would eliminate flooding during a 100-year storm event for the portion of the Village of Sidney upstream of the Route 8 Bridge. However, this would be extremely expensive to construct, would have high operating and maintenance costs, would have environmental impacts, and would cause a slight increase in flooding in Unadilla Township. As such, the report recommended that whether or not a flood risk reduction project would be constructed, property owners should purchase flood insurance, and the community should prepare and implement flood evacuation plans, and adopt sound land-use management practices

within the floodplain. This conclusion formed the basis of the Village of Sidney's subsequent flood mitigation strategies developed under the NY Rising Program.

Home Relocation

Under this alternative, homes with enough structural integrity to endure relocation would be detached from their foundations, lifted onto mobilized platforms, and relocated to a new site outside of the floodplain. The new site would be appropriately excavated and/or graded, footers would be placed, and new foundations capable of receiving the re-located structure would be constructed. Re-located homes would be placed onto their new foundation and secured. This alternative requires new site work and ground disturbing activities, potential extension of infrastructure such as water, sewer and electric connections, and also requires willing homeowners to purchase property to receive the structure prior to re-locating their home.

The Village of Sidney is exploring the possibility of annexing land outside the current village boundaries for the construction of new homes and/or for the relocation of existing flood-prone structures. Some Sidney property owners have expressed interest in relocating their homes rather than having them acquired and demolished. However, a relocation site with required infrastructure is currently not available. Should such a site become available in the future, properties that have not been demolished might be candidates for relocation. If state and/or federal funding is available in the future to support development of a new site and to relocate structures, additional state and federal environmental reviews would be undertaken at that time.

Acquisition and Demolition

The acquisition and demolition alternative would fund the purchase of the identified 134 properties in the Village of Sidney and two properties in Sidney Center by Delaware County. Participation in the acquisition and demolition program would be voluntary. Delaware County would not use its power of eminent domain to force any homeowner to sell their property. After acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), foundations would be removed, and clean suitable fill would be brought in to fill the basements. Topsoil would then be placed over the sites, and they would be re-graded and seeded in a manner consistent with limiting site disturbance. The scope of work does not specifically include tree or shrub removal; however, minimal incidental removal of woody vegetation may be necessary for equipment access or as a result of the vegetation's close proximity to the foundation of the structure to be demolished. After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the HMGP requirements.

As part of this alternative, the acquired property where the homes were demolished would remain in Village of Sidney and Sidney Center ownership, and may be used for passive recreation or other uses that require minimal site improvement and investment. The Sidney Reconstruction Plan recommends the development of a 140-acre "GreenPlain" to transform vacated neighborhoods into a high-capacity, green infrastructure floodplain that would handle millions of gallons of floodwater and use natural areas to improve water quality. However, this alternative has also been determined to have an adverse impact on the historic and cultural resources of the Village of Sidney.

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

GOSR has evaluated the alternatives to the proposed Project activities in the floodplain, and has determined that the proposed activities must take place in the floodplain.

The proposed Project would have direct, beneficial impacts within the floodplain by reducing the impacts and losses associated with repeated flooding. By removing residential properties in areas of particularly high flood risk and elevating other residential properties to an elevation of at least two feet above the BFE, the risk to the human environment associated with occupancy of the floodplain will be alleviated as a result of the Project. Furthermore, properties acquired and demolished will be converted to open space, with the intent of serving as a green infrastructure floodplain to attenuate future flooding and improve water quality.

Construction activities associated with elevation, demolition, and site grading will also take place within the floodplain. Potential impacts to the floodplain from construction activities would be temporary and mitigated through detailed construction staging plans developed in partnership with the community to minimize disturbance throughout the construction period. Additionally, all Project work areas are previously disturbed areas and all appropriate state and federal permits will be obtained.

The proposed Project actions will have a beneficial outcome for the residents of the Village of Sidney and Sidney Center. Implementation of the Project would reduce the repetitive losses associated with occupancy of the floodplain.

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

As proposed, the Project activities within the floodplain have direct, beneficial impacts to the safety of the human environment within the floodplain and to the nature and function of the floodplain itself.

By removing residential properties in areas of particularly high flood risk and elevating other residential properties to an elevation of at least two feet above the BFE, the risk to the human environment associated with occupancy of the floodplain will be alleviated as a result of the Project. Furthermore, properties acquired and demolished will be converted to open space, with the intent of serving as a green infrastructure floodplain to attenuate future flooding and improve water quality.

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

Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate

the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.

GOSR has reevaluated the proposed action and determined that the HMGP Global Match Acquisition & Elevation Project is still practicable in light of its exposure to flood hazards in the floodplain. As the intent of the project is to remove or elevate homes already located within the floodplain, it will neither aggravate the current hazard within the floodplain nor disrupt floodplain values. Rather, the proposed Project will reduce the risk and impacts of repeated flooding by elevating residences at least two feet above the BFE or demolishing residences and converting the associated property to open space. Furthermore, the creation and maintenance of open space in perpetuity will improve the natural qualities of the floodplain.

The project team will take the following steps to mitigate the effects during construction of the Project on the floodplain and to preserve natural and beneficial properties of the floodplain:

- 1) Site-specific hazard mitigation measures will be taken, including BMPs to reduce erosion and sedimentation, and proper disposal of debris and demolition and construction waste.

GOSR has also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. The alternative actions considered are as follows: No Action, Elevation or Reconstruction, Infrastructure, Home Relocation, and Acquisition and Demolition. These alternatives do not meet the goals of the Project, as they do not mitigate the risk to residences within the floodplain while preserving the unique historic character of the Village of Sidney. Furthermore, all evaluated alternatives also require work in the floodplain; therefore there is no practicable alternative to locating the proposed action in the floodplain.

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

It is GOSR's determination that the preferred alternative is the proposed HMGP Global Match Acquisition & Elevation Project. The benefits of the Project would be to reduce the risk to the human environment and repeated losses associated with frequent flooding of residential properties in the Village of Sidney and Sidney Center.

A 7-day "Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain" was published in The Tri-Town News on **December XX, 2015**. The 7-day period expired on **December XX, 2015**. The notice targeted local residents, including those in the floodplain. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on **December XX, 2015**: FEMA, U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S. Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); Advisory Council on Historic Preservation (ACHP); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation (NYSDEC); the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP); NYS DHSES; and the NYS Department of Transportation (NYSDOT). The notice was also sent to Delaware County entities, Village of Sidney municipal offices, and historic preservation organizations in the Village of Sidney and throughout Delaware County (see **EXHIBIT 3** for the notice).

GOSR received **TBD** public comments on this notice. Comments received are provided in **EXHIBIT 4**.

Step Eight: Implement the Action

Step eight is implementation of the proposed action. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to project implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

EXHIBIT 1 Project Location Floodplain Map

EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication

EXHIBIT 3 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication (FORTHCOMING)

EXHIBIT 4 Public Comments Received (FORTHCOMING)

**EXHIBIT 2 Copy of Notice Transmitting Notice of Early Public Review
and Proof of Publication**

**EARLY NOTICE AND PUBLIC EXPLANATION OF
A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN**

**Hazard Mitigation Grant Program Global Match Acquisition
Village of Sidney and Sidney Center, Delaware County, New York**

Thomas King, Assistant General Counsel and Certifying Officer
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224
Albany, NY 12260

NOTIFICATION OF ACTIVITY IN A FLOODPLAIN

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR) and the Federal Emergency Management Agency (FEMA) are conducting an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and FEMA regulations at 44 CFR Part 9, to determine the potential effects that its activity in the floodplain would have on the human environment.

Homes in the Village of Sidney and Sidney Center sustained significant flood damage as a result of Tropical Storm Lee (declared disaster numbers Federal Emergency Management Agency [FEMA] 4020-DR-NY and FEMA 4031-DR-NY) and a significant flooding event in 2006 (declared disaster number DR-1650). As demonstrated by past storm events, residential structures need to be removed from or elevated above the floodplain to minimize potential impacts from future storm events.

As part of the proposed project, individual property owners in the Village of Sidney and Sidney Center would be acquired and demolished, elevated or relocated. Homes would be elevated so that their lowest floor was at least two feet above the Base Flood Elevation. It is estimated that approximately 74 homes are anticipated to be elevated the proposed project, though final applications for home elevation have not yet been completed and this number is subject to change.

In addition, the proposed project would fund the purchase and demolition of identified properties in the Camp Street Neighborhood in the Village of Sidney and two properties in Sidney Center by Delaware County. The Village of Sidney properties to be acquired are located in the areas most susceptible to flooding. It is estimated that approximately 62 homes would be acquired and demolished, though final applications for acquisition have not yet been completed and this number is subject to change. Participation in the acquisition and demolition program is voluntary. Delaware County will not use its power of eminent domain to force any homeowner to sell their property.

After demolition and site reclamation, the properties would be turned over to the Village of Sidney and Sidney Center to maintain as open space. All open space compatible uses would be in accordance with FEMA requirements under the Hazard Mitigation Grant Program (HMGP) requirements.

Funding for the proposed project will be provided by the HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) program in cooperation with FEMA.

A floodplain map based on the FEMA Flood Insurance Rate Maps (FIRMs) has been prepared for this project and are available for review at

<http://www.stormrecovery.ny.gov/environmental-docs>.

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

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the proposed action or a request for further information to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nysher.org; or by telephone at (646) 417-4660, Monday through Friday, 9:00 a.m. to 5:00 p.m. All comments received by **December 18, 2015** will be considered.

Thomas King, Assistant General Counsel and Certifying Officer

December 3, 2015

Appendix E

Programmatic Agreement



Governor's Office of Storm Recovery



Andrew M. Cuomo
Governor

Lisa Bova-Hiatt
Executive Director

December 24, 2015

Ms. Jaime Loichinger
Advisory Council on Historic Preservation
Office of Federal Agency Programs
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

RE: Programmatic Agreement for Acquisition and Demolition, and Potential Elevation or Relocation, of Properties within the Village of Sidney, Delaware County, NY

Dear Ms. Loichinger:

The Governor's Office of Storm Recovery (GOSR) is pleased to forward the fully-executed Programmatic Agreement (PA) Regarding the Acquisition and Demolition, and Potential Elevation or Relocation, of Properties within the Village of Sidney, Delaware County, NY to the Advisory Council on Historic Preservation (ACHP) for filing. GOSR appreciates the assistance of the ACHP, represented by you, Ms. Jaime Loichinger, in the consultations to develop and finalize this PA.

This PA, being hereby filed with the ACHP, will enable both FEMA and GOSR to implement the undertaking in compliance with Section 106 of the National Historic Preservation Act (NHPA) (Section 110(l) and 36 CFR § 800.6(c)). FEMA and GOSR shall ensure that the undertaking is carried out in accordance with the terms of the PA until it expires or is terminated.

If you have any questions or require additional information please do not hesitate to contact me at (518) 473-0015 or Thomas.King@stormrecovery.ny.gov. Thank you kindly.

Sincerely,

Thomas J. King
Assistant General Counsel

CC: Mary Neustadter, FEMA (with original copy)
Richard Lord, DHSES (with original copy)
Larry Moss, SHPO (with original copy)
Shelly Johnson-Bennett, Delaware County (with original copy)
Mike Wood, Sidney Historical Society (with original copy)
Ashley Bechtold, HUD (copy)
Jesse Bergevin, Oneida Indian Nation (Copy)

**PROGRAMMATIC AGREEMENT
AMONG THE NEW YORK STATE HOUSING TRUST FUND CORPORATION,
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NEW YORK STATE HISTORIC PRESERVATION OFFICE,
THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND
EMERGENCY SERVICES, AND THE COUNTY OF DELAWARE
REGARDING THE ACQUISITION AND DEMOLITION, AND POTENTIAL
ELEVATION OR RELOCATION, OF PROPERTIES WITHIN
THE VILLAGE OF SIDNEY, DELAWARE COUNTY, NY**

WHEREAS, pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (“Stafford Act”), portions of New York State (“State”) received major disaster declarations as a result of Hurricane Irene (DR 4020), Tropical Storm Lee (DR 4031), and Superstorm Sandy (DR 4085) (collectively referred to as the “Disaster Declarations”); and

WHEREAS, by means of disaster relief appropriations (Public Law 112-55 and Public Law 113-2) the United States Congress has allocated funds to the United States Department of Housing and Urban Development (“HUD”) for the Community Development Block Grant Disaster Recovery (“CDBG-DR”) program to be used 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 encompassed by the Disaster Declarations; and (do we need an and?)

WHEREAS, pursuant to Title I of the Housing and Community Development Act of 1974 (42 U.S.C. § 5301 et seq.), as amended (“HCD Act”), HUD has authorized, via grant agreements, New York State Homes and Community Renewal (“NYSHCR”), through its Housing Trust Fund Corporation (“HTFC”) to administer and distribute CDBG-DR funds in the State; and

WHEREAS, Governor Andrew M. Cuomo established the Governor’s Office of Storm Recovery (“GOSR”) within HTFC and tasked it with administering the State’s CDBG-DR program; and

WHEREAS, pursuant to 42 U.S.C. 5304(g) and 24 C.F.R. Part 58, and by means of grant agreement with HUD, GOSR has assumed HUD’s environmental compliance responsibilities as Responsible Entity, as that term is defined by 24 C.F.R. § 58.2(a)(7)(i), for the administration of CDBG-DR funds, including obligations under § 106 of the National Historic Preservation Act of 1966, as amended (“NHPA”); and

WHEREAS, the Federal Emergency Management Agency (“FEMA”) of the United States Department of Homeland Security administers the Hazard Mitigation Grant Program (“HMGP”) pursuant to § 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5206 (“Stafford Act”) in cooperation with the New York State Division of Homeland Security and Emergency Services (“DHSES”); and

WHEREAS, FEMA, the New York State Historic Preservation Officer (“SHPO”), the New York State Office of Emergency Management (now known as DHSES), 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 (“ACHP”) executed a disaster-specific Programmatic Agreement (the “Programmatic Agreement”) for Hurricane Sandy on May 10, 2013. The Programmatic Agreement was amended to cover the state of New York on November 24, 2014, to satisfy FEMA’s responsibilities pursuant to 36 C.F.R. Part 800, for all proposed Undertakings in New York funded by FEMA (“Statewide Programmatic Agreement”); and

WHEREAS, on August, 6, 2013 the NYSHCR executed Appendix D of the Programmatic Agreement and on January 23, 2015, GOSR executed an Amendment to Appendix D of the Statewide PA that would allow for GOSR to adopt the terms and conditions of the Statewide Programmatic Agreement to fulfill its § 106 responsibilities pursuant to 24 C.F.R. Part 58 for its administration of CDBG-DR funds appropriated under the disaster relief appropriations (Public Law 112-55 and Public Law 113-2); and

WHEREAS, FEMA previously executed a Memorandum of Agreement on February 27, 2014, between SHPO, DHSES, and Delaware County using funds under FEMA’s HMGP to elevate one property and to acquire/demolish twenty five properties in the Village of Sidney, which were damaged as a result of flooding that occurred during Hurricane Irene and Tropical Storm Lee (4020-DR-NY & 4031-DR-NY); and

WHEREAS, On December 29, 2014, DHSES, on behalf of Delaware County, submitted to FEMA an HMGP application for the acquisition and demolition of 136 structures in Delaware County, 134 of which are located within the Village of Sidney (proposed “Undertaking”) to be paid for with 0% HMGP funding and 100% CDBG-DR local match funding as part of GOSR’s global match financing strategy and is subject to review under § 106 of the NHPA and its implementing regulations at 36 C.F.R. Part 800; and

WHEREAS, pursuant to 42 U.S.C. 5305(a)(1) and (9), and the State’s CDBG-DR Action Plans approved pursuant to both Public Law 112-55 and Public Law 113-2, GOSR proposed to utilize CDBG-DR funds to provide the 100% local match in support of the proposed Undertaking; and

WHEREAS, all properties participating in the proposed Undertaking within the Village of Sidney are within the boundaries of the Sidney Historic District, which is listed on the State and National Register of Historic Places (“National Register”); and

WHEREAS, the proposed Undertaking is voluntary and any interested property owners will receive a formal purchase offer from Delaware County; and

WHEREAS, GOSR and FEMA are conducting a joint NEPA review of the proposed Undertaking and GOSR is serving as Lead Agency for the purposes of the NHPA § 106 review of the proposed Undertaking; and

WHEREAS, FEMA, GOSR, SHPO and ACHP acknowledge that executing a Programmatic Agreement (PA) pursuant to Stipulation II.D.6.c of the Statewide Programmatic Agreement to identify programmatic conditions and define treatment measures to address any adverse effects related to the proposed Undertaking will streamline further consultation, including any additional properties proposed for acquisition and demolition within the Sidney Historic District beyond those contemplated by the proposed Undertaking at this time, thereby allowing FEMA and GOSR to meet their obligation under § 106 as well as minimizing delays to the delivery of the proposed Undertaking; and

WHEREAS, the Area of Potential Effect (APE) for the proposed Undertaking in the Village of Sidney is identified as the boundaries of the Sidney Historic District (See map at Appendix 1). The APE for archaeological resources will be the ground disturbance necessary for each proposed Undertaking and any potential equipment/debris staging areas; and

WHEREAS, GOSR has determined that the proposed Undertaking will have an adverse effect on unspecified contributing historic properties located within the Sidney Historic District that are listed in the National Register, and has consulted with the SHPO pursuant to 36 C.F.R. Part 800, and on March 10, 2015, the SHPO concurred that the proposed Undertaking contemplated will have an adverse effect to Historic Properties in the Sidney Historic District; and

WHEREAS, on September 24, 2015, by public notice posted on the Delaware County electronic public website, the Delaware County bulletin board, the Village of Sidney website, by individual letters, local television news media, and in local community newspapers, a public meeting was held at the Sidney Central School auditorium and the general public was notified of, and invited to comment upon, Delaware County's intent to demolish, elevate and potentially relocate flood-damaged private properties; and

WHEREAS, representatives from the SHPO, GOSR, DHSES, Delaware County, the Village of Sidney, the New York State Department of Environmental Conservation, local elevation contractors, and local lending institutions, participated in an information breakout session after the meeting to further educate and engage the public with regard to the proposed Undertaking; and

WHEREAS, FEMA and GOSR have invited the Delaware Nation, the Delaware Tribe of Indians, the Oneida Nation, the Stockbridge-Munsee Community Band of the Mohicans, and the Saint Regis Mohawk Tribe to consult on the development of this PA; and

WHEREAS, only the Oneida Indian Nation has requested to review and comment upon this PA and was invited by GOSR and FEMA to review and comment on this PA; and

WHEREAS, the Stockbridge-Munsee Community Band of Mohican Indians declined to participate in the development of this PA but requested that the Stockbridge-Munsee Tribal Historic Preservation Office be notified of any inadvertent discovery; additionally, if human remains are discovered and determined to be of Mohican origin, they will be treated in accordance with the Stockbridge-Munsee Community Policy for the Treatment and Disposition of Human Remains and Cultural Items That May be Discovered Inadvertently During Planned Activities; and

WHEREAS, GOSR has consulted with the Preservation League of New York State, the Delaware County Historian, the Delaware County Historical Association, the Town of Sidney Historian, and the Sidney Historical Association/Museum and has invited them to participate in the development of this PA; and

WHEREAS, only the Sidney Historical Association has requested Consulting Party status and is invited by GOSR and FEMA to participate in this consultation and sign this PA as a Concurring Party; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), on July 8, 2015 GOSR notified the ACHP of its adverse effect determination providing the specified documentation, and on August 18, 2015 the ACHP notified GOSR of its decision not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

NOW, THEREFORE, GOSR, FEMA, SHPO, DHSES and Delaware County agree that the proposed Undertaking shall be implemented in accordance with the following stipulations in order to mitigate future adverse effects on historic properties.

STIPULATIONS

To the extent of their respective legal authorities, and in coordination with SHPO, DHSES and the County, FEMA and GOSR will ensure the following stipulations are implemented:

I. APPLICABILITY AND GENERAL STIPULATIONS

- A. This PA applies to activities related to the proposed Undertaking within the Village of Sidney, which was damaged as a result of Hurricane Irene and Tropical Storm Lee. This PA allows properties listed on Attachment 1, as may be modified from time to time, to be processed as demolitions, elevations or relocations in accordance with the Statewide Programmatic Agreement.
- B. In addition to the properties currently listed on Attachment 1, should Attachment 1 be amended, this PA may apply to supplemental demolition, elevation or relocation properties within the Village of Sidney and the directly adjacent vicinity that if elevated, relocated or demolished that may create an adverse effect on the Sidney Historic District. These additional projects may or may not be in response to a Federally-declared disaster.
- C. The review process laid out in this PA may be used by either FEMA or GOSR, jointly or separately, for demolition, relocation, or elevation projects that may or may not have a funding cost-share.
- D. All references to time periods are in calendar days and notices and other written communications may be submitted by e-mail.

- E. The County is responsible for identifying and receiving all other local, state, and Federal permits and/or approvals regarding demolition, recycling and landfill activities. The execution of this PA does not relieve the County from such obligations.
- F. Pursuant to FEMA regulation 44 C.F.R. § 80.17, Properties must be demolished within 90 days of closing. Should an exception to this deadline be required due to consultations between the parties to implement Stipulations of the PA, the County shall provide GOSR with a request for an exception, the reasons for the request, and a final demolition date. The request shall be forwarded to GOSR for review and submission to FEMA.

II. PRIOR REVIEWS AND ELIGIBILITY DETERMINATIONS.

- A. GOSR, FEMA, SHPO, the Invited Signatories, and the Concurring Parties agree that:
 - a. The National Register Status of the 134 properties in the Sidney Historic District listed in Appendix 1 is correct and that the acquisition and demolition of the properties in Appendix 1 constitutes an adverse effect to Historic Properties.
 - b. If additional properties are added to Appendix 1 in accordance with Stipulation X, properties that have been previously identified as listed or eligible for listing on the National Register, or identified as contributing or non-contributing in the Sidney Historic District National Register nomination form will continue to carry such identification which will remain unaffected by this PA.
 - c. If additional properties are added to Appendix 1 in accordance with Stipulation X, properties within or directly adjacent to the Sidney Historic District that have not been identified as either contributing or non-contributing to the Sidney Historic District will be evaluated by the responsible Federal entity. All such requests will be submitted via the SHPO Cultural Resource Information System (“CRIS”) for SHPO concurrence by the responsible Federal entity.
 - d. For the purposes of this PA, should GOSR and/or FEMA and SHPO disagree on the National Register eligibility of a building GOSR and/or FEMA will resolve the issue in consultation with the SHPO.
- B. A proposed Undertaking may be considered an acquisition and demolition, elevation, or relocation. Properties not identified in Appendix 1, but later presented by the County, GOSR or FEMA as a proposed Undertaking and added by means of amendment to this PA and properties that are listed in Appendix 1 but that are later determined by GOSR or FEMA to be elevations or relocations may be processed in accordance with Stipulation of this PA.

III. REVIEW PROCESS FOR PROPOSED UNDERTAKINGS

- A. GOSR and FEMA, either together or independently, may satisfy their responsibilities under this PA with regard to properties that are listed on Attachment 1, which may be amended from time to time, as follows:
- a. Eligible or Contributing Properties. For properties listed in Appendix 1 that are either listed or eligible for listing on the National Register or are contributing to the Sidney Historic District the following shall apply:
 - i. Demolition: Where the proposed Undertaking is the demolition of a structure, an adverse effect may be resolved in accordance with the Architectural Salvage and Recordation Treatment Measures set forth in Appendix 4. The responsible Federal entity may process the proposed Undertaking without additional consultation or notification but will be included in the Quarterly Report identified in Stipulation VIII.
 - ii. Elevation of four (4) feet or less: Where the proposed Undertaking is an elevation of a structure that will raise the structure no more than four (4) feet, the proposed Undertaking will have “no adverse effect to historic properties.” The responsible Federal entity may process the proposed Undertaking without additional consultation or notification but will be included in the Quarterly Report identified in Stipulation VIII.
 - iii. Elevations of greater than four (4) feet: Where the Undertaking is the elevation of a structure that will raise the structure more than four (4) feet, the responsible Federal entity will determine, in consultation with SHPO, if the proposed Undertaking is an adverse effect to historic properties in accordance with Stipulation II.D of the Statewide Programmatic Agreement. If the responsible Federal entity determines that the proposed Undertaking will result in an adverse effect, the responsible Federal agency, in consultation with SHPO, will resolve the adverse effect with the appropriate Treatment Measure(s) as set forth in Appendix 4 unless the Sub-grantee does not pursue the elevation . All findings will be documented in the Quarterly Report described in Stipulation VIII.
 - iv. Relocation: Where a proposed Undertaking is the relocation of a structure an adverse effect may be resolved in accordance with the Recordation and Design Review Treatment Measures set forth in Appendix 4. When federal funds are used in association with the relocation sites, the relocation sites will be reviewed in accordance with Stipulation II.D of the Statewide Programmatic Agreement. All findings will be documented in the Quarterly Report described in Stipulation VIII. In relocation, every effort shall be made to

reestablish a building's historic orientation, immediate setting, and general environment in the new location, in accordance with 36 C.F.R. Part 60, and following the guidance in Moving Historic Buildings by John Obed Curtis.

b. Ineligible and Non-Contributing Properties

- i. For properties that are not eligible for listing on the National Register and are non-contributing to the Sidney Historic District; proposed Undertakings that are comprised of demolition, elevation of less than four (4) feet, or relocation outside of the Sidney Historic District will have “no adverse effect to historic properties.” All findings will be documented in the Quarterly Report described in Stipulation VIII.
 - ii. Elevations of greater than four (4) feet: Where the proposed Undertaking is the elevation of a non-contributing structure listed in Appendix 1 that will raise the structure more than four (4) feet, the responsible Federal entity will determine if the proposed Undertaking is an adverse effect to historic properties in accordance with Stipulation II.D of the Statewide Programmatic Agreement. If the responsible Federal entity determines that the proposed Undertaking will result in an adverse effect, the responsible Federal agency, in consultation with SHPO, will resolve the adverse effect in accordance with the Treatment Measures as set forth in Appendix 4. All findings will be documented in the Quarterly Report described in Stipulation XI of this PA.
- c. All ground disturbing activities, regardless of contributing status, will be treated in accordance with the Low Impact Debris Removal Stipulations in Appendix 2 of this PA.
- d. GOSR and/or FEMA may approve a proposed Undertaking related to a property listed on Appendix 1 that has been processed in accordance with Stipulation III of this PA.

IV. PROTECTION OF ARCHEOLOGICAL RESOURCES

To ensure the proposed Undertaking will not adversely affect archeological resources during the demolition phase, the foundations of buildings to be demolished will be either (1) broken up and pushed into the basement, or (2) removed. In all instances ground disturbing activities such as foundation removal or below grade disposition must adhere to New York State Department of Environmental Conservation requirements and the Low Impact Debris Removal Stipulations in found in Appendix 2 of this Agreement. Basement voids will be backfilled using clean fill from an existing off-site approved material borrow source. Although not contemplated in the Statewide Programmtic Agreement, slabs, walkways, driveways, concrete stair footings, and similar appurtenances may also be removed. Ground disturbance will be limited to the immediate area of the demolished structures. Construction equipment will be operated within existing driveways and the perimeters of structures to

limit ground disturbance. The County shall include the Low Impact Debris Removal Stipulations in its demolition contract or instructions to County staff directly carrying out the proposed Undertaking (Appendix 2).

V. UNANTICIPATED DISCOVERIES

- A. Although archaeological resources are not expected to exist in the immediate project area, unanticipated discoveries may occur. If ground-disturbing activities uncover human remains or archeological or historic resources the County is responsible for the following procedures:
 - a. If the discovery includes human remains or other indications of human interment, Stipulation VI of this Agreement, Human Remains Discovery Protocol will be adhered to.
 - b. If the discovery does not appear to include human remains or other indications of human interment, the County will ensure that the following steps will occur:
 - i. Suspend activities in the vicinity of the discovery and protect the site from any further disturbance.
 - ii. Notify GOSR at 646-417-4660, FEMA at 212-680-8816 and SHPO at 518-237-8643, regarding the discovery; produce digital photographs, which can be transmitted electronically, and which will be sent to GOSR and SHPO under their direction. These photos are for use by the agencies only for identification purposes and will not be duplicated or shared.
 - iii. GOSR and SHPO will then make a determination whether the discovery warrants additional examination will determine how to proceed in accordance with 36 C.F.R. Part 800.

VI. HUMAN REMAINS DISCOVERY PROTOCOL

In the event that human remains are encountered during construction or archaeological investigations, SHPO requires that the following protocol be implemented:

- A. At all times human remains will be treated with the utmost dignity and respect. Should human remains be encountered, work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from further damage and disturbance.
- B. Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or

removed until appropriate consultation has taken place and a plan of action has been developed.

- C. The county coroner/medical examiner, local law enforcement, SHPO, the appropriate Tribal Nations, and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archaeological.
- D. If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Please note that avoidance is the preferred choice with SHPO and the Tribal Nations. FEMA and/or GOSR will consult SHPO and/or the appropriate Indian Nations to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.
- E. If human remains are determined to be non-Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. Consultation with SHPO and other appropriate parties will be required to determine a plan of action.
- F. The person or persons encountering such properties or effects shall immediately notify SHPO at 518-237-8643, FEMA at 212-680-8816 and HTFC at 646-417-4660. Construction in the area of such sites or effects shall not resume until the requirements of 36 C.F.R. § 800.13(b)(3) have been met.

VII. ANTICIPATORY ACTIONS

In accordance with § 110(k) of the NHPA, FEMA or HUD/ GOSR shall not grant assistance to a Sub-grantee who, with intent to avoid the requirements of this Agreement or § 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, FEMA or HUD/ GOSR may, after consultation with the ACHP, determine that extraordinary circumstances justify granting such assistance despite the adverse effect created or permitted by the Sub-grantee, FEMA or HUD/GOSR shall complete consultation for the Undertaking pursuant to Sitpulation III.D. of the Statewide Programmatic Agreement.

VIII. REPORTING REQUIREMENTS

- A. In order to streamline the § 106 review process, the responsible Federal Agency will only consult with SHPO for those proposed Undertakings as described in Stipulation IV. Consultations, as well as all proposed Undertakings not consulted upon, will be captured in a report that will be prepared on a quarterly basis.
- B. The County shall prepare and will submit quarterly reports to FEMA, GOSR and SHPO, no later than January 15 (for the period of October 1 through December 31), April 15 (for the period between January 1 and March 31), July 15 (for the period between April 1 and June 30), and October 15 (for the period between July 1 and September 31).
- C. Each quarterly report shall contain a summary of all proposed Undertakings (demolitions, elevations and relocations) processed by means of this Agreement; including specific dates of key activities related to individual properties, including date(s) of acquisition, demolition, elevation, SHPO consultation, recordation, architectural salvage, and relocation.

IX. DISPUTE RESOLUTION

- A. If any objection or dispute should arise within the duration of this PA to any plans, specifications, or actions provided for review pursuant to this PA, GOSR and/or FEMA will consult further with the objecting party to seek resolution.
- B. If GOSR and/or FEMA determines that the dispute cannot be resolved, GOSR and/or FEMA shall forward all documentation relevant to the dispute, including FEMA's and/or GOSR's proposed resolution of the dispute, to the ACHP in accordance with 36 C.F.R. § 800.11(e). Within thirty (30) calendar days after receiving adequate documentation, the ACHP will either:
 - 1. Advise GOSR and/or FEMA that it concurs with GOSR's and/or FEMA's resolution to the dispute; or
 - 2. Provide GOSR and/or FEMA with recommendations, which GOSR and/or FEMA will take into consideration in reaching a final decision regarding the dispute; or
 - 3. Notify GOSR and/or FEMA that it will comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any comment provided will be taken into consideration by GOSR and/or FEMA in accordance with 36 C.F.R. § 800.7(c)(4) with reference to the subject of the dispute.
- C. If the ACHP does not provide advice regarding the dispute within the thirty (30) day time period, GOSR and/or FEMA shall make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, GOSR and/or

FEMA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

- D. Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute, and the responsibilities of the signatories to this agreement to fulfill all actions that are not subject of the dispute will remain unchanged.

X. DURATION, AMENDMENTS, AND TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this PA pursuant to 36 C.F.R. § 800.6(c)(7) and § 800.6(c)(8).
- B. Any signatory to this PA may propose to GOSR of FEMA that the PA be amended, whereupon GOSR or FEMA will consult with all signatories to the PA to consider such an amendment.
- C. The signatures of all signatories hereto shall be required to make any amendment to this PA. The amendment will be effective on date of final signature.
- D. Unless extended, amended or terminated, this PA shall remain in effect for five (5) years from the date of implementation.
- E. GOSR, FEMA, DHSES, County or SHPO may terminate this PA by providing 30 days' written notice to the other parties, provided that the parties shall consult during this period to seek amendments or other action that would prevent termination. Termination of the PA shall require compliance with Stipulations II. D. of the Statewide PA for each individual proposed Undertaking.
- F. This PA may be terminated by the implementation of a subsequent PA pursuant to 36 C.F.R. § 800.14 (b) that explicitly terminates or supersedes this PA.

XI. EXECUTION OF THE PA

- A. This PA may be executed in counterparts, with a separate signatory page to be signed by each party.
- B. GOSR will provide each signatory and the ACHP with a signed original of this PA. This PA will become effective on the date of filing by the ACHP.
- C. Execution and implementation of this PA evidences that GOSR and FEMA have taken into account the effects of the proposed Undertaking on historic

properties, have afforded the ACHP a reasonable opportunity to comment on the proposed Undertaking and its effects on historic properties, and that GOSR and FEMA have satisfied their § 106 responsibilities for all aspects of the proposed Undertaking.

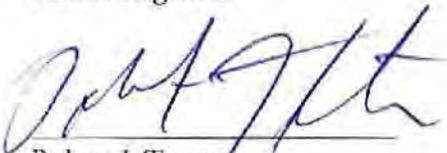
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ELEVATION OR RELOCATION, OF PROPERTIES WITHIN
THE VILLAGE OF SIDNEY, DELAWARE COUNTY, NY**

SIGNATORY PARTY 1 of 3

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: 
Jerame J. Cramer
Acting Regional Environmental Officer
FEMA Region II

Date: 11/18/2015

By: 
Robert J. Tranter
Hazard Mitigation Assistance Branch Chief
FEMA Region II

Date: 11/19/15

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SIGNATORY PARTY 2 of 3

NEW YORK STATE HISTORIC PRESERVATION OFFICER

By: Ruth Pierpont
Ruth Pierpont

Date: 12/4/15

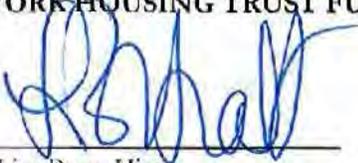
Deputy Commissioner/Deputy State Historic Preservation Officer

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SIGNATORY PARTY 3 of 3

NEW YORK HOUSING TRUST FUND CORPORATION

By:



Lisa Bova-Hiatt
Executive Director of Storm Recovery

Date:

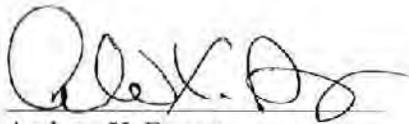
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INVITED SIGNATORY PARTY 1 of 2

**NEW YORK STATE DIVISION OF HOMELAND SECURITY AND
EMERGENCY SERVICES**

By:



Andrew X. Feeny
Alternate Governor's Authorized Representative

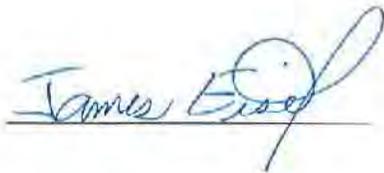
Date: 11/24/15

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REGARDING THE ACQUISITION AND DEMOLITION, AND POTENTIAL
ELEVATION OR RELOCATION, OF PROPERTIES WITHIN
THE VILLAGE OF SIDNEY, DELAWARE COUNTY, NY**

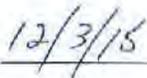
INVITED SIGNATORY PARTY 2 of 2

DELAWARE COUNTY

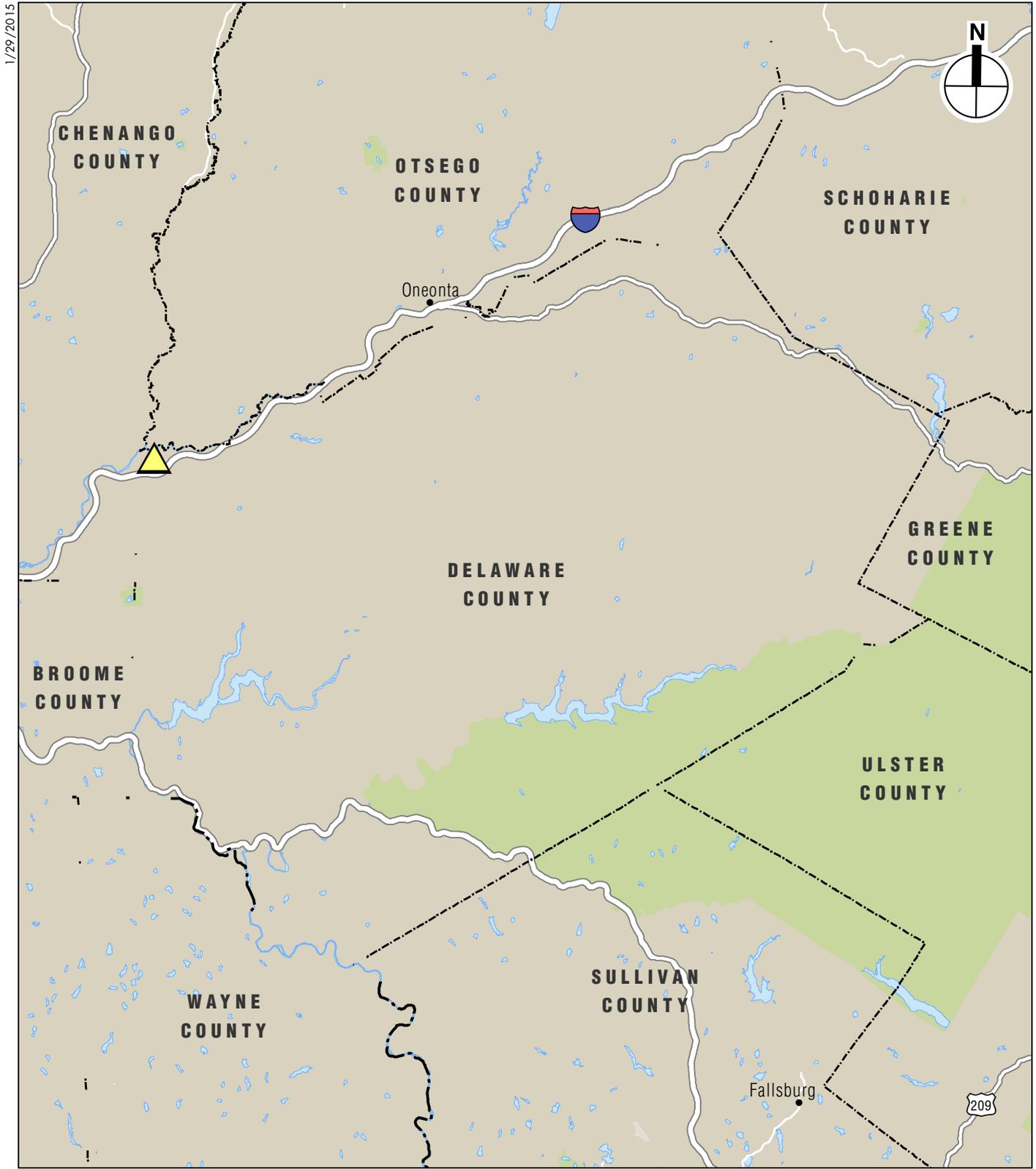
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Date:



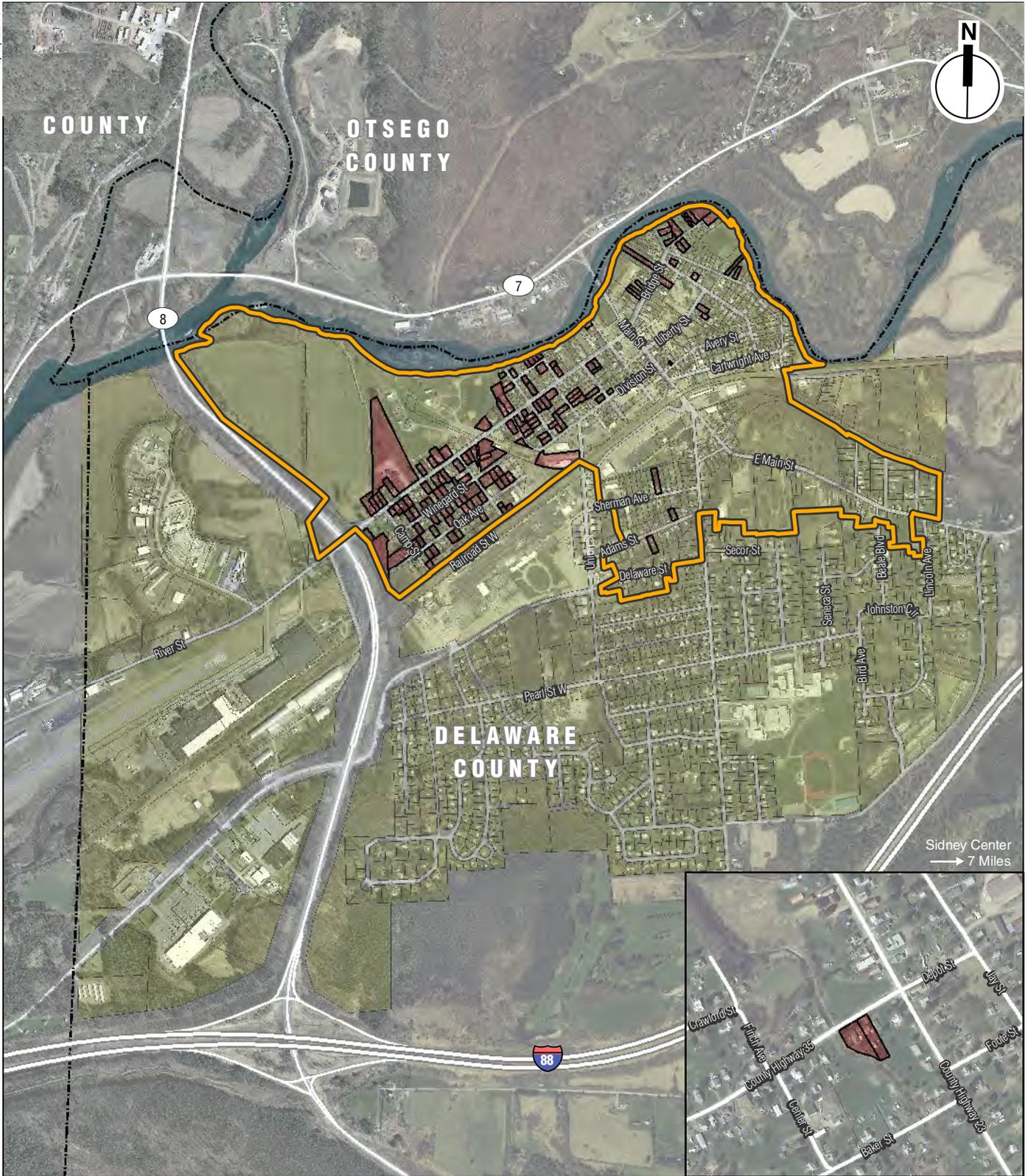
APPENDIX 1: FIGURES AND PROPERTY LIST



1/29/2015

 Project Location

0 10 MILES



- Sidney Tax Parcels
- Acquisition/Demolition Parcels
- Sidney Historic District Boundary

0 1,000 Feet

Table 1

Acquisition/Demolition Properties in Sidney, Delaware County, NY

No.	Property Address	Tax ID	NR Status
1	10 Adams	115.16-11-20	Contributing
2	15 Adams	115.16-10-10	Contributing*
3	13 Bridge	115.12-2-8	Contributing
4	15 Bridge	115.12-2-7	Contributing
5	19 Bridge	115.12-2-5	Contributing
6	28 Bridge	115.12-2-5	Contributing
7	33 Bridge	115.8-1-3	Contributing*
8	44 Bridge	115.8-2-4	Contributing
9	48 Bridge	115.8-2-2	Contributing
10	10 Camp	115.15-2-11	Non-contributing
11	11 Camp	115.15-4-27	Contributing
12	19 Camp	115.15-7-29	Contributing
13	1 Clinton	115.12-15-19	Contributing
14	8 Clinton	115.15-3-17	Contributing
15	11 Clinton	115.12-15-14	Contributing
16	12 Clinton	115.12-16-10	Contributing
17	8 Colegrove	115.15-3-17	Contributing
18	12 Colegrove	115.15-4-14	Contributing
19	19 Colegrove	115.15-6-12	Vacant/non-contributing
20	21 Colegrove	115.15-6-11	Contributing
21	23 Colegrove	115.15-6-10	Vacant/non-contributing
22	34 Division	115.11-5-11	Contributing
23	36 Division	115.11-5-12	Contributing
24	3 Dunham	115.11-7-10	Vacant/non-contributing
25	4 Gilbert	115.11-2-6	Contributing
26	5 Gilbert	115.11-3-2	Contributing
27	12 Gilbert	115.11-2-9	Contributing
28	18 Gilbert	115.11-6-5	Contributing
29	19 Gilbert	115.11-5-14	Contributing
30	20 Gilbert	115.11-6-6	Contributing
31	22 Gilbert	115.11-6-7	Contributing
32	28 Gilbert	115.11-6-10	Contributing
33	30 Gilbert	115.11-6-11	Contributing
34	2 Grand	115.12-1-5	Contributing
35	26 Liberty	115.12-5-16	Contributing*
36	3 Maple	115.8-2-11	Contributing
37	4 Maple	115.8-2-38	Contributing
38	6 Maple	115.8-2-37	Contributing
39	7 Maple	115.8-2-8	Contributing
40	11 Maple	115.8-2-10	Contributing
41	13 Maple	115.8-2-11	Contributing
42	15 Maple	115.8-2-12	Contributing
43	1 New	115.12-5-14	Contributing
44	4 Oak	115.15-5-9	Contributing
45	6 Oak	115.15-5-10	Contributing
46	8 Oak	115.15-5-11	Vacant/non-contributing
47	13 Oak	115.15-7-13	Contributing
48	18 Oak	115.15-4-15	Contributing
49	20 Oak	115.15-4-16	Non-contributing

50	22 Oak	115.15-4-17	Non-contributing
51	23 Oak	115.15-7-8	Contributing
52	25 Oak	115.15-7-7	Contributing*
53	28 Oak	115.15-4-20	Contributing
54	33 Oak	115.15-7-3	Contributing
55	34 Oak	115.15-4-23	Contributing
56	35 Oak	115.15-7-2	Vacant/non-contributing
57	40 Oak	115.15-4-26	Contributing
58	Off Oak	115.15-2-2	Vacant/non-contributing
59	3 Patterson	115.11-6-16	Contributing
60	4 Patterson	115.11-7-7	Contributing
61	5 Patterson	115.11-6-15	Contributing
62	1A Pleasant	115.12-3-3	Contributing
63	13 Pleasant	115.12-3-12	Contributing
64	21 River	115.1-15-2	Contributing
65	23 River	115.12-15-1	Contributing
66	36 River	115.11-3-14	Contributing
67	39 River	115.11-5-3	Contributing
68	41 River	115.11-5-2	Contributing
69	43 River	115.11-5-1	Contributing
70	47 River	115.11-11-6-3	Contributing
71	48 River	115.11-4-12	Contributing
72	51 River	115.11-6-1	Contributing
73	53 River	115.11-7-5	Contributing
74	62 River	115.11-2-4	Contributing
75	64 River	115.11-2-15	Contributing
76	65 River	115.11-8-3	Contributing
77	67 River	115.11-8-2	Contributing
78	69 River	115.11-8-1	Contributing
79	70 River	115.11-2-18	Contributing
80	71-73 River	115.15-3-15	Contributing
81	79 River	115.15-3-12	Contributing
82	81 River	115.15-3-11	Contributing
83	82 River	115.11-2-21	Contributing
84	83 River	115.15-3-10	Contributing
85	84 River	115.11-2-22	Contributing
86	86-88 River	115.11-2-23	Contributing
87	87 River	115.15-3-8	Contributing
88	94 River	115.11-2-25	Contributing
89	97 River	115.11-2-33	Contributing
90	99-100 River	115.15-3-3	Contributing
91	103 River	115.15-3-2	Contributing
92	104 River	115.11-2-29	Contributing
93	105 River	115.15-3-1	Contributing
94	106 River	115.11-2-30.1	Contributing
95	110 River	115.11-2-32	Vacant/non-contributing
96	112 River	115.11-2-33	Contributing
97	113 River	115.15-2-3	Vacant/non-contributing
98	114 River	115.11-2-34	Contributing
99	116 River	115.11-2-35	Contributing
100	12 Sherman	115.16-1-15	Contributing
101	5 Smith	115.12-5-44	Contributing

102	2 Union	115.11-4-6	Contributing
103	4 Union	115.11-5-4	Contributing
104	5 Union	115.11-3-15	Contributing
105	9 Union	115.12-16-19	Contributing
106	10 Union	115.11-5-7	Contributing
107	11 Union	115.12-16-18	Contributing
108	13 Union	115.12-16-17	Contributing
109	22 Union	115.11-7-8.1	Non-contributing
110	8 Weir	115.11-3-8	Contributing
111	9 Weir	115.11-4-2	Contributing
112	10 Weir	115.11-3-7	Contributing
113	12-14 Weir	115.11-3-6	Contributing
114	16-18 Weir	115.11-3-5	Contributing
115	21 Willow	115.8-2-17	Contributing
116	25 Willow	115.8-2-23	Contributing
117	7 Winegard	115.15-4-13	Contributing
118	9 Winegard	115.15-5-2	Contributing
119	10 Winegard	115.11-7-9	Contributing*
120	11 Winegard	115.15-5-1	Non-contributing
121	16 Winegard	115.15-3-18	Contributing
122	17 Winegard	115.15-4-13	Contributing
123	22 Winegard	115.15-3-21	Contributing*
124	23 Winegard	115.15-4-11	Contributing
125	23 Winegard (Vacant)	115.15-4-12	Vacant/non-contributing
126	24 Winegard	115.15-3-22	Contributing
127	27 Winegard	115.15-4-8	Vacant/non-contributing
128	28 Winegard	115.15-3-24	Vacant/non-contributing
129	29 Winegard	115.15-4-9	Contributing
130	30 Winegard	115.15-3-25	Contributing
131	33 Winegard	115.15-4-6	Contributing
132	34 Winegard	115.15-3-27	Contributing*
133	36 Winegard	115.15-3-28	Vacant/non-contributing
134	39 Winegard	115.15-4-3	Contributing
135	6726 Cty Hwy 35	141.4-2-5	Not eligible**
136	6736 Cty Hwy 35	141.4-2-6	Not eligible**
TOTAL CONTRIBUTING			117
TOTAL VACANT/NON-CONTRIBUTING			17
TOTAL NOT ELIGIBLE			2
TOTAL PROPERTIES			136

Source: Delaware County HMGP Application

Notes: Contributing/Non-contributing status per the National Register Nomination

* Contributing house/non-contributing garage

** Not eligible determinations made by FEMA

APPENDIX 2

New York Secondary Programmatic Agreement for Section 106 Review

LOW IMPACT DEBRIS REMOVAL STIPULATIONS FOR ACQUISITION AND DEMOLITION OF RESIDENTIAL PROPERTIES IN THE VILLAGE OF SIDNEY

The following Low Impact Debris Removal Stipulations (LIDRS) apply to the demolition and removal of all structures and appurtenances that are to be demolished and removed within the Village of Sidney, New York, in accordance with this Secondary Programmatic Agreement. When used below, the word "Contractor" shall mean any entity performing physical work on site including government staff. These LIDRS must be included in any contract to perform demolition, excavation, removal of debris, or site activities that have the potential to disturb soils within the Village of Sidney.

1. General Approach to Minimize Impact to Soil:
 - a. When using heavy equipment, work must occur from hard or firm surfaces to the fullest extent possible, to avoid sinking into soft soils.
 - b. To the fullest extent possible Contractors must minimize soil disturbance when operating heavy equipment on wet soils (6 inches or less).
2. Activity Specific Guidelines:
 - a. *Woody Debris Removal (including Rootballs)*: To the fullest extent possible all woody debris removal must comply with Appendix E "Stump Removal".
 - b. *Filling Voids*: Any voids which require filling because they are a "health and safety issue" will be filled with clean and suitable fill. All fill shall consist of clean sand, gravel or soil (not asphalt, slag, flyash, broken concrete or demolition debris).
 - c. *Surface Grading and Site Clean-Up*: The Applicant will ensure to the fullest extent possible that its contractors will limit site grading to within the first six (6) inches of the existing surface elevation (e.g., side walk level, driveway level, slab level, etc.).
 - d. *Utility Lines*: Utility lines will be disconnected and capped. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way will be required to cap these service lines. Shearing off of at the ground-surface is strongly encouraged so that further soil disturbance is minimized.
 - e. *Foundation Removal*. To the fullest extent possible, excavation will be limited to within two (2) feet of the foundation perimeter and will not excavate more than one (1) foot below the depth of the foundation to minimize soil disturbance.

- f. *Slab/Driveway/Sidewalk Removal*: To the fullest extent possible, excavation will be limited to within one (1) foot of the slab/driveway/sidewalk perimeter and no more than one (1) foot below the depth of the asphalt/concrete to minimize soil disturbance.
- g. *Oil Tank Location/Removal*: To the fullest extent possible, approved methods will be used in locating an underground oil tank. Approved methods include using a magnetometer, probe, or GPR system. Trenches are not permitted. New York State DEC guidelines for oil tank removal must be followed. To the fullest extent possible, excavation will be limited to within two (2) feet of the tank footprint and no more than one (1) foot below the depth of the tank bottom.
- h. *Septic Tanks*: Fill required in the decommissioning of septic tanks must be clean and suitable fill. All fill shall consist of clean sand, gravel or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

3. Treatment of Unanticipated Discoveries:

a. *Archaeological Materials/Human Remains*

- i. If debris removal, demolition or excavation activities disturb archaeological artifacts (e.g. old bricks, ceramic pieces, historic bottle glass or cans, coins, beads, stones in the form of tools [arrow heads], pieces of crude clay pottery, etc.), archaeological features (e.g. grave markers, house foundations, cisterns, etc.) or human remains then all work must immediately stop in the vicinity of the discovery and all reasonable measures must be taken to avoid or minimize harm to the finds. In such cases, staff or contractors on site must immediately notify the New York State Historic Preservation Office (SHPO), the Governor's Office of Storm Recovery (GOSR), the NYS Department of Homeland Security and Emergency Services (DHSES) and the Federal Emergency Management Agency (FEMA) (also in the case of the discovery of human remains the local law enforcement agency and the county coroner/medical examiner). Additional work must not proceed in the areas of concern until FEMA and GOSR have completed consultation with the SHPO and other interested parties, as necessary.

ii. Notification Information:

- 1. SHPO: 518-237-8643
- 2. GOSR: 646-417-4660
- 3. DHSES: 518-292-2204
- 4. FEMA: 212-680-8816

- 4. FEMA and GOSR reserve the right to conduct unannounced field inspections and observe debris removal activities to verify compliance with LIDRS. Failure to comply with these stipulations may jeopardize the receipt of federal funding.

APPENDIX 3: RESERVED

APPENDIX 4

New York Secondary Programmatic Agreement for Section 106 Review

TREATMENT MEASURES

If Undertakings result or will result in adverse effects, FEMA, GOSR, DHSES, the SHPO, and participating Tribe(s)/Nation(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. This Appendix may be amended in accordance with Stipulation X.B.

A. Documentation and Recordation

1. The County will prepare the following draft documentation for approval by the SHPO. Any staff or contractor hired to complete the treatment measures will be a SOI Qualified individual in the discipline of history and/or architectural history, as determined by SHPO and defined in 36 CFR Part 61, Appendix A, for Section 106 review of the Undertakings.
 - a. A brief narrative (referenced from the National Register Historic District nomination report) of the history of the Property;
 - b. 5x7 photographs depicting streetscape scenes of the impacted areas, sufficient to depict and identify:
 - i. each of the buildings, on each of the streetscapes;
 - ii. contextual views showing the streetscapes and the buildings; relationship to each other and their surroundings.
 - c. 5x7 photographs of all extant structure(s) on the properties and, for the residence thereupon, photographs sufficient to depict and identify:
 - i. each side of the buildings;
 - ii. oblique views of the building sufficient to show each of its walls from at least two angles;
 - iii. contextual views showing the building and its surroundings, and;
 - iv. Select interior views if the floor plan and/or trim are intact, with interior photographs keyed to a simple sketch floor plan indicating photographers' location and direction of view.
2. All digital images and prints will meet the National Park Service standards for documenting historic resources listed in the National Register Photo Policy Fact Sheet at:

<http://www.nps.gov/history/nr/publications/bulletins/photopolicy/index.htm>

3. All photographs submitted will be identified by name of photographer, date of photograph, and direction of view.
4. The County shall submit the draft documentation to SHPO, who will have a period of thirty (30) days for review and comment, after which the County shall incorporate the recommended changes into the final document. Digital photographs will be submitted on a CD-ROM labeled according to the standards found in the National Register Photo Policy Fact Sheet.
5. The County will provide GOSR with a copy of the cover letter transmitting this information to the SHPO, and shall forward a copy of SHPO's written comments to GOSR.
6. Upon SHPO's approval, the County shall produce, one set of photographs printed on archival stable paper; marked with the location of the property labeled on the back in pencil or archival photo labeling pen. This set of archival stable photographs will be sent to SHPO in addition to one copy of the final photocopy report.
7. Upon SHPO's approval of the draft documentation, the County's contractor shall prepare five photocopies of the final report. The County shall maintain the original copy.
8. FEMA and GOSR shall be copied on the final transmittal letter to SHPO but will not receive a copy of the final photocopy report.
9. Final photocopy reports shall be provided to:
 - a. Graydon Ballard, Curator
Sidney Historical Museum
21 Liberty Street, Room 218
Sidney, NY 13838
 - b. Delaware County Historical Society
46549 State Highway 10
Delhi, NY 13753
 - c. Delaware County Historical Historian
Suite 1, One Court House Square
Delhi, NY 13753
 - d. Preservation League of New York State
Attn: Tania Werbizky
44 Central Avenue

Albany, New York 12206-3002

- e. New York State Office of Parks, Recreation and Historic Preservation
Division for Historic Preservation
Peebles Island
P.O. Box 189
Waterford, New York 12188-0189

B. Design Review

1. The County shall submit elevation or relocation schematics with details to SHPO, who will then have thirty (30) days for review and comment. The County will consult with the SHPO to incorporate the recommended changes into the elevation or relocation documents.
2. The County will provide DHSES and GOSR and/or FEMA with a copy of the cover letter transmitting this information to SHPO, shall forward copies of the approved elevation schematics, and shall forward a copy of SHPO's written comments.

C. Salvage of Architectural Features

1. Following acquisition of the Properties and satisfaction of Stipulation III.A, the County in consultation with the SHPO will identify in writing any significant architectural features to be removed from any of the Properties.
2. The County will be responsible for removing the architectural features within sixty (60) days of transfer of the Properties to the County and storing them in a secure location. Upon removal of all architectural features identified for removal by the County and SHPO, the County will provide notice to GOSR, FEMA and SHPO that the same has been completed and allow for at least ten (10) days to expire prior to demolishing the structure.
3. The County may utilize the architectural features for educational purposes in a display of the Village of Sidney's architectural history. As an alternative, the County, in consultation with the SHPO, will attempt to identify a private or public not-for-profit local or regional historic preservation organization interested in receiving a donation of the architectural features. The organization may sell the architectural features to the public for the specific purpose of raising funds to support future historic preservation activities in the region. Upon conclusion of the salvage process, the County, shall provide GOSR and the SHPO with a summary of the disposition of architectural features.

4. The County shall realize no financial gain from the transfer of architectural features to the historic preservation organization or from any subsequent sale. Any income derived by the County from the sale of architectural features would be considered project income and must be returned to GOSR.

Appendix F Environmental Review Record

ERR Project Summary	
Responsible Entity:	New York State Homes and Community Renewal
Certifying Officer:	Thomas J. King, Esq., Governor's Office of Storm Recovery Jeramé Cramer, Federal Emergency Management Agency
Project Name:	HMGP Global Match Acquisitions – Delaware County, NY
Federal Agency:	Federal Emergency Management Agency / U.S. Department of Housing and Urban Development
Project Sponsor:	Delaware County Board of Supervisors/ New York State Homes and Community Renewal
Program Name:	Hazard Mitigation Grant Program / New York State Community Development Block Grant - Disaster Recovery
Project Site Address:	Various parcels, Village of Sidney and Sidney Center, Delaware County, NY
Project County:	Delaware County, New York
Estimated Project Cost:	Approximately \$19.2 million
Project Sponsor Address:	Delaware County Board of Supervisors 111 Main Street Delhi, NY 13753 New York State Housing Trust Fund Corporation 38-40 State Street Albany, NY 12207
Primary Contact's Name:	Thomas J. King, Esq.
E-Mail address:	thomas.king@stormrecovery.ny.gov
Telephone Number:	646-417-4660
Project NEPA Classification:	<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.
ENVIRONMENTAL FINDING:	<p>The undersigned hereby certifies that New York State Housing Trust Fund Corporation, as HUD responsible entity, and FEMA have conducted an environmental review of the project identified above and prepared the attached record of environmental considerations in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended, (42 USC sec. 4321 et seq.) and its implementing regulations under 24 CFR Part 58 and 44 CFR Part 10.</p> <hr/> <p>NAME: Thomas J. King, Esq. Title/Agency: Certifying Officer/NYS Homes and Community Renewal Date: XX January 2016</p> <hr/> <p>NAME: Jeramé Cramer Title/Agency: Certifying Officer/Federal Emergency Management Agency Date: XX January 2016</p>