

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)))

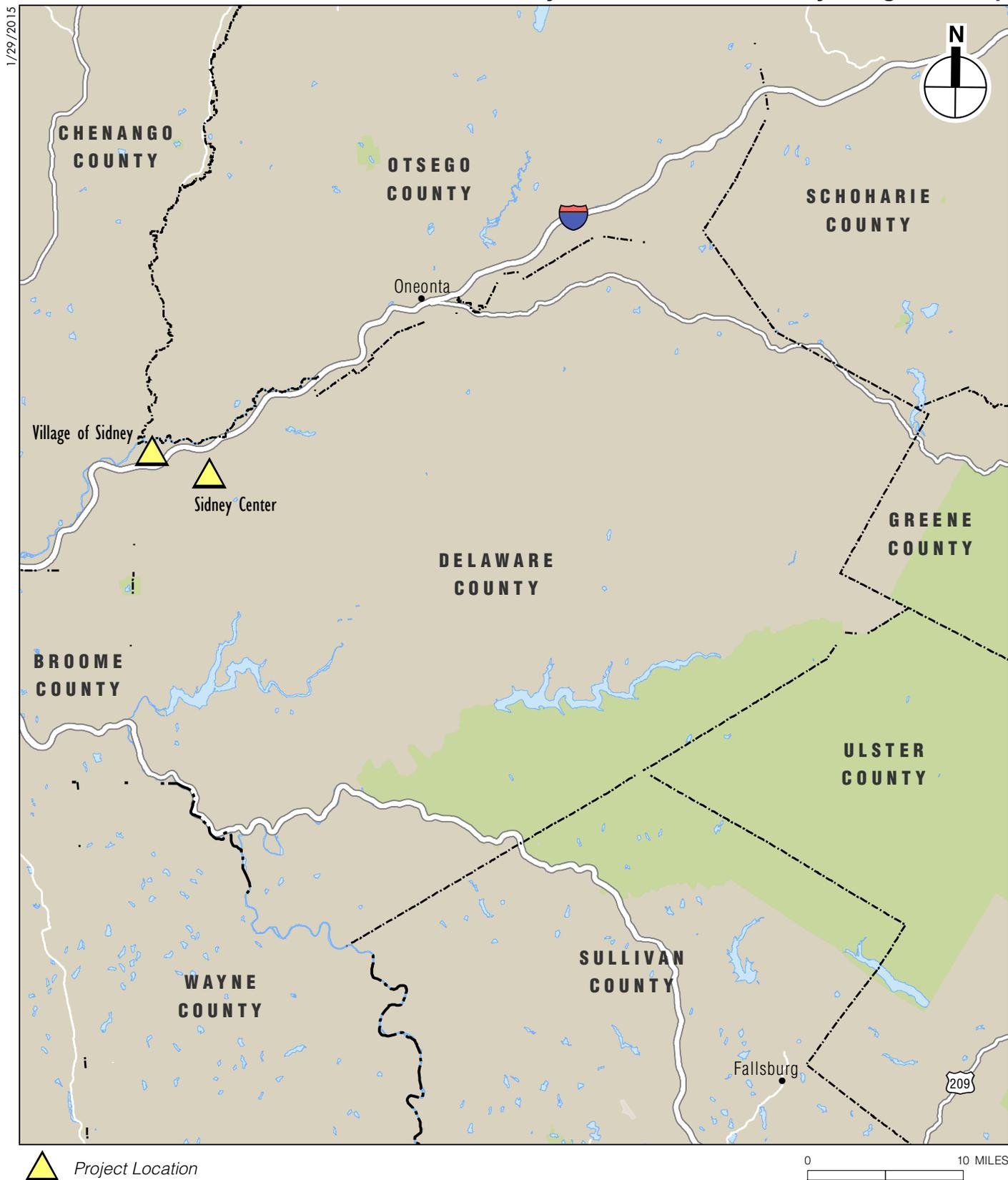
Table 1
Acquisition/Demolition Properties in
Sidney, Delaware County, NY

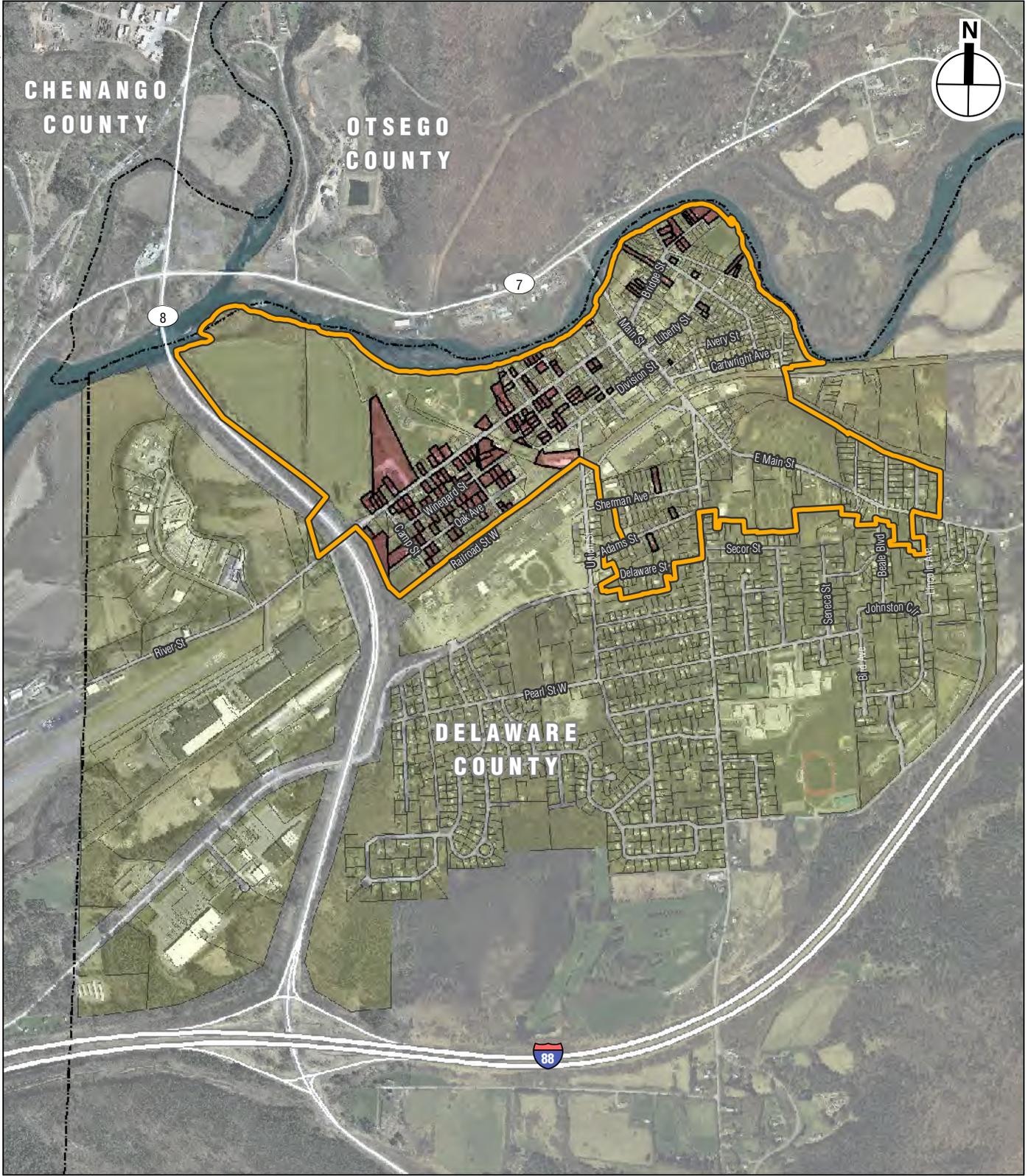
No.	Property Address	Tax ID
1	10 Adams	115.16-11-20
2	15 Adams	115.16-10-10
3	13 Bridge	115.12-2-8
4	15 Bridge	115.12-2-7
5	19 Bridge	115.12-2-5
6	28 Bridge	115.12-2-5
7	33 Bridge	115.8-1-3
8	44 Bridge	115.8-2-4
9	48 Bridge	115.8-2-2
10	10 Camp	115.15-2-11
11	11 Camp	115.15-4-27
12	19 Camp	115.15-7-29
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
92	104 River	115.11-2-29
93	105 River	115.15-3-1
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





- 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.*

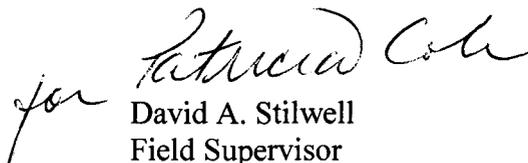
In addition to the above-mentioned determination, the Governor's Office has also determined that the project will result in no effects to the bald eagle (*Haliaeetus leucocephalus*). As you are aware, bald eagles have been delisted pursuant to the ESA, but remain protected under the Migratory Bird Treaty 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
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

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.

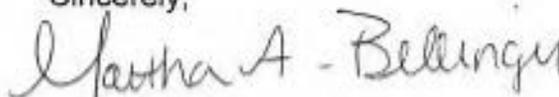


Department of
Environmental
Conservation

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

**New York State
Office of Parks, Recreation, and Historic Preservation**

State Historic Preservation Office (SHPO)



**Parks, Recreation
and Historic Preservation**

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

March 10, 2015

Thomas King, Certifying Officer
Governor's Office of Storm Recovery (GOSR)
99 Washington Ave, Suite 1224

Re: FEMA-HMGP/ GOSR/ HUD-CDBG-DR/ DHSES/ NYSHCR
Acquisition and Demolition of 134 properties in Sidney Historic District/ Delaware County
15PR00723

Dear Mr. King:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and relate only to Historic/Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, the SHPO concurs with your agency's determination that the proposed undertaking will have an Adverse Effect to Historic Properties in the Sidney Historic District, which is on the State and National Register of Historic Places. We look forward to working with you to resolve the adverse effect.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If I can be of further assistance, please contact me at (518) 268-2187.

Sincerely,

Larry K Moss
Historic Preservation Technical Specialist

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

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 Wenoah silt loam (Wg) found on terraces and valley trains (TtA) and floodplains (Wg) and both well drained. Cursorsy 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 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.



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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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).

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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.



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". The signature is written in dark ink on a light-colored background.

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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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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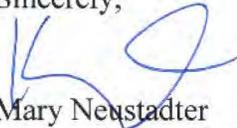
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Sincerely,



10K

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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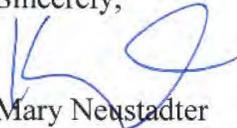
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Sincerely,



10K

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
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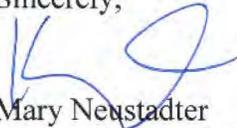
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10K

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

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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

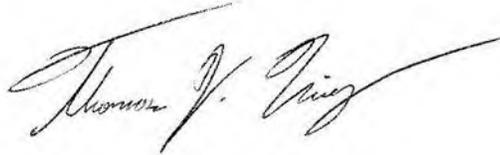
Due to the demolition of 117 contributing properties within the National Register-listed Sidney Historic District, FEMA and HCR have determined a finding of **Adverse Effect to Historic Properties** for this Undertaking for above ground resources and a **No Adverse Effect to Historic Properties** for 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.

HCR and FEMA request your comments within thirty (30) days. We look 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 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,

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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

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

Dear Ms. Pierce:

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

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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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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, 20105

Delaware County Historical Association

46549 State Hwy 10
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

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

Dear Delaware County Historical Association:

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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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.

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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

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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

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:

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Identification and Evaluation

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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

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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.

HCR and FEMA request your comments within thirty (30) days. We look 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 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 V. 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

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?

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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

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?

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