NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal

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2023 HOME LPA TIER 2 TECHNICAL MANUAL

GUIDE TO COMPLIANCE STEPS AND REQUIREMENTS UNDER

24 CFR Part 58

ENVIRONMENTAL UNIT (EU)

NEW YORK STATE HOUSING TRUST FUND CORPORATION

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GENERAL NOTES

- This document is to be utilized as a reference guide by recipients who have received 2023 HOME LPA funding from HCR where HCR is the Responsible Entity. This document should not be construed to be applicable or controlling for other HCR or non-HCR reviews. Where any information in this document conflicts with HUD regulations or guidance, the HUD regulations and guidance govern.

- This technical manual guide does not cover every possible compliance step. There may be instances where further compliance steps must be taken beyond this manual as directed by EU.

- Depending on program details and activities, every Tier 2 template will be different depending upon each program's coverage area and activities. Therefore, some compliance factors below may not be applicable to your program, in which case the Tier 2 template language will read "completed during Tier 1 review." Please refer to your program's specific Tier 1 Programmatic review and Tier 2 template.

- For HOME LPA programs that are Categorically Excluded Not Subject to 58.5 (purchase/down payment assistance only, TBRA) only the following compliance factors must be adhered to in accordance with 24 CFR Part 58.6:
    - Airport Runway Clear Zones and Accidental Potential Zones (24 CFR Part 51 Subpart D)
    - Coastal Barrier Resources (Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501])
    - Flood Insurance (Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a])

- HOME LPA programs that are Categorically Excluded Subject to 58.5 must adhere to all the compliance factors within 24 CFR Part 58.5 & 58.6.

PROJECT SITE INFORMATION AND DESCRIPTION

Considerations:

- The Project description should include ALL activities associated with the project, regardless of funding source.
- The provided project description template language is there as a guide. Revise/add/remove language as necessary.
- Any bracketed language should be removed/revised as necessary to coincide with specific project activities.
- The project description should be as concise and detailed as possible to minimize the likelihood of EU asking for clarifications and/or revisions. Do not include personal information about the occupant/awardee such as race/national origin, gender, familial organization, or work status.
- All Tier 2 submissions should include a map of the project site utilizing Google Maps, Google Earth, or any other preferred program, as the first piece of documentation. Ensure that the project site is labeled and clearly visible.

AIRPORT HAZARDS

24 CFR PART 51 SUBPART D

- As indicated in your program's Tier 1 Programmatic review, specific civilian and/or military airports must be reviewed for their relative distance to each site-specific project address.

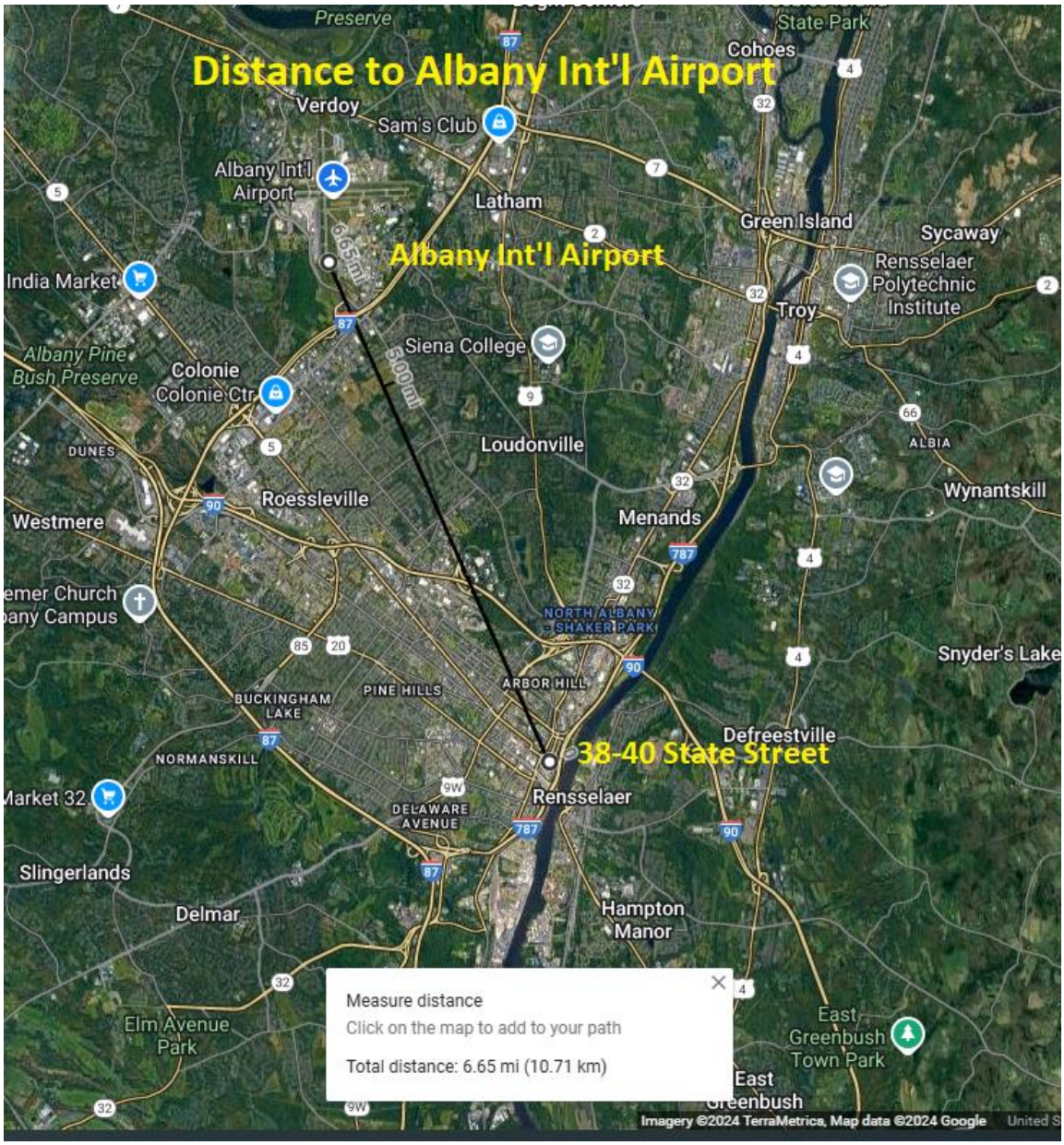
- The RPZ/CZ, or Runway Protection Zone/Clear Zone, refers to the airport hazard area of a commercial or civilian airport.

- The APZ, or Accident Potential Zone, refers to the airport hazard area of a military airport.

- Maps should be provided in the Tier 2 submission that indicate the straight-line distance from the project site to the nearest runway of the airport(s). These maps can be made in google maps, google earth, or any other online mapper that you may be comfortable with.

    - These maps should be clearly labeled with the following:
        - Map title.
        - Project address.
        - Airport.
        - The straight-line distance should be clearly shown between the project site and the nearest runway. The distance should be clearly labeled on the map. There is a distance function in google maps/earth that can be utilized.
        - The driving distance from the airport to the project site is NOT the straight-line distance and is NOT acceptable.

- Below is an example of an acceptable map in google maps. Tier 2 maps do not need to look exactly like this. This is only an example. If maps are clearly labeled, EU will deem acceptable.



- Once maps are prepared, adjust/revise the provided Tier 2 template language to mirror the documentation shown in the newly prepared maps.

- Prepared maps should be added as an attachment below the Tier 2 checklist.

COASTAL BARRIER RESOURCES

COASTAL BARRIER RESOURCES ACT. AS AMENDED BY THE COASTAL BARRIER IMPROVEMENT ACT OF 1990 [16 USC 3501]

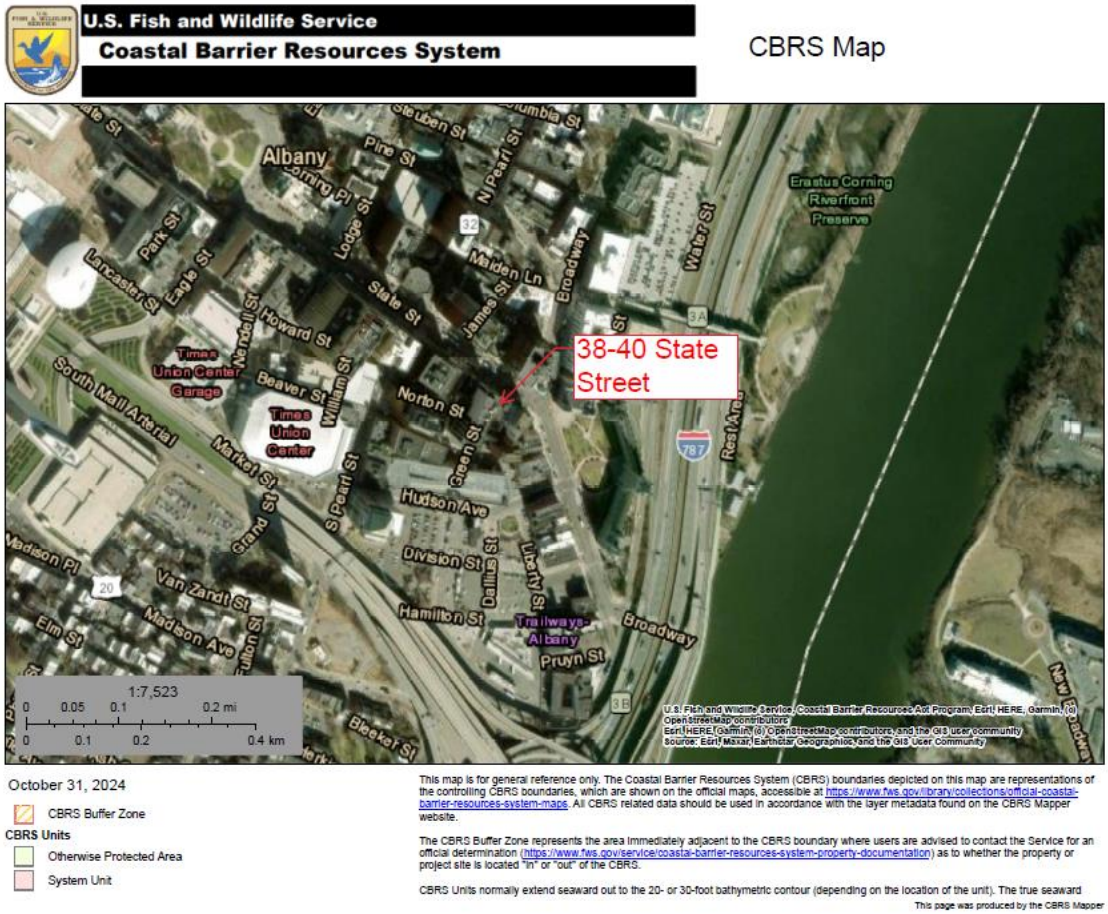
- All projects must be reviewed to ensure they do not occur within a Coastal Barrier Resource System (CBRS).

- HUD funding is prohibited for projects within a CBRS.

- A map should be prepared utilizing the Existing Units CBRS Mapper found here: https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/

    - Follow the link above and enter the project site address.
    - Once the project site is centered on the mapper, click print in the top right corner of the mapper.
    - Enter the title of the printout and then click the green print button. A link to your printout will appear. Click on it.
    - A PDF map will be rendered. Make sure to label the project site utilizing Adobe or paint, etc., whichever system is preferred/available.
    - The map must be in color.

- Below is an example of an acceptable map:



- Once the map is prepared, prepare/revise the Tier 2 checklist comment accordingly.

FLOOD INSURANCE

FLOOD DISASTER PROTECTION ACT OF 1973 AND NATIONAL FLOOD INSURANCE REFORM ACT OF 1994 [42 USC 4001-4128 AND 42 USC 5154A]

- Project sites with activities that are applicable and are located within a Special Flood Hazard Area (SFHA), also known as the100-year floodplain or Zones A, AE, and V, must obtain and show proof of flood insurance to receive HUD funding.

- Project sites within a Floodway, are prohibited from receiving HUD funding.

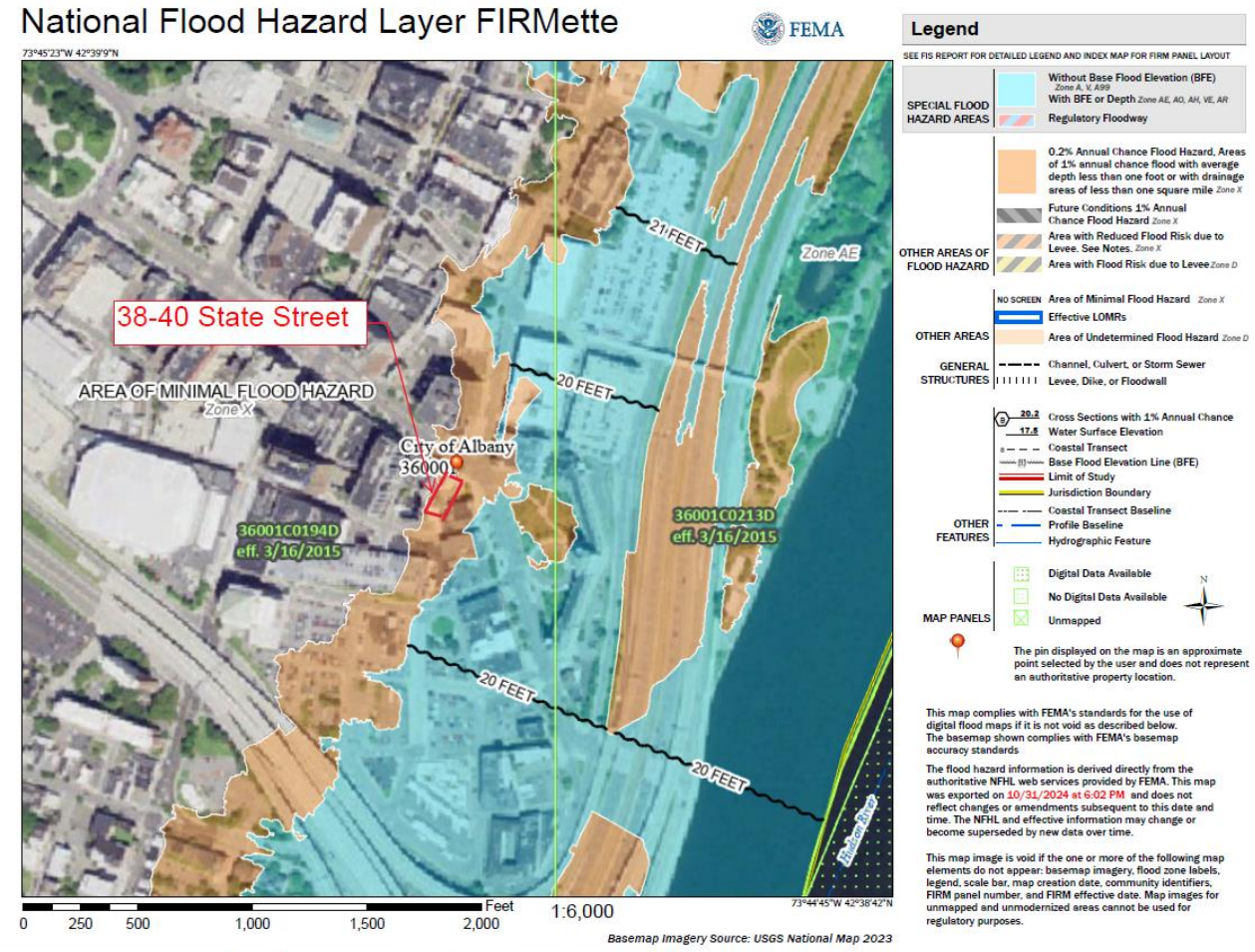
- For project sites that are extremely close to a SFHA, it may be necessary, at the request of EU, to get a determination from the local municipal Code Enforcement Officer, engineer, surveyor, or equivalent.

- Common FEMA map designations are as follows:

    - Area of minimal flood hazard: Zone X or C (print map, no further action needed)
    - "Not Printed" or "Panel Not Printed": FEMA has conducted a study and determined no SFHAs exist within that specific panel area (print map, no further action needed)
    - Moderate Flood Hazard Area (500-year floodplain): Zone B (print map, tenant notifications may be needed)
    - Special Flood Hazard Area: Typically zones A, AE, and V (additional compliance steps will be required)
    - "Unmapped Area": FEMA has not conducted a study of this area. Additional compliance steps will be required.
    - Floodway (areas along rivers marked by red stripes): prohibited from receiving HUD funding.

- Documentation for this compliance factor includes a FIRM which can be prepared at https://msc.fema.gov/portal/home.

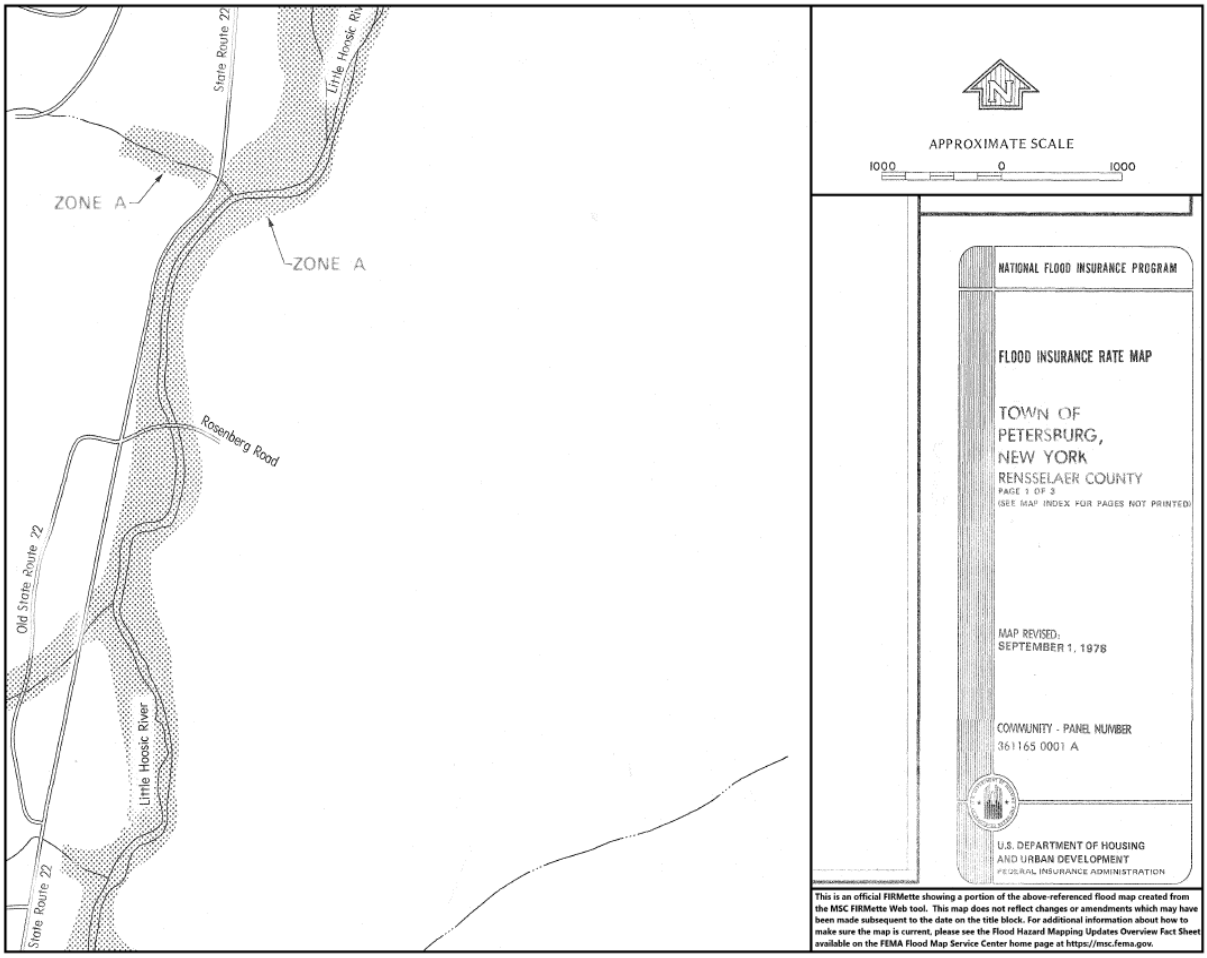
    - To create a FIRMette or similar documentation, go to the FEMA map service center from the link above and enter the full project site address. Note: The FEMA map service center tends to work more smoothly in Microsoft Edge, not Google Chrome.
    - Depending on the project site location, digital data with a Dynamic Map may be available. This provides a digital FIRM, rather than a drawn FIRM.
        - If a Dynamic Map is available, click the Dynamic Map Print icon or the link to the "National Flood Hazard Layer."
        - Make sure the project site is clearly labeled and the legend/FIRM number/effective date are clearly shown.
        - Below is an example of an acceptable Dynamic FIRM.



- As indicated in the FIRM above, the project site is not within the 100-year floodplain (Blue AE zone). It is within the 500-year floodplain. Therefore, this project site would not need to obtain flood insurance.
    - The FIRM No. is 36001C0194D
    - Effective date: March 16, 2015

- Some project locations do not have access to digital data and Dynamic Maps. These locations must rely on the drawn FEMA FIRM Panels where a FIRMette must be prepared.
    - In order to prepare a FIRMette, locate the project address and click “Print FIRM” icon. This will load the applicable FIRM panel.
    - When the FIRM panel loads, click “Create a Firmette” icon.
    - Select page size (8.5x11) then click next.
    - Click and drag the green print area over the approximate location of the project site address. This may take a few tries if the FIRM panel is difficult to see.
    - Click and drag the green north arrow indicator over the north arrow location on the FIRM panel, then click next.

- Click and drag the green title box indicator over the approximate location of the title block on the FIRM Panel. Make sure that the FIRM number and effective are visible. Then click next.
- Select "Preview FIRMette" and download the FIRMette once you are satisfied with the location of your print area.
- Below is what a FIRMette would look like:



- No address was labeled as this is a randomly selected location to show a sample FIRMette. Be sure to clearly label the project site. The FIRMete can be labeled by scanning the document and penciling in the label, or the FIRMette can be labeled utilizing Adobe Acrobat or Microsoft Paint.
- FIRM number 3611650001A with effective date September 1, 1978, is clearly shown.
- Once a Dynamic Map or FIRMette is prepared, revise the Tier 2 checklist comment accordingly.

CLEAN AIR

CLEAN AIR ACT, AS AMENDED, PARTICULARLY SECTION 176(c) & (d); 40 CFR PARTS 6, 51, 93

- This compliance factor is typically resolved at the Tier 1 Programmatic level of review.
- If there is a program that needs this compliance factor to be satisfied at the Tier 2 level, EU will address accordingly.

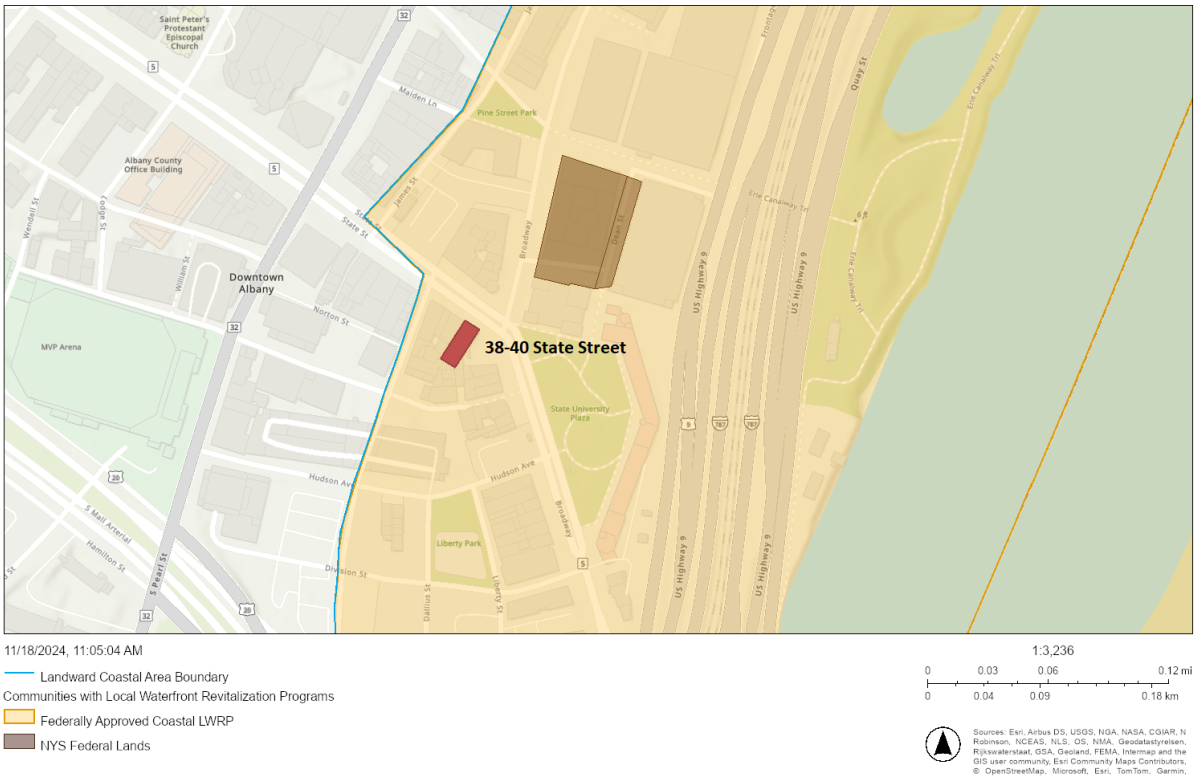
Coastal Zone Management

COASTAL ZONE MANAGEMENT ACT, SECTIONS 307(c) & (d)

- All applicable project sites must be reviewed for their location in reference to Coastal Zone Management (CZM) Areas; and if applicable, Local Waterfront Revitalization Plan (LWRP) Areas that fall within CZM areas.

- A map indicating the project site in reference to NYS coastal zones can be prepared at the Coastal Atlas within the NYSDOS Information Gateway at https://new-york-opd-geographic-information-gateway-nysdos.hub.arcgis.com/apps/coastal-atlas/explore.
    - Search the project site address and locate the project site on the Coastal Atlas.
    - Ensure that the "Landward Coastal Area Boundary" and the "Communities with Local Waterfront Revitalization Programs" layers are turned on.
    - Utilize the "Draw" function at the top right of the screen to highlight the project site.
    - Utilize the "Print" function at the top right of the screen to label and prepare the CZM map as documentation. Ensure to click Advanced in the print window and click to add the Legend. Fill out the necessary details and press "Print".
    - The map created will show up in the "Results" section of the print window. You may save the map from here.
    - Ensure that the address is properly labeled on the map.
    - Below is an example of an acceptable CZM map.

New York Coastal Zone Map



- Once a map is prepared, add the documentation to your Tier 2 submission and prepare/revise the Tier 2 comment accordingly.
- Should a project site be located within a CZM, EU will determine further compliance steps when the Tier 2 is submitted.
- If a project site is within an LWRP, but not a CZM, no further action is required for this compliance factor.

Contamination and Toxic Substances

24 CFR Part 50.3(i) & 58.5(i)(2)

- Each project site must be reviewed by an Environmental Professional, including a site visit, to determine that the site is not located on or near any hazardous materials or contamination and that the site complies with HUD environmental standards as specified at 24 CFR 58.5(i).

- The Environmental Professional should include in the site visit report that the project site has been determined to be free from hazardous materials or contamination. If the Environmental Professional cannot produce that statement, further investigation or recommendations as advocated by the environmental professional to resolve any environmental concerns.

- The site visit report must include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified Environmental Professional as per ASTM 1527."

- The site visit report must also include some documentation of due diligence that was performed, including, but not limited to: spill records, historic contamination records, and other database records.

- A Phase I Environmental Site Assessment is not required for HOME LPA Tier 2 submissions.

- EU cannot provide an example of a sufficient site visit report. It is up to the Environmental Professional to conduct, prepare and provide an accurate site visit report that indicates proper due diligence was executed.

- In accordance with the US Housing and Urban Development Notice CPD-23-103, radon must be considered in the contamination and toxic substances compliance factor in 24 CFR Part 50.3(i) & 58.5(i)(2).
    - For **rehab projects**: Radon testing must be conducted by a qualified professional prior to any work being conducted. The testing should be conducted in accordance with ANSI/AARST standards. Testing results should be submitted with the Tier 2 submission.
        - Should the prework test results indicate radon concentrations below the EPA action level of 4 pCi/L, no further action is required for radon compliance.
        - Should the prework test results indicate radon concentrations above the EPA action level of 4 pCi/L, a passive radon mitigation system must be included in the project scope of work.
            - When a radon mitigation is required, radon testing must be conducted after the work has been completed.
            - Should post work testing indicate radon concentrations below the EPA action level, no further action would be required.
            - Should post work testing indicate radon concentrations above the EPA action level, the radon mitigation system must be activated and retested to ensure the system is functioning properly.
            - All post work radon testing must be submitted to EU at environmental.reviews@hcr.ny.gov. Acceptable post work radon testing

is required prior to project closeout with OCR project management.

- For **new construction or mobile home replacement projects:** Radon testing must be conducted by a qualified professional after all work is conducted. The testing should be conducted in accordance with ANSI/AARST standards.
  - Should post work testing indicate radon concentrations below the EPA action level of 4 pCi/L, no further action would be required.
  - Should the post work radon testing indicate concentrations of radon above the EPA action level of 4 pCi/L, a passive radon mitigation system must be installed and retested with results forwarded to EU for acceptance prior to project closeout submission to OCR project management.
  - Should the post passive radon mitigation system installation testing indicate concentrations of radon above the EPA action level of 4 pCi/L, the radon mitigation system must be activated and retested to ensure the system is functioning properly.
  - All post work radon testing must be submitted to EU at environmental.reviews@hcr.ny.gov. Acceptable post work radon testing is required prior to project closeout with OCR project management.

- Regarding asbestos containing materials (ACM), all project work must comply with NYS Department of Labor Part 56 requirements including the need for surveys and clearance reports, as required. A contractor will be involved in the project construction and will be instructed by the LPA regarding the need for compliance with Part 56. All ACM must be properly disposed of at a properly licensed facility. The LPA must maintain all ACM compliance documentation for potential audit by OCR.

- Regarding lead-based paint (LBP), in homes constructed prior to 1978, all work will be conducted according to the HUD “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing” and the EPA Renovation, Repair and Painting Rule (RRP rule). All LBP must be properly disposed of at a properly licensed facility. The LPA must maintain all LBP compliance documentation for potential audit by OCR.

ENDANGERED SPECIES

ENDANGERED SPECIES ACT OF 1973, PARTICULARLY SECTION 7; 50 CFR PART 402

- Any site-specific project involving activities with the potential to have an effect on endangered species must be reviewed for compliance. Specifically, any projects involving ground disturbance and/or tree cutting need to be reviewed for endangered species compliance.

- To satisfy the endangered species compliance factor, there are both State and Federal compliance paths.

- Should a project involve ground disturbance or tree cutting, a Full Environmental Assessment Form must be retrieved for the subject property from the NYS Department of Environmental Conservation's (NYSDEC) EAF Mapper and an Official Species List from US Fish and Wildlife Service (USFWS) website called IPaC.

    - go to the EAF Mapper, locate the project site, select the appropriate tax parcel, and click on the Full Form Part 1 to create the report.
        - Ensure that pop-up blockers are turned off for this website.
        - The generated report should be added below the Tier 2 submission as documentation. Section E.2.o of the generated report will indicate whether there are any known records of any endangered or threatened species on or near the project site.

    - Obtain an Official Species List from the USFWS website through IPaC.
        - If an account has not already been made, make an account in IPaC.
        - Once an account is made, sign in and click "Get Started"
        - Find and draw your project site utilizing the Sketch/Polygon/Line tools. The entire tax parcel is considered the project site.
        - Once the parcel is drawn, click "Continue".
        - When the next screen loads, click "Define Project". Fill out the necessary information and save.
        - When the next screen loads, click "Start Review" and then "Continue".
        - When the next window loads, click "Yes, Request a Species List".
            - Click "Yes" for "being funded by a federal agency".
            - If the question on "other project authorities" appears, click "None".
            - Choose the appropriate organization and then choose "Applicant" for the "role in this project.
            - Enter the name of your agency/organization and then fill out the necessary information below that.
            - Select "New Constr – Above Ground" for the project type. Even though a project may not be specifically new construction, this is the closest description available in the drop-down menu.
            - Click "Submit Official Species List Request". The Official Species list may take several minutes to generate. Once generated, save the report and add to below the Tier 2 submission as documentation.

- Once the above documentation is gathered revise the Tier 2 template comment accordingly.

- Should endangered species be indicated within either the EAF Mapper or the IPaC report, EU must review and determine if further compliance steps are necessary. The assigned Environmental Analyst will provide comment language when all compliance steps have been met.

EXPLOSIVE AND FLAMMABLE HAZARDS

24 CFR PART 51 SUBPART C

- If the HOME LPA Program did not resolve this compliance factor at the Tier 1 level and if the following statement is true in reference to the specific activities, then no further action is required:
    - The project will not allow for installation of any new outdoor above ground storage tanks (ASTs) on the project site. It does not involve new construction, conversion of non-residential to residential use, an increase in unit density, a new footprint, or an increase in the size of a mobile home by 122% or more, so a thermal explosive survey is not required.

- If project activities include new construction, conversion of non-residential to residential use, an increase in unit density, a new footprint, or an increase in the size of a mobile home by 122% or more, a thermal explosive survey would be required. Requirements of the survey are described below.
    - An independent field survey must be conducted, and report prepared that identifies whether there are off-site ASTs that could affect the project site. The survey must include a visual survey and a study of the following:
        - any above-ground (outdoor) tanks which store flammable or explosive gasses within 1,000-foot radius of the site;
        - any above-ground (outdoor) tanks exceeding 100 gallons which store flammable or explosive liquids within 1,000-foot radius of the site; or
        - any above-ground (outdoor) tanks that exceed 20,000 gallons and are within one (1) mile of the site.
    - Once this survey is submitted with the Tier 2, EU will review and calculate the acceptable separation distance (ASD) appropriate for tanks indicated within the survey. Mitigation may be required if the ASD is not acceptable.

- Should project activities include new above ground storage tank(s) under 1,000 gallons, the new tanks must comply with EITHER the acceptable separation distance (ASD), or the tanks must be in compliance with the National Fire Prevention Association regulations at the NFPA 58 with compliance documented by the company servicing the tank(s).

FARMLANDS PROTECTION

FARMLAND PROTECTION POLICY ACT OF 1981, PARTICULARLY SECTIONS 1504(b) AND 1541; 7 CFR PART 658

- Projects that do not involve new construction or mobile home replacement on a previously unimproved site, no further action is required.

- Projects that do involve new construction or mobile home replacement on a previously unimproved site, EU must be contacted for further compliance steps.

- Projects that involve mobile home replacement in the same footprint as the original structure, no further action is required.

FLOODPLAIN MANAGEMENT

EXECUTIVE ORDER 11988, PARTICULARLY SECTION 2(a); 24 CFR PART 55

- Follow the documentation steps for the FLOOD INSURANCE compliance factor above to generate a dynamic FIRM or drawn FIRMette.

- HUD prohibits funding of actions located within a floodway.

- Should a project require the Part 55 Floodplain Management Worksheet to determine if the project is "substantial improvement", contact EU and the worksheet will be provided.

- The location of the project site and floodplains/floodway shall determine the compliance pathway. Utilize the generated dynamic FIRM or FIRMette and the provided Tier 2 template language to formulate the correct comment.

- Should a situation occur where further compliance steps are necessary, submit the Tier 2 or contact EU for further analysis and compliance.

    - The HUD process outlined in the Tier 2 template will likely change for the next round of HOME LPA awards.

HISTORIC PRESERVATION

NATIONAL HISTORIC PRESERVATION ACT OF 1966, PARTICULARLY SECTIONS 106 AND 110; 36 CFR PART 800

- HCR participates in a Programmatic Agreement (PA) for HUD-Assisted Projects and Programs in the State of New York. This PA provides projects an exemption under from retrieving a State Historic Preservation Office (SHPO) letter should all activities within a project meet exemption criteria found in NYSHCR Historic Preservation Worksheet for HUD-Assisted Projects (Worksheet).
    - The Worksheet is typically attached to the Tier 1 clearance email.
    - If ALL activities meet exemption criteria in the Worksheet, then a SHPO determination letter is not required.
    - All projects, regardless of exemption, need to complete the worksheet and submit with the Tier 2.

- A project that is not exempted must obtain a SHPO determination letter.
    - To receive a SHPO determination letter, submit a project consultation through the Cultural Resources Information System (CRIS).
    - Ensure that the SHPO determination letter references Section 106 of the National Historic Preservation Act of 1966.

- Projects that are not exempt and involve ground disturbance require consultation with the applicable Tribal Historic Preservation Officers (THPO).
    - If a project requires THPO consultations, contact the EU as soon as possible.
        - Provide EU with a detailed scope of work, the SHPO final determination letter (if available), and a site map indicating the location of the project site.
    - This process can occur prior to Tier 2 submission.
    - EU is responsible for submitting THPOs consultation requests to applicable THPOs. LPAs are **NOT** to be directly submitting consultations to THPOs.
    - If no response is received from a THPO within 30 days, the project may move forward with the Tier 2 submission.
    - If all applicable THPOs respond with “no effect”, then the Tier 2 may be submitted to EU prior to the 30-day timeline.

- With the documentation received above, revise and formulate an appropriate comment in the Tier 2 checklist utilizing the given template language.

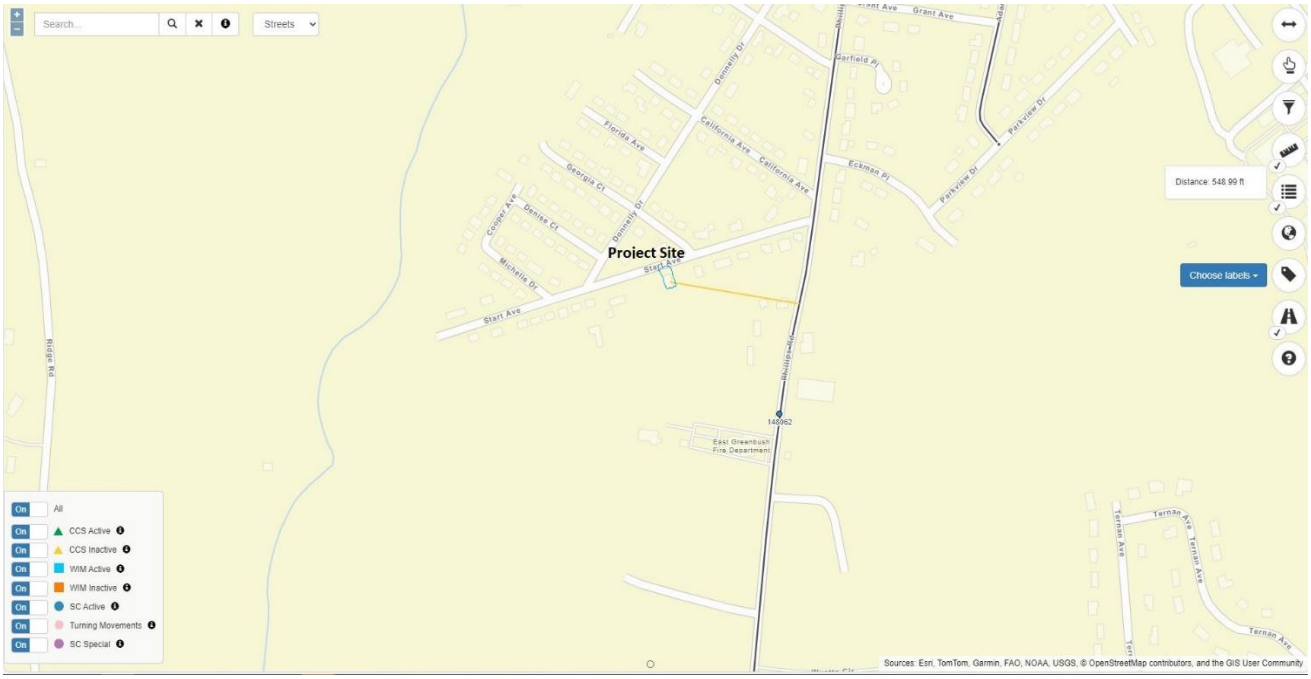
NOISE ABATEMENT AND CONTROL

NOISE CONTROL ACT OF 1972, AS AMENDED BY THE QUIET COMMUNITIES ACT OF 1978; 24 CFR PART 51 SUBPART B

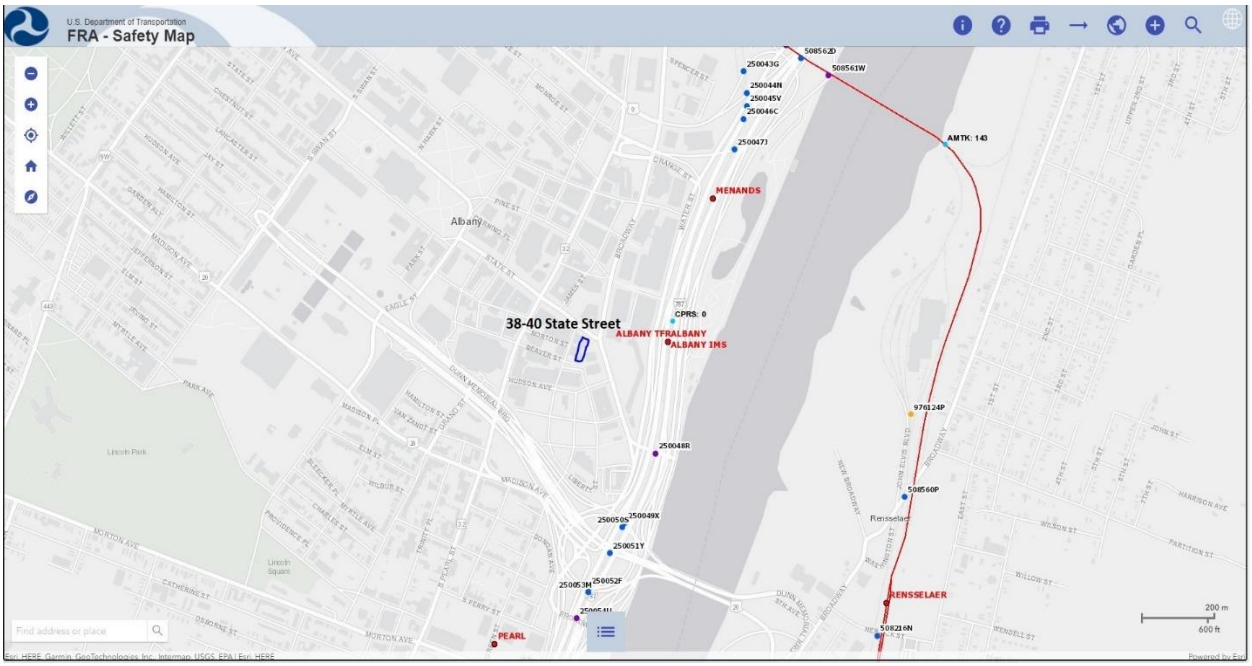
- 24 CFR Part 51 requires that noise criteria and standards be taken into consideration in the environmental review process and that ameliorative actions be considered for HUD funded development in noise exposed areas.

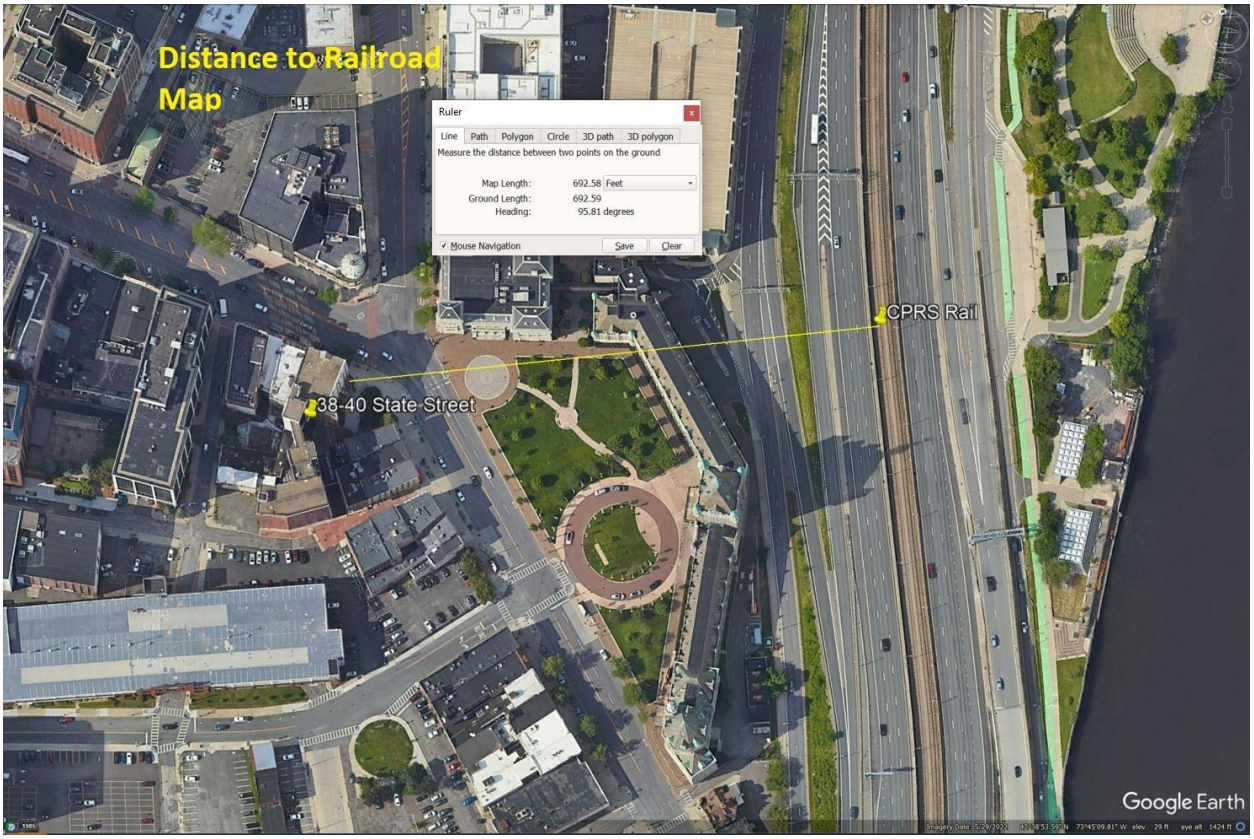
- Applicable projects must be reviewed for their relative distance to noise generating sources (roads, railroads, airports).

- Each project must be reviewed to determine if it is located within 1,000 feet of a roadway with available data within the NYS Traffic Data Viewer (TDV).
    - Go to the link above and locate the project address.
    - Roadways with a black line indicate that there is data for that specific section of roadway.
    - Utilize the measuring tool function in the tool bar on the right-hand side of the screen to determine the straight-line distance from the nearest corner of the project site to the roadway.
        - Grab a screenshot or utilize the computer snipping tool to capture the map for documentation.
        - Ensure that the site is labeled.
        - If there are more than one roadway with data within 1,000 feet of the project site, multiple screenshots showing the distances to these roadways or one additional map showing all the distances to roadways within 1,000 feet may be necessary.
        - All maps/documentation provided should be labeled properly and clearly legible.
        - Below is an example TDV screenshot of a random property for reference. Note that the project site is labeled (use project address), the distance line is clearly shown, the road name is shown, and the distance value is shown on the right-hand side of the screen.



- Each project must be reviewed to determine if it is located within 3,000 feet of an active railroad.
    - Utilize the US Department of Transportation Railroad Safety Map to locate railroads near each project site.
        - Google Earth, Google Maps, or other programs may be utilized to document the distance of the nearest railroad to the project site. Below is an example screenshot of the USDOT Map and a Google Earth Map showing the distance to the project site.
            - There is also a measure function that can be utilized on the US Department of Transportation Railroad Safety Map. A screenshot or snippet of this map is also acceptable.


U.S. Department of Transportation
FRA - Safety Map
38-40 State Street
CPRS: 0
ALBANY TFRALBANY
ALBANY 1MS
MENANDS
AMTK: 143
RENSSELAER
PEARL
Albany
Rensselaer


Distance to Railroad Map
Ruler
Line
Path
Polygon
Circle
3D path
3D polygon
Measure the distance between two points on the ground
Map Length: 692.58 Feet
Ground Length: 692.59
Heading: 95.81 degrees
Mouse Navigation
Save
Clear
CPRS Rail
38-40 State Street
Google Earth

- Each project must be reviewed to determine if it is located within 15 miles of a commercial airport on the FAA's 139 list or military airport.
    - Applicable airports are called out and described within the program's Tier 1 review.
    - Follow the same documentation procedure as the Airport Hazards compliance factor procedures above.
    - Once applicable maps are made, formulate the appropriate checklist comment utilizing the given template language.

- Should a project involve new construction and located within any of the above noise generators, EU must be contacted to calculate day night average sound level (DNL) to ensure the project site is within acceptable noise levels.

SOLE SOURCE AQUIFERS

SAFE DRINKING WATER ACT OF 1974, AS AMENDED, PARTICULARLY SECTION 1424(e); 40 CFR PART 149

- The majority of HOME LPA Programs should be resolved at the Tier 1 level.

- Should a project need review for the sole source aquifer compliance factor as indicated in the Tier 2 template, a map can be generated utilizing the USEPA Sole Source Aquifer Mapper.
    - Utilizing the mapper, locate the project address and select the print function to generate a map.
    - Ensure the project location is clearly labeled.

- Should a project be located within a sole source aquifer, contact EU for further guidance and compliance.

WETLANDS PROTECTION

EXECUTIVE ORDER 11990, PARTICULARLY SECTIONS 2 AND 5

- HOME LPA Programs must comply with both State and Federal wetland regulations. Below are directions to comply with both sets of regulations and the Adirondack Park Agency, if applicable.

- All projects involving any ground disturbance must be reviewed for their location in reference to State and Federal wetlands.

- A "project site" is defined as the entire project address parcel, NOT just the area where work is being conducted.

- If a mobile home replacement project resides within a mobile home park and wetlands are located on or near the park, contact EU for further guidance.

State Wetlands

- As of January 1, 2025, NYSDEC amended 6 NYCRR Part 664 to increase the regulatory jurisdiction and classification of wetland sin New York State.

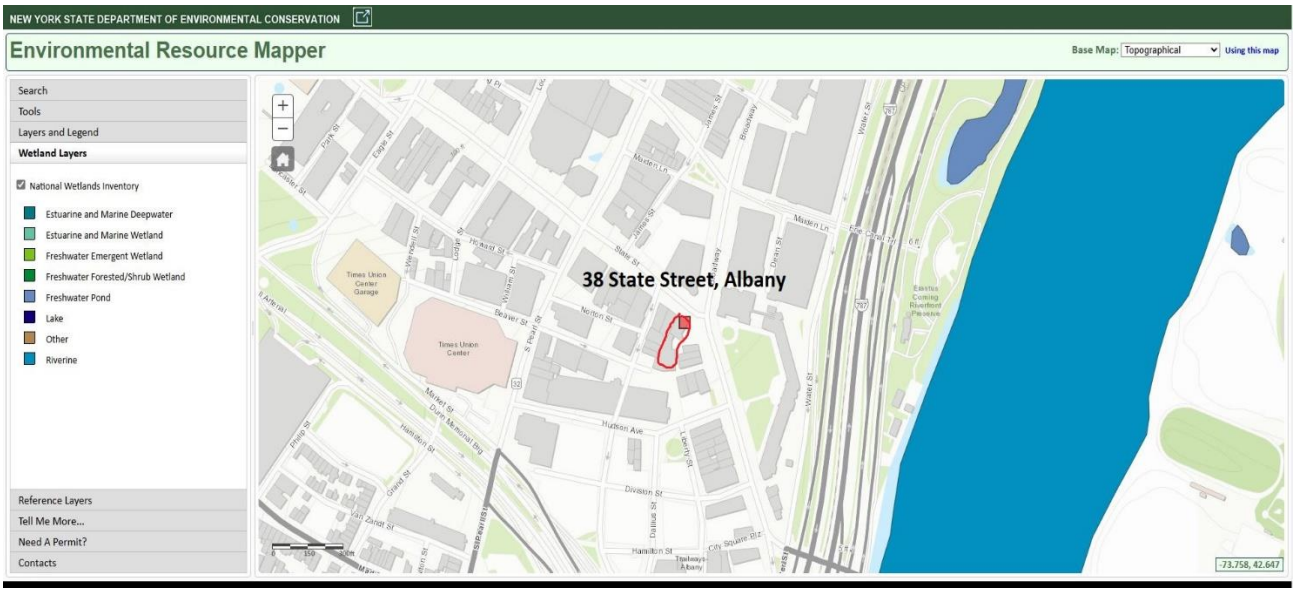
- State wetlands indicated on the NYSDEC Environmental Resource Mapper (ERM) are now informational only.

- If project ground disturbing activities only involve the in-kind replacement of a deck, porch, footers, or stairs, then no further *State* compliance is necessary. Choose the appropriate comment in the Tier 2 Checklist under "State Wetlands".

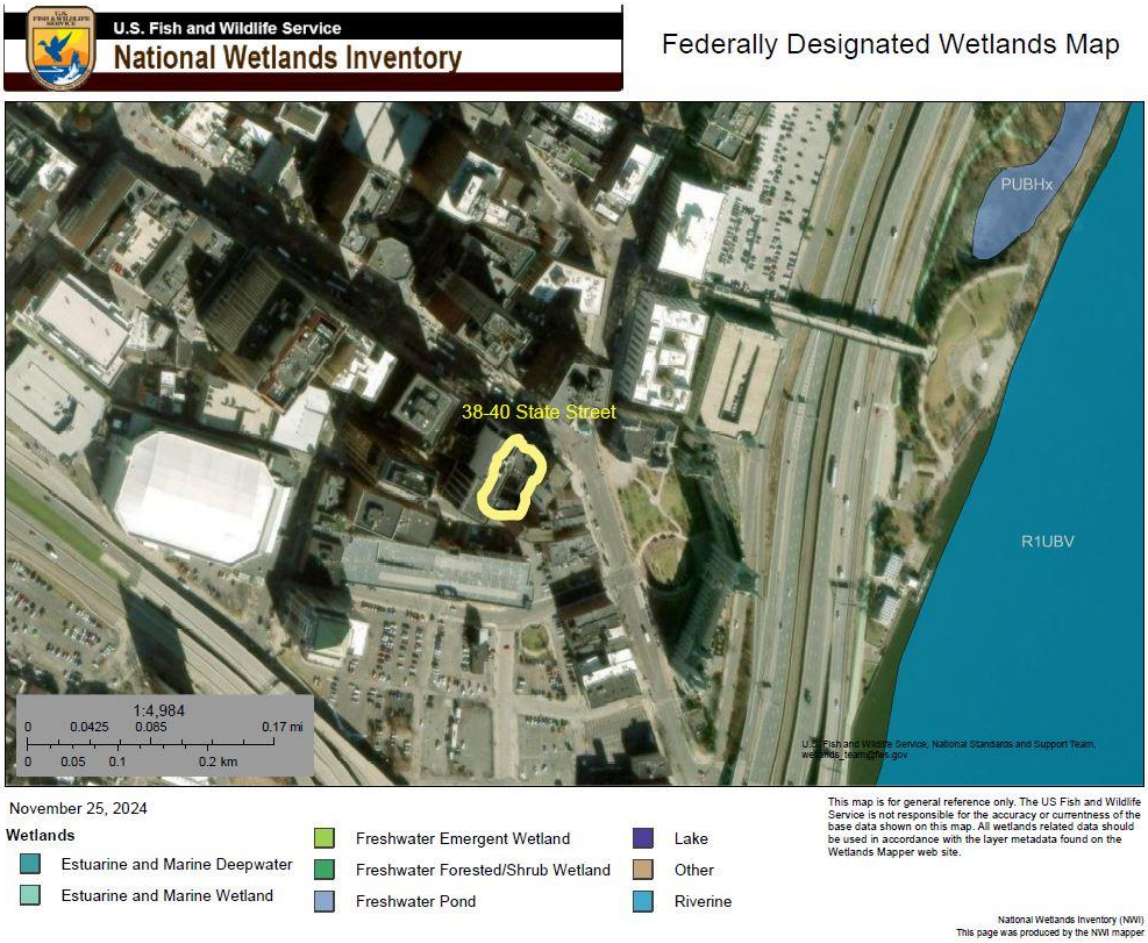
- If a project involves ground disturbing activities other than the replacement of a deck, porch footers, or stairs. A Parcel Jurisdictional Determination (JD) must be submitted for NYSDEC review at https://survey123.arcgis.com/share/be5c071ff72d4876986b18488721e55f.
    - The submission of a Parcel JD should be submitted in advance of a Tier 2 submission, if possible, as the Parcel JD process could take up to 90 days for an evaluation and response from NYSDEC
        - It is advised to submit for a Parcel JD, if needed, to NYSDEC when a THPO consultation is requested to EU.
    - If a Negative JD is received from NYSDEC, no further State wetland compliance is necessary.
    - If a Positive JD is received from NYSDEC, EU will advise on further compliance steps.

Federal and Adirondack Park Wetlands (if applicable)

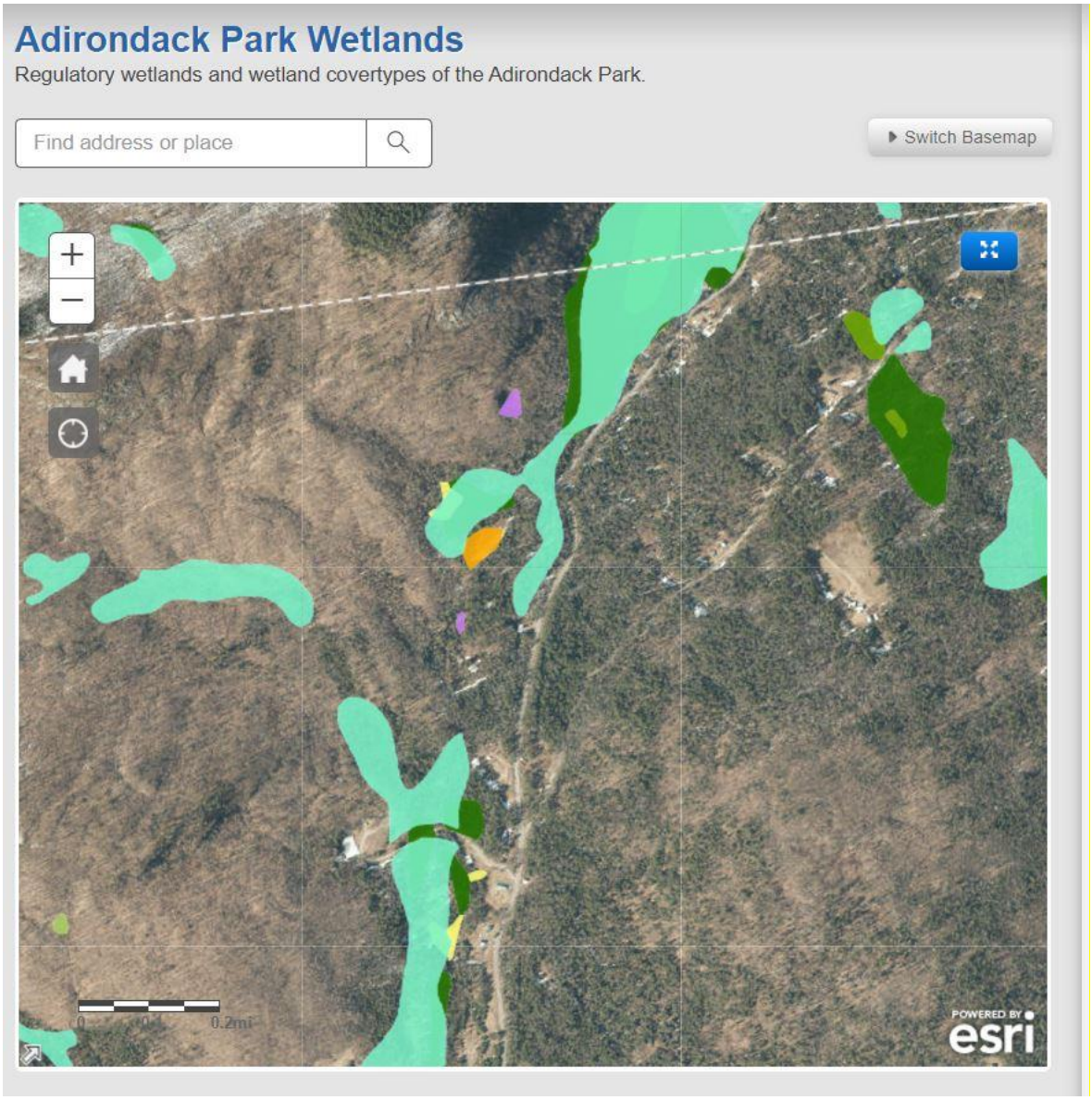
- The NYSDEC Environmental Resource Mapper (ERM) can be utilized to locate Federal mapped wetlands near the project site. The USFWS National Wetlands Inventory Mapper can also be utilized search for Federal wetlands near the project site.
    - In the ERM, locate the project address and ensure that the "Tax Parcel" layer is activated within the "Reference Layers" drop down menu.
    - When the Project site is located by utilizing the search bar, activate "National Wetlands Inventory" layer in the "Wetland Layers" drop down menu.
    - Once all the necessary layers are activated, take a screenshot or utilize snipping tool to create the map for documentation. Ensure that the "National Wetlands Inventory" layer is checked and in the maps view to indicate the layer is activated.
    - Below is an example of an appropriate ERM Map for documentation. Note: There are no Federally regulated wetlands on or near the project site.



- The USFWS National Wetlands Inventory Mapper can be utilized to provide documentation of the location of onsite or nearby Federally mapped wetlands.
    - Within the USFWS wetlands mapper, search and locate the project address.
    - Ensure that the "Wetlands", "Riparian", and the "Data Source" layers are activated.
    - Utilize the "Print" feature at the top right of the mapper screen.
    - Ensure that the project parcel/site is properly outlined and labeled. This may be done by using Microsoft paint or Adobe PDF functions.
    - Below is an example National Wetlands Inventory Map.



- Should a program/project reside within the Adirondack State Park, the Adirondack Park Agency (APA) Wetlands Mapper, should be utilized for State Regulated wetlands.
    - Search and locate the project site.
    - Take a screenshot or utilize the snipping tool to create a map for documentation.
    - Ensure that the project site/parcel is clearly labeled.
    - Below is an example APA map. Note that there is no project site labeled as this map area was randomly selected.



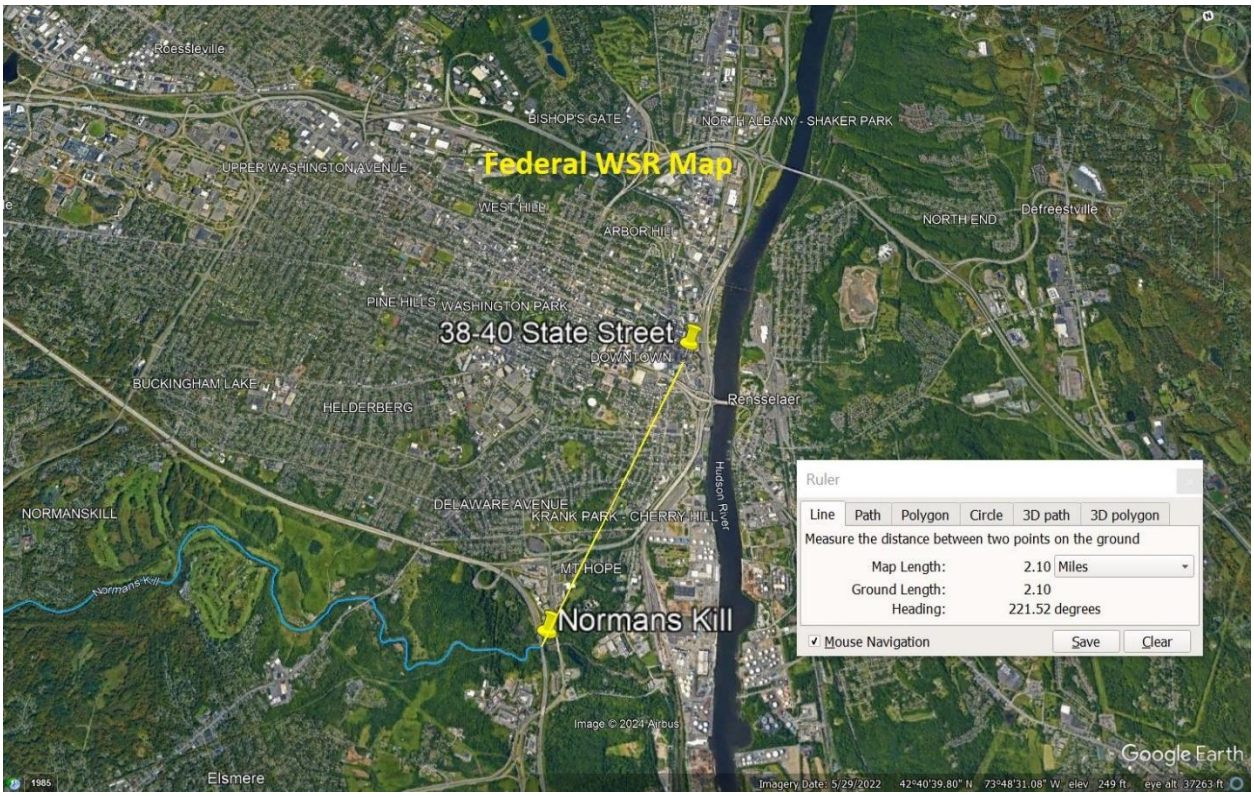
- Please note that the wetland mappers cited above are approximate. Due to wetlands shown within the project site or within reasonable proximity and elevation. Additionally, not all wetland habitat is mapped. EU may request a Wetland Habitat Assessment and Delineation Report.
    - The Wetland Habitat Assessment and Delineation Report must be prepared by a qualified wetlands biologist. The wetland report should include the following:
        - The wetland report should determine the exact location(s) on onsite or nearest wetlands from the project site with appropriate maps.
        - The report should accurately characterize the wetlands (State, Federal, or both)
        - The report should state if wetlands are on the parcel, and if so, if the area of work will occur in or directly affect the wetlands.

- Once wetlands (State and/or Federal) on or near the site have been characterized and accounted for, EU will advise on further compliance steps to reach compliance in accordance with 6 NYCRR Part 664 and 24 CFR Part 55.
    - It is important to know that there are many different compliance pathways and outcomes as every project site and every project scope are different. Therefore, not every compliance pathway can be addressed in this manual.

WILD AND SCENIC RIVERS (WSRs)

WILD AND SCENIC RIVERS ACT OF 1968, PARTICULARLY SECTION 7(b) AND (c)

- Applicable WSRs for HOME LPA Programs are indicated and mapped in the Tier 1 Programmatic review, as well as, listed in the Tier 2 checklist template language.
- A map indicating the distance of the project site to the ***nearest*** WSR should be prepared and added to the Tier 2 submission for documentation.
- Reference the Tier 1 Programmatic review and the listed WSRs within the Tier 2 checklist template to determine the nearest applicable WSR. Prepare a map utilizing Google Maps, Google Earth, or another program of choice to indicate the straight-line distance from the project site to the nearest WSR. Below is an example of an appropriate WSR map utilizing Google Earth.
    - Ensure that the map is clearly labeled.
    - Ensure that the map indicates the straight-line distance from the project site to the nearest applicable section of the WSR.



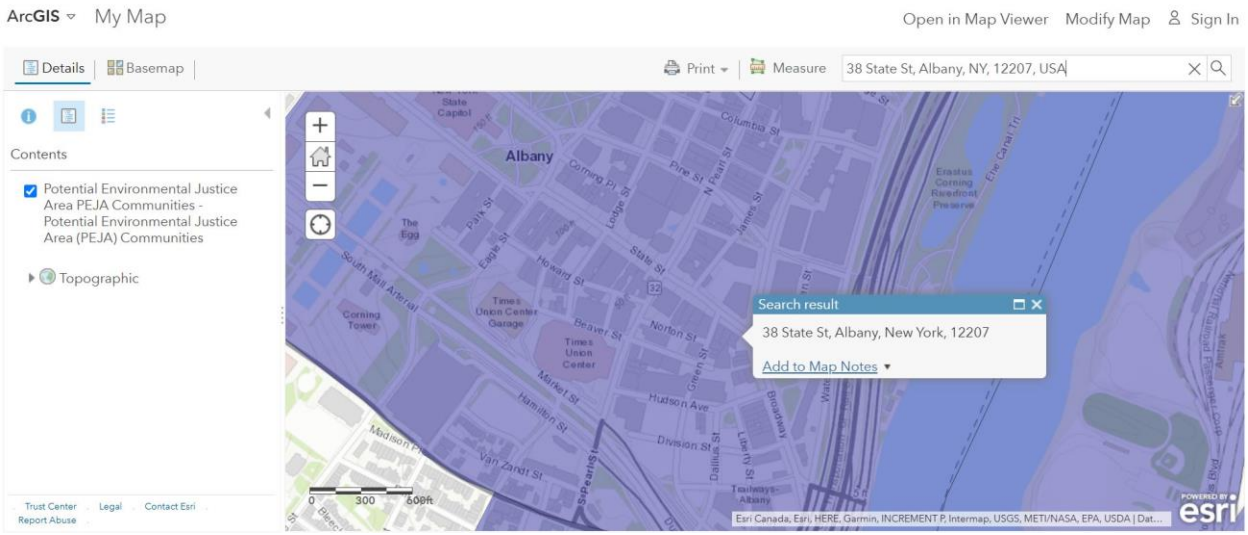
- Should a project site be located within 0.25 mi from an applicable WSR, EU must be contacted for further compliance steps and checklist comment determination.

ENVIRONMENTAL JUSTICE

EXECUTIVE ORDER 12898

- All applicable project sites must be reviewed for their location to environmental justice areas.
    - NYS Potential Environmental Justice Areas (PEJA) and HUD User 60% AMI Qualified Census Tracts are utilized to determine if a project site is within an environmental justice area.

- For State compliance, locate the project site utilizing the NYS Potential Environmental Justice Area Mapper.
    - Ensure the map is properly labeled and the "Potential Environmental Justice Area" layer is activated.
    - Utilize the print function and make sure to choose the "Map with Legend" setting.
    - Below is an example PEJA Map.

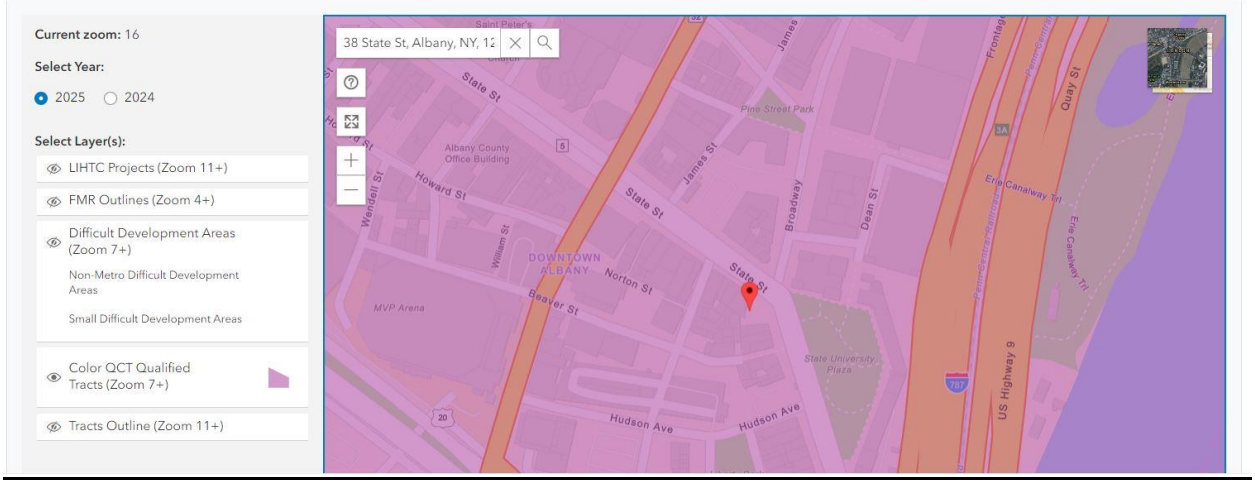


- For Federal compliance, locate the project site utilizing the HUD User 60% AMI QCT Mapper.
    - Ensure the map is at least 7+ zoom and the "Color QCT Qualified Tracts" layer is activated.
    - Take a snapshot or utilize the computer snipping tool to generate documentation to be added to the Tier 2 Submission. Below is an example of an acceptable HUD User 60% AMI QCT Mapper.

2024 and 2025 Small DDAs and QCTs

Overview of 2024 and 2025 Small DDAs and QCTs −

The 2025 Qualified Census Tracts (QCTs) and Difficult Development Areas (DDAs) are effective January 1, 2025. The 2025 QCT designations use tract boundaries from the 2020 Decennial census. The 2025 metro DDAs use ZIP Code Tabulation Area (ZCTA) boundaries from the 2020 Decennial census. The designation methodology is explained in the Federal Register notice published September 9, 2024.



- When maps are generated, revise/adjust the Tier 2 checklist comment that coincides with the location of your project.
    - Should a project need further compliance as indicated in the Tier 2 template, contact EU for further guidance.

AGRICULTURAL DISTRICTS (STATE STATUTE)

- Projects that do not involve new construction or mobile home replacement, no further action is required.

- Projects that involve mobile home replacement in the same footprint as the existing unit, no further action would be required.

- Should a project involve new construction or mobile home replacement not within the same footprint or approved lot as the existing unit, contact EU for further compliance and guidance.

WILD, SCENIC AND RECREATIONAL RIVERS (WSRRs)

6 NYCRR Part 666

- Applicable WSRRs for HOME LPA Programs are indicated and mapped in the Tier 1 Programmatic review, as well as, listed in the Tier 2 checklist template language.

- A map indicating the distance of the project site to the ***nearest*** WSRR should be prepared and added to the Tier 2 submission for documentation.

- Reference the Tier 1 Programmatic review and the listed WSRRs within the Tier 2 checklist comment template language to determine the nearest applicable WSRR. Prepare a map utilizing Google Maps, Google Earth, or another program of choice to indicate the straight-line distance from the project site to the nearest WSRR. This is the same process as the WSR compliance factor above, except indicating State WSRRs.
    - Ensure that the map is clearly labeled.
    - Ensure that the map indicates the straight-line distance from the project site to the nearest applicable section of the WSR.

General Ending Notes

- When all compliance factor checklist comments have been drafted, the authorized signatory section must be filled out.

- When organizing the supporting documentation for a Tier 2 submission, arrange the documentation m in the same order that they appear in the Tier 2 checklist.

- When the Tier 2 is complete, submit with all documentation as one PDF to environmental.reviews@hcr.ny.gov (EU Box).

- When emailing general questions, ensure to email the EU box instead of an individual environmental analyst. This will make sure all analysts who have access to the box will have the opportunity to respond which will minimize the response time.

- General response time for a Tier 2 submission, can greatly vary by time of year and overall workload of EU. EU will attempt to respond to all Tier 2 submissions in as timely of a manner as possible.

END OF DOCUMENT