



**Homes and
Community Renewal**

CDBG and Environmental Review

Conducting a Part 58 Review

April 4, 2024

Syracuse University
Center of Excellence

Objectives This Webinar

- Familiarize recipients with the federal & state requirements for environmental review (ER)
- Identify the role of Recipients in ER
- Define the steps in the ER process, and the resources Recipients will use to document the review



Environmental Review Requirements, Roles & Resources



The Requirements and Roles

Applicable environmental review requirements

- Federal: National Environmental Policy Act (NEPA) & Other Federal laws & authorities: 24 CFR Part 58
 - ✓ Federal – Recipient is the “Responsible Entity”
- State: State Environmental Quality Review Act (SEQRA) 6NYCRR Part 617
 - ✓ SEQR – Recipient is the Lead Agency
- OCR is the review authority



Resources

Office of Community Renewal (OCR) Resources

- Office of Community Renewal (OCR) Resources
 - Grant Administration Manual (GAM) Chapter 2
 - Exhibit 2-2 Environmental Review Checklist

The screenshot displays a web interface for the Community Development Block Grant. At the top, a purple header contains the text "TOP ^ Community Development Block Grant" and navigation links for "Previous" and "Next". On the left, a dark sidebar lists "SECTIONS" including "Overview", "Forms and Documents" (highlighted in orange), "Program Guidelines", "Grant Administration Manual", "Funding Round Materials", and "Resources". The main content area is titled "Environmental Review Forms" and includes a search box. Below the search box is a table with two columns: "Fillable Forms:" and "Instructions:". The table lists various forms and their corresponding instructions, such as "2-1 Designation of Certifying Officer" and "2-3 Certification of NEPA Classification". At the bottom right of the table, there are "Previous", "1", and "Next" navigation buttons.

Fillable Forms:	Instructions:
2-1 Designation of Certifying Officer	
2-3 Certification of NEPA Classification	2-3 Certification of NEPA Classification
2-3A Certification of SEQRA Classification	2-3A Certification of SEQRA Classification
2-4 NEPA Classification Checklist	2-4 NEPA Classification Checklist
Form 2-5 Statutory Checklist	Form 2-5 Statutory Checklist
Form 2-5A Statutory Checklist	Form 2-5A Statutory Checklist
2-6 Environmental Assessment Checklist	2-6 Environmental Assessment Factors Guidance
1-3 Request for Release of Funds Form	1-3 Instructions for Request for Release of Funds

Resources

[NEPA Assist](#)

[NEPA Assist Maps](#)

[Airport Hazards - HUD Exchange](#)

[Agricultural Districts | Agriculture and Markets \(ny.gov\)](#)

[Coastal Barrier Resources System \(CBRS\)? | FEMA.gov](#)

[FEMA's National Flood Hazard Layer \(NFHL\) Viewer \(arcgis.com\)](#)

[Environmental Resource Mapper - NYS Dept. of Environmental Conservation](#)



Additional Resources

- OCR GAM Chapter 2 related web links:
 - Exhibit 2-13 Links to Outside Agency Forms
 - SEQR Short Form ([Part 1](#)) ([Part 2 & 3](#))
 - SEQR Full EAF ([Part 1](#)) ([Part 2](#)) ([Part 3](#))
 - [DOS Coastal Assessment Form](#)
 - [Acceptable Separation Distance Guidebook](#)
- HUD Resources: <https://www.hudexchange.info/programs/environmental-review/>
 - [WISER web-based training](#)



Prohibited Actions Prior to ER Completion

Until review is completed, and funds released, the Recipient (and its partners) may **not**:

- Commit (execute legally binding agreements) or expend CDBG funds
- Commit or expend non-HUD funds
- Undertake a “choice limiting” action, e.g.:
 - Acquisition
 - Demolition/movement
 - Construction/rehabilitation/repair

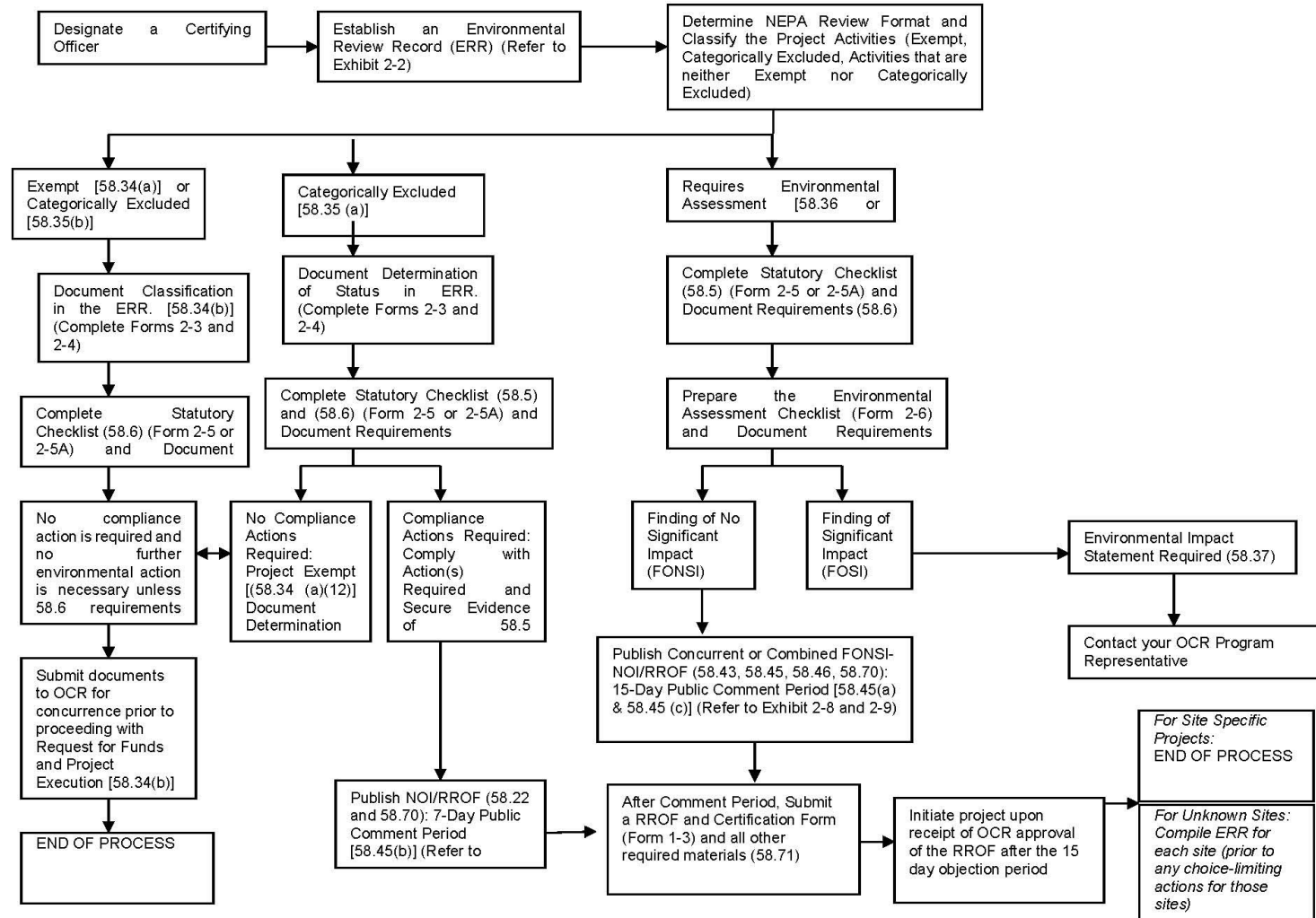
Recipient can incur planning and other exempt costs prior to release, but at their risk



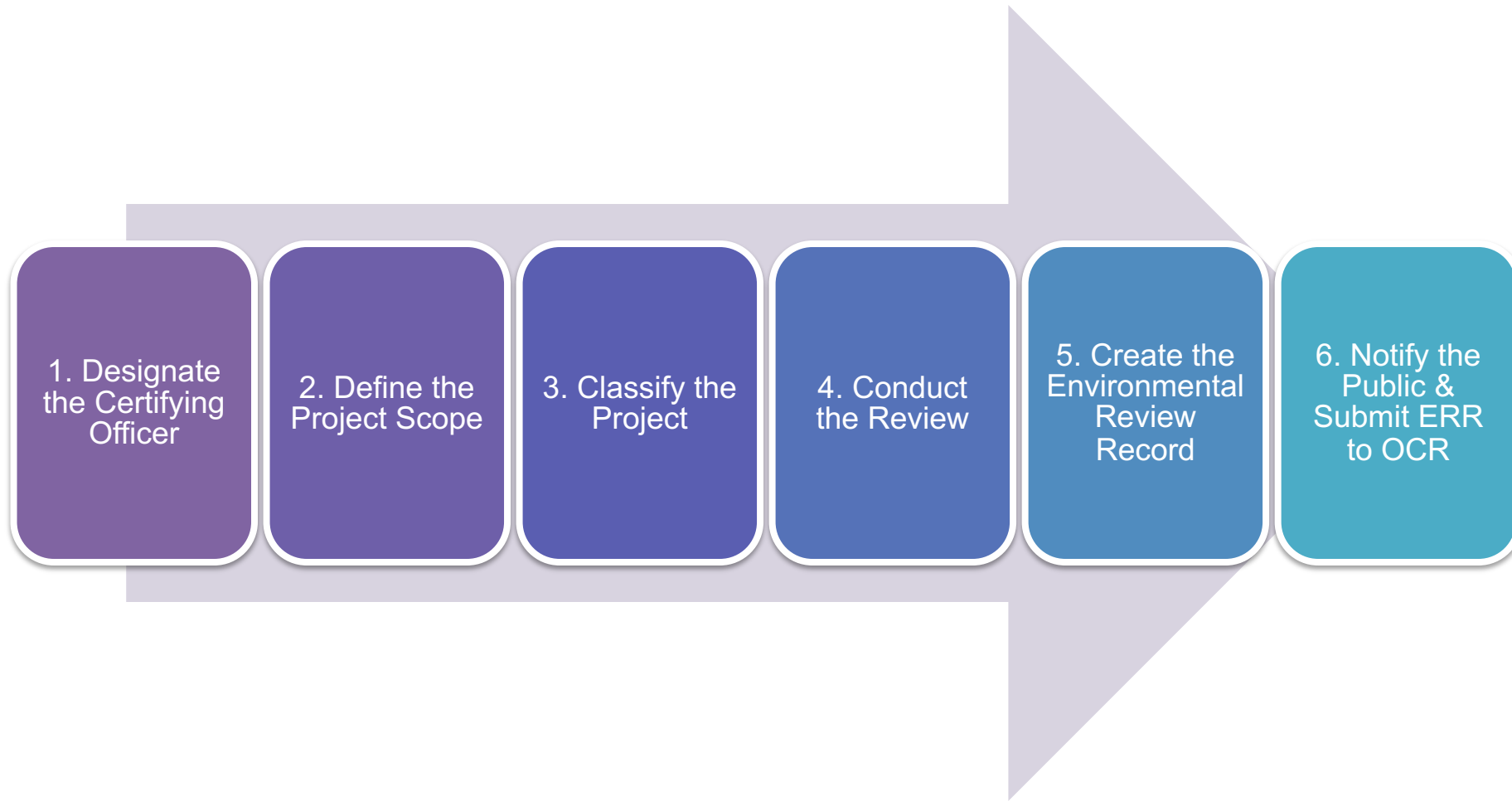
Steps in the Process

The Environmental Review Process

**EXHIBIT 2-7
ENVIRONMENTAL REVIEW PROCESS FLOW CHART**



Key Steps



3. Classify the Project – Part 58

Exempt (58.34)

- Environmental studies
- Fin services
- Admin
- Public services no physical changes
- Testing
- Engineering/design
- TA/training
- Improvements to address imminent threats

Categorically Excluded (not subject to 58.5 – 58.35(b))

- TBRA
- Supportive services
- Operating costs
- Homebuyer purchase assistance
- Housing pre-dev costs
- Supplemental assistance to approved project

Categorically Excluded (subject to 58.5 – 58.35(a))

- Existing public facilities & improvements
- Removal of architectural barriers
- Some 1-4 unit rehab (limits)
- Some 5+ unit rehab (limits)
- Individual action (not rehab) on 1-4 unit or 5+ scattered site
- Acquisition/disposition of existing structure or vacant land for same use

Subject to NEPA (58.36) – any activity not in 58.34 or 58.35, such as:

- Multi-family & non-residential new construction or substantial rehab
- Conversions or changes in land use
- New public facilities or improvements

Classify the Project - SEQR

Form 2-3A

Type I Action

- SEQR Long Form required
- Coordinated Review; publication in Environmental Notices Bulletin (ENB)

➤ Type II Action – no SEQR Action

➤ Unlisted Action

- SEQR Short Form required



Conduct the Review

The Review varies by project classification

Generally, two main types of reviews for Part 58:

1. Compliance Determination – for projects that are Categorically Excluded, completion of Statutory Checklist(s)
2. Environmental Assessment – for projects not exempt or excluded, full environmental assessment plus Statutory Checklists
 - If finding of impact, Environmental Impact Statement (EIS) required

Historic Review

Statutory Checklist

State Historic Preservation Office (SHPO)

- Electronic Submission at: <https://cris.parks.ny.gov>

Tribal Historical Preservation Office (THPO)

- Must be consulted for all ground disturbance projects <https://egis.hud.gov/tdat/> and the Certifying Officer **MUST** undertake THPO consultation

Environmental Assessment - 58.36

Projects that are not Exempt or Categorically Excluded 58.35(a) or (b) require an Environmental Assessment or EIS

Complete Statutory Checklist, and or
Environmental Assessment Checklist



Environmental Impact Statement – 58.37

An Environmental Impact Statement (EIS) may be required if project is large scale (affecting more than 2,500 beds or 2,500 housing units) or if the project is determined thru Environmental Assessment to have a potentially significant impact on the environment

- Don't have to complete EA if EIS is indicated

If your project meets EIS thresholds or will result in significant impact, consult with OCR



Public Notice

If not exempt or converted to exempt:

- Notice of Intent to Request Release of Funds
- 7-day recipient comment period
- Then 15-day OCR comment period.

If EA or EIS

- Finding of No Significant Impact and Notice of Intent to Request Release of Funds
- 15-day recipient comment period
- Then 15-day OCR comment period

Recipient must submit the affidavit of publication for the notices with the ERR



Request for Release of Funds

Request for Release of Funds and Certification (RROF)

- Cannot be authorized or dated by the Certifying Officer until the end of the comment period.
- Must be submitted as an original copy.

Upon review and approval OCR will send out a Release of Funds letter.

Do not presume the Release of Funds has been approved until receipt of the Release of Funds letter has been received.



Release of Funds

OCR will issue a Release of Funds or Concurrence letter upon completion of review and comment period.

Prior to submitting a Request for Funds, the municipality must have received the Release of Funds letter.

**DO NOT INCUR NON-EXEMPT PROJECT COSTS UNTIL
RELEASE OF FUNDS ISSUED BY OCR**



Question and Answer



CDBG Web Site <https://hcr.ny.gov/community-development-block-grant>

Homes and
Community Renewal

Rental Housing

Homeownership

Development Resources

Funding & Awards

About

Community Development Block Grant



SHARE   

SECTIONS

CDBG Upcoming Events and Webinars

Overview

CDBG Upcoming Events and Webinars

Click here to [sign up for the OCR newsletter](#), get the latest updates, learn about funding opportunities and find out what's trending. Look for the [Join Our Email List](#) at the top of the page.



Homes and
Community Renewal

SECTIONS

CDBG Upcoming Events and Webinars

Overview

Forms and Documents

Program Guidelines

Grant Administration Manual

Funding Round Materials

Resources

Grant Administration Manual

The Grant Administration Manual outlines some of the key tasks that should be conducted when administering a Community Development Block Grant, and provides useful information regarding program requirements, regulations, policies and procedures. It contains exhibits and forms to be referenced or used during the implementation of the CDBG program or project.

[Announcement of Changes to Grant Administration Manual](#)

[CDBG Grant Administration Manual Chapter 1: Getting Started](#)

[CDBG Grant Administration Manual Chapter 2: Environmental and Historic Review](#)

[CDBG Grant Administration Manual Chapter 3: Financial Management](#)

[CDBG Grant Administration Manual Chapter 4: Procurement Standards](#)

[CDBG Grant Administration Manual Chapter 5: Eligible Activities](#)

[CDBG Grant Administration Manual Chapter 6: Construction Requirements](#)

[CDBG Grant Administration Manual Chapter 7: Other Federal Requirements](#)

[CDBG Grant Administration Manual Chapter 8: File Maintenance](#)

[CDBG Grant Administration Manual Chapter 9: Modifications and Amendments](#)

[CDBG Grant Administration Manual Chapter 10: Monitoring](#)

[CDBG Grant Administration Manual Chapter 11: Reporting Requirements](#)

[CDBG Grant Administration Manual Chapter 12: Project Closeout](#)

CDBG Web Site

[TOP](#) ^ **Community Development Block Grant**

SECTIONS

CDBG Upcoming Events and Webinars

Overview

Forms and Documents

Program Guidelines

Grant Administration Manual

Funding Round Materials

Resources

[CDOL Application Registration Form](#)

[CDOL Security Manager Registration Form](#)

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Environmental Review Forms

Search:

Fillable Forms:

Instructions:

[2-1 Designation of Certifying Officer](#)

[2-3 Certification of NEPA Classification](#)

[2-3A Certification of SEQRA Classification](#)

[2-4 NEPA Classification Checklist](#)

[Form 2-5 Statutory Checklist](#)

[Form 2-5A Statutory Checklist](#)

[2-6 Environmental Assessment Checklist](#)

[1-3 Request for Release of Funds Form](#)

[Tier 2 Template Checklist](#)

[2-3 Certification of NEPA Classification](#)

[2-3A Certification of SEQRA Classification](#)

[2-4 NEPA Classification Checklist](#)

[Form 2-5 Statutory Checklist](#)

[Form 2-5A Statutory Checklist](#)

[2-6 Environmental Assessment Factors Guidance](#)

[1-3 Instructions for Request for Release of Funds](#)

[Tier 2 Template Checklist Instructions](#)

Previous

1

Next



**Homes and
Community Renewal**

Questions

If you have any questions, please contact NYS OCR at OCRINFO@hcr.ny.gov

Charlie Philion, Program Director for Community Development
Charles.Philion@hcr.ny.gov

Scott LaMountain, Program Director for Economic Development
Scott.LaMountain@hcr.ny.gov





Environmental Review USDA Rural Development SU-EFC : Engineers Roundtable 4 April 2024

USDA Project Environmental Review

Federal Financing – environmental review comply with NEPA

USDA RD Environmental Regulations – 7 CFR 1970

Project Review Categories

- Categorical Exclusion – CE no Environmental Report (ER)
- Categorical Exclusion (CE) with ER (*95% of RD projects*)
- Environmental Assessment (EA) – specific format with public notices (typical new source or discharge)
- Env. Impact Statement (EIS)

Environmental Report (ER)

- RD ER guide - Format in regulation, but flexible. Outline of information to be provided on potential impacts to environmental resources
- Historic Preservation – Sec. 106
- ESA (Endangered Species Act) – Sec. 7
- Wetlands - Federal and State, Utility lines vs. structures/roads
- Floodplains – Provide FEMA Map, FEMA Form FF-FY-21-116 for structures (formerly 86-32); new FFRMS – Federal Flood Risk Mgt. Stnd.
- Others - SEQR status, NRCS review, Ag. Districts, Fed. sole source aquifers, Canal, ADK, parks, coastal zone, scenic rivers, air, noise, transportation
- May apply without agency responses (draft)

FFRMS: Federal Flood Risk Management Standard

- Established by EO 13690 (which modified EO 11988 to include the FFRMS)
- Resilience standard with a higher vertical elevation and horizontal extent than the 100-yr floodplain
- Applies to new construction and substantial improvement projects
- Does not impact flood insurance requirements; the insurance standard remains the 100-yr floodplain

ER – (cont.)

- Maps – **show** project on environmental resource maps
- Consistent scope with PER and application
- Historic Preservation –
 - SHPO info and/or CRIS link.
 - Nations USDA template letters sent by applicant.
 - NPA process available for timing of financing.
 - USDA makes determination.
- ESA and FWS and DEC
 - Federal Species: IPaC and D-Key letter (s).
 - RD will contact FWS for concurrence of determination, if needed.
 - State Species: if listings, need DEC regional office comments.

Env. Review for RD Financing

RD files -

- Final Determinations via RD internal form.
- Sec. 106 Conclusion Memo
- FWS concurrence letter (if needed)
- Environmental Mitigation Measures
 - Requirements specific to project
 - In Letter of Conditions (LOC)
 - Archeological review with SHPO/Tribes (using NPA)
 - Contract Document Review for Construction

Env. Review for RD Financing (cont.)

- Common update/response needs:
 - ER and PER scope not match
 - Carrying over selected alternative from PER into ER
 - Not including all components of the proposed work on maps and for other party reviews like SHPO, tribes and permitting agencies
 - Listing all permits needed (from regional DEC and ACOE correspondence (Required))
 - Incorrect Sec. 106 letters. Initiation and Findings
 - Not including coastal zone maps, SSA, Canal maps, Green book-Air, Transportation Noise comments
 - SEQR is not an ER for RD Application

Env. Review for RD Financing (cont.)

- RD review & response to the env. document
- Respond to RD comments. Email.
- Let RD know location of addressed comments/documents in ER/EA (attachments, page numbers, listing appendices)
is greatly appreciated and will expedite RD completing the review.

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U.S. Department of Agriculture Rural Development

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Rural Development

U.S. DEPARTMENT OF AGRICULTURE

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Environmental
Facilities Corporation

Department
of Health

State Environmental Quality Review (SEQR) and National Environmental Policy Act (NEPA) Requirements

Liz Ricci, P.E.

Engineers Roundtable | April 4, 2024

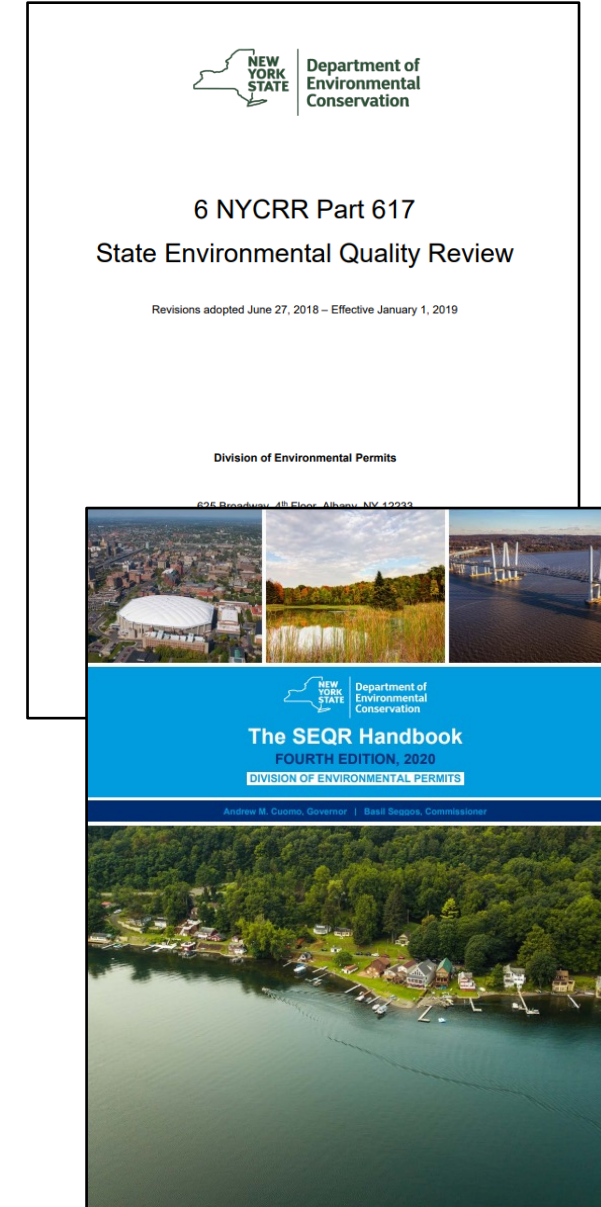
State Revolving Funds (SRF)

- ✔ EFC Administers New York's Clean Water and Drinking Water SRFs
- ✔ The US EPA provides Capitalization Grants to the State annually to help capitalize these programs, in addition to State match funds
- ✔ An environmental review is required for all project receiving EFC funds
- ✔ Submitted with the SRF or grant applications



SEQR vs NEPA Requirements

- ✔ **SEQR and NEPA environmental review requirements vary depending on funding packages offered by EFC**
- ✔ **EPA requires the SRFs to follow the State Environmental Review Process (SERP)**
- ✔ **SERP is “NEPA-like”, meaning some, but not all, federal requirements apply**
- ✔ **What is your project scope and how is it being funded?**



State Environmental Review Process (SERP)

- ✔ **Applicants seeking SRF financing must comply with SERP**
 - Applies to all DWSRF projects and CWSRF Treatment Works projects (Clean Water Act 212)
- ✔ **The project must be treated as a SEQR Type I Action unless it is a Type II Action**
 - Full Environmental Assessment Form
 - Coordinated review with involved agencies



State Environmental Review Process (SERP)

- ✔ **If the project is a SEQR Type II action, the Recipient must submit:**
 - Certified copy of the resolution declaring the project a Type II action
 - Must reference the specific exemption(s) being relied upon
- ✔ **If the project is a SEQR Type I/Unlisted Action, the Recipient must submit:**
 - Signed and dated Full Environmental Assessment Form, Part 1
 - A certified copy of the resolution declaring Lead Agency status
 - Lead Agency solicitation notices and responses
 - A certified copy of the resolution issuing a Negative Declaration
 - Signed and dated Full Environmental Assessment Form, Parts 2 and 3
 - Proof of Environmental Notice Bulletin publication of the Negative Declaration

State Grant Projects

- ✔ **Projects that do not need to comply with NEPA, only SEQR:**
 - WIIA/IMG grant awardees, not using SRF financing
 - Non-point source projects (Clean Water Act 319; GIGP)
- ✔ **If the project is a SEQR Unlisted Action, the Recipient must submit:**
 - A Full or Short Environmental Assessment Form
 - A certified copy of the resolution issuing a Negative Declaration
 - Coordinated review is optional



Federal Grant Projects

- ✔ **Projects with Bipartisan Infrastructure Law (BIL) funding must meet all NEPA requirements if identified as “Equivalency” on Intended Use Plan**
- ✔ **Funding for these projects is considered federal funds**
- ✔ **Additional Federal environmental cross-cutters apply, in addition to SEQR/SERP**
- ✔ **CWSRF equivalency projects are projects serving populations >10,000**
 - Identified on the CWSRF IUP with an “E”
- ✔ **DWSRF equivalency projects are referred to as Tier I Projects**
 - Projects participating in the DWSRF Equivalency Incentive Program, and projects funded with BIL-EC and BIL-LSL

How do I know if my CWSRF project is Equivalency?

2024 CWSRF FINAL IUP ANNUAL LIST Category D - All Projects

(projects sorted in Core Score order)

BIL*= See Subcategory D1 for Projects that Qualify to Apply for BIL General Supplemental Add Sub

Project No.	Applicant Name	IUP Description	Total Cost	IUP Amount	2024 Need	Base Hardship Financing	Base Subsidized Financing	Base Add Sub	Notes	Total Score
C4-5493-07-00	Schenectady, City of	Planning, design, and construction of pump station resiliency upgrades to maintain water quality in the Mohawk River.	\$11,625,000	\$11,625,000	\$11,625,000	\$0	\$0	\$0	BIL* E	87
C4-5493-07-01	Schenectady, City of	Planning, design, and construction of effluent pump station resiliency upgrades to maintain water quality in the Mohawk River.	\$9,843,000	\$9,843,000	\$9,843,000	\$0	\$0	\$0	BIL* E	87
C9-6603-13-00	Niagara Falls Public Water Authority	Planning, design, and construction of sanitary sewer rehabilitation to reduce sanitary sewer overflow events and protect water quality in the Niagara River.	\$1,018,400	\$1,018,400	\$1,018,400	\$0	\$0	\$0	BIL* C E	87
C3-7348-06-00	Poughkeepsie, City of	Design and construction of sanitary sewer rehabilitation in order to eliminate combined sewer overflows and protect water quality in the Hudson River.	\$2,712,000	\$2,712,000	\$2,712,000	\$0	\$0	\$0	BIL* E	82
C6-6002-02-00	Little Falls, City of	Planning, design, and construction of disinfection to the wastewater treatment plant to protect water quality in the Mohawk River.	\$7,102,000	\$7,102,000	\$7,102,000	\$0	\$0	\$0	BIL*	81
C7-6240-13-01	Auburn, City of	Construction of solids handling and treatment process upgrades at the City of Auburn Wastewater Treatment Plant to protect water quality in the Owasco River.	\$84,000,000	\$84,000,000	\$84,000,000	\$0	\$0	\$0	BIL* C E	81
C6-6077-04-00	Vernon, Village of	Planning, design, and construction of sewer treatment plant upgrades to protect water quality in the Sconodoo Creek.	\$9,624,000	\$9,624,000	\$9,624,000	\$9,624,000	\$0	\$0	C	78
C1-5136-06-00	Southampton, Town of	Planning, design, and construction for a wastewater collection system with pump stations, force mains, and an advanced wastewater treatment facility in the Hamlet of Riverside to improve groundwater quality.	\$43,482,000	\$38,482,000	\$38,482,000	\$0	\$0	\$0	BIL* E	77
C3-7348-04-00	Poughkeepsie, City of	Design and construction of sewer and storm sewer rehabilitation within the City center to reduce combined sewer overflows and improve water quality in the Hudson River.	\$5,992,000	\$5,992,000	\$5,992,000	\$0	\$0	\$0	BIL* E	77
C4-5402-17-00	Albany MWFA	Planning, design, and construction of collection system improvements at Hackett and Sheridan to improve water quality in the Hudson River.	\$3,360,000	\$3,360,000	\$3,360,000	\$0	\$0	\$0	BIL* C E	76
C4-5402-21-00	Albany MWFA	Planning, design, and construction of collection system improvements to protect water quality in the Hudson River.	\$16,001,000	\$16,001,000	\$16,001,000	\$0	\$0	\$0	BIL* E	76

C = Projects with acceptable finance applications eligible for subsidized financing in FFY 2024

E = Subject to additional Equivalency Requirements

F = Financing anticipated in FFY 2023

P = Leveraged financing anticipated in the Fall 2023

Equivalency Checklist

- Provided to Applicants with BIL notification letter
- Municipality must complete form to supplement SEQR

Some projects do not need to completed checklist

Typical SEQR Process in addition to Crosscutter Review Checklist

New York State Revolving Fund Environmental Review Equivalency Checklist

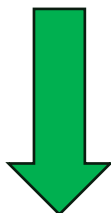
Please complete this form and provide all supporting documentation to EFC. Additional cross cutter references are presented below. Please refer to the [SEQR Handbook](https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf) for New York State Environmental Quality Review ("SEQR") Requirements, available at: https://www.dec.ny.gov/docs/permits_ej_operations_pdf/seqrhandbook.pdf. Please note that EFC requires a SHPO determination for all projects seeking SRF financing.

Municipality:

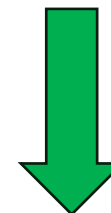
Project Number: Click or tap here to enter text.

Project Name:

Yes	No	Screening Criteria
<input type="checkbox"/>	<input type="checkbox"/>	1. [CWSRF PROJECTS ONLY] - Project serves a municipality with a population less than 10,000. DO NOT COMPLETE REMAINDER OF FORM IF YES IS CHECKED
<input type="checkbox"/>	<input type="checkbox"/>	2. [CWSRF PROJECTS ONLY] - Project qualifies as a CWSRF non-point source Section 319 project or Section 320, and is not related to a treatment works project. ² DO NOT COMPLETE REMAINDER OF FORM IF YES IS CHECKED
<input type="checkbox"/>	<input type="checkbox"/>	3. Project qualifies for categorical exclusion if State Classification is Type II under section 617.5(c)(1), (c)(2), (c)(6), (c)(9), (c)(11), (c)(13), (c)(24), (c)(27), (c)(29) or (c)(31). DO NOT COMPLETE REMAINDER OF FORM IF YES IS CHECKED <i>If project qualifies as a Type II under section 617.5(c)(35) – complete Full EAF, Crosscutter Review Checklist and Certification</i> If project qualifies as a SEQR Type II action not listed above, contact EFC.
<input type="checkbox"/>	<input type="checkbox"/>	4. Project qualifies for NEPA exemption under 40 CFR Section 6.210 for Emergency Actions. <input type="checkbox"/> Emergency Resolution, if available. DO NOT COMPLETE REMAINDER OF FORM IF YES IS CHECKED
<input type="checkbox"/>	<input type="checkbox"/>	6. Complete Full SEQR Environmental Assessment Form ("EAF") & the following crosscutter review checklist. <input type="checkbox"/> Completed EAF attached, if prepared. <input type="checkbox"/> Copies of responses to substantive public comments attached, if applicable, and inform commenters.
<input type="checkbox"/>	<input type="checkbox"/>	7. Project sponsor issued a Negative Declaration. If Yes, publish Negative Declaration in Environmental Notice Bulletin ("ENB"). <input type="checkbox"/> Copy of Negative Declaration and ENB notice attached.
<input type="checkbox"/>	<input type="checkbox"/>	8. Project sponsor issued a Positive Declaration. If Yes, a Public Hearing is required. <input type="checkbox"/> Copy of Positive Declaration attached. <input type="checkbox"/> Documentation, including hearing transcript, of the Public Hearing held attached. <input type="checkbox"/> Copy of Notice of Hearing published in ENB and local newspaper attached. <input type="checkbox"/> Copy of Final Environmental Impact Statement and written findings statement attached.



Crosscutter Review Checklist



Environmental Cross Cutter	Corresponding SEQR EAF Section	Affirm Review Complete	Additional action required if "yes" response to any corresponding EAF Part 1 and a moderate to large impact is indicated in EAF Part 2	Documentation Attached to Indicate Action Complete
National Historic Preservation Act ("NHPA")	N/A	<input type="checkbox"/>	Notwithstanding the above instruction you must attach correspondence from the State Historic Preservation Office ("SHPO") indicating a Section 106 Review has taken place	<input type="checkbox"/> SHPO response letter attached
Archeological and Historic Preservation Act	N/A	<input type="checkbox"/>	When discoveries are made on a project that require the involvement of SHPO during the early planning stages of the project, work with SHPO under procedures of the NHPA	N/A
Protection of Wetlands	Part 1: D.2(b), E.1(B), E.2(h) Part 2: § 3 *Consult USFWS Wetlands Mapper	<input type="checkbox"/>	If within zone on USFWS Wetlands Mapper (https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper), consult with United States Army Corps of Engineers ("USACE")	<input type="checkbox"/> Wetlands Map and correspondence with USACE, if applicable
Farmland Protection Policy Act	Part 1: C.2(c), C.3, D.2(c) or (d), E.1(a) or (b), E.3(a) or (b) Part 2: § 8	<input type="checkbox"/>	Contact New York State Department of Agriculture and Markets ("NYSDAM") & United States Department of Agriculture ("USDA") National Resources Conservation Service Regional Office	<input type="checkbox"/> NYSDAM & USDA impact determination letters, if applicable
Endangered Species Act	Part 1: E.2(o) Part 2: § 7	<input type="checkbox"/>	Consult with United States Fish and Wildlife Service ("USFWS") and/or National Marine Fisheries Service ("NMFS")	<input type="checkbox"/> Correspondence with USFWS or NMFS, if applicable
Clean Air Act	Part 1: D.2(g) Part 2: § 6	<input type="checkbox"/>	No additional action	N/A
Wild and Scenic Rivers Act	Part 1: E.3(h) Part 2: § 9(a) *Consult federal Wild and Scenic River Map	<input type="checkbox"/>	If a federally designated wild and scenic river is identified on the maps https://www.rivers.gov/ , consult with National Park Service ("NPS")	<input type="checkbox"/> Wild and Scenic River Map and correspondence with NPS, if applicable
Environmental Justice	Part 1: C.2, C.3, D.1(f), D.1(g) Part 2: § 18	<input type="checkbox"/>	No additional action	N/A

Environmental Cross Cutter	Corresponding SEQR EAF Section	Affirm Review Complete	Additional action required if "yes" response to any corresponding EAF Part 1 and a moderate to large impact is indicated in EAF Part 2	Documentation Attached to Indicate Action Complete
Safe Drinking Water Act (Sole Source Aquifer)	Part 1: E.2 (l) Part 2: § 4 *Consult Federal Sole Source Aquifer Map	<input type="checkbox"/>	Check EPA Sole Source Aquifer maps (https://www.epa.gov/dwssa); if within zone, contact EFC for CWSRF projects and DOH for DWSRF projects	<input type="checkbox"/> Sole Source Aquifer Letter from DEC, if applicable
Floodplain Management	Part 1: E.2 (i), (j) or (k) Part 2: § 5	<input type="checkbox"/>	Complete Floodplain Wetlands Assessment (See guidance section)	<input type="checkbox"/> Floodplain Wetlands Assessment, if applicable
Fish and Wildlife Coordination Act	Part 1: D.1(h), D.2(b), E.2(h) Part 2: § 3	<input type="checkbox"/>	If project is subject to federal permit or license, consult with USFWS, unless project is restricted to an impoundment of water less than 10 acres, then no additional action.	<input type="checkbox"/> Correspondence with USFWS, if applicable
Magnuson-Stevens Fishery Conservation and Management Act	Part 1: E.2(q) Part 2: § 7(d)	<input type="checkbox"/>	Contact NMFS for consultation	<input type="checkbox"/> Correspondence with NMFS, if applicable
Coastal Barrier Resources Act	Part 1: B(i), (ii), (iii), D.2(b), E.1(b), E.2(h) Part 2: § 1(g), 3 *Consult Federal Coastal Barrier Resources Map	<input type="checkbox"/>	If within zone on USFWS Coastal Barrier Resources Mapper (http://www.fws.gov/cbra/Maps/Mapper.html) contact USFWS	<input type="checkbox"/> Coastal Barrier Resources Map and Correspondence with USFWS, if applicable
Coastal Zone Management Act	Part 1: B(i), (ii), (iii)) Part 2: § 1(g)	<input type="checkbox"/>	Contact EFC to determine whether consultation with New York State Department of State ("NYSDOS") is required	<input type="checkbox"/> Correspondence with NYSDOS, if applicable
Migratory Bird Treaty Act	Part 1: E.2 (m), (o) or (p) Part 2: 7 (b), (c), (d) or (g)	<input type="checkbox"/>	Contact US Fish and Wildlife Services ("USFWS") for consultation	<input type="checkbox"/> Correspondence with USFWS, if applicable

Documentation Submitted



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

Consultation Code: 05E1NY00-2020-SLI-2512
Event Code: 05E1NY00-2020-E-07507
Project Name: CCSD WWTP Consolidation Project

Subject: List of threatened and endangered species that may occur in your proposed location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate well as proposed and final designated critical habitat, that may occur within the proposed project and/or may be affected by your proposed project. The species list requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This be used to determine whether listed species may be present for projects without federal involvement. New information based on updated surveys, changes in the abundance distribution of species, changed habitat conditions, or other factors could change the

Please feel free to contact us if you need more current information or assistance regarding potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified within 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and informal verification. An updated list may be requested through the ECOS-IPaC system by completing the same form used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. For more information on the steps involved with assessing potential impacts from projects can be found at www.fws.gov/northeast/nyfo/es/section7.htm

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (<http://www.fws.gov/windenergy/>)



KATHY HOCHUL
Governor

Parks, Recreation, and Historic Preservation

ERIK KULLESEID
Commissioner

May 10, 2022

Andrew Kuzio
Larson Design Group
1 W Market Street
Suite 301
Corning, NY 14830

Re: USACE
CCSD Wastewater Treatment Plant Consolidation
Elmira and Southport, Chemung County, NY
20PR02611
12591-001

Dear Andrew Kuzio:

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 State Environmental Conservation Law Article 8).

We have reviewed the report of the Phase I archaeological survey (No. 22SR00230), and no archaeological sites were identified. It is the SHPO's opinion that no historic properties, including archaeological and/or historic resources, will be affected by this undertaking.

If further correspondence is required regarding this project, please refer to the SHPO Project Review (PR) number noted above. If you have any questions, please contact me via email.

Sincerely,

Tim Lloyd, Ph.D.
Scientist - Archaeology
timothy.lloyd@parks.ny.gov

via e-mail only

Thank you!

Liz Ricci, P.E.

Program Manager

Engineering Division

Elizabeth.Ricci@efc.ny.gov