

**Tier 1 Programmatic Review  
for Activity/Project that is  
Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR Part 58.35(a)**

**Project Information**

**Program Name:** AHP Scattered Site Rehab Program

**SHARS Number:** 20163151

**Program Sponsor:** Affordable Housing Partnership of the Capital Region

**Primary Contact:  
(Name and Title)** Susan Cotner, Executive Director

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**Responsible Entity (RE):** New York State Homes and Community Renewal

**Certifying Officer:** Heather Spitzberg, Director, Environmental Analysis Unit

**Project Location:** Scattered sites in the City of Albany, Albany County

**Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The Affordable Housing Partnership proposes to administer a rental rehabilitation program that will finance the renovation of vacant homes in the City of Albany with preference given to the Sheridan Hollow and West Hill neighborhoods. Affordable Housing Partnership of the Capital Region is requesting \$600,000.00 in HOME assistance to be used primarily to pay for the cost of rehabilitation so that major systems in the properties (foundation, roof, heating, electric, plumbing, etc.) will be upgraded to require minimal ongoing maintenance and allow rents to remain affordable. Energy efficiency improvements will also be made. Rehabilitation activities may cause ground disturbance.

**Approximate size of the project area:** 21.81mi<sup>2</sup>

**Number of dwelling units addressed by this tiered review:** 11

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a)(3)(i), and subject to laws and authorities at §58.5

**Funding Information**

**Estimated Total HUD HOME Funded Amount:** \$600,000.00

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$1,040,000.00

**Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities and Written Strategies**

<p><b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR 50.4, 58.5, and 58.6</p>	<p>Was compliance achieved at the broad (Tier 1) level of review?</p>	<p><b>If Yes:</b> Describe compliance determinations made at the broad level.  <b>If No:</b> Describe the policy, standard, or process to be followed in the site-specific review.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 &amp; 58.6</b></p>		
<p><b>Airport Hazards</b>  24 CFR Part 51 Subpart D</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>The following primary commercial airport exists approximately 3.2 miles from the closest point of the City of Albany: Albany International. Therefore, the project site will never be within 2,500 feet of the Albany International Airport with regard to the Runway Protection Zone/Clear Zone (RPZ/CZ). No further Tier 2 review required.</p> <p>The following primary military base exists approximately 9 miles from the closest point of the City of Albany: Stratton Air National Guard Base (ANGB). Therefore, the project site will never be within 15,000 feet of the Stratton ANGB with regard to the Accident Potential Zone (APZ). No further Tier 2 review required.</p> <p>See attached map.</p>
<p><b>Coastal Barrier Resources</b>  Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes    No <input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>No Coastal Barrier Resource Areas exist in the target area. No further Tier 2 review required.</p> <p>See attached map</p>
<p><b>Flood Insurance</b></p>	<p>Yes    No</p>	<p>All sites will be reviewed for their location on FIRM maps at: <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a></p>

<p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>No buildings within a floodway will be chosen as project sites. Any project funded building within a 100-year flood-zone will be required to maintain flood insurance.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §58.5</b></p>		
<p><b>Clean Air</b>  Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes No <input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The Program is for single-family home rehabilitation only, a categorically excluded activity. The proposed project work is not of a size or scope that contributes to air pollution or is expected to violate the State Implementation Plan (SIP). No Tier 2 review required.</p>
<p><b>Coastal Zone Management</b>  Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The target area contains NYS Coastal Zones according to the NYS Coastal Zone Atlas. Each project site will be checked for its location with regard to a Coastal Zone. If a site is within a Coastal Zone, the Affordable Housing Partnership of the Capital Region must contact EAU and EAU will need to coordinate a submission of the project to New York State Department of State (DOS) prior to completion of the Tier 2 checklist for that site.  See attached map.</p>
<p><b>Contamination and Toxic Substances</b>  24 CFR Part 50.3(i) &amp; 58.5(i)(2)]</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>Each site will 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. The site visit report will include a signed certification statement, that: "I, (Name, Title), certify that I am a qualified environmental professional as per ASTM 1527."</p>
<p><b>Endangered Species</b>  Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>For every project requiring ground disturbance or tree cutting the Affordable Housing Partnership of the Capital Region will: 1) review the NYS Environmental Resource Mapper (ERM) for impacts of the proposed action on any rare, threatened, or endangered species at <a href="http://www.dec.ny.gov/gis/erm/">http://www.dec.ny.gov/gis/erm/</a>; and provide a copy of the map. If the ERM does not indicate the presence of endangered species,</p>

		<p>then it is not necessary to contact the Natural Heritage Program (NHP) and no further consultation is required. If ERM does indicate the documentation of endangered species, then consultation with NHP is required and the response letter must be submitted.</p> <p>Then (2) follow the USFWS directions for project reviews at <a href="http://www.fws.gov/northeast/nyfo/es/section7.htm">http://www.fws.gov/northeast/nyfo/es/section7.htm</a>.</p> <p>If the USFWS directions reveal the possibility of an endangered species on the site, EAU will be contacted to make a finding or further consult with USFWS and/or NMFS as necessary.</p> <p>A project will not be allowed to proceed unless or until a “No Effect” finding can be made or the impacts of the project on protected species are minimized, as determined by EAU in coordination with the USFWS and/or NMFS.</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>If a project will install any new outdoor above ground storage tanks (ASTs) on the project site, the tank must be beyond the Acceptable Separation Distance (ASD).</p> <p>AND</p> <p>For each site involving increase in units, or restoration of vacant or abandoned buildings, a survey must be conducted by a qualified environmental professional to determine whether within 1,000 foot radius of the site there exist any above-ground stationary facilities which store flammable or explosive gasses (i.e. propane), regardless of tank size. The survey must also determine if there are any facilities which store flammable or explosive liquids in tanks exceeding 100 gallons. Tanks, which exceed 20,000 gallons and are within 1 mile of the site, must also be</p>

		identified. If such tanks are identified, EAU will be provided with enough information to conduct a thermal explosive hazard analysis. If the distance from the site to the tank is less than the acceptable separation distance (ASD), modification of the proposed layout or construction of earthen berms or concrete barriers will need to be considered.
<b>Farmlands Protection</b>  Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes    No <input checked="" type="checkbox"/> <input type="checkbox"/>	The Program is for rehabilitation of a single-family homes only. It will not convert farmland to a nonagricultural use.  No Tier 2 review required.
<b>Floodplain Management</b>  Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	All sites will be reviewed for their location on FIRM maps at: <a href="https://msc.fema.gov/portal">https://msc.fema.gov/portal</a>  No buildings within a floodway will be chosen for rehabilitation.  If a site is located outside of the 100-year-floodplain, no further action is required.  If a site, or a portion of the site, even if the building is not on that portion, is within the 100-year-floodplain, the Floodplain Management Worksheet will be completed. If the project does not constitute "substantial improvement," no further action is needed. If it does, EAU must be contacted for further instruction. A project that constitutes "substantial improvement" will undergo the mandatory 24 CFR Part 55 5-step or 8-step process along with additional notice procedures and require elevation of the structure.
<b>Historic Preservation</b>  National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	For all projects that involve any site disturbance, or demolition or rehabilitation of buildings 50 years old or older, applicants must submit the project for review by the State Historic Preservation Office (SHPO) through the Cultural Resource Information System (CRIS) site found here: <a href="https://cris.parks.ny.gov">https://cris.parks.ny.gov</a> for an effect determination.

		<p>If the project will conduct ground disturbance, HUD’s TDAT will be consulted, and evidence that a review was requested from the Tribal Historic Preservation Officer (THPO) will be submitted with the Tier 2 checklist.</p> <p><a href="https://egis.hud.gov/tdat/Tribal.aspx">https://egis.hud.gov/tdat/Tribal.aspx</a></p> <p>A project cannot proceed unless it receives a finding of “no historic properties affected,” “No Adverse Effect” or “Adverse Effect” with further compliance with Section 106, including a Memorandum of Agreement.</p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>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. For all sites, distances to major noise sources must be determined. Each site must be reviewed to determine if it is located within 1,000 feet of a roadway carrying more than 10,000 vehicles per day, 3,000 feet of an active railroad, 15 miles of the commercial airports on the FAA’s 139 list (Albany International Airport) or 15 miles of the Stratton Air National Guard Base (ANGB) military airport.</p> <p>See attached map.</p> <p>If the rehabilitation project is located within critical distances of noise sources, noise attenuation features will be encouraged to be included in the project scope of work. The Tier II must describe the mitigation features included in the project or justify why they are not included.</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly</p>	<p>Yes No</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/></p>	<p>The program target area of the City of Albany does not contain any sole source aquifers. Part of the Schenectady – Niskayuna SSA lies in</p>

<p>section 1424(e); 40 CFR Part 149</p>		<p>the northern part of Albany County, but is not located in the program area.</p> <p>No Tier 2 review required.</p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>Any site intrusive work, even on previously disturbed land, will be constructed so as to reduce, minimize, or otherwise avoid impacts within wetlands or associated “buffers or check zones.” Maps of state and federal jurisdictional wetlands will be consulted for each site. In addition to consultation of wetlands maps, if the Affordable Housing Partnership of the Capital Region or EAU suspects the potential presence of wetlands in the areas to be disturbed, a formal jurisdictional review or qualified biologist delineation may be required to confirm whether wetlands will be disturbed. This will be decided in further consultation with EAU. If a site is located on or in proximity to wetlands the Affordable Housing Partnership of the Capital Region will consult with the relevant regulator and, if the project work impacts wetlands, obtain all necessary permits as well as complete the 24 CFR Part 55 review process, if required.</p>
<p><b>Wild and Scenic Rivers (WSRs)</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>In the City of Albany, there are no federally designated Wild and Scenic Rivers (WSRs), or Study Rivers (Congressionally-authorized Study Rivers and Agency-authorized Study Rivers), but there are federally designated National Rivers Inventory (NRI) rivers within the City of Albany (See attached “Relevant River Segments Form”). The NRI lists the Normans Kill and the Kaikout Kill within the City of Albany. All sites will be reviewed to determine their location with regard to the WSRs. No Program activities should impact the WSR, but EAU and National Parks Service (NPS) will be contacted with regard to any site within the designated control area of a federal WSR to determine if any mitigation is required.</p>
<p><b>ENVIRONMENTAL JUSTICE</b></p>		

<p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>	<p>Yes    No</p> <p><input type="checkbox"/>   <input checked="" type="checkbox"/></p>	<p>According to NYSDEC mapping at <a href="http://www.dec.ny.gov/public/899.html">http://www.dec.ny.gov/public/899.html</a>, the target area does include potential environmental justice areas.</p> <p>The Program is intended to serve an existing need for affordable housing and is not expected to facilitate development which would result in disproportionate adverse environmental justice impacts. Noise mitigation will be encouraged in all projects. Each site will be reviewed for compliance with HUD Environmental Standards. There will be no adverse environmental impacts that disproportionately affect low-income or minority populations.</p> <p>See attached map.</p>
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<b>STATE OR LOCAL STATUTES</b>		
<p>Agricultural Districts</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>The program does not include new construction.</p> <p>No Tier 2 review required.</p>
<p>Wild, Scenic and Recreational Rivers (WSRRs) NYSDEC Part 666</p>	<p>Yes    No</p> <p><input checked="" type="checkbox"/>   <input type="checkbox"/></p>	<p>The program target area does not include any New York State Wild, Scenic or Recreational Rivers (listed on the NYSDEC website <a href="http://www.dec.ny.gov/permits/32739.html">http://www.dec.ny.gov/permits/32739.html</a> or found on the Full Environmental Assessment Form mapper). <a href="http://www.dec.ny.gov/eafmapper/">http://www.dec.ny.gov/eafmapper/</a></p>

**Attachments:**

1. Airport Hazards and Noise Map
2. USFWS Coastal Barrier Resource System Map
3. NYSDOS Coastal Zone Management Map
4. USEPA Sole Source Aquifer Map
5. Relevant Rivers Segments Form
6. Potential Environmental Justice Area Maps

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]**



Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Not applicable until sites are selected in Tier 2 review.

Law, Authority, or Factor	Mitigation Measure

**Determination:**

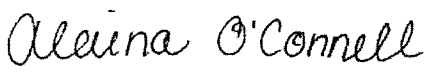
- Extraordinary circumstances exist and this project may result in significant environmental impact. This project requires preparation of an Environmental Assessment (EA); OR
- There are no extraordinary circumstances which would require completion of an EA, and this project may remain CEST.

I am the authorized signatory for the HTFC HOME LPA award to the entity named below. I have read the Programmatic Environmental Review Record and Statutory Checklist and by signing these documents agree with the statements made therein and agree that all site specific reviews will be conducted in conformance with the described procedures.


I agree to abide by the special conditions, procedures and requirements of the environmental review and to advise HTFC of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Preparer Signature:  Date: 7/26/2017

Name/Title/Organization: Susan Cotter, Affordable Housing Partnership  
Executive Director

Consultant (if any) Signature:  Date: 7/25/2017

Name/Title: Alaina O'Connell, Project Environmental Scientist - Tectonic Engineering

Responsible Entity Agency Official Signature:  Date: 7/28/17

Name/Title: Heather Spitzberg, Director, Environmental Analysis Unit

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

**This document represents the Tier 1 or Broad-Level review *only*. As individual sites are selected, this review must be supplemented by individual Tier 2 or Site-Specific reviews for each site. All laws and authorities requiring site-specific analysis will be addressed in these individual reviews.**