

U.S. Department of Homeland Security
Federal Emergency Management Agency
FEMA Region II
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New York, New York 10278



FEMA

October 1, 2018

Deputy Commissioner Anne Bink
Alternate Governor's Authorized Representative
New York State Division of Homeland Security and Emergency Services
1220 Washington Avenue
Building 7A, 7th Floor
Albany, NY 12242

Attn: Randy André

Re: FEMA-4085-DR-NY / HMGP Project # 4085-0031 / S # 467
Village of Island Park / FIPS Code: 059-37847-00 (Subrecipient)
Flood Protection for the Major Infrastructure of Island Park Project
Phase II Approval

Dear Ms. Bink:

This letter advises that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has reviewed and approved Phase II of the Village of Island Park's Hazard Mitigation Grant Program (HMGP) Application for Project # 4085-0031 (Project¹). This Phase II approval will fund the engineering design, permits and administrative fees for the Village of Island Park's drainage system.

At this time, FEMA is authorizing \$4,999,708, with a 100% Federal share, for Engineering Design and Permitting, which includes: a) a detailed scope of work (SOW); b) design plans and technical specifications; c) cost estimates and schedules; and d) final demonstration of cost effectiveness (hereinafter referred to as "Phase II").

Upon the timely completion of the conditions specified in this letter, at Section III, FEMA will consider the remaining funds in an amount not to exceed \$33,624,150, with a 100% Federal Share, for the construction portion of the Project (Phase III). The maximum total Project costs for Phase I, Phase II and Phase III is \$40,000,000.

The necessary costs of requesting, obtaining, and administrating Federal disaster sub-grants will be covered in accordance with Title 44 of the Code of Federal Regulations (44 C.F.R.), Part 207. The New York State Division of Homeland Security and Emergency Services (NYS DHSES or Recipient) has primary responsibility for management of the Project and accountability of funds,

¹ See Phase I Approval Letter dated August 24, 2015.

as set forth in 44 C.F.R., Part 206, Subpart N, and Part 13. Specific requirements and conditions are provided below under Section III of this letter.

I. Project Details

The proposed work concerns protection from flooding of the Village of Island Park, located in the town of Hempstead, Nassau County, NY. The Village of Island Park was devastated by Hurricane Sandy with a stated inundation of 6 to 8 feet of sea water that flooded virtually every home and business in the Village. Additionally, the Village lost its elementary school, firehouse, the Village Hall and places of worship. It cites 1,271 properties affected by Hurricane Sandy (1,144 residential, 118 businesses, 5 public properties, and schools or private non-profit). Ultimately, the Village envisions implementing the specific recommendation of the engineering studies with an upgraded municipal storm drainage system including: 42,000 feet of new storm sewers, tide gates, subsurface storm water retention, three (3) potential road elevations and 2,000 feet of upgraded bulkhead.

II. Project Funding and Grant Management Requirements

Additional information is required to determine feasibility, engineering performance, environmental acceptability, and cost effectiveness in order to make a determination for total Project funding. The Project review process has been divided into three components: Phase I (Scoping, Feasibility Analysis, Preliminary Engineering Design, Hydrology and Hydraulics Study and Preliminary Determination of Benefits), Phase II (Engineering Design & Permitting) and Phase III (Construction).

At this time, authorization is being provided only for Phase II of the Project. FEMA will consider authorizing funding for Phase III for construction of Project based upon the results of the timely completion of the Conditions of Approval at Section III, below.

Should FEMA approve funding for Phase III, the Sub-recipient will be responsible for obtaining all Federal, State, and/or local permits that are required prior to Phase III construction. A copy of all permits must be submitted to and retained by NYS DHSES. Failure of the Subrecipient to obtain the required permits associated with the approved scope of work would violate the condition of this Project's approval. This could result in a determination that no Federal funding is eligible for the Project.

Funding for this sub-grant will be provided as follows:

Award Increment	Budget Cost Classification	Federal Share Award	Local Matching Share	Total Funding
Phase I	Pre-award Expenses for application development and packaging, plus preliminary BCA data collection.	\$103,983	\$0	\$103,983
	Field Examination of existing drainage system	\$665,132	\$0	\$665,132
	Project Scoping to include preliminary engineering design recommendations, cost and Technical Feasibility	\$257,940	\$0	\$257,940
	Hydrologic and Hydraulic Analysis	\$308,287	\$0	\$308,287
	Cost Effectiveness	\$40,800	\$0	\$40,800
	Phase I Subtotals	\$1,376,142	\$0	\$1,376,142
Phase II	Engineering Design, Analysis, Permits and Drainage System Modeling	\$3,949,708	\$0	\$3,949,708
	Administrative Cost Recovery for Engineering Review (PMR/CLOMR)	\$325,000	\$0	\$325,000
	Permits, Fees, Regulatory Compliance & Surveys, Project Management	\$725,000	\$0	\$725,000
	Phase II Subtotals	\$4,999,708	\$0	\$4,999,708
Phase III	Phase III Construction Subtotals	\$33,624,150	\$0	\$33,624,150
	Total Estimated Project Cost	\$40,000,000	\$0	\$40,000,000

Grant agreement articles of the FEMA-State Agreement govern this HMGP sub-grant, which incorporates the grant management requirements set forth in the 44 C.F.R. In accordance with 44 C.F.R. § 13.30(d), prior approval by FEMA is required for any revision to the scope or objectives of the Project, or extension to the Activity Completion Timeline. Any such request must be submitted to FEMA Region II, Mitigation Division, Sandy Grants Branch, prior to implementation of the revision. Any change that does not receive prior approval from FEMA Region II will violate the conditions of this sub-grant.

III. Conditions of Approval

Phase III Approval is contingent upon fulfillment of all of the following:

1. Engineering Design and Cost-effectiveness

In accordance with Hazard Mitigation Assistance Guidance (2010) Part VIII, Additional Program Guidance: A. Hazard Mitigation Grant Program, A.9 Phased Projects, the engineering and design phase should include:

Detailed Scope of Work

- a. Complete and updated technical designs and specifications
- b. Document alternatives and indicate which alternative is being implemented
- c. Document how the scope solves the problem independently or is a functional portion of a solution where there is assurance that the overall project is being completed (in accordance with 44 C.F.R. §206.434(c)(4))
- d. Identify all locations (by latitude/longitude) of where the SOW will be implemented (disturbed land for construction, staging areas, etc.)
- e. Identify any technical standards or specifications required by the design
- f. Should the updated technical design require active flood protection measures as part of the overall solution, the Phase II deliverables must include an emergency operations plan to address how the measures will be implemented

Cost Estimate and Schedule that reflects the proposed Scope of Work

- g. Provide an itemized cost estimate for all elements described in the SOW, separated by Phase. Lump sum estimates are not eligible and will not be accepted
 - i. The cost estimate should indicate when the funds are expected to be expended and line item descriptions should be detailed enough to validate actual expenditures at closeout
 - ii. Provide the source or methodology that supports the cost estimate as well as relevant individual line items
 - iii. Cost escalation allowances may be included within individual line-item breakdowns, but may not be included as a stand-alone contingency line-item
- h. Provide a project schedule that identifies tasks and the critical path (e.g., Gantt chart)

Design and Technical Specifications

- i. Provided Design should include:

- i. An updated hydrologic and hydraulic (H&H) report or other report that includes modeling of pre- and post-project conditions (i.e. water surface elevations and inundation maps which demonstrate the mitigation measures' effectiveness) and identifies how the proposed mitigation measures will change the flood risks in the area
- ii. A statement certifying no adverse impact from the proposed scope of work should be reflected in the H&H study
- j. It is recommended that 30%, 60%, 90% and final design process be followed to assist the Sub-recipient in identifying any potential issues at the earliest possible juncture

Demonstrate Project Cost-Effectiveness

- k. Present an updated BCA to validate the assumptions in the preliminary BCA used to approve Phase II, using data developed or gathered during Phase II.
- l. All BCA inputs must be supported with relevant documentation. Include:
 - i. Inundation map and modeling (based on designs developed in Phase II) to support assumptions in BCA
 - ii. Justification/supporting documentation for the building, contents and displacement
 - iii. Validate the depth-damage functions used to estimate building, contents and displacement benefits
 - iv. Verify the level of protection provided by the scope of work
 - v. Support estimate of social benefits including average population/workers per household, number of households affected by the project
 - vi. Support Roadway Detour loss of function benefits
 - vii. Justification of annual maintenance costs
 - viii. A BCA narrative is recommended to ensure a clear explanation of the method, assumptions, and use of the data

2. Floodplain Management Considerations

Once the Project's final design has been determined, the following requirements must be shown to have been initiated within the Phase II deliverables and completed prior to Phase III construction:

- a. All Critical Actions must be protected to at least the 0.2% annual chance flood (500 year flood) level.
- b. A permit for development within the floodplain must be approved and issued by the Floodplain Manager/Administrator of The Village of Island Park before commencement of project construction.
- c. Portions of the project area are located within the Limit of Moderate Wave Action (LimWA) or Coastal A Zone. Any proposed project sites within this area should be built to VE Zone construction standards.

- d. Should a Conditional Letter of Map Revision (CLOMR) be required, it must be obtained before commencement of the project.
- e. Unique geospatial coordinates for all project sites must be submitted as a part of Phase II deliverables.

3. Environmental Requirement

FEMA Environmental and Historic Preservation (EHP) review and approval will be required upon the receipt of Phase II deliverables and prior to any subsequent Phase III work.

National Environmental Policy Act (NEPA)

Preliminary project designs indicate the project will require an Environmental Assessment (EA). As soon as practicable, the Recipient and Subrecipient are required to coordinate with FEMA Environmental and Historic Preservation (EHP) for a project scoping meeting to determine the correct level of National Environmental Policy Act (NEPA) review. This meeting would serve as the FEMA kickoff meeting for the EA. This EA would need to be prepared in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and the Regulations for Implementation of the National Environmental Policy Act (40 Code of Federal Regulations [C.F.R.] Parts 1500 to 1508). The purpose of the EA is to analyze the potential environmental impacts of the proposed project and alternatives, including a no action alternative, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In accordance with above referenced regulations and with FEMA Directive 108-1 and FEMA Instruction 108-1-1, FEMA is required, during decision making, to fully evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

The Subrecipient will have primary responsibility for developing the content of the EA. The EA must address the purpose and need of the project, the project's location and background, alternatives considered, and conditions and effects. The conditions and effects section will evaluate geology, topography, and soils; air quality; water quality; wetlands; floodplain; coastal resources; vegetation; wildlife and fish; threatened and endangered species; migratory birds; bald and golden eagles; essential fish habitat; cultural resources; aesthetic resources; environmental justice; land use and planning; noise; transportation; public services and utilities; public health and safety; hazardous materials; and cumulative impacts.

In addition, this project will require compliance with all applicable federal laws and Executive Orders (EOs) including, but not limited to, the National Historic Preservation Act (NHPA), Clean Water Act (CWA), Coastal Zone Management Act (CZMA), Executive Order 11988 – Floodplain Management, Executive Order 11990 – Protection of Wetlands, and the Endangered Species Act (ESA). Additional documentation (copies of permits, plans, engineering studies or regulatory agency coordination) completed over the course of Phase II work will need to be completed and provided to FEMA EHP.

Archeology

If during the course of work, archaeological artifacts (prehistoric or historic) or human remains are discovered, the Subrecipient shall stop work in the vicinity of the discovery immediately and notify FEMA Region II within twenty-four (24) hours. The Subrecipient will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. In addition, if unmarked graves are present, the Subrecipient shall notify the local law enforcement agency within twenty-four (24) hours of the discovery and FEMA Region II within seventy-two (72) hours. Work in the vicinity of any discovery will not resume until FEMA Region II has completed consultation with the State Historical Preservation Office, Tribes, and other consulting parties as necessary.

Solid and Hazardous Waste

The Subrecipient shall handle, manage, and dispose of all found solid and hazardous waste in accordance with requirements of local, state, and federal laws, regulations, and ordinances. The Sub-recipient shall ensure that all debris is separated and disposed in a manner consistent with New York State Department of Environmental Conservation (NYS DEC) guidelines at a permitted site or landfill.

Permitting

Prior to the commencement of work, the Subrecipient is responsible for obtaining all Federal, State, and/or local permits that are required, including those issued by the US Army Corps of Engineers, NYS Department of Environmental Conservation, and NYS Department of State. A copy of all permit applications and permits must be submitted to DHSES for review to ensure compliance with the project's approved scope of work. Failure of the Subrecipient to obtain all required permits violates the condition of this project approval. This could result in a determination that no Federal funding is eligible to be reimbursed for this project.

Record of Environmental Consideration

A copy of FEMA's Record of Environmental Consideration (REC) is included, this summarizes the results of the environmental review, and outlines all the requirements and conditions of environmental and historic preservation compliance.

4. Project Completion Deadline

The deadline for submission of the required Phase II documentation to FEMA Region II, through the recipient is **April 1, 2020. An additional six (6) months have been granted for this ACT due to the anticipated time needed to perform an Environmental Assessment. Under no circumstance shall ground disturbance and/or construction commence, and the Village of Island Park may not undertake Phase III (Construction) until FEMA**

provides specific approvals and authorizations that may also include additional Conditions of Approval.

In order for the Village of Island Park to request an extension of the ACT, NYS DHSES must submit a formal written request to the FEMA Regional Administrator. The request must be made no later than sixty (60) days prior to the expiration of the ACT and must include a justification for the extension. This justification must demonstrate that no construction work is in progress. Other information required with this request includes: a revised budget information form (regardless of whether there are changes to the budget), percentage of work completed and a description of all work completed.

5. Reporting Requirements

The Recipient is required to submit quarterly financial and performance reports within thirty (30) days after the end of each quarter in accordance with 44 C.F.R. § 13.40, 13.41, and 206.438(c). These reports should reflect the status and completion date for the Project. Any problems or circumstances affecting the completion date, scope of work, project cost, or which could be expected to result in noncompliance with the approved grant conditions are to be described in the quarterly progress reports. Requests for additional Project time extensions will only be considered in instances where the Subrecipient has provided the Recipient with accurate quarterly status reports.

6. Reimbursement of Allowable Costs

Once funding has been obligated, the Recipient is to submit a claim to FEMA Region II for reimbursement of allowable costs prior to drawing down those funds in accordance with 44 C.F.R. § 206.438(d). These submitted claims must also certify that reported costs were incurred in the performance of eligible work, that the approved scope of work was completed, and that the mitigation measure complies with the provisions of the FEMA-State Agreement.

7. Project Closeout

Upon completion of the Project, the Recipient must ensure that the sub-grant has been completed in compliance with the approved scope of work and with all required environmental conditions and all Hazard Mitigation Unified Assistance (HMA), National Flood Insurance Program (NFIP), and HMGP Guidance.

8. Other Regulatory Requirements

As part of the Approval, the Subrecipient is required to adhere to all applicable Federal laws, Regulations, and Policies.

IV. Conclusion

AGAR Anne Bink
October 1, 2018
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FEMA urges your office to meet with this Subrecipient to review the Project requirements as soon as possible. At this meeting, please establish a follow-up schedule of Project monitoring including quarterly performance reporting and fiscal documentation requirements. Copies of all contracts entered into for this Project need to be provided to, and maintained by NYS DHSES. We are available to assist both NYS DHSES and the Village of Island Park in the implementation of this Project.

Should additional information be required, please contact Luis Avila, Sandy Grants Branch Chief, FEMA Region II at 202-285-9387.

Sincerely,

**MICHAEL F
MORIARTY**

Digitally signed by MICHAEL F MORIARTY
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