U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Washington, DC 20410
www.hud.gov

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Environmental Review for Activity/Project that is Categorically Excluded Subject to Section 58.5

Pursuant to 24 CFR 58.35(a)

Project Information

Project Name:	Alternative Enforcement Program - 5-Year Review - 2026-2030
Responsible Entity:	City of New York – Office of Management and Budget (OMB)
Grant Recipient (if different than Responsible Entity):	City of New York
State/Local Identifier:	N/A
Preparer:	Juliet Jacobs
Certifying Officer Name and Title:	Julie Freeman, Associate Director, OMB-Managed Grants
Direct Comments to:	Julie Freeman Associate Director, OMB-Managed Grants NYC Office of Management and Budget 255 Greenwich Street, 8th Floor New York, New York 10007

Funding Information

Grant Number	HUD Program	Funding Amount
B-25-MC-36-0104	Community Development Block Grant	$10,356,000
B-26-MC-36-0104	Community Development Block Grant	$10,356,000
B-27-MC-36-0104	Community Development Block Grant	$10,356,000
B-28-MC-36-0104	Community Development Block Grant	$10,356,000
B-29-MC-36-0104	Community Development Block Grant	$10,356,000

Estimated Total HUD Funded Amount:
$51,780,000

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR § 58.2(a)(5)]]**:**
$51,780,000

The U.S. Department of Housing and Urban Development (HUD) states that, for Tiered reviews of ongoing programs, such as the Alternative Enforcement Program, environmental reviews will be valid for a maximum of five years, barring any significant change in project scope or geographic location. The Alternative Enforcement Program was last assessed in 2022 and the Authority to Use Grant Funds (AUGF) was received on September 1, 2022. Thus, although the Alternative Enforcement Program remains substantially unchanged, the following review is intended to ensure the Program's environmental compliance for the five-year period following receipt of an AUGF.

CD funds are allocated on an annual basis to the City, and future funding amounts are estimated based upon historical precedent. The City may use grant funds associated with a number of previous year allocations for Program activities in any given year. However, funds would not be used until they have been assessed, pursuant to 24 CFR Part 58.

Level of Environmental Review Determination:
Categorically Excluded per 24 CFR 58.35(a)(3), and subject to laws and authorities at §58.5

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

The Alternative Enforcement Program (AEP) is intended to address the serious physical deterioration of the most distressed buildings in New York City. Through AEP, the NYC Department of Housing Preservation and Development (HPD) can order the property owner to repair or replace building systems as well as to address violations. If the owner fails to comply, AEP can perform the work using CD funds. AEP staff is also supported by CD funds.

Using criteria set forth in the City's Administrative Code, HPD annually designates 250 multiple dwellings that are high consumers of HPD's code enforcement services for participation in the program. HPD notifies owners that their buildings have been selected and the owners will have four months to perform specified repairs.

If an owner fails to meet the requirements for discharge within the first four months, HPD will issue an Order to Correct identifying the building systems that need to be replaced in order to address the underlying conditions (to minimize recurrence of those conditions). Once an Order is issued, fees will be charged to the property for being in the program and as a result of specific inspections. Should an owner fail to comply with the Order, HPD may perform the work.

The project scope is limited to rehabilitation of existing residential buildings within their existing footprint (i.e., no new construction, no building expansion) and in no case will work involve a change in land use. Work may entail, but is not limited to, pest management; replacing doors, windows, fire escapes, floor joists and flooring, staircases, and roofs; repointing a building's facade; rewiring the building and other electrical system upgrades; replacement and/or improvements to the gas meters, gas distribution systems, heating plants, hot water heaters, waste lines, and domestic water supply; and waterproofing the building envelope. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

Project Location

The Alternative Enforcement Program is administered by the NYC Department of Housing Preservation and Development, located at 100 Gold Street, New York, New York 10038. The program operates throughout the five boroughs of New York City.

Maps, photographs, and other documentation of project location and description:

Approximate size of the project area: more than 1 square mile
The program operates in all five boroughs.

Length of time covered by this review: 5 Years

Maximum number of dwelling units or lots addressed by this tiered review:
5000 (250 properties x average of 4 units each x 5 years)

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.

Tiering Plan for Environmental Review

Environmental compliance for the Alternative Enforcement Program will be evaluated using a tiered review structure, per 24 CFR 58.15. Tiering is a means of making the environmental review process more efficient by allowing parties to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review. A tiered review consists of two stages: a broad-level review (or Tier I) and subsequent site-specific reviews (or Tier IIs). The broad-level review should identify and evaluate the issues that can be fully addressed and resolved, notwithstanding possible limited knowledge of the project. In addition, it must establish the standards, constraints, and processes to be followed in the site-specific reviews. As individual sites are selected for review, site-specific reviews evaluate the remaining issues based on the policies established in the broad-level review. Together, the broad-level review and all site-specific reviews will collectively comprise a complete environmental review addressing all required elements.

The following Categorically Excluded per 24 CFR 58.35(a)(3), and Subject To laws and authorities at §58.5 review (CEST) serves as the updated Tier I for the Alternative Enforcement Program, with a Tier I last being completed in 2022. Before Program activities can be implemented, a valid Tier I and Tier II must be completed indicating that proposed activities at a specific project site have been found to be compliant.

Tier II or Site-Specific Environmental Review Record (ERR)

The New York City Office of Management and Budget (OMB) cannot make a determination that compliance was achieved at the broad level of review for every factor in the Tier I Environmental Review Record (ERR), therefore, further environmental compliance for the Alternative Enforcement Program must be performed at the site-specific level. The City will conduct a site-specific ERR for each proposed project site to address those environmental compliance factors and HUD standards that remained unresolved by the Tier I analysis. A site-specific compliance process has been developed, and is presented below. The following compliance factors will be analyzed for each site-specific activity:

- **Airport Hazards**
- **Flood Insurance / Floodplain Management**
- **Contamination and Toxic Substances**
- **Historic Preservation**

Site-specific reviews would evaluate Program activities at the proposed project site against the above compliance factors. Reviews would also include direct field observation with photographs, measurements, and notes for the file, as well as resource agency consultations, if applicable. If there are no impacts identified, or if impacts will be fully mitigated through individual site actions, then the proposed project activity would proceed without further notice to the public. If impacts cannot be identified and mitigated during the site-specific reviews, then that site may be subject to further studies, subject to agency consultations, or may require the publishing or posting of individual notices. In some cases, the proposed project activity may not be eligible for CDBG funding, based upon a specific mitigation or environmental issue. In that case project activities may proceed using other sources of City funding, if deemed eligible.

Site-Specific Compliance Process

For each proposed site, HPD will prepare and submit an Environmental Review Questionnaire and site photographs to OMB (Attachment 2). OMB will review the form, preparing any additional compliance information that is required. Compliance with all required laws and authorities will also be captured in the New York City Grant Management System (GMS) or similar database management system. Required documentation for the site-specific ERR, including the Environmental Review Questionnaire, site photographs, and evidence of compliance with the aforementioned laws and authorities (e.g., maps, reports, and resource agency consultations) would be collected and retained in GMS in conformance with applicable record retention timeframes. Once an authorized representative at OMB has signed the Questionnaire, and the site-specific ERR has been approved in GMS, OMB will provide the completed Questionnaire to HPD, thus providing notification that the site is eligible for the use of CDBG funds.

If a site-specific review cannot be completed within six months of OMB receiving the request from HPD, the request will be considered expired. A new questionnaire, including updated photos and site contamination review would be required in order to complete the site-specific review process.

Airport Hazards

Each site-specific ERR must contain an analysis of airport hazards. OMB will prepare maps showing the proposed site's proximity to any nearby Runway Protection Zones (RPZs), and complete the section of the Questionnaire that addresses this requirement. Sites that intersect an RPZ would not be eligible for CDBG funding.

Flood Insurance / Floodplain Management

Proposed project sites that fall within the Federal Flood Risk Management Standard (FFRMS) floodplain would not typically be eligible for this Program. As Climate Informed Science Approach (CISA) data is not currently available, the horizontal extent of the FFRMS floodplain is defined as the 500-year (0.2 percent annual chance) floodplain as delineated on the latest Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs) or preliminary FIRMs, whichever is more stringent.
HPD will confirm during preparation of the Environmental Review Questionnaire that the proposed site does not intersect the FFRMS floodplain and will provide a map showing the site's proximity to the floodplain. OMB will confirm this determination before approving the site for the use of CDBG funds.

In limited circumstances, if agreed upon by HPD and OMB, sites which fall within the FFRMS floodplain may be allowed, based upon individual need and compliance factors. If allowed, a 5-Step or 8-Step Decision Making Process must be completed for the specific proposed site.

Contamination and Toxic Substances

All property proposed for use in HUD programs must be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. To ensure this is the case for all proposed sites in the Program, each Environmental Review Questionnaire would include an analysis of lead-based paint requirements, completion of a site contamination inspection form, and completion of a toxic materials review of federal and

State-listed sites within 3,000 feet of the proposed site. Hazards, if discovered, must be mitigated in order for the site to remain eligible for the Program.

Historic Preservation

In accordance with an existing Memorandum of Agreement each site would be reviewed by the New York City Landmarks Preservation Commission (LPC) to determine whether there is any architectural significance associated with each proposed site. Each year, LPC provides a batch determination of the architectural significance of each proposed site in the Program. Sites which are listed, or eligible for listing in the National Register of Historic Places (either individually or as part of an historic district) would require additional review by the New York State Historic Preservation Office (SHPO) for compliance.

HPD will note, during preparation of the Environmental Review Questionnaire, whether LPC has determined that the site has no architectural significance or whether additional compliance, such as obtaining a permit or SHPO consultation, is required. OMB will confirm this determination while reviewing the Questionnaire, and will conduct additional resource agency consultation, if required.

Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	It is possible that proposed sites may fall within 2,500 feet of one of two civilian airports, as defined by the National Plan of Integrated Airport Systems (NPIAS) (Attachment 3). These are: • John F Kennedy International Airport - Jamaica, NY 11430 • Laguardia Airport - East Elmhurst, NY 11371 A site-specific review will be conducted for compliance with 24 CFR Part 51 Subpart D. Proposed project locations which occur within 2,500 feet of a civilian airport would be further screened to determine whether they fall within the airport's RPZ. The site-specific ERR must contain documentation showing the proposed site's proximity to nearby RPZs. Sites that fall within an RPZ would not be eligible for the program. **Refer to Tier II: Site-Specific ERR for each individual property for compliance documentation.**
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☒ No ☐	There is only one Coastal Barrier Resource System (CBRS) Unit in NYC (NY-60P Jamaica Bay), which primarily consists of undeveloped land in the Gateway National Recreation Area (Attachment 4). All developed properties have been excluded from the CBRS Unit; therefore, further review is not required.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	Proposed project sites that fall within the FFRMS floodplain, which is inclusive of the Special Flood Hazard Area (SFHA), would not typically be eligible for CDBG funding. For the majority of eligible sites which would be located outside the SFHA, flood insurance is not required. The site-specific ERR must contain documentation showing the proposed site's proximity to the FFRMS floodplain. In limited circumstances, based upon individual need and compliance factors, an exception may be made on a site-specific basis, allowing for program activities within the 100-year floodplain. For such cases both a 5-Step or 8-Step Decision Making Process and flood insurance requirements would apply to the project site. **Refer to Tier II: Site-Specific ERR for each individual property for compliance documentation.**
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR § 50.4 & § 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☒ No ☐	Federal projects must conform to Clean Air Act requirements if they may constitute a significant new source of air pollution. The proposed project does not involve new construction or conversion of land use. Thus, per HUD policy, it can be assumed that proposed project emissions are below de minimis levels and the project is in compliance with the Clean Air Act.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☒ No ☐	The New York City Waterfront Revitalization Program (WRP) establishes the City's policies for waterfront planning, preservation, and development projects to ensure consistency over the long term. The WRP is authorized by New York State's Waterfront Revitalization of Coastal Areas and Inland Waterways Act, which was enacted in response to the Federal Coastal Zone Management Act, and allows municipalities to participate in the State's Coastal Management Program by creating their own local Waterfront Revitalization Program. OMB has consulted with both the NYC Department of City Planning (DCP) and the NYS Department of State (DOS). DCP issued a determination that the Program would not substantially hinder the achievement of any WRP policy (Attachment 5.1). DOS issued a General Concurrence – No Objection to Funding determination (Attachment 5.2). Accordingly, no further analysis or mitigation is required.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☐ No ☒	Pursuant to 24 CFR 58.5(i)(2), all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property. As proposed site locations are yet unknown, compliance with this regulation must be documented within the site-specific ERR. **Refer to Tier II: Site-Specific ERR for each individual property for compliance documentation.**
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☒ No ☐	A current species list for the program area was obtained from the U.S. Fish and Wildlife Service's (USFWS's) Information for Planning and Consultation (IPaC) system (Attachment 7.1). The list indicates that critical habitat for the Rufa Red Knot exists within the project area. Additionally, eight threatened, endangered, proposed threatened, or proposed

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
		endangered species were identified as having the potential to be affected by activities in the project area: • Northern Long-eared Bat (mammal, endangered) • Tricolored Bat (mammal, proposed endangered) • Piping Plover (bird, threatened) • Roseate Tern (bird, endangered) • Rufa Red Knot (bird, threatened) • Monarch Butterfly (insect, proposed threatened) • Seabeach Amaranth (flowering plant, threatened) • Sandplain gerardia (flowering plant, endangered) Using IPaC determination keys, a determination of No Effect or May Affect, Not Likely to Adversely Affect (NLAA) was made for most of these species, and USFWS concurrence was provided when applicable (Attachments 7.2 and 7.3). The determination keys did not address the Monarch Butterfly or the critical habitat for the Rufa Red Knot. A biological analysis was prepared which determined that the program would have No Effect on the critical habitat. The Monarch Butterfly, as a proposed species, was excluded from the analysis, as the Program would not involve actions which jeopardize the continued existence of the species (Attachment 7.4). Additionally, the program is expected to have no impacts on Bald and Golden Eagles, or migratory birds. Program activities do not include actions which could result in the take of migratory birds.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☒ No ☐	The proposed project does not include a hazardous facility (a facility that mainly stores, handles, or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries). The project also does not include development, construction, rehabilitation that will increase residential densities, or conversion. Thus, no further compliance or mitigation is required.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☒ No ☐	Project sites are located in developed, urban areas of New York City and would not involve the conversion of farmland to non-agricultural uses. Therefore, the proposed activity is not subject to the Farmland Protection Policy Act and no further assessment is required.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☐ No ☒	Proposed project sites that fall within the Federal Flood Risk Management Standard (FFRMS) floodplain would not typically be eligible for CDBG funding. In the absence of CISA data, the horizontal extend of the FFRMS floodplain is being defined as the 500-year floodplain, according to the Effective or Preliminary FIRMs, whichever is more stringent (Attachment 8). The site-specific ERR must contain documentation showing the proposed structure in which Program activities are proposed does not intersect the FFRMS floodplain to be eligible for CDBG funding. In limited circumstances, based upon individual need and compliance factors, an exception may be made on a site-specific basis, allowing for program activities within the FFRMS floodplain. For such cases both a 5-Step or 8-Step Decision Making Process and flood insurance requirements would be required on a site-specific basis, as applicable. **Refer to Tier II: Site-Specific ERR for each individual property for compliance documentation.**

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes ☐ No ☒	In accordance with an existing Memorandum of Agreement between the City of New York, SHPO, and the Advisory Council on Historic Preservation (ACHP), each site would be reviewed by LPC to determine compliance with these regulations (Attachment 9.1). Additionally, any sites which are listed, or eligible for listing in the National Register of Historic Places would require additional review by SHPO for compliance. As the program would not affect historic properties of religious or cultural significance to Native American Tribes, consultation was not initiated (Attachment 9.2). **Refer to Tier II: Site-Specific ERR for each individual property for compliance documentation.**
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☒ No ☐	This program performs moderate rehabilitation. However, window replacement and the installation of extra insulation that may attenuate high noise levels are not always in the scope of work. Pursuant to 24 CFR 51.101(a)(5), for HUD-funded modernization and rehabilitation projects, incorporation of noise attenuation features in Normally Unacceptable and Unacceptable noise zones is strongly encouraged, but is not required.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☒ No ☐	The proposed project is limited solely to moderate rehabilitation of existing buildings. Accordingly, no further assessment or consultation is required.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Was compliance achieved at the broad level of review?	Describe here compliance determinations made at the broad level and source documentation.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☒ No ☐	The proposed activities will not have an impact on a wetland. While the proposed activities could involve ground disturbance, such disturbance would be limited to the area immediately surrounding existing developed properties to access utility connections, make minor repairs to the existing foundation, or to remove material and architectural barriers that restrict the mobility of and accessibility to the elderly and persons with disabilities (the latter work is exempt from 24 CFR Part 55 pursuant to 24 CFR 55.12(i)). The City will not perform any draining, dredging, channelizing, filling, diking, impounding, or related activities. As such, the project would not involve new construction as defined in Executive Order 11990, and no further assessment is required.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☒ No ☐	There are no designated wild and scenic rivers within New York City (Attachment 10). Therefore, no further analysis is required.
Environmental Justice Executive Order 12898	Yes ☒ No ☐	Compliance not currently required due to executive orders issued in January of 2025.

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

While specific mitigation measures cannot be fully defined within the Tier I review, a general list of mitigation measures is summarized below. These will be supplemented with site-specific mitigation measures and / or project conditions, if applicable, which would be documented in the site-specific ERR for each project site.

Endangered Species

The following activities are not eligible for this program: exterior / outdoor use of herbicides, insecticides, pesticides, fungicides, or rodenticides; renovation of structures which are known or suspected to contain roosting bats; activities which would intentionally exclude bats from a structure; and significant vegetation removal including tree cutting, trimming or topping.

Preparer Signature: Juliet Jacobs Date: 9/29/2026

Name/Title/Organization: Juliet Jacobs, Environmental Unit Head (Community Development), NYC Mayor's Office of Management and Budget

Certifying Officer Signature: J. Freeman Date: 9/29/2026

Name/Title/Organization: Julie Freeman, Associate Director, OMB – Managed Grants, NYC Mayor's Office of Management and Budget

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.

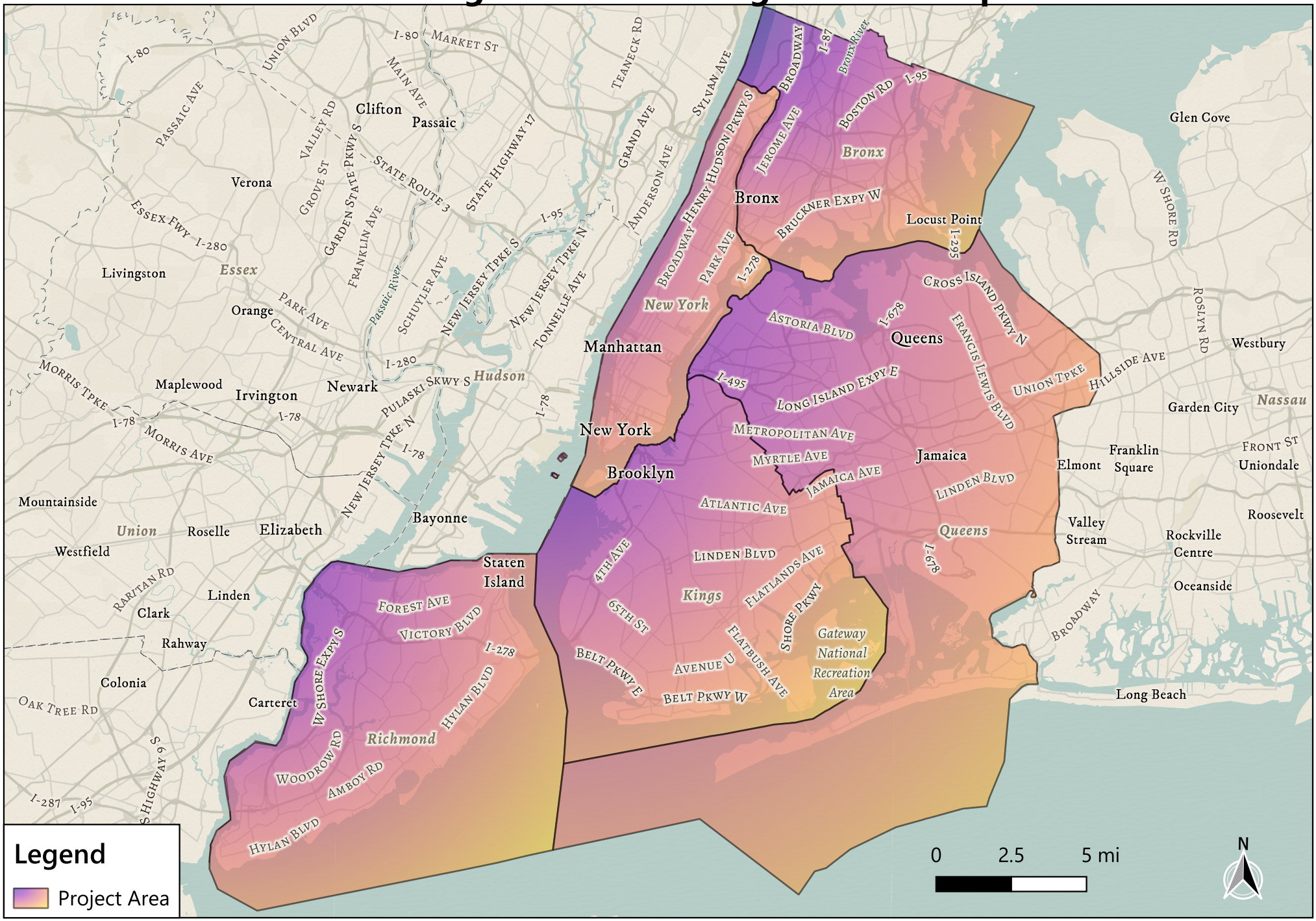
ATTACHMENTS

Attachment	Description
1	Program Area Map
2	Site-Specific Environmental Review Questionnaire
3	Airport Hazards Map
4	Coastal Barrier Resources Map
5.1	DCP Consultation Package
5.2	DOS Consultation Package
6.1	Official Species List
6.2	Northeast Concurrence and Determination Key
6.3	Bat No Effect Determination and Key
6.4	Biological Analysis
7	FFRMS Floodplain Map
8.1	Memorandum Of Agreement
8.2	Tribal Consultation Under Section 106 Checklist
9	Wild and Scenic Rivers Statement

1 – Program Area Map

Alternative Enforcement Program - 2026 - Program Area Map

Date Exported: 06/08/2026



2 - Site-Specific Environmental Review Questionnaire

RESET FORM

ENVIRONMENTAL REVIEW QUESTIONNAIRE

Alternative Enforcement Program

Department of Housing Preservation and Development

Community Development Block Grant

SITE INFORMATION

Street Address:			
Borough: Select	Zip Code:	Block:	Lot:
Year Built:	Is the property listed above: Occupied: ◯ Vacant: ◯		
Total Number of Units:	Occupied Units:	Unoccupied Units:	
AEP Round Number:			

WORK SCOPE

Number of Units Being Rehabilitated:	Expected Start Date:

Description of Proposed Scope of Work:

Please provide a detailed work scope. Please be sure to identify all areas where work will take place (e.g., building façade, common areas, within housing units, restricted areas such as boiler rooms) and discuss the work taking place in each area:

ESTIMATED BUDGET	
Type	**Estimated Cost**
Hard Costs:	
Soft Costs:	
Lead Paint Testing and Remediation:	
Total:	$0.00

DAVIS-BACON ACT REQUIREMENTS

Is this project subject to Davis-Bacon Act requirements? (Please check all that apply.)

- ☐ Yes
- ☐ No, because the subject property contains less than eight units.
- ☐ No, because HPD staff will complete the work.
- ☐ No, because the work will cost less than $2,000.
- ☐ No, other (please identify reason below).

LEAD-BASED PAINT *(For housing units constructed prior to 1978)*

Information:

If the activities conducted under this project impact painted surfaces, the Department of Housing and Urban Development's (HUD) lead-based paint regulations at 24 CFR Part 35 (in particular, Subpart J) must be followed. The level of remediation required is tied to the amount of federal assistance for rehabilitation activities. Thus, compliance may result in additional costs to remove lead-based paint or to restore painted surfaces to a sound condition. HUD's lead-based requirements must be followed regardless of whether or not children under the age of six occupy the rehabilitated unit.

The HUD Lead-Based Paint regulations (24 CFR Part 35, Subpart J—Rehabilitation) can be found at: www.ecfr.gov/current/title-24/subtitle-A/part-35#sp24.1.35.j.

Tenants must be made aware of the possible impacts of lead-based paint. A HUD lead brochure must be provided to them. Additional information about lead-based paint can be found at HUD's website listed below: www.hud.gov/contactus/lead-based-paint.

Step 1:
If the project is not subject to the lead-based paint requirements, please note the applicable reason below. If **any** of these conditions apply, you may skip to the next section. If none of the conditions apply, please complete the remainder of this page.

☐ The subject property was built during or after 1978.

☐ The work scope will not impact any painted surfaces. (Please ensure the work scope description explains this.)

Step 2: SKIP THIS SECTION IF THE CONDITIONS FROM STEP 1 APPLY.

Please use the "Lead-Based Paint Regulations Hard Costs Calculator" below to calculate which remediation requirements apply. The per unit cost estimate should include the estimate of the project, and applicable section 504 accessibility work. The full description of these lead-based practices is contained in Appendix I of this file.

***Only complete this section if the project is not exempt from the lead-based paint requirements**

	Category	Cost	Comments
A	Rehabilitation hard costs for all assisted units (not including common areas and exterior surfaces)		Do not include costs of site preparation, occupant protection, relocation, interim controls, abatement, clearance, and waste handling attributable to compliance with the Lead Safe Housing Rule in the hard costs of rehabilitation. All other hard costs are to be included, regardless of whether the source of funds is Federal or non-Federal, public or private.
B	Rehabilitation hard costs for common areas and exterior painted surfaces		
C	Number of federally-assisted units		
D	Total Number of units		
E	Total federal assistance for the project		Federal assistance includes all Federal funds assisting the project, regardless of the use of the funds. Federal funds being used for acquisition of the property are to be included as well as funds for construction, permits, fees, and other project costs.
F	Per Unit Hard Cost of Rehabilitation = (a/c) + (b/d)		
G	Per Unit Federal Assistance = e/c		
H	Applicable Threshold	$ 0.00	Based on the lower of f and g. Please note this field may not populate until fields are completed.
	Applicable Requirement	TBD	

Section 504 of the Rehabilitation Act of 1973

Information:
HUD's implementing regulations at 24 CFR § 8.23 dictate that alterations to dwelling units in a multifamily housing project shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with disabilities. Once 5% of the dwelling units are readily accessible to and usable by individuals with mobility impairments, then no additional elements of dwelling units, or entire dwelling units, are required to be accessible.

Step 1:

Does the proposed work scope trigger Section 504?

1. ☐ Yes, HPD has provided an accessibility work plan below.
2. ☐ No, because the property contains less than 5 units
3. ☐ No, because at least 5% of the dwelling units are already accessible to and usable by individuals with mobility impairments.
4. ☐ No, because the work area is limited to mechanical/utility rooms and/or the building envelope (e.g., façade, roof, windowsills, lintels, but excluding physical windows and doors).
5. ☐ No, because the work scope does not consist of alterations as defined in HUD's implementing regulations for Section 504 (www.ecfr.gov/current/title-24/part-8#p-8.3(Alteration))
6. ☐ No, because the work scope relates to a combination of the exemption options above.

Step 2:

If ***"Yes"*** please provide an accessibility-work related work plan:
(Plan and include the Section 504 costs in the "Estimated Project Cost" section)

Step 3:

If exempt, please identify which work items in the work scope are exempt and why.

FLOODPLAIN REVIEW

The Community Development (CD) program must comply with the floodplain management requirements under Executive Order 11988 and the HUD regulations at 24 CFR Part 55. Sites that fall within the Federal Flood Risk Management Standard (FFRMS) floodplain would not typically be eligible for CDBG funding (in limited cases a 5-Step or 8-Step Decision Making Process may be completed). In the absence of Climate Informed Science Approach (CISA) data, the horizontal extend of the FFRMS floodplain is being defined as the 500-year floodplain, according to the Effective or Preliminary Flood Insurance Rate Maps (FIRMs), whichever is more stringent.

Is the site in the FFRMS Floodplain? Yes ☐ No ☐ Map # _____

Determination made by: _____, HPD (signature required)

Confirmed by: _____, OMB (signature required)

Sites that fall within the FFRMS floodplain would require the completion of a 5-Step or 8-Step Decision Making Process in accordance with 24 CFR 55.20 to be eligible for CD funding. If the building is found to be located within the 100-year floodplain, as seen on the Effective FIRM, the building owner will be required to purchase federal flood insurance in an amount at least equal to the amount of Community Development funds expended on the project. The flood insurance must continue to be purchased for the expected life of the improvements (as determined by the Department of Housing Preservation and Development). Documentation of the purchase must be submitted to the Office of Management and Budget. Information on flood insurance may be found at: http://www.fema.gov/national-flood-insurance-program.

HISTORIC REVIEW

Step 1:

Select the determinations as described by the NYC Landmarks Preservation Commission (LPC).

a. Based on the LPC review of the site, please check off the option(s) that apply. If both options are applicable, the historic review section of the checklist is complete.

☐ No Architectural Significance

☐ No Archaeological Significance

b. If the site *does* have architectural and/or archaeological significance, please check off any option(s) that apply below:

☐ Designated New York City Landmark or Within Designated Historic District

☐ Listed on National Register of Historic Places

☐ Appears to be eligible for National Register Listing and/or New York City Landmark Designation

☐ May be archaeologically significant; requesting additional materials

Comments:

Step 2: *(Only relevant for sites that are archaeologically or architecturally significant)*

LPC Information

If the site is a New York City Designated Landmark or in a New York City Designated Historic District, a permit may be required from the Landmarks Preservation Commission. Information regarding the permit process may be found at the following website: LPC Permitting.

1. Is a permit required?
   ■ Yes ☐ No
2. If no, please provide an explanation (e.g., the work scope does not include **any** exterior work).

3. If yes, which party will obtain the permit?
   ☐ Property Owner ☐ HPD ☐ Contractor

State Historic Preservation Office (SHPO) Information

Properties that are S/NR listed or S/NR eligible require consultation with SHPO. Submit requests for state review on the following website: CRIS Review

1. Is SHPO review required?
   ☐ Yes ☐ No

2. If further review is required, date SHPO review completed:_____

SITE CONTAMINATION REVIEW FORM

Instructions:

Completing this form requires a site visit by the preparer. The preparer must inspect the subject property and any building(s) and other structures on the property and observe conditions on all adjacent properties (within the preparer's "line of sight").

This page must be completed in its entirety.

SITE INFORMATION

Street Address:	City:	State: New York	Zip Code:
Site Visit Date:			

Photos attached to this request form must include (at minimum):

- One photo of each accessible side of the structure
- One photo of the streetscape / adjacent properties
- One representative photo of each area in which work will be taking place
- Photos of any hazardous conditions identified below

Photos should include a level of quality and perspective that allows for accurate assessment of surrounding conditions (e.g., not too close or far away; not fuzzy, grainy or obscured). Each photo should be labeled for clarity.

Please fill out each section of the following checklist:

QUESTIONS	OBSERVATIONS	
Is There Evidence of Any of the Following?	Subject Property	Adjacent Properties
Is the property, or any adjacent property, currently used, or does it have obvious evidence of prior use, as a *gasoline station; automobile repair facility; printing facility; dry cleaners; photo developing lab; junkyard; landfill; or a waste treatment/transfer/disposal/recycling facility*?	Unknown	Unknown
Are there any damaged or discarded *automobile(s), automotive or industrial batteries, pesticides, paints, or other chemicals* in individual containers greater than 5 gal in volume or 50 gal in the aggregate, stored on or used at the property or adjacent properties?	Uknown	Uknown
Are there any industrial *drums* (typically 55 gal) or sacks of *chemicals, herbicides, or pesticides* located on the property or adjacent properties?	Unknown	Unknown
Are there any piles/mounds of dumped material or soil, debris, rubble, fill, etc. that are of recent and unknown origin located on the property or adjacent properties?	Unknown	Unknown
Are there any pits, ponds, or lagoons located on the property, or adjacent properties, *in connection with waste treatment or waste disposal*?	Unknown	Unknown

Is there any *stained soil, distressed vegetation,* or *discolored water* on the property or adjacent properties?	Unknown	Unknown
Are there any *vent pipes, fill pipes, or underground tank access ways* visible on the property or adjacent properties?	Unknown	Unknown
Are any drains, walls, flooring, ceilings, or grounds on the property, or adjacent properties, *stained by substances* (other than water) or emitting *noxious or foul odors,* or *odors of a chemical nature?*	Unknown	Unknown
Is the owner or occupant of the property aware of the existence of past or current *hazardous substances, petroleum products, or environmental violations* with respect to the property or adjacent properties?	Unknown	Unknown
Is there evidence of *wastewater* (not including storm water) being discharged onto the subject property?	Unknown	Unknown

If answering "YES" or "UNKNOWN" to any above items, describe the conditions:

Is further evaluation warranted? Yes

Attach photographs and maps as appropriate to mark and identify conditions that warrant further evaluation. Attach more information as needed.

By signing below, the HPD representative (preparer) attests that to the best of their knowledge, the photos provided are real, have not been altered, and were taken during the site visit date stated above.

By signing below, the HPD representative (preparer) also attests that the above statements and facts are true and correct and to the best of their actual knowledge no material facts have been suppressed, omitted, or misstated.

This inspection was completed by:	Phone Number:
Name:	Email:
Title:	Agency: Dept. of Housing Preservation & Development

Preparer Signature:	Date:

SIGNATURE

This Environmental Review Form was completed by:

Name (required):

Title (required):

Phone Number (required):

Email (required):

Agency: Dept. of Housing Preservation & Development

OMB REVIEW

OMB will independently conduct a toxic materials review (within 3,000 feet of the site) on the U.S. Environmental Protection Agency's NEPAssist website and applicable New York State Department of Environmental Conservation Databases and indicate its findings below.
Were there any toxic materials found that could cause a significant negative impact on the project?

☐ No
☐ Yes
Explain:

OMB will conduct a review for compliance with 24 CFR Part 51 Subpart D. Sites that fall within a Runway Protection Zone (RPZ) would not be eligible for the program.

Does the property intersect a RPZ?

☐ No
☐ Yes
Explain:

OMB-CD Representative

Date

No funds may be obligated for this project until this Form has been completed in it's entirety and approved and signed by an OMB-CD Representative.

The following activities are not eligible for this program: exterior / outdoor use of herbicides, insecticides, pesticides, fungicides, or rodenticides; renovation of structures which are known or suspected to contain roosting bats; activities which would intentionally exclude bats from a structure; and significant vegetation removal including tree cutting, trimming or topping.

APPENDIX I

Lead Based Paint Requirements by Dollar Threshold[1]

(24 CFR 35.930(b))

Level I

Residential property receiving an average of up to and including $5,000 per unit in Federal rehabilitation assistance.

Each grantee or participating jurisdiction shall:

1) Conduct paint testing or presume the presence of lead-based paint, in accordance with paragraph (a) of this section. If paint testing indicates that the painted surfaces are not coated with lead-based paint, safe work practices and clearance are not required.
2) Implement safe work practices during rehabilitation work in accordance with §35.1350 and repair any paint that is disturbed.
3) After completion of any rehabilitation disturbing painted surfaces, perform a clearance examination of the worksite(s) in accordance with §35.1340. Clearance is not required if rehabilitation did not disturb painted surfaces of a total area more than that set forth in §35.1350(d).

(24 CFR 35.930(c))

Level II

Residential property receiving an average of more than $5,000 and up to and including $25,000 per unit in Federal rehabilitation assistance.

Each grantee or participating jurisdiction shall:

1) Conduct paint testing or presume the presence of lead-based paint, in accordance with paragraph (a) of this section.
2) Perform a risk assessment in the dwelling units receiving Federal assistance, in common areas servicing those units, and exterior painted surfaces, in accordance with §35.1320(b), before rehabilitation begins.
3) Perform interim controls in accordance with §35.1330 of all lead-based paint hazards identified pursuant to paragraphs (c)(1) and (c)(2) of this section.
4) Implement safe work practices during rehabilitation work in accordance with §35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

(34 CFR 35.930(d))

Level III

Residential property receiving an average of more than $25,000 per unit in Federal rehabilitation assistance.

Each grantee or participating jurisdiction shall:

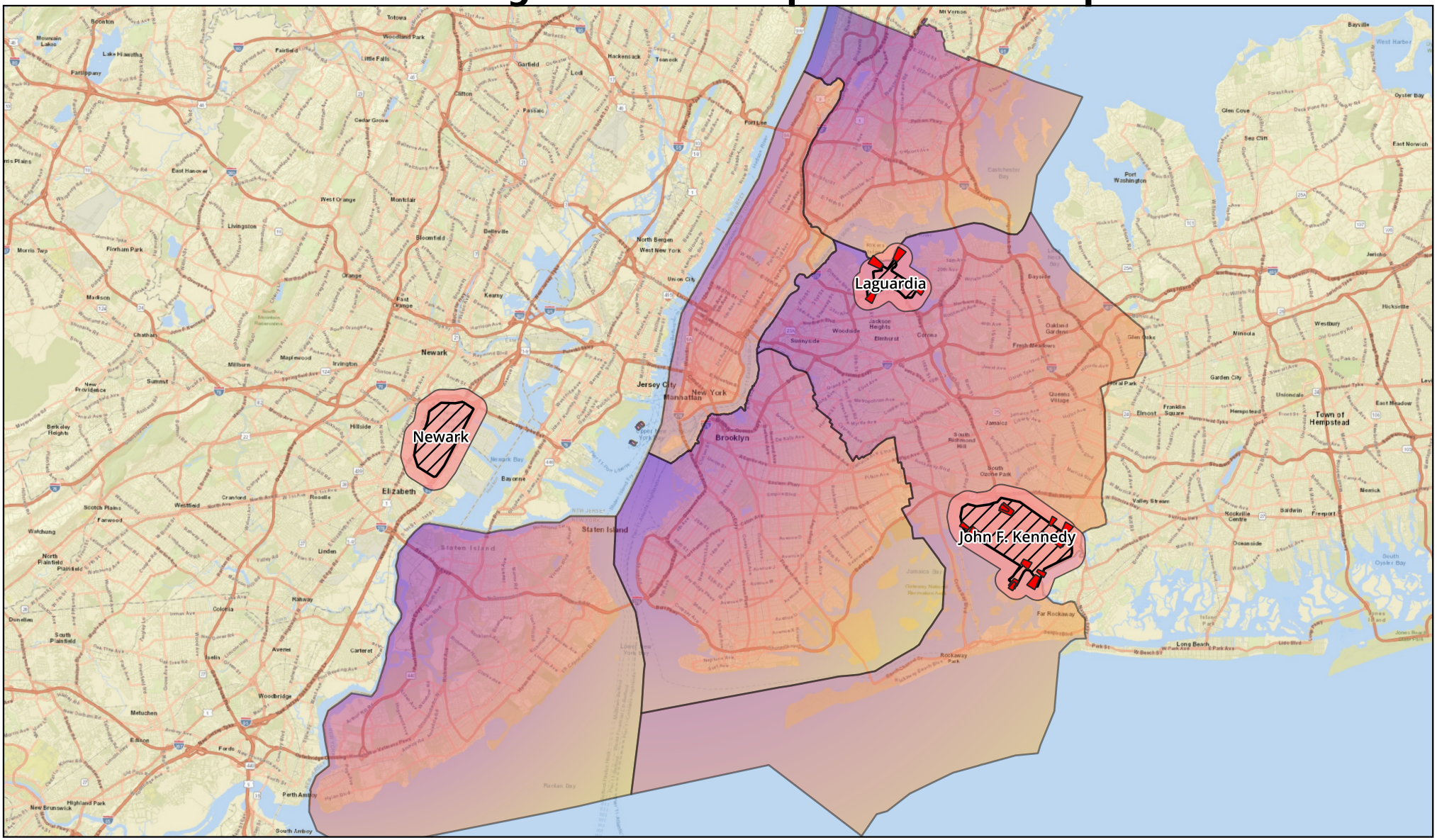
1) Conduct paint testing or presume the presence of lead-based paint in accordance with paragraph (a) of this section.
2) Perform a risk assessment in the dwelling units receiving Federal assistance and in associated common areas and exterior painted surfaces in accordance with §35.1320(b) before rehabilitation begins.
3) Abate all lead-based paint hazards identified by the paint testing or risk assessment conducted pursuant to paragraphs (d)(1) and (d)(2) of this section, in accordance with §35.1325, except that interim controls are acceptable on exterior surfaces that are not disturbed by rehabilitation and on paint-lead hazards that have an area smaller than the de minimis limits of §35.1350(d). If abatement of a paint-lead hazard is required, it is necessary to abate only the surface area with hazardous conditions.
4) Implement safe work practices during rehabilitation work in accordance with §35.1350 and repair any paint that is disturbed and is known or presumed to be lead-based paint.

[1] This list of requirements does not include all the requirements this project must follow under 24 CFR Part 35 if it is not exempt.

3 - Airport Hazards Map

Alternative Enforcement Program 2026 - Airport Hazards Map

Date Exported: 06/08/2026



Legend

- Project Area
- Airport Boundaries
- 2500 Foot Buffer

Airport Hazards

- Runway Protection Zones

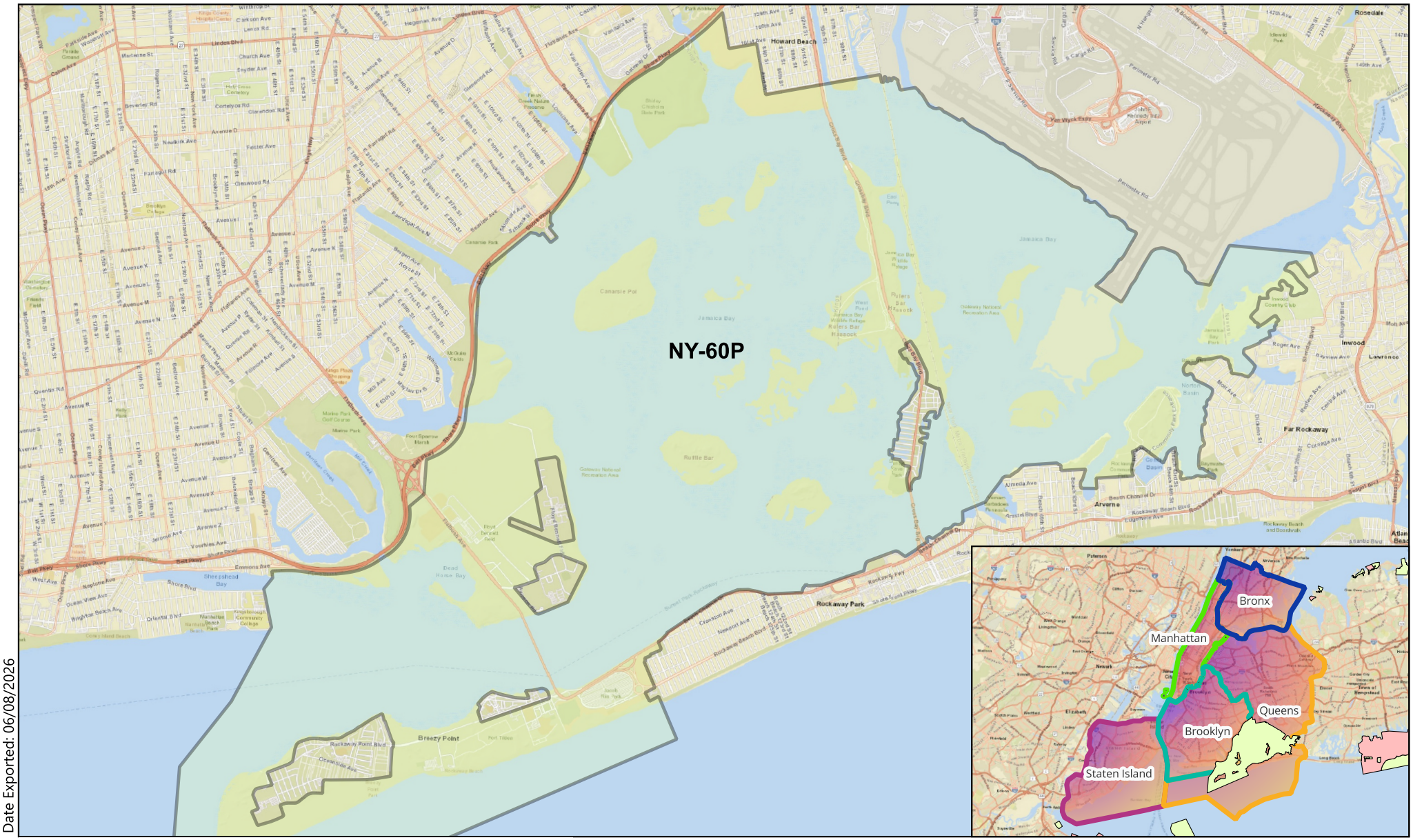
0 5 10 mi

N

Source: Runway Protection Zone data obtained from the Port Authority of New York and New Jersey

4 - Coastal Barrier Resources Map

Alternative Enforcement Program 2026 - Coastal Barrier Resources Map



Date Exported: 06/08/2026

Legend

Project Area

Coastal Barrier Resources System

Otherwise Protected Area

System Unit

0 1 2 mi

N

Source: Coastal Barrier Resource System data obtained from the U.S. Fish and Wildlife Service (gis1.wim.usgs.gov/server/rest/services/CBRSMapper/CoastalBarrierResourcesSystem/MapServer)

5.1 - DCP Consultation Package

Jacobs, Juliet

From: Jacobs, Juliet
Sent: Thursday, May 14, 2026 9:12 AM
To: Daniel Chibbaro (DCP); Freeman, Julie
Cc: Pellegrino, Evan; Michael Marrella (DCP); David.Newman@dos.ny.gov
Subject: RE: NYC OMB WRP Application - Community Development Fund Programs

Thanks so much Dan! If I understand correctly, we will continue to use the determination you sent on April 21st for any projects that fall under the criteria defined in the WRP CAF for # 25-132, over the next six years, after which we will submit an updated consultation request.

Please let me know if anything else is needed on OMB's end.

Juliet Jacobs
Unit Head – Environmental (CD)
New York City Mayor's Office of Management & Budget
255 Greenwich Street, 8th Floor
New York, NY 10007
☎ (212) 788-1653
✉ JacobsJuliet@omb.nyc.gov

From: Daniel Chibbaro (DCP) <DChibbaro@planning.nyc.gov>
Sent: Friday, May 8, 2026 12:44 PM
To: Jacobs, Juliet <JacobsJuliet@omb.nyc.gov>; Freeman, Julie <freemanj@omb.nyc.gov>
Cc: Pellegrino, Evan <PellegrinoE@omb.nyc.gov>; Michael Marrella (DCP) <MMarrel@planning.nyc.gov>; David.Newman@dos.ny.gov
Subject: Re: NYC OMB WRP Application - Community Development Fund Programs

Hi Juliet,

Thank you for sending the updated materials. I think that modifying the duration before the next review is needed does not change our determination from April.

Thanks,

Dan Chibbaro
Associate Planner • Climate and Sustainability Planning

NYC Department of City Planning
212-720-3423 (O)
120 Broadway, 31st Floor, New York, NY 10271

Website | Twitter | Instagram | LinkedIn

From: Jacobs, Juliet <JacobsJuliet@omb.nyc.gov>
Sent: Thursday, May 7, 2026 5:48 PM
To: Daniel Chibbaro (DCP) <DChibbaro@planning.nyc.gov>; Freeman, Julie <freemanj@omb.nyc.gov>
Cc: Pellegrino, Evan <PellegrinoE@omb.nyc.gov>; Michael Marrella (DCP) <MMarrel@planning.nyc.gov>;

David.Newman@dos.ny.gov <david.newman@dos.ny.gov>
Subject: RE: NYC OMB WRP Application - Community Development Fund Programs

Hi Daniel,

We have updated the consultation materials associated with WRP # 25-132, after some back and forth with DOS. I did include you on those emails, but wanted to formally submit the same consultation materials to DCP. Please let me know if you have any questions, and if we would need an updated consistency determination from DCP, or if the email below is still valid.

Thank You!

Juliet Jacobs
Unit Head – Environmental (CD)
New York City Mayor's Office of Management & Budget
255 Greenwich Street, 8th Floor
New York, NY 10007
☎ (212) 788-1653
✉ JacobsJuliet@omb.nyc.gov

From: Daniel Chibbaro (DCP) <DChibbaro@planning.nyc.gov>
Sent: Tuesday, April 21, 2026 3:00 PM
To: Freeman, Julie <freemanj@omb.nyc.gov>
Cc: Pellegrino, Evan <PellegrinoE@omb.nyc.gov>; Jacobs, Juliet <JacobsJuliet@omb.nyc.gov>; Bayzon, Peter (DOS) <peter.bayzon@dos.ny.gov>; Michael Marrella (DCP) <MMarrel@planning.nyc.gov>
Subject: RE: NYC OMB WRP Application - Community Development Fund Programs

Hi Julie,

We completed review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

NYC OMB Community Development Fund Programs (*DOS # TBD)* the Proposed Activity includes Federal funding from the U.S. Department of Housing and Urban Development (HUD) to perform a range of activities, including the minor or moderate rehabilitation of existing properties.

Based on the information submitted, the Climate and Sustainability Planning Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and provides its finding to the New York State Department of State (DOS). Please note that the proposed action(s) are subject to consistency review and approval by the New York State Department of State (DOS) in accordance with the New York State Coastal Management Program.

This determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP # 25-132. If there are any questions regarding this review, please contact me.

Thanks,

Dan Chibbaro
Associate Planner • Climate and Sustainability Planning

NYC Department of City Planning
212-720-3423 (O)
120 Broadway, 31st Floor, New York, NY 10271

Website | Twitter | Instagram | LinkedIn

From: Freeman, Julie <freemanj@omb.nyc.gov>
Sent: Monday, August 25, 2025 8:36 AM
To: Waterfront Revitalization (DCP) <WRP@planning.nyc.gov>
Subject: NYC OMB WRP Application - Community Development Fund Programs

You don't often get email from freemanj@omb.nyc.gov. Learn why this is important

Good morning,

Please find the attached WRP application for projects funded through several grants received from the U.S. Department of Housing and Urban Development (HUD). This request may be unusual in that it covers several programs funded through several HUD grants, but it is intended to avoid repetitive review requests to save both of our teams time and effort. As shown in the attachment, the NYS Department of State issued a multi-year determination that covers numerous projects in 2014, so there is precedent for this. However, I understand this may be unorthodox and would be happy to talk this through. Please let me know if you have any questions or need any information to proceed further. Thank you and have a great day!

Julie Freeman (she/her/hers)
OMB-Managed Grants
NYC Office of Management & Budget
255 Greenwich Street, 8th Floor
New York, New York 10007
freemanj@omb.nyc.gov
Office: (212) 788-6130 | Mobile: (917) 841-9812

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: City of New York

Name of Applicant Representative: Juliet Jacobs

Address: 255 Greenwich Street, 8th Floor, New York, NY 10007

Telephone: 212-788-1653 Email: _____

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The City of New York, through its Office of Management and Budget (OMB), is proposing to use Federal funding from the U.S. Department of Housing and Urban Development (HUD) to perform a range of activities, including the minor or moderate rehabilitation of existing properties. Projects may take place throughout the city, but sites are not identified until City agencies receive grant applications, issue Housing Code violations requiring emergency repairs or system replacements, etc. The attached summary provides additional details. In the past, your office has issued longer-term, programmatic Consistency Determinations to avoid repetitive reviews. We are preparing new reviews for our minor/moderate rehabilitation programs and would greatly appreciate if you could issue new determinations that extend for a period of six years following concurrence. If new types of activities not included in the attachment are proposed, the City will submit separate requests.

2. Purpose of activity

As noted above, the City is a recipient of HUD funds appropriated through the Community Development Fund. This funding stream includes CDBG Entitlement, CDBG Disaster Recovery, Pathways to Removing Obstacles to Affordable Housing, and Community Project Funding (Congressional earmarks). The primary goals of these programs are to benefit urban communities by fostering decent affordable housing, improving quality of life, and expanding economic opportunities, primarily for low- and moderate-income persons.

C. PROJECT LOCATION

Borough: All Tax Block/Lot(s): To be determined

Street Address: To be determined

Name of water body (if located on the waterfront): To be determined

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☐ Yes ☑ No

- ☐ City Map Amendment
- ☐ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☑ Funding of a Program, specify: This is not actually applicable. When I check off Federal below, this automatically checks off also.
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☑ Funding of a Program, specify: Community Development Block Grants and other HUD funded projects
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☐ No

E. LOCATION QUESTIONS

1.	Does the project require a waterfront site?	☑ Yes	☐ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	☑ Yes	☐ No
3.	Is the project located on publicly owned land or receiving public assistance?	☑ Yes	☐ No
4.	Is the project located within a FEMA 1% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
6.	Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).*	☑ Yes	☐ No

☑ Significant Maritime and Industrial Area (SMIA) *(2.1)*

☑ Special Natural Waterfront Area (SNWA) *(4.1)*

☑ Priority Maritime Activity Zone (PMAZ) *(3.5)*

☑ Recognized Ecological Complex (REC) *(4.4)*

☑ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) *(2.2, 4.2)*

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☑	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☑	☐	☐
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☑	☐	☐
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☑	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☑	☐	☐
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☑	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☑	☐	☐
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☑	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☑	☐	☐
3.1.	Support and encourage in-water recreational activities in suitable locations.	☑	☐	☐
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☑	☐	☐
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☑	☐	☐
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☑	☐	☐
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☑	☐	☐
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☑	☐	☐
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☑	☐	☐
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☑	☐	☐
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☑	☐	☐
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☑	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☑	☐	☐
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☑	☐	☐
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☑	☐	☐
4.8	Maintain and protect living aquatic resources.	☑	☐	☐

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☑	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☑	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☑	☐	☐
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☑	☐	☐
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☑	☐	☐
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☑	☐	☐
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☑	☐	☐
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☑	☐	☐
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☑	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☑	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☑	☐	☐
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☑	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☑	☐	☐

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☑	☐	☐
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☑	☐	☐
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☑	☐	☐
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☑	☐	☐
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☑	☐	☐
10.2	Protect and preserve archaeological resources and artifacts.	☑	☐	☐

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Juliet Jacobs

Address: NYC OMB, 255 Greenwich Street, 8th Floor, New York, NY 10007

Telephone: 212-788-1653 Email: jacobsjuliet@omb.nyc.gov

Applicant/Agent's Signature: Juliet Jacobs

Date: 5/7/26

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

The City of New York
Office of Management and Budget
225 Greenwich Street, 8th Floor • New York, New York 10007

M E M O R A N D U M

To: Waterfront & Open Space Division, Department of City Planning

From: Juliet Jacobs, Environmental Unit Head (Community Development)

Date: May 7, 2026

Subject: New York City Waterfront Revitalization Program (WRP) - Consistency Assessment Form Appendix

This memo was prepared as an appendix to the Consistency Assessment Form (CAF) for certain programs managed by OMB's Community Development Task Force. The answers provided below elaborate why the programs promote certain WRP policies.

Background
The NYC Mayor's Office of Management and Budget (OMB) is the Responsible Entity (RE) for several Federal grants administered by the U.S. Department of Housing and Urban Development (HUD). Specifically, OMB prepares and/or signs off on reviews for funding appropriated through the Federal Community Development Fund, which includes the following grants/Federal Assistance Listing Numbers (ALN):

- Community Development Block Grant (CDBG) Entitlement: ALN 14.218
- CDBG Disaster Recovery: ALN 14.269 for Hurricane Sandy, 14.218 for all other grants
- Pathways to Removing Obstacles to Housing (PRO Housing): ALN 14.023
- Community Project Funding (CPF) grants, which are Congressional earmarks awarded by individual Congress-members and administered by HUD. NYC OMB acts as the RE for awards to City institutions only (e.g., libraries, parks, and cultural institutions): ALN 14.251

The grants listed above are flexible and may be used for a wide variety of activities. However, projects within New York City typically fall into a short menu of project types, some of which require review for consistency with the Coastal Zone Management Program and Waterfront Revitalization Program. In the past, to avoid having to do repetitive project-by-project reviews, the NYS Department of State (DOS) issued longer-term Consistency Determinations for these types of work. We are currently preparing reviews across several funding streams and are requesting issuance of a WRP consistency determination for the types of activities described in this application. If possible, we request that the determination be extended for a period of six years following concurrence with this analysis.

For projects that do not fit into the menu of project types described in this application, or for which an environmental review is being completed on behalf of a different Grantee, OMB will submit separate consistency determination requests.

Narrative Description of Community Development Fund Activities

The City of New York may use grants awarded through the Federal Community Development Fund (e.g., CDBG, CDBG-DR, PRO Housing, Community Project Funding) for a variety of activities.

Exempt and Categorical Exclusions Not Requiring Consistency Determinations

Many of the City's typical projects are exempt or categorically excluded from further review under the National Environmental Policy Act (NEPA) based on HUD's environmental review regulations at 24 CFR § 58.34 - Exempt Activities and 24 CFR § 58.35(b) – Categorical Exclusions Not Subject to Related Laws and Authorities. Examples of such activities include those listed below along with the HUD regulatory citations for each category.

- Planning activities: 24 CFR § 58.34(a)(1)
- Administrative activities: 24 CFR § 58.34(a)(3)
- Public Services that will not have a physical impact on any properties: 24 CFR § 58.34(a)(4) and 24 CFR § 58.35(b)(2). Activities the City may use funds for include, but are not limited to, educational services, homeless services, domestic violence and other crime prevention/response services, housing counseling, operation of food pantries, recreational programming, after-school programming and other community support services, broadband access for seniors or other underserved populations, etc.
- Maintenance of housing that does not involve permanent physical improvements to properties: 24 CFR § 58.35(b)(3) and HUD Notice CPD-16-02
- Housing/Building Code inspections: 24 CFR § 58.34(a)(5)
- Technical assistance and capacity building activities: 24 CFR § 58.34(a)(9)

The above list is included for awareness only. Since HUD does not require these activities to demonstrate consistency with the Coastal Zone Management Program, OMB is not requesting a determination at this time.

Categorical Exclusions Subject To Related Laws and Authorities, including Coastal Zone

Funded projects that are not exempt or categorically excluded from Coastal Zone review generally consist of **minor or moderate rehabilitation**. For such programs, sites are identified when agencies receive grant applications or as agencies identify threats to public health and safety. These programs may serve locations within the Coastal Zone. This analysis does not include the use Community Development (CD) funds for the expansion of a building's footprint with the limited exception of accessibility improvements at existing properties (e.g., installing a wheelchair ramp or exterior elevator on an existing building). Work included in this analysis typically falls into the following categories:

Façade Improvement

Historic preservation of residential and non-residential facades; improvements to public housing developments (e.g., repointing); cosmetic improvements (awnings, signage) to improve the viability of commercial retail strips.

Minor to Moderate Rehabilitation of Single- and Multi-Unit Properties

Repairs of emergency and/or hazardous conditions (e.g., heat and hot water issues, lead-based paint, ceiling collapses, window guards); accessibility improvements for persons with disabilities (e.g., bathroom modifications, wheelchair lifts and ramps); maintenance and rehabilitation of City-owned or -assisted

housing. Projects involving development of new housing and / or increase in residential density are not included in this analysis.

Improvements to Public Facilities

- Rehabilitation of *existing* senior/community centers, parks, public schools, etc. Common types of work may include roof replacement, building envelope work, interior renovation, etc. Please note work may also include installing ramps or exterior elevators at existing facilities, but would otherwise not entail expansion of building footprints.
- Minor landscaping and improvements of existing gardens and City parks (tilling, planting, sidewalk repair).

Maintenance and Cleaning of Public Facilities or Areas

- Debris removal, area clean-up efforts, etc., including in the immediate vicinity of the Bronx River, which is considered a Recognized Ecological Complex.
- Removal of invasive species in parks, natural areas, etc.

The City may also use CD funding for activities that fall outside of the scope of this analysis including substantial rehabilitation, new construction, and acquisition. As noted previously, we understand these activities would require separate consistency determinations if conducted within the Coastal Zone.

OMB considers the CD Program's activities described above to be consistent with the Coastal Zone Management Program and the City's Waterfront Revitalization Program. The analysis below documents how the CD Program promotes WRP policies.

New York State Coastal Management Plan

This analysis will be submitted, along with the New York City WRP CAF, to DOS in lieu of a State or Federal CAF.

1 Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

1.1 Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

1.2 Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

1.3 Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

1.4 In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.

1.5 Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

This analysis is not inclusive of all potential CD-funded activities such as development or redevelopment actions or related efforts. In the event the City proposed to use CD funds for development or redevelopment activities, OMB would request project-specific consultation.

Funds are generally used for services, planning activities, and the inspection and minor/moderate improvement of existing properties. Accordingly, CD funds generally promote the WRP's policies by not promoting or advancing incompatible development and by improving conditions for residents of existing properties located within the Coastal Zone. Additionally, CD funds generally support these policies in the following ways:

- In terms of planning, CD-funded staff at the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) review proposed land use actions to ensure they are compatible and appropriate with the surrounding area. Additionally, staff work on neighborhood plans (e.g., the Resilient Edgemere Community Plan) to develop viable land use options that take into account climate change, environmental justice, responsible development of vacant land, greater access to facilities and services, etc.

  Additionally, new development and / or redevelopment is outside of the scope of activities covered by this analysis.

- CD-funded staff also support the City's efforts to identify underused property, particularly Urban Renewal sites and other City-owned properties, that may be suitable for addressing the City's housing and economic development needs.

- Finally, all CD-funded projects that involve physical work are required to undergo a floodplain analysis that would consider the project's impact on the floodplain and the floodplain's impact on the project.

    - HUD regulations prohibit critical actions (activities for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property) from being located in the floodplain.

    - For non-critical actions, projects would be designed to minimize and mitigate the possibility of adverse impacts. Such strategies may include elevating mechanical and electrical systems and ensuring spaces that will be occupied will be constructed above the base flood elevation.

- HUD regulations also require owners of properties within a Special Flood Hazard Area (SFHA) that receive CD funds for acquisition or construction purposes (including rehabilitation) to purchase and maintain flood insurance.

2 Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

2.1 Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

2.2 Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.

2.3 Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.

2.4 Provide infrastructure improvements necessary to support working waterfront uses.

2.5 Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.

Given the CD program's focus on benefitting City residents (as opposed to businesses), the City generally does not allocate grant funds to projects involving industrial uses. However, as noted in the cover page of this consultation, in cases where CD funds would be used to support physical work that would benefit industrial or manufacturing businesses/areas, the City would be required to comply with NEPA and HUD's implementing regulations at 24 CFR Part 58 and would submit a separate project-specific consultation to this office.

3 Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.

3.1 Support and encourage in-water recreational activities in suitable locations.

3.2 Support and encourage recreational, educational and commercial boating in New York City's maritime centers.

3.3 Minimize conflicts between recreational boating and commercial ship operations.

3.4 Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

3.5 In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.

The City uses CD funds to support and encourage recreational, educational, and commercial activities, a small number of which are existing activities located in or near the Coastal Zone (e.g., Bronx River Project, support for the Van Cortlandt Park Administrator's Office). All CD-funded programs are developed, designed, and sited by City agencies. If funding were to be used for new in-water activities, OMB and the respective City agency would work with DCP and NYS DOS to ensure appropriate site selection, minimize conflicts between recreational and commercial operations, and minimize the impact of funded activities on the environment. Programs would also be designed to protect the safety of operators and clients including training programs, adequate communication equipment, etc.

4 Protect and restore the quality and function of ecological systems within the New York City coastal area.

4.1 Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.

4.2 Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.

4.3 Protect designated Significant Coastal Fish and Wildlife Habitats.

4.4 Identify, remediate and restore ecological functions within Recognized Ecological Complexes.

4.5 Protect and restore tidal and freshwater wetlands.

4.6 In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.

4.7 Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

4.8 Maintain and protect living aquatic resources.

The City provides a small allocation of CDBG funds to the Bronx River Alliance, which collaborates with the NYC Department of Parks and Recreation to improve the water quality and overall health of the Bronx River. The Bronx River area is categorized as a Recognized Ecological Complex. CDBG funds are primarily used for non-physical services, including educational and recreational programming to City residents. The City's use of funds in this area has led to long-term, significant improvements in water quality, working to further the River's existence as a natural, self-regulating system.

Aside from the Bronx River Project, none of the activities covered by this consultation are expected to occur within, or result in impacts to the ecological systems referenced in this policy.

5 Protect and improve water quality in the New York City coastal area.

5.1 Manage direct or indirect discharges to waterbodies.

5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

5.3 Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

5.4 Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

5.5 Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.

All CD-funded projects that are covered by this consultation and that involve physical work must comply with the following:

- The Safe Drinking Water Act of 1974, which requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. HUD's implementing regulations require the City to evaluate whether a project has the potential to impact sole source aquifers and, when

necessary, consult with the U.S. Environmental Protection Agency (EPA) to identify and mitigate adverse impacts.

- HUD's regulations regarding Floodplain Management and Protection of Wetlands (24 CFR Part 55), which requires grantees to evaluate both direct and indirect impacts of projects on floodplains and wetlands and, when necessary, to mitigate adverse impacts. Accordingly, all projects can be considered to promote Policy 5.

Additionally, CD funds may be used to support planning efforts by City agencies that seek to identify/design ecological strategies and opportunities for grey infrastructure systems.

6 Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

6.4 Protect and preserve non-renewable sources of sand for beach nourishment.

All CD-funded projects that involve physical work are required to undergo a floodplain analysis that would consider the project's impact on the floodplain and the floodplain's impact on the project.

- HUD regulations prohibit critical actions (activities for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property) from being located in the floodplain.
- For non-critical actions, projects would be designed to minimize and mitigate the possibility of adverse impacts. Such strategies may include elevating mechanical and electrical systems and ensuring spaces that will be occupied will be constructed above the base flood elevation.
- HUD regulations also require owners of properties in the SFHA that receive CD funds for acquisition or construction purposes (including rehabilitation) to purchase and maintain flood insurance.

7 Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

7.1 Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

7.2 Prevent and remediate discharge of petroleum products.

7.3 Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The activities included in this consultation must be reviewed for compliance with applicable air quality regulations and must comply with 24 CFR § 58.5(i)(2)(i), which requires that "all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals

and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property." At a minimum, this requires the consideration of evidence of contamination on or near the site, with a particular attention to sites on or near areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. If concerns related to air quality or contamination are identified, the City must take cost-effective measures to mitigate the impacts or risks, including, where warranted, disclosing potential impacts to current and/or prospective residents.

The activities included in this analysis are not expected to introduce the hazards described under Policy 7 to project sites, or to the environment. However, if during the environmental review it was determined that a project would result in an adverse effect that could not be mitigated, CD funds would not be eligible for that activity.

8 Provide public access to, from, and along New York City's coastal waters.

8.1 Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.

8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

8.3 Provide visual access to the waterfront where physically practical.

8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

8.5 Preserve the public interest in and use of lands and waters held in public trust by the State and City.

8.6 Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.

CD funds generally support these policies. Some examples include:

- The Bronx River project includes an educational and outreach component that encourages recreational use of the River and publicizes improvements to water quality that have been made over time. CDBG funds have supported kayaking and canoe trips as well as class trips by public school students to learn about water quality.
- The Van Cortlandt Park Administrator's Office is responsible for ensuring Orchard Beach is safe and accessible for City residents, organizes volunteer clean-up efforts, etc.
- CD-funded staff at the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) review proposed land use actions to ensure they are compatible with and appropriate for the surrounding area and provide public access to the waterfront to the extent possible.

9 Protect scenic resources that contribute to the visual quality of the New York City coastal area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

9.2 Protect and enhance scenic values associated with natural resources.

While this consistency determination request does not cover activities such as development and / or redevelopment, CDBG funds support CD-funded staff at DCP, HPD, and the Landmarks Preservation Commission (LPC) who review proposed land use actions and site plans to ensure they are compatible with and appropriate for the surrounding area and protect and enhance scenic values associated with

natural resources. LPC has authority to designate and approve changes to scenic landmarks within the City.
10 Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.
10.1 Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City. 10.2 Protect and preserve archaeological resources and artifacts.
LPC uses CDBG funds to provide small historic preservation grants to improve privately-owned residential properties and nonprofit-owned facilities, some of which may be included in the Coastal Zone. Eligible properties include those that are designated City landmarks, in designated historic districts, or listed on the National Register of Historic Places. While the work is typically minor (e.g., stoop repair, repointing, repairing water damage, etc.), these projects preserve and protect properties that contribute to the City's historic landscape, including its coastal culture. Additionally, please note that all HUD-funded projects covered by this consistency determination request must comply with Section 106 of the National Historic Preservation Act, which requires the City to identify and mitigate adverse impacts to any historic properties. Accordingly, all projects can be considered to promote Sub-policy 10.1.

5.2 - DOS Consultation Package

STATE OF NEW YORK
DEPARTMENT OF STATE
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99 WASHINGTON AVENUE
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KATHY HOCHUL
GOVERNOR

WALTER T. MOSLEY
SECRETARY OF STATE

May 11, 2026

Juliet Jacobs
New York City Mayor's Office of Management & Budget
255 Greenwich Street, 8th Floor
New York, NY 10007
JacobsJuliet@omb.nyc.gov

Re: F-2026-0283 (FA)
U.S. Department of Housing and Urban Development
Federal Community Development Fund assistance to **New York City Mayor's Office of Management & Budget** to perform a range of activities, including the minor or moderate rehabilitation of existing properties for a ten-year timeframe. Projects may take place throughout the City, but sites are not identified until City agencies receive grant applications, issue Housing Code violations requiring emergency repairs or system replacements, etc.
General Concurrence - Proposal Modified To Be Consistent - No Objection to Funding

Dear Juliet Jacobs,

The Department of State (DOS) received the information you submitted regarding the above proposed federal financial assistance on April 24, 2026. On May 7, 2026, the DOS received modifications to the application requesting a determination **for a six-year period** to be more reflective of the five-year Entitlement reviews.

Based on this review, the Department of State has no objection to the release of United States Department of Housing and Urban Development (HUD) Federal Community Development Fund (CDBG, CDBG-DR, PRO Housing and CPF (to City institutions)) assistance in support of the proposed projects.

This concurrence pertains to the federal financial assistance activity or activities for this project only. If certain activities may require a federal permit or other form of federal agency authorization, the Department of State would conduct separate consistency review(s) of permit activities at the time such application(s) may be made to a federal agency.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file # F-2026-0283 (FA).

Sincerely,

Peter Bayzon

Peter S. Bayzon
Supervisor, Consistency Review Unit
Office of Planning, Development and Community Infrastructure

NEW YORK STATE | Department of State

ecc: NYC Department of City Planning - Dan Chibbaro (WRP # 25-132)

Jacobs, Juliet

From: Jacobs, Juliet
Sent: Thursday, May 7, 2026 5:42 PM
To: David.Newman@dos.ny.gov
Cc: Peter.Bayzon@dos.ny.gov; Freeman, Julie; Pellegrino, Evan; DChibbaro@planning.nyc.gov
Subject: Waterfront Revitalization Program Consistency Concurrence for - Community Development Fund Programs - F-2026-0283
Attachments: NYC CDBG 2026 WRP Consistency Request_Updated.pdf; NYC CD Fund - 2026 WRP Appendix_Updated.docx

Hi David,

I've updated the consultation materials associated with DOS file F-2026-0283(FA) to align with what we discussed previously, and to be more reflective of our process for the five-year Entitlement reviews.

To elaborate on that a little, the five-year Entitlement reviews that are included under this consultation request will be valid for a period of five years from the date they are completed. For this reason, if the NYS Department of State concurs that the actions described would not substantially hinder the achievement of any WRP policies, we request that the concurrence be extended for a period of six years, to avoid any gaps of coverage created by the difference between the date this is received, and the date the environmental reviews are completed.

Please let me know if any additional information is needed for DOS to issue a consistency determination.

Thank You!

Juliet Jacobs
Unit Head – Environmental (CD)
New York City Mayor's Office of Management & Budget
255 Greenwich Street, 8th Floor
New York, NY 10007
☎ (212) 788-1653
✉ JacobsJuliet@omb.nyc.gov

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: City of New York

Name of Applicant Representative: Juliet Jacobs

Address: 255 Greenwich Street, 8th Floor, New York, NY 10007

Telephone: 212-788-1653 Email: _____

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The City of New York, through its Office of Management and Budget (OMB), is proposing to use Federal funding from the U.S. Department of Housing and Urban Development (HUD) to perform a range of activities, including the minor or moderate rehabilitation of existing properties. Projects may take place throughout the city, but sites are not identified until City agencies receive grant applications, issue Housing Code violations requiring emergency repairs or system replacements, etc. The attached summary provides additional details. In the past, your office has issued longer-term, programmatic Consistency Determinations to avoid repetitive reviews. We are preparing new reviews for our minor/moderate rehabilitation programs and would greatly appreciate if you could issue new determinations that extend for a period of six years following concurrence. If new types of activities not included in the attachment are proposed, the City will submit separate requests.

2. Purpose of activity

As noted above, the City is a recipient of HUD funds appropriated through the Community Development Fund. This funding stream includes CDBG Entitlement, CDBG Disaster Recovery, Pathways to Removing Obstacles to Affordable Housing, and Community Project Funding (Congressional earmarks). The primary goals of these programs are to benefit urban communities by fostering decent affordable housing, improving quality of life, and expanding economic opportunities, primarily for low- and moderate-income persons.

C. PROJECT LOCATION

Borough: All Tax Block/Lot(s): To be determined

Street Address: To be determined

Name of water body (if located on the waterfront): To be determined

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☐ Yes ☑ No

- ☐ City Map Amendment
- ☐ Zoning Map Amendment
- ☐ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☑ Funding of a Program, specify: This is not actually applicable. When I check off Federal below, this automatically checks off also.
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☑ Funding of a Program, specify: Community Development Block Grants and other HUD funded projects
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☐ No

E. LOCATION QUESTIONS

1.	Does the project require a waterfront site?	☑ Yes	☐ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	☑ Yes	☐ No
3.	Is the project located on publicly owned land or receiving public assistance?	☑ Yes	☐ No
4.	Is the project located within a FEMA 1% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
6.	Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).*	☑ Yes	☐ No

- ☑ Significant Maritime and Industrial Area (SMIA) *(2.1)*
- ☑ Special Natural Waterfront Area (SNWA) *(4.1)*
- ☑ Priority Maritime Activity Zone (PMAZ) *(3.5)*
- ☑ Recognized Ecological Complex (REC) *(4.4)*
- ☑ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) *(2.2, 4.2)*

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☑	☐	☐
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☑	☐	☐
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☑	☐	☐
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☑	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☑	☐	☐
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☑	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☑	☐	☐
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☑	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☑	☐	☐
3.1.	Support and encourage in-water recreational activities in suitable locations.	☑	☐	☐
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☑	☐	☐
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☑	☐	☐
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☑	☐	☐
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☑	☐	☐
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☑	☐	☐
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☑	☐	☐
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☑	☐	☐
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☑	☐	☐
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☑	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☑	☐	☐
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☑	☐	☐
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☑	☐	☐
4.8	Maintain and protect living aquatic resources.	☑	☐	☐

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☑	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☑	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☑	☐	☐
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☑	☐	☐
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☑	☐	☐
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☑	☐	☐
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☑	☐	☐
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☑	☐	☐
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☑	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☑	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☑	☐	☐
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☑	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☑	☐	☐

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☑	☐	☐
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☑	☐	☐
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☑	☐	☐
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☑	☐	☐
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☑	☐	☐
10.2	Protect and preserve archaeological resources and artifacts.	☑	☐	☐

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Juliet Jacobs

Address: NYC OMB, 255 Greenwich Street, 8th Floor, New York, NY 10007

Telephone: 212-788-1653 Email: jacobsjuliet@omb.nyc.gov

Applicant/Agent's Signature: Juliet Jacobs

Date: 5/7/26

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☐ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

The City of New York
Office of Management and Budget
225 Greenwich Street, 8th Floor • New York, New York 10007

M E M O R A N D U M

To: Waterfront & Open Space Division, Department of City Planning

From: Juliet Jacobs, Environmental Unit Head (Community Development)

Date: May 7, 2026

Subject: New York City Waterfront Revitalization Program (WRP) - Consistency Assessment Form Appendix

This memo was prepared as an appendix to the Consistency Assessment Form (CAF) for certain programs managed by OMB's Community Development Task Force. The answers provided below elaborate why the programs promote certain WRP policies.

Background
The NYC Mayor's Office of Management and Budget (OMB) is the Responsible Entity (RE) for several Federal grants administered by the U.S. Department of Housing and Urban Development (HUD). Specifically, OMB prepares and/or signs off on reviews for funding appropriated through the Federal Community Development Fund, which includes the following grants/Federal Assistance Listing Numbers (ALN):

- Community Development Block Grant (CDBG) Entitlement: ALN 14.218
- CDBG Disaster Recovery: ALN 14.269 for Hurricane Sandy, 14.218 for all other grants
- Pathways to Removing Obstacles to Housing (PRO Housing): ALN 14.023
- Community Project Funding (CPF) grants, which are Congressional earmarks awarded by individual Congress-members and administered by HUD. NYC OMB acts as the RE for awards to City institutions only (e.g., libraries, parks, and cultural institutions): ALN 14.251

The grants listed above are flexible and may be used for a wide variety of activities. However, projects within New York City typically fall into a short menu of project types, some of which require review for consistency with the Coastal Zone Management Program and Waterfront Revitalization Program. In the past, to avoid having to do repetitive project-by-project reviews, the NYS Department of State (DOS) issued longer-term Consistency Determinations for these types of work. We are currently preparing reviews across several funding streams and are requesting issuance of a WRP consistency determination for the types of activities described in this application. If possible, we request that the determination be extended for a period of six years following concurrence with this analysis.

For projects that do not fit into the menu of project types described in this application, or for which an environmental review is being completed on behalf of a different Grantee, OMB will submit separate consistency determination requests.

Narrative Description of Community Development Fund Activities

The City of New York may use grants awarded through the Federal Community Development Fund (e.g., CDBG, CDBG-DR, PRO Housing, Community Project Funding) for a variety of activities.

Exempt and Categorical Exclusions Not Requiring Consistency Determinations

Many of the City's typical projects are exempt or categorically excluded from further review under the National Environmental Policy Act (NEPA) based on HUD's environmental review regulations at 24 CFR § 58.34 - Exempt Activities and 24 CFR § 58.35(b) – Categorical Exclusions Not Subject to Related Laws and Authorities. Examples of such activities include those listed below along with the HUD regulatory citations for each category.

- Planning activities: 24 CFR § 58.34(a)(1)
- Administrative activities: 24 CFR § 58.34(a)(3)
- Public Services that will not have a physical impact on any properties: 24 CFR § 58.34(a)(4) and 24 CFR § 58.35(b)(2). Activities the City may use funds for include, but are not limited to, educational services, homeless services, domestic violence and other crime prevention/response services, housing counseling, operation of food pantries, recreational programming, after-school programming and other community support services, broadband access for seniors or other underserved populations, etc.
- Maintenance of housing that does not involve permanent physical improvements to properties: 24 CFR § 58.35(b)(3) and HUD Notice CPD-16-02
- Housing/Building Code inspections: 24 CFR § 58.34(a)(5)
- Technical assistance and capacity building activities: 24 CFR § 58.34(a)(9)

The above list is included for awareness only. Since HUD does not require these activities to demonstrate consistency with the Coastal Zone Management Program, OMB is not requesting a determination at this time.

Categorical Exclusions Subject To Related Laws and Authorities, including Coastal Zone

Funded projects that are not exempt or categorically excluded from Coastal Zone review generally consist of **minor or moderate rehabilitation**. For such programs, sites are identified when agencies receive grant applications or as agencies identify threats to public health and safety. These programs may serve locations within the Coastal Zone. This analysis does not include the use Community Development (CD) funds for the expansion of a building's footprint with the limited exception of accessibility improvements at existing properties (e.g., installing a wheelchair ramp or exterior elevator on an existing building). Work included in this analysis typically falls into the following categories:

Façade Improvement

Historic preservation of residential and non-residential facades; improvements to public housing developments (e.g., repointing); cosmetic improvements (awnings, signage) to improve the viability of commercial retail strips.

Minor to Moderate Rehabilitation of Single- and Multi-Unit Properties

Repairs of emergency and/or hazardous conditions (e.g., heat and hot water issues, lead-based paint, ceiling collapses, window guards); accessibility improvements for persons with disabilities (e.g., bathroom modifications, wheelchair lifts and ramps); maintenance and rehabilitation of City-owned or -assisted

housing. Projects involving development of new housing and / or increase in residential density are not included in this analysis.

Improvements to Public Facilities

- Rehabilitation of *existing* senior/community centers, parks, public schools, etc. Common types of work may include roof replacement, building envelope work, interior renovation, etc. Please note work may also include installing ramps or exterior elevators at existing facilities, but would otherwise not entail expansion of building footprints.
- Minor landscaping and improvements of existing gardens and City parks (tilling, planting, sidewalk repair).

Maintenance and Cleaning of Public Facilities or Areas

- Debris removal, area clean-up efforts, etc., including in the immediate vicinity of the Bronx River, which is considered a Recognized Ecological Complex.
- Removal of invasive species in parks, natural areas, etc.

The City may also use CD funding for activities that fall outside of the scope of this analysis including substantial rehabilitation, new construction, and acquisition. As noted previously, we understand these activities would require separate consistency determinations if conducted within the Coastal Zone.

OMB considers the CD Program's activities described above to be consistent with the Coastal Zone Management Program and the City's Waterfront Revitalization Program. The analysis below documents how the CD Program promotes WRP policies.

New York State Coastal Management Plan

This analysis will be submitted, along with the New York City WRP CAF, to DOS in lieu of a State or Federal CAF.

1 Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

1.1 Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

1.2 Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

1.3 Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

1.4 In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.

1.5 Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

This analysis is not inclusive of all potential CD-funded activities such as development or redevelopment actions or related efforts. In the event the City proposed to use CD funds for development or redevelopment activities, OMB would request project-specific consultation.

Funds are generally used for services, planning activities, and the inspection and minor/moderate improvement of existing properties. Accordingly, CD funds generally promote the WRP's policies by not promoting or advancing incompatible development and by improving conditions for residents of existing properties located within the Coastal Zone. Additionally, CD funds generally support these policies in the following ways:

- In terms of planning, CD-funded staff at the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) review proposed land use actions to ensure they are compatible and appropriate with the surrounding area. Additionally, staff work on neighborhood plans (e.g., the Resilient Edgemere Community Plan) to develop viable land use options that take into account climate change, environmental justice, responsible development of vacant land, greater access to facilities and services, etc.

  Additionally, new development and / or redevelopment is outside of the scope of activities covered by this analysis.

- CD-funded staff also support the City's efforts to identify underused property, particularly Urban Renewal sites and other City-owned properties, that may be suitable for addressing the City's housing and economic development needs.

- Finally, all CD-funded projects that involve physical work are required to undergo a floodplain analysis that would consider the project's impact on the floodplain and the floodplain's impact on the project.

    - HUD regulations prohibit critical actions (activities for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property) from being located in the floodplain.

    - For non-critical actions, projects would be designed to minimize and mitigate the possibility of adverse impacts. Such strategies may include elevating mechanical and electrical systems and ensuring spaces that will be occupied will be constructed above the base flood elevation.

- HUD regulations also require owners of properties within a Special Flood Hazard Area (SFHA) that receive CD funds for acquisition or construction purposes (including rehabilitation) to purchase and maintain flood insurance.

2 Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

2.1 Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

2.2 Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.

2.3 Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.

2.4 Provide infrastructure improvements necessary to support working waterfront uses.

2.5 Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.

Given the CD program's focus on benefitting City residents (as opposed to businesses), the City generally does not allocate grant funds to projects involving industrial uses. However, as noted in the cover page of this consultation, in cases where CD funds would be used to support physical work that would benefit industrial or manufacturing businesses/areas, the City would be required to comply with NEPA and HUD's implementing regulations at 24 CFR Part 58 and would submit a separate project-specific consultation to this office.

3 Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.

3.1 Support and encourage in-water recreational activities in suitable locations.

3.2 Support and encourage recreational, educational and commercial boating in New York City's maritime centers.

3.3 Minimize conflicts between recreational boating and commercial ship operations.

3.4 Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

3.5 In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.

The City uses CD funds to support and encourage recreational, educational, and commercial activities, a small number of which are existing activities located in or near the Coastal Zone (e.g., Bronx River Project, support for the Van Cortlandt Park Administrator's Office). All CD-funded programs are developed, designed, and sited by City agencies. If funding were to be used for new in-water activities, OMB and the respective City agency would work with DCP and NYS DOS to ensure appropriate site selection, minimize conflicts between recreational and commercial operations, and minimize the impact of funded activities on the environment. Programs would also be designed to protect the safety of operators and clients including training programs, adequate communication equipment, etc.

4 Protect and restore the quality and function of ecological systems within the New York City coastal area.

4.1 Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.

4.2 Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.

4.3 Protect designated Significant Coastal Fish and Wildlife Habitats.

4.4 Identify, remediate and restore ecological functions within Recognized Ecological Complexes.

4.5 Protect and restore tidal and freshwater wetlands.

4.6 In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.

4.7 Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

4.8 Maintain and protect living aquatic resources.

The City provides a small allocation of CDBG funds to the Bronx River Alliance, which collaborates with the NYC Department of Parks and Recreation to improve the water quality and overall health of the Bronx River. The Bronx River area is categorized as a Recognized Ecological Complex. CDBG funds are primarily used for non-physical services, including educational and recreational programming to City residents. The City's use of funds in this area has led to long-term, significant improvements in water quality, working to further the River's existence as a natural, self-regulating system.

Aside from the Bronx River Project, none of the activities covered by this consultation are expected to occur within, or result in impacts to the ecological systems referenced in this policy.

5 Protect and improve water quality in the New York City coastal area.

5.1 Manage direct or indirect discharges to waterbodies.

5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

5.3 Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.

5.4 Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

5.5 Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.

All CD-funded projects that are covered by this consultation and that involve physical work must comply with the following:

- The Safe Drinking Water Act of 1974, which requires protection of drinking water systems that are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health. HUD's implementing regulations require the City to evaluate whether a project has the potential to impact sole source aquifers and, when

necessary, consult with the U.S. Environmental Protection Agency (EPA) to identify and mitigate adverse impacts.

- HUD's regulations regarding Floodplain Management and Protection of Wetlands (24 CFR Part 55), which requires grantees to evaluate both direct and indirect impacts of projects on floodplains and wetlands and, when necessary, to mitigate adverse impacts. Accordingly, all projects can be considered to promote Policy 5.

Additionally, CD funds may be used to support planning efforts by City agencies that seek to identify/design ecological strategies and opportunities for grey infrastructure systems.

6 Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

6.4 Protect and preserve non-renewable sources of sand for beach nourishment.

All CD-funded projects that involve physical work are required to undergo a floodplain analysis that would consider the project's impact on the floodplain and the floodplain's impact on the project.

- HUD regulations prohibit critical actions (activities for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property) from being located in the floodplain.
- For non-critical actions, projects would be designed to minimize and mitigate the possibility of adverse impacts. Such strategies may include elevating mechanical and electrical systems and ensuring spaces that will be occupied will be constructed above the base flood elevation.
- HUD regulations also require owners of properties in the SFHA that receive CD funds for acquisition or construction purposes (including rehabilitation) to purchase and maintain flood insurance.

7 Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

7.1 Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

7.2 Prevent and remediate discharge of petroleum products.

7.3 Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The activities included in this consultation must be reviewed for compliance with applicable air quality regulations and must comply with 24 CFR § 58.5(i)(2)(i), which requires that "all properties that are being proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals

and gases, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property." At a minimum, this requires the consideration of evidence of contamination on or near the site, with a particular attention to sites on or near areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes. If concerns related to air quality or contamination are identified, the City must take cost-effective measures to mitigate the impacts or risks, including, where warranted, disclosing potential impacts to current and/or prospective residents.

The activities included in this analysis are not expected to introduce the hazards described under Policy 7 to project sites, or to the environment. However, if during the environmental review it was determined that a project would result in an adverse effect that could not be mitigated, CD funds would not be eligible for that activity.

8 Provide public access to, from, and along New York City's coastal waters.

8.1 Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.

8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

8.3 Provide visual access to the waterfront where physically practical.

8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

8.5 Preserve the public interest in and use of lands and waters held in public trust by the State and City.

8.6 Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.

CD funds generally support these policies. Some examples include:

- The Bronx River project includes an educational and outreach component that encourages recreational use of the River and publicizes improvements to water quality that have been made over time. CDBG funds have supported kayaking and canoe trips as well as class trips by public school students to learn about water quality.
- The Van Cortlandt Park Administrator's Office is responsible for ensuring Orchard Beach is safe and accessible for City residents, organizes volunteer clean-up efforts, etc.
- CD-funded staff at the Department of City Planning (DCP) and the Department of Housing Preservation and Development (HPD) review proposed land use actions to ensure they are compatible with and appropriate for the surrounding area and provide public access to the waterfront to the extent possible.

9 Protect scenic resources that contribute to the visual quality of the New York City coastal area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

9.2 Protect and enhance scenic values associated with natural resources.

While this consistency determination request does not cover activities such as development and / or redevelopment, CDBG funds support CD-funded staff at DCP, HPD, and the Landmarks Preservation Commission (LPC) who review proposed land use actions and site plans to ensure they are compatible with and appropriate for the surrounding area and protect and enhance scenic values associated with

natural resources. LPC has authority to designate and approve changes to scenic landmarks within the City.
10 Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.
10.1 Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City. 10.2 Protect and preserve archaeological resources and artifacts.
LPC uses CDBG funds to provide small historic preservation grants to improve privately-owned residential properties and nonprofit-owned facilities, some of which may be included in the Coastal Zone. Eligible properties include those that are designated City landmarks, in designated historic districts, or listed on the National Register of Historic Places. While the work is typically minor (e.g., stoop repair, repointing, repairing water damage, etc.), these projects preserve and protect properties that contribute to the City's historic landscape, including its coastal culture. Additionally, please note that all HUD-funded projects covered by this consistency determination request must comply with Section 106 of the National Historic Preservation Act, which requires the City to identify and mitigate adverse impacts to any historic properties. Accordingly, all projects can be considered to promote Sub-policy 10.1.

6.1 – Official Species List

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
Phone: (631) 286-0485 Fax: (631) 286-4003

In Reply Refer To: 06/09/2026 20:54:26 UTC
Project Code: 2026-0079660
Project Name: Alternative Enforcement Program

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the 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 Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Note: IPaC has provided all available attachments because this project is in multiple field office jurisdictions.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Coastal Barriers
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Long Island Ecological Services Field Office
340 Smith Road
Shirley, NY 11967-2258
(631) 286-0485

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

New Jersey Ecological Services Field Office
4 E. Jimmie Leeds Road, Suite 4
Galloway, NJ 8205
(609) 646-9310

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2026-0079660
Project Name: Alternative Enforcement Program
Project Type: Federal Grant / Loan Related
Project Description: The Alternative Enforcement Program (AEP) is intended to address the serious physical deterioration of the most distressed buildings in New York City. Through AEP, HPD can order the property owner to repair or replace building systems as well as to address violations. If the owner fails to comply, AEP can perform the work using CD funds. AEP staff is also supported by CD funds.

Using criteria set forth in the City's Administrative Code, HPD annually designates 250 multiple dwellings that are high consumers of HPD's code enforcement services for participation in the program. HPD notifies owners that their buildings have been selected and the owners will have four months to perform specified repairs.

If an owner fails to meet the requirements for discharge within the first four months, HPD will issue an Order to Correct identifying the building systems that need to be replaced in order to address the underlying conditions (to minimize recurrence of those conditions). Once an Order is issued, fees will be charged to the property for being in the program and as a result of specific inspections. Should an owner fail to comply with the Order, HPD may perform the work.

The project scope is limited to rehabilitation of existing residential buildings within their existing footprint (i.e., no new construction, no building expansion) and in no case will work involve a change in land use. Work may entail, but is not limited to, pest management; replacing doors, windows, fire escapes, floor joists and flooring, staircases, and roofs; repointing a building's facade; rewiring the building and other electrical system upgrades; replacement and/or improvements to the gas meters, gas distribution systems, heating plants, hot water heaters, waste lines, and domestic water supply; and waterproofing the building envelope. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.6948905,-73.87633157019432,14z



Counties: New Jersey and New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-Eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf	Endangered
Tricolored bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515 General project design guidelines: https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf	Proposed Endangered

BIRDS

NAME	STATUS
Piping Plover *Charadrius melodus* Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/6039 General project design guidelines: https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf	Threatened
Roseate tern *Sterna dougallii dougallii* Population: Northeast U.S. nesting population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2083 General project design guidelines: https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf	Endangered
rufa red knot *Calidris canutus rufa* There is **proposed** critical habitat for this species. Your location overlaps the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1864 General project design guidelines: https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf	Threatened

INSECTS

NAME	STATUS
Monarch butterfly *Danaus plexippus* There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.	Proposed Threatened

NAME	STATUS

Species profile: https://ecos.fws.gov/ecp/species/9743
General project design guidelines:
https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf

FLOWERING PLANTS

NAME	STATUS
Sandplain gerardia *Agalinis acuta*	Endangered

No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/8128

Seabeach amaranth *Amaranthus pumilus*	Threatened

Population:
No critical habitat has been designated for this species.
Species profile: https://ecos.fws.gov/ecp/species/8549
General project design guidelines:
https://ipac.ecosphere.fws.gov/project/UXMZ5VD7OREETNPWPLYXARX6L4/documents/generated/10545.pdf

CRITICAL HABITATS

There is 1 critical habitat wholly or partially within your project area under this office's jurisdiction.

NAME	STATUS
rufa red knot *Calidris canutus rufa*	Proposed

https://ecos.fws.gov/ecp/species/1864#crithab

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow

appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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1. The Bald and Golden Eagle Protection Act of 1940.
2. The Migratory Birds Treaty Act of 1918.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are Bald Eagles and/or Golden Eagles in your project area.

Measures for Proactively Minimizing Eagle Impacts
For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the National Bald Eagle Management Guidelines. You may employ the timing and activity-specific distance recommendations in this document when designing your project/ activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to Bald Eagle Nesting and Sensitivity to Human Activity.

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

If disturbance or take of eagles cannot be avoided, an incidental take permit may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the Do I Need A Permit Tool. For assistance making this determination for golden eagles, please consult with the appropriate Regional Migratory Bird Office or Ecological Services Field Office.

Ensure Your Eagle List is Accurate and Complete
If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the Supplemental Information on Migratory Birds and Eagles, to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31

NAME	BREEDING SEASON
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

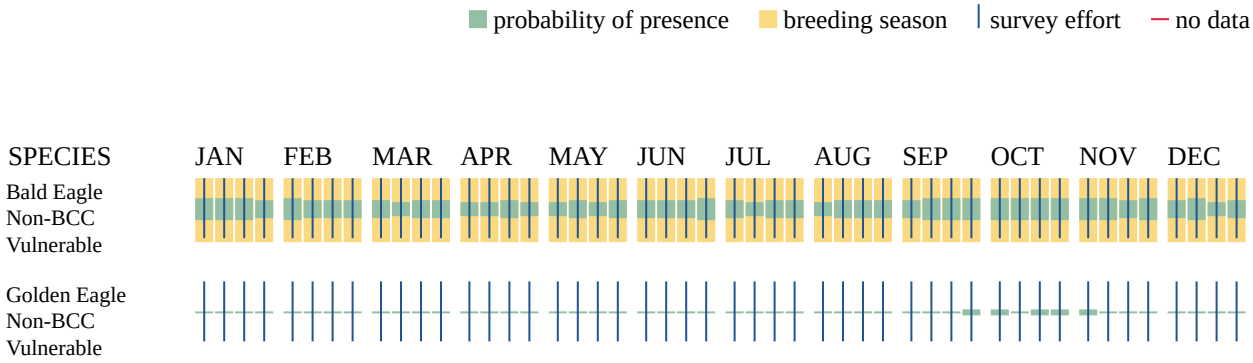
Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (–)
A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management

- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

MIGRATORY BIRDS

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

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1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Oystercatcher *Haematopus palliatus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935	Breeds Apr 15 to Aug 31
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Band-rumped Storm-petrel *Hydrobates castro* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/1226	Breeds elsewhere
Black Guillemot *Cepphus grylle* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10412	Breeds May 15 to Sep 10

NAME	BREEDING SEASON
Black Scoter *Melanitta nigra* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10413	Breeds elsewhere
Black Skimmer *Rynchops niger* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/5234	Breeds May 20 to Sep 15
Black-billed Cuckoo *Coccyzus erythropthalmus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Black-legged Kittiwake *Rissa tridactyla* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10459	Breeds elsewhere
Blue-winged Warbler *Vermivora cyanoptera* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9509	Breeds May 1 to Jun 30
Bobolink *Dolichonyx oryzivorus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9454	Breeds May 20 to Jul 31
Brown Pelican *Pelecanus occidentalis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6034	Breeds Jan 15 to Sep 30
Canada Warbler *Cardellina canadensis* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9643	Breeds May 20 to Aug 10
Cerulean Warbler *Setophaga cerulea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 28 to Jul 20

NAME	BREEDING SEASON
Chimney Swift *Chaetura pelagica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9406	Breeds Mar 15 to Aug 25
Chuck-will's-widow *Antrostomus carolinensis* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9604	Breeds May 10 to Jul 10
Common Eider *Somateria mollissima* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10457	Breeds Jun 1 to Sep 30
Common loon *gavia immer* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/4464	Breeds Apr 15 to Oct 31
Cory's Shearwater *Calonectris diomedea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10452	Breeds elsewhere
Double-crested Cormorant *phalacrocorax auritus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/3478	Breeds Apr 20 to Aug 31
Dovekie *Alle alle* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/6041	Breeds elsewhere
Eastern Whip-poor-will *Antrostomus vociferus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10678	Breeds May 1 to Aug 20
Golden Eagle *Aquila chrysaetos* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere

NAME	BREEDING SEASON
Grasshopper Sparrow *Ammodramus savannarum perpallidus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8329	Breeds Jun 1 to Aug 20
Great Shearwater *Puffinus gravis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/9634	Breeds elsewhere
Gull-billed Tern *Gelochelidon nilotica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9501	Breeds May 1 to Jul 31
Hudsonian Godwit *Limosa haemastica* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9482	Breeds elsewhere
Kentucky Warbler *Geothlypis formosa* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9443	Breeds Apr 20 to Aug 20
King Rail *Rallus elegans* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8936	Breeds May 1 to Sep 5
Least Tern *Sternula antillarum antillarum* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11919	Breeds Apr 25 to Sep 5
Lesser Yellowlegs *Tringa flavipes* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Long-eared Owl *asio otus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631	Breeds Mar 1 to Jul 15
Long-tailed Duck *Clangula hyemalis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/7238	Breeds elsewhere

NAME	BREEDING SEASON
Manx Shearwater *Puffinus puffinus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10465	Breeds Apr 15 to Oct 31
Pectoral Sandpiper *Calidris melanotos* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9561	Breeds elsewhere
Pomarine Jaeger *Stercorarius pomarinus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10458	Breeds elsewhere
Prairie Warbler *Setophaga discolor* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9513	Breeds May 1 to Jul 31
Prothonotary Warbler *Protonotaria citrea* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9439	Breeds Apr 1 to Jul 31
Purple Sandpiper *Calidris maritima* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9574	Breeds elsewhere
Razorbill *Alca torda* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10461	Breeds Jun 15 to Sep 10
Red Phalarope *Phalaropus fulicarius* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10469	Breeds elsewhere
Red-breasted Merganser *Mergus serrator* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10693	Breeds elsewhere

NAME	BREEDING SEASON
Red-headed Woodpecker *Melanerpes erythrocephalus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9398	Breeds May 10 to Sep 10
Red-necked Phalarope *Phalaropus lobatus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10467	Breeds elsewhere
Red-throated Loon *Gavia stellata* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/9589	Breeds elsewhere
Ring-billed Gull *Larus delawarensis* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10468	Breeds elsewhere
Roseate Tern *Sterna dougallii* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10661	Breeds May 10 to Aug 31
Royal Tern *Thalasseus maximus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10471	Breeds Apr 15 to Aug 31
Ruddy Turnstone *Arenaria interpres morinella* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/10633	Breeds elsewhere
Rusty Blackbird *Euphagus carolinus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9478	Breeds elsewhere
Saltmarsh Sparrow *Ammospiza caudacuta* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9719	Breeds May 15 to Sep 5

NAME	BREEDING SEASON
Scarlet Tanager *Piranga olivacea* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/11967	Breeds May 10 to Aug 10
Semipalmated Sandpiper *Calidris pusilla* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9603	Breeds elsewhere
Short-billed Dowitcher *Limnodromus griseus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9480	Breeds elsewhere
Sooty Shearwater *Ardenna grisea* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10417	Breeds elsewhere
Sooty Tern *Onychoprion fuscatus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10695	Breeds Mar 10 to Jul 31
South Polar Skua *Stercorarius maccormicki* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10699	Breeds elsewhere
Surf Scoter *Melanitta perspicillata* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10463	Breeds elsewhere
Thick-billed Murre *Uria lomvia* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10700	Breeds Apr 15 to Aug 15
Whimbrel *Numenius phaeopus hudsonicus* This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/11991	Breeds elsewhere

NAME	BREEDING SEASON
White-winged Scoter *Melanitta fusca* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10462	Breeds elsewhere
Willet *Tringa semipalmata* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/10669	Breeds Apr 20 to Aug 5
Wilson's Storm-Petrel *Oceanites oceanicus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/10416	Breeds elsewhere
Wood Thrush *Hylocichla mustelina* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9431	Breeds May 10 to Aug 31

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "Supplemental Information on Migratory Birds and Eagles", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

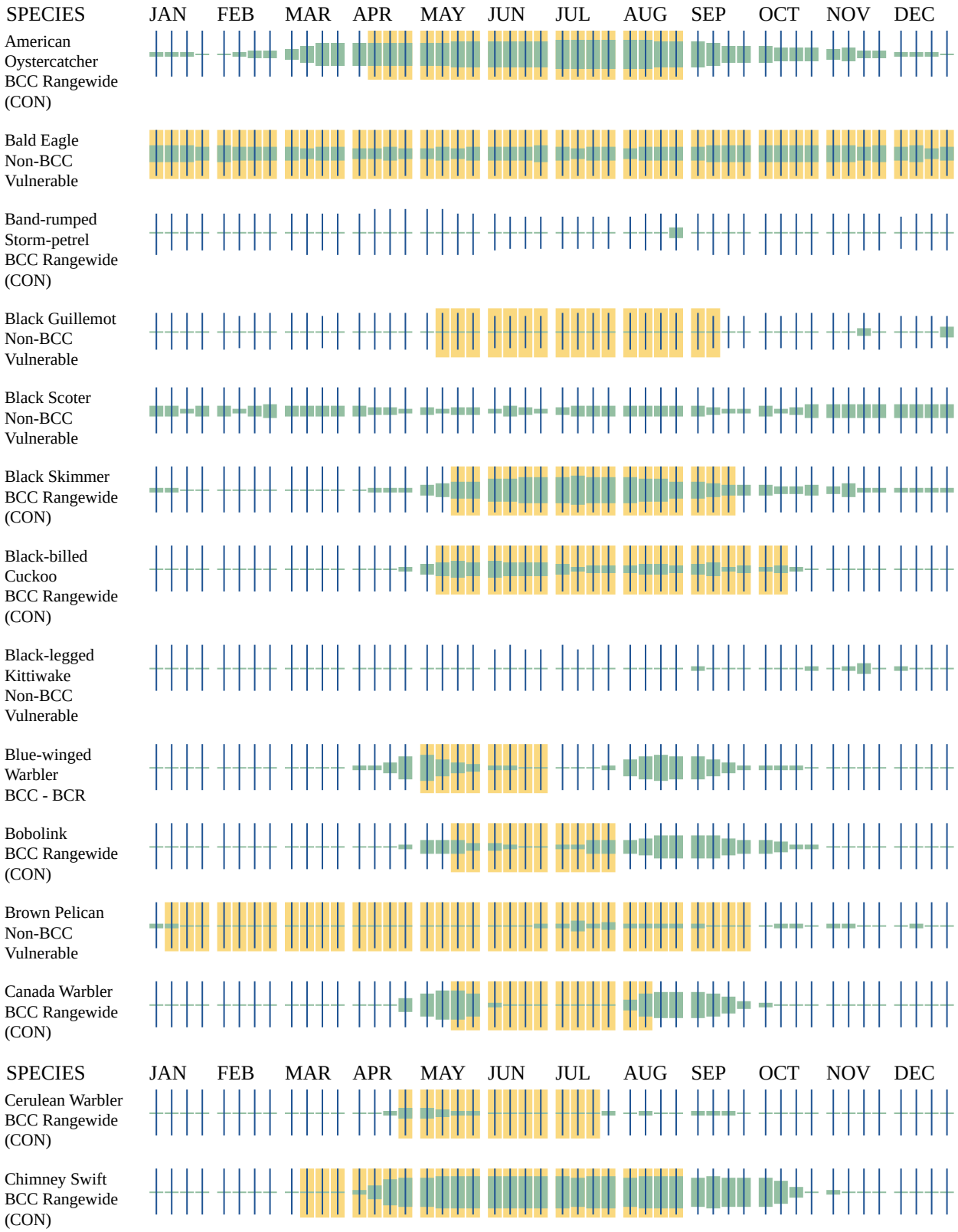
Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

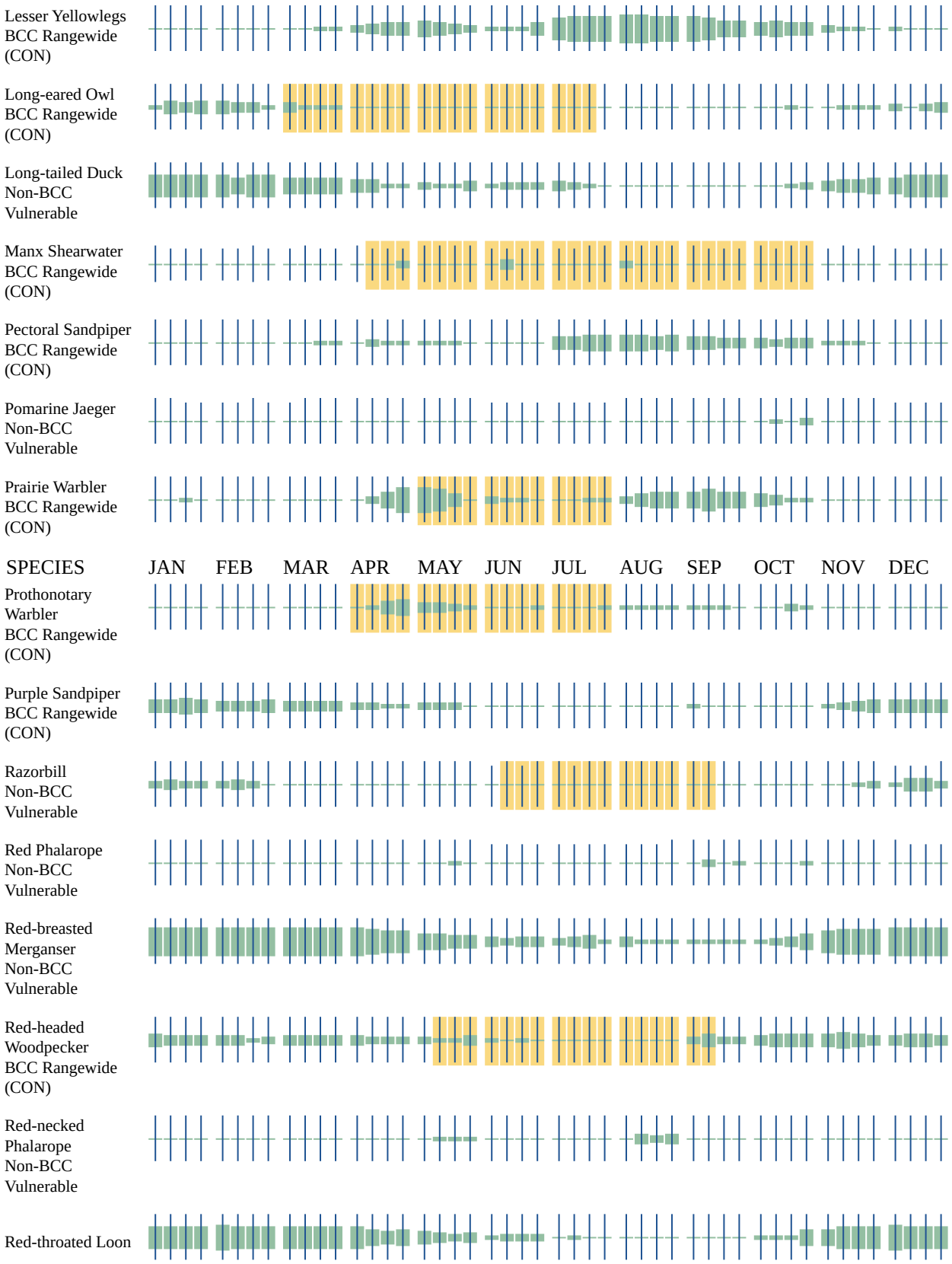
Survey Effort (|)
Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

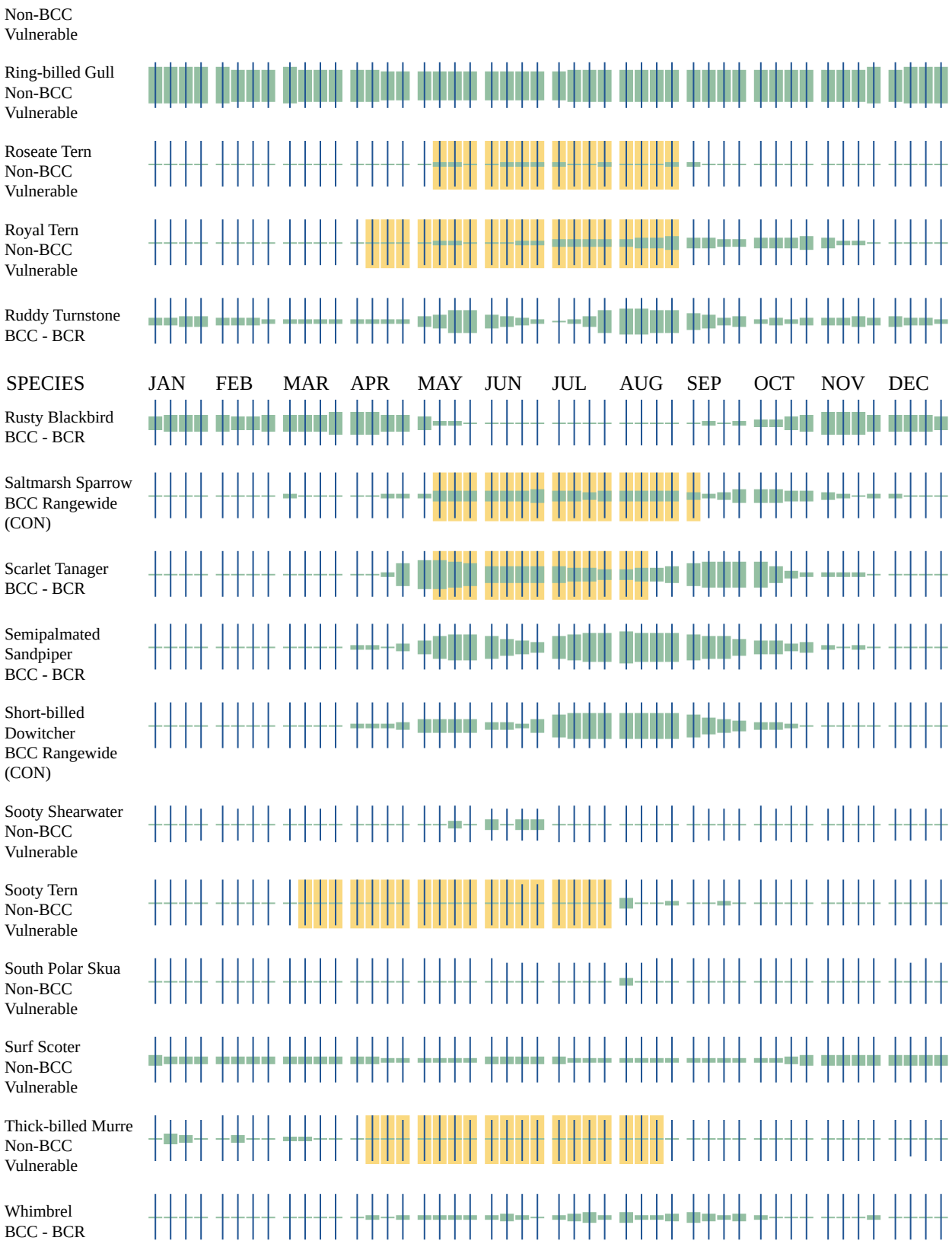
No Data (–)
A week is marked as having no data if there were no survey events for that week.

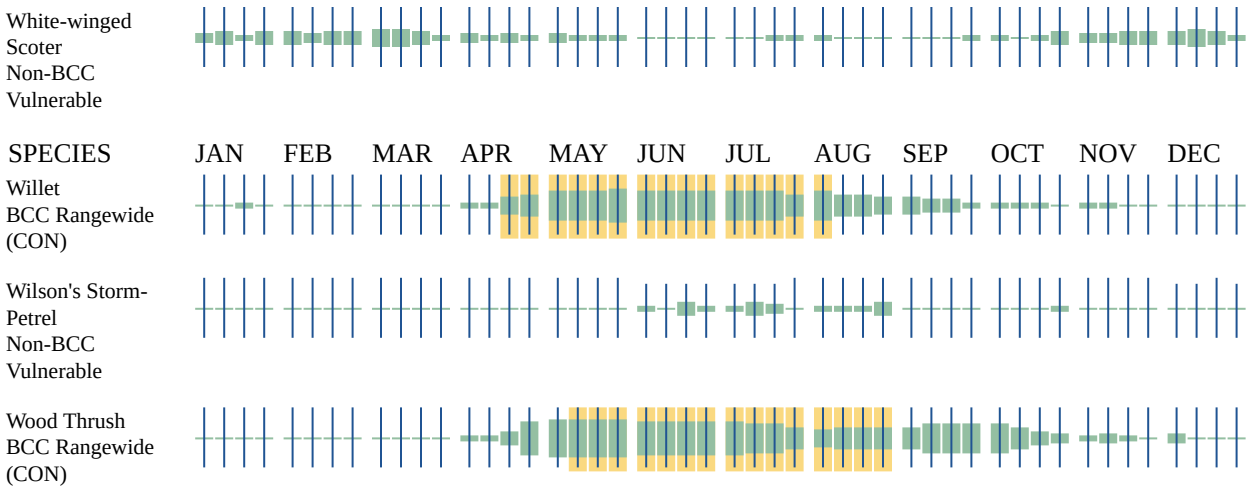
■ probability of presence ■ breeding season | survey effort – no data


SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
American Oystercatcher BCC Rangewide (CON)
Bald Eagle Non-BCC Vulnerable
Band-rumped Storm-petrel BCC Rangewide (CON)
Black Guillemot Non-BCC Vulnerable
Black Scoter Non-BCC Vulnerable
Black Skimmer BCC Rangewide (CON)
Black-billed Cuckoo BCC Rangewide (CON)
Black-legged Kittiwake Non-BCC Vulnerable
Blue-winged Warbler BCC - BCR
Bobolink BCC Rangewide (CON)
Brown Pelican Non-BCC Vulnerable
Canada Warbler BCC Rangewide (CON)
SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
Cerulean Warbler BCC Rangewide (CON)
Chimney Swift BCC Rangewide (CON)


Chuck-will's-widow
BCC - BCR
Common Eider
Non-BCC
Vulnerable
Common loon
Non-BCC
Vulnerable
Cory's Shearwater
BCC Rangewide
(CON)
Double-crested
Cormorant
Non-BCC
Vulnerable
Dovekie
Non-BCC
Vulnerable
Eastern Whip-poor-
will
BCC Rangewide
(CON)
Golden Eagle
Non-BCC
Vulnerable
Grasshopper
Sparrow
BCC - BCR
Great Shearwater
Non-BCC
Vulnerable
SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
Gull-billed Tern
BCC Rangewide
(CON)
Hudsonian Godwit
BCC Rangewide
(CON)
Kentucky Warbler
BCC Rangewide
(CON)
King Rail
BCC Rangewide
(CON)
Least Tern
BCC Rangewide
(CON)


Lesser Yellowlegs BCC Rangewide (CON)
Long-eared Owl BCC Rangewide (CON)
Long-tailed Duck Non-BCC Vulnerable
Manx Shearwater BCC Rangewide (CON)
Pectoral Sandpiper BCC Rangewide (CON)
Pomarine Jaeger Non-BCC Vulnerable
Prairie Warbler BCC Rangewide (CON)
SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
Prothonotary Warbler BCC Rangewide (CON)
Purple Sandpiper BCC Rangewide (CON)
Razorbill Non-BCC Vulnerable
Red Phalarope Non-BCC Vulnerable
Red-breasted Merganser Non-BCC Vulnerable
Red-headed Woodpecker BCC Rangewide (CON)
Red-necked Phalarope Non-BCC Vulnerable
Red-throated Loon


Non-BCC
Vulnerable
Ring-billed Gull
Non-BCC
Vulnerable
Roseate Tern
Non-BCC
Vulnerable
Royal Tern
Non-BCC
Vulnerable
Ruddy Turnstone
BCC - BCR
SPECIES
JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC
Rusty Blackbird
BCC - BCR
Saltmarsh Sparrow
BCC Rangewide
(CON)
Scarlet Tanager
BCC - BCR
Semipalmated
Sandpiper
BCC - BCR
Short-billed
Dowitcher
BCC Rangewide
(CON)
Sooty Shearwater
Non-BCC
Vulnerable
Sooty Tern
Non-BCC
Vulnerable
South Polar Skua
Non-BCC
Vulnerable
Surf Scoter
Non-BCC
Vulnerable
Thick-billed Murre
Non-BCC
Vulnerable
Whimbrel
BCC - BCR



Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

COASTAL BARRIERS

Projects within the John H. Chafee Coastal Barrier Resources System (CBRS) may be subject to the restrictions on Federal expenditures and financial assistance and the consultation requirements of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. 3501 et seq.). For more information, please contact the local Ecological Services Field Office or visit the CBRA Consultations website. The CBRA website provides tools such as a flow chart to help determine whether consultation is required and a template to facilitate the consultation process.

UNIT	NAME	TYPE	SYSTEM UNIT ESTABLISHMENT DATE	FLOOD INSURANCE PROHIBITION DATE
NY-60P	Jamaica Bay	UNKNOWN	N/A	11/16/1991
NY-60P	Jamaica Bay	UNKNOWN	N/A	11/25/2025

WETLANDS

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit https://www.fws.gov/wetlands/data/mapper.HTML

FRESHWATER FORESTED/SHRUB WETLAND

- PSS1E
- PSS1F
- PFO1E
- PFO1/EM1E
- PSS1/EM1R
- PFO1/EM5E
- PFO1Eh
- PFO1S
- PSS1B
- PFO4/EM5R
- PFO1R
- PSS1/EM1F
- PSS1/EM1E
- PFO1/SS1C
- PFO1Ch
- PSS1/EM5R
- PSS1A
- PFO1A
- PFO1C
- PSS1R
- PSS1C
- PSS1/FO1C
- PFO1F

ESTUARINE AND MARINE WETLAND

- E2EM1/5Pd
- E2USP
- E2USM

- M2USM
- E2USMh
- E2USNx
- E2EM2N
- E2EM1N
- E2EM5Ph6
- M2US2N
- E2EM5Px
- E2US1P
- E2EM5Pd
- E2USN6
- E2SS1/EM1P
- E2SS1Ph
- M2US2P
- E2EM1Pd
- E2USN
- E2EM5Px6
- E2AB1N
- E2EM1Nh
- E2EM1P6
- E2SS1P
- E2US1N
- E2US2M
- E2US2N
- E2EM5P
- E2AB1Nh6
- E2US2P
- E2EM1/5P
- E2EM5P6
- E2EM1P

FRESHWATER POND

- PUBFh
- PABHh
- PABV
- PUBV
- PUBHx

- PUB/SS1T
- PUBH
- PUB/SS1Fh
- PUBHh
- PUBF
- PUBFx
- PUBVh

FRESHWATER EMERGENT WETLAND

- PEM1/SS1E
- PEM1Rh
- PEM5/UBF
- PEM5Ex
- PEM5Fh
- PEM5R
- PEM5F
- PEM1Rx
- PEM5Eh
- PEM1Fh
- PEM5E
- PEM1Ex
- PEM1Eh
- PEM5Fx
- PEM5C
- PEM1S
- PEM5B
- PEM1/FO1C
- PEM1A
- PEM1E
- PEM1C
- PEM1F
- PEM1R

LAKE

- L1UBHx
- L1UBHh
- L1UBH

RIVERINE

- R1UBV
- R2UBHx
- R2UBH
- R5UBH
- R4SBC

ESTUARINE AND MARINE DEEPWATER

- E1UBL6
- E1ABL
- E1UBL
- E1AB1L
- E1UBLh6
- E1UB4L
- E1UBLx
- E1UBLh

IPAC USER CONTACT INFORMATION

Agency: New York city
Name: Juliet Jacobs
Address: 255 Greenwich St
Address Line 2: 8th Floor
City: New York
State: NY
Zip: 10007
Email jacobsjuliet@omb.nyc.gov
Phone: 2127881653

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

6.2 - Northeast Concurrence and Determination Key

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
300 Westgate Center Drive
Hadley, MA 1035-9589
Phone: (413) 253-8304 Fax: (413) 253-8293

In Reply Refer To: 06/09/2026 21:13:57 UTC
Project code: 2026-0079660
Project Name: Alternative Enforcement Program

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Housing and Urban Development

Subject: Federal agency coordination under the Endangered Species Act, Section 7 for 'Alternative Enforcement Program'

Dear Juliet Jacobs:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on June 09, 2026, for "Alternative Enforcement Program" (here forward, Project). This project has been assigned Project Code 2026-0079660 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (DKey), invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical

habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service's Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Piping Plover (*Charadrius melodus*)	Threatened	No effect
Roseate tern (*Sterna dougallii dougallii*)	Endangered	No effect
rufa red knot (*Calidris canutus rufa*)	Threatened	No effect
Sandplain gerardia (*Agalinis acuta*)	Endangered	NLAA
Seabeach amaranth (*Amaranthus pumilus*)	Threatened	No effect

Conclusion
The Service concurs to the above-mentioned determination(s) of may affect, not likely to adversely affect. This concurrence confirms receipt of your agencies coordination required under Section 7(a)(2) of the ESA.

Other Species and Critical Habitat that May be Present in the Action Area

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch butterfly *Danaus plexippus* Proposed Threatened
- Northern Long-Eared Bat *Myotis septentrionalis* Endangered
- Tricolored bat *Perimyotis subflavus* Proposed Endangered

If no changes occur with the Project or there are no updates on listed species, no further consultation/coordination for this project is required for the species identified above. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project implements any changes which are final or commits additional resources.

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference the Project Code associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Alternative Enforcement Program

2. Description

The following description was provided for the project 'Alternative Enforcement Program':

> The Alternative Enforcement Program (AEP) is intended to address the serious physical deterioration of the most distressed buildings in New York City. Through AEP, HPD can order the property owner to repair or replace building systems as well as to address violations. If the owner fails to comply, AEP can perform the work using CD funds. AEP staff is also supported by CD funds.
> Using criteria set forth in the City's Administrative Code, HPD annually designates 250 multiple dwellings that are high consumers of HPD's code enforcement services for participation in the program. HPD notifies owners that their buildings have been selected and the owners will have four months to perform specified repairs.
> If an owner fails to meet the requirements for discharge within the first four months, HPD will issue an Order to Correct identifying the building systems that need to be replaced in order to address the underlying conditions (to minimize recurrence of those conditions). Once an Order is issued, fees will be charged to the property for being in the program and as a result of specific inspections. Should an owner fail to comply with the Order, HPD may perform the work.
> The project scope is limited to rehabilitation of existing residential buildings within their existing footprint (i.e., no new construction, no building expansion) and in no case will work involve a change in land use. Work may entail, but is not limited to, pest management; replacing doors, windows, fire escapes, floor joists and flooring, staircases, and roofs; repointing a building's facade; rewiring the building and other electrical system upgrades; replacement and/or improvements to the gas meters, gas distribution systems, heating plants, hot water heaters, waste lines, and domestic water supply; and waterproofing the building envelope. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.6948905,-73.87633157019432,14z


RSEY
Spring Valley
White Plains
Long Island Sound
Paterson
Paramus
Yonkers
Englewood
Glen Cove
Passaic
Fort Lee
West New York
Newark
Hoboken
New York
Hempstead
Passaic River
Westfield
Elizabeth
Freeport
Rahway
Long Beach
Perth Amboy
Sayreville
Long Branch

QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

   Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

   Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

   No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   Note: for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer ‘yes’ to this question.

   Yes

4. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

   Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

   Yes

5. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

   Yes

6. Is the lead federal action agency the Natural Resources Conservation Service?

   No

7. Will the proposed project involve the use or storage of herbicide?

   Yes

8. Will the proposed project involve herbaceous native vegetation removal (including prescribed fire that would result in burning of plants) or mowing?

   No

9. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, new or enlarged communication towers or broadcast towers, high voltage transmission lines, any type of towers with or without guy wires)?

   No

10. Will the proposed project involve demolition, rehabilitation, property elevation, renovation, and/or rebuilding of one or more existing buildings (e.g., residential, commercial and industrial buildings, or utilities)? Note: if project activities include modification of bridges and/or culverts, answer this question "No".

    Yes

11. Is the entire project footprint, including staging areas, currently developed or hard surfaced (i.e., the site consists entirely of existing roads, sidewalks, buildings, driveways, routinely mown grass etc.) and does not contain any undeveloped and/or previously undisturbed vegetated areas, including any trees that may be impacted by the project?

    Yes

12. Does your project involve excessive noise (e.g. jackhammer or other equipment use outside a building that requires hearing protection for the operator), new hydrological impacts (e.g., changes to stormwater discharge), or impacts to structures that are being used by any federally endangered or threatened species (e.g., roosting Indiana bats, nesting piping plover or roseate tern using gravel or paved surfaces, etc.) or are there known reports of species using areas within the project footprint? Note: If unsure, answer yes. To determine whether impacts will occur, contact the appropriate Ecological Field Office to discuss, or conduct a site survey to ensure that listed species are not present.

    No

13. Will completion of this project require clearing or land disturbance of any areas that were not already developed and/or disturbed prior to the start of the proposed project? Note: Examples of land disturbance may include, but are not limited to, grading, tree or vegetation removal, excavation, etc.

    No

14. [Hidden Semantic] Is the project area located within the piping plover species list area?

    Automatically answered

    Yes

15. Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or intertidal habitat (e.g., beach "swash" zone, sand or mud flat)?

    Yes

16. Will the proposed project be conducted within or alter any of the following components of piping plover foraging habitat: intertidal beaches, sand, mud, or algal flats, **between annual low tide and annual high tide**?

    Note: This includes impacts that occur during the piping plover non-breeding season (September 1 - February 28) that will persist until birds are present on site.

    No

17. Will the proposed project be conducted within or alter any of the following components of piping plover nesting habitat: unvegetated or sparsely vegetated dune systems, sand, mud, or algal flats **above high tide**?

    Note: This includes impacts that occur during the piping plover non-breeding season (September 1 - February 28) that will persist until birds are present on site.

    No

18. Will the proposed project include only the creation of new shorebird habitat (e.g., by nourishing severely eroded shorelines that currently have no dry beach)?

    No

19. Will the proposed project facilitate new or expanded human access to any beach (e.g., expanded parking or facilities, new access points or paths)?

    No

20. Will the proposed project include post-project activities that are audible or visible from any beach (e.g., fireworks, machinery, power tools)?

    Yes

21. [Hidden Semantic] Is the project area located within the piping plover species list area?

    Automatically answered
    Yes

22. [Hidden Semantic] Is the project area located within the red knot species list area?

    Automatically answered
    Yes

23. [Hidden Semantic] Is the project area located within the roseate tern species list area?

    Automatically answered
    Yes

24. Does the project include aquaculture?

    No

25. Does the project include activity in or within 500 feet of an open beach, coastal inlet, river mouth, sand spit, tidal flat, or rocky structure (e.g., jetty) or open water where roseate terns may be feeding?

    Yes

26. [Hidden Semantic] Is the action area located within the seabeach amaranth species list area?

    Automatically answered
    Yes

27. Does the project include activity in or within 500 feet of an unstabilized dune, dry beach, wrack line, or the upper portion of an intertidal habitat (e.g., beach "swash" zone or sand flat)?

    Yes

28. Will the proposed project involve temporary or permanent modification to hydrology, including groundwater recharge, and/or damming upstream or downstream of listed plant habitat, that could result in changes to water quality, water quantity, or timing of water availability in proximity to listed plants?

    No

29. Will the proposed project involve sedimentation in areas where listed plants may be present?

    No

30. Will the proposed project involve ground disturbance in areas where listed plants may be present?

    No

31. Does the project area intersect the Birdwing Pearlymussel species list area?

    Automatically answered
    No

32. Does the project area intersect the Dromedary Pearlymussel species list area?

    Automatically answered
    No

33. Does the project area intersect the Finerayed Pigtoe species list area?

    Automatically answered
    No

34. Does the project area intersect the Slabside Pearlymussel species list area?

    Automatically answered
    No

35. Does the project intersect the sandplain gerardia species list area?

    Automatically answered
    Yes

36. Do you have any other documents that you want to include with this submission?

    No

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?

   0

2. Approximately how many total acres of disturbance are within the disturbance/ construction limits of the proposed project?

   5000

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

   The program involves rehabilitation of existing distressed buildings within the five boroughs of New York City. Program implementation would occur at scattered sites over the next five to six years. As specific locations of future sites are unknown, the extent of the project site, for this consultation is all five boroughs of New York City. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

IPAC USER CONTACT INFORMATION

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State: NY
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Phone: 2127881653

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

6.3 - Bat No Effect Determination and Key

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Assistant Regional Director-Ecological Services
5600 American Blvd. West
Bloomington, MN 55437-1458
Phone: (612) 713-5350 Fax: (612) 713-5292

In Reply Refer To: 04/22/2026 18:01:40 UTC
Project code: 2026-0079660
Project Name: Alternative Enforcement Program

Federal Nexus: yes
Federal Action Agency (if applicable): Department of Housing and Urban Development

Subject: Record of project representative's no effect determination for 'Alternative Enforcement Program'

Dear Juliet Jacobs:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 22, 2026, for 'Alternative Enforcement Program' (here forward, Project). This project has been assigned Project Code 2026-0079660 and all future correspondence should clearly reference this number. **Please carefully review this letter.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in IPaC or the **Northern Long-eared Bat and Tricolored Bat Range-wide Determination Key (Dkey)**, invalidates this letter. ***Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.***

Determination for the Northern Long-Eared Bat and/or Tricolored Bat

Based upon your IPaC submission and a standing analysis, your project has reached the following effect determinations:

Species	Listing Status	Determination
Northern Long-eared Bat (*Myotis septentrionalis*)	Endangered	No effect

Tricolored Bat (*Perimyotis subflavus*)	Proposed Endangered	No effect

Federal agencies must consult with U.S. Fish and Wildlife Service under section 7(a)(2) of the Endangered Species Act (ESA) when an action *may affect* a listed species. Tricolored bat is proposed for listing as endangered under the ESA, but not yet listed. For actions that may affect a proposed species, agencies cannot consult, but they can *confer* under the authority of section 7(a)(4) of the ESA. Such conferences can follow the procedures for a consultation and be adopted as such if and when the proposed species is listed. Should the tricolored bat be listed, agencies must review projects that are not yet complete, or projects with ongoing effects within the tricolored bat range that previously received a NE or NLAA determination from the key to confirm that the determination is still accurate.

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17).

Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no consultation with the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical habitat, formal consultation is required except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13].

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination key for the northern long-eared bat and tricolored bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Piping Plover *Charadrius melodus* Threatened
- Roseate Tern *Sterna dougallii dougallii* Endangered
- Rufa Red Knot *Calidris canutus rufa* Threatened
- Sandplain Gerardia *Agalinis acuta* Endangered
- Seabeach Amaranth *Amaranthus pumilus* Threatened

Critical Habitats:

- Rufa Red Knot Calidris canutus rufa Threatened

You may coordinate with our Office to determine whether the Action may affect the animal species listed above and, if so, how they may be affected.

Next Steps

If there are no updates on listed species, no further consultation/coordination for this project is required with respect to the species covered by this key. However, the Service recommends that project proponents re-evaluate the Project in IPaC if: 1) the scope, timing, duration, or location of the Project changes (includes any project changes or amendments); 2) new information reveals the Project may impact (positively or negatively) federally listed species or designated critical habitat; or 3) a new species is listed, or critical habitat designated. If any of the above conditions occurs, additional coordination with the Service should take place to ensure compliance with the Act.

If you have any questions regarding this letter or need further assistance, please contact the Assistant Regional Director-Ecological Services and reference Project Code 2026-0079660 associated with this Project.

Action Description
You provided to IPaC the following name and description for the subject Action.

1. Name

Alternative Enforcement Program

2. Description

The following description was provided for the project 'Alternative Enforcement Program':

> The Alternative Enforcement Program (AEP) is intended to address the serious physical deterioration of the most distressed buildings in New York City. Through AEP, HPD can order the property owner to repair or replace building systems as well as to address violations. If the owner fails to comply, AEP can perform the work using CD funds. AEP staff is also supported by CD funds.
> Using criteria set forth in the City's Administrative Code, HPD annually designates 250 multiple dwellings that are high consumers of HPD's code enforcement services for participation in the program. HPD notifies owners that their buildings have been selected and the owners will have four months to perform specified repairs.
> If an owner fails to meet the requirements for discharge within the first four months, HPD will issue an Order to Correct identifying the building systems that need to be replaced in order to address the underlying conditions (to minimize recurrence of those conditions). Once an Order is issued, fees will be charged to the property for being in the program and as a result of specific inspections. Should an owner fail to comply with the Order, HPD may perform the work.
> The project scope is limited to rehabilitation of existing residential buildings within their existing footprint (i.e., no new construction, no building expansion) and in no case will work involve a change in land use. Work may entail, but is not limited to, pest management; replacing doors, windows, fire escapes, floor joists and flooring, staircases, and roofs; repointing a building's facade; rewiring the building and other electrical system upgrades; replacement and/or improvements to the gas meters, gas distribution systems, heating plants, hot water heaters, waste lines, and domestic water supply; and waterproofing the building envelope. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@40.6948905,-73.87633157019432,14z


RSEY
Spring Valley
White Plains
Long Island Sound
Paterson
Paramus
Yonkers
Englewood
Glen Cove
Passaic
Fort Lee
West New York
Newark
Hoboken
New York
Hempstead
Westfield
Elizabeth
Freeport
Rahway
Long Beach
Perth Amboy
Sayreville
Long Branch

DETERMINATION KEY RESULT

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 *et seq.*) is required for those species.

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed bats or any other listed species?

   Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

   No

2. Is the action area wholly within Zone 2 of the year-round active area for northern long-eared bat and/or tricolored bat?

   Automatically answered
   No

3. Does the action area intersect Zone 1 of the year-round active area for northern long-eared bat and/or tricolored bat?

   Automatically answered
   No

4. Does any component of the action involve leasing, construction or operation of wind turbines? Answer 'yes' if the activities considered are conducted with the intention of gathering survey information to inform the leasing, construction, or operation of wind turbines.

   No

5. Does the proposed action involve solar energy facilities?

   No

6. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

   Note for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer ‘yes’ to this question.

   Yes

7. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

   No

8. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

   Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

   Yes

9. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

   No

10. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

    No

11. [Semantic] Is the action area located within 0.5 miles of a known bat hibernaculum or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

    Automatically answered

    No

12. Does the action area contain any winter roosts or caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating bats?

    No

13. Will the action cause effects to a bridge?

    Note: Covered bridges should be considered as bridges in this question.

    No

14. Will the action result in effects to a culvert or tunnel at any time of year?

    No

15. Are trees present within 1000 feet of the action area? **Note:** If there are trees within the action area that are of a sufficient size to be potential roosts for bats answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    Yes

16. Does the action include the intentional exclusion of bats from a building or building-like structure? **Note:** Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats or tricolored bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local Ecological Services Field Office to help assess whether northern long-eared bats or tricolored bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

    No

17. Does the action involve removal, modification, or maintenance of a human-made building-like structure (barn, house, or other building) **known or suspected to contain roosting bats?**

    No

18. Will the action cause construction of one or more new roads open to the public?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

19. Will the action include or cause any construction or other activity that is reasonably certain to increase average night-time traffic permanently or temporarily on one or more existing roads? **Note:** For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.). .

    No

20. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

    For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

    No

21. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

    Note: For information regarding NSF/ANSI 60 please visit https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects

    No

22. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?

    No

23. Will the proposed action involve blasting or drilling?

    No

24. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use at night)?

    No

25. Will the proposed action involve the use of herbicides or pesticides (e.g., fungicides, insecticides, or rodenticides)?

    Yes

26. Will the action include or result in herbicide use that may affect suitable summer habitat for the northern long-eared bat or tricolored bat? **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

27. Will the action include or cause the application or drift of pesticides (e.g., fungicides, insecticides, or rodenticides) into forested areas that are suitable summer habitat for the northern long-eared bat or tricolored bat? Answer "Yes" if the application may result in transport (e.g., in water) or aerial drift of the pesticide into forested areas that are suitable summer habitat for the northern long-eared bat or tricolored bat. **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

28. Will the action include or cause activities that are reasonably certain to cause chronic or intense nighttime noise (above current levels of ambient noise in the area) in suitable summer habitat for the northern long-eared bat or tricolored bat during the active season? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time. Sources of chronic or intense noise that could cause adverse effects to bats may include, but are not limited to: road traffic; trains; aircraft; industrial activities; gas compressor stations; loud music; crowds; oil and gas extraction; construction; and mining. **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

29. Does the action include, or is it reasonably certain to cause, the use of permanent or temporary artificial lighting within 1000 feet of suitable forested northern long-eared bat or tricolored bat roosting habitat? **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines.

    No

30. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?

    No

31. Will the proposed action result in the use of prescribed fire?

    Note: If the prescribed fire action includes other activities than application of fire (e.g., tree cutting, fire line preparation) please consider impacts from those activities within the previous representative questions in the key. This set of questions only considers impacts from flame and smoke.

    No

32. Does the action area intersect the northern long-eared bat species list area?

    Automatically answered
    Yes

33. [Semantic] Is the action area located within 0.5 miles of radius of an entrance/opening to any known NLEB hibernacula or winter roost? Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

34. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

35. [Semantic] Is the action area located within 150 feet of a documented northern long-eared bat roost site?

    Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.Have you contacted the appropriate agency to determine if your action is within 150 feet of any documented northern long-eared bat roosts?

    Note: A document with links to Natural Heritage Inventory databases and other state-specific sources of information on the locations of northern long-eared bat roosts is available here. Location information for northern long-eared bat roosts is generally kept in state natural heritage inventory databases – the availability of this data varies by state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited.

    Automatically answered
    No

36. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities? If unsure, answer "Yes." **Note:** Additional information defining suitable summer habitat for the northern long-eared bat and tricolored bat can be found in the USFWS' Range-wide Indiana Bat and Northern long-eared bat Survey Guidelines

    Yes

37. Has a presence/probable absence summer bat survey targeting the northern long-eared bat following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area?

    No

38. Does the action area intersect the tricolored bat species list area?

    Automatically answered
    Yes

39. Is the action area located within 0.5-mile of radius of an entrance/opening to any known tricolored bat hibernacula or winter roost?

    Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your state wildlife agency.

    Automatically answered
    No

40. [Semantic] Is the action area located within 0.25 miles of a culvert that is known to be occupied by northern long-eared or tricolored bats? **Note:** The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

    Automatically answered
    No

41. Has a presence/probable absence bat survey targeting the tricolored bat and following the Service's Range-wide Indiana Bat and Northern Long-Eared Bat Survey Guidelines been conducted within the project area?

    No

42. Is suitable summer habitat for the tricolored bat present within 1000 feet of project activities? (If unsure, answer ""Yes."") **Note:** If there are trees within the action area that may provide potential roosts for tricolored bats (e.g., clusters of leaves in live and dead deciduous trees, Spanish moss (*Tillandsia usneoides*), clusters of dead pine needles of large live pines) answer ""Yes."" For a complete definition of suitable summer habitat for the tricolored bat, please see the Service's Range-wide Indiana Bat and Northern long-eared Bat Survey Guidelines.

    Yes

43. Do you have any documents that you want to include with this submission?

    No

PROJECT QUESTIONNAIRE

IPAC USER CONTACT INFORMATION

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LEAD AGENCY CONTACT INFORMATION

Lead Agency: Department of Housing and Urban Development

6.4 - Biological Analysis

ALTERNATIVE ENFORCEMENT PROGRAM

BIOLOGICAL ANALYSIS

Prepared using IPaC

Generated by Juliet Jacobs (jacobsjuliet@omb.nyc.gov)

June 12, 2026

The purpose of this document is to assess the effects of the proposed project and determine whether the project may affect any federally threatened, endangered, proposed, or candidate species. If appropriate for the project, this document may be used as a biological assessment (BA), as it is prepared in accordance with legal requirements set forth under Section 7 of the Endangered Species Act (16 U.S.C. 1536 (c)).

In this document, any data provided by U.S. Fish and Wildlife Service is based on data as of June 12, 2026.

Prepared using IPaC version 6.144.0-rc9

ALTERNATIVE ENFORCEMENT PROGRAM BIOLOGICAL ASSESSMENT

TABLE OF CONTENTS

1 Description of the action 4
1.1 Project name 4
1.2 Executive summary 4
1.3 Effect determination summary 5
1.4 Project description 6
1.4.1 Location 6
1.4.2 Description of project habitat 6
1.4.3 Project proponent information 7
1.4.4 Project purpose 7
1.4.5 Project type and deconstruction 7
1.4.6 Anticipated environmental stressors 9
1.5 Action area 10
1.6 Conservation measures 11
1.7 Prior consultation history 11
1.8 Other agency partners and interested parties 11
1.9 Other reports and helpful information 11
2 Species effects analysis 12
2.1 Monarch butterfly 12
Justification for exclusion 12
3 Critical habitat effects analysis 13
3.1 rufa red knot critical habitat 13
Justification for exclusion 13
4 Summary Discussion and Conclusion 14
4.1 Summary discussion 14
4.2 Conclusion 14

1 DESCRIPTION OF THE ACTION

1.1 PROJECT NAME

Alternative Enforcement Program

1.2 EXECUTIVE SUMMARY

Through analysis, a determination was made that the Alternative Enforcement Program would not involve any activities that have a potential to affect species or habitats not already assessed via iPaC determination keys, including the Monarch Butterfly, and proposed critical habitat for the Rufa Red Knot.

1.3 EFFECT DETERMINATION SUMMARY

SPECIES (COMMON NAME) OR CRITICAL HABITAT	SCIENTIFIC NAME	LISTING STATUS	PRESENT IN ACTION AREA	EFFECT DETERMINATION
Monarch butterfly	Danaus plexippus	Proposed Threatened	Excluded from analysis	Excluded from analysis
Northern Long-Eared Bat†. **This species or critical habitat is covered by a DKey.**	Myotis septentrionalis	Endangered		NE
Piping Plover†. **This species or critical habitat is covered by a DKey.**	Charadrius melodus	Threatened		
Roseate tern†. **This species or critical habitat is covered by a DKey.**	Sterna dougallii dougallii	Endangered		
Sandplain gerardia†. **This species or critical habitat is covered by a DKey.**	Agalinis acuta	Endangered		
Seabeach amaranth†. **This species or critical habitat is covered by a DKey.**	Amaranthus pumilus	Threatened		
Tricolored bat†. **This species or critical habitat is covered by a DKey.**	Perimyotis subflavus	Proposed Endangered		NE
rufa red knot†. **This species or critical habitat is covered by a DKey.**	Calidris canutus rufa	Threatened		
rufa red knot critical habitat	Calidris canutus rufa	Proposed	No	NE

† This species or critical habitat has been analyzed through a Determination Key.

1.4 PROJECT DESCRIPTION

1.4.1 LOCATION



LOCATION
New Jersey and New York

1.4.2 DESCRIPTION OF PROJECT HABITAT

No habitat is expected to be present, or disturbed, at any project sites. The project is limited to rehabilitation of existing residential buildings within their existing footprint. Further, project activities would occur exclusively within a highly developed urban environment. Ground disturbance would be limited to activities within previously disturbed soil. Activities involving significant ground disturbance or disruption of undisturbed soils are not eligible for the Program.

1.4.3 PROJECT PROPONENT INFORMATION

Provide information regarding who is proposing to conduct the project, and their contact information. Please provide details on whether there is a Federal nexus.

REQUESTING AGENCY

FULL NAME
Juliet Jacobs

STREET ADDRESS
255 Greenwich St

8th Floor

CITY
New York

STATE
NY

ZIP
10007

PHONE NUMBER
2127881653

E-MAIL ADDRESS
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LEAD AGENCY

Department of Housing and Urban Development

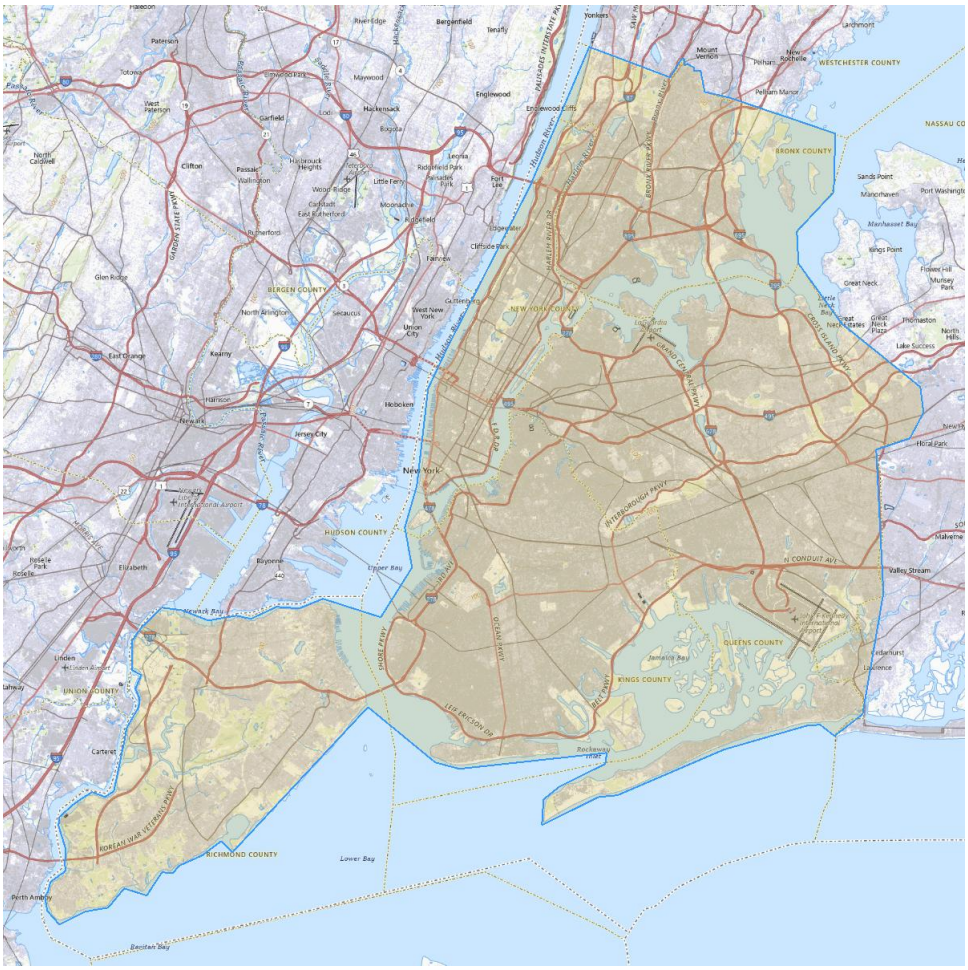
1.4.4 PROJECT PURPOSE

The Alternative Enforcement Program (AEP) is intended to address the serious physical deterioration of the most distressed buildings in New York City. Through AEP, HPD can order the property owner to repair or replace building systems as well as to address violations.

1.4.5 PROJECT TYPE AND DECONSTRUCTION

This project is a rehabilitation of residential structures project.

1.4.5.1 PROJECT MAP



LEGEND

Project footprint

Layer 1: Rehabilitation of existing residential structures

1.4.5.2 REHABILITATION OF EXISTING RESIDENTIAL STRUCTURES

ACTIVITY START DATE
June 12, 2026

ACTIVITY END DATE
December 31, 2030

STRESSORS
This activity is not expected to have any impact on the environment.

DESCRIPTION
Project activities are limited to rehabilitation of existing structures which would occur inside the building or to the building's envelope. Eligible activities include replacing doors, windows, fire escapes, floor joists and flooring, staircases, and roofs; repointing a building's facade; rewiring the building and other electrical system upgrades; replacement and/or improvements to the gas meters, gas distribution systems, heating plants, hot water heaters, waste lines, and domestic water supply; interior pest management; and waterproofing the building envelope.

Scope activities would not involve new construction, building expansion; a change in land use, or significant ground disturbance. Project activities would occur at a maximum of 250 sites annually in a highly developed urban environment. The scope of Program work, when compared to the baseline of the surrounding environment, is not expected to result in any change or stress to the surrounding air, land, or water.

1.4.6 ANTICIPATED ENVIRONMENTAL STRESSORS

Describe the anticipated effects of your proposed project on the aspects of the land, air and water that will occur due to the activities above. These should be based on the activity deconstructions done in the previous section and will be used to inform the action area.

1.5 ACTION AREA



LEGEND

Project footprint

Stressor location

1.6 CONSERVATION MEASURES

Describe any proposed measures being implemented as part of the project that are designed to reduce the impacts to the environment and their resulting effects to listed species. To avoid extra verbiage, don't list measures that have no relevance to the species being analyzed.

No conservation measures have been selected for this project.

1.7 PRIOR CONSULTATION HISTORY

Provide information on any previous consultation(s) on this project with USFWS, including dates and outcomes. Information from prior consultations may be helpful to the biologist reviewing the project. If you wish to upload/attach consultation documents, please do so under Section '1.8 Other Reports and helpful Information'.

1.8 OTHER AGENCY PARTNERS AND INTERESTED PARTIES

Identify any other agencies (Federal, State, Local, Tribal) involved in the project, and include each agency's role, the appropriate contact, and their contact information. Also, as applicable and available, provide information regarding any known interested parties.

1.9 OTHER REPORTS AND HELPFUL INFORMATION

Communicate any other helpful information that you have not previously provided. You can also upload additional files that may be helpful (e.g., reports) and they will become an Appendix to this document.

2 SPECIES EFFECTS ANALYSIS

This section describes, species by species, the effects of the proposed action on listed, proposed, and candidate species, and the habitat on which they depend. In this document, effects are broken down as direct interactions (something happening directly to the species) or indirect interactions (something happening to the environment on which a species depends that could then result in effects to the species).

These interactions encompass effects that occur both during project construction and those which could be ongoing after the project is finished. All effects, however, should be considered, including effects from direct and indirect interactions and cumulative effects.

2.1 MONARCH BUTTERFLY

This species has been excluded from analysis in this environmental review document.

JUSTIFICATION FOR EXCLUSION

The USFWS analysis of the Monarch Butterfly states that saving this species requires: 1) achieve a significant increase in the availability of milkweed and nectar plants in monarch breeding and migratory areas; 2) protect and enhance overwintering habitat; 3) avoid and minimize impacts to monarchs and their habitat from insecticides and herbicides; and 4) maintain public support for the conservation of monarch butterflies. The proposed project would not impact the availability of milkweed or nectar plants. Significant disturbance of vegetation is outside the scope of this project.

Overwintering habitat, as defined by USFWS, for the Eastern Monarch Butterfly is in oyamel fir tree roosts located in mountainous regions of central Mexico, at an elevation of about 8,000 to nearly 12,000 feet, and would not be impacted by the proposed project.

Use of herbicides or insecticides would be limited be limited to interior use, and would not be expected to impact butterfly populations.

The project would do nothing to impede public support for the conservation of monarch butterflies.

Therefore, it is reasonable to conclude that the federal funding of the proposed project is not likely to jeopardize the continued existence of the Monarch Butterfly.

3 CRITICAL HABITAT EFFECTS ANALYSIS

3.1 RUFA RED KNOT CRITICAL HABITAT

This critical habitat has been excluded from analysis in this environmental review document.

JUSTIFICATION FOR EXCLUSION

Proposed project activities would occur over a five-year period at eligible sites, which are yet to be determined, anywhere in the five boroughs of New York City. As such, the project area encompasses the entirety of all five boroughs. However, proposed critical habitat for Rufa Red Knots is limited to undeveloped land within Jamaica Bay and the Gateway National Recreation Area. Project activities would be limited to rehabilitation of previously developed structures, none of which are present within the proposed critical habitat.

4 SUMMARY DISCUSSION AND CONCLUSION

4.1 SUMMARY DISCUSSION

The proposed project is expected to have No Effect to any species or critical habitat in the project area. The project area encompasses the five boroughs of New York City, as the specific project sites over the next five-year period are unknown. However, project activities are limited to rehabilitation of existing structures in an urban environment. Disturbance of vegetation or any other habitat is outside of the scope of this project.

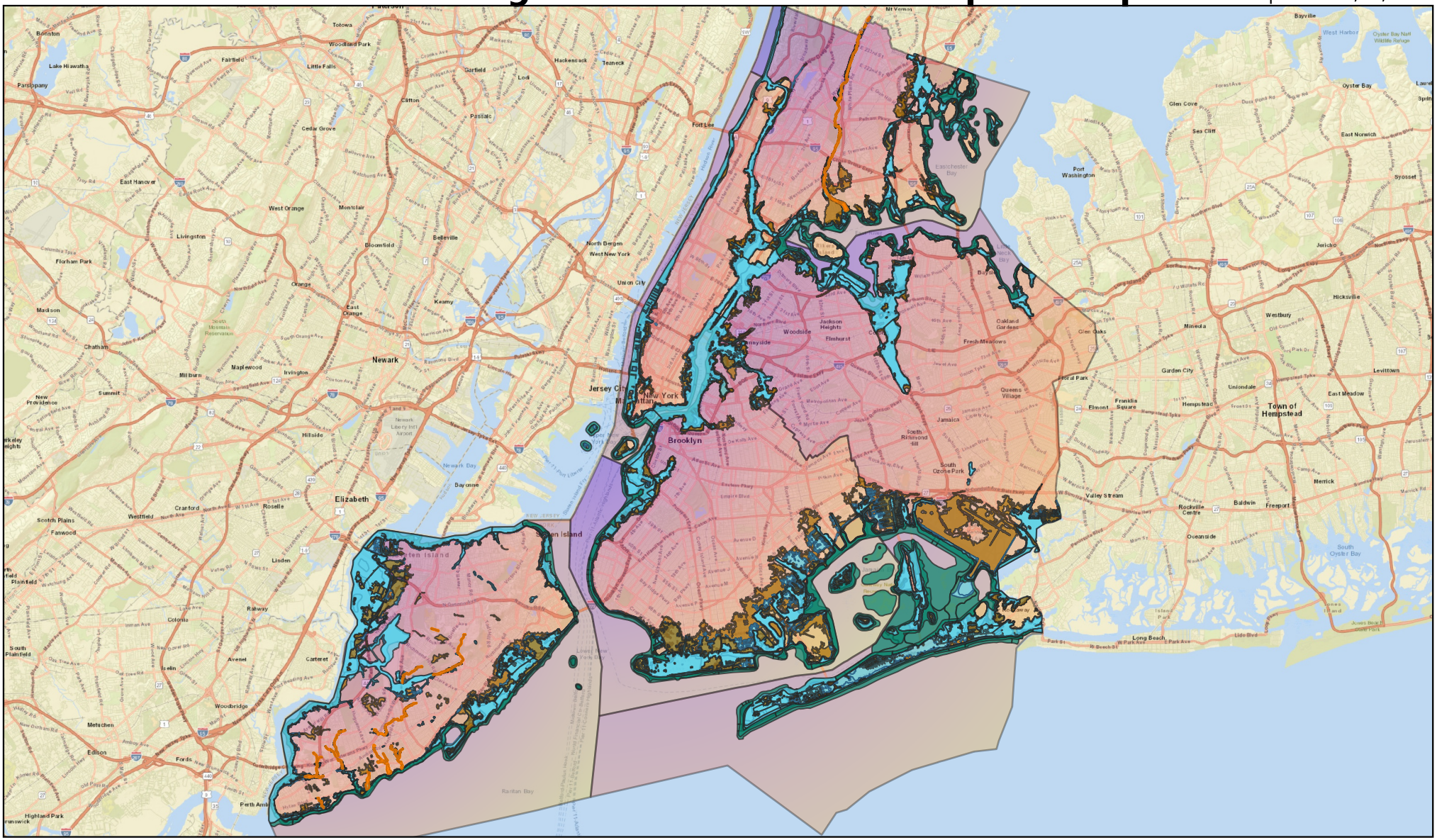
4.2 CONCLUSION

In conclusion, the project does not involve any activities that have a potential to affect species or habitats not already analyzed via iPaC determination keys, including the Monarch Butterfly, and the proposed critical habitat for the Rufa Red Knot.

7 - FFRMS Floodplain Map

Alternative Enforcement Program 2026 - FFRMS Floodplain Map

Date Exported: 06/08/2026



Legend

- Project Area

FFRMS Floodplain

- Floodway
- 100-Year (A, AE, AO)
- 100-Year Coastal High Hazard Area (VE)
- 500-Year (0.2 pct annual chance)

0 5 10 mi

N

Sources: Flood Hazard data obtained from the Federal Emergency Management Agency (hazards.fema.gov/arcgis/rest/services/public/NFHL/MapServer and hazards.fema.gov/arcgis/rest/services/PrelimPending/Prelim_NFHL/MapServer)

8.1 - Memorandum Of Agreement

Advisory
Council On
Historic
Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

JAN 10 1986

Mr. John J. Leonard
Environmental Review Coordinator
Office of the Mayor
Office of Management and Budget
Municipal Building
New York, NY 10007

REF: Community Development Block Grant Program, Urban Development Action Grant Program, Rental Rehabilitation Program, and Housing Development Grant Program
New York, New York

Dear Mr. Leonard:

The enclosed Memorandum of Agreement for the referenced programs has been ratified by the Chairman of the Council. This document constitutes the comments of the Council required by Section 106 of the National Historic Preservation Act and the Council's regulations. A copy of the ratified Agreement has also been sent to the New York State Historic Preservation Officer.

Thank you for your cooperation.

Sincerely,

Don L. Klima
Chief, Eastern Division
of Project Review

Enclosure

Advisory
Council On
Historic
Preservation

The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004



MEMORANDUM OF AGREEMENT

WHEREAS, the City of New York, New York (City), has determined that the proposed implementation of its Community Development Block Grant Program, Urban Development Action Grant Program, Rental Rehabilitation Program, and Housing Development Grant Program (Programs), with funds from the Department of Housing and Urban Development (HUD), will have an effect on properties included in or eligible for inclusion in the National Register of Historic Places and has requested the comments of the Advisory Council on Historic Preservation (Council) pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800),

WHEREAS, the City's Unsafe Building Demolition and Seal-Up Program is covered under a separate Memorandum, and

WHEREAS, this Memorandum of Agreement will supercede previous Memoranda ratified February 9, 1981, and July 28, 1981,

NOW, THEREFORE, the City, the New York State Historic Preservation Officer (SHPO), and the Council agree that the Programs shall be implemented in accordance with the following stipulations in order to take into account the effect of the programs on historic properties.

Stipulations

The City will ensure that the following measures are carried out.

1. Long Range Identification.

A comprehensive survey of the City will be continued to identify districts, sites, buildings, structures, and objects (hereafter "properties") that may meet the Criteria for listing in the National Register of Historic Places (36 CFR Section 60.6). The survey will be conducted in accordance with the "Guidelines for the Location and Identification of Historic Properties Containing Scientific, Prehistoric, Historical, or Archeological Data" (36 CFR Part 66, Appendix B). The New York City Landmarks Preservation Commission (LPC) will keep a comprehensive record of all properties surveyed.

(a) Upon completion of the survey, LPC, on behalf of the City and in consultation with the New York SHPO, will apply the National Register Criteria to the properties identified in the survey.

(b) If there is any question concerning the eligibility of a property, the City sponsoring agency will submit the matter to the Secretary of the Interior for a determination of eligibility for inclusion in the National Register, in accordance with 36 CFR 63.2

(c) Properties which have been determined to meet the National Register criteria and which are designated New York City Landmarks will be nominated by LPC, on behalf of the City, to the National Register through the process provided for in the State of New York.

2. Interim Identification.

Until the survey is completed, properties that may be affected by the Programs will be evaluated by LPC, on behalf of the City, against the National Register criteria. This process of evaluation is detailed in the attached "New York City Process."

(a) Properties that appear to meet the Criteria will be considered and treated as eligible for the National Register of Historic Places.

(b) If there is any question as to whether a property may meet the Criteria, the City sponsoring agency will request a determination of eligibility from the Secretary of the Interior in accordance with 36 CFR Section 63.2.

3. Review and Treatment.

Properties that are determined eligible for the National Register, nominated to the National Register, or listed in the National Register, will be treated in the following manner:

(a) Prior to initiating work on a project, the City sponsoring agency will submit documentation on the project to the New York SHPO for review and comment, following the process detailed in the attached "New York City Process."

(b) Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (Standards). The City will require that contracts for rehabilitation work adhere to the Standards.

(c) If the Standards cannot be met, or the proposed treatment of the property is not rehabilitation, or demolition is contemplated, or if the contemplated action could have an indirect effect on such properties, prior to taking any action, the City sponsoring agency will consult with the New York SHPO and obtain the Council's comments pursuant to 36 CFR Section 800.6(a), (b) and Section 801.4(b), (c).

(d) Funding of commercial moving costs and purchase of machinery and equipment will be exempt from the above-mentioned review process.

4. Ground-disturbing activity

(a) Prior to any ground-disturbing activity, LPC, on behalf of the City, will determine the archeological sensitivity of project areas. For those areas determined archeologically sensitive, the city sponsoring agency will submit documentation to the New York SHPO. This review process is detailed in the attached "New York City Process."

(b) If, after reviewing the documentation, the New York SHPO, in consultation with LPC, determines that the potential for significant archeological resources exists, then an archeological survey (field testing) of the affected area will be undertaken by the City sponsoring agency in consultation with the New York SHPO.

(c) The New York SHPO will evaluate the results of the survey and determine if there are archeological resources eligible for the National Register. If eligible resources exist, they will be avoided or preserved in place whenever feasible. When this is not feasible, the New York SHPO will be consulted, and a treatment consistent with the Council's handbook, "Treatment of Archeological Properties," and approved by the New York SHPO will be developed and implemented.

5. Personnel Training

All City agencies receiving funding through the Programs will send a representative to an annual training session with the New York SHPO staff architect on the application of the Standards.

6. Renewal.

This Memorandum of Agreement will continue in force in perpetuity. At two year intervals, the City and the New York SHPO will review and evaluate the Memorandum for possible modifications, termination, or extension. At the request of any of the parties, this Agreement may be reviewed for possible modification or termination at any time.

Execution of this Memorandum of Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the Programs and that the City has taken into account the effects of the Programs on historic properties.

John M Fowler (date) 7/9/85

DEPUTY Executive Director
Advisory Council on Historic Preservation

(date) 10/4/85

City of New York, New York

(date) 12/11/85

New York State Historic Preservation
Officer

(date) 3 Jan '86

Chairman
Advisory Council on Historic Preservation

NEW YORK CITY PROCESS

The following process applies to activities funded through the Community Development Block Grant Program, the Urban Development Action Grant Program, the Rental Rehabilitation Program, and the Housing Development Grant Program (Programs).

1. All City agencies requesting funding through the Programs will send the Environmental Review Unit of Budget (OMB) three copies of the environmental reviews. OMB will send the New York City Landmarks Preservation Commission (LPC) one copy of the environmental review. The City sponsoring agency, ~~when required by LPC~~, will send photographs and maps itemizing properties under consideration.

2. LPC will analyze each review and will send OMB a response, within two weeks of receipt of the reviews, indicating those projects which may affect properties that are listed in the National Register of Historic Places or, in LPC's opinion, appear to meet the criteria for listing in the National Register, or which are proposed for areas that appear to be archeologically sensitive.

LPC shall consider the following criteria when conducting its analysis:

(a) individual exterior significance of any property to be affected by the Programs;

(b) context of any property to be affected by the Programs (designated or potential historic district?)

(c) proximity of any property to be affected by the Programs to a designated or potential historic district.

In addition, for any project involving ground disturbance, LPC will evaluate the project area against the New York SHPO's "Archeological Site Sensitivity Model" and other documentation maintained by LPC to determine the area's likelihood of yielding significant archeological remains.

3. For all projects involving properties listed in the National Register of Historic Places, or that appear to meet the criteria for listing in the National Register, or that appear to be archeologically sensitive as determined by LPC, OMB will then notify the sponsoring agency to submit the Project Review Checklist, including maps and necessary photographs, to the New York State Historic Preservation Officer (SHPO) for review. For areas that appear to be archeologically sensitive, the sponsoring agency will submit an historical background report (Stage 1A archeological report) desribing the developmental history of the area from prehistoric to present times; this report will also contain information concerning prior ground disturbance. The sponsoring agency will supply OMB with a copy of the Project Review Checklist and/or the archeological historical background report submitted to the New York SHPO.

4. Upon receipt of the Project Review Checklist, the New York SHPO will review the information supplied and comment in 30 days. If the sponsoring agency submission is inadequate to complete review, the New York SHPO will notify the City sponsoring agency and OMB within 15 working days. When the New York SHPO receives adequate information, the 30-day comment period will begin.

8.2 - Tribal Consultation Under Section 106 Checklist

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)**
  Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

- ☐ **new construction in undeveloped natural areas**
  Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

- ☐ **incongruent visual changes**
  Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

- ☐ **incongruent audible changes**
  Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

- ☐ **incongruent atmospheric changes**
  Examples: introduction of lights that create skyglow in an area with a dark night sky

- ☐ **work on a building with significant tribal association**
  Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

- ☐ **transfer, lease or sale of a historic property of religious and cultural significance**
  Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

- X **None of the above apply**

Alternative Enforcement Program	Juliet Jacobs	06/09/2026
Project	**Reviewed By**	**Date**

9 - Wild & Scenic Rivers Statement

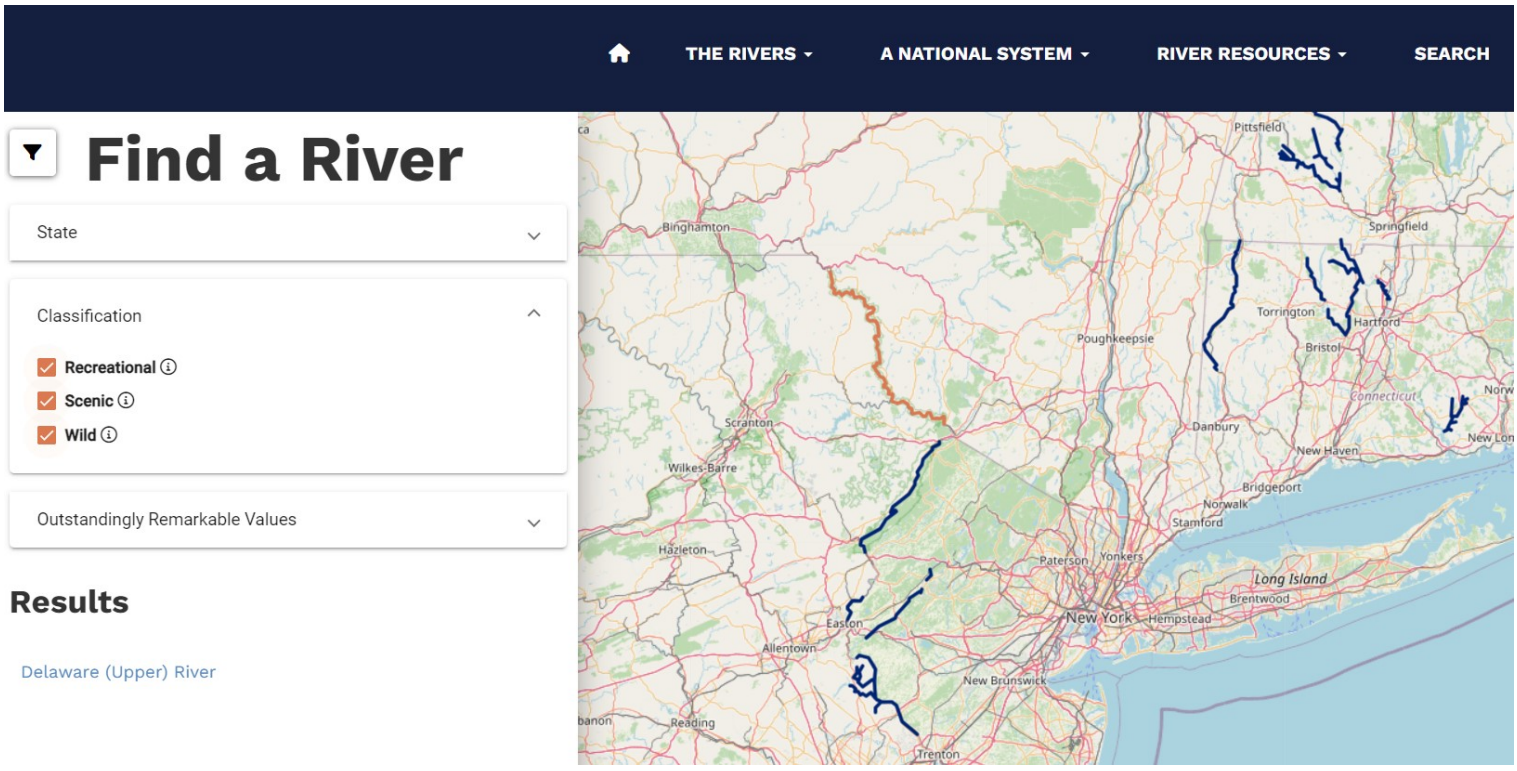
The City of New York
Office of Management and Budget
255 Greenwich Street • New York, New York 10007-2146

NYC Office of Management and Budget
Environmental Review Statement on Wild and Scenic Rivers - 2026

There are no Recreational, Wild, or Scenic Rivers (either designated Rivers or Study Rivers) within or adjacent to the boundaries of the City of New York.

The nearest designated Wild and Scenic River to the New York City Metro Area is the Delaware (Upper) River, which is approximately 60 miles away at its closest point. Its entire length is found outside of the NYC area.

The Proposed Project is located in a densely developed urban area of New York City, within the State of New York, and would not cause disturbance to or impact Wild and Scenic Rivers. Therefore, the proposed project would not violate the Wild and Scenic Rivers Act. No further assessment is required.



Study Rivers

There are two study provisions in the Act — Section 5(a), through which Congress directs the study of select rivers, and Section 5(d)(1), which directs federal agencies to identify potential additions to the National Wild and Scenic Rivers System (National System) through federal agency plans. A brief explanation is provided in the following respective sections below.

Current Active Studies

Currently, there are two rivers or river systems under "authorized" study under Section 5(a) of the Wild & Scenic Rivers Act. This does not include those that might be under assessment as part of normal agency land-planning processes.

- Kissimmee River, Florida (Public Law 117-328, December 29, 2022) – Study not yet initiated by the National Park Service.
- Little Manatee River, Florida (Public Law 117-328, December 29, 2022) – Study not yet initiated by the National Park Service.

Section 2(a)(ii) Studies

Under Section 2(a)(ii) of the Act, a governor (or governors for a river in multiple states) of a state can request that a river be designated, provided certain conditions are met (refer to the **Council White Paper on Section 2(a)(ii)** for specifics). The National Park Service then conducts a study to determine of certain conditions are met. Here are some of the studies conducted under Section 2(a)(ii). Again, if you don't see a study listed, we do not have a copy.

Section 2(a)(ii) Studies

- **Allagash River Study Report**, Maine
- **American River Eligibility Report**, California
- **American River Environmental Impact Statement**, California
- **Big & Little Darby Creeks Study Report & Environmental Assessment**, Ohio
- **Eel River Eligibility Report**, California
- **Eel River Environmental Impact Statement**, California
- **Klamath River Eligibility Report**, California
- **Klamath River Environmental Impact Statement**, California
- **Klamath River Study Report**, Oregon
- **Lumber River Study Report**, North Carolina
- **New River (South Fork) Study Report & Environmental Impact Statement**, North Carolina
- **Smith River Eligibility Report**, California
- **Smith River Environmental Impact Statement**, California
- **Trinity River Eligibility Report**, California
- **Trinity River Environmental Impact Statement**, California
- **Wallowa River Study Report**, Oregon
- **Westfield River Study Report & Environmental Assessment (Initial Study 1993)**, Massachusetts
- **Westfield River Draft Study Report (Expansion 2002)**, Massachusetts