

NYSDEC
Proposed Modification to Water Supply Permit #11,352
DEC ID# 0-9999-00051/00001
September 28, 2015

Condition 7b shall be modified as follows:

b. Parcels of land participating in a federal [or] state, or City flood buy-out program need neither be vacant, as defined in Special Condition 8, nor meet the size and natural features criteria, as set forth in Special Condition 9 nor are such parcels subject to the acquisition exclusions (hamlet or village designations) in Special Condition 10. Fair Market Value for parcels of land participating in a federal [or] state, or City flood buy-out program may be determined in accordance with either the process established by the Federal Emergency Management Agency, or as set forth in Special Condition 13. Any parcels of land acquired under a federal [or] state, or City flood buy-out program which will be held in fee by a local government rather than the City which are protected from development in perpetuity by deed in accordance with the provisions of 42 U.S.C. § 5170c or equivalent protections enforceable by the department and the city, are not subject to Special Condition 21(a). The City flood buy-out program referred to in this condition is defined and governed by the process, procedures and criteria defined in the document entitled "City-Funded Flood Buyout Program Property Evaluation and Selection Process", dated [August 18, 2015] (Process). In the event the City proposes a material modification to the Process such proposed modification shall be publicly noticed by NYSDEC for public comment and shall be subject to NYSDEC approval as a permit modification under 6NYCRR Part 621 Uniform Procedures prior to City implementation of such proposed modification. The city flood buy-out program shall provide for the opportunity prior to acquisition for the municipality to review and approve, conditionally approve or reject the proposed parcels within its boundaries.