

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
FEMA Region II  
26 Federal Plaza.  
Suite 1307  
New York, New York 10278



**FEMA**

March 22, 2019

Deputy Commissioner Anne Bink  
Alternate Governor's Authorized Representative  
New York State Division of Homeland Security and Emergency Services  
1220 Washington Avenue  
Building 7A, 4<sup>th</sup> Floor  
Albany, New York 12242

Re: FEMA-4085-DR-NY / HMGP Project # 4085-0010 / S # 301  
Suffolk County Department of Economic Development and Planning (Suffolk County) /  
FIPS Code: 103-99103-00 (Subrecipient)  
Tidal Wetland Restoration at Smith Point County Park  
Phase II Approval

Dear Ms. Bink:

This letter advises that the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) has reviewed and approved Phase II of Suffolk County's (Subrecipient) Hazard Mitigation Grant Program (HMGP) Application for Project # 4085-0010 (Project<sup>1</sup>). This Project seeks to restore approximately 77 acres of tidal salt marsh that protect both private homes and public infrastructure from waves and storm surge. Project funding details, existing conditions, proposed scope of work, location, grant management requirements and conditions of approval are indicated below.

The Total Estimated Project Costs are not to exceed \$564,000 for both Phase I & Phase II of the Project. FEMA previously awarded \$160,273 in Federal share for the anticipated Phase I Project costs. FEMA is now authorizing Phase II funding in an amount not to exceed \$403,727 with 100% Federal share. The Total Project cost is \$564,000 with 100% Federal Share of \$564,000.

The necessary costs of requesting, obtaining, and administrating Federal disaster sub-grants will be covered in accordance with Title 44 of the Code of Federal Regulations (44 C.F.R.), Part 207. The New York State Division of Homeland Security and Emergency Services (NYS DHSES or Recipient) has primary responsibility for management of the Project and accountability of funds, as set forth in 44 C.F.R., Part 206, Subpart N, and Part 13. Specific requirements and conditions are provided below under Section III of this letter.

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<sup>1</sup> See Phase I Approval Letter dated July 18, 2014.

## I. Project Details

The Project will restore approximately 77 acres of tidal salt marsh using the integrated marsh management approach. Restoration will include conversion of tidal ditches that proceed in an east-west direction into tidal channels; strategic filling of ditches by coir logs and tidal channel berm sediments; creation of runnels targeting areas where water logging has occurred; and the creation of micro-ponds connected to tidal channels in areas of high mosquito larval production. Some of the ditches will be filled by a combination of coir logs and sediments from the same tidal ditch berm where coir logs are being deployed.

The Project consists of four main components: (1) remove material from the existing man-made berms, (2) use of berm material to fill historical grid ditches, (3) create narrow channels to convey water and (4) establish micropools in the marsh. The Project is expected to improve the tidal regime; conditions for proper marsh accretion and resilience to sea level rise; and marsh services such as wave energy attenuation and buffering against storm and flood surges.

## II. Project Funding and Grant Management Requirements

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

<b>Award Increment</b>	<b>Budget Cost Classification</b>	<b>Federal Share Awarded</b>	<b>Local Matching Share</b>	<b>Total Funding</b>
<b>Phase I</b>	Engineering, Permitting, and Design	\$24,000	\$0	\$24,000
	Environmental Projects Coordinator	\$4,621	\$0	\$4,621
	Biologist	\$8,774	\$0	\$8,774
	Environmental Analyst	\$10,182	\$0	\$10,182
	Lab Director	\$14,451	\$0	\$14,451
	Chief Planner	\$1,062	\$0	\$1,062
	Senior Planner	\$2,270	\$0	\$2,270
	Chief Enviro. Analyst	\$1,212	\$0	\$1,212
	Consultant	\$17,750	\$0	\$17,750
	<b>Phase I Subtotals</b>		<b>\$84,322*</b>	<b>\$0</b>

<b>Phase II</b>	Restoration Oversight, Eng. Support, and Field Sample Analysis	\$45,051	\$0	\$45,051
	Auto Equipment Operators	\$30,408	\$0	\$30,408
	Vector Control Labor Crew Leaders	\$18,780	\$0	\$18,780
	Restoration Equipment Operator	\$32,292	\$0	\$32,292
	Maintenance of Restoration Machines and Rental of Excavator Equipment	\$125,000	\$0	\$125,000
	Culvert Pipe	\$3,000	\$0	\$3,000
	Monitoring – Data Collection and Analysis	\$20,318	\$0	\$20,318
	Coir Logs for Tidal Ditch Restoration	\$140,000	\$0	\$140,000
	Environmental Technician/Planner	\$10,228	\$0	\$10,228
	Chief Environmental Analyst 1	\$7,045	\$0	\$7,045
	Chief Environmental Analyst 2	\$11,272	\$0	\$11,272
	Senior Environmental Analyst	\$16,576	\$0	\$16,576
	Lab Director	\$19,708	\$0	\$19,708
	<b>Phase II Subtotals</b>	<b>\$479,678</b>	<b>\$0</b>	<b>\$479,678</b>
<b>Total Estimated Project Cost</b>		<b>\$564,000</b>	<b>\$0</b>	<b>\$564,000</b>

\*\$160,273 in federal share was previously awarded for Phase I. The budget is being modified to designate only \$84,322 of the previously obligated amount as the Phase I federal share. The remaining \$75,951 that was obligated for Phase I is being reallocated to Phase II. Therefore, the remainder of the Phase II federal share, an amount of \$403,727 is being awarded with this Phase II approval.

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

### **III. Phase II Conditions of Approval**

**Approval is contingent upon fulfillment of all of the following:**

#### **1. Project Completion Deadline**

Based upon the information provided within the application, a Project completion deadline of March 22, 2022 has been established. The Project completion date includes sufficient time for NYS DHSES and Suffolk County to conclude administrative contract requirements and consider potential delays resulting from weather conditions, and other unforeseen circumstances.

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

#### **2. Reporting Requirements**

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

#### **3. Reimbursement of Allowable Costs**

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

#### **4. Project Closeout**

Upon completion of the Project, the Recipient must ensure that the sub-grant has been completed in compliance with the approved scope of work and with all required environmental conditions and all Hazard Mitigation Assistance Unified Guidance (HMA 2010), National Flood Insurance Program (NFIP), and HMGP Guidance.

#### **5. Other Regulatory Requirements**

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

#### **6. Floodplain Management Considerations**

The project must comply with all Federal, State, and local floodplain management regulations.

#### **7. Technical Feasibility and Cost-effectiveness**

The Phase I deliverables and responses to inquiries demonstrate that the project is technically feasible and cost-effective in accordance with the requirements of *HMA 2010 Unified Guidance, Part VIII, Additional Program Guidance: A.9 Phased Projects*. Upon becoming aware of any changes to the planned work, changes in budget or schedule, or other federally-funded planned work which may overlap in planned work, the Applicant will promptly notify FEMA in order for FEMA to determine whether additional review is required and ensure the project remains technically feasible and cost effective.

#### **8. Environmental Requirement**

##### **a. Archeology**

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

**b. Solid and Hazardous Waste**

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

**c. Permitting**

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

**d. Environmental Assessment**

FEMA completed an Environmental Assessment (EA) which analyzed the environmental impact of the proposed scope of work and alternative actions. After the review and public comment period, the proposed scope of work was found to have no significant impact on the quality of the human environment. For the EA summary and a listing of the required project conditions, please see the attached Findings of No Significant Impact (FONSI) document. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with National Environmental Policy Act (NEPA) and other laws and Executive Orders (EOs). The Subrecipient must also adhere to the conditions listed in the FONSI. The EA document itself is also available for reference on FEMA's website at <https://www.fema.gov/media-library/assets/documents/171070>.

**e. Record of Environmental Consideration**

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

**IV. Conclusion**

Once the project is completed, the Subrecipient shall perform all maintenance and annual inspections to ensure the structural stability of the project. Maintenance and inspections shall be documented and maintained by the Subrecipient. This documentation will be essential in determining the eligibility of federal funding for any potential future damage occurring at the site.

AGAR Anne Bink

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

Should additional information be required, please contact Katrina Hill, Sandy Grants FEMA Region II at 917-533-3383 or Ashley Hilton, Sandy Grants FEMA Region II at 202-538-3955.

Sincerely,

Michael F. Moriarty  
Federal Insurance & Mitigation Director  
FEMA Region II