

**Environmental Assessment  
Determinations and Compliance Findings  
for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** Demolition-of-101-Matthews-Ave

**HEROS Number:** 900000010186422

**Responsible Entity (RE):** UTICA, 1 Kennedy Plz Utica NY, 13502

**RE Preparer:** Brian Thomas

**State / Local Identifier:**

**Certifying Officer:** Robert M Palmieri

**Grant Recipient (if different than Responsible Entity):**

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 101 Mathews Ave, Utica, NY 13502

**Additional Location Information:**

N/A

**Direct Comments to:** bthomas@cityofutica.com

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

The City proposes to demolish the dilapidated building commonly referred to as 101 Matthews Avenue in the City of Utica. The property has been owned by the City for many years. Attempts to market the property and sell to an owner that would invest in its rehabilitation have proven unsuccessful. As of early 2021, the building is beginning to collapse and become a public health and safety issue. The City Department of Public Works crew will demolish the building and dispose of the demolition debris as contaminated as the condition of the building prohibits the abatement of any possible asbestos that may be contained in the building. The \$100,000 budget covers the cost of disposal along with any equipment rental charges by the City's DPW crew.

**Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:**

The property commonly referred to as 101 Mathews Avenue was taken through the City of Utica's tax foreclosure process in March 2015. In the six years that have passed since taking ownership of the property, the City's Urban Renewal Agency has actively marketed the property, trying to put the property back into private ownership. To date, there has been little to no interest in the property by the private sector. In early 2021, the roof of the building started to collapse. Based on the condition of the roof, the demolition of the building has now become a priority for the City. The building has been a slum and blighting influence on the surrounding neighborhood for years, however the deteriorating condition of the building's structural system has now created a detriment to the public health, safety and welfare, necessitating its demolition without further delay

**Existing Conditions and Trends [24 CFR 58.40(a)]:**

As noted above, the roof of 101 Mathews Avenue started to collapse in early 2021. While the building still appears to be structurally secure to the point that it is not expected to collapse imminently, the lack of a roof will allow rain and snow to compromise its structure. As such, the City is moving forward at this time to demolish the entire building. The State Historic Preservation Office (SHPO) has determined that there is nothing historic about the building, which is located in a densely developed, largely residential neighborhood. The demolition of the building will result in the creation of a fairly large open space which could be redeveloped as parking for the adjacent multi-family residential properties or the commercial/industrial properties across Erie Street from the property.

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

**Determination:**

✓	Finding of No Significant Impact [24 CFR 58.40(g)(1); 40 CFR 1508.13] The project will not result in a significant impact on the quality of human environment
	Finding of Significant Impact

**Approval Documents:**

[101 Mathews Ave Signed ERR.pdf](#)

**7015.15 certified by Certifying Officer  
on:**

**7015.16 certified by Authorizing Officer  
on:**

**Funding Information**

Grant / Project Identification Number	HUD Program	Program Name
B-20-MC-36-0110	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$100,000.00

**Estimated Total Project Cost [24 CFR 58.2 (a)  
(5)]:** \$100,000.00

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §50.4, §58.5, and §58.6	Are formal compliance steps or mitigation required?	Compliance determination (See Appendix A for source determinations)
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.6</b>		
<b>Airport Hazards</b> Clear Zones and Accident Potential Zones; 24 CFR Part 51 Subpart D	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.
<b>Coastal Barrier Resources Act</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

<p><b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements.</p>
<p><b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b></p>		
<p><b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.</p>
<p><b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) &amp; 58.5(i)(2)]</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.</p>
<p><b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.</p>
<p><b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance</p>

		with explosive and flammable hazard requirements.
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.
<b>Wild and Scenic Rivers Act</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.
<b>HUD HOUSING ENVIRONMENTAL STANDARDS</b>		
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

**Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27]**

**Impact Codes:** An impact code from the following list has been used to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement.

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Demolition of 101 Mathews Avenue will result in an open space within an existing neighborhood which could be developed in the future, left for off-street parking or remain open space for the foreseeable future.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Once demolished, the site will be backfilled with appropriate fill material and then graded and leveled so as to maintain current stormwater runoff.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	2	Nuisance during demolition will be minimal, save for the City's DPW demolition crew which will operate during normal working hours only.	
Energy Consumption/Energy Efficiency	2	There is no energy consumption at the site currently, as the building has been vacant for at least 6 years. There will be no energy consumption on the vacant site, once the building has been demolished.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	This project involves the demolition of a multi-family apartment building which will have no impact on employment or income patterns at any level.	
Demographic Character Changes / Displacement	2	This project involves the demolition of a multi-family apartment building which will have no impact on demographic character changes or displacement at any level.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Educational and Cultural Facilities (Access and Capacity)	2	This project involves the demolition of a multi-family apartment building which will have no impact on educational or cultural facilities at any level.	
Commercial Facilities (Access and Proximity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on commercial facilities at any level.	
Health Care / Social Services (Access and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on health care or social service facilities at any level.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on solid waste disposal and recycling facilities at any level. The landfill to which the demolition debris will be taken has sufficient capacity for this project.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on waste water and sanitary sewer facilities at any level.	
Water Supply (Feasibility and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on water supply facilities at any level.	
Public Safety - Police, Fire and Emergency Medical	1	This project involves the demolition of a long-vacant wood structure, which could have been a potential fire hazard. Its removal is a positive impact from the perspective of public safety.	
Parks, Open Space and Recreation (Access and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which	

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
		will have no impact on parks, recreation and open space facilities at any level.	
Transportation and Accessibility (Access and Capacity)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years, which will have no impact on transportation facilities at any level.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years and located in a densely developed urban setting, which will have no impact on unique natural or water features.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	This project involves the demolition of a multi-family apartment building that was vacant for at least 6 years and located in a densely developed urban setting, which will have no impact on vegetation or wildlife.	
Other Factors			

**Supporting documentation**

**Additional Studies Performed:**

**Field Inspection [Optional]:** Date and completed by:

**List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:**  
City of Utica Engineering Department

**List of Permits Obtained:**



None

**Public Outreach [24 CFR 58.43]:**

Published legal notice in official newspaper

**Cumulative Impact Analysis [24 CFR 58.32]:**

Cumulatively, there is no real impact anticipated as a result of carrying out this project. Any impact is slightly beneficial to the surrounding neighborhood as it involves the demolition of a building that has had a slum and blighting influence on the neighborhood for many years.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]**

Given that the roof has started to collapse, there really are no alternatives to demolition of the building at 101 Mathews Avenue. Extensive efforts to market and sell the property have proven to be of no use and the cost to rehabilitate far exceeds the resulting value of the property.

**No Action Alternative [24 CFR 58.40(e)]**

No action means that the collapsing roof will allow rain and snow to compromise the interior spaces of the building in the coming months/years, further degrading the structural integrity of the building. As a result, the building will eventually collapse and threaten public health, safety and welfare.

**Summary of Findings and Conclusions:**

There are no potential adverse impacts, only slightly beneficial impacts. Given the impending threat to public health, safety and welfare anticipated to result from a delay in the project or doing nothing in the alternative, it is necessary to move this project forward.

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

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

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure or Condition</b>	<b>Comments on Completed Measures</b>	<b>Complete</b>
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**Mitigation Plan**

**Supporting documentation on completed measures**

## APPENDIX A: Related Federal Laws and Authorities

### Airport Hazards

General policy	Legislation	Regulation
It is HUD's policy to apply standards to prevent incompatible development around civil airports and military airfields.		24 CFR Part 51 Subpart D

1. To ensure compatible land use development, you must determine your site's proximity to civil and military airports. Is your project within 15,000 feet of a military airport or 2,500 feet of a civilian airport?

No

Based on the response, the review is in compliance with this section. Document and upload the map showing that the site is not within the applicable distances to a military or civilian airport below

Yes

### Screen Summary

#### Compliance Determination

The project site is not within 15,000 feet of a military airport or 2,500 feet of a civilian airport. The project is in compliance with Airport Hazards requirements.

#### Supporting documentation

[Distance from Utica to Griffiss map.pdf](#)

Are formal compliance steps or mitigation required?

Yes

No

### Coastal Barrier Resources

General requirements	Legislation	Regulation
HUD financial assistance may not be used for most activities in units of the Coastal Barrier Resources System (CBRS). See 16 USC 3504 for limitations on federal expenditures affecting the CBRS.	Coastal Barrier Resources Act (CBRA) of 1982, as amended by the Coastal Barrier Improvement Act of 1990 (16 USC 3501)	

**1. Is the project located in a CBRS Unit?**

No

Document and upload map and documentation below.

Yes

#### Compliance Determination

This project is not located in a CBRS Unit. Therefore, this project has no potential to impact a CBRS Unit and is in compliance with the Coastal Barrier Resources Act.

#### Supporting documentation

[Coastal Barrier Resources Map - NYS.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Flood Insurance

General requirements	Legislation	Regulation
Certain types of federal financial assistance may not be used in floodplains unless the community participates in National Flood Insurance Program and flood insurance is both obtained and maintained.	Flood Disaster Protection Act of 1973 as amended (42 USC 4001-4128)	24 CFR 50.4(b)(1) and 24 CFR 58.6(a) and (b); 24 CFR 55.1(b).

**1. Does this project involve financial assistance for construction, rehabilitation, or acquisition of a mobile home, building, or insurable personal property?**

- ✓ No. This project does not require flood insurance or is excepted from flood insurance.

Based on the response, the review is in compliance with this section.

Yes

### **Screen Summary**

#### **Compliance Determination**

Based on the project description the project includes no activities that would require further evaluation under this section. The project does not require flood insurance or is excepted from flood insurance. While flood insurance may not be mandatory in this instance, HUD recommends that all insurable structures maintain flood insurance under the National Flood Insurance Program (NFIP). The project is in compliance with Flood Insurance requirements.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

- ✓ No

## Air Quality

General requirements	Legislation	Regulation
The Clean Air Act is administered by the U.S. Environmental Protection Agency (EPA), which sets national standards on ambient pollutants. In addition, the Clean Air Act is administered by States, which must develop State Implementation Plans (SIPs) to regulate their state air quality. Projects funded by HUD must demonstrate that they conform to the appropriate SIP.	Clean Air Act (42 USC 7401 et seq.) as amended particularly Section 176(c) and (d) (42 USC 7506(c) and (d))	40 CFR Parts 6, 51 and 93

**1. Does your project include new construction or conversion of land use facilitating the development of public, commercial, or industrial facilities OR five or more dwelling units?**

Yes

No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under the Clean Air Act. The project is in compliance with the Clean Air Act.

#### **Supporting documentation**

#### **Are formal compliance steps or mitigation required?**

Yes

No

### Coastal Zone Management Act

General requirements	Legislation	Regulation
Federal assistance to applicant agencies for activities affecting any coastal use or resource is granted only when such activities are consistent with federally approved State Coastal Zone Management Act Plans.	Coastal Zone Management Act (16 USC 1451-1464), particularly section 307(c) and (d) (16 USC 1456(c) and (d))	15 CFR Part 930

**1. Is the project located in, or does it affect, a Coastal Zone as defined in your state Coastal Management Plan?**

Yes

No

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

#### Screen Summary

##### **Compliance Determination**

This project is not located in or does not affect a Coastal Zone as defined in the state Coastal Management Plan. The project is in compliance with the Coastal Zone Management Act.

##### **Supporting documentation**

[NOAA Coastal Zone Map - NYS.pdf](#)

##### **Are formal compliance steps or mitigation required?**

Yes

No

## Contamination and Toxic Substances

General requirements	Legislation	Regulations
It is HUD policy 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 the occupants or conflict with the intended utilization of the property.		24 CFR 58.5(i)(2) 24 CFR 50.3(i)

**1. How was site contamination evaluated? Select all that apply. Document and upload documentation and reports and evaluation explanation of site contamination below.**

American Society for Testing and Materials (ASTM) Phase I Environmental Site Assessment (ESA)  
ASTM Phase II ESA  
Remediation or clean-up plan  
ASTM Vapor Encroachment Screening

None of the Above

**2. Were any on-site or nearby toxic, hazardous, or radioactive substances found that could affect the health and safety of project occupants or conflict with the intended use of the property? (Were any recognized environmental conditions or RECs identified in a Phase I ESA and confirmed in a Phase II ESA?)**

No

**Explain:**

While the collapse of the roof has made it difficult, if not impossible, to conduct a visual survey within the building, there is no visual proof from the exterior and the surrounding grounds of the existence of toxic, hazardous or radioactive substances that could affect the health and safety of adjacent residents.

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary



**Compliance Determination**

Site contamination was evaluated as follows: None of the above. On-site or nearby toxic, hazardous, or radioactive substances that could affect the health and safety of project occupants or conflict with the intended use of the property were not found. The project is in compliance with contamination and toxic substances requirements.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

**Endangered Species**

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i> ); particularly section 7 (16 USC 1536).	50 CFR Part 402

**1. Does the project involve any activities that have the potential to affect species or habitats?**

No, the project will have No Effect due to the nature of the activities involved in the project.

- ✓ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office

Explain your determination:

Finding issued by US Fish & Wildlife Service website based on location/address of project

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

Yes, the activities involved in the project have the potential to affect species and/or habitats.

**Screen Summary**

**Compliance Determination**

This project will have No Effect on listed species based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office. This project is in compliance with the Endangered Species Act.

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**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

### Explosive and Flammable Hazards

General requirements	Legislation	Regulation
HUD-assisted projects must meet Acceptable Separation Distance (ASD) requirements to protect them from explosive and flammable hazards.	N/A	24 CFR Part 51 Subpart C

1. Is the proposed HUD-assisted project itself the development of a hazardous facility (a facility that mainly stores, handles or processes flammable or combustible chemicals such as bulk fuel storage facilities and refineries)?

No

Yes

2. Does this project include any of the following activities: development, construction, rehabilitation that will increase residential densities, or conversion?

No

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### Compliance Determination

Based on the project description the project includes no activities that would require further evaluation under this section. The project is in compliance with explosive and flammable hazard requirements.

#### Supporting documentation

Are formal compliance steps or mitigation required?

Yes

No

## Farmlands Protection

General requirements	Legislation	Regulation
The Farmland Protection Policy Act (FPPA) discourages federal activities that would convert farmland to nonagricultural purposes.	Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 et seq.)	<a href="#">7 CFR Part 658</a>

**1. Does your project include any activities, including new construction, acquisition of undeveloped land or conversion, that could convert agricultural land to a non-agricultural use?**

Yes

No

If your project includes new construction, acquisition of undeveloped land or conversion, explain how you determined that agricultural land would not be converted:

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below.

### **Screen Summary**

#### **Compliance Determination**

This project does not include any activities that could potentially convert agricultural land to a non-agricultural use. The project is in compliance with the Farmland Protection Policy Act.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No

## Floodplain Management

General Requirements	Legislation	Regulation
Executive Order 11988, Floodplain Management, requires federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable.	Executive Order 11988	24 CFR 55

1. Do any of the following exemptions apply? Select the applicable citation? [only one selection possible]

- 55.12(c)(3)
- 55.12(c)(4)
- 55.12(c)(5)
- 55.12(c)(6)
- 55.12(c)(7)
- 55.12(c)(8)
- 55.12(c)(9)
- 55.12(c)(10)
- 55.12(c)(11)

None of the above

2. Upload a FEMA/FIRM map showing the site here:

[101 Matthews Ave FIRM map.pdf](#)

The Federal Emergency Management Agency (FEMA) designates floodplains. The FEMA Map Service Center provides this information in the form of FEMA Flood Insurance Rate Maps (FIRMs). For projects in areas not mapped by FEMA, use **the best available information** to determine floodplain information. Include documentation, including a discussion of why this is the best available information for the site.

**Does your project occur in a floodplain?**

No

Based on the response, the review is in compliance with this section.

Yes

**Screen Summary**

**Compliance Determination**

This project does not occur in a floodplain. The project is in compliance with Executive Order 11988.

**Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Historic Preservation

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html</a>

### **Threshold**

#### **Is Section 106 review required for your project?**

- No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)
- ✓ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].
- Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Threshold (b). Document and upload the memo or explanation/justification of the other determination below:**

Based on the response, the review is in compliance with this section.

### **Screen Summary**

#### **Compliance Determination**

Based on the project description the project has No Potential to Cause Effects. The project is in compliance with Section 106.

#### **Supporting documentation**

[101 Mathews Ave SHPO letter.pdf](#)



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**Are formal compliance steps or mitigation required?**

Yes

No

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

New construction for residential use

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster

None of the above

### **Screen Summary**

#### **Compliance Determination**

Based on the project description, this project includes no activities that would require further evaluation under HUD's noise regulation. The project is in compliance with HUD's Noise regulation.

#### **Supporting documentation**

#### **Are formal compliance steps or mitigation required?**

Yes

Demolition-of-101-  
Matthews-Ave

Utica, NY

900000010186422

✓ No

### Sole Source Aquifers

General requirements	Legislation	Regulation
<b>The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.</b>	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

### Screen Summary

#### Compliance Determination

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements.

Demolition-of-101-  
Matthews-Ave

Utica, NY

900000010186422

**Supporting documentation**

[EPA Sole Source Aquifer Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

**1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order**

No

Based on the response, the review is in compliance with this section.

Yes

### Screen Summary

#### **Compliance Determination**

Based on the project description this project includes no activities that would require further evaluation under this section. The project is in compliance with Executive Order 11990.

#### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No

### Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

**1. Is your project within proximity of a NWSRS river?**

No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

**Screen Summary**

**Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act.

**Supporting documentation**

[Wild and Scenic Rivers System Map.pdf](#)

**Are formal compliance steps or mitigation required?**

Yes

No

### Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

**HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.**

**1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?**

Yes

No

Based on the response, the review is in compliance with this section.

#### Screen Summary

##### **Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898.

##### **Supporting documentation**

**Are formal compliance steps or mitigation required?**

Yes

No