

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

**Project Information**

**Project Name:** Demolition-of-313-James-Street

**HEROS Number:** 900000010099844

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

**RE Preparer:** Brian Thomas

**State / Local Identifier:**

**Certifying Officer:** Mayor Robert M. Palmieri

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

**Point of Contact:**

**Consultant (if applicable):**

**Point of Contact:**

**Project Location:** 313 James St, Utica, NY 13501

**Additional Location Information:**

N/A

**Direct Comments to:** Attn: Mr. Brian Thomas, AICP - Commissioner of Urban & Economic Development

Utica City Hall  
1 Kennedy Plaza  
Utica, New York 13502

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

CDBG funding will be utilized to abate and demolish the vacant and blighted structure at 313 James Street; additionally, CDBG funds may be used to improve the vacant lot following demolition of the structure. The City of Utica is the owner of record for this property; as such, no acquisition or relocation will be required. Ground disturbance, to some extent, is anticipated as demolitions generally include removal of basement walls and/or foundation walls at least several inches below existing grade. It is assumed that asbestos is present in the building. However, due to the current structural condition of the building, an asbestos survey of the building cannot be safely completed. As such, the building will be demolished and the demolition debris removed under the assumption that all of the debris is contaminated. The City's Department of Public Works demolition crew will demolish the building. Therefore, the costs of the project for which CDBG funds are anticipated to be utilized include: any rental of specialized demolition equipment, possible reimbursement of salary/fringe for City crews during the project, disposal of all demolition debris, backfill to grade the vacant lot following the demolition and seeding/landscaping the resultant vacant lot.

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

The City of Utica is proposing to demolish the building at 313 James Street. According to City records, the building was originally constructed in 1926 and was operated as The James Theater until 1950. Between 1950 and 1976, the building was utilized as a Jewish synagogue. In 1976, the City of Utica purchased the property and leased the building to the Cornhill Senior Center. The lease called for the Cornhill Senior Center to be responsible for the maintenance of the building. In 2005, the Cornhill Senior Center merged with the East Utica Senior Center and vacated the building in favor of occupying the newly-built Parkway Recreation Center. At that time, it was clear that a considerable amount of maintenance had been deferred during the lease term. The building has remained vacant since 2005 and its condition has continued to worsen. It is believed that the building is rife with asbestos, mold and water damage. The structural condition of the entire building is badly compromised, to the extent that the health, safety and welfare of any inspector would be at risk if they were to try to enter the building in order to conduct any type of assessment of the level of hazardous environmental conditions. As such, all demolition debris will be disposed of as contaminated. There is no immediate use envisioned for the vacant site, once demolition has been completed. However, the current deteriorating structure has had a significant slum and blighting influence on the surrounding neighborhood. The lot will be improved with topsoil, seed and landscaping upon completion of the demolition. Given its location on the corner of James and Neilson Streets, the lot could potentially be developed for commercial, residential or mixed use.

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

The property at 313 James Street sits strategically on the northwest corner of the intersection of James and Neilson Streets. In the 1940's, when the City reached its peak population of slightly over 100,000, James Street was a bustling commercial neighborhood that served the surrounding Cornhill neighborhood. In the last eighty years, however, considerable disinvestment in commerce along James Street and in the residential areas north of James Street have resulted in a neighborhood that is now home to a predominantly low income population that suffers from poverty and unemployment. The investment of tens of millions of federal, state and local funds into housing over the past ten to fifteen years has helped to stabilize the housing situation in the Cornhill neighborhood. Unfortunately, private investment in commercial development along the James Street corridor has failed to keep pace with the public residential investment. As such, much of the current building stock that still remains standing is older, likely suffers from similar environmental hazards and has questionable structural integrity. Clearance of dilapidated structures like that of 313 James Street may help to spur private investment as the significant expense of clearance has been addressed with public funds.

**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:**

[2020 EA Determination James Street313.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
04-01-2020	Community Planning and Development (CPD)	Community Development Block Grants (CDBG) (Entitlement)

Demolition-of-313-James-  
Street

Utica, NY

900000010099844

**Estimated Total HUD Funded,  
Assisted or Insured Amount:** \$330,850.00

**Estimated Total Project Cost [24 CFR 58.2 (a)  
(5)]:** \$330,850.00

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

<b>Compliance Factors:</b> 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 closest military airport to the City of Utica is in Syracuse, which is far in excess of 15,000 feet from 313 James Street. The closest civilian airport is Griffiss International Airport which, according to the attached map, is located over 11 miles away from 313 James Street in Utica. 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.
<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]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR §50.4 &amp; § 58.5</b>		
<b>Air Quality</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	<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 the Clean Air Act. The project is in compliance with the Clean Air Act.
<b>Coastal Zone Management Act</b> Coastal Zone Management Act, sections 307(c) & (d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<b>Contamination and Toxic Substances</b> 24 CFR 50.3(i) & 58.5(i)(2)]	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Site contamination was evaluated as follows: Remediation or clean-up plan. 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.
<b>Endangered Species Act</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.
<b>Explosive and Flammable Hazards</b> Above-Ground Tanks)[24 CFR Part 51 Subpart C	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	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.
<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Based on Section 106 consultation there are No Historic Properties Affected

1966, particularly sections 106 and 110; 36 CFR Part 800		because there are no historic properties present. 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.

Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Project is limited to the demolition of a dilapidated building with no change in use contemplated at this time. Blighting building will be replaced with seeded and landscaped vacant lot.	
Soil Suitability / Slope/ Erosion / Drainage and Storm Water Runoff	2	Project is limited to the demolition of a dilapidated building with no change in use contemplated at this time. Blighting building will be replaced with seeded and landscaped vacant lot.	
Hazards and Nuisances including Site Safety and Site-Generated Noise	1	Building has not collapsed yet, but extended exposure to the elements will only serve to hasten its eventual collapse. Removal of the building now will protect public health, safety and welfare.	
Energy Consumption/Energy Efficiency	2	Project is limited to the demolition of a dilapidated building with no change in use contemplated at this time. Blighting building will be replaced with seeded and landscaped vacant lot. As such, there will be no impact on energy consumption.	
<b>SOCIOECONOMIC</b>			
Employment and Income Patterns	2	Project is limited to the demolition of a dilapidated building with no change in use contemplated at this time. Blighting building will be replaced with seeded and landscaped vacant lot. Building footprint is too small to have any impact on employment or income patterns.	
Demographic Character Changes / Displacement	1	Removal of longtime dilapidated building will have a positive impact on the James Street commercial corridor, though footprint of the building is too small to have any major impact. No displacement will result from the demolition.	
<b>COMMUNITY FACILITIES AND SERVICES</b>			

<b>Environmental Assessment Factor</b>	<b>Impact Code</b>	<b>Impact Evaluation</b>	<b>Mitigation</b>
<b>LAND DEVELOPMENT</b>			
Educational and Cultural Facilities (Access and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land.	
Commercial Facilities (Access and Proximity)	1	Clearance of the building will provide a greenfield site for a developer that is looking to construct a new building in the James Street commercial corridor.	
Health Care / Social Services (Access and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on health care.	
Solid Waste Disposal and Recycling (Feasibility and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on solid waste.	
Waste Water and Sanitary Sewers (Feasibility and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on waste water and sanitary sewers.	
Water Supply (Feasibility and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on water supply.	
Public Safety - Police, Fire and Emergency Medical	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have	



Environmental Assessment Factor	Impact Code	Impact Evaluation	Mitigation
<b>LAND DEVELOPMENT</b>			
		any impact (positive or negative) on public safety.	
Parks, Open Space and Recreation (Access and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on parks and open space.	
Transportation and Accessibility (Access and Capacity)	2	Proposed project is the demolition and removal of a long-time dilapidated building that sits on roughly 10,000 square feet (1/4 of an acre) of land - far too small to have any impact (positive or negative) on transportation.	
<b>NATURAL FEATURES</b>			
Unique Natural Features /Water Resources	2	The project site is located in a heavily developed, urban neighborhood; there are no unique natural features or water resources anywhere near the site.	
Vegetation / Wildlife (Introduction, Modification, Removal, Disruption, etc.)	2	The project site is located in a heavily developed, urban neighborhood; there is no vegetation or wildlife anywhere near the site.	
Other Factors			

**Supporting documentation**

**Additional Studies Performed:**

None.

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

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

None.

**List of Permits Obtained:**

None.

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

During the City's public meetings as it developed the 2020-2014 Consolidated Plan and the 2020-2021 Annual Action Plan, it was noted that the demolition of 313 James Street was a priority of the City's administration. Most attendees, particularly at the meeting held in the Cornhill neighborhood, agreed with making this project a priority.

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

At this time, the only action under consideration is the demolition of a dilapidated structure that sits on roughly 10,000 square of land. Save for the slightly beneficial impact from removing a building that has had a slum and blighting influence on the surrounding neighborhood for nearly two decades, there legitimately are no cumulative impacts.

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

There are only two alternatives to the proposed demolition of the dilapidated building - do nothing and allow it to eventually succumb to the elements at which point it will collapse thereby threatening public health, safety and welfare or to invest considerably more resources than are available to rehabilitate the building. It is simply not economically feasible to consider rehabilitation as a viable option/alternative.

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

As noted above, the 'no action' alternative has too much potential to threaten public health, safety and welfare to consider it a viable option.

**Summary of Findings and Conclusions:**

The proposed demolition is a relatively minor project which has only positive impacts and no negative environmental impacts.

**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>
Permits, reviews and approvals	None.	N/A	

**Mitigation Plan**  
Not applicable

**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 closest military airport to the City of Utica is in Syracuse, which is far in excess of 15,000 feet from 313 James Street. The closest civilian airport is Griffiss International Airport which, according to the attached map, is located over 11 miles away from 313 James Street in Utica. 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

[2020 James Street 313 demo.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:**

This project involves the demolition of a building that has lost its structural integrity. As such, it is impossible to conduct any surveys of hazardous environmental conditions within the building. Therefore, all demolition debris will be disposed of assuming that it is contaminated. All necessary safety precautions will be employed during the demolition of the building.

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

Yes

**Screen Summary**

**Compliance Determination**

Site contamination was evaluated as follows: Remediation or clean-up plan. 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

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

**2. Are federally listed species or designated critical habitats present in the action area?**

- ✓ No, the project will have No Effect due to the absence of federally listed species and designated critical habitat

Based on the response, the review is in compliance with this section. Document and upload all documents used to make your determination below. Documentation may include letters from the Services, species lists from the Services’ websites, surveys or other documents and analysis showing that there are no species in the action area.

Yes, there are federally listed species or designated critical habitats present in the action area.

**Screen Summary**

**Compliance Determination**

This project will have No Effect on listed species because there are no listed species or designated critical habitats in the action area. This project is in compliance with the Endangered Species Act.

**Supporting documentation**

[James St 313 Endangered species 200827.pdf](#)

**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:

[James St 313 FEMA FIRM mappette 200827.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).

### ***Step 1 – Initiate Consultation***

#### **Select all consulting parties below (check all that apply):**

- ✓ State Historic Preservation Offer (SHPO) Completed
- ✓ Advisory Council on Historic Preservation Not Required
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

The City initiated consultation with the State Historic Preservation Office and, as a result, received a letter of "No Impact".

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Step 2 – Identify and Evaluate Historic Properties**

- 1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:**

313 James Street Utica, New York 13501

**In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.**

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
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**Additional Notes:**

None

- 2. Was a survey of historic buildings and/or archeological sites done as part of the project?**

Yes

✓ No

**Step 3 –Assess Effects of the Project on Historic Properties**

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the

Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

No historic properties present.

Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

### **Screen Summary**

#### **Compliance Determination**

Based on Section 106 consultation there are No Historic Properties Affected because there are no historic properties present. The project is in compliance with Section 106.

#### **Supporting documentation**

[James St 313 SHPO letter 200826.pdf](#)

**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-313-James-  
Street

Utica, NY

900000010099844

✓ 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-313-James-  
Street

Utica, NY

900000010099844

**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