

**Environmental Review Record  
Port Henry Sewer/Water Main Replacement  
Phase II - 1<sup>st</sup> Street / 2<sup>nd</sup> Street**

CDBG #758PR168-19

**Grant Recipient/  
Responsible Entity:** Town of Moriah

**Certifying Officer:** Thomas Scozzafava  
Town Supervisor  
38 Park Place, Suite 1  
Port Henry, NY 12974  
[supervisor@townofmoriahny.gov](mailto:supervisor@townofmoriahny.gov)  
518.546.8631 (p)  
518.546.3342 (f)

**Prepared by:** Jessica DesLauriers  
Grant Administrator  
Essex County Office of Community Resources  
7514 Court Street  
Elizabethtown, NY 12932  
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518.873.3685 (p)  
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**DESIGNATION OF CERTIFYING OFFICER AND  
ENVIRONMENTAL RESPONSIBILITY CERTIFICATION**

02/13/2020

(Date)

Savitry Kola

(Name of OCR Community/Economic Developer)

Office of Community Renewal

Hampton Plaza

38-40 State Street, 4<sup>th</sup> Floor

Albany, New York 12207

RE: CDBG Project Number: 758PR168-19

Dear Ms. Kola

I, Thomas Scozzafava, the authorized signatory for  
(Name of Chief Elected Official)  
Town of Moriah do attest that:  
(Name of CDBG Recipient)

- I understand that any projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58.
- I understand that, except for actions involving activities determined to be Exempt (per 24 CFR 58.34 and NYS Office of Community Renewal procedures), *no physical alteration to individual sites can occur nor can funds for those activities be committed or expended until receipt of an environmental clearance letter* from the Housing Trust Fund Corporation and, for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unanticipated impacts nor impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination.
- I understand that should any part of a project site be physically altered, funds be committed, or funds be expended prior to receiving the appropriate environmental clearances, that the site will not be eligible for CDBG funding and the Town of Moriah may be responsible for any costs incurred except under the following circumstance: in the case of Exempt activities, concurrence from the NYS Office of Community Renewal that the particular action is Exempt prior to any physical alterations unless that action is taken to address an emergency situation in which case concurrence must be obtained no later than the first regular business day following such an event,
- I also notify you that Thomas Scozzafava, Supervisor, is  
(Name of Certifying Officer) (Title)  
designated as the **Certifying Officer** responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number 758PR168-19 awarded to Town of Moriah.  
(CDBG Project Number) (Name of CDBG Recipient)

Sincerely,

  
Signature of Chief Elected Official

Thomas Scozzafava

Typed Name and Title

# Town of Moriah

38 Park Place  
Port Henry, NY 12974  
Thomas R. Scozzafava, Supervisor  
[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



## **Regular Meeting of the Town of Moriah Town Board held Thursday, February 13, 2020 at 6:00pm at the Town of Moriah Court House, 42 Park Place, Port Henry, NY.**

74. **ON MOTION** by Councilman Brassard, seconded by Councilman Anderson, the following resolution was

APPROVED:	Ayes	Scozzafava, Salerno, Anderson, Brassard
	Nays	0
	Absent	Carpenter

### **RESOLVED A RESOLUTION AUTHORIZING THE DESIGNATION OF CERTIFYING OFFICER AND ENVIRONMENTAL RESPONSIBILITY CERTIFICATION**

02/13/2020

Savitry Kola  
Office of Community Renewal Hampton Plaza  
38-40 State Street, 4th Floor Albany, New York 12207

RE: CDBG Project Number: 758PR168-19

Dear Ms. Kola:

I, Thomas Scozzafava, the authorized signatory for the Town of Moriah do attest that:

I understand that any projects that include CDBG funds must be assessed in accordance with the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed at 24 CFR Part 58.

I understand that, except for actions involving activities determined to be Exempt (per 24 CFR 58.34 and NYS Office of Community Renewal procedures), *no physical alteration to individual sites can occur nor can funds for those activities be committed or expended until receipt of an environmental clearance letter from the Housing Trust Fund Corporation and, for any subsequently identified specific sites, site-specific reviews are completed for which the Certifying Officer determines that there are no unanticipated impacts nor impacts not adequately addressed in the program review related to the environmental clearance letter and said Officer certifies such determination.*

I understand that should any part of a project site be physically altered, funds be committed, or funds be expended prior to receiving the appropriate environmental clearances, that the site will not be eligible for CDBG funding and the Town of Moriah may be responsible for any costs incurred except under the following circumstance: in the case of Exempt activities, concurrence from the NYS Office of Community

Renewal that the particular action is Exempt prior to any physical alterations unless that action is taken to address an emergency situation in which case concurrence must be obtained no later than the first regular business day following such an event,

I also notify you that I, Thomas Scozzafava, Town Supervisor, is hereby designated as the *Certifying Officer* responsible for all activities associated with the environmental review process to be completed in conjunction with NYS CDBG project number 758PR168-19 awarded to the Town of Moriah.

Sincerely,

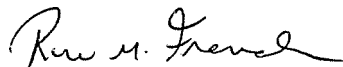


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Thomas Scozzafava, Town Supervisor

#### CERTIFICATION

I, Rose M. French, Town Clerk, the duly qualified and acting Clerk of the Town of Moriah, New York, do hereby certify that the attached resolutions were adopted at a Regular Town Board Meeting of the Town of Moriah on Thursday, February 13, 2020 at 6:00pm and is on file of record and that said resolution has not been altered, amended or revoked and is in full force and effect.



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Rose M. French  
Town of Moriah  
Town Clerk

SEAL

## **1. Description of Project, Location & Proposed Activities**

### **Port Henry Sewer/Water Main Replacement Project, Phase II - 1<sup>st</sup> St/2<sup>nd</sup> St CDBG #758PR168-19**

The Town of Moriah faces the region-wide challenge of aging water and sewer infrastructure that has reached or exceeded the limits of reliable and effective use. Recognizing the impediment failing public infrastructure poses to public health, the environment, and local economic revitalization efforts, the Town has prioritized improvement projects throughout the community.

This project, which is the focus of this Environmental Review Record, will replace aged and ineffective water and sewer main lines on 1<sup>st</sup> Street and 2<sup>nd</sup> Street in the hamlet of Port Henry, as shown on the maps provided. This section of the public water and sewer system has experienced freezing, blockages, overflows, and other service issues for many years and is in need of upgrades in order to meet state design standards, improve maintenance safety and accessibility for operators, and ensure the reliability for users of the system.

Without a CDBG funding award for this project, these infrastructure improvements would be largely cost-prohibitive for the residents within the project area, 88.2% of whom have been documented as having low-to-moderate income levels.

The specific activities being proposed to address the current water and sewer infrastructure needs within the designated project area meet NYS Department of Health 10 State Standards and include the following:

- Construction project mobilization and demobilization
- Traffic protection and maintenance
- Erosion and sediment control measures
- Replacement in-kind of approximately 880 LF circa-1930's clay tile sewer line with PVC piping
- Installation of 4 new manholes, Rehabilitation of 2 existing manholes
- Replacement of approximately 880 LF circa-1930's clay tile water line with ductile iron piping
- Replacement of water main buried gate valves
- Water Service improvements, including curb stops and trench repairs
- Installation of sanitary bypass pumping
- Sewer laterals and cleanouts
- Pavement restoration

The proposed project will bring this section of the Town's water/wastewater system into compliance with current design and regulatory requirements and will directly benefit 31 low-to-moderate income residents within the project area. The improvements outlined above will address water quality by greatly reducing the risk of future sanitary sewer overflows and resolving common problems associated with aging water and sewer

infrastructure that have negatively impacted this part of the community. The proposed project replaces existing water and sewer main lines with new lines within a residential neighborhood. Anticipated construction disturbance will be limited to the location of existing infrastructure, creating minimal risk to the surrounding environment. Expected outcomes of the project are improved water and sewer infrastructure systems that meet current regulatory standards for public health and environmental protection, provide reliable service to residents, and support future development.

### *Alternative Analysis*

The State of New York has prioritized water quality for public health and natural resource protection. The “No Action” alternative for the proposed project would result in maintaining the status quo and ultimately result in the Town of Moriah to continue experiencing the problems associated with aging sewer and water infrastructure, which pose risks to the environment and public health. Completion of this project will result in reliable and safe infrastructure that will significantly reduce the risk of future sanitary sewer overflows, and provide adequate water flow for consistent service and fire protection requirements. Taking “NO Action” in this case means that inadequate water and sewer systems that currently fail to meet current design and regulatory standards would remain in place and continue to degrade, which the Town of Moriah has deemed to be an unacceptable course of action.

### *Mitigative Efforts*

As illustrated by the enclosed supporting documents, including the completion of Form 2-5 Statutory Checklist and consultations with involved agencies, this project does not require formal mitigation measures as there are no long-term or adverse social, economic or environmental impacts anticipated and no permits will be required. However, the following general mitigative efforts will be incorporated to ensure best practices throughout the life of the project. These include:

- Remediation of any/all disturbed areas, including roadways and private property, as applicable – i.e. sidewalks, lawns, walkways, road shoulders, driveways, etc. will be replaced or restored to preconstruction, or better, conditions as needed
- Use of manufacturers’ recommended mufflers and exhaust emissions controls on all construction equipment, as applicable
- Use of temporary traffic controls in areas where travel corridors will be impacted during construction, as applicable
- The off-site disposal of any solid wastes generated by the project at a New York State approved/permitted solid waste disposal facility

The enclosed Environmental Review Record (ERR) documents the environmental review and assessment process undertaken by the Town of Moriah to implement a sewer and water main replacement project that meets both National Environmental Policy Act (NEPA) and New York State Environmental Quality Review Act (SEQRA) regulations.

**FORM 2-3A**  
**CERTIFICATION OF SEQRA CLASSIFICATION**

CDBG Project Number: 758PR168-19 Date 02/13/2020

Name and Title of Certifying Officer: Thomas Scozzafava Title Supervisor

Name of Responsible Entity: Town of Moriah

Address (e.g., Street No. or P.O. Box): 38 Park Place

Co/C/T/V, State, Zip Code+4: Port Henry NY 12974-1343

Telephone Number of Responsible Entity: (518) 546-8631

It is the finding of the Town of Moriah that the activity(ies) proposed in its 2019 NYS CDBG  
*Name of CDBG Grant Recipient* *Funding Year*  
project, Port Henry Sewer & Water Main Replacement - 1st Street & 2nd Street are:  
*Project Name*

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Identify the Lead Agency \_\_\_\_\_
- ☐ Evidence of Lead Agency Declaration and Consent attached
- ☐ Copy of Environmental Notices Bulletin attached
- ☒ Type II Action (6NYCRR Section 617.5)
- ☐ Unlisted Action (not Type I or Type II Action)
- ☐ Identify the Lead Agency \_\_\_\_\_
- ☐ Evidence of Lead Agency Declaration and Consent attached

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
- ☐ Draft EIS
- ☐ Final EIS

  
Signature of Certifying Officer

# Town of Moriah

38 Park Place  
Port Henry, NY 12974  
Thomas R. Scozzafava, Supervisor  
[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



## **Regular Meeting of the Town of Moriah Town Board held Thursday, February 13, 2020 at 6:00pm at the Town of Moriah Court House, 42 Park Place, Port Henry, NY.**

73. **ON MOTION** by Councilman Salerno, seconded by Councilman Anderson, the following resolution was

APPROVED:	Ayes	Scozzafava, Salerno, Anderson, Brassard
	Nays	0
	Absent	Carpenter

**RESOLVED A RESOLUTION TO DECLARE LEAD AGENCY** for the Purpose of Making Certain Determinations in Relation to the Town of Moriah Sewer and Water Main Replacement Project Pursuant to the New York State Environmental Quality Review Act, 6 NYCRR Part 617.6;

**WHEREAS**, the Town of Moriah proposes to implement a Sewer and Water Main Replacement Project in the vicinity of 1st Street and 2nd Street in the hamlet of Port Henry which includes the following activities:

- Replacement in-kind of approximately 880 LF of water line
- Replacement in-kind of water main buried gate valves
- Water Service Improvements, including curb stops and trench repairs
- Replacement in-kind of approximately 880 LF of sewer line
- Rehabilitation of 2 manholes, installation of 4 new manholes
- Installation of sanitary bypass pumping
- Sewer laterals and cleanouts
- Pavement Restoration

(hereafter referred to as 'said action'), and;

**WHEREAS**, the Town of Moriah is required to comply with the NYS Environmental Quality Review (SEQR) Act, 6NYCRR Part 617, and

**WHEREAS**, the Town has reviewed the proposed project activities in accordance with 6NYCRR Part 617.6(a)(1)(i) to determine whether said action is subject to SEQR, and

**WHEREAS**, it has been determined by the Town, acting as Lead Agency, has determined that said action is a Type II Action pursuant to SEQR 6NYCRR Part 617.5(c)(2).

Therefore, Be it Resolved, that the Town Board of the Town of Moriah, has herein determined that said action for replacement in-kind of sewer and water main infrastructure is a Type II Action under SEQR and is therefore not subject to further review under the New York State Environmental Quality Review Act.



# CERTIFICATION

I, Rose M. French, Town Clerk, the duly qualified and acting Clerk of the Town of Moriah, New York, do hereby certify that the attached resolution was adopted at a Regular Town Board Meeting of the Town of Moriah on Thursday, February 13, 2020 at 6:00pm and is on file of record and that said resolution has not been altered, amended or revoked and is in full force and effect.

SEAL



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Rose M. French  
Town of Moriah  
Town Clerk

# ***Short Environmental Assessment Form***

## ***Part 1 - Project Information***

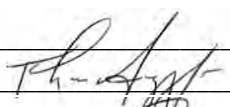
### **Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project:			
Project Location (describe, and attach a location map):			
Brief Description of Proposed Action:			
Name of Applicant or Sponsor:		Telephone:	
		E-Mail:	
Address:			
City/PO:		State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<b>NO</b>
			<b>YES</b>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<b>NO</b>
			<b>YES</b>
3.a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<b>NO</b>	<b>YES</b>	<b>N/A</b>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<b>NO</b>	<b>YES</b>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____ _____	<b>NO</b>	<b>YES</b>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<b>NO</b>	<b>YES</b>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<b>NO</b>	<b>YES</b>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ _____	<b>NO</b>	<b>YES</b>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ _____	<b>NO</b>	<b>YES</b>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	<b>NO</b>	<b>YES</b>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<b>NO</b>	<b>YES</b>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<b>NO</b>	<b>YES</b>	
16. Is the project site located in the 100 year flood plain?	<b>NO</b>	<b>YES</b>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES _____ _____	<b>NO</b>	<b>YES</b>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	<b>NO</b>   	<b>YES</b>   
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: _____ Date: _____ Signature:  _____		

FORM 2-3

CERTIFICATION OF NEPA CLASSIFICATION

CDBG Project Number: 758PR168-19 Date 02/13/2020

Name and Title of Certifying Officer: Thomas Scozzafava Title Supervisor

Name of Responsible Entity: Town of Moriah

Address (e.g., Street No. or P.O. Box): 38 Park Place

Co/C/T/V, State, Zip Code+4: Port Henry NY 12974-1343

Telephone Number of Responsible Entity: (518) 546-8631

It is the finding of the Town of Moriah that the activity(ies) proposed in its 2019 NYS CDBG  
Name of CDBG Grant Recipient Funding Year  
project, Port Henry Sewer & Water Main Replacement - 1st St. & 2nd St. are:  
Project Name

Check the applicable classification:

- ☐ Exempt as defined in 24 CFR 58.34 (a).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(b).
- ☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statutes and executive orders [i.e., exempt under 58.34(a)(12)].
- ☒ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statutes and executive orders.

If neither exempt (24 CFR 58.34(a) nor categorically excluded (24 CFR 58.35(a) and (b) can be checked,  
Form 2-6 Environmental Assessment will be required.

- ☐ Part or all of the project is located in an area identified as a floodplain or wetland.  
For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.
- ☐ Affidavit of publication for Early Notice and Public Review of Proposed Activity Located in the 100 Year Floodplain attached
- ☐ Affidavit of publication for Final Notice and Public Explanation of Proposed Activity Located in the 100 Year Floodplain attached

Signature of Certifying Officer

Form 2-4  
NEPA Classification Checklist

CDBG Project Number: 758PR168-19 Date 02/13/2020

Name and Title of Certifying Officer: Thomas Scozzafava Title Supervisor

Name of Responsible Entity: Town of Moriah

Address (e.g., Street No. or P.O. Box): 38 Park Place

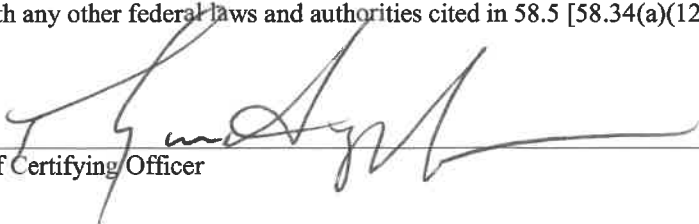
Co/C/T/V, State, Zip Code+4: Port Henry NY 12974-1343

Telephone Number of Responsible Entity: (518) 546-8631

Exempt Activities (24CFR58.34)  
*Select only one or more of the following that apply:*

- ☐ Environmental and other studies, resource identification and development of plans and strategies [58.34(a)(1)].
- ☐ Information and financial services [58.34(a)(2)].
- ☒ Administration and management activities [58.34(a)(3)].
- ☐ Public services that will not have a physical impact or result in physical changes, such as services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- ☐ Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- ☐ Purchase of insurance [58.34(a)(6)].
- ☐ Purchase of tools [58.34(a)(7)].
- ☒ Engineering or design costs [58.34(a)(8)].
- ☐ Technical assistance and training [58.34(a)(9)].
- ☐ Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from physical disasters, imminent threats or physical deterioration [58.34(a)(10)].
- ☐ Payment of principal and interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- ☐ Any of the categorical exclusions listed in 58.35(a), provided that there are no circumstances which require compliance with any other federal laws and authorities cited in 58.5 [58.34(a)(12)].

Signature of Certifying Officer



Form 2-4  
NEPA Classification Checklist

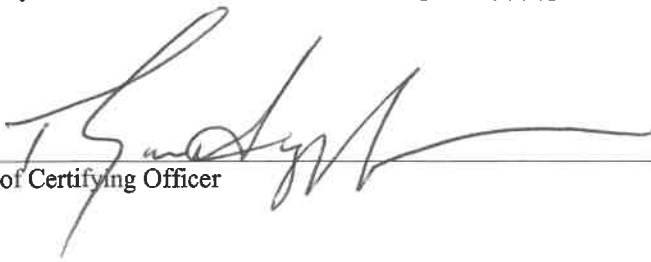
**CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(a)]**

*Activities in this section require compliance with related laws and authorities at 24 CFR 58.5 and 58.6*

*Select only one of the following:*

- ☒ Acquisition, repair, construction, reconstruction, rehabilitation or installation of public facilities and improvements (other than buildings) when the facilities and improvements are in place and will be retained in the same use without change in size or capacity of more than 20 percent. Examples of this type of activity include replacement of water and sewer lines, reconstruction of curbs and sidewalks, street repaving [58.35(a)(1)].
- ☐ Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and handicapped persons [58.35(a)(2)].
- ☐ Rehabilitation of buildings and improvements for residential use (with one to four units), where the density is not increased beyond four units, the land use is not changed, and the footprint of the building isn't increased in a floodplain or in a wetland [58.35(a)(3)(i)].
- ☐ Rehabilitation of multifamily residential buildings (with five or more units), when the following conditions are met: a) unit density is not changed more than 20 percent, b) the project does not involve changes in land use from residential to non-residential; and c) the estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation [58.35(a)(3)(ii)].
- ☐ Rehabilitation of non-residential structures, including commercial, industrial, and public buildings when the following conditions are met: a) the facilities and improvements are in place and will not be changed in size or capacity by more than 20 percent, and b) the activity does not involve a change in land use, such as from non-residential to residential, commercial to industrial or from one industrial use to another [58.35(a)(3)(iii)].
- ☐ An individual action on up to four dwelling units [not including rehabilitation (see 58.35(a)(3)(i) above)] where there is a maximum of four units on any one site. The units can be four one-unit buildings or one four-unit building or any combination in between [58.35(a)(4)(i)].
- ☐ Acquisition (including leasing) or disposition of an existing structure, equity loans on an existing structure, or acquisition (including leasing) of vacant land provided that the structure or land acquired, financed or disposed of will be retained for the same use [58.35(a)(5)].
- ☐ Any combination of the above activities [58.35(a)(6)].

Signature of Certifying Officer



Form 2-4  
NEPA Classification Checklist

**CATEGORICALLY EXCLUDED ACTIVITIES [24 CFR 58.35(b)]**

*Activities in this section require compliance with related laws and authorities at 24 CFR 58.6 only\**

*Select only one of the following:*

- ☐ Tenant-based rental assistance [58.35(b)(1)].
- ☐ Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, state and federal government benefits and services [58.35(b)(2)].
- ☐ Operating costs including maintenance, equipment, supplies, staff training, staff recruitment, security, operation, utilities, furnishings and other incidental costs [58.35(b)(3)].
- ☐ Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations [58.35(b)(4)].
- ☐ Activities to assist homebuyers to purchase existing dwelling units or dwelling units under construction\*\*, including closing costs and down payment assistance, interest buy downs, and similar activities that result in the transfer of title [58.35(b)(5)].
- ☐ Affordable housing pre-development costs including legal, consulting, developer and other costs related to obtaining site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact [58.35(b)(6)].
- ☐ Approval of supplemental assistance (including insurance or guarantee) to a project previously approved under this part, if the approval is made by the same responsible entity that conducted the environmental review on the original project and re-evaluation of the environmental finding is not required under 58.47 [58.35(b)(7)].

\*If a responsible entity determines that an activity or project identified above, because of extraordinary circumstances or conditions at or affecting the location of the activity or project may have a significant environmental effect, an environmental assessment must be prepared and a determination of significance made.

\*\*This exclusion applies only to financial assistance for purchase of existing for-sale homes or homes under construction. Homebuyer assistance for units not under construction is classified as Categorically Excluded. In all cases, for this exclusion to apply, the prospective buyer must have discretion regarding selection of properties within the target area.

Signature of Certifying Officer





**Form 2-5 Statutory Checklist  
Environmental Review for Activity/Project that is  
Categorically Excluded Subject to Section 58.5  
Pursuant to 24 CFR 58.35(a)**

**Project Information**

**Project Name & CDBG No.:** \_\_\_\_\_

**Responsible Entity:** \_\_\_\_\_

**Grant Recipient:** \_\_\_\_\_

**State/Local Identifier:** \_\_\_\_\_

**Preparer:** \_\_\_\_\_

**Certifying Officer Name and Title:** \_\_\_\_\_

**Consultant (if applicable):** \_\_\_\_\_

**Direct Comments to:** \_\_\_\_\_

**Project Location:**

--

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

--

**Level of Environmental Review Determination:**

Categorically Excluded per 24 CFR 58.35(a), and subject to laws and authorities at §58.5:

\_\_\_\_\_

**Funding Information**

Grant Number	Federal/State/Other Program	Funding Amount

**Estimated Total HUD Funded Amount:** \_\_\_\_\_

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \_\_\_\_\_

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

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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<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]	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) & (d)	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes   No <input type="checkbox"/> <input type="checkbox"/>	NYS DEC Region 5 Permits notes regional (within 5 miles) presence of Long-Eared Bat hibernacula, a threatened species and requests that any tree cutting occur between 11/1-3/31. No tree cutting is anticipated, project activities are restricted to exiting roadways.
<b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes   No <input type="checkbox"/> <input type="checkbox"/>	
<b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800	Yes   No <input type="checkbox"/> <input type="checkbox"/>	

<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	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

<b>STATE OR LOCAL STATUTES</b> (to be added by Responsible Entity)		
State Historic Preservation Office (SHPO) Section 14.09 of the New York State Historic Preservation Act	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
Coastal Zone Management Act (CZMA) 19 NYCRR Part 600	Yes    No <input type="checkbox"/> <input type="checkbox"/>	
	Yes    No <input type="checkbox"/> <input type="checkbox"/>	

**Field Inspection** (Date and completed by): \_\_\_\_\_

**Summary of Findings and Conclusions:**

--

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

Summarize below 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.

Law, Authority, or Factor	Mitigation Measure
NYS DEC - regional presence of threatened species requires tree cutting occur between 11/1-3/31	Town Plan/Response to DEC attached - NO tree cutting is anticipated

**Determination:**

☐ This categorically excluded activity/project converts to **EXEMPT** per Section 58.34(a)(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license; **Funds may be committed and drawn down after certification of this part** for this (now) EXEMPT project;

OR

☒ This categorically excluded activity/project cannot convert to Exempt status because one or more statutes or authorities listed at Section 58.5 requires formal consultation or mitigation. Complete consultation/mitigation protocol requirements, **publish NOI/RROF and obtain "Authority to Use Grant Funds"** (HUD 7015.16) per Section 58.70 and 58.71 before committing or drawing down any funds;

OR

☐ This project is not categorically excluded OR, if originally categorically excluded, is now subject to a full Environmental Assessment according to Part 58 Subpart E due to extraordinary circumstances (Section 58.35(c)).

Preparer Signature: \_\_\_\_\_

Date: 2/13/20Name/Title/Organization: Jessica DesLauriers, Grants Administrator, Essex County Office of Community Resources

Responsible Entity Agency Official Signature: \_\_\_\_\_

Date: 2/13/20Name/Title: Thomas Scozzafava

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

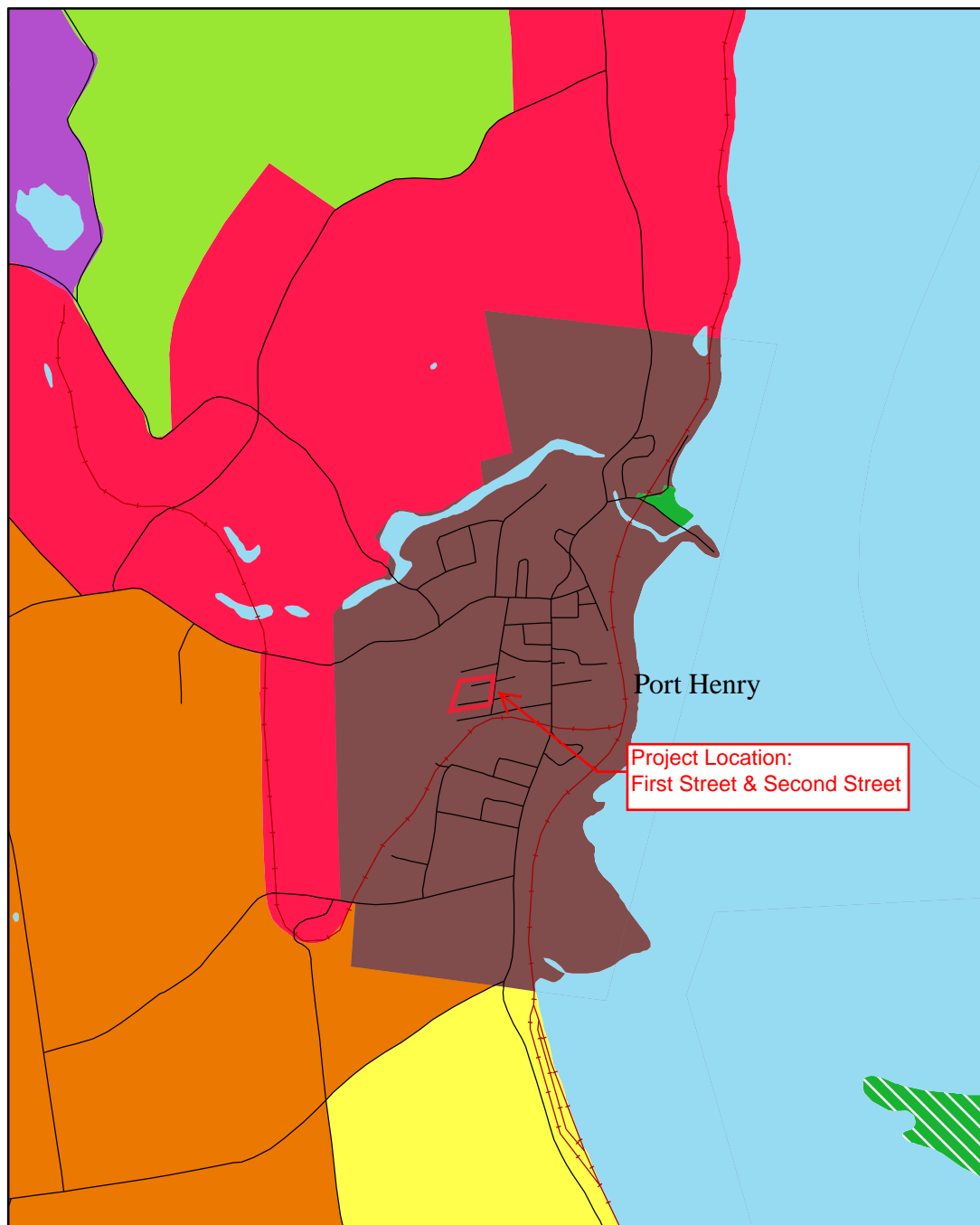
## MAPS

- Topographic Project Location
- APA Land Use Classification
- FEMA Flood Insurance Rate Map & Street View
- U.S. Fish & Wildlife Service Wetlands Inventory
- Schematic Site Plan



Project Location:  
1st Lane & 2nd Lane

# Adirondack Park Land Use Classification



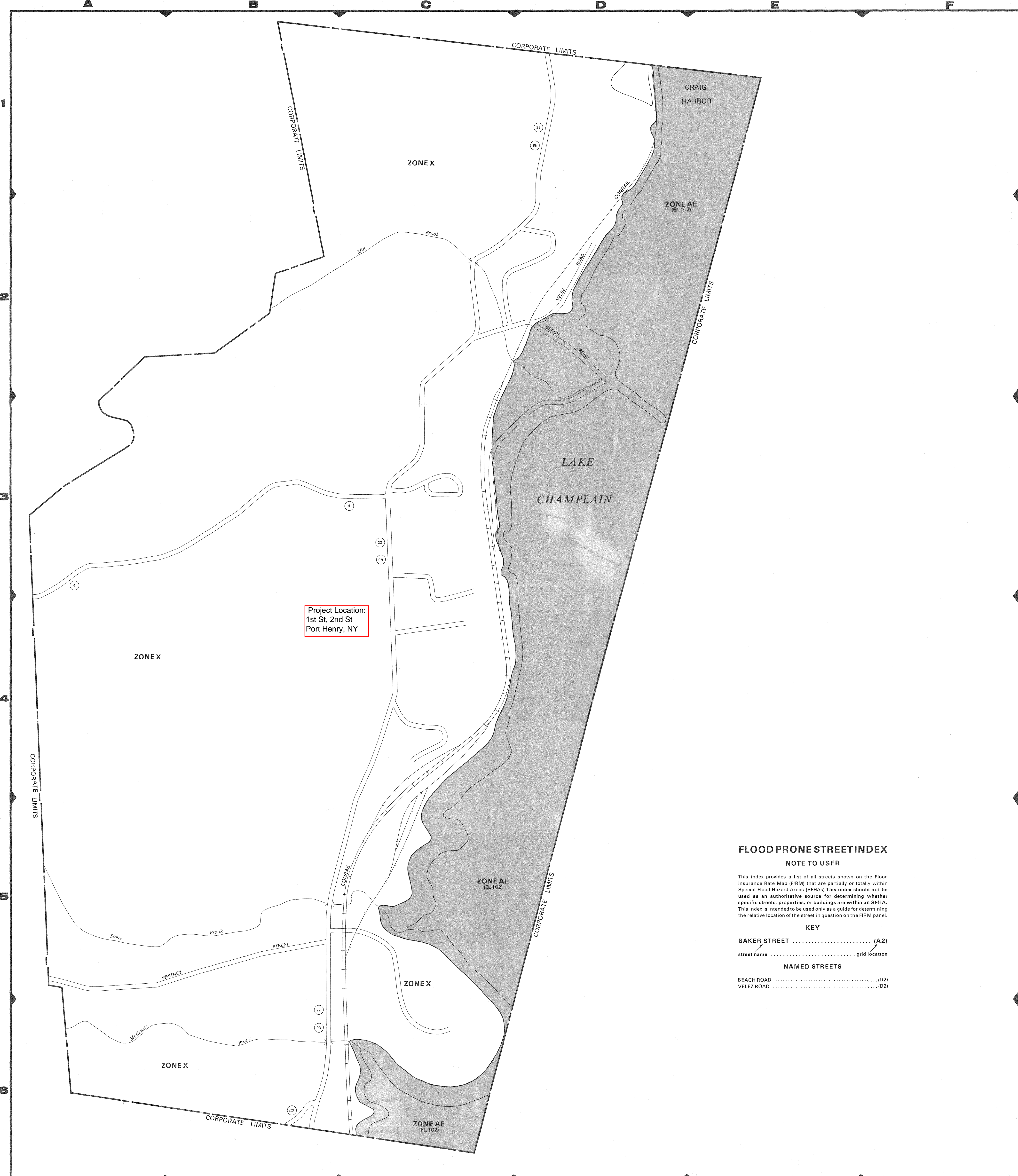
## Legend

- Roads
- Railroads
- Hamlet
- Moderate Intensity
- Low Intensity
- Rural Use
- Resource Management
- Industrial Use
- Wilderness
- Canoe Area
- Primitive
- Wild Forest
- Intensive Use
- Historic
- State Administrative
- Pending Classification
- Water

0 0.15 0.3 0.6 Miles







Project Location:  
1st St, 2nd St  
Port Henry, NY

**FLOODPRONE STREET INDEX**  
**NOTE TO USER**

This index provides a list of all streets shown on the Flood Insurance Rate Map (FIRM) that are partially or totally within Special Flood Hazard Areas (SFHAs). This index should not be used as an authoritative source for determining whether specific streets, properties, or buildings are within an SFHA. This index is intended to be used only as a guide for determining the relative location of the street in question on the FIRM panel.

KEY	
BAKER STREET .....	(A2)
street name .....	grid location
NAMED STREETS	
BEACH ROAD .....	(D2)
VELEZ ROAD .....	(D2)

**LEGEND**

**SPECIAL FLOOD HAZARD AREAS INUNDED BY 100-YEAR FLOOD**

**ZONE A** No base flood elevations determined.

**ZONE AE** Base flood elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.

**ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.

**ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.

**FLOODWAY AREAS IN ZONE AE**

**OTHER FLOOD AREAS**

**ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

**OTHER AREAS**

**ZONE X** Areas determined to be outside 500-year flood plain.

**ZONE D** Areas in which flood hazards are undetermined.

— Flood Boundary

--- Floodway Boundary

--- Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zones.

513 Base Flood Elevation Line; Elevation in Feet\*

(D) Cross Section Line

(EL 987) Base Flood Elevation in Feet Where Uniform Within Zone\*

RM7 X Elevation Reference Mark

\*Referenced to the National Geodetic Vertical Datum of 1929

**NOTES**

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size, or all planimetric features outside special flood hazard areas. The coastal flooding elevations shown may differ significantly from those developed by the National Weather Service for hurricane evacuation planning.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Floodway widths are provided in the Flood Insurance Study Report.

Elevation reference marks are described in the Flood Insurance Study Report.

Coastal base flood elevations apply only landward of 0.0 NGVD.

Coastal base flood elevations shown on this map include the effects of wave action.

**MAP REPOSITORY**

Village Office, 25 South Main Street, Port Henry, New York 12974 (Maps available for reference only, not for distribution).

**INITIAL IDENTIFICATION:**

NOVEMBER 22, 1974

**FLOOD HAZARD BOUNDARY MAP REVISIONS:**

NONE

**FLOOD INSURANCE RATE MAP EFFECTIVE:**

JULY 16, 1987

**FLOOD INSURANCE RATE MAP REVISIONS:**

Refer to Flood Insurance Rate Map Effective date shown below to determine when actuarial rates apply to structures in zones where elevations or depths have been established.

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.

**APPROXIMATE SCALE**

400 0 400 FEET

**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**

**FLOOD INSURANCE RATE MAP and STREET INDEX**

**VILLAGE OF PORT HENRY, NEW YORK ESSEX COUNTY**

**ONLY PANEL PRINTED**

**COMMUNITY-PANEL NUMBER**

361493 0001 A

**EFFECTIVE DATE:**

JULY 16, 1987

Federal Emergency Management Agency



# Search Results—Products for PORT HENRY, VILLAGE OF

[Show ALL Products »](#)

The flood map for the selected area is number **3614930001A**, effective on **07/16/1987** ?

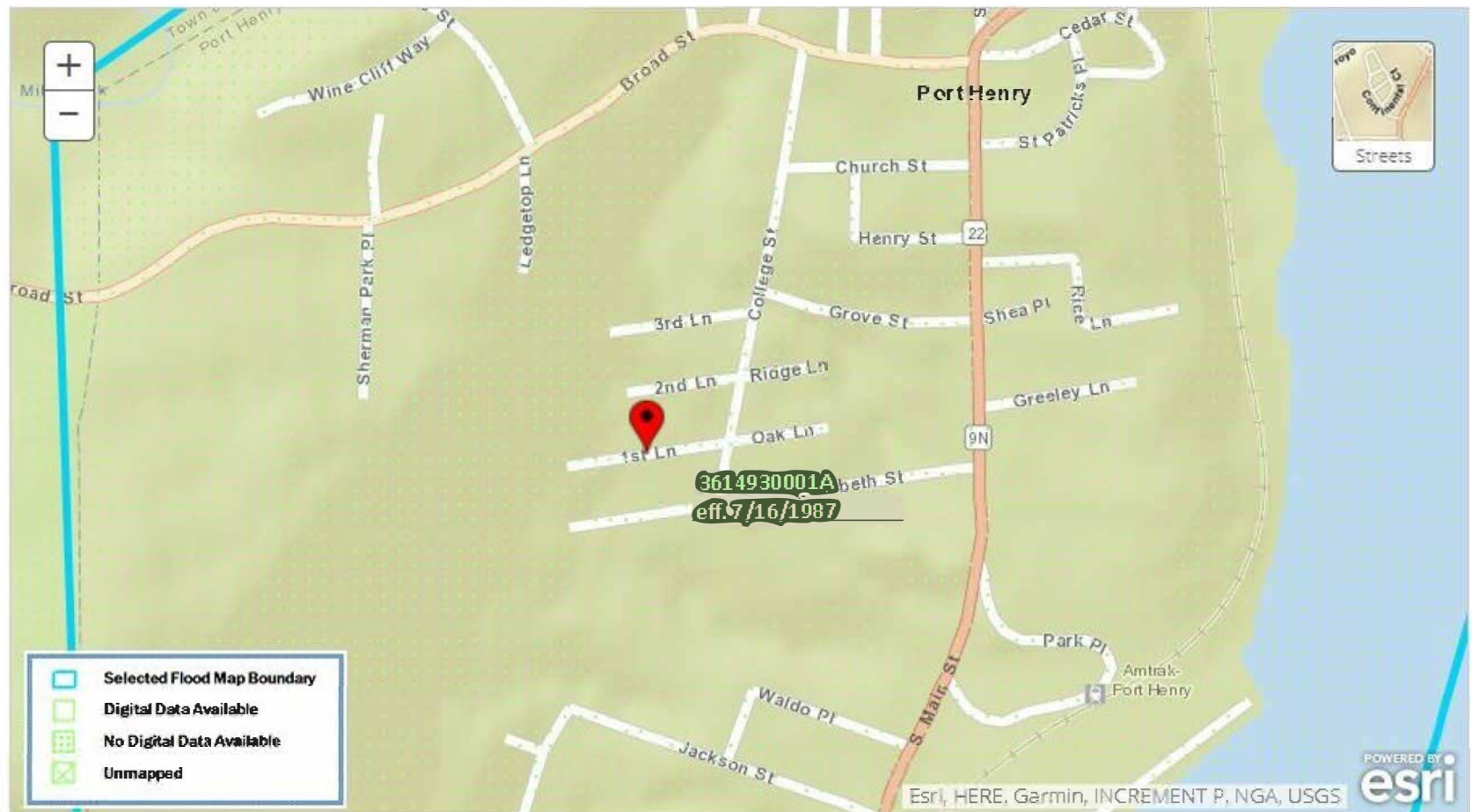
## MAP IMAGE



## Changes to this FIRM ?

- Revisions (0)
- Amendments (0)
- Revalidations (0)

You can choose a new flood map or move the location pin by selecting a different location on the locator map below or by entering a new location in the search field above. It may take a minute or more during peak hours to generate a dynamic FIRMette. If you are a person with a disability, are blind, or have low vision, and need assistance, please contact a map specialist.



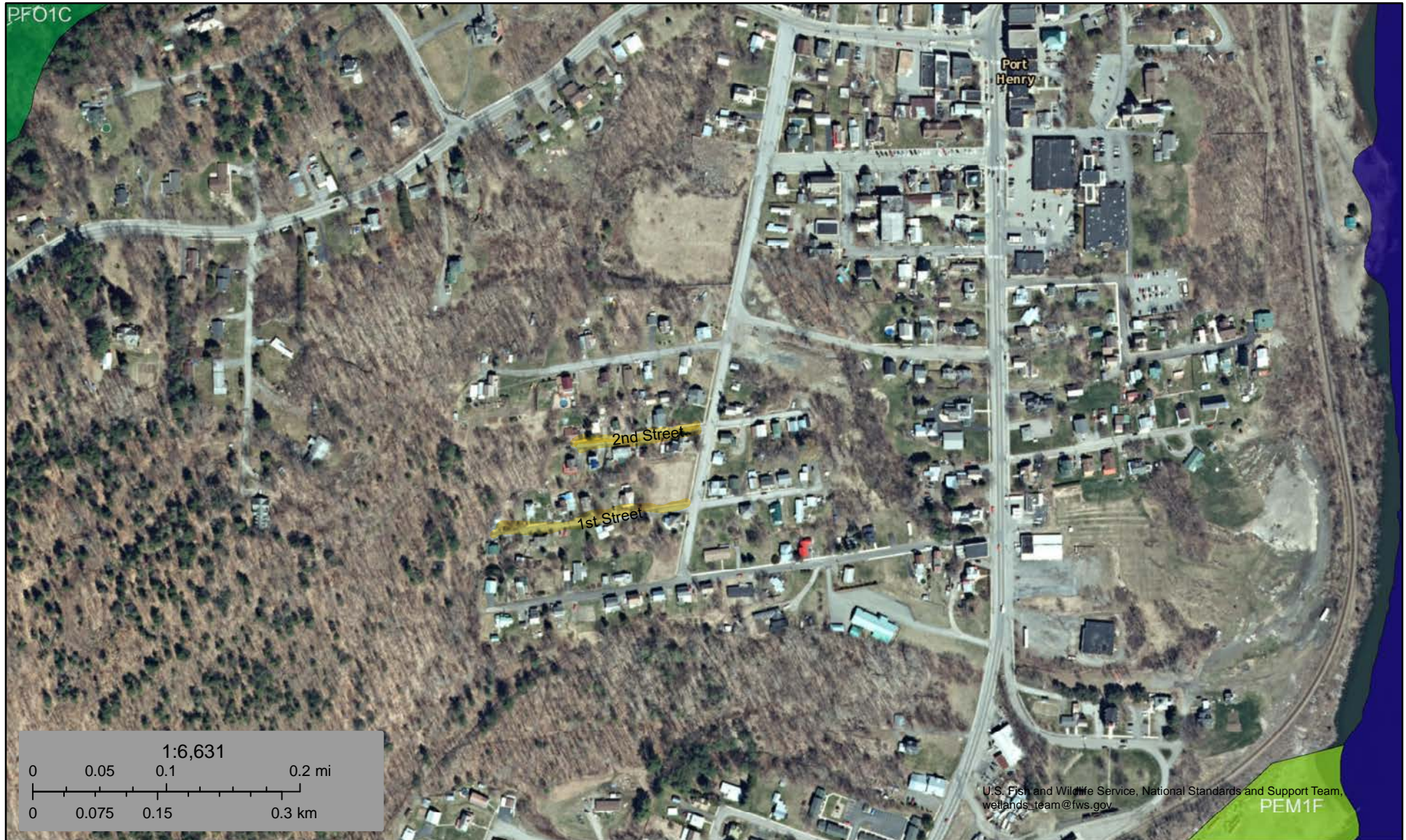




U.S. Fish and Wildlife Service

# National Wetlands Inventory

## CDBG #758PR168-19 Sewer/Water Main Replacement



April 23, 2020

### Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.





1  
G-1

**EXISTING SITE PLAN**

SCALE: 1" = 125'

**NOTES:**

1. THIS DRAWING HAS BEEN GENERATED FROM INFORMATION PROVIDED BY THE TOWN AND AVAILABLE DOCUMENTATION FOR THE PURPOSES OF PREPARING A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO THE OFFICE OF COMMUNITY RENEWAL.
2. SANITARY SEWER AND WATER MAINS ARE SHOWN IN APPROXIMATE LOCATIONS.
3. WATER SERVICES, VALVES AND SANITARY SEWER LATERALS ARE NOT SHOWN ON THE MAP FOR CLARITY.

1ST, 2ND

EXISTING SITE PLAN

TOWN OF MORIAH

G-1



## National Environmental Policy Act (NEPA) Environmental Review Process

### A. Compliance with Related Laws at 24 CFR 58.6

- **Floodplain Management** – the project site is not located within designated floodplains. As indicated on the attached National Flood Insurance Map the proposed project is located in ZONE X [WHITE]. This zone includes “areas determined to be outside the 500-year floodplain.”
- **Coastal Barriers** – there are no coastal barrier resources located within or proximate to the designated project area.

### B. Compliance with Related Laws at 24 CFR 58.5

- **National Historic Preservation Act**
  - SHPO - Consultation with the New York State Historic Preservation Office (SHPO) has occurred, a determination letter from SHPO was received on 1/21/2020 stating that “no properties, including archeological and/or historic resources, listed in or eligible for the NYS and National Registers of Historic Places will be impacted by this project.” No further consultation, permit and/or mitigation is required.
  - THPO – Consultation with the New York State Tribal Historic Preservation Office has occurred, a determination letter from THPO was received on 4/9/2020 stating that the “project will have NO IMPACT on cultural resources at this specific location and can proceed as planned.” No further consultation, permit and/or mitigation is required.
- **Floodplain Management, Executive Order 11988** – The proposed action is not located within, nor will it impact designated 100-yr or 500-yr floodplain areas, according to FEMA’s Flood Insurance Rate Map. No further compliance actions are required.
- **Protection of Wetlands, Executive Order 11990** – The proposed activities will not involve site excavation, fill or grading, no permit is required.
- **Noise Abatement and Control** – The proposed project will contribute to periodic short-term noise production in excess of ambient noise levels only during the construction phase, which will occur only during regular business hours. Appropriate manufacturer specified muffler devices will be required for all motorized equipment utilized during planned construction activity. No consultation, permit and/or mitigation is required.
- **Manmade Hazards** – Not applicable. Proposed project activities are not located proximate to potential thermal/explosive hazards and/or airport clear zones. No consultation, permit and/or mitigation is required.
- **Clean Air Act** – Not applicable. The project will not involve Regulated Asbestos-containing Materials. No consultation, permit, and/or mitigation is required.

- **Water Quality, Sole Source Aquifers** – Not applicable. There are no EPA-designated Sole Source Aquifer areas within the project area.
- **Coastal Zone Management Act of 1972** – Not Applicable. This project is not located within a Coastal Zone. No consultation, permits and/or mitigation is required.
- **Endangered Species Act of 1973** – There are no critical habitats, significant natural communities or presence of endangered species identified within the project area. US Fish & Wildlife IPaC Resource Listing indicates a potential regional presence of Northern Long Eared Bat, which is listed as a threatened species. Consultation from USF&W indicates “no action pursuant to the Endangered Species Act or any legislation” with regard to this project. Project review correspondence from NYS DEC Division of Environmental Permits, Region 5 also notes potential regional presence of this species and indicates that any tree cutting should be done from November 1 – March 31. Tree cutting is not anticipated. Proposed activities will occur within a residential neighborhood with paved streets and sidewalks, presenting limited to no vegetation to support wildlife habitat. No trees will be cut during the construction phase and disruption to any existing ground cover will be minimal.
- **Farmland Protection Policy Act of 1981** – Not applicable. Proposed actions will occur within a Hamlet Land Use Area as classified by the NYS Adirondack Park Agency and will not convert farmlands to nonagricultural use. No further consultation, permits and/or mitigation is required.
- **The Wild and Scenic Rivers Act of 1968** – Not applicable. The proposed project is not within proximity of a designated National Wild and Scenic Rivers System.
- **Environmental Justice, Executive Order 12898** – This project will be consistent, as far as practicable, with the principles of Environmental Justice Executive Order 12898.
- **Water Quality** – The proposed project activities will not produce a discharge of pollutants or of dredged or fill material. U.S. Army Corps of Engineers permitting not required.
- **Solid & Hazardous Waste** – Proposed project activities are not anticipated to encounter hazardous materials. No consultation, permit and/or mitigation is required.
- **The Fish & Wildlife Coordination Act** – Not applicable. No waterbodies will be modified as a result of project activities. Section 404 permit from the U.S. Army Corps of Engineers is not required for this project.
- **HUD Environmental Standards** – The project site is not located on, or in the general proximity of, such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.

## National Environmental Policy Act (NEPA) Project Consultation Correspondence

- NY State Historic Preservation Office Consultation
- NYS Tribal Historic Preservation Office Consultation
- Adirondack Park Agency Jurisdictional Inquiry
- U.S. Fish & Wildlife Project Consultation
- NYS Department of Environmental Conservation Consultation
- NYS Department of Health Project Evaluation

## CRIS Project Information:

**Project Number:** 20PR00380

**Project Name:** Sewer & Water Main Replacement

**Project Completion Date:** 01/21/2020

**Date Created:** 01/17/2020

**Project Status:** Closed

**Created By:** Tim Lloyd

**Closed By:** Tim Lloyd

**Comment:**

---

## Consultation Information:

**Archaeology Concerns:** ☐

**Building Concerns:** ☐

**Agency Reference Number:**

**Finding:** No Historic Properties Impacted

**Finding Date:** 01/21/2020

**Finding Comment:** FastTrack Finding

**Specific Address:** ☐

**Address:** 1st Street & 2nd Street

**City:** Port Henry

**ZIP:**

**Has Buildings:** ☐

**Ground Disturbance:** ☐

**Previous Ground Disturbance:** ☐

**Previous Ground Description:** The project will involve the removal of existing (aged and/or failing) sewer and water main lines along 1st and 2nd Street, and the replacement, in-kind, of new sewer and water main lines.

**Description:** The Town of Moriah will implement improvements to public infrastructure, including; replacement in-kind of approx. 880 LF water main, approx. 880 LF sewer main, replacement of water main buried gate valves, water service improvements (curb stops, trench repairs), manhole rehabilitation (2), manhole installation (4), installation of sanitary bypass pumping, sewer laterals and cleanouts and pavement restoration.



**Location Description:** 1st Street, 2nd Street, hamlet of Port Henry, Town of Moriah, NY



via Cultural Resources Information System (CRIS)

Submission Attachments:

- Letter of Request
- Location Map
- Schematic Site Plan
- Short Environmental Assessment Form, Part 1



# Town of Moriah

38 Park Place  
Port Henry, NY 12974  
Thomas R. Scozzafava, Supervisor  
[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



NYS Historic Preservation Office  
Attn: Tim Lloyd, Ph.D.  
Division for Historic Preservation  
NYS OPRHP  
Peebles Island State Park  
P.O. Box 189  
Waterford, NY 12188-0189

January 15, 2020

## **Project Consultation Request, Town of Moriah – Sewer & Water Main Replacement, 1<sup>st</sup> & 2<sup>nd</sup> Street CDBG #758PR168-19**

The Town of Moriah respectfully requests a project consultation and determination from the New York State Historic Preservation Office, as required by the National Environmental Policy Act pursuant to 24 CFR 58.5.

Proposed activities and project reference materials will be submitted for review through the Cultural Resource Information System (CRIS), as required. Please note, a complete copy of the Preliminary Engineering Report, Summary of Work completed by Cedarwood Engineering, PLLC, is available upon request.

Please remit determination regarding the proposed project to: Essex County Office of Community Resources, 518-873-3303, [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov).

If you have any questions or require additional information, please give me a call. Thank you for your attention to this matter.

Sincerely,



Thomas Scozzafava  
Supervisor  
Town of Moriah

via Cultural Resource Information System (CRIS)



## Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ERIK KULLESEID  
Commissioner

January 21, 2020

Jessica DesLauriers  
Grants Administrator  
Essex County Office of Community Resources  
7514 Court Street  
Elizabethtown, NY 12932

Re: OCR  
Sewer & Water Main Replacement  
1st Street & 2nd Street, Port Henry, NY  
20PR00380

Dear Jessica DesLauriers:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

A handwritten signature in black ink that reads "R. Daniel Mackay".

R. Daniel Mackay

Deputy Commissioner for Historic Preservation  
Division for Historic Preservation

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



Saint Regis Mohawk Tribe  
Tribal Historic Preservation Office  
71 Margaret Terrance Memorial Way  
Akwesasne, NY 13655

March 30, 2020

**Project Consultation Request, Town of Moriah – Sewer & Water Main Replacement, 1<sup>st</sup> & 2<sup>nd</sup> Street  
CDBG# 758PR168-19**

Dear Mr. Bonaparte,

Thank you for taking the time to speak with me last month regarding the above referenced project. The Town of Moriah respectfully requests a project consultation and determination response from the Saint Regis Mohawk Tribe Tribal Historic Preservation Office as required by the National Environmental Policy Act pursuant to 24 CFR 58.5.

For your reference, Part 1 of the Short Environmental Assessment Form is enclosed, as well as a schematic site plan of the project area. Please note, a complete copy of the Preliminary Engineering Report, Summary of Work completed by Cedarwood Engineering, PLLC, is available upon request.

Please remit determination regarding the proposed project to: Essex County Office of Community resources, 518-873-3303, [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov).

If you have any questions or require additional information, please give me a call. Thank you for your attention to this matter.

Sincerely,



Thomas Scozzafava  
Supervisor  
Town of Moriah

Enclosures



***Onkwehón:we Tsinikiawen:'en Tsiionteweien'tohkhwa***  
**Tribal Historic Preservation Office**  
**Saint Regis Mohawk Tribe**

April 17, 2020

Thomas Scozzafava  
38 Park Place  
Port Henry, NY 12974

**Re: Port Henry Sewer & Water Main Replacement Project**

Shé:kon Supervisor Scozzafava,

The Saint Regis Mohawk Tribe's Tribal Historic Preservation Office has reviewed the materials you shared with us regarding the above project.

As indicated, the project will have no new ground disturbance. We find that the above project will have NO IMPACT on cultural resources at this specific location and may proceed as planned.

If you need further assistance, please feel free to send us a quick email.

Niá:wen,

Darren Bonaparte  
Director, THPO

**Ionkwakiohkwaró:ron | Tribal Administration Building**  
**71 Margaret Terrance Memorial Way**  
**Akwesasne, NY 13655**

***Working Together Today to Build a Better Tomorrow***  
*Ska'tne ionkwaio'te ón:wa wenhniserá:te ne sén:ha aioianerénhake ne enióhrhen'ne*



## JURISDICTIONAL INQUIRY FORM

### A. INSTRUCTIONS

Submit this form to obtain a written determination whether an Adirondack Park Agency permit or variance is needed for a proposed project. This form is not an application. If you know you need an Agency permit or variance you should not submit this form, but instead you should contact the Agency for the appropriate application form. Information about Agency jurisdiction can be found on the Agency's website ([www.apa.ny.gov](http://www.apa.ny.gov)) and in the Permit Checklist on pages 10 and 11 of the Agency's 'Citizen Guide,' which is also available on the website.

The Jurisdictional Inquiry Form must be signed by owners of land or their attorney, or by purchasers who have a signed contract of land or their attorney. Please note that if the person under contract to purchase the property signs this form, then a copy of the purchase agreement signed by both parties must be provided.

The legal issues involved in determining jurisdiction are complicated. All of the information requested on this form is necessary in order for us to determine if the proposal requires an Agency permit or variance. The County Clerk's Office, Real Property Tax Services and/or the Town Office may be able to assist you in obtaining property information (i.e., tax map number, history, copies of deeds, etc.).

Please include a copy of the current recorded deed, tax map number, a description of your proposal, including a sketch map, and the necessary signature(s).

WE CANNOT RESPOND TO YOUR INQUIRY WITHOUT THIS INFORMATION

### B. GENERAL INFORMATION

<u>APPLICANT/REPRESENTATIVE:</u>	<u>PROPERTY OWNER (if not applicant):</u>
Name     Town of Moriah	
Mailing Address     38 Parkk Place Port Henry, NYY 12974	
Telephone     518- 5466-8831	

### **PROPERTY LOCATION:**

Town/Village Moriah County EEssex

Road/Highway 1st Street, 2nd Street

Tax Map Number: (This can be found on your tax bill and it looks something like this... 89.12-1-1.4 - three numbers separated by dashes, and there may not be decimals).  
mutiple locations along 1st St and 2nd St in the hamlet of Port Henry approx 97.71-51.00 to 97.71-23.100)

Section \_\_\_\_\_ Block \_\_\_\_\_ Parcel/Lot \_\_\_\_\_

### **C. PROPERTY HISTORY**

**Please include a copy of the current recorded deed for the property.**

1. Has the property been the subject of any previous Agency permit, variance, map amendment, jurisdictional determination, staff site visit, wetland site visit, or an enforcement action?

☐ Yes ☒ No ☐ Don't Know

If yes, please include the following information:

File number \_\_\_\_\_ Agency contact \_\_\_\_\_

2. What is the acreage or square footage of the property at this time? approx 1 acre
3. Please describe all structures which currently exist on the property (include type and use of structure, size and construction date of each – for example, confirm if the structure is a mobile home, single family dwelling, barn, storage building, etc.). If your project involves replacement of a structure, please provide its description, even if it has already been removed (and indicate its removal date).

	<b><u>Structure/Use</u></b>	<b><u>Size</u></b>	<b><u>Construction Date</u></b>	<b><u>Removal Date</u></b>
a.	<u>Sewer Main Lines</u>	<u>approx. 880 LF</u>	<u>TBD</u>	<u>TBD</u>
b.	<u>Water Main Lines</u>	<u>approx. 880 LF</u>	<u>TBD</u>	<u>TBD</u>
c.	<u></u>	<u></u>	<u></u>	<u></u>
d.	<u></u>	<u></u>	<u></u>	<u></u>
e.	<u></u>	<u></u>	<u></u>	<u></u>
f.	<u></u>	<u></u>	<u></u>	<u></u>

## D. PROJECT DESCRIPTION

Please check all that apply and fill in the appropriate blanks:

1. ☐ Subdivision
  - (a) Number of proposed lots (including any lots being retained). \_\_\_\_\_
  - (b) What is the size of the smallest lot in acres or square feet? \_\_\_\_\_
  - (c) What is the smallest shoreline lot width (if applicable)? \_\_\_\_\_
  - (d) Are any of the proposed lots being conveyed by gift? ☐ Yes ☐ No  
If yes, what is the recipient's relationship to the person giving the lot?  
\_\_\_\_\_
  - ☐ Construction of a single family dwelling.
  - ☐ Installation of a mobile home.
  - ☐ Construction of a multiple-residence building ( \_\_\_\_\_ housing units).
  - ☐ Construction of a commercial, industrial or public building resulting in \_\_\_\_\_ square feet of building footprint and \_\_\_\_\_ square feet of floor space (total of all floors).
  - ☐ Expansion of the footprint of an existing \_\_\_\_\_ square foot structure by \_\_\_\_\_ additional square feet. For group camps and public buildings, please also provide expansion information for the total of all floor space. **NOTE:** If you are expanding a structure other than a single-family dwelling, also provide the total square footage of the structure as of May 22, 1973.
  - ☐ Are you proposing to install, replace or expand a seepage pit, drainage field or other leaching facility?  
Will it be within 100 feet of the mean high water mark of any lake, pond, river or stream (including intermittent streams)? ☐ Yes ☐ No  
Will the new system serve an actual or potential occupancy increase of the shoreline structure served?  
☐ Yes ☐ No
  - ☐ Replacement of an existing \_\_\_\_\_ square-foot structure with a new \_\_\_\_\_ square-foot structure. Confirm the existing and proposed use of the structure.  
\_\_\_\_\_
  - ☐ Conveyance of entire ownership
  - ☒ Other (describe)  
Replacement in-kind of water and sewer main lines  
\_\_\_\_\_
2. Does the project involve establishment of a new business? ☐ Yes ☒ No  
If yes:
  - (a) Will it be operated at your residential property? ☐ Yes ☐ No
  - (b) How many people will the business employ who do not live on the premises?  
\_\_\_\_\_
  - (c) How many signs will the business have? \_\_\_\_\_  
Will they be lighted? ☐ Yes ☐ No  
What will be the combined square footage of the sign(s)? \_\_\_\_\_
  - (d) Please describe the type of business. \_\_\_\_\_
3. Will the project result in any structures over 40 feet in height (measuring from the highest point of a structure to the lowest point of natural or finished grade, whichever is lower)?  
☐ Yes ☒ No

(If the structure is close to 40 feet in height, it will be necessary to provide building elevations [all sides] and a grading plan which shows existing and proposed grade to obtain a jurisdictional determination.)

4. Will the project result in the removal of sand, gravel, topsoil or minerals from the property?  
☐ Yes ☒ No

5. Will waste material, such as construction debris, be disposed on the property? (This does not include soil and land clearing debris generated from onsite construction activities.)  
☐ Yes ☒ No

If yes, explain the type and volume of debris.

---

6. Does the property contain shoreline? No  
What will be the distance from the mean high water mark to the closest new structure or expansion? \_\_\_\_\_ feet  
If an expansion, how far from the mean high water mark is the existing structure?  
\_\_\_\_\_ feet

Will the existing roof ridgeline height be increased by more than 2 feet? ☐ Yes ☒ No  
If yes, what is the proposed new ridgeline height in feet above the existing ridgeline height? \_\_\_\_\_ feet

7. Will any vegetation be cut within 35 feet of a lake, pond, river or stream? ☐ Yes ☒ No  
Your sketch should show the size and type of vegetation to be removed relative to the size and type which will remain.
8. Does the proposal involve provision of any new or additional deeded or contractual access to the shoreline? ☐ Yes ☒ No If yes, provide the number of new or additional lots being provided access (identify by tax map designation) and the width of the access area.
- 

#### **E. SKETCH MAP**

(For the purposes of this Inquiry the map does not need to be professionally prepared)

On a separate sheet, provide a scaled sketch map of the property showing acreage, boundaries, and natural features and water bodies. Include the location of all existing and proposed development (including structures, on-site wastewater treatment system, water supply, driveways, roads, and areas of clearing etc.) It should be drawn at a scale which clearly shows the location of all proposed activity, with measurements labeled. For a shoreline parcel, show the lot width along the shoreline and indicate the setback distance from mean high water mark of any existing or proposed structure and sewage system. Also, provide the north arrow, the name of the map maker and date it was prepared.



**F. NARRATIVE** (Please describe your proposal)

The Town of Moriah will implement a public infrastructure improvement project to replace sewer and water main lines along 1st Street and 2nd Street in the hamlet of Port Henry, including: Replacement of approximately 880 LF of water line; Replacement of water main buried gate valves; Water Service Improvements, including curb stops and trench repairs; Replacement of approximately 880 LF of sewer line; Rehabilitation of 2 manholes, installation of 4 new manholes; Installation of sanitary bypass pumping; Sewer laterals and cleanouts; Pavement Restoration

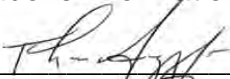
**G. CHECK LIST**

- ☒ Have you answered all of the questions?
- ☒ Did you include a copy of the current recorded deed?
- ☒ Did you include a sketch map?
- ☒ Is the form signed by an authorized person?
- ☒ Did you provide the tax map identification number?
- ☒ Did you include your return mailing address and phone number?

**H. SIGNATURE OF AUTHORIZED PERSON**

**Note: This form must be signed by a person with a legal interest in the property; only owners, purchasers under an existing contract of sale or their attorneys.**

The above information is correct and accurate to the best of my knowledge.

 Original Signature Only	1/15/20 Date	Thomas Scozzafava, Supervisor Please print or type name (title if applicable)
--	-----------------	---

**If you wish to have another person, such as a contractor, process this inquiry on your behalf, please provide the name and address of that person.**

I wish to have \_\_\_\_\_ complete this inquiry on my behalf.

**I. RETURN TO:**

**Adirondack Park Agency  
PO Box 99  
Ray Brook, NY 12977  
Phone: (518) 891-4050**

If you are not registered to vote at your current address you may receive a registration form with the Agency's response to your inquiry. You may receive government services without being registered to vote.

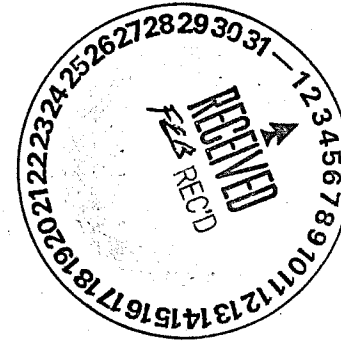
Would you like a New York State Registration form? ☐ Yes ☐ No



## Adirondack Park Agency

ANDREW M. CUOMO  
Governor

TERRY MARTINO  
Executive Director



January 30, 2020

Town of Moriah  
Thomas Scozzafava  
38 Park Place  
Port Henry, NY 12974

Dear Mr. Scozzafava:

**RE: Jurisdictional Determination J2020-0037**

The proposed rehabilitation of the existing sewer and water main lines described in the materials received on January 22, 2020 does not require a permit from this Agency, provided the facts submitted are accurate and complete, and provided there is compliance with the restrictions below.

**Description**

It is our understanding that the project consists of the following:

1. The project will take place within rights-of-way along First Street and Second Street in the Town of Moriah, Essex County.
2. You propose to rehabilitate the existing sewer and water main lines, as shown on the site plan entitled, "Existing Site Plan," received January 22, 2020. For purposes of Agency review, the site plan has been stamped "Final".

No additional subdivision or new land use and development is proposed at this time.

If any of the above is incorrect, please contact the Agency as a different determination could result.

**For Your Information**

This determination is based upon the existing laws, regulations and Park Plan Map administered by the Agency. If they change before substantial commencement of the proposed project, this determination may also change.

The property is located in a Hamlet land use area on the Adirondack Park Land Use and Development Plan Map.

Agency staff has determined that there are no wetlands subject to Agency jurisdiction on the property, based on interpretation of wetland maps available for Essex County. However, field inspection by Agency staff is the only way to confirm the presence, location and size of wetlands. If you have reason to believe that any wetlands would be affected by the proposal, you are encouraged to contact the Agency to arrange a site visit prior to undertaking the project.

### **Restrictions**

Although the proposed project described above does not require an Agency permit, the following restrictions are imposed by law.

1. Projects must be undertaken in accord with Agency regulations implementing the State Freshwater Wetlands Act. Enclosed is a flyer describing some of the activities which require a wetlands permit.

The proposal may require approvals from other government entities. We recommend that you check with Town authorities to obtain all necessary approvals prior to beginning your project.

You have also sent a letter to the Agency regarding the State Environmental Quality Review (SEQR) process for the above referenced project.

The Adirondack Park Agency has no objection to the designation of the TOWN OF MORIAH as "lead agency" for this project for funding or planning purposes. However, the scope of the Agency's environmental review pursuant to the APA Act cannot be limited by another agency's findings regarding environmental "significance" pursuant to SEQR.

Please be advised that if a SEQR "action" is subject to Agency jurisdiction as a Class A/B regional project, it is an exclusion from the SEQR environmental impact statement process pursuant to ECL §8-0111(5)(c) and 6 NYCRR 617.5(c)(36).

If you have any questions, please do not hesitate to contact the Agency.

Sincerely,



Tracy J. Darrah  
Project Administrator

TJD:DWM:mp  
Enclosure: Wetlands flyer

cc: Town of Moriah (via email)

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



Robyn Niver  
U.S. Fish & Wildlife Service  
NY Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

June 2, 2020

**Re: Project Review Request  
Town of Moriah – Sewer & Water Main Replacement, 1<sup>st</sup> & 2<sup>nd</sup> Street  
CDBG# 758PR168-19**

Dear Ms. Niver:

Thank you for your recent correspondence regarding the Town of Moriah's Water and Sewer Main Replacement Project located on 1<sup>st</sup> Street and 2<sup>nd</sup> Street in the hamlet of Port Henry, Town of Moriah, NY. As you are aware, the Town of Moriah, has determined the proposed project to be a TYPE II Action pursuant to SEQR 6NYCRR Part 617.5(c)(2) and is therefore not subject to further review under the State Environmental Quality Review Act.

In accordance with the National Environmental Policy Act (NEPA) the Town of Moriah is requesting Project Review from the U.S. Fish & Wildlife Service for the following activities:

Replacement in-kind of approx. 880 LF of water line; replacement in-kind of approx. 880 LF of sewer line; water service improvements; replacement of buried gate valves; manhole rehabilitation/installation; sanitary bypass pumping; sewer laterals and cleanouts; and pavement restoration. Additional information can be found within the materials that were previously submitted to your agency on on March, 10, 2020, including Short Environmental Assessment Form, project maps and schematic plan and IPaC Resource List.

No critical habitats or significant communities have been identified within the project area, which is a residential neighborhood with paved streets and sidewalks, presenting limited to no vegetation to support wildlife habitat. The regional presence of Northern Long-eared Bat habitat will not be adversely impacted by the proposed project as no trees will be cut during the construction phase and project activities will not result in disruption to existing groundcover.

If your agency requires any additional consultation regarding the proposed project, please don't hesitate to contact us. Comments and/or determinations may be remitted to: Essex County Office of Community Resources, 518-873-3303, [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov). Thank you for your attention to this matter.

Sincerely,

Thomas Scozzafava  
Supervisor  
Town of Moriah

**From:** Niver, Robyn <robyn\_niver@fws.gov>  
**Sent:** Wednesday, June 3, 2020 1:29 PM  
**To:** Jessica Deslauriers <Jessica.Deslauriers@essexcountyny.gov>  
**Subject:** Town of Moriah CDBG 758PR169-19

Good day, Jessica,

We received Mr. Scozzafava's June 2, 2020, letter requesting another review of the Town's sewer and water project. CDBG is federal pass-through dollars and the Town or County can act as HUD's representative for consulting directly with the U.S. Fish and Wildlife Service. As it has been previously determined that the project would result in **no effect** to any federally listed species, you can keep that prior coordination and this email in your files if the project activities have not changed.

Sincerely,  
Robyn

\*\*\*\*\*

Robyn A. Niver  
Endangered Species Biologist  
New York Field Office  
3817 Luker Road  
Cortland, NY 13045  
607-299-0620  
<https://www.fws.gov/northeast/nyfo/index.html>

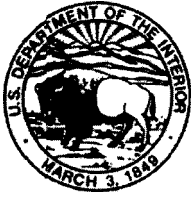
**From:** [Jessica Deslauriers](#)  
**To:** ["Niver, Robyn"](#)  
**Subject:** RE: Town of Moriah CDBG 758PR169-19  
**Date:** Wednesday, June 3, 2020 1:44:00 PM

---

Thank you Robin. Project activities have not changed, and I will include the prior coordination and correspondence.

Take care,  
Jessica

Jessica DesLauriers  
Grant Administrator  
Essex County Office of Community Resources  
Jessica.DesLauriers@essexcountyny.gov  
Office: (518) 873-3303  
Fax: (518) 873-3751



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<https://www.fws.gov/northeast/nyfo>



To: Jessica Deslauriers

Date: April 7, 2020

USFWS File No: 19TA0674

Regarding your: ☒ Letter ☐ Fax ☐ Email

Dated: March 10, 2020

For project: Port Henry Water & Sewer Main Replacement

Located: 1st & 2nd Streets

In Town/County: Town of Moriah, Essex County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

☒ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

☐ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

☐ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (<https://www.fws.gov/northeast/nyfo/es/section7.htm>) regularly from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s):

Robyn Niver

Supervisor:

Anne d. Secord

Date: 4-7-20

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



Robyn Niver  
U.S. Fish & Wildlife Service  
NY Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

March 10, 2020

## **Re: Project Determination**

**Town of Moriah – Sewer & Water Main Replacement, 1<sup>st</sup> & 2<sup>nd</sup> Street**

**CDBG# 758PR168-19**

Dear Ms. Niver:

Thank you for your recent correspondence regarding the Town of Moriah's Water and Sewer Main Replacement Project located on 1<sup>st</sup> Street and 2<sup>nd</sup> Street in the hamlet of Port Henry, Town of Moriah, NY. Per your request to be kept informed of project developments, the Town of Moriah, acting in their capacity as Lead Agency, has determined the proposed project to be a TYPE II Action pursuant to SEQR 6NYCRR Part 617.5(c)(2).

Project activities include the following: replacement in-kind of approx. 880 LF of water line; replacement in-kind of approx. 880 LF of sewer line; water service improvements; replacement of buried gate valves; manhole rehabilitation/installation; sanitary bypass pumping; sewer laterals and cleanouts; and pavement restoration. No critical habitats or significant communities have been identified within the project area, which is a residential neighborhood with paved streets and sidewalks, presenting limited to no vegetation to support wildlife habitat. Additionally, no trees will be cut during the construction phase and will not result in disruption to existing groundcover.

The Town of Moriah has reviewed the proposed project activities in accordance with SEQR 6NYCRR Part 617 and has determined that said action, for the replacement in-kind of sewer and water main infrastructure, is a TYPE II Action under SEQR and is therefore not subject to further review under the State Environmental Quality Review Act.

If your agency requires any additional consultation regarding the proposed project, please don't hesitate to contact us. Comments and/or determinations may be remitted to: Essex County Office of Community Resources, 518-873-3303, [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov). Thank you for your attention to this matter.

Sincerely,

Thomas Scozzafava  
Supervisor  
Town of Moriah

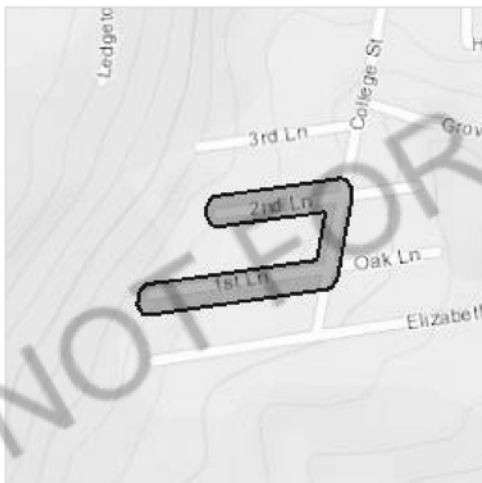
# IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

## Location

Essex County, New York



## Local office

New York Ecological Services Field Office

☎ (607) 753-9334

📠 (607) 753-9699

3817 Luker Road  
Cortland, NY 13045-9385

<http://www.fws.gov/northeast/nyfo/es/section7.htm>



# Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species<sup>1</sup> and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries<sup>2</sup>).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

## Mammals

NAME

STATUS

Indiana Bat *Myotis sodalis*

Endangered

There is **final** critical habitat for this species. Your location is outside the critical habitat.

<https://ecos.fws.gov/ecp/species/5949>

Northern Long-eared Bat *Myotis septentrionalis*

Threatened

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/9045>

## Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor  
[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

518-546-3342 fax



NYS Dept. of Environmental Conservation  
Division of Environmental Permits  
Region 5  
1115 State Route 86  
P.O. Box 296  
Ray Brook, NY 12977-0296

June 2, 2020

## RE: Project Review Request

### **Town of Moriah – Sewer & Water Main Replacement, 1<sup>st</sup> & 2<sup>nd</sup> Street CDBG# 758PR168-19**

Thank you for your recent correspondence regarding the Town of Moriah's Water and Sewer Main Replacement Project located on 1st Street and 2nd Street in the hamlet of Port Henry. As you are aware, the Town of Moriah, has determined the proposed project to be a TYPE II Action pursuant to SEQR 6NYCRR Part 617.5(c)(2) and is therefore not subject to further review under the State Environmental Quality Review Act.

In accordance with the National Environmental Policy Act (NEPA) the Town of Moriah is requesting Project Review from the NYS Department of Environmental Conservation, Region 5, for the following activities:

Replacement in-kind of approx. 880 LF of water line; replacement in-kind of approx. 880 LF of sewer line; water service improvements; replacement of buried gate valves; manhole rehabilitation/ installation; sanitary bypass pumping; sewer laterals and cleanouts; and pavement restoration. Additional information can be found within the materials that were previously submitted to your agency on March, 30, 2020, including the Short Environmental Assessment Form, project maps, schematic site plan and IPaC Resource List.

As noted in previous correspondence, there are no critical or significant communities identified within the project area, which is a residential neighborhood with paved streets and sidewalks, presenting limited to no vegetation to support wildlife habitat. As outlined in our response to your agency's comments received on April 13, 2020, the regional presence of Northern Long-eared Bat habitat will not be adversely impacted by the proposed project as no trees will be cut during the construction phase and project activities will not result in disruption to existing groundcover.

If your agency requires additional consultation regarding the proposed project, please don't hesitate to contact the Essex County Office of Community Resources, 518-873-3303, [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov). Thank you for your attention to this matter.

Sincerely,

Thomas Scozzafava  
Supervisor  
Town of Moriah  
Enclosures

**From:** Kress, Bethany H (DEC)  
**Sent:** Wednesday, June 3, 2020 11:14 AM  
**To:** [supervisor@townofmoriah.ny.org](mailto:supervisor@townofmoriah.ny.org)  
**Subject:** RE: Port Henry Sewer and Water Main Replacement, Moriah (T), Essex County

Good morning Supervisor,

We are in receipt of your letter dated June 2, 2020. The information appears to be included with the previously approved request for project review dated March 30, 2020.

Can you tell me if something is different from what was previously reviewed?

Thank you,

**Bethany Kress**

Program Aide, Division of Environmental Permits

**New York State Department of Environmental Conservation**

1115 State Rte 86, Ray Brook, NY 12977

P: (518) 897-1234 | F: (518) 897-1394 | [bethany.kress@dec.ny.gov](mailto:bethany.kress@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov) |

**From:** Kress, Bethany H (DE)  
**Sent:** Wednesday, June 3, 2020 12:42 PM  
**To:** [jessica.deslauriers@essexcountyny.gov](mailto:jessica.deslauriers@essexcountyny.gov)  
**Subject:** FW: Port Henry Sewer and Water Main Replacement, Moriah (T), Essex County

Good morning,

See email below. Am I correct in thinking that the June 2, 2020 letter is the same as the project we previously responded to on April 13, 2020?

Thank you, Beth

**Bethany Kress**

Program Aide, Division of Environmental Permits

**New York State Department of Environmental Conservation**

1115 State Rte 86, Ray Brook, NY 12977

P: (518) 897-1234 | F: (518) 897-1394 | [Bethany.kress@dec.ny.gov](mailto:Bethany.kress@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov)

**From:** Jessica Deslauriers <Jessica.Deslauriers@essexcountyny.gov>  
**Sent:** Wednesday, June 3, 2020 1:32 PM  
**To:** Kress, Bethany H (DEC) <Bethany.Kress@dec.ny.gov>  
**Cc:** supervisor@townofmoriahny.gov; Rob Wick <Rob.Wick@essexcountyny.gov>; Anna Reynolds <Anna.Reynolds@essexcountyny.gov>  
**Subject:** RE: FW: Port Henry Sewer and Water Main Replacement, Moriah (T), Essex County

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Hi Beth,

Apologies for any confusion. Yes, you are correct, the 3/30/20 letter from the Town of Moriah and the request that you received yesterday, dated 6/2/20, reference the same project and the proposed activities have not changed – Port Henry Sewer & Water Main Replacement on 1<sup>st</sup> & 2<sup>nd</sup> Street, CDBG #758PR168-19.

The DEC comments dated 4/13/20 are included in the Environmental Review Record, as is the Town's response and plan to avoid adverse impacts to regional threatened species habitat (i.e. no treecutting will take place, as the Town has indicated).

However, the Town is required to include a response specific to the National Environmental Review Act in the Environmental Review Record, as is being requested in the letter that you received yesterday.

Thanks!

Jess

**Jessica DesLauriers**  
Grants Administrator  
Essex County Community Resources  
[Jessica.DesLauriers@essexcountyny.gov](mailto:Jessica.DesLauriers@essexcountyny.gov)

Office: (518) 873-3303  
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**From:** [Kress, Bethany H \(DEC\)](#)  
**To:** [Jessica Deslauriers](#)  
**Cc:** [Thomas Scozzafava](#); [Rob Wick](#); [Anna Reynolds](#)  
**Subject:** RE: FW: Port Henry Sewer and Water Main Replacement, Moriah (T), Essex County  
**Date:** Wednesday, June 3, 2020 2:13 PM

Thank you for the clarification. Please see the Department's response that was previously sent. We have no additional comments.

Beth

**Bethany Kress**  
Program Aide, Division of Environmental Permits  
**New York State Department of Environmental Conservation**  
1115 State Rte 86, Ray Brook, NY 12977  
P: (518) 897-1234 | F: (518) 897-1394 | [Bethany.kress@dec.ny.gov](mailto:Bethany.kress@dec.ny.gov)  
[www.dec.ny.gov](http://www.dec.ny.gov)

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Environmental Permits, Region 5

1115 State Route 86, PO Box 296, Ray Brook, NY 12977-0296

P: (518) 897-1234 | F: (518) 897-1394

[www.dec.ny.gov](http://www.dec.ny.gov)

April 13, 2020

Honorable Thomas Scozzafava  
Supervisor, Town of Moriah  
38 Park Place  
Port Henry, NY 12974  
[supervisor@townofmoriahny.gov](mailto:supervisor@townofmoriahny.gov)

### **RE: Port Henry Sewer and Water Main Replacement Moriah (T), Essex County**

Dear Supervisor Scozzafava:

This letter is in response to your review request dated March 30, 2020, for the above-referenced project. The Department reviewed the Short Environmental Assessment Form and reference materials and offers the following comments and/or permit requirements:

1. **Wastewater**: Prior to implementation of the collection system upgrades, the Town must submit a report, engineering plans and specifications to the Department for review and approval. For further guidance, please contact Kelly Duval in our Division of Water at (518) 897-1241.
2. **Threatened/Endangered Species**: Please note, you are within 5 miles of a known Northern Long-Eared Bat hibernacula, which is listed as a Threatened Species. Therefore, any tree cutting should be done from November 1-March 31.
3. **Other Agencies**: As you are aware, other agencies may have jurisdiction over this project. These agencies may include but are not limited to: Adirondack Park Agency (518) 891-4050, Department of Health (518) 891-1800, and NY State Historic Preservation Office (SHPO) (518) 237-8643. If you haven't already done so, please contact these other agencies for their jurisdictional determination.

If you have any questions, please feel free to contact me at (518) 897-1234.

*Bethany H. Kress*

Bethany H. Kress  
Program Aide  
Division of Environmental Permits



Department of  
Environmental  
Conservation

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

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## **Town of Moriah**

### **Port Henry Sewer & Water Main Replacement Project – 1<sup>st</sup> St & 2<sup>nd</sup> St**

**CDBG #758PR168-19**

#### Plan of Response to NYS DEC Project Review Comments:

1. Wastewater – The Town of Moriah will submit a report, engineering plans and specifications to the NYS DEC for review and approval prior to the implementation of collection system improvements. The NYS DEC contact for this project is Kelly Duval at the Division of Water.

2. Threatened/Endangered Species - The NYS DEC has noted that project activities will take place within 5 miles of a known Northern Long-Eared Bat hibernacula, which is listed as a Threatened Species, and therefore any tree cutting should be done from November 1 – March 31. As indicated in the Project Description, proposed project activities will take place in a residential neighborhood, on existing paved roadways, and therefore, NO TREE CUTTING IS ANTICIPATED.

3. Other Agencies - The NYS DEC notes that other agencies may have jurisdiction over this project and should be contacted for their jurisdictional determination. The Town of Moriah concurs and has contacted the following agencies with regard to the project: Adirondack Park Agency; US Fish & Wildlife Service; NYS Department of Health; NY State Historic Preservation Office; and NYS Tribal Historic Preservation Office.



Thomas Scozzafava  
Supervisor  
Town of Moriah

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

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## New York State Department of Health

Saranac Lake District Office

41 St. Bernard Street

Saranac Lake, NY 12983

**May 8, 2020**

### **Re: Port Henry Sewer & Water Main Replacement, CDBG #758PR168-19**

Dear Marlene Martin:

The Town of Moriah respectfully submits this request for Project Evaluation from the New York State Department of Health.

As you know, our community faces the region-wide challenge of aging water and sewer systems that have reached or exceeded the limits of reliable and effective use. Recognizing the impediment failing infrastructure poses to both economic revitalization and environmental protection efforts, the Town has committed to improving public infrastructure throughout the community. Further, the Town of Moriah has prioritized the affordability of these improvement projects by seeking public funding sources. The Town will utilize recently awarded NYS CDBG funds to replace water and sewer main infrastructure on 1<sup>st</sup> Street and 2<sup>nd</sup> Street. The specific activities proposed to address the current water and sewer needs within the designated project area include:

- Construction project mobilization and demobilization
- Traffic protection and maintenance
- Erosion and sediment control measures
- Replacement of approx. 880 LF circa-1930's clay tile water line with new ductile iron piping
- Replacement of water main buried gate valves
- Water service improvements, including curb stops and trench repairs
- Replacement of approx. 880 LF circa-1930's clay tile sewer line with new PVC piping
- Manhole Rehabilitation
- Installation of sanitary bypass pumping
- Sewer laterals and cleanouts
- Pavement restoration



The expected project outcomes are water and sewer infrastructure systems that meet current regulatory standards for environmental and public health, provide reliable service to residents and support future development. The project will address water quality issues by greatly reducing the risk of sanitary sewer overflows and resolving the problems commonly associated with aging water and sewer infrastructure.

On behalf of the Town of Moriah, I am submitting this request for comments, review or specific permitting required by the NYS Department of Health pertaining to the proposed project activities. Please note, as the project proceeds we will submit draft engineering plans and specifications for review as they become available. Concurrent correspondence with the U.S Fish & Wildlife Service, NYS DEC Division of Environmental Permits, and the NYS Adirondack Park Agency, and other agencies, has been conducted for this project. Please let me know if you have any questions, comments or concerns, or need any additional information.

Thank you for your time and assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Scozzafava', with a stylized flourish at the end.

Thomas Scozzafava  
Supervisor  
Town of Moriah

**From:** [Martin, Marlene R \(HEALTH\)](#)  
**To:** [Thomas Scozzafava](#)  
**Cc:** [Jessica Deslauriers](#)  
**Subject:** 1st and 2nd Street CDBG Project  
**Date:** Monday, May 18, 2020 11:12:53 AM

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Hi Tom,

We have received your letter dated May 8, 2020 requesting a Project Evaluation from the DOH for Phase 2 of the Sewer and Water Replacement Project for 1<sup>st</sup> and 2<sup>nd</sup> Streets (CDBG) #758PR168-19) and we agree with and have no objections to the specific activities, as outlined.

Please forward one hard copy of engineering Plans and Specifications to our office for review when they are available. Once the plans and specs are acceptable, we will need three hard copies for approval.

If you have any questions, please let me know.

Thanks,  
Marlene

**Marlene R. Martin, P.E.**  
Professional Engineer 1  
NYS Department of Health  
41 St. Bernards Street  
Saranac Lake, NY 12983  
(518) 891-1800  
[Marlene.Martin@Health.ny.gov](mailto:Marlene.Martin@Health.ny.gov)

# Town of Moriah

38 Park Place

Port Henry, NY 12974

Thomas R. Scozzafava, Supervisor

[supervisor@townofmoriah.ny.gov](mailto:supervisor@townofmoriah.ny.gov)

518-546-8631 Tel.

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## **Town of Moriah**

**Port Henry Sewer & Water Main Replacement Project – 1<sup>st</sup> St & 2<sup>nd</sup> St  
CDBG #758PR168-19**

Response to NYS DOH Project Review Comments:

Per the request of NYS DOH received May, 18, 2020, the Town of Moriah will forward one hard copy of Engineering Plans & Specifications for review when they are available. Upon NYS DOH acceptance, the Town of Moriah will submit three hard copies of Engineering Plans & Specifications for approval.

Thank you,



Thomas Scozzafava  
Supervisor  
Town of Moriah