

**TOWN OF NEW WINDSOR 2016 HAZARD MITIGATION PLAN
UPDATE**

Town of New Windsor
Orange County, New York

Prepared for:

New Windsor Town Board
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ADOPTED BY TOWN OF NEW WINDSOR TOWN BOARD: DECEMBER 7, 2016
APPROVED BY FEDERAL EMERGENCY MANAGEMENT AGENCY: DECEMBER 16, 2016

ACKNOWLEDGEMENTS

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I. INTRODUCTION

A. Overview

Losses from disasters need not be excessive in all cases. The implementation of disaster reduction, or hazard mitigation measures, is essential to ensuring that losses from disasters are eliminated or curtailed.

The Federal Disaster Mitigation Act of 2000 places new emphasis on State and local mitigation planning. The Act created Section 322 and implementing Regulations, 44 CFR Part 201 – “Mitigation Planning.” In addressing the requirements for State and local All-Hazard Mitigation Plans, both the law and the regulations indicate that local governments must possess a FEMA-approved Mitigation Plan in order to be eligible for project funding. The effective date of the plan requirement was November 1, 2004.

The purpose of this Hazard Mitigation Plan is to assist the Town of New Windsor in identifying all natural hazards facing the community. It also identifies and outlines strategies to begin reducing risks from those identified hazards through avoidance and other protective measures.

This document will be incorporated by reference into the Town of Windsor’s Comprehensive Plan to serve as a basis for zoning and other regulatory tools to help guide the continued physical development of the Town.

The impact of expected yet unpredictable natural and human-caused events can be reduced through community planning. The goal of this Plan is to provide a mechanism that will enable the Town of New Windsor to become more disaster resistant.

Hazard mitigation is defined as any sustained action that reduces or eliminates long-term risk to people and property from natural and human-caused hazards and their effects. Based on the results of previous efforts, FEMA and state agencies have come to recognize that it is less expensive to prevent disasters than to repeatedly repair damage after a disaster has struck. This Plan recognizes that the Town of New Windsor has and is taking the opportunity to identify mitigation strategies and measures during all phases of emergency management – preparedness, response and recovery. Hazards cannot be eliminated, but it is possible to determine what the hazards are, where the hazards are most severe and identify local actions that can be taken to avoid exposure to or otherwise reduce the severity of the hazard.

The Disaster Mitigation Act of 2000 (DMA 2000) establishes a national program for pre-disaster mitigation which includes mitigation planning and eligibility requirements for state and local governments. The Act is aimed at reducing loss of life and property, human suffering, economic disruption, and disaster costs. High priority is given to mitigation of hazards at the local level with increased emphasis on assessment and avoidance of identified risks, implementing loss reduction measures for existing exposures, and ensuring that critical services/facilities are able to survive a disaster.

1. State Hazard Mitigation Planning

To comply with the State Hazard Mitigation Plan requirements of DMA 2000, working with other State agencies and other organizations, NYS DHSES coordinated the preparation of the current 2014 State Hazard Mitigation Plan. Approved by FEMA on December 18, 2013, the State Mitigation Plan by law must be updated and resubmitted to FEMA for review and approval. All states must comply with the five-year plan review, update and approval process in order to remain eligible for Hazard Mitigation Grant Program (HMGP) funding and public assistance funds authorized under Categories C through H. Based on past disaster experience in New York State, failure to meet this requirement places millions of dollars in post-disaster funding to the State in jeopardy.

2. Local Hazard Mitigation Planning

As of November 1, 2004, all local governments are required to have a FEMA-approved All-Hazard Mitigation Plan in order to receive project funding from the Hazard Mitigation Grant Program (HMGP). Additionally, the Pre-Disaster Mitigation Program (PDM) and the Flood Mitigation Assistance Program (FMA) continue to require communities to have a FEMA-approved Multi-Hazard Mitigation Plan in place prior to requesting project implementation funds. A mitigation plan prepared under the all-hazard mitigation guidelines outlines in 44 CFR Part 201.6 should satisfy the planning requirements of the HMGP, PDM and FMA. The plan could also satisfy the mitigation planning requirements of other programs (e.g., the Community Rating System (CRS) planning requirements of the National Flood Insurance Program (NFIP)). The CRS provides for a reduction in NFIP premiums when participating communities implement actions beyond the minimum requirements of the NFIP.

A community's multi-hazard mitigation plan indicates that the community has identified the hazards to which it is exposed, assessed the attendant risks and vulnerabilities, prepared a mitigation strategy to reduce or eliminate those risks and vulnerabilities, and has developed an action plan that will ensure the implementation of the mitigation strategy. Public input and participation by all relevant stakeholders in the planning process is required.

As outlined in the all-hazard mitigation guidelines in 44 CFR Part 201.6, local mitigation plans can be prepared either by a single jurisdiction (e.g., village, town or city), or by multiple jurisdictions, such as several towns, villages and cities together under the auspices of their county or a regional organization. All-hazard mitigation plans must be reviewed, updated and resubmitted for re-approval every five years after initial approval.

This 2016 Plan represents the Town of New Windsor's first five-year update on its originally adopted 2011 Hazard Mitigation Plan.

3. Hazard Mitigation Grant Program

The Hazard Mitigation Grant Program (HMGP) was created by Section 404 of the Robert T. Stafford Act to assist states, counties, regional planning organizations, and communities in implementing long-term hazard mitigation measures following major disaster declarations. The objective of the HMGP is to prevent future losses of lives and property due to disasters and to enable mitigation measures to be implemented during the immediate recovery from federally declared disasters. Seven (7) percent of HMGP monies can be used for planning purposes.

4. Pre-Disaster Mitigation Program

The Pre-Disaster Mitigation Program (PDM), authorized by the Robert T. Stafford Act as amended by Section 102 of the Disaster Mitigation Act (DMA) of 2000, provides states with grants to support local, county, and regional mitigation plan development and implementation of projects. The Disaster Mitigation Act of 2000 requires that local governments have an approved all-hazards mitigation plan to be eligible to receive HMGP funding after November 2004.

5. Flood Mitigation Assistance Program

The Flood Mitigation Assistance Program (FMA) provides funding to assist states and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes and other structures insurable under the National Flood Insurance Program (NFIP). FMA was created as part of the National Flood Insurance Reform Act of 1994 with the goal of reducing or eliminating claims under the NFIP. FMA is a pre-disaster grant program. Three types of grants, including planning, project implementation, and technical assistance grants are awarded annually.

Grants for technical assistance are used by the state to administer the program. Funding awarded under planning and project implementation grants are awarded to county and regional planning organizations undertaking multi-jurisdictional plans.

B. Description of Community

The Town of New Windsor is located along the Hudson River approximately 60 miles north of New York City in Orange County, New York. It is bordered to the north by the City and Town of Newburgh and the Town of Montgomery, to the west by the Town of Montgomery and the Town of Hamptonburgh, to the south by the Town of Blooming Grove and the Town of Cornwall, and to the east by the Hudson River.

New Windsor was originally part of lands deeded to Captain John Evens in the late 1600's. Once vacated, it became part of the lands known as the "Precinct of the Highlands". In 1743 more definite borders were delineated which encompassed parts of the present towns of New Windsor, Newburgh, Marlboro, and Plattekill until 1762 when the precinct was divided and the Town of New Windsor and City of Newburgh were

created.¹ During much of the Revolutionary War, New Windsor served as the major command post for the Continental Army.

The Town evolved in an organic fashion over time due to its proximity to the Hudson River and surrounding larger cities, particularly New York City. Rail service and road infrastructure created to serve these other large cities slowly began to infiltrate the eastern portion of the Town which generated opportunities for development in this area. Industrial and commercial uses slowly emerged along rail lines and the River while residential development occurred just west of this development to accommodate workers. Throughout the 1960's and 1970's residential development spread westward as transportation infrastructure was greatly expanded. Historic land use patterns have remained consistent.

A major force in the Town's history was the development of Stewart Airport, dating back to 1930, which served primarily military purposes. It's now emerging into a major regional air and cargo facility that will have a major influence on the Town's development.

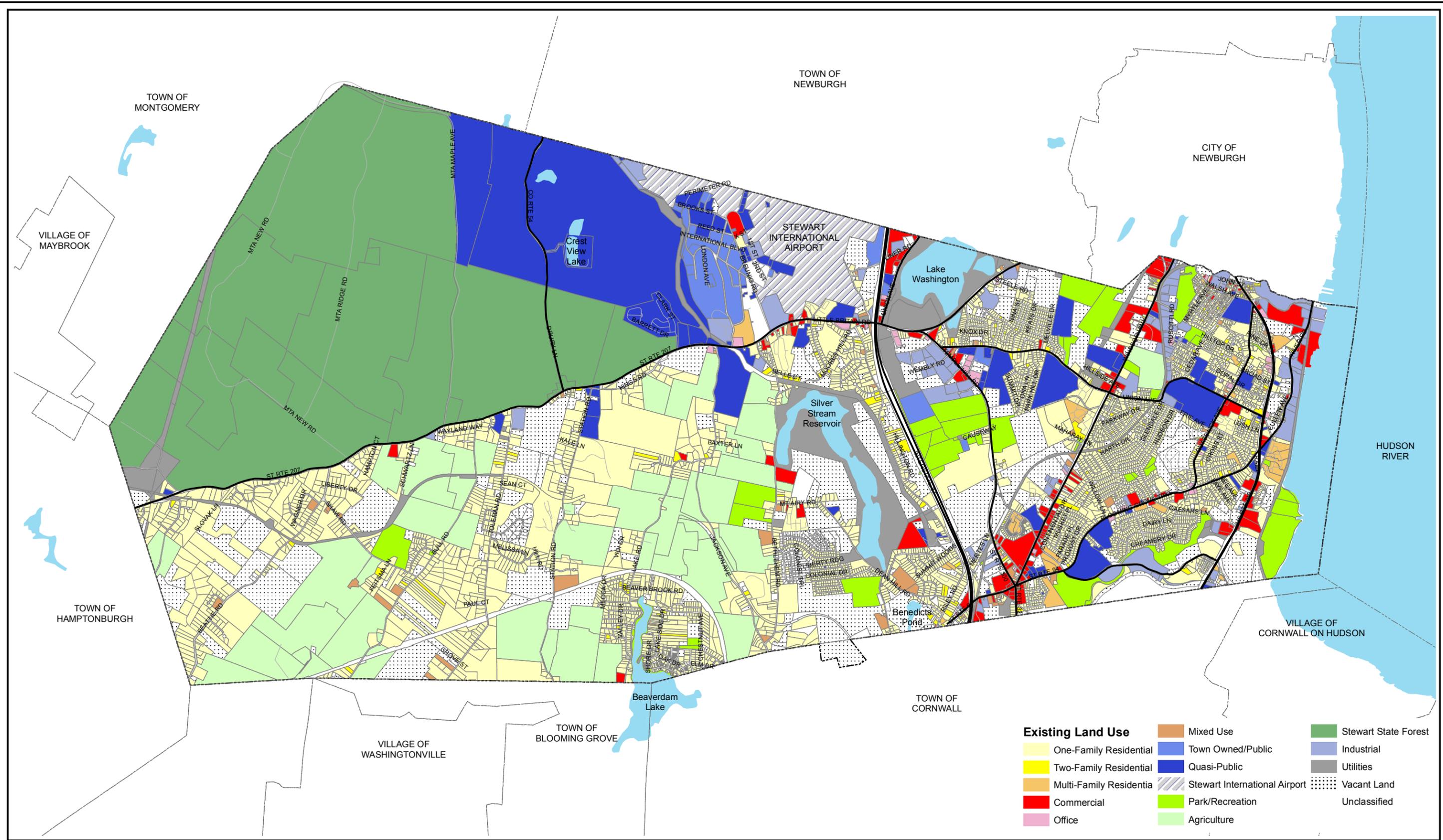
C. Land Use & Development Trends

Existing land use information for the Town was obtained from the Town of New Windsor's Assessor's Office, Orange County Geographic Information Systems (OCGIS), and the New York State Office of Real Property Services.

The Town is comprised of approximately 23,500 acres or 36.6 square miles of land and water area. Approximately 18 percent is residential, 5 percent is commercial, 10 percent is vacant, 9 percent is agricultural, 4 percent is community services, 1 percent is recreation & entertainment, 1 percent is industrial, and 24 percent is occupied by Stewart State Forest and another 4 percent is occupied by Stewart Airport and other public services. No data was available for approximately 24 percent of the Town.

Figure I-1 illustrates the existing land uses and concentrations of land use activities throughout the Town. A summary of current land use categories, including the percentage of total land area are identified in Table I-1.

¹ Ruttenber, E.M. and L.H. Clark. History of Orange County, New York. Interlaken, NY. 1986. page 210.



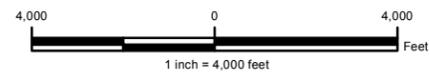
DONEIT GROUP
Land Use Development Sustainability

2777 Summer St., Suite 700, Stamford, CT 06902

Tel: (203) 561-0515 Fax: (203) 316-0664

Source:
 Town of New Windsor Geographic Information Systems
 Orange County Geographic Information Systems

March 2016 (DRAFT)



- Parcels
- Municipal Boundaries
- Waterbodies
- Roads



Figure I-1 - Existing Land Use
 New Windsor Hazard Mitigation Plan

Town of New Windsor, New York

Table I-1 – Existing Land Use by Category, 2015

| Land Use Category | Percent of Total Land Area |
|-------------------------------------|-----------------------------------|
| Residential | 18.0% |
| Commercial | 5.0% |
| Community Services | 4.0% |
| Public Services | 4.0% |
| Recreation & Entertainment | 1.0% |
| Wild, Forested & Conservation Lands | 24.0% |
| Agriculture | 9.0% |
| Industrial | 1.0% |
| Vacant | 10.0% |
| No Data | 24.0% |

Source: Orange County GIS

Demographics

According to the 2010 U.S. Census, the population in New Windsor in 2010 totaled 25,244, reflecting a growth rate of approximately 9.5 percent or 2,378 people from the 2000 U.S. Census (22,866). Population estimates in New Windsor for 2014 rose slightly from 2010 to 25,717. New Windsor saw an overall 12.1 percent increase in population from 1990 to 2014.

Table I-2 – Population Change, 1990 to 2014

| Population 1990 | Population 2000 | Population 2010 | Population Estimate 2014 | Percent Change 1990-2014 |
|------------------------|------------------------|------------------------|---------------------------------|---------------------------------|
| 22,937 | 22,866 | 25,244 | 25,717 | 12.1 |

Source: 2010 U.S. Census, 2010-2014 ACS 5-year estimates

Housing

The Town of New Windsor has a large diversified housing stock. The 2010 U.S. Census reveals that the Town consists of 9,291 total housing units, with a 5.8 percent vacancy rate. This is compared to 8,759 total units with a 4.1 percent vacancy rate in 2000. (U.S. Census.) Of the 9,291 occupied housing units, just under 75 percent are owner occupied while, conversely, just over 25 percent are rental units (refer to Table I-3). According to the American Community Survey (ACS) 5-year estimates, housing stock in the Town has slightly increased since 2010 as noted later in this section.

Table I-3 – Housing Stock, 2010

| | Units | Percentage |
|----------------------------|---------------|-------------------|
| Occupied | 9,272 | 90.5 |
| Owner Occupied | 6,892 | 73.3 of occupied |
| Renter Occupied | 2,380 | 25.7 of occupied |
| Vacant | 972 | 9.5 |
| Total Housing Units | 10,244 | 100 |

Source: U.S. Census, 2010-2014 ACS 5-year estimates

As is the case throughout Orange County, the majority of the Town’s housing units are detached single family dwellings. The breakdown of attached units, are shown in Table I-4. This estimated total of 10,244 is considerably higher than the approximately 9,291 units reported in 2010. The distribution of units in structures between 2010 and the current period has increased slightly.

Table I-4 – Units in Structure

| Type of dwelling | Units | Percentage |
|-------------------------|---------------|-------------------|
| 1-unit, detached | 6,035 | 58.9 |
| 1-unit, attached | 873 | 8.6 |
| 2 units | 477 | 4.7 |
| 3 or 4 units | 566 | 5.5 |
| 5 to 9 units | 752 | 7.3 |
| 10 to 19 units | 382 | 3.7 |
| 20 or more units | 469 | 4.6 |
| Mobile home | 690 | 6.7 |
| Boat, RV, van, etc. | 0 | 0.0 |
| Total Units | 10,244 | 100 |

Source: U.S. Census, 2010-2014 ACS 5-year estimates

Of the Town’s housing stock, approximately 60 percent is valued at between \$200,000 and \$500,000. The majority of the housing stock was constructed between 1960 and 2000. Very little residential development has occurred in the Town since 2010. Refer to Tables I-5 and I-6, below.

Table I-5 – New Windsor Housing Values, Owner Occupied

| Value | Units | Percentage |
|------------------------|--------------|-------------------|
| Less than \$50,000 | 508 | 7.4 |
| \$50,000 to \$99,999 | 294 | 4.3 |
| \$100,000 to \$149,999 | 520 | 7.5 |
| \$150,000 to \$199,999 | 1,037 | 15.0 |
| \$200,000 to \$299,999 | 2,300 | 33.4 |
| \$300,000 to \$499,999 | 1,829 | 26.5 |
| \$500,000 to \$999,999 | 398 | 5.8 |
| \$1,000,000 or more | 6 | 0.1 |
| Total Units | 6,892 | 100 |

Source: U.S. Census, 2010-2014 ACS 5-year estimates

Table I-6 – Year Structure Built

| Type of dwelling | Units | Percentage |
|-------------------------|---------------|-------------------|
| Built 2010 or later | 197 | 1.9 |
| Built 2000 – 2009 | 1,323 | 12.9 |
| Built 1980 – 1999 | 2,653 | 25.9 |
| Built 1960 – 1979 | 3,117 | 30.4 |
| Built 1940 – 1959 | 1,553 | 15.1 |
| Built 1939 or earlier | 1,401 | 13.7 |
| Total Units | 10,244 | 100 |

Source: U.S. Census, 2010-2014 ACS 5-year estimates

Recent Development

Since the adoption of the Town 2011 Hazard Mitigation Plan, there have been a number of multi-family residential developments constructed within the Town. The following is a summary of that development.

Table I-7 – Recent Large Scale Residential Development, 2011 to 2015

| Name | Location | Type | Units | Site Acreage |
|---------------------------|-----------------------|---|--------------|---------------------|
| Summit Terrace (Phase II) | Route 207 & Clark St. | Apartments | 270 | 19.5 |
| The Grove | Stewart Airport | Townhomes | 29 | 50.0 |
| Covington | Route 300 | Townhomes | 31 | 22.6 |
| Temple Hill | Route 300 | Apartments – workforce and senior housing | 272 | 19.5 |
| Amber Grove | Forge Hill Rd. | Apartments – senior housing | 85 | 5.0 |
| Mason’s Ridge | Route 32 | Apartments – workforce housing | 104 | 19.2 |
| Totals | -- | -- | 791 | 135.8 |

Source: Town of New Windsor Planning Board

D. Critical Facilities

For the purposes of this Plan, critical facilities are defined as any facility that is an integral part of the Town’s emergency response facilities and operations or one that requires a special emergency response as a result of the potential for triggering an additional hazard event. The identification and assessment of critical facilities throughout the Town was performed by survey of multiple Town departments and consultation with the Hazard Mitigation Planning Team.

The following properties have been identified as critical facilities in the Town (Table I-8).

Table I-8 – Critical Facilities in New Windsor

| Owner Name | Property Address | Description |
|-------------------------------------|-------------------------|---|
| Sunset Crest Realty Corp | 535 Toleman Rd | WGNY Radio Tower |
| Rock Tavern Village LP | Route 207 | Sprint/Nextel Cellular Tower |
| Washingtonville Central School Dist | 1160 Little Britain Rd | Little Britain School |
| Town of New Windsor | 50 London Avenue | Stewart Water Treatment Plant |
| Town of New Windsor | World Trade Way | Jackson Avenue Aqueduct Tap & Pump Station |
| Town of New Windsor | 37 Hudson Valley Ave | Hudson Valley Avenue Water Booster Pump Station |
| Town of New Windsor | Recreation Rd | Recreation Road Water Booster Pump Station |
| Vails Gate Fire Co Inc | 4 Weather Oak Hill Rd | Vails Gate Fire Station # 2 |
| Town of New Windsor | 196 Perimeter Rd | DPW Garage |
| County of Orange | 879 Union Ave | OC DPW Garage |
| Town of New Windsor | 555 Union Avenue | TNW Municipal Complex |
| Newburgh School District | 525 Union Avenue | Temple Hill School |
| Town of New Windsor | 402 Union Avenue | 1 Million Gallon Water Storage |

| Owner Name | Property Address | Description |
|---|---|--|
| | | Tank- Steel |
| Town of New Windsor | 368 Union Avenue | 1 Million Gallon Water Storage Tank - Concrete |
| Town of New Windsor | 368-370 Union Avenue | Union Avenue Water Pump Station |
| Newburgh School District | 405 Union Ave | Heritage School |
| Roman Catholic Church | 148 Windsor Hwy | St Joseph's School |
| Scenic Hudson Land Trust Inc | 398 Union Avenue | Radio Repeater Site |
| Town of New Windsor | 44 Bradford Avenue | 3 Potable Water Well Sites |
| Quassaick Bridge Fire District | 275 Walsh Ave | Quassiack Bridge Fire Station |
| American Felt & Filter Co LLC | 325 Walsh Ave | American Felt & Filter - Hazardous Materials |
| Pechkam Materials Corp | 322 Walsh Ave | Paterson Materials - Hazardous Materials |
| Global Companies LLC | 1281 River Rd | Petroleum Bulk Storage with Pier |
| Global Companies LLC | 20 River Rd | Petroleum Bulk Storage |
| Mid-Valley Petroleum | 1254 River Rd | Petroleum Bulk Storage with Pier |
| Sam & Irvs Inc | 1240 River Rd | Petroleum Bulk Storage |
| Global Warex Terminals Corp | 49 River Rd | Petroleum Bulk Storage |
| Global Warex Terminals Corp | 1096 River Rd | Petroleum Bulk Storage |
| Global Warex Terminals Corp | 1184 River Rd | Petroleum Bulk Storage |
| Global Warex Terminals Corp | 1254 River Rd | Petroleum Bulk Storage |
| Global Warex Terminals Corp | 1281 River Rd | Petroleum Bulk Storage with Pier |
| Newburgh School District | 175 Quassaick Ave | New Windsor School |
| Town of New Windsor | 2893 NYS Route 9W | TNW Building & Grounds |
| Town of New Windsor | 142 Caesars Lane | TNW Sewage Treatment Plant |
| Town of New Windsor | 8 Pump House Rd | St Annes Potable Water Well Site |
| Newburgh School District | 400 Old Forge Hill Rd | Vails Gate School |
| Vails Gate Fire Co Inc | 872 Blooming Grove Tpke | Vails Gate Fire Station # 1 |
| Town of New Windsor | 233 Riley Rd | Riley Road Water Treatment Plant/ Aqueduct Tap |
| Federal Bureau of Investigation | 347 Avenue of Americas | FBI Regional Office |
| Telecommunication Towers and Facilities | 555 Union Ave 128 Dean Hill Rd 149 Windsor Highway Rock Tavern | Various Wireless Carriers |
| Mt. Airy Estates | 2019 Independence Dr | Independence Drive Water Pump Station |
| Verla International Ltd | 463 Temple Hill Rd | Verla - Hazardous Materials Site |
| HZ Development Partners | 128 Wembly Rd | Mid-Hudson Gas - Hazardous Materials Site |

Source: Town of New Windsor HMPT

E. Changes in Development in Hazard Prone Areas

Little construction or new development has occurred in the Town since the approval and adoption of the Town's 2011 Plan. Of the limited residential and commercial development that has occurred in the Town since 2011, all has been located outside of identified hazard prone areas, including FEMA 100- and 500- year floodplains. The Town's population has remained largely the same. No changes in development impacted the Town's overall vulnerability to natural hazards.

F. Plan Adoption

This Plan and each subsequent revision will be presented to the Town of New Windsor Town Board for formal adoption. Formal adoption will take place following Plan review by NYSDHSES and approval FEMA. A sample adoption resolution is included as part of Appendix A.

II. THE PLANNING PROCESS

A. Description of the Planning Process

The development of the Town's update to their Hazard Mitigation Plan was initiated in March 2015 by a Hazard Mitigation Planning Team (HMPT) appointed by the Town Board. The HMPT was formed for the purpose of hazard mitigation planning in the Town of New Windsor and for the preparation of a written hazard mitigation plan according to the guidelines outlined in 44 CFR Part 201.6. The Doneit Group was retained by the Town to assist the HMPT in the preparation of the Plan.

The HMPT was chaired by Chief Richard Hovey of the Town of New Windsor Police Department. The following individuals served on the HMPT:

- Richard Hovey – Chief, New Windsor Police Department
- Mark Edsall – Town Engineer
- Anthony Fayo – Highway Superintendent
- William Hinspeter – Chief, New Windsor Fire Department
- Tom Lucchesi – Chief, Vales Gate Fire Department
- Frank Bedetti – Fire Inspector's Office
- Michael Bigg – Chief, New Windsor Volunteer Ambulance Corps

HMPT members participated in the process by:

- Providing jurisdiction specific data and information including, but not limited to: location and nature of critical infrastructure, policies, and procedures, descriptions of recent and historical incidents, and descriptions of current and past mitigation measures and activities;
- Providing feedback to help make decisions throughout the planning process including hazard and risk analysis, establishment of goals and objectives, and prioritization of mitigation measures; and
- Reviewing, revising, and finalizing the draft plan.

The Plan includes the identification of potential natural hazards, assessment and evaluation of risks and corresponding mitigation measures.

General recommendations to local governments for the creation of hazard mitigation plans are offered in several Federal Emergency Management Agency (FEMA) and NYS Department of Homeland Security & Emergency Services publications (DHSES). These include the following:

- DMA 2000 regulations, specifically 44 CFR 201.6 (local mitigation planning).
- Federal Emergency Management Agency *Local Mitigation Planning Handbook*, March 2013.
- Federal Emergency Management Agency *Integrating Hazard Mitigation into Local Planning*, March 2013.

- Federal Emergency Management Agency *Mitigation Planning How-To-Guide #3, Identifying Mitigation Actions and Implementing Strategies (FEMA 368-3)*.
- Federal Emergency Management Agency *Understanding Your Risks: Identifying Hazards and Estimating Losses*, August 2001.
- Federal Emergency Management Agency *Mitigation Ideas*, January 2013.
- NYS DHSES *Hazard Mitigation Planning Standards*, June 2014.

Table II-1 represents an accounting of meetings held with regard to the development of the Town of New Windsor Hazard Mitigation Plan, beginning with approvals for the previously adopted 2011 Plan. Meeting minutes are included as part of Appendix B.

Table II-1 – Meetings Related to Hazard Mitigation Plan

| Meeting Type | Date | Attendees | Outcome |
|--------------|------------|---|--|
| Town Board | 3/2/2011 | Town Board | Adoption of 2011 Plan |
| FEMA | 3/18/2011 | FEMA | Approval of 2011 Plan |
| Pre-Planning | 3/9/2015 | Rick Hovey (Chief of Town Police), Mark Edsall (Town Engineer), Francis Bedetti (Town Fire Inspector) | Assessment of need to update 2011 Plan |
| Pre-Planning | 4/8/2015 | Rick Hovey (Chief of Town Police), Mark Edsall (Town Engineer), Francis Bedetti (Town Fire Inspector), Paul Hoole (FEMA), Debra Dunbrook (DHSES), Harry Bartik (DHSES), Fred Doneit (Planner) | Met with representatives of DHSES and FEMA to assess need to update 2011 Plan and discuss current requirements |
| Town Board | 5/6/2015 | Town Board | Motion passed to authorize Supervisor to execute contract – Doneit Group – Hazard Mitigation Plan Update |
| HMPT | 10/21/2015 | Rick Hovey (Chief of Town Police), Mark Edsall (Town Engineer), Fred Doneit (Planner) | General Plan preparation; Review of Plan updates |
| HMPT | 2/25/2016 | Rick Hovey (Chief of Town Police), Mark Edsall (Town Engineer), Michael Bigg (Chief of NW Vol. Ambulance Corps), John Seymour (Capitan of NW Vol. Ambulance Corps) Fred Doneit (Planner) | General Plan preparation; Review of Plan updates |
| Town Board | 4/6/2016 | Town Board, Public, HMPT | Presentation of Plan to public; Discussion of updates |
| Town Board | ____, 2016 | Town Board, Public HMPT | Adoption of Plan |

Prepared by HMPT

B. Coordination with Existing Policies, Programs and Resources

Local municipalities are charged with the development of local HMPs required under Section 322 of the Stafford Act. Therefore, the HMPT coordinated the development of this HMP. Local governments have intimate knowledge of the local geography, and in a disaster, local government personnel are on the front lines providing personnel and equipment to support the community.

The following describe the Town's existing authorities, policies, programs and resources that have and continue to result in increased resiliency to natural hazards within the community. The National Flood Insurance Program (NFIP) and the Hazard Mitigation Grant Program (HMGP) programs assist the Town in receiving funding for flood mitigation projects and flood insurance (this Plan can also provide funds to mitigate other natural hazards). Data from the Town, based on participation in these programs, was incorporated in the risk assessment section and used to identify mitigation options.

Zoning Code

The Town's zoning code plays a significant role in reducing susceptibility and exposure to natural hazards through the regulation and restriction of development activities within the community. Opportunities are provided to guide growth and development away from areas with known hazards and to regulate the location, distribution, density and type of development to reduce hazards.

Comprehensive Plan

The Town's 2009 Comprehensive Plan provides a framework and vision for the future development and preservation of the community. The Plan provides opportunities and recommendations for land use, transportation, housing, economic development, infrastructure, and natural resource protection in ways that reduce or eliminate hazard vulnerabilities where practicable.

Building Code

The Town's building code regulates and governs the design, construction, alteration and maintenance of structures. The code specifies minimum requirements to adequately safeguard the health, safety and welfare of building occupants. The Town's enforcement of the code significantly reduces the susceptibility of and losses resulting from natural hazards within the community.

Emergency Response Plan

The Town's Emergency Response Plan provides for the opportunity to adequately anticipate and plan for emergencies within the community. The Town's adopted Plan has resulted in improved response times and reductions in negative effects associated with emergencies.

Hazard Mitigation Grant Program (HMGP)

Participation in FEMA 404 HMGP may cover mitigation activities including raising, removing, relocating or replacing structures within flood hazard areas.

National Flood Insurance Program (NFIP)

Established in 1968, the NFIP provides federally-backed flood insurance to residents of communities that enact and enforce regulations that more carefully regulate development within floodplain areas. For individual property owners to be eligible to buy the federally-backed flood insurance, their property must be located within a community that participates in NFIP. For a community to be eligible in NFIP, it must adopt and enforce a floodplain management ordinance to regulate proposed development in floodplains and officially designate a local floodplain coordinator/administrator. The intent of the program is to ensure that new construction does not exacerbate existing flood hazards and is designed to better withstand flooding.

The Town of New Windsor has enacted and enforced floodplain management ordinances as required. The community also has Flood Insurance Rate Maps (FIRMs) that at a minimum show floodways, and 100- and 500-year flood zones. The Town of New Windsor participates in NFIP.

Community Rating System (CRS)

The NFIP has been successful in protecting property owners who acquire flood insurance through the program from catastrophic financial losses due to flooding, and in requiring that new buildings constructed within 100-year flood plains are better protected from flood damage. In the 1990s, the Flood Insurance Administration (FIA) established the CRS to encourage local governments to increase their standards for floodplain development. The goal of this program is to encourage communities through flood insurance rate adjustments to implement standards above and beyond the minimum required in order to:

- Reduce losses from floods;
- Facilitate accurate insurance ratings; and
- Promote public awareness of the availability of flood insurance.

CRS is a voluntary program designed to reward participating jurisdictions for their efforts to create more disaster-resistant communities using the principles of sustainable development and management. While the Town of New Windsor does not currently participate in the CRS program, consideration of participation is one of the mitigation strategies identified in this Plan. Further, this Plan has been developed to meet the Floodplain Management Plan criteria under Activity 510 in the CRS program.

C. Incorporation and Review of Existing Plans, Studies, Reports and Technical Information

For hazard mitigation planning to be successful it must take into account other plans, programs, and policies that may have an effect on hazard identification and implementation of mitigation measures. The following sources were considered and used as information resources for this plan:

- FEMA's Disaster Declaration Archives;
- NOAA National Environmental Satellite, Data, and Information Service;
- National Climatic Data Center's Storm Event Database;
- U.S. Bureau of Census' 2000, 2010 Census and American Community Survey (ACS);
- USGS Earthquake Hazard Peak Ground Acceleration Maps;
- New York State 2011, 2014 Hazard Mitigation Plan;
- Disaster Mitigation Act of 2000;
- Town of New Windsor 2009 Comprehensive Plan;
- Town of New Windsor Zoning Code;
- Town of New Windsor Building Code.

It is the intention of the Town of New Windsor to incorporate mitigation planning as an integral component of government operations. The HMPT consists of representatives from various Town departments working with Town officials to integrate the hazard mitigation goals, objectives, and recommendations into daily operations of the Town. Refer to Section V(D) for a full accounting of how the Town's adopted 2011 Hazard Mitigation Plan has been and continues to be incorporated into existing planning Mechanisms in the Town.

The Plan also satisfies the mitigation planning requirements of the Community Rating System (CRS) planning requirements of the National Flood Insurance Program (NFIP). The CRS provides for a reduction in NFIP premiums when participating communities implement actions beyond the minimum requirements of the NFIP.

D. Public Outreach

The public-at-large had an opportunity to comment on the draft Plan before submission to DHSES and FEMA. This included opportunity for neighboring communities, agencies, businesses, academia, nonprofits, and other interested parties to be involved in the planning process. Copies of the Plan were made available to the public at the Town of New Windsor Clerks Office and on the Town website at: www.town.new-windsor.ny.us.

An announcement of the Plan's availability was made at the April 6th, 2016 Town Board meeting as recorded in the minutes and certified by the Town Clerk.

Further, A Public Notice was published as a legal ad in The Sentinel on March 25, 2016. The Affidavit of Publication has been included as part of Appendix C. This same notice has also been published on the Town's website and in Town Hall.

On February 23rd and March 21st letters were sent by the Town to all of New Windsor's surrounding communities as well as local businesses and the school district advising of the Town's preparation of the plan and soliciting input on the process and planning efforts.

For those unable to attend the Town encouraged the submission of written comments via the Town's website, the public comment box located at the service counter of the Town Clerk's Office, or regular mail. No representatives from surrounding local communities or businesses attended the April 6th meeting or submitted written comments. Copies of the letters sent to surrounding communities, local businesses, and the school district are included as part of Appendix C. The Plan will remain on the Town's website and in the Town Clerk's Office for public review and comment. As the Plan is refined and updated the Town will keep the most current Plan posed on the website.

E. Goals & Objectives of the Plan

The HMPT developed a set of broad goals to help guide the development of the Plan. For the purposes of this Plan, goals were defined as broad policy statements representing long term global visions for the Town. These goals were developed by examining community documents such as the Comprehensive Plan, consideration of Town goals for development and discussion among the HMPT members at the outset of the planning process. Each goal has several corresponding objectives that further define and measure specific implementation steps to attain the identified goals.

Goal: Improve upon the protection of the Town of New Windsor's citizens' health, well-being, quality of life and private property from natural hazards.

Objectives:

- Ensure public and private facilities with public access and infrastructure meet established building codes.
- Coordinate and integrate the Hazard Mitigation Plan with Town Emergency Response Plan.

Goal: Reduce the potential impact of natural hazards on the Town of New Windsor support services, critical facilities, infrastructure, natural environment, and economy.

Objectives:

- Strengthen communication and coordinate efforts among various federal, state and local public agencies.
- Provide information on tools, partnership opportunities and funding resources to assist in implementing mitigation activities.

- Inventory, test and repair emergency equipment that are essential during hazard events.

Goal: Implement effective measures to raise the general public's awareness of and acceptance of the Town of New Windsor's Hazard Mitigation Plan.

Objectives:

- Develop and implement educational and outreach programs to increase public awareness of the risks associated with natural hazards.
- Promote natural hazard drills and education programs.
- Participate in disaster preparedness seminars and other information and training sessions sponsored by the American Red Cross or similar organizations.

Goal: Address stormwater quality and quantity (flooding), through the protection and restoration of natural resources (stream corridors, wetlands, and lakes) while simultaneously complying with emerging Federal and State regulatory mandates.

Objectives:

- Improve hazard assessment information to make recommendations for discouraging poorly planned development and encouraging enhanced preventive measures for existing development in areas vulnerable to natural hazards.
- Reduce losses and repetitive damages from chronic hazard events through planning and improvements while promoting insurance coverage from catastrophic hazards.
- Balance watershed planning, natural resource management and land use planning with natural hazard mitigation to protect life, property and the environment.
- Preserve, rehabilitate and enhance natural systems to serve natural hazard mitigation functions.
- Develop methodologies to protect structures within stream corridors from damage as a result of erosion.
- Promote involvement in the flood insurance program for those structures in flood prone areas.
- Promote implementation of protection measures such as structure elevation, flood proofing and property buyout.

Figure II-1 – Hazard Mitigation Planning Process



III. HAZARD INVENTORY & RISK ASSESSMENT

According to FEMA Guidance 386-2, “risk assessment is the process of measuring the potential loss of life, personal injury, economic injury and property damage resulting from natural hazards by assessing the vulnerability of people, buildings and infrastructure to natural hazards.”

A. Methodology

The risk assessment process used for this Plan is consistent with the process and steps presented in FEMA 386-2, State and Local Mitigation Planning How-to-Guide, Understanding Your Risks – Identifying Hazards and Estimating Losses (FEMA). This process identifies and profiles the hazards of concern and assesses the vulnerability of assets (population, structures, critical facilities and the economy) at risk in the community. A risk assessment provides a foundation for the community’s decision makers to evaluate mitigation measures that can help reduce the impacts of a hazard when one occurs.

Step 1: The first step of the risk assessment process is to identify the hazards of concern. FEMA’s current regulations only require an evaluation of natural hazards. Natural hazards are natural events that threaten lives, property, and many other assets. Often, natural hazards can be predicted, where they tend to occur repeatedly in the same geographical locations because they are related to weather patterns or physical characteristics of an area.

Step 2: The next step of the risk assessment is to prepare a profile for each hazard of concern. These profiles assist communities in evaluating and comparing the hazards that can impact their area. Each type of hazard has unique characteristics that vary from event to event. That is, the impacts associated with a specific hazard can vary depending on the magnitude and location of each event (a hazard event is a specific, uninterrupted occurrence of a particular type of hazard). Further, the probability of occurrence of a hazard in a given location impacts the priority assigned to that hazard. Finally, each hazard will impact different communities in different ways, based on geography, local development, population distribution, age of buildings, and mitigation measures already implemented.

Steps 3 and 4: To understand risk, a community must evaluate what assets it possesses and which assets are exposed or vulnerable to the identified hazards of concern. Hazard profile information combined with data regarding population, demographics, general building stock, and critical facilities at risk prepares the community to develop risk scenarios and estimate potential damages and losses for each hazard.

B. Identifying Hazards

To provide a strong foundation for mitigation strategies, the Town of New Windsor considered a full range of natural hazards that do and have the potential to further impact the area, and then identified those hazards that presented the greatest concern.

For the purposes of this planning effort, the HMPT chose to group some natural hazards together, based on the similarity of hazard events, their typical concurrence or their impacts, consideration of how hazards have been grouped in Federal Emergency Management Agency (FEMA) guidance documents (FEMA 386-1, “Understanding Your Risks, Identifying Hazards and Estimating Losses; FEMA’s “Multi-Hazard Identification and Risk Assessment – The Cornerstone of the National Mitigation Strategy”), and consideration of hazard grouping in the NYS Hazard Mitigation Plan.

These groupings do not change the definition of the included specific events/hazards, as defined within FEMA guidance and other risk assessment documents, and does not affect the hazard analysis conducted through the use of HAZUS-MH, either directly or as a risk assessment support tool.

The first step in planning for natural hazards is to identify the hazard events that have occurred within the Town in the past and have the potential for occurring again.

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. HAZNY is an automated software application, developed by the American Red Cross and the New York State Emergency Management Office. The application was designed to evaluate potential hazards in a community.

The Town, in May 2008, assembled a group of local officials to identify and analyze hazards that had potential to affect the community. Each hazard was assigned a numerical value based on the perceived severity of the hazard. The values were categorized as follows:

- 44 to 160 Low Hazard
- 161 to 240 Moderately Low Hazard
- 241 to 320 Moderately High Hazard
- 321 to 400 High Hazard

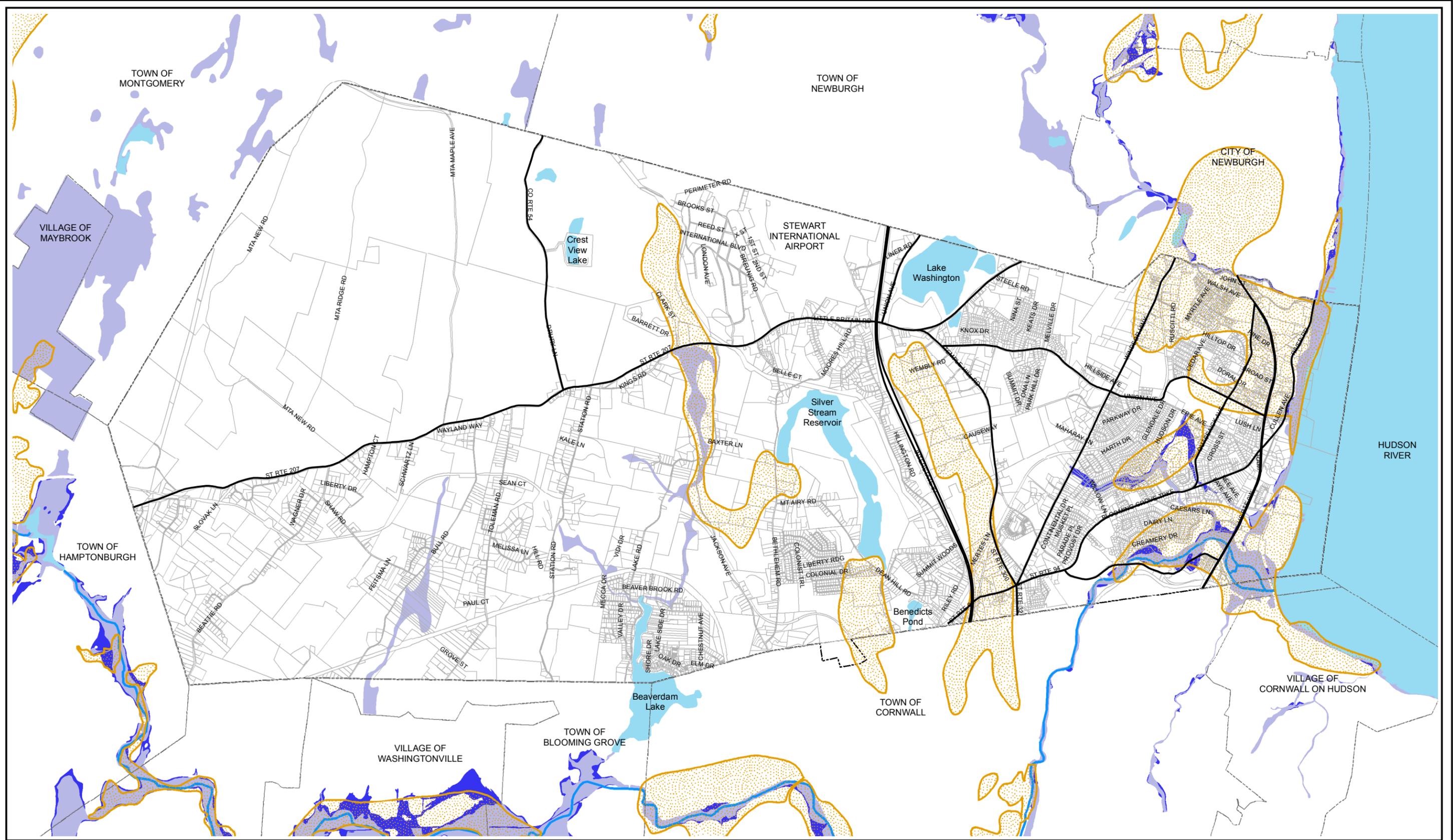
The group rated 34 hazards as follows:

- Water Supply Contamination 272
- Flood 249
- Fire 240
- Civil Unrest 238
- Infestation 224

| | |
|-----------------------------|-----|
| • Extreme Temperatures | 218 |
| • Severe Storm | 218 |
| • Utility Failure | 216 |
| • Oil Spill | 214 |
| • Winter Storm (Severe) | 204 |
| • Ice Storm | 195 |
| • Air Contamination | 187 |
| • Explosion | 183 |
| • Hazmat (Fixed Site) | 172 |
| • Hazmat (In Transit) | 170 |
| • Hurricane | 168 |
| • Ice Jam | 166 |
| • Land Slide | 166 |
| • Drought | 164 |
| • Structural Collapse | 158 |
| • Blight | 152 |
| • Fuel Storage | 152 |
| • Tornado | 147 |
| • Radiological (In Transit) | 143 |
| • Wild Fire | 143 |
| • Earthquake | 136 |
| • Transportation Accident | 132 |
| • Terrorism | 130 |
| • Epidemic | 111 |
| • Avalanche | 107 |
| • Radiological (Fixed Site) | 107 |
| • Food Shortage | 075 |
| • Mine Collapse | 044 |
| • Tsunami | 044 |

It is understood that HAZNY does not fully address the FEMA requirements for hazard mitigation plan development. Hazard mitigation planning requires an understanding of geography and spatial relationships between hazards and the population and property at risk. As such, the HMPT utilized GIS based assessment tools along with environmental data from the New York State GIS Clearinghouse and Orange County GIS to map potential environmental hazards in the community. These datasets included floodplains, wetlands, waterbodies, wells, aquifers, and others (refer to Figure III-1, Environmental Resources).

The natural hazard of concern identification process undertaken with the HAZNY analysis incorporated input from the County; review of the New York State Hazard Mitigation Plan and previous hazard identification efforts; research and local, state, and federal information on the frequency, magnitude, and costs associated with the various hazards that have previously, or could feasibly, impact the region; and qualitative or

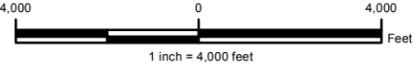


DONEIT GROUP
Land Use Development Sustainability

2777 Summer St., Suite 700, Stamford, CT 06902

Tel: (203) 561-0515 Fax: (203) 316-0664

Source:
 Town of New Windsor Geographic Information Systems
 Orange County Geographic Information Systems
 March 2016 (DRAFT)

-  Parcels
-  Municipal Boundaries
-  Waterbodies
-  FEMA 100 Year Flood Zone: A; AH; ANI; AO
-  FEMA 500 Year Flood Zone
-  Sand & Gravel Aquifers
-  Creeks
-  Roads

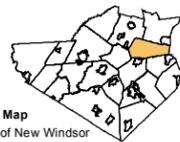


Figure III-1 - Environmental Resources
 New Windsor Hazard Mitigation Plan

Town of New Windsor, New York

anecdotal information regarding natural hazards and the perceived vulnerability of the study area's assets to them.

Early on in the planning process for this updated 2016 Plan, the HMPT reviewed the previous HAZNY analysis and made a determination that the identification of and ranking of hazards was substantially the same as it had been previously and opted to proceed with studying and evaluating the hazards that were previously looked at.

Therefore, this Hazard Mitigation Plan evaluates and profiles the following natural hazards, the same as the hazards studied in the 2011 plan:

- Earthquakes;
- Extreme Temperatures and Drought;
- Flooding;
- Windstorms (Hurricanes & Tropical Storms);
- Severe Winter Storms; and
- Water Supply Contamination.

C. Hazard Ranking

The ranking of hazards has also remained the same as what was identified in the previously adopted plan. After the hazards of concern were identified for New Windsor, the hazards were ranked to describe their probability of occurrence and their impact on population, property (general building stock including critical facilities) and the economy. This section describes factors that influence the ranking including the probability of occurrence and impact; it also presents the ranking process and outcome.

Methodology

The methodology used to rank the hazards of concern for New Windsor is described below. Estimates of risk for the Town were developed using methodologies promoted by FEMA's hazard mitigation planning guidance and generated by FEMA's HAZUS-MH risk assessment tool.

Probability of Occurrence

The probability of occurrence is an estimate of how often a hazard event occurs. A review of historic events assists with this determination. Each hazard of concern is rated in accordance with the numerical ratings and definitions in Table III-1.

Table III-1 – Probability of Occurrence Ranking Factors

| Rating | Probability | Definition |
|--------|-------------|--|
| 0 | None | Hazard event is not likely to occur |
| 1 | Rare | Hazard event is not likely to occur within 100 years |
| 2 | Occasional | Hazard event is likely to occur within 100 years |
| 3 | Frequent | Hazard event is likely to occur within 25 years |

Source: HAZUS-MH

Impact

The impact of each hazard is considered in three categories: impact on population, impact on property (general building stock including critical facilities), and impact on the economy. Based on documented historic losses and a subjective assessment by the Hazard Mitigation Planning Team, an impact rating of high, medium, or low is assigned with a corresponding numeric value for each hazard of concern. In addition, a weighting factor is assigned to each impact category: three (3) for population, two (2) for property, and one (1) for economy. This gives the impact on population the greatest weight in evaluating the impact of a hazard.

Table III-2 presents the numerical rating, weighted factor and description for each impact category. The impact rating definitions for population and property are consistent with the New York State Hazard Mitigation Plan ranking methodology with minor modifications. Impact to the economy is being evaluated. For the purposes of this exercise, “impacted refers to exposed for population and property and loss for economy.

Table III-2 – Numerical Values and Definitions for Impacts on Population, Property, and Economy

| Category* | Weighing Factor | Low Impact (1) | Medium Impact (2) | High Impact (3) |
|------------|-----------------|---|--|---|
| Population | 3 | 14% or less of your developed land area is exposed to a hazard due to its extent and location | 15% to 29% of your developed land area is exposed to a hazard due to its extent and location | 30% or more of your developed land area is exposed to a hazard due to its extent and location |
| Property | 2 | Property exposure is 14% or less of the total replacement cost for your community | Property exposure is 15% to 29% of the total replacement for your community | Property exposure is 30% or more of the total replacement cost for your community |
| Economy | 1 | Loss estimate is 9% or less of the total replacement cost for your community | Loss estimate is 10% to 19% of the total replacement cost for your community | Loss estimate is 20% or more of the total replacement cost for your community |

Source: HAZUS-MH

Risk Ranking Value

The risk ranking for each hazard is then calculated by multiplying the numerical value for probability of occurrence by the sum of the numerical values for impact. The equation is as follows: Impact Value (1, 2, or 3) X Impact Value (6 to 18) = Hazard Ranking Value. Based on the total for each hazard, a priority ranking is assigned to each hazard of concern (high, medium, or low).

Hazard Ranking Results

Using the process described above, the risk ranking for the identified hazards of concern was determined for the Town of New Windsor. Based on the combined risk values for probability of occurrence and impact to the Town of New Windsor, a priority ranking of “high”, “medium” or “low” risk was assigned. The hazard ranking for the Town of New Windsor, from high to low risk, is summarized below:

1. Flooding
2. Severe Winter Storms
3. Extreme Temperatures and Drought
4. Windstorms (Hurricanes & Tropical Storms)
5. Water Supply Contamination
6. Earthquakes

Table III-3 shows the probability ranking assigned for likelihood of occurrence for each hazard.

Table III-3 – Probability of Occurrence Ranking for Hazards of Concern

| Hazard | Probability | Value |
|----------------------------------|--------------------|--------------|
| Flooding | Frequent | 3 |
| Severe Winter Storms | Frequent | 3 |
| Extreme Temperatures and Drought | Frequent | 3 |
| Windstorms | Frequent | 3 |
| Water Supply Contamination | Rare | 1 |
| Earthquakes | Rare | 1 |

Prepared by HMPT

D. Natural Hazard Risk & Loss Estimation

The following represents land area and improved value for properties at risk for identified hazard in the Town of New Windsor.

Table III-4 – Land Area and Improved Value at Risk

| Category | Land Area at Risk (Ac.) | Improved Value | Percentage of Town Area |
|---------------------------------------|-------------------------|-----------------|-------------------------|
| High flood risk (zones A, AE, AH, AO) | 1,426 | \$140,822,280 | 5% |
| Moderate flood risk (zone X-500) | 84 | \$37,745 | 1% |
| Low flood risk (zone X) | 22,229 | \$2,856,319,717 | 94% |
| Totals | 23,739 | \$2,997,179,742 | 100% |

Source: FEMA, Orange County RPS

For all other identified hazards, including earthquakes, extreme temperatures, windstorms, severe winter storms and water supply contamination, all areas of the Town are equally susceptible to impacts resulting from these events.

E. Natural Hazard Profiles & Vulnerability

1. Earthquakes

Earthquakes are defined as the sudden motion or trembling that is caused by a release of subterranean strain energy accumulated within or along the edge of the earth's tectonic plates. Earthquakes typically occur without warning and after just a few seconds can cause significant damage and extensive casualties.

The intensity of an earthquake is based on observed effects of ground shaking on people, buildings, and natural features and varies with location. There are several common measures of earthquakes including the following:

- Peak Ground Acceleration (PGA) – A measure of earthquake acceleration based on the strength of ground movements relative to the established rate of acceleration of gravity (980 cm/sec/sec).
- Ground Motion – Vibration or shaking of the ground during an earthquake. The severity of the vibration increases with the amount of energy released and decreases with distance from the epicenter.
- Surface Faulting – Differential movement of the two sides along a fracture.
- Liquefaction – A phenomenon that occurs when ground shaking causes loose soils to lose strength and act like a viscous fluid.

Extent

Seismic waves are the vibrations from earthquakes that travel through the Earth and are recorded on instruments called seismographs. The magnitude or extent of an earthquake is a measured value of the earthquake size, or amplitude of the seismic waves, using a seismograph. The Richter magnitude scale was developed in 1932 as a mathematical device to compare the sizes of earthquakes (USGS). The Richter Scale is the most widely-known scale that measures the magnitude of earthquakes (Shedlock and Pakiser,

1997; USGS). It has no upper limit and is not used to express damage. An earthquake in a densely populated area, which results in many deaths and considerable damage, may have the same magnitude and shock in a remote area that did not cause any damage (USGS). Table III-5 presents the Richter Scale magnitudes and corresponding earthquake effects.

Table III-5 – Richter Scale

| Richter Magnitude | Earthquake Effects |
|--------------------------|--|
| 2.5 or less | Usually not felt, but can be recorded by seismograph |
| 2.5 to 5.4 | Often felt, but only causes minor damage |
| 5.5 to 6.0 | Slight damage to buildings and other structures |
| 6.1 to 6.9 | May cause a lot of damage in very populated areas |
| 7.0 to 7.9 | Major earthquake; serious damage |
| 9.0 or greater | Great earthquake; can totally destroy communities near the epicenter |

Source: USGS

The intensity of an earthquake is based on the observed effects of ground shaking on people, buildings, and natural features, and varies with location. The Modified Mercalli Scale expresses intensity; a subjective measure that describes how strong a shock was felt at a particular location (Shedlock and Pakiser, 1997; USGS). The Modified Mercalli Scale expresses the intensity of an earthquake’s effects in a given locality in values ranging from I to XII. Table III-6 summarizes earthquake intensity as expressed by the Modified Mercalli Scale. Table III-7 displays the Modified Mercalli Scale and peak ground acceleration equivalent.

Table III-6 – Modified Mercalli Intensity Scale

| Mercalli Intensity | Description |
|---------------------------|--|
| I | Felt by very few people; barely noticeable |
| II | Felt by few people, especially on upper floors |
| III | Noticeable indoors, especially on upper floors, but may not be recognized as an earthquake |
| IV | Felt by many indoors, few outdoors; may feel like a passing truck |
| V | Felt by almost everyone, some people awakened; small objects move, trees and poles may shake |
| VI | Felt by everyone; people have difficulty standing; heavy furniture can move, plaster can fall off walls; chimneys may be slightly damaged |
| VII | People have difficulty standing; drivers feel their cars shaking; some furniture breaks; loose bricks fall from buildings; damage is slight to moderate in well built buildings; considerable damage in poorly build buildings |
| VIII | Well built buildings suffer slight damage; poorly built structures suffer severe damage; some walls collapse |
| IX | Considerable damage to specially built structures; buildings shift off their foundations; the ground cracks; landslides may occur |
| X | Most buildings and their foundations are destroyed; some bridges are destroyed; dams are seriously damaged; large landslides occur; water is thrown on the banks of canals, rivers, lakes; the ground cracks in large areas |
| XI | Most buildings collapse; some bridges are destroyed; large cracks appear in the ground; underground pipelines are destroyed |
| XII | Almost everything is destroyed; objects are thrown into the air; the ground moves in waves or ripples; large amounts of rock may move |

Source: Michigan Tech University; Nevada Seismological Laboratory

Table III-7 – Modified Mercalli Intensity and PGA Equivalents

| MMI | Acceleration (%g) (PGA) | Perceived Shaking | Potential Damage |
|------------|------------------------------------|--------------------------|-------------------------|
| I | < .17 | Not Felt | None |
| II | .17 – 1.4 | Weak | None |
| III | .17 – 1.4 | Weak | None |
| IV | 1.4 – 3.9 | Light | None |
| V | 3.9 – 9.2 | Moderate | Very Light |
| VI | 9.2 – 18 | Strong | Light |
| VII | 18 – 34 | Very Strong | Moderate |
| VIII | 34 – 65 | Severe | Moderate to Heavy |

Source: NYSDEC

Seismic hazards are often expressed in terms of Peak Ground Acceleration (PGA) and Spectral Acceleration (SA). USGS defines PGA and SA as the following: ‘PGA is what is experienced by a particle on the ground. Spectral Acceleration (SA) is approximately what is experienced by a building, as modeled by a particle mass on a massless vertical rod having the same natural period of vibration as the building’ (USGS, Date Unknown). Both PGA and SA can be measured in g (the acceleration due to gravity) or expressed as

a percent acceleration force of gravity (%g). PGA and SA hazard maps provide insight into location specific vulnerabilities (NYSDEC).

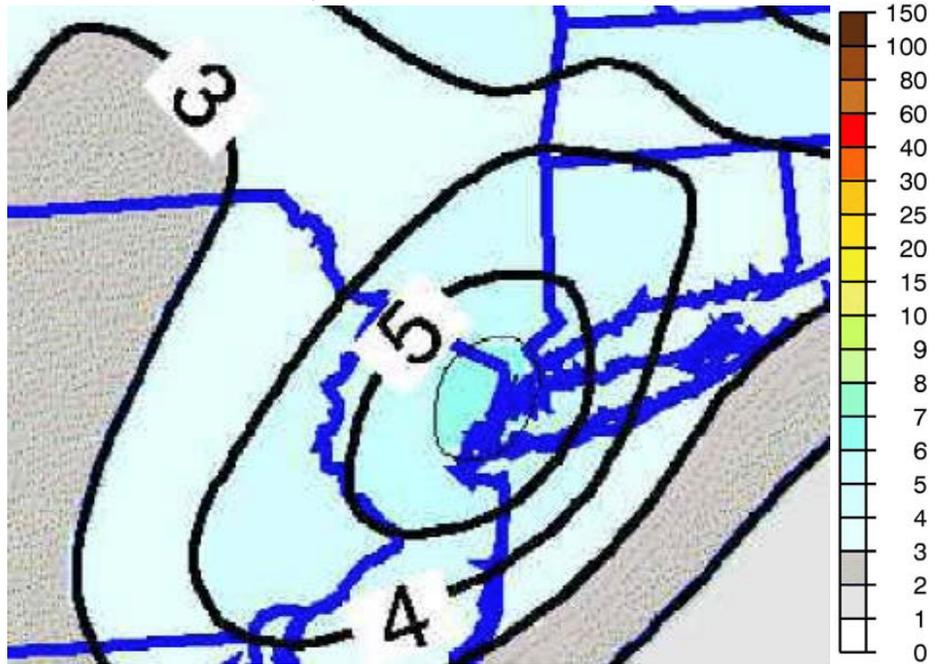
PGA is a common earthquake measurement that shows three things: the geographic area affected, the probability of an earthquake of each given level of severity, and the strength of ground movement (severity) expressed in terms of percent of acceleration force of gravity (%g). In other words, PGA expresses the severity of an earthquake and is a measure of how hard the earth shakes (or accelerates) in a given geographic area (NYSDEC).

National maps of earthquake shaking hazards have been produced since 1948. They provide information essential to creating and updating the seismic design requirements for building codes, insurance rate structures, earthquake loss studies, retrofit priorities and land use planning used in the U.S. Scientists frequently revise these maps to reflect new information and knowledge. Buildings, bridges, highways and utilities built to meet modern seismic design requirements are typically able to withstand earthquakes better, with less damages and disruption. After thorough review of the studies, professional organizations of engineers update the seismic-risk maps and seismic design requirements contained in building codes (Brown et al., 1996).

The USGS most recently updated the National Seismic Hazard Maps in 2014. New seismic, geologic, and geodetic information on earthquake rates and associated ground shaking were incorporated into these revised maps. The 2014 map represents the best available data as determined by the USGS.

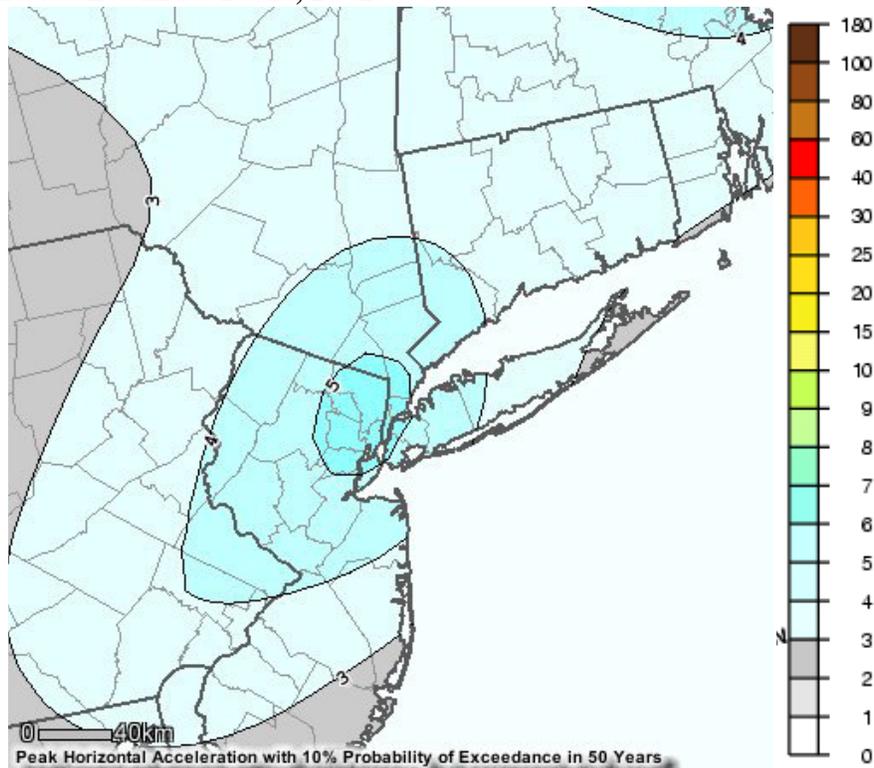
The 1996 Seismic Hazard Map shows that Orange County has a PGA between 4% and 5% (Figure III-2). The 2002 Seismic Hazard Map shows that Orange County has a PGA between 3% and 4% (Figure III-3). The 2008 Seismic Hazard Map show that the majority of Orange County, including all of the Town of New Windsor has a PGA between 2% and 3% (Figure III-4). The 2014 Seismic Hazard Map shows that Orange County has a PGA of 3% (Figure III-5). According to FEMA this would equate to only light perceived shaking and no potential for damage. This rating is decreased from the 1996 and 2002 Seismic Hazard Maps most likely due to the incorporation of new data.

Figure III-2 – Peak Acceleration (%g) with 10% Probability of Exceedance in 50 Years, 1996



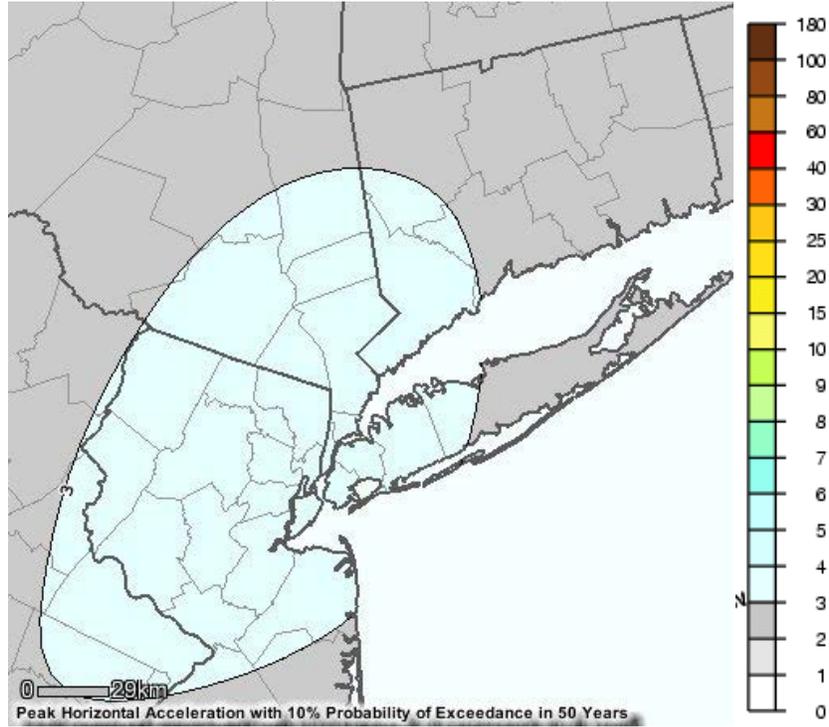
Source: USGS

Figure III-3 – Peak Acceleration (%g) with 10% Probability of Exceedance in 50 Years, 2002



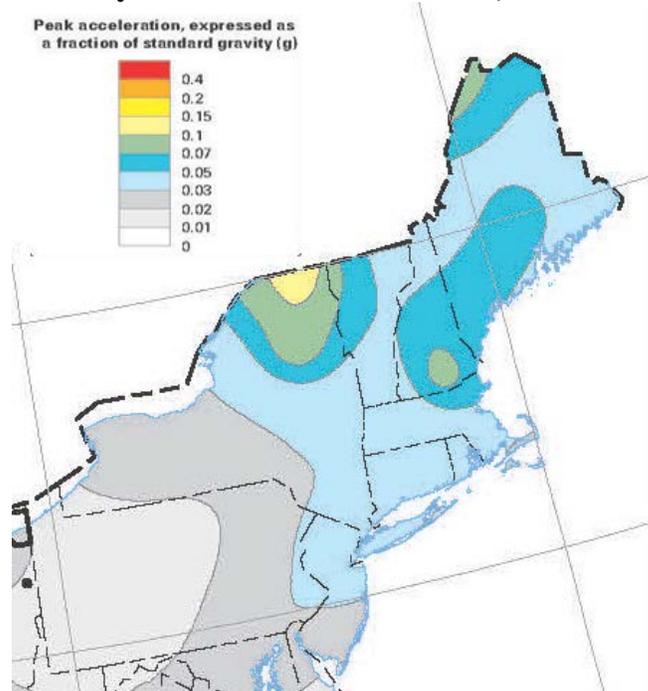
Source: USGS

Figure III-4 – Peak Acceleration (%g) with 10% Probability of Exceedance in 50 Years, 2008



Source: USGS

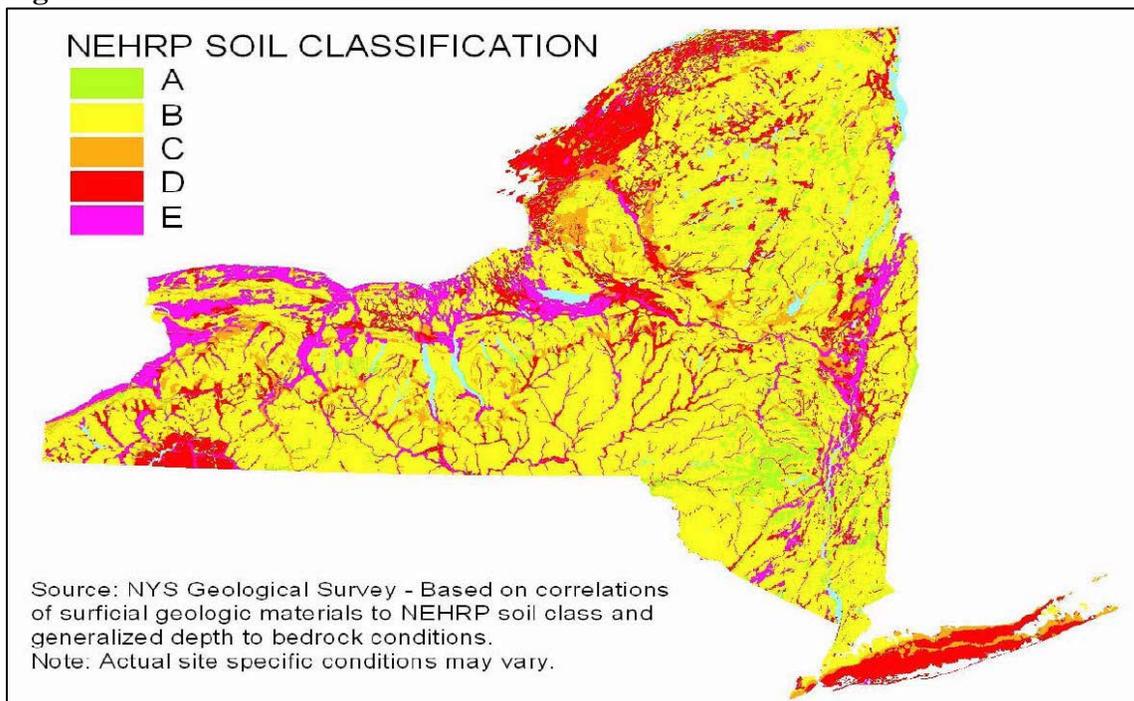
Figure III-5 – Peak Acceleration (%g) with 10% Probability of Exceedance in 50 Years, 2014



Source: USGS

The New York State Geological Survey conducted seismic shear-wave tests of the State’s surficial geology (glacial deposits). Based on these test results, the surficial geologic materials of New York State were categorized according to the National Earthquake Hazard Reduction Program’s (NEHRP) Soil Site Classifications (Figure III-6). The NEHRP developed five soil classifications that impact the severity of an earthquake. The soil classification system ranges from A to E, where A represents hard rock that reduces ground motions from an earthquake and E represents soft soils that amplify and magnify ground shaking and increase building damage and losses. Table III-8 summarizes the NEHRP soil classifications. Locations with softer soils may be more vulnerable to earthquake hazards. The Town of New Windsor is comprised of soil classes A and B; very hard rock and sedimentary or firm rock.

Figure III-6 – NEHRP Soils in New York State



Source: USGS, 2008

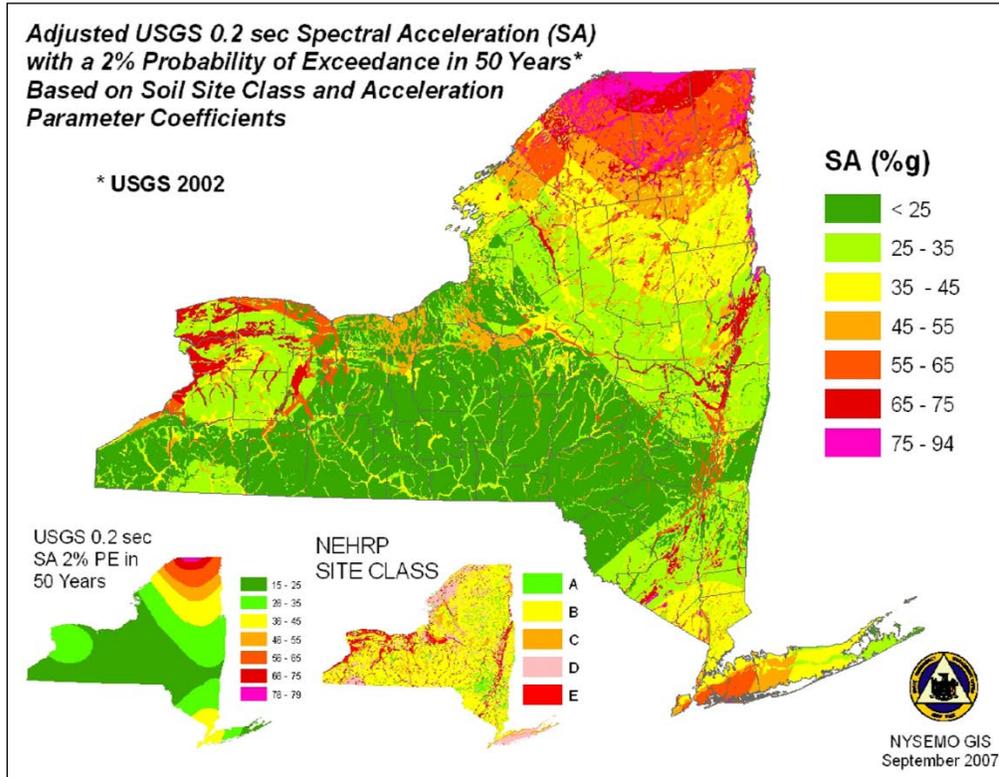
Table III-8 – NEHRP Soil Classifications

| Soil Classification | Map Color | Description |
|---------------------|-----------|---|
| A | Green | Very hard rock (e.g. granite, gneisses) |
| B | Yellow | Sedimentary rock or firm ground |
| C | Orange | Stiff clay |
| D | Red | Soft to medium clays or sands |
| E | Pink | Soft soils including fill, loose sand, waterfront, lake bed clays |

Source: FEMA, 2007

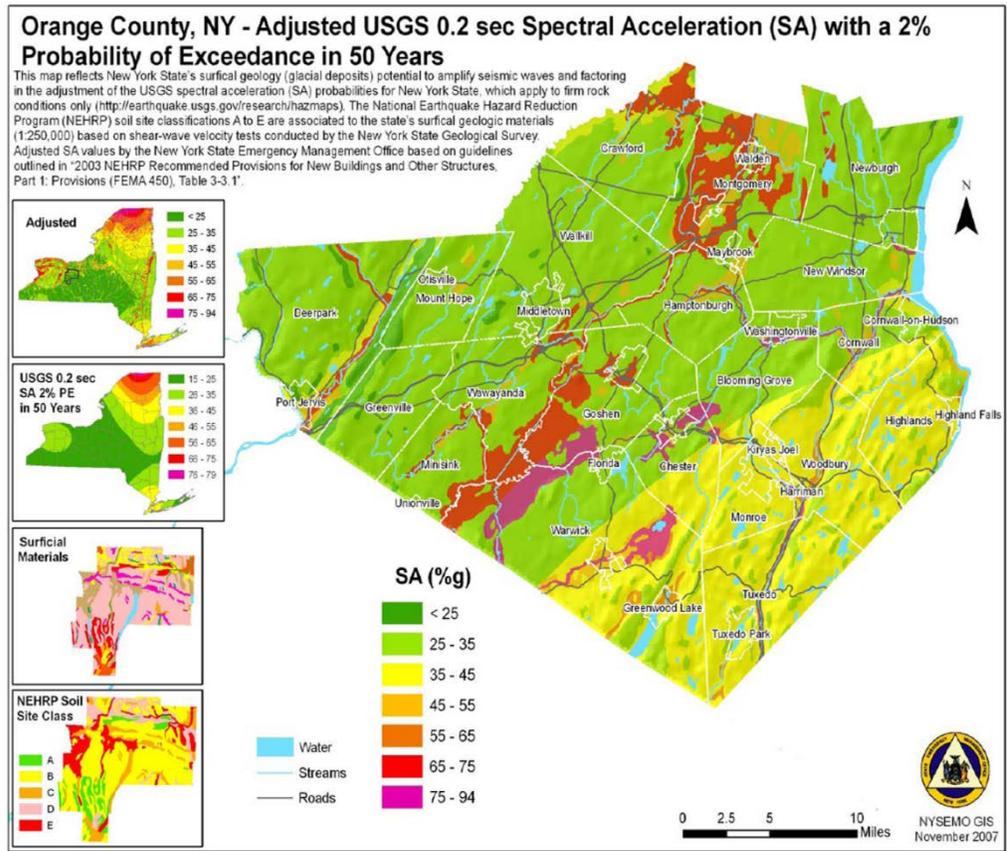
Figure III-7 illustrates the State’s earthquake Spectral Acceleration hazard with local soil types factored in. This hazard map illustrates a significantly increased hazard for Orange County than that which is shown on the USGS national map (NYSDPC). Refer to Figure III-7 for Orange County’s earthquake adjusted Spectral Acceleration hazard.

Figure III-7 – Spectral Acceleration with 2% Probability of Exceedance in 50 Years



Source: NYSDPC

Figure III-8 – Spectral Acceleration with 2% Probability of Exceedance in 50 Years



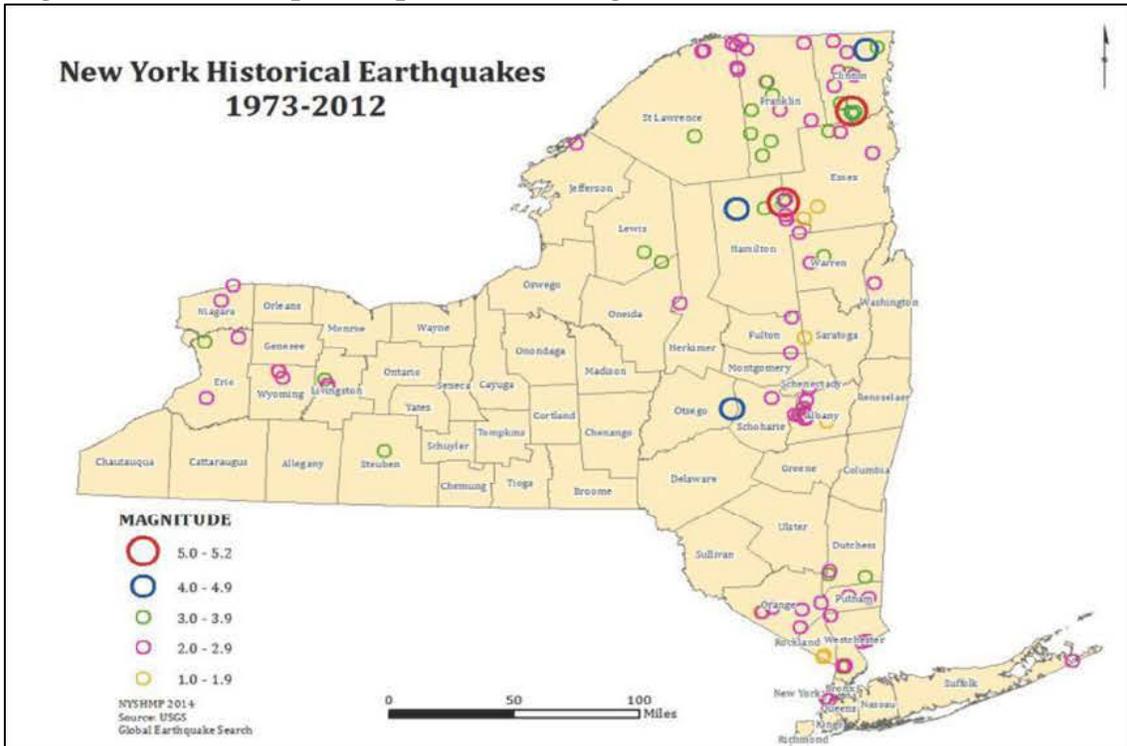
Source: NYSDPC

Location

As noted in the NYS Hazard Mitigation Plan, the importance of the earthquake hazard in New York State is often underestimated because other natural hazards (for example, hurricanes and floods) occur more frequently and because major floods and hurricanes have occurred more recently than major earthquake events (NYSDPC). Typically areas east of the Rocky Mountains experience fewer and generally smaller earthquakes than the western U.S. However, the potential for earthquakes exists across all of New York State and the entire northeastern U.S.

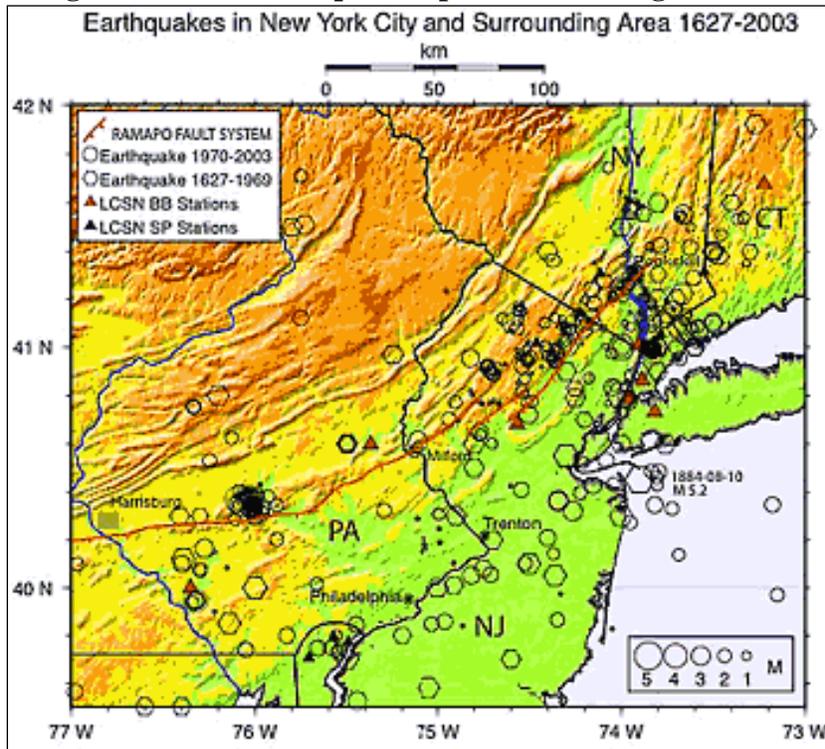
The New York City Area Consortium for Earthquake Loss Mitigation (NYCEM) ranks New York State as having the third highest earthquake activity level east of the Mississippi River (Tantala et al., 2003). Figure III-9 illustrates historic earthquake epicenters across New York State between 1973 and 2012. Figure III-9a illustrates historic earthquake epicenters across the northeast U.S. and New York State between 1627 and 2003.

Figure III-9 – Earthquake Epicenters & Magnitudes, New York State



Source: USGS

Figure III-9a – Earthquake Epicenters & Magnitudes



Source: <http://www.earthinstitute.columbia.edu/>

Previous Occurrences

The most recent earthquake to affect the Town of New Windsor occurred April 20, 2003, and was the first event centered in Orange County in approximately 20 years. This 2.3 magnitude earthquake was centered along Route 17A in the Town of Goshen and was felt throughout Orange County. The New York State Police did not report any related damage or injuries as a result of the earthquake. Prior to the 2003 event, a 4.0 magnitude earthquake centered approximately 15 miles north of Manhattan, in Ardsley, on October 19, 1985, broke windows in Newburgh. Prior to these events, no significant earthquakes had been felt in this region since the 1950's.² This earthquake was followed by what seismologist from the Lamont-Doherty Earth Observatory of Columbia University classified as relatively large (3.0+ magnitude) aftershocks throughout the region.

No additional data on past earthquake hazards for the Town of New Windsor was available.

Earthquakes Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For earthquakes, the entire Town has been identified as a hazard area. The following text evaluates and estimates the potential impact of earthquake hazards on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation
- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

The entire population and general building stock inventory of the Town of New Windsor is at risk of being damaged or experiencing losses due to impacts of an earthquake. Potential losses associated with the earth shaking were calculated for the Town of New Windsor for three probabilistic earthquake events, the 100-year, 500-year, and 2,500-year mean return periods (MRP). The impacts on population, existing structures, critical facilities and the economy are presented below.

Data and Methodology

In addition to reviewing previously conducted earthquake studies in the New York/Orange County area, a probabilistic assessment was conducted for the 100-, 500- and 2,500-year mean return periods (MRP) through a Level 2 analysis in HAZUS-MH to analyze the earthquake hazard and provide a range of loss estimates for the Town of New Windsor. The probabilistic method uses information from historic earthquakes and

² <http://www.ldeo.columbia.edu/LCSN/big-ny-eq.html>

inferred faults, locations and magnitudes, and computes the probable ground shaking levels that may be experienced during a recurrence period by Census tract. The default assumption is a magnitude 7 earthquake for all return periods.

Default data in HAZUS-MH was used for the earthquake analysis. According to the HAZUS-MH technical manual, there is considerable uncertainty related to the characteristics of ground motion in the eastern U.S. Therefore, loss estimates may be overestimated.

Data used to assess this hazard include data available in the HAZUS-MH earthquake model, USGS data, data provided by NYSDHSES, professional knowledge, and information provided by the Town's HMPT.

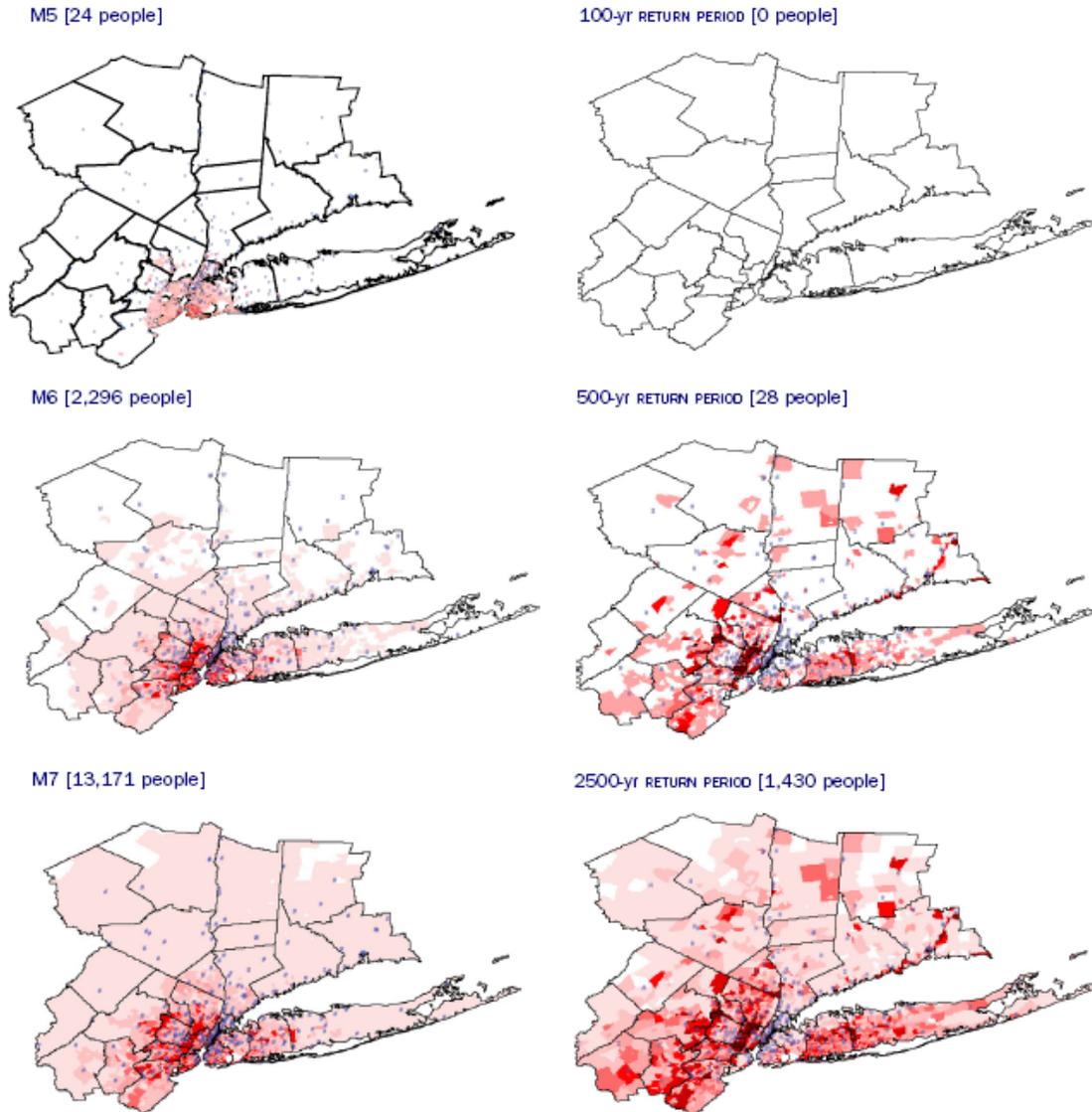
Impact on Life, Health and Safety

Overall, the entire population of the Town of New Windsor is exposed to the earthquake hazard event. The impact of earthquakes on life, health and safety is dependent upon the severity of the event. Risk to public safety and loss of life from an earthquake in the Town of New Windsor is minimal with higher risk occurring in buildings as a result of damage to the structure, or people walking below building ornamentation and chimneys that may be shaken loose and fall as a result of the quake. Residents may be displaced or require temporary to long-term sheltering due to an event.

Populations considered most vulnerable include the elderly (persons over the age of 65) and individuals living below the Census poverty threshold. These socially vulnerable populations are most susceptible, based on a number of factors including their physical and financial ability to react or respond during a hazard and the location and construction quality of their housing.

According to the 1999-2003 NYCEM Summary Report (Earthquake Risks and Mitigation in the New York/New Jersey/Connecticut Region), there is a strong correlation between structural building damage and the number of injuries and casualties from an earthquake event. NYCEM conducted a HAZUS analysis for the New York, New Jersey, Connecticut region, which included Orange County, for M5, M6 and M7 deterministic scenarios (1884 M5.2 historic earthquake) and three probabilistic scenarios (100-, 500- and 2500-year events). Figure III-10 is a graphic summary of the injury estimates for the different earthquake scenarios in the entire New York, New Jersey, Connecticut region, occurring at 2 pm. The color code indicates that the highest number of injuries would be concentrated in the New York City metropolitan area due to high population concentration.

Figure III-10 – Injuries in the New York/New Jersey/Connecticut Region based on NYCEM HAZUS Analysis



The number of injuries listed at each figure is the total for the entire region.

These figures show the concentrations of people that are injured or require hospitalization directly after an earthquake occurring at 2 pm. The blue dots indicate major medical facilities (hospitals).

Source: NYCEM

For the 100-year MRP event ran in HAZUS-MH for the purposes of this Plan, HAZUS-MH estimates that zero households will be displaced and zero people will seek temporary shelter. For the 500-year event, HAZUS-MH estimates 5 households in the Town of New Windsor will be displaced and of these, 3 people in the Town will seek temporary shelter in public shelters. For the 2,500-year MRP, HAZUS-MH estimates 66 displaced

households in the Town of New Windsor will be displaced due to an earthquake event and of these, 40 people in the Town will seek temporary shelter in public shelters. The number of people requiring shelter is generally less than the number displaced as some displaced persons use hotels or stay with family or friends following a disaster event.

HAZUS-MH estimates the number of people that may potentially be injured and/or killed by an earthquake depending upon the time of day the event occurs. These estimates are provided for three times of day (2:00 am, 2:00 pm and 5:00 pm), representing the periods of the day that different sectors of the community are at their peak. The 2:00 am estimate considers the residential occupancy at its maximum, the 2:00 pm estimate considers the educational, commercial and industrial sector at their maximum and the 5:00 pm estimate represents peak commuter time.

No casualties are estimated for the 100-year event in the Town of New Windsor. For the 500-year event, 2 casualties are estimated at each of the three analyzed times. For the 2,500-year event, 22 casualties are estimated at 2 am; 25 casualties are estimated at 2 pm; and 24 casualties are estimated at 5 pm.

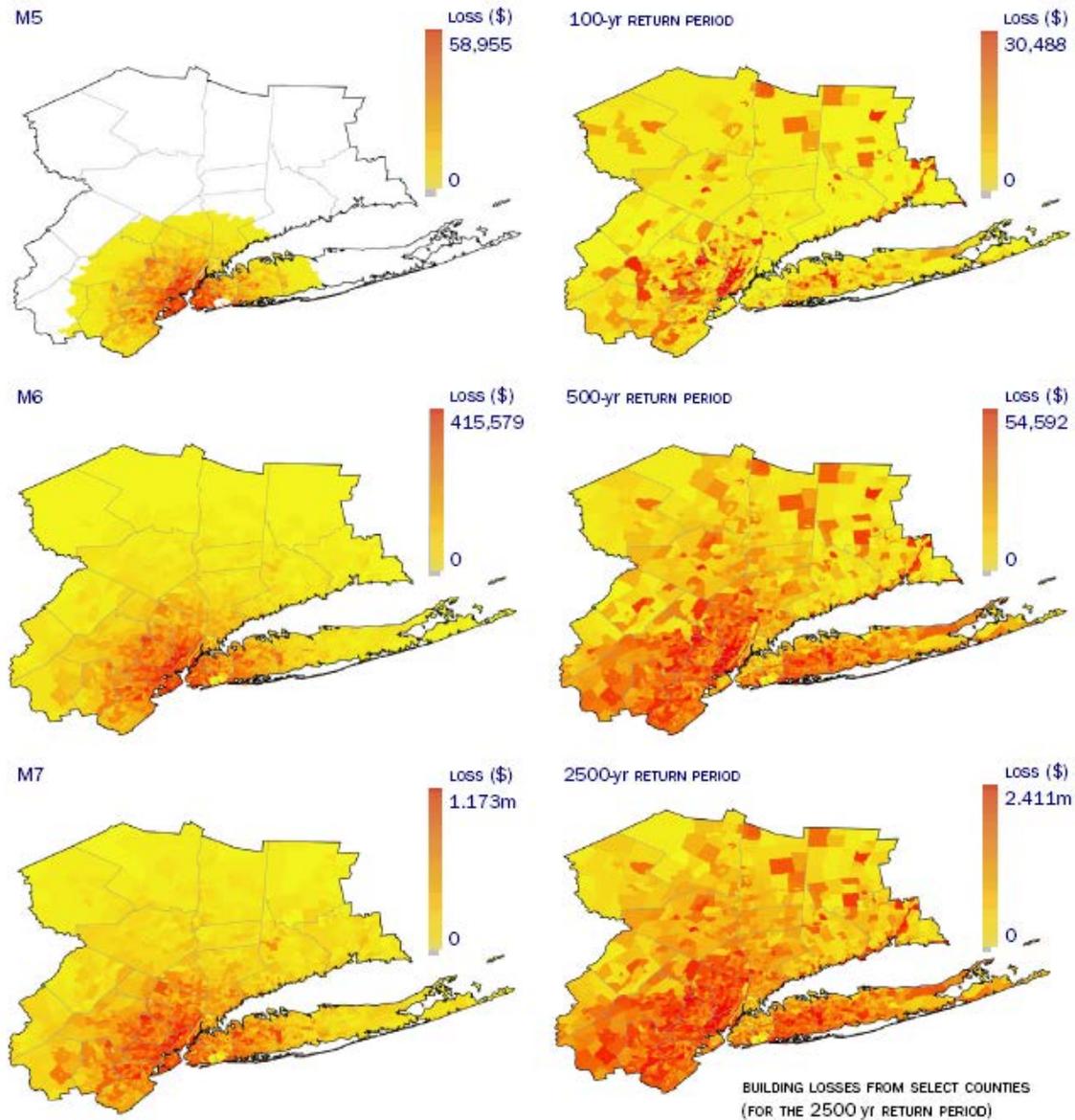
Earthquakes can cause secondary hazard events such as fires. No fires are estimated in the Town of New Windsor as a result of 100- or 500-year MRP events. For the 2,500-year MRP, one ignition is estimated with 18 people being exposed. A building replacement value of \$1,663,000 is estimated.

Impact on General Building Stock

After considering the population exposed to the earthquake hazard, the value of general building stock exposed to and damaged by 100-, 500- and 2,500-year MRP earthquake events was evaluated. The entire study area's general building stock is considered at risk and exposed to this hazard.

Using HAZUS-MH, a probabilistic model was run for the purposes of this Plan to estimate total building related economic losses for the Town of New Windsor. The estimated total losses are zero for the 100-year MRP event; \$6,235,000 for the 500-year MRP event; and \$75,467,000 for the 2,500-year MRP event.

Figure III-11 – Total Building Related Losses for the NY/NJ/CT Region based on NYCEM HAZUS Analysis



Source: NYCEM

Impact on Critical Facilities

All critical facilities in the Town of New Windsor are considered exposed and vulnerable to the earthquake hazard.

HAZUS-MH estimates the percent functionality for critical facilities days after a 100-, 500- and 2,500-year MRP earthquake event. On day one of the 100-Year MRP event, HAZUS-MH estimates that emergency facilities, schools, police and fire station facilities

will be nearly 99 percent functional. Structural damage to these facilities is estimated to be minimal. The impact to critical facilities is not considered to be significant for the 100-year event. On day one of the 500-Year MRP event, HAZUS-MH estimates that emergency facilities, schools, police and fire station facilities will be nearly 85 percent functional. Structural damage to these facilities is estimated to be minimal to moderate. On day one of the 2,500-Year MRP event, HAZUS-MH estimates that emergency facilities, schools, police and fire station facilities will be nearly 54 percent functional. Structural damage to these facilities is estimated to be moderate to significant.

Impact on the Economy

Earthquakes also have impacts on the economy, including: loss of business function, damage to inventory, relocation costs, wage loss and rental loss due to the repair/replacement of buildings. A HAZUS-MH analysis estimates the total economic loss associated with each earthquake scenario, which includes building and lifeline related losses based on the available inventory. Direct building losses are the estimated costs to repair or replace the damage caused to the building. This is reported in the “Impact on General Building Stock” section discussed earlier. Lifeline-related losses include the direct repair cost to transportation and utility systems and are reported in terms of the probability of reaching or exceeding a specified level of damage when subjected to a given level of ground motion. These losses are discussed below.

For the 100-year MRP event, in terms of utilities, HAZUS-MH estimates each potable water facility, wastewater facility and communication facility will be fully functional day one of the event. Damage results are not considered to be significant as a result of a 100-year event; therefore, utility loss estimates are not discussed further in this assessment for this Plan.

Table III-9 summarize the HAZUS-MH estimated probability of damage that each utility may sustain as a result of the 500-year and 2,500-year MRP earthquake events.

Table III-9 – Direct Economic Loss for Utilities*

| | Potable Water | Waste Water | Natural Gas | Communication | Total |
|-----------------------|---------------|--------------|-------------|---------------|--------------|
| 500-year Facilities | 0 | 218 | 0 | 0 | 218 |
| 500-year Pipelines | 7 | 5 | 6 | NA | 17 |
| Total | 7 | 223 | 6 | 0 | 236 |
| 2,500-year Facilities | 0 | 5,429 | 0 | 8 | 5,437 |
| 2,500-year Pipelines | 61 | 48 | 52 | NA | 161 |
| Total | 61 | 5,478 | 52 | 8 | 5,598 |

Source: HAZUS-MH

* In thousands of dollars

For this HAZUS-MH analysis, damage estimates were not calculated for roadway segments and railroad tracks. However, it is assumed these features will experience damage due to ground failure and regional transportation and distribution of these materials will be interrupted as a result of an earthquake event. Losses to the community that result from damages to lifelines can be much greater than the cost of repair (HAZUS-MH Earthquake User Manual).

For the 100-year and 500-year MRP events, HAZUS-MH estimates all highway and railway bridges in the Town of New Windsor will be fully functional day one of the event. For the 2,500-year MRP event, HAZUS-MH estimates that railway bridges will be fully functional day one of the event and highway bridges will be nearly 100% functional day one of the event. Table III-10 summarizes the estimated damages and functionality of highway bridges in the Town of New Windsor for the 2,500-year MRP event.

Table III-10 – Highway Bridge Damage

| Bridges | Average for Damage State | | | |
|---------|--------------------------|--------|----------|-----------|
| | None | Slight | Moderate | Extensive |
| 15 | 0.93 | 0.03 | 0.02 | 0.01 |

Source: HAZUS-MH

HAZUS-MH also estimates the volume of debris that may be generated as a result of an earthquake event to enable the study region to prepare and rapidly and efficiently manage debris removal and disposal. Debris estimates are divided into two categories: (1) concrete and steel; and (2) brick, wood and other debris. For the 100-year MRP event, HAZUS-MH estimates that no debris will be generated. For the 500-year MRP event, HAZUS-MH estimates approximately 3,000 tons of debris will be generated (approximately 2,000 tons of brick/wood debris and 1,000 tons of concrete/steel debris). For the 2,500-year MRP event, HAZUS-MH estimates approximately 25,000 tons of debris will be generated (approximately 13,000 tons of brick/wood debris and 12,000 tons of concrete/steel debris).

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. New development located in areas with softer NEHRP soil classes may be more vulnerable to the earthquake hazard. Current building codes require seismic provisions that should render new construction less vulnerable to seismic impacts than older, existing construction that may have been built to lower construction standards.

The New York State Standard Multi-Hazard Mitigation Plan identifies Orange County as the 12th most vulnerable county of New York State’s 62 counties with respect to exposure and annualized loss and 16th with respect to annualized loss per capita. The New York State Disaster Preparedness Commission based this vulnerability assessment using FEMA’s HAZUS Loss Estimation Tool. The HAZUS Loss Estimation Tool is a software

program that utilizes mathematical formulas and information about building stock, local geology and the location and size of potential earthquakes, economic data, and other information to estimate losses from a potential earthquake. In terms of annualized total earthquake dollar loss, Orange County is vulnerable to an earthquake hazard with potential annualized losses totaling more than \$1,250,000. In terms of general building stock total dollar value exposure Orange County ranks 8th with a total value of \$22.6 billion. Furthermore, Orange County is in the higher area with a 5 percent Peak Ground Acceleration value. This 5 percent value is higher than the average value throughout New York State with the exception of some of the northern Adirondack counties where the Peak Ground Acceleration values range up to 10 percent, but have much lower populations and lower numbers of structures.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to earthquakes are:

Earthquakes Score = 136, Low Hazard

| | |
|--------------------------|--|
| Potential Impact: | Throughout a small region |
| Cascade Effects: | Some potential |
| Frequency: | A rare event |
| Onset: | No warning |
| Hazard Duration: | Less than one day |
| Recovery Time: | One to two days |
| Impacts: | <ul style="list-style-type: none">• Serious injury or death unlikely• Little or no damage to private property• Little or no structural damage to public facilities |

Earthquakes - Probability of Future Events

Earthquake hazard maps illustrate the distribution of earthquake shaking levels that have a certain probability of occurring over a given time period. According to the USGS, in 2014, Orange County and the Town of New Windsor had a PGA of approximately 3 %g for earthquakes with a 10-percent probability of occurring within 50 years. Moderate shaking and very light damage is generally associated with a 3 to 4%g earthquake.

The NYSDPC indicates that the earthquake hazard in New York State is often understated because other natural hazards occur more frequently (for example:

hurricanes, tornadoes and flooding) and are much more visible. However, the potential for earthquakes does exist across the entire northeastern U.S., and New York State is no exception (NYSDPC).

Earlier in this section, the identified hazards of concern for the Town of New Windsor were ranked. NYSDHSES conducts a similar ranking process for hazards that affect the State. The probability of occurrence, or likelihood of the event, is one parameter used for ranking hazards. Based on historical records and input from the HMPT, the probability of occurrence for earthquakes in the Town of New Windsor is considered “rare” (that is, not likely to occur within 100 years). Although no reported incidences have occurred within the Town, it is anticipated that New Windsor will continue to experience indirect impacts from earthquakes that may affect the general building stock, local economy and may potentially induce secondary hazards.

2. Extreme Temperatures

Extreme temperatures are defined as extended periods of excessive cold or hot weather with a serious impact on human and/or animal populations particularly the elderly, children, and/or persons with respiratory ailments.

Extreme Heat and Drought

Temperatures that hover 10 degrees or more above the average high temperature for the region and last for several weeks are defined as extreme heat. Humid conditions, which add to the discomfort of high temperatures, occur when a dome of high atmospheric pressure traps hazy, damp air near the ground.

Heat kills by pushing the human body beyond its physical limits. In extreme heat and high humidity, evaporation is slowed and the body must work harder to maintain a normal and healthy temperature.

Extreme heat temperatures occur throughout New York State during summer months except for areas with higher altitudes. The New York State Climate Office reports average summer daytime temperatures usually range from the upper 70’s to mid 80’s over much of the state including the Hudson Valley Region. The New York City Area and lower portions of the Hudson Valley, including Orange County, experience the highest average summer temperatures in the State. According to The Weather Channel the average high temperature the month of July (generally the warmest of the year) in New Windsor is 85°F with the highest recorded temperature set at 105°F in 1966.

A drought is an extended period of time when a region experiences deficiency in its water supply. Generally this occurs when a region receives consistently below average amounts of precipitation. Many quantitative measures of drought have been developed in the U.S., those developed by Wayne Palmer (Palmer Drought Severity Index [PDSI]) and the Crop Moisture Index [CMI] as well as the Standardized Precipitation Index are the most useful for describing the many scales of drought. The PDSI index is most effective

in determining long term (several months) drought events and is not as good with short-term (weekly) forecasts, while the CMI responds more rapidly to conditions and is more effective in calculating short term dryness.

Extreme Cold

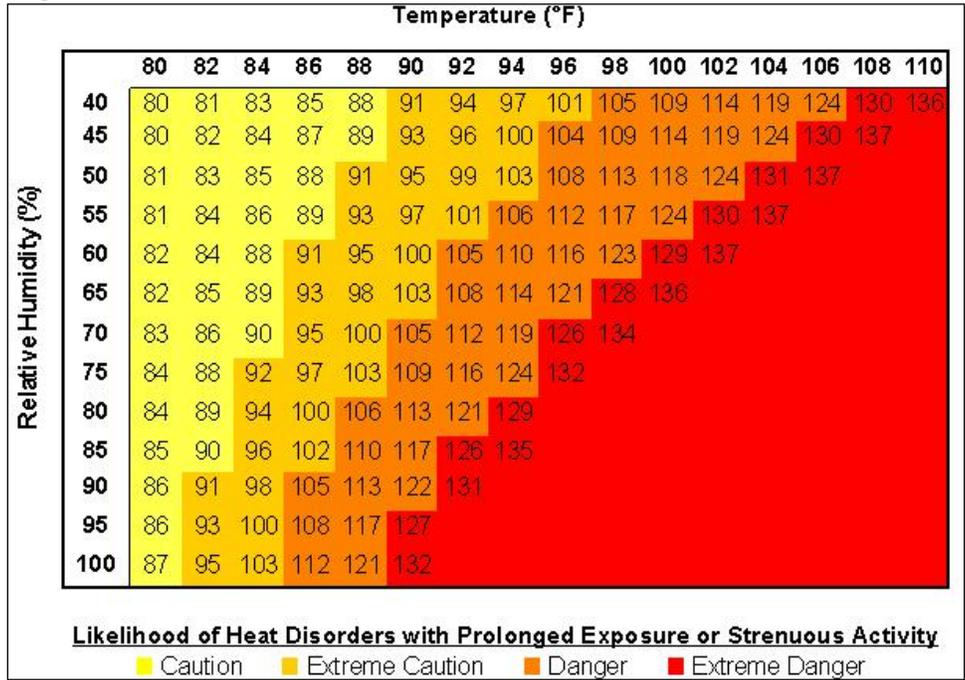
Extreme cold events occur when the mean daily temperature (average of the high and low temperature of a 24 hour period) falls below 32 degrees Fahrenheit. The daily average low in New Windsor in its coldest month (January) is 17°F with the coldest temperature recorded at -20°F in 1961.

Extent

Extreme Heat and Drought

In an effort to more effectively alert the general public about extreme heat episodes and measure the extent of extreme heat temperatures, the National Weather Service created the Heat Index (Figure III-12). This chart measures the apparent temperature of the air as it increases with relative humidity and shows what effects the apparent temperature will have on the population after long term exposure.

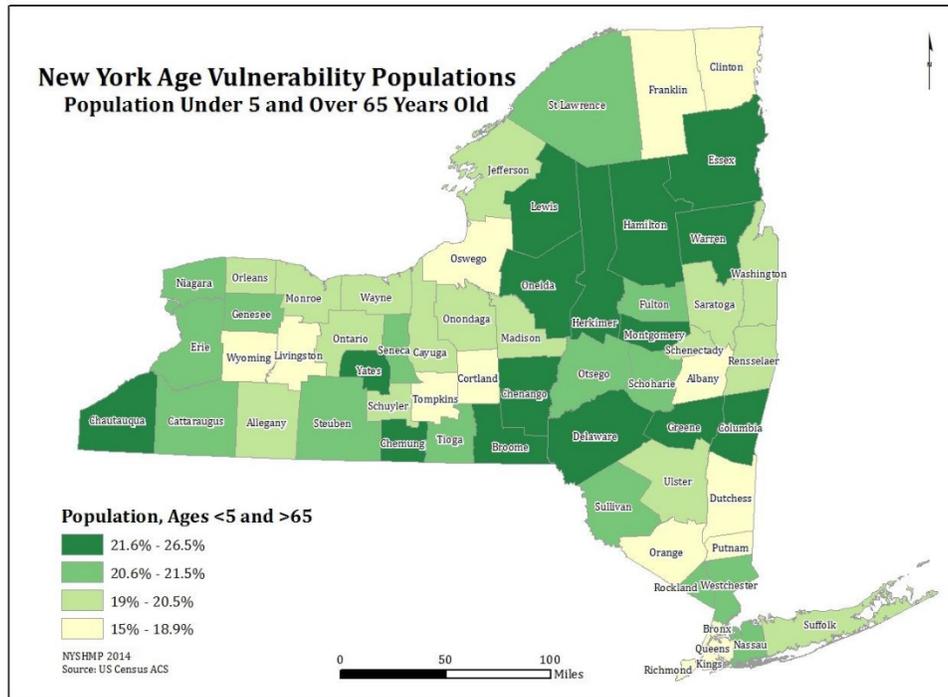
Figure III-12 – National Weather Service Heat Index



Source: National Weather Service

Refer to Figure III-13 below that illustrates the percentage of population for New York State most susceptible to extreme heat. Orange County’s vulnerable population for 2014 is between 15 and 18.9 percent, the lowest category represented.

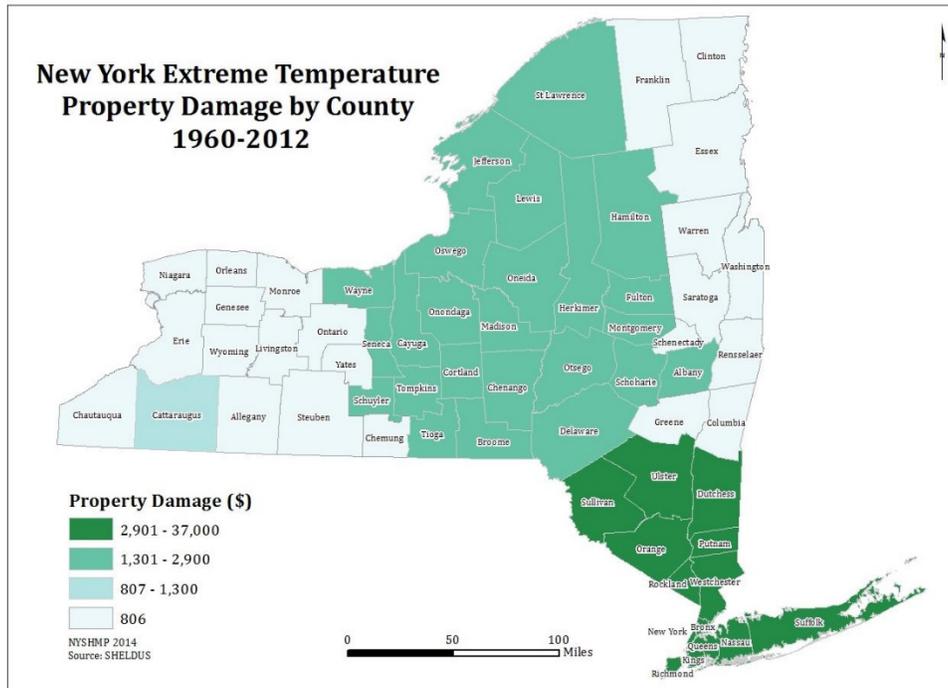
Figure III-13 – Percentage of Population Most Susceptible to Extreme Heat



Source: NYS 2014 Hazard Mitigation Plan

Refer to Figure III-14 below that illustrates property damage resulting from extreme temperatures. Orange County sustained between \$2,901 and \$37,000 in damages between 1960 and 2012. This represents the highest category represented in New York State.

Figure III-14 – Extreme Temperature Property Damage, 1960-2012



Source: NYS 2014 Hazard Mitigation Plan

Extreme heat conditions which can induce heat-related illnesses include stagnant atmospheric conditions and poor air quality. The higher the temperature and more direct sunlight is present the more ozone is produced. Ozone forms in the air from other pollutants such as volatile organic compounds (VOC's) and nitrogen oxides (NOx). Under normal weather conditions, pollutants rise and blow away from sources without buildup to an unsafe level. However, during extreme heat and humid conditions air pollution such as ozone becomes stagnate and trapped close to the ground. According to the EPA high ozone levels can also decrease lung function, increase susceptibility to respiratory infection, and aggravate asthma or other lung diseases.

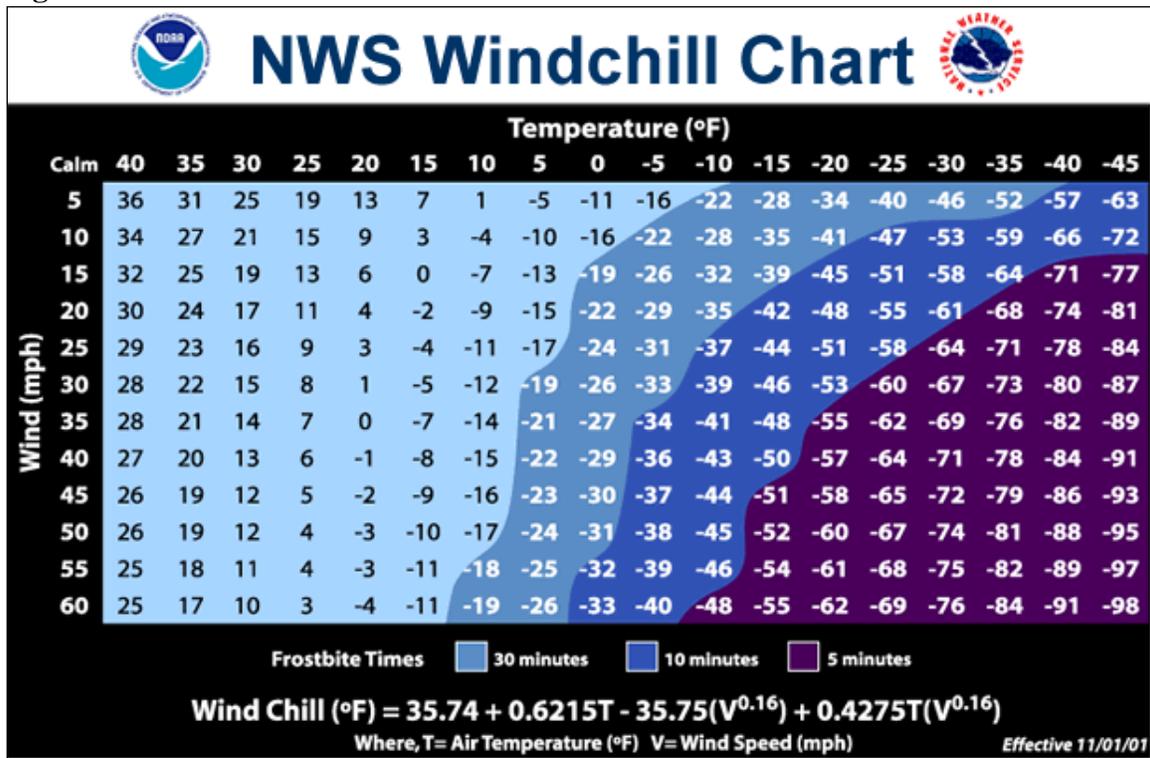
According to FEMA the extent of drought depends on the duration, intensity, geographic extent, and the regional water supply demands made by human activities and vegetation. The intensity of impacts from the drought could be minor with total damage in a localized area or regional damage effecting human health and the economy. The wide spread impacts of drought, its diverse geographical and temperature distribution and the many scales drought operates on makes it difficult to develop both a definition to describe drought and an index by which to measure it. Drought can have a substantial impact on the local or regional ecosystem and agriculture and as a result substantially harm the local and regional economy. A number of farms, including a portion of NYS Agricultural District Number 1 and approximately 11 percent of the Town's total land, exist within New Windsor which could be jeopardized by extreme heat and drought conditions. Also at risk would be the flora and fauna contained on the over 6,000 acres of Stewart State Forest Land in the north western corner of the Town. Forest lands are especially susceptible to forest fires during drought conditions. When dead brush

material on the forest floor becomes dried it increases the susceptibility to forest fires and the possibility that a small, normally controllable, fire will spread.

Extreme Cold

Prolonged exposure to extreme cold temperatures will lead to serious health problems such as hypothermia, cold stress, frostbite, or freezing. A condition known as the wind chill effect can exacerbate an extreme cold event. Similar to the heat index, the National Weather Service has created a wind chill chart to measure the apparent temperature felt on exposed skin due to the combination of temperature and wind speed and the amount of time it likely would take frost bite to occur.

Figure III-15 – National Weather Service Wind Chill



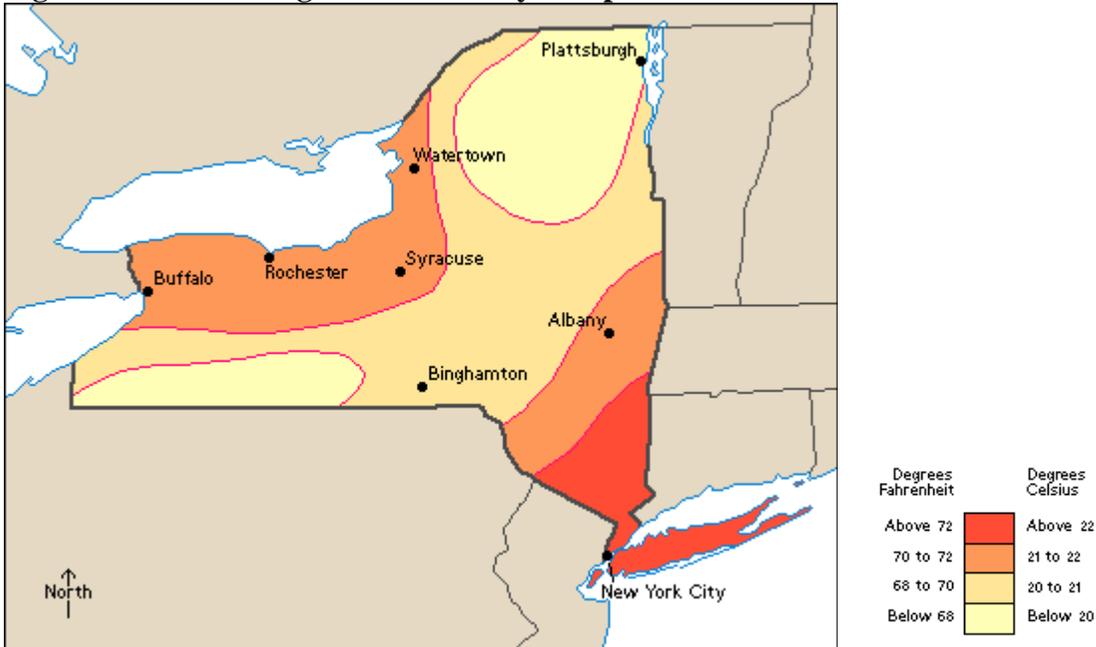
Source: National Weather Service, 2009

Location

Extreme Heat

Extreme heat temperatures of varying degrees are existent throughout the State for most of the summer season, except for areas with high altitudes. Figure III-16 identifies the average July temperatures of the State, with the southeast and northwest sections experiencing the hottest conditions.

Figure III-16 – Average Statewide July Temperatures



Source: Worldbook

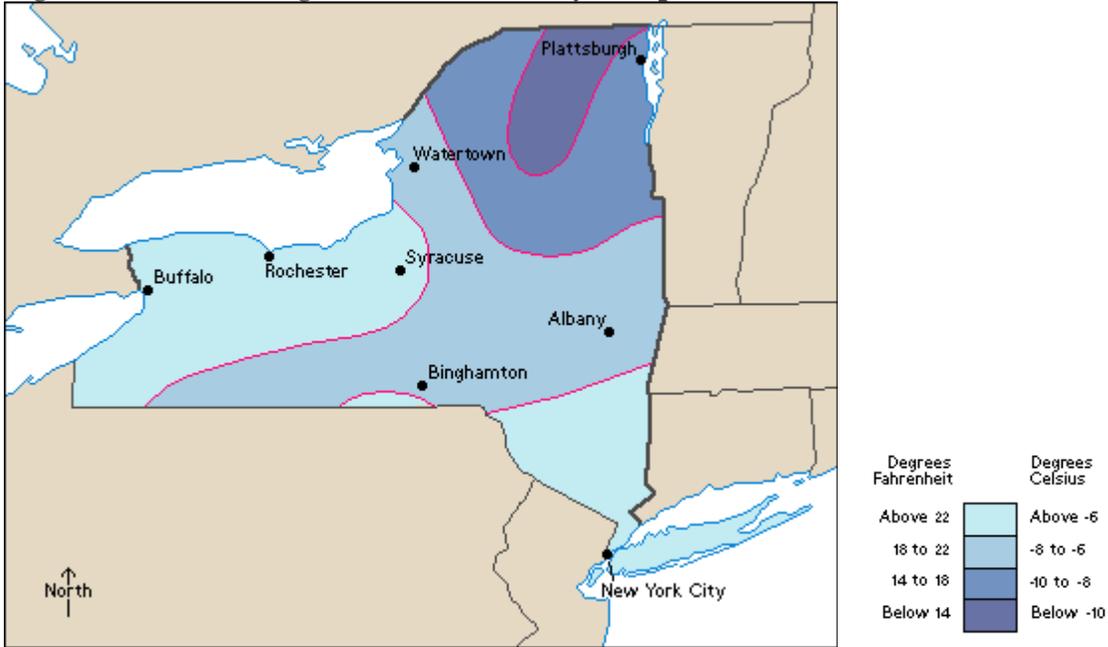
The New York State Climate (NYSC) Office of Cornell University indicates that the summer climate in the State is generally cool in the higher elevations of the Northern Plateau (Adirondack Mountains) and Eastern Plateau (Catskill Mountains) climate divisions. The New York City area (Coastal climate division) and lower portions of the Hudson Valley climate division have rather warm summers by comparison, with some periods of high, uncomfortable humidity. The remainder of New York State, which encompasses the Mohawk Valley climate division, experiences warm summers with occasional, brief intervals of extreme heat. Average summer daytime temperatures usually range from the upper 70’s to mid-80’s over much of the State (NYSC). The 10 climate divisions of the State are: Western Plateau (1), Eastern Plateau (Catskill Mountains) (2), Northern Plateau (Adirondack Mountains) (3), Coastal (4), Hudson Valley (5), Mohawk Valley (6), Champlain Valley (7), St. Lawrence Valley (8), Great Lakes (9), and Central Lakes (10) (NOAA).

Extreme Cold

Extreme cold temperatures exist throughout the winter season in New York State and generally accompany winter storm events. The New York State Climate Office at Cornell University indicates that cold temperatures prevail over the state whenever arctic air masses, under high barometric pressure, flow southward from central Canada or from Hudson Bay. Atmospheric and physiographic controls on the climate result in considerable variation of temperature conditions over New York State. In January (generally the coldest month according to The Weather Channel) the average mean temperature is approximately 16°F in the Adirondacks and St. Lawrence Valley, while rising to approximately 26°F along Lake Erie and in the Lower Hudson Valley and to

31°F in Long Island. Temperatures in the Lower Hudson Valley including the Town of New Windsor are moderated by the Atlantic Ocean keeping average low temperatures slightly higher than those in the adjacent Catskill Region. Figure III-17 identifies the average January temperatures of New York State. No extreme cold events resulted in Federal Disaster declarations at any location in Orange County.

Figure III-17 – Average Statewide January Temperatures



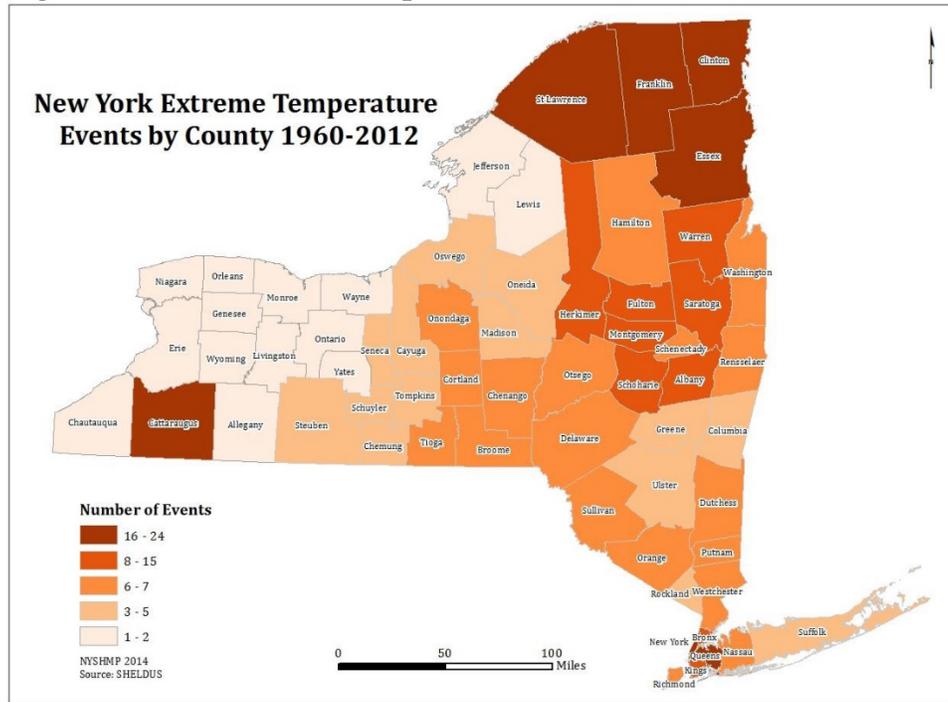
Source: Worldbook

Previous Occurrences

The following extreme temperature events as reported by the National Climatic Data Center (NCDC) at the National Oceanic and Atmospheric Administration (NOAA), include the following.

Refer to Figure III-18 below that illustrates the number of extreme temperature events by New York State county from 1960 to 2012. Orange County falls within the 6-7 event range. Two additional extreme temperature events occurred in 2013, for a total of 9 extreme temperature events in New Windsor for this 53 year period.

Figure III-18 – Extreme Temperature Events, 1960-2012



Source: NYS 2014 Hazard Mitigation Plan

Extreme Heat and Drought

According to the National Weather Service, approximately 175 Americans die each year as a result of extreme heat. Refer to Table III-11 for an accounting of past extreme heat episodes in Orange County:

Table III-11 – Extreme Heat in Orange County

| Date | Description |
|---------------|--|
| 07/04-06/1999 | Temperatures in the mid to upper 90's while most heat indices ranged from 100 to 105. No injuries or deaths were reported in Orange County. |
| 08/08-10/2001 | Temperatures ranged from 91 to 99 degrees with heat indices spiking from 105 to 110 degrees. Crop damage was reported but no injuries or deaths were reported. |
| 07/02-04/2002 | Temperatures rose into the mid- to upper 90's with heat indices ranging from 100 to 105. No injuries or deaths were reported in Orange County. |
| 07/29-31/2002 | High temperatures in the mid- to upper 90's were reported as part of an eight day heat wave that affected the entire Hudson Valley region. Heat indices ranged from 95 to 105 during the hottest three day period. No injuries or deaths were reported in Orange County. |
| 08/01-03/2006 | Over a three day period temperatures ranged from the low 90's to 100 degrees with heat indices reaching as high as 115. While 42 deaths were reported in the region (mainly in New York City), no injuries or deaths were reported in Orange County. |
| 07/22-23/2011 | Excessive Heat between 95 and 105 degrees, along with heat indices in excess of 105 occurred for a couple of days. The heat index was as high as 115 degrees at Stewart Airport. This event led to the death of at least 20 people in Southeastern NY, including 1 in Orange County. |
| 07/18/2012 | The heat index reached or exceeded 107 degrees and Stewart Airport. |
| 07/19/2013 | The combination of high heat and humidity resulted in heat index values between 105 and 110 degrees for a few hours during the afternoon at Montgomery Airport and at Stewart Airport. |
| 09/11/2013 | At Stewart Airport, the heat index reached 105 degrees. At nearby Poughkeepsie Airport, the heat index also reached 105 degrees. |

Source: NOAA – National Climatic Data Center

Based on the Palmer Drought Severity Index, the National Climatic Data Center has reported the following periods of drought in the Hudson Valley Region within the last 25 years:

- April, 1985 – May, 1985
- August, 1995 – September, 1995
- November, 2001 – February, 2002
- April, 2002 – October, 2002
- June, 2010 – August, 2010
- June, 2012 – October, 2012
- Winter 2013

No additional data on past extreme heat and drought episodes for the Town of New Windsor was available.

Extreme Cold

Fatalities caused by extreme cold temperatures ranks the highest of any natural weather disaster in the United States with an average of 170 deaths per year (nationally) over the last ten years. Refer to Table III-12 for an accounting of all recorded past extreme cold episodes in Orange County:

Table III-12 – Extreme Cold in Orange County

| Date | Description |
|---------------|---|
| 02/01-02/1993 | Temperatures between 5 and 10 degrees below zero were experienced and were coupled with wind chill readings of 30 to 40 degrees below zero. No injuries or deaths were reported in Orange County |
| 01/17-18/2000 | Wind speeds of 15 to 20 mph combined with temperatures from 5 to 10 degrees produced wind chill values of 20 to 30 degrees below zero in the lower Hudson Valley. No injuries or deaths were reported in Orange County. |
| 01/21/2000 | Winds up to 38 mph (reported at Montgomery Airport) combined with temperatures around 10 degrees to produce wind chill values as low as 35 degrees below zero. No injuries or deaths reported in Orange County. |
| 01/27-28/2000 | Temperatures around 5 degrees and wind speeds of up to 25 mph produced wind chill values of 35 degrees below zero (reported at Stewart Airport). |
| 01/15-16/2004 | A low temperature of 3 degrees below zero was reported at Montgomery Airport. Wind chill values were as low as 26 degrees below zero. No injuries or deaths were reported in Orange County. |

Source: NOAA – National Climatic Data Center

No additional data on past extreme cold episodes for the Town of New Windsor was available.

Extreme Temperatures Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For extreme temperatures and drought, the entire Town has been identified as a hazard area. The following text evaluates and estimates the potential impact of the drought/extreme heat hazard on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation
- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

All of the Town of New Windsor is vulnerable to extreme temperatures and drought. However, areas at particular risk are areas where elderly, impoverished or otherwise vulnerable populations are located. The Town of New Windsor is prepared for extreme temperatures and drought events with emergency back-up potable water supplies and emergency shelters and warming and cooling centers.

Data and Methodology

Data was collected from Town, County and HMPT sources. At the time of the development of this Plan, insufficient data was available to model the long-term potential

impacts of extreme temperatures or a drought on the Town. Over time additional data will be collected to allow better analysis for this hazard. Available information and a preliminary assessment are provided below.

Impact on Life, Health and Safety

For the purposes of this Plan, the entire population in the Town of New Windsor is vulnerable to extreme temperatures and drought events. Drought conditions can cause a shortage of water for human consumption and reduce local firefighting capabilities. The New York State HMP also lists mental and physical stress as social impacts of a drought.

Situational and physical characteristics help to identify vulnerable populations that may not comfortably or safely access and use disaster resources. Specifically, when discussing heat related emergency preparedness, the following groups could be considered vulnerable or at greater risk in a heat emergency:

- Homeless;
- Infants and small children under age five;
- Women who are pregnant;
- Elderly people (age 65 and older);
- Persons who have obesity;
- Persons who are bedridden;
- Persons with mental illness/disabilities;
- Persons with cognitive disorders;
- Persons with medical conditions (e.g., heart disease, diabetes, high blood pressure, insulin);
- Persons requiring life-saving medications (e.g., for high blood pressure, depression, insomnia);
- Persons who utilize medical equipment (e.g., ventilators, oxygen, G-tubes);
- Individuals with drug or alcohol addictions;
- Persons who use mobility devices (e.g., wheelchairs, walkers, canes);
- Persons who are non-ambulatory;
- Those with sensory impairments (blind/visually impaired or deaf/hard of hearing);
- Persons who are under extreme working conditions;
- Persons who are poor;
- Persons who are socially isolated;
- Persons who do not speak English with minimal access to information.

Meteorologists can accurately forecast extreme heat event development and the severity of the associated conditions with several days of lead time. These forecasts provide an opportunity for public health and other officials to notify vulnerable populations, implement short-term emergency response actions and focus on surveillance and relief efforts on those at greatest risk (EPA).

Extreme cold temperatures are often associated with severe winter storms. The high cost of fuel to heat residential homes can create a financial strain on populations with low or fixed incomes (a portion of which includes the elderly population). Residents with low incomes may not have access to housing or their housing may be less able to withstand cold temperatures (e.g., homes with poor insulation and heating supply).

Impact on General Building Stock

No structures are anticipated to be directly impacted by an extreme temperature or drought event. However, extreme heat and drought events contribute to conditions conducive to wildfires and reduce fire-fighting capabilities. Risk to life and property is greatest in those areas where forested areas adjoin urbanized areas (high density residential, commercial and industrial uses).

Additionally, cold winter temperatures cause rivers to freeze. A rise in the water level due to snow/ice melt or a thaw breaking the river ice/compacted snow into large pieces can become jammed at man-made and natural obstructions. Ice jams can act as a dam, resulting in severe flash riverine flooding.

Impact on Critical Facilities

It is expected that critical facilities will continue to be operational during extreme temperature or drought events.

Impact on the Economy

A prolonged extreme temperature or drought event can have a serious economic impact on a community. Increased demand for water and electricity may result in shortages and a higher cost for these resources (FEMA). Industries that rely on water for business may be impacted the hardest. Even though most businesses will still be operational, they may be impacted aesthetically. In addition, droughts in another area could impact the food supply/price of food for residents.

Specific economic monetary losses associated with drought and/or extreme heat events were not identified for the Town of New Windsor. The Town is prepared for drought events with emergency back-up potable-water supplies in place. Further, the Town can contract with state DEP to use tankers. The Town encourages all residents to follow water conservation measures at all times.

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. Future growth could impact the amount of potable water available due to a drain on available water resources.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to extreme temperatures are:

Extreme Temperatures Score = 218, Moderately Low Hazard

| | |
|--------------------------|--|
| Potential Impact: | Throughout a large region |
| Cascade Effects: | Some potential |
| Frequency: | A regular event |
| Onset: | No warning |
| Hazard Duration: | Less than one day |
| Recovery Time: | Less than one day |
| Impacts: | <ul style="list-style-type: none">• Serious injury or death unlikely• Little or no damage to private property• Little or no structural damage to public facilities |

Extreme Temperatures - Probability of Future Events

Using historical information to predict future occurrences, it was determined the Town of New Windsor may expect extreme temperatures on a semi-annual basis. All areas of the Town are equally susceptible to the effects of extreme temperatures.

Extreme Heat and Drought

Several extreme heat events of varying degrees occur each year throughout New York State, including the Town of New Windsor. It is anticipated that the State will continue to experience heat events annually, particularly during summer months. However, the severity of future extreme heat events is expected to vary from county to county within the State, as a result of topography, geographical conditions, the potential impact of future climate change and other factors.

Occasional drought is a normal, recurrent feature of virtually every climate in the U.S. including New York State. However, due to growing water needs from natural population growth; adverse consequences from drought are likely to increase in the future. As indicated by the NYSDEC, New York State is rich with water resources, with streams, lakes, rivers and coasts fed by an average annual precipitation that ranges from 60 inches in the Catskills to 28 inches in the Lake Champlain Valley. However, even in New York State's "temperate moist" climate, normal fluctuations in regional weather

patterns can lead to periods of dry weather and precipitation deficiencies throughout the state, including the Town of New Windsor (NYSDEC).

Earlier in this section, the identified hazards of concern for the Town were ranked. Based on historical records and input from the HMPT, the probability of occurrence for drought events in the Town is “Frequent”. It is estimated that the Town of New Windsor will continue to experience drought events annually that may induce secondary hazards.

Extreme Cold

It is anticipated that the State will continue to experience cold temperature events during the winter weather months. However, the severity of extreme cold events is expected to vary from county to county within the State, due to topography, geographical conditions, the potential impact of future climate change and other factors. Future climate change could become a large factor in influencing the frequency of extreme cold temperatures throughout the United States.

3. Flooding

According to the National Flood Insurance Program, a flood is a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties from:

- Overflow of inland or tidal waters;
- Unusual and rapid accumulation or runoff of surface waters from any source;
- Mudflow; and/or
- Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flooding usually is a natural, cyclic occurrence in existing waterbodies. When a waterbody overflows its banks, a potentially violent and/or destructive waterway can form. A flash flood is a sudden transformation of a small stream into a violent waterway after heavy rain and/or rapid snowmelt.

A floodplain is defined as the land adjoining the channel of a river, stream, ocean, lake or other watercourse or water body that becomes inundated with water during a flood. Most often floodplains are referred to as 100-year floodplains. A 100-year floodplain is a flood that has a one-percent chance of being equaled or exceeded each year. Thus, the 100-year floodplain could occur more than once in a relatively short period of time. The National Flood Insurance Program encourages states and local governments to adopt sound flood plain management programs. To provide a national standard, the 100-year flood has been adopted by FEMA as the base for flood plain management programs. The 100- and 500-year flood plain boundaries are illustrated on Figure III-1, and in Appendix D.

Flash Flooding can also occur almost anywhere in the state. The distinctive flash flood event is characterized by a rapid rise in water level, high velocity and violent damaging results which are usually exacerbated by steep topography.

Extent

In the case of riverine or flash flooding, once a river reaches flood stage, the flood extent or severity categories used by the National Weather Service include minor flooding, moderate flooding, and major flooding. Each category has a definition based on property damage and public threat:

- Minor Flooding - minimal or no property damage, but possibly some public threat or inconvenience.
- Moderate Flooding - some inundation of structures and roads near streams. Some evacuations of people and/or transfer of property to higher elevations are necessary.
- Major Flooding - extensive inundation of structures and roads. Significant evacuations of people and/or transfer of property to higher elevations (NWS).

The severity of a flood depends not only on the amount of water that accumulates in a period of time, but also on the land's ability to manage this water. One element is the size of rivers and streams in an area; but an equally important factor is the land's absorbency. When it rains, soil acts as a sponge. When the land is saturated or frozen, infiltration into the ground slows and any more water that accumulates must flow as runoff (Harris, 2008).

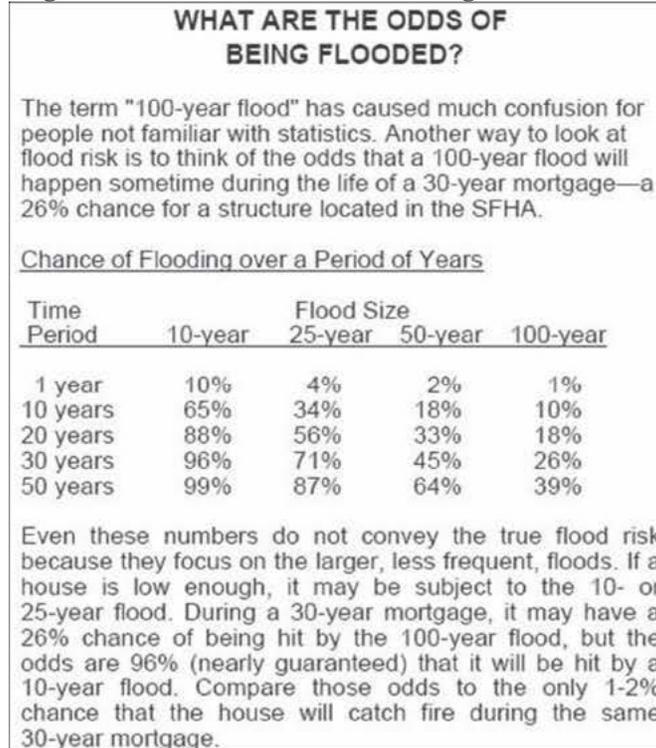
Flood severity from a dam failure can be measured with a low, medium or high severity, which are further defined as follows:

- Low severity - No buildings are washed off their foundations; structures are exposed to depths of less than 10 feet.
- Medium severity - Homes are destroyed but trees or mangled homes remain for people to seek refuge in or on; structures are exposed to depths of more than 10 feet.
- High severity - Floodwaters sweep the area clean and nothing remains. Locations are flooded by the near instantaneous failure of a concrete dam, or an earthfill dam that fails and washes out in seconds rather than minutes or hours. In addition, the flooding caused by the dam failure sweeps the area clean and little or no evidence of prior human habitation remains after the floodwater recedes (Graham, 1999).

Two factors which influence the potential severity of a full or partial dam failure include (1) The amount of water impounded; and (2) The density, type, and value of development and infrastructure located downstream.

Figure III-19, provides information with regard to the odds of being flooded.

Figure III-19 – The Odds of Being Flooded



Source: NFIP

Location

Flooding has always been and continues to be a statewide concern for New York State. With over 52,000 miles of rivers and streams and 1,480 designated flood prone communities there is nowhere in the state that is exempt from flood hazards. Overbank flooding is the most common type of flood event. Flooding from large rivers and its major tributaries typically results from large-scale weather systems that generate prolonged rainfall over wide areas.

Flooding is the primary natural hazard in New York State because the State exhibits a unique blend of weather (climatological and meteorological) features that influence the potential for flooding. Factors include: temperature, which is affected by latitude, elevation, proximity to waterbodies and source of air masses; and precipitation which includes snowfall and rainfall. Precipitation intensities and effects are influenced by temperature, proximity to waterbodies, and general frequency of storm systems. The Cornell Climate Report indicates that the geographic position of New York State makes it vulnerable to frequent precipitation events. This is because nearly all storms and frontal systems moving eastward across the continent pass through, or in close proximity to, New York State. Additionally, the potential for prolonged periods of heavy precipitation is increased due to the available moisture from the Atlantic Ocean. The heavy rain can quickly saturate the ground, leading to increased runoff and flooding. Flood problems in

the State are most severe in the Delaware, Susquehanna, Genessee, Chemung, Hudson, Mohawk, and Alleghany River Basins. These major waterways, along with their tributary streams in the basins, are subject to direct flooding throughout New York State (NYS DPC).

Orange County communities, including the Town of New Windsor, have experienced flooding events during all seasons. The Town of New Windsor is within 3 major watersheds; the Moodna, the Upper Hudson River South, and the Upper Hudson River North. These watersheds can be further segmented into seven distinct drainage pathways within the Town. These include the Moodna Creek, the Quassaic Creek, the Otterkill, the Silver Stream, Idlewild Creek, the Upper Hudson River South, and the Upper Hudson River North.

The Moodna Creek runs through the developed portions of New Windsor. The majority of the flooding hazards within the Town occur adjacent to this area and within the Moodna watershed.

Federal Emergency Management Agency (FEMA)

According to FEMA, flood hazard areas are defined as areas that are shown to be inundated by a flood of a given magnitude on a map. These areas are determined using statistical analyses of records of riverflow, storm tides, and rainfall; information obtained through consultation with the community; floodplain topographic surveys; and hydrologic and hydraulic analyses. Flood hazard areas are delineated on FEMA's Flood Insurance Rate Maps (FIRM), which are official maps of a community on which the Federal Insurance and Mitigation Administration has delineated both the Special Flood Hazard Areas (SFHA) and the risk premium zones applicable to the community. These maps identify the SFHAs; the location of a specific property in relation to the SFHA; the base (100-year) flood elevation (BFE) at a specific site; the magnitude of a flood hazard in a specific area; the undeveloped coastal barriers where flood insurance is not available and locates regulatory floodways and floodplain boundaries (100-year and 500-year floodplain boundaries) (FEMA).

The land area covered by the floodwaters of the base flood is the SFHA on a FIRM. It is the area where the National Flood Insurance Programs (NFIP) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V. (FEMA). This regulatory boundary is a convenient tool for assessing vulnerability and risk in flood-prone communities since many communities have maps showing the extent of the base flood and likely depths that will be experienced. The base flood is often referred to as the "100-year" flood designation. The BFE on a FIRM is the elevation of a base flood event, or a flood which has a 1-percent chance of occurring in any given year as defined by the NFIP. The BFE describes the exact elevation of the water that will result from a given discharge level, which is one of the most important factors used in estimating the potential damage to occur in a given area. A structure located within a 100-year

floodplain has a 26-percent chance of suffering flood damage during the term of a 30-year mortgage. The 100-year flood is a regulatory standard used by Federal agencies and most states, to administer floodplain management programs. The 100-year flood is used by the NFIP as the basis for insurance requirements nationwide. FIRMs also depict the 500-year flood designations, which is a boundary of the flood that has a 0.2-percent chance of being equaled or exceeded in any given year (FEMA, 2003; FEMA, 2006). Available FIRMs and Digital FIRMS (DFIRMS) through FEMA for the Town of New Windsor are dated August 3, 2009 and are included as part of Appendix D.

Previous Occurrences

The HMPT researched several data sources for historical flood records including disaster declarations, fire department records, and the National Oceanic & Atmospheric Administration’s (NOAA) National Climatic Data Center Storm Event Database. Table III-13 shows a partial record of flood incidents that have affected the Town of New Windsor.

Table III-13 – Flash Flood Incidents Affecting New Windsor

| Flood Type | Date | Description |
|--------------|------------|---|
| Flash Flood* | 09/18/1999 | Hurricane Floyd produced torrential rains, high winds and flooding from the Bahamas all the way to Canada. Orange County reported over 10 inches of rain and reported \$1.7M in flood damages. |
| Flash Flood | 08/03/2000 | A line of thunderstorms produced torrential rain that caused localized flooding of low-lying and poor drainage areas across Northern Orange County. |
| Flash Flood | 09/01/2000 | Slow moving thunderstorms produced periods of torrential rain that caused flash flooding of many low-lying and poor drainage areas in Cornwall. NWS radar estimated a 3 to 4 inch rainfall, which began around 3:50 pm EDT and ended around 6:50 pm. Staff from The Times Herald Record reported significant serious street flooding along with some basement flooding in Cornwall. A spotter from New Windsor, about 5 miles north of Cornwall, measured 2.75 inches. |
| Flash Flood | 12/17/2000 | Heavy rain caused significant flooding in Orange and Rockland Counties. It also caused localized flooding of low-lying and poor drainage areas. Heavy showers, some associated with severe thunderstorms, produced wind damage at several locations. The axis of the heaviest rain extended from Western New Jersey northeast across Orange County, where 3 to 4 inches of rain fell, mainly across Western and Northern Orange County. Widespread flash flooding of low lying and poor drainage areas occurred at several locations throughout Orange County. In Orange County, rainfall amounts from available locations ranged from 2.1 inches at Gardnerville to 2.8 inches at Sterling Forest. |
| Flash Flood | 05/28/2002 | Slow moving clusters of heavy showers and thunderstorms produced widespread flash flooding of poor drainage areas and streets in New Windsor. |
| Flash Flood | 09/23/2003 | Storms produced areas of heavy rain that resulted in widespread rainfall amounts of between 1 and 1.5 inches with isolated locales receiving around 2 inches of rain. This created flooding problems across the lower Hudson Valley and in New York City. |

| Flood Type | Date | Description |
|-------------------|-------------|---|
| Flash Flood* | 09/28/2004 | The remnants of Hurricane Jeane dropped anywhere between 3 and 6 inches across Southeastern New York State. This resulted in numerous occurrences of flash flooding across the area. |
| Flash Flood* | 04/02/2005 | Storm Total Rainfall amounts ranged from around 1 inch on parts of Long Island to nearly 4 inches across parts of the Lower Hudson Valley. During March 28th and 29th, only 3 to 5 days earlier, another low dumped 2 to 3 inches of rain across the region as it moved north to northeast along the eastern seaboard. These wet antecedent conditions primed the local area for additional widespread urban flooding with 3 to 7 inches of rain occurring in less than 5 days. Heavy rain caused widespread urban flooding. Most small streams and rivers overflowed their banks. In addition, high wind gusts from 46 to 57 mph, associated with heavier showers, downed trees. Orange County - from 2 inches at Blooming Grove to 3.8 inches at Monroe. At Port Jervis, the cooperative weather observer measured 3.2 inches. A spotter reported Moodna creek overflowing its' banks in New Windsor on April 2nd. |
| Flash Flood | 06/16/2005 | Torrential rain from thunderstorms occurred. |
| Flash Flood | 10/08/2005 | As a cold front moved slowly east, a wave of low pressure developed along the Southeast U.S. Coast and moved slowly north as a large area of high pressure off the New England Coast remained nearly stationary. Abundant moisture from the remnants of tropical system Tammy over the Southeast also interacted with and converged north along this front. Rain moved north and developed across the region during October 7th. As the wave of low pressure moved north along the front, periods of heavy rain spread north across the region through October 8th. Rain ended from west to east during October 9th as the low moved northeast of the region. The heaviest rain fell across the Lower Hudson Valley. Heavy rain resulted in significant flooding on some rivers, most small brooks and streams, and throughout urban areas in low lying and poor drainage areas. Rainfall amounts ranged from 1.1 inch at Westhampton Beach in Suffolk County to 12 inches in New Windsor. Spotters reported flash flooding of many roads throughout Orange County. |
| Flash Flood | 10/12/2005 | Periods of heavy rain caused flooding of low lying and poor drainage areas, including many streets. Trained spotters reported flooding of many area local streets. |
| Flash Flood* | 07/01/2006 | Severe storms and flooding. |
| Flash Flood* | 04/15/2007 | A Nor'easter occurred during April 15th and 16th. It brought heavy rain and high winds that caused widespread and significant river, stream, and urban flooding of low lying and poor drainage areas. Orange County rainfall ranged from 4.26 inches in Westtown to 8.00 inches at Cornwall. Many small rivers, streams, and brooks rose over their banks within 12 hours of the heavy rainfall during April 15th. Many road closures were reported in the towns of New Windsor, Newburgh, Blooming Grove, Cornwall, and many other towns and villages throughout the county. |
| Flash Flood | 02/01/2008 | A low pressure system moved from the Ohio Valley to Northern New England from February 1 to February 2, 2008. A strong arctic high pressure system preceded this low with a prolonged period of subfreezing ground temperatures. Precipitation began as freezing rain with ice accumulations of 1/10 to 1/2 inch with localized |

| Flood Type | Date | Description |
|-------------------|-------------|--|
| | | amounts around an inch across interior portions of the Lower Hudson Valley before changing over to plain rain. This allowed for increased runoff causing flash flooding across parts of the local area. Rainfall totals across the Lower Hudson Valley ranged from 1 to 2 inches. |
| Flash Flood | 09/06/2008 | Tropical Storm Hanna impacted Southeast New York, making landfall near the Nassau/Suffolk County border on the 6th. Storm total rainfall ranged from 1.66 inches at Port Jervis to 5.92 inches at New City. Periods of torrential rain from heavy showers and thunderstorms caused flash flooding in many locations, which included urban, small stream and river flooding. |
| Flash Flood | 09/09/2008 | A strong cold front swept through the tri-state area, resulting in numerous thunderstorms that produced isolated flash flooding in Orange County. |
| Flood* | 08/28/2011 | Tropical storm Irene made landfall over New York City and then moved across Southeast New York and Western Connecticut before dissipating over Northern New England. Copious amounts of tropical moisture within the storm produced extended periods of heavy rainfall, which resulted in widespread moderate to major flooding across the area. Waters from the Moodna Creek washed away the bridge at Forge Hill Rd. in New Windsor, which resulted in the indefinite closure of the road. A vehicle parked on Old Forge Hill Rd. also near Moodna Creek slid into the creek after rising water eroded the surrounding area. |
| Flash Flood* | 09/13/2011 | Remnants of Tropical Storm Lee. Severe storms and flooding. |
| Flash Flood* | 10/30/2012 | Hurricane Sandy. Produced torrential rains, high winds and flooding from the Bahamas all the way to northern New England. Orange County reported between 6 and more than 12 inches of rain. |

Source: NOAA – National Climatic Data Center

* Flood related Disaster Declarations

To date, the largest flood was the result of Hurricane Sandy in October 2012 which dropped between 6 and more than 12 inches of rain on the Hudson Valley.

No additional data on past flooding events for the Town of New Windsor was available.

National Flood Insurance Program (NFIP)

According to FEMA’s National Flood Insurance Program (NFIP): Program Description, the U.S. Congress established the NFIP with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. The NFIP collects and stores a vast quantity of information on insured structures, including the number and location of flood insurance policies, number of claims per insured property, dollar value of each claim and aggregate value of claims, repetitive flood loss properties, etc. NFIP data presents a strong indication of the location of flood events among other indicators (NYS DPC).

Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction and substantial improvements in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods (FEMA).

There are three components to NFIP: flood insurance, floodplain management and flood hazard mapping. Nearly 20,000 communities across the U.S. and its territories participate in the NFIP by adopting and enforcing floodplain management ordinances to reduce future flood damage. In exchange, the NFIP makes federally backed flood insurance available to homeowners, renters, and business owners in these communities (FEMA).

The NFIP program also tracks properties that file several claims of a certain value over a specific period of time, termed Repetitive Loss (RL) Properties make up only one to two percent of the flood insurance policies currently in force nationally, yet they account for 40-percent of the country's flood insurance claim payments. The NFIP is concerned with RL properties because structures that flood frequently strain the National Flood Insurance Fund. In fact, the RL properties are the biggest draw on the Fund by not only increasing the NFIP's annual losses and the need for borrowing; but they drain funds needed to prepare for catastrophic events. Community leaders and residents are also concerned with the RL property problem because residents' lives are disrupted and may be threatened by the continual flooding (FEMA).

FEMA NFIP statistics indicate that over 8,000 RLP's exist in New York State. The distribution of RLP's is a clear indicator of the location of the flood hazard in the State. It is noted that the Town of New Windsor does not have any RLP's.

As an additional component of NFIP, the CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS: (1) reduce flood losses; (2) facilitate accurate insurance rating; and (3) promote the awareness of flood insurance. The Town of New Windsor does not participate in the CRS.

Flooding Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For flood hazard, areas identified as hazard areas include the 100- and 500-year floodplains. The following text evaluates and estimates the potential impact of the flood hazard on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation

- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

Flood is a significant concern for the Town of New Windsor. The HMPT determined flooding to be the primary hazard affecting the Town of New Windsor. Floods are the most frequent and costly natural disaster accounting for \$3.1 billion annually (1995 – 1994) across the nation and \$100 million in New York State alone (USGS).

According to the Flood Insurance Study prepared by FEMA, the history of flooding along the Moodna Creek indicates that flooding may occur during any season of the year. During the spring flooding results from rain and snowfall while during the summer flooding results from rain and tropical storms moving up the Atlantic coastline.

Data and Methodology

Data collected and reviewed for the flood hazard included local spatial data, FEMA Digital Flood Insurance Rate Map (DFIRM) data, and input from the HMPT and the public. The current Digital Flood Insurance Rate Maps (DFIRMs), effective August 3, 2009 for the Town were used as part of the analysis and are included as part of Appendix D.

Impact on Life, Health and Safety

The impact of flooding on life, health and safety is dependent upon several factors including the severity of the event and whether or not adequate warning time is provided to residents. Exposure represents the population living in or near floodplain areas that could be impacted should a flood event occur. Additionally, exposure should not be limited to only those who reside in a defined hazard zone, but everyone who may be affected by the effects of a hazard event. The degree of that impact will vary and is not measurable.

A small percentage of the total population in the Town of New Windsor is exposed to the 100-year flood event and an even smaller population is exposed to the 500-year flood event. Exposure represents the population living in or near floodplain areas that could be impacted should a flood event occur.

Of the population exposed, the most vulnerable include the economically disadvantaged and the population over the age of 65. Economically disadvantaged populations are more vulnerable because they are likely to evaluate their risk and make decisions to evacuate based on the net economic impact to their family. The population over the age of 65 is also more vulnerable because they are more likely to seek or need medical attention which may not be available to due isolation during a flood event and they may have more difficulty evacuating.

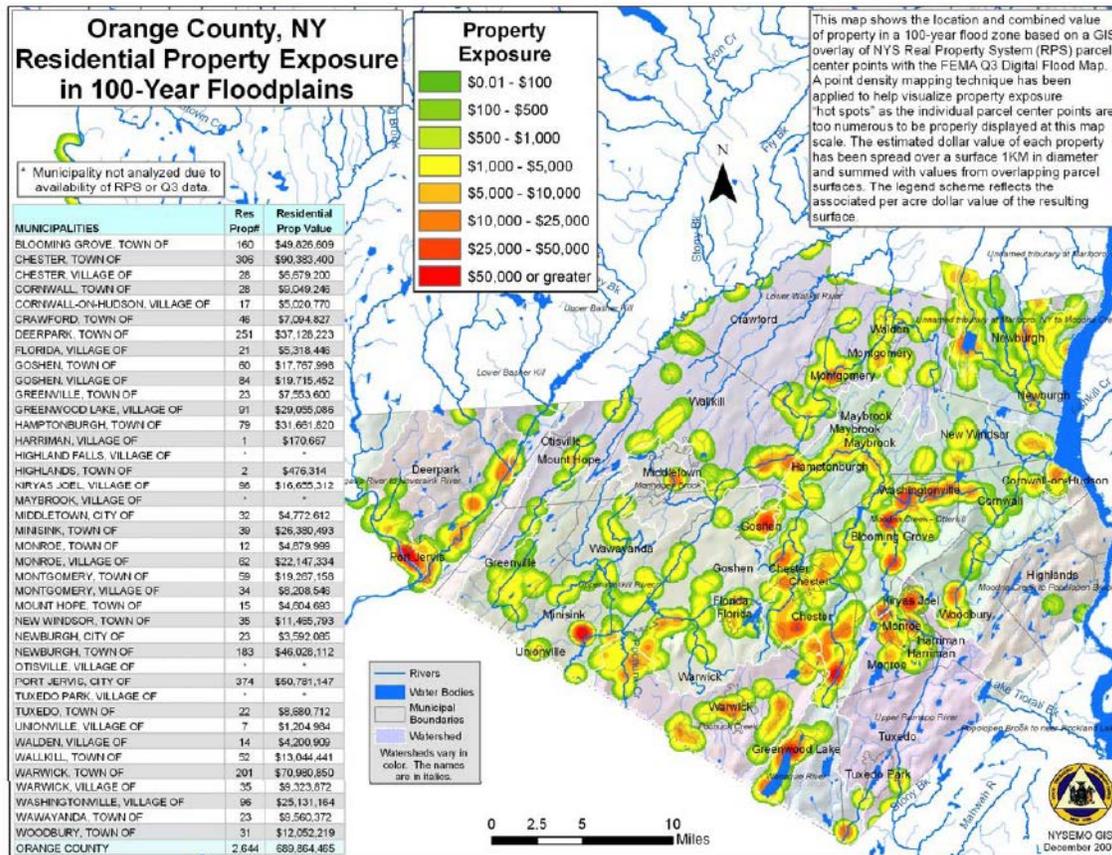
The total number of injuries and casualties resulting from flooding is generally limited based on advance weather forecasting, blockades and warnings. Therefore, injuries and deaths generally are not anticipated if proper warning and precautions are in place. Ongoing mitigation efforts should help to avoid the most likely cause of injury, which results from persons trying to cross flooded roadways or channels during a flood.

Impact on General Building Stock

The general building stock exposed to, and damaged by, the 100- and 500-year MRP flood events was evaluated. Exposure in the flood zone includes those buildings located within the regulatory floodplain boundaries. Potential damage is the loss that could occur to the exposed inventory, including structural and content value.

Refer to Section IV.C., Loss Mitigation Strategies – National Flood Insurance Program for details on property exposure to floodplains in the Town. Figure III-20 illustrates the residential properties exposed to the 100-year floodplain in Orange County (NYSDPC). There are no identified repetitive loss properties in FEMA’s NFIP database for the Town of New Windsor.

Figure III-20 – Orange County Residential Property Exposure in 100-year Floodplains



Source: NYSDPC, 2008

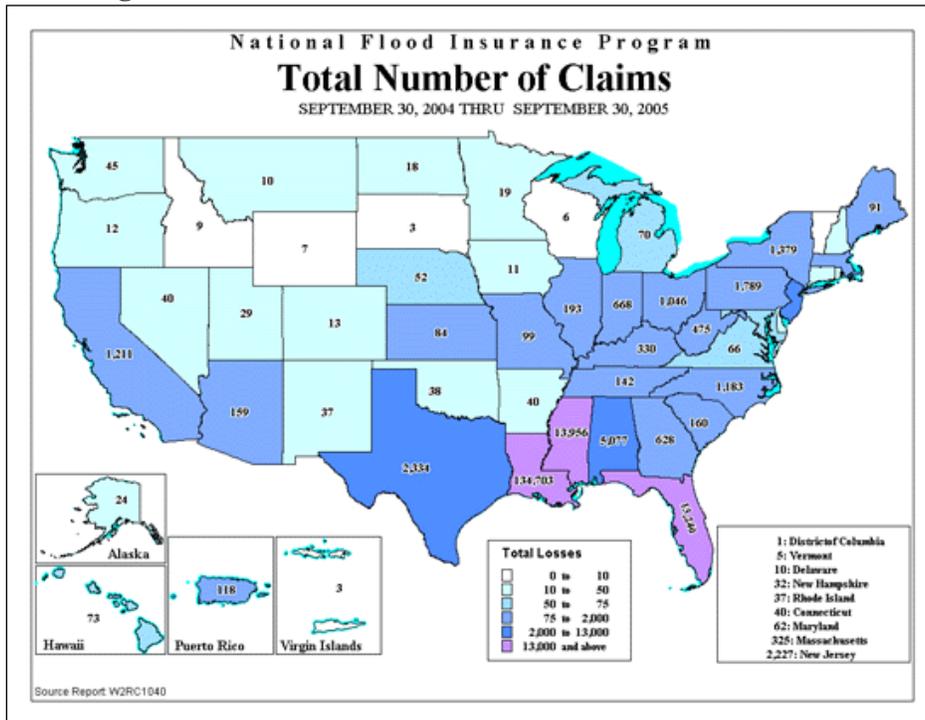
The Flood Insurance Administration (FIA) in its management of the National Flood Insurance Program (NFIP) collects and stores a vast quantity of information on insured structures, including the number and location of flood insurance policies, number of claims per insured property, dollar value of each claim and aggregate value of claims and repetitive flood loss properties. According to the New York State Standard Multi-Hazard Mitigation Plan, the National Flood Insurance Program data presents a strong indication of the location of flood events.

The National Flood Insurance Program also tracks properties that file several claims of a minimum value over a specific period of time. According to the New York State Standard Multi-Hazard Mitigation Plan, the definition of these properties change from time to time; however, they may be classified as repetitive loss properties. The Federal Emergency Management Agency’s mitigation efforts that are directed at National Flood Insurance Program insured structures targets repetitive loss properties as a means of reducing impact on the insured.

The Town of New Windsor has 65 current National Flood Insurance Program policies in place and has had 37 flood insurance claims since 1978 of which 26 losses were paid. The total flood insurance in force is \$18,455,100. The Town is in good standing with the NFIP and there are no outstanding compliance issues.

The total number of national flood insurance claims within the United States during the period between September 30, 2004 and September 30, 2005 are illustrated in Figure III-21.

Figure III-21 – Flood Insurance Claims



Source: <http://www.fema.gov/business/nfip/statistics/totclaims2005.shtm>

Impact on Critical Facilities

Table III-14 lists the critical facilities and structures, including their value, exposed to the 500-year MRP flood event.

Table III-14 – Critical Facilities Exposed to the 500-year Flood in New Windsor

| Name | Property Address | Description | Replacement Value |
|-----------------------------|------------------------|----------------------------------|-------------------|
| TNW Building & Grounds | 2893 Route 9W | Buildings & grounds building | \$156,900 |
| TNW Sewage Treatment Plant | Caesars Lane | Sewage treatment plant | \$4,338,900 |
| Global Companies | 1281 River Road | Petroleum bulk storage with pier | \$393,900 |
| Global Companies | 20 River Road | Petroleum bulk storage | \$294,500 |
| Mid-Valley Petroleum | 1254 River Road | Petroleum bulk storage | \$170,700 |
| Sam & Irvs | 1240 River Road | Petroleum bulk storage | \$160,700 |
| Global Warex Terminals Corp | 49 River Road | Petroleum bulk storage | \$127,300 |
| Global Warex Terminals Corp | 1184 River Road | Petroleum bulk storage | \$48,657 |
| Global Warex Terminals Corp | 1166 River Road | Petroleum bulk storage | \$84,568 |
| Global Warex Terminals Corp | 1203 River Road | Petroleum bulk storage with pier | \$664,700 |
| TWN Sewer Pump Station #2 | 1291 River Road | Sewer pump Station | Unknown |
| TNW Sewer Pump Station #8 | 153 Silver Stream Road | Sewer pump station | Unknown |

Source: Orange County RPS

The total replacement value of critical facilities located within the Town's 500-Year floodplain (not including the Town's sewer pump stations #2 and #8) is estimated to be approximately \$6,440,825.

The following roads have been identified as vulnerable to flood events in the Town:

- Jackson Avenue (between Lake Rd & Baxter Property) – this area needs drainage and the road elevation raised. The approximate budget to complete this project is \$175,000.
- Beattie Road (near McLean Dr.) – this area needs drainage and the road elevation raised. The approximate budget to complete this project is \$220,000.
- Bull Road (near Shaw Rd) – this area needs drainage and the road elevation raised. The approximate budget to complete this project is \$150,000.
- Silver Stream Road (lower area near River Rd.) – this area will need drainage. The approximate budget to complete this project is \$100,000.
- Vails Gate Heights Drive – this area needs drainage and the road elevation raised. The approximate budget to complete this project is \$225,000.

Impact on the Economy

Losses include but are not limited to general building stock damages, transportation, business interruption, and impacts to tourism and tax base to the Town of New Windsor. It is estimated that dollar value losses to the Town's total exposed resources would not significantly impact the Town's tax base and local economy as a very small percentage of the Town's resources are located in the 100- and 500-year floodplains.

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. Any new development within the identified flood hazard areas will be at risk to flooding.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to flooding are:

Score = 249, Moderately High Hazard

| | |
|--------------------------|--|
| Potential Impact: | Throughout a small region |
| Cascade Effects: | Some potential |
| Frequency: | A frequent event |
| Onset: | One day warning |
| Hazard Duration: | One day |
| Recovery Time: | One to two days |
| Impacts: | <ul style="list-style-type: none">• Serious injury or death unlikely• Severe damage to private property• Moderate structural damage to public facilities |

Flooding - Probability of Future Events

Using historical information to predict future occurrences, it was determined the Town of New Windsor may expect damaging floods on an annual basis. The most costly of these flood events are likely to occur in the areas of the Town adjacent to the Moodna Creek and Hudson River.

For areas of New Windsor located within 100-year flood zones there is a 1 in 100, or 1 percent chance annually of a flood. In the 500-year flood zone there is 1 in 500, or 0.2 percent chance annually of a flood occurring.

As a result of the flooding that has historically occurred within Orange County, the County is ranked as the 5th most flood vulnerable county in New York State, based on potential flood exposure and vulnerability to loss.

Earlier in the Plan, the identified hazards of concern for the Town of New Windsor were ranked. The probability of occurrence, or likelihood of the event, is one parameter used for ranking hazards. Based on historical records, FIRMs, and the HMPT the probability of occurrence for flood events in the Town of New Windsor is considered “frequent” (likely to occur within 25 years).

Of course certain areas of the Town are more susceptible to flooding than others. It would be misleading to suggest that the whole community is located within a floodplain, which is not the intent of the generalized HAZNY probability analysis. It is noted that detailed, location-specific information on which to base a mitigation strategy is necessary. It is anticipated that future flooding events will primarily occur in those locations of previous occurrences. These flooding locations, based on historical records, as well as impacts on general building stock and critical facilities are discussed in detail above. Further, this information is supplemented with detailed FIRM’s located in Appendix D of this document to arrive at specific mitigation measures for specific sites and locations in the Town most vulnerable to flooding.

4. **Windstorms (Hurricanes, Tornadoes and Tropical Storms)**

For the purpose of this Hazard Mitigation Plan, windstorms have been classified into four distinct categories and include the following:

Hurricanes – Hurricanes are formed in the atmosphere over warm ocean areas, in which wind speeds reach 74 miles per hour or more and blow in a large spiral around a relatively calm center or “eye”. Circulation is counterclockwise in the Northern Hemisphere and clockwise in the Southern Hemisphere.

Tornadoes – A tornado is a violent windstorm characterized by a twisting, funnel-shaped cloud usually of short duration. It is spawned by a thunderstorm (or sometimes as a result of a hurricane) and produced when cool air overrides a layer of warm air, forcing the warm air to rise rapidly.

Tropical Storms – An organized system of strong thunderstorms with a defined circulation and maximum sustained winds of 39 to 73 miles per hour.

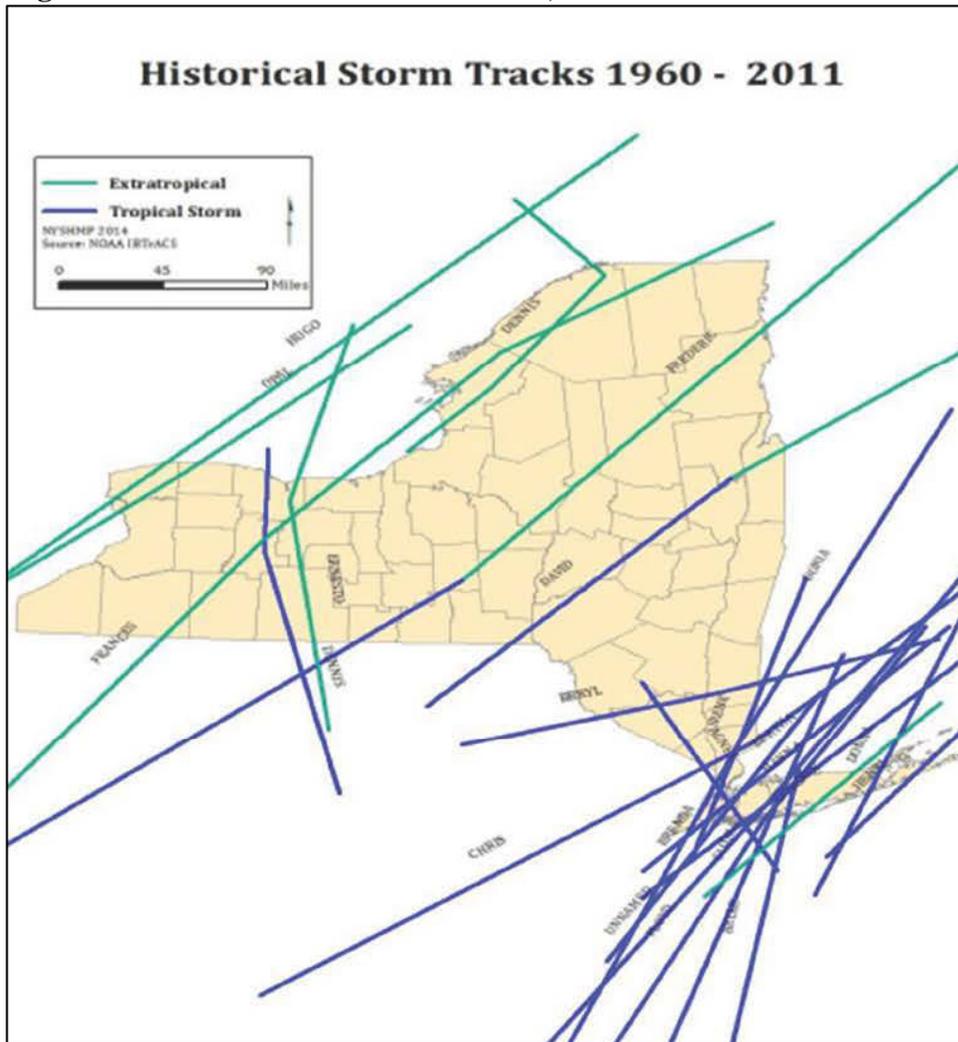
Tropical Depressions – An organized system of clouds and thunderstorms with a defined circulation and maximum sustained winds of less than 39 miles per hour.

Extent

Hurricanes & Tropical Storms

Hurricanes are extremely dangerous in terms of potential loss and likelihood of occurrence. In general, a single hurricane can last for more than two weeks over water and can extend outward from the eye up to 400 miles. The hurricane season for the Atlantic Coast and the Gulf of Mexico is June 1 through November 30. On average, five hurricanes strike the United States every year. In a two year period, an average of three Category 3 or higher hurricanes will strike the United States with duration, reach and damage being a function of forward motion and the availability of a warm water source. The vast majority of these hurricanes have tracked through the New York City metropolitan area and the lower Hudson Valley, including Orange County and the Town of New Windsor. Refer to Figure III-22 and Figure III-22a for an illustration of historic storm tracks through New York State.

Figure III-22 – Historical Storm Tracks, 1960-2011



Source: NYSDHSES, 2014

Figure III-22a – Hurricanes Tracking through New York State



Source: NYS DHSES

The extent of a hurricane is categorized by the Saffir-Simpson Hurricane Scale. This scale categorizes or rates hurricanes from 1 (Minimal) to 5 (Catastrophic) based on their intensity. This is used to give an estimate of the potential property damage and flooding expected along the coast from a hurricane landfall.

Wind speed is the determining factor in the scale, as storm surge values are highly dependent on the slope of the continental shelf and the shape of the coastline, in the landfall region (National Hurricane Center). Table III-15 presents this scale, which is used to estimate the potential property damage and flooding expected when a hurricane makes land fall.

Table III-15 – The Saffir-Simpson Scale

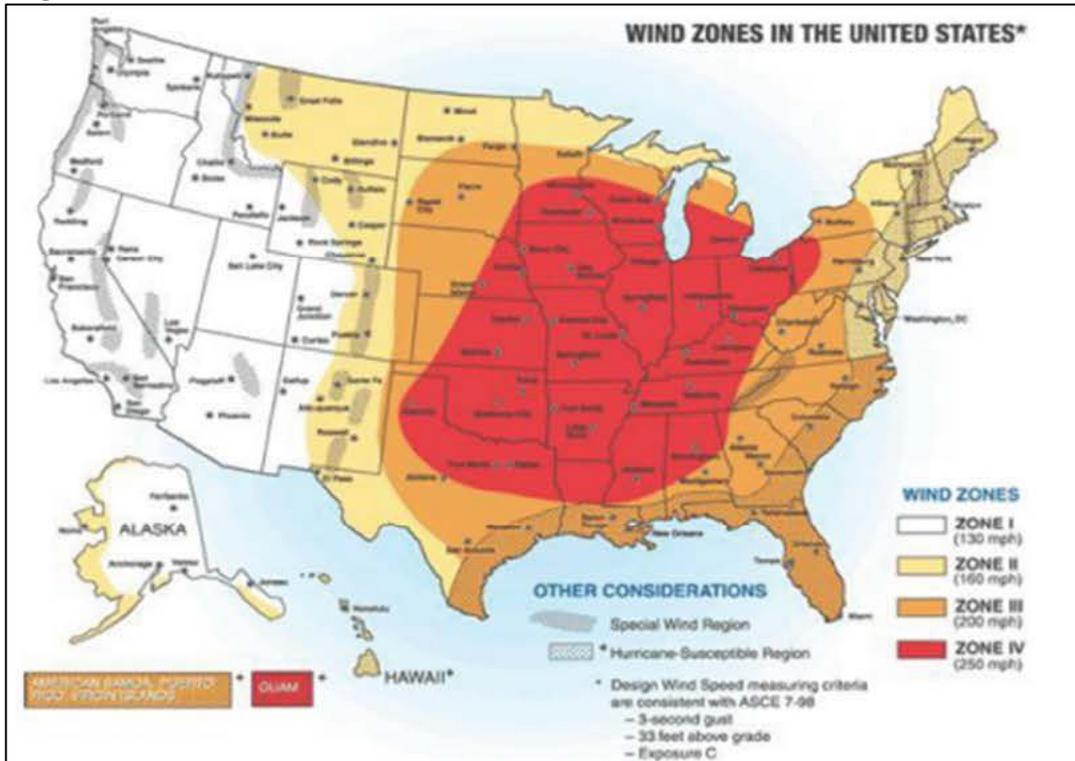
| Category | Wind Speed (mph) | Storm Surge (ft. above normal sea level) | Expected Damage |
|----------------------------|------------------|--|--|
| 1 | 74-95 | 4-5 | Damage is done primarily to shrubbery and trees, unanchored mobile homes are damaged, some signs are damaged; no real damage is done to structures |
| 2 | 96-110 | 6-8 | Some trees are toppled, some roof coverings are damaged, and major damage is done to mobile homes |
| 3 | 111-130 | 9-12 | Large trees are toppled, some structural damage is done to roofs, mobile homes are destroyed, and structural damage is done to small homes and utility buildings |
| 4 | 131-155 | 13-18 | Extensive damage is done to roofs, windows, and doors; roof systems on small buildings completely fail; some curtain walls fail |
| 5 | > 155 | > 18 | Roof damage is considerable and widespread, window and door damage is severe, there are extensive glass failures, and entire buildings could fail |
| Additional Classifications | | | |
| Tropical Storm | 39-73 | 0-3 | NA |
| Tropical Depression | < 38 | 0 | NA |

Source: FEMA

In evaluating the potential for hazard events of a given magnitude, a mean return period (MRP) is often used. The MRP provides an estimate of the magnitude of an event that may occur within any given year based on past recorded events. MRP is the average period of time, in years, between occurrences of a particular hazard event (equal to the inverse of the annual frequency of exceedance) (Dinicola, 2005).

Figure III-23 below illustrates design wind speeds. All of Orange County falls within Category 2 of 4 (160mph). The American Society of Civil Engineers recommends that emergency shelters be designed to withstand wind gusts up to 160mph. It is also noted that all of Orange County is mapped in the Hurricane-Susceptible Region.

Figure III-23 – Wind Zones in the United States



Source: National Weather Service

Tornado

Tornadoes are one of nature's most violent storms. According to FEMA, tornado season in the northeast is between June and August but tornadoes can occur at any time of the year.

The magnitude or severity of a tornado was originally categorized using the Fujita Scale (F-Scale) or Pearson Fujita Scale introduced in 1971, based on a relationship between the Beaufort Wind Scales (BScales) (measure of wind intensity) and the Mach number scale (measure of relative speed). It is used to rate the intensity of a tornado by examining the damage caused by the tornado after it has passed over a man-made structure. The F-Scale categorizes each tornado by intensity and area. The scale is divided into six categories, F0 (Gale) to F5 (Incredible) (NOAA - SPC). Table III-16 explains each of the six F-Scale categories.

Table III-16 – Fujita Damage Scale

| Scale | Wind Estimate (mph) | Typical Damage |
|-------|---------------------|---|
| F0 | < 73 | Light damage, some damage to chimneys; branches broken off trees; shallow-rooted trees pushed over; sign board damaged |
| F1 | 73-112 | Moderate damage, peels surface off roofs; mobile homes pushed off foundations or overturned, moving autos blown off roads |
| F2 | 113-157 | Considerable damage, roofs torn off frame houses; mobile homes demolished; boxcars overturned; large trees snapped or uprooted; light-object missiles generated; cars lifted off ground |
| F3 | 158-206 | Severe damage, roofs and some walls torn off well-constructed houses; trains overturned; most trees in forest uprooted; heavy cars lifted off the ground and thrown |
| F4 | 207-260 | Devastating damage, well-constructed house leveled; structures with weak foundations blown away some distance; cars thrown and large missiles generated |
| F5 | 261-318 | Incredible damage, strong frame houses leveled off foundations and swept away; automobile-sized missiles fly through the air in excess of 100 meters (109 yards); trees debarked; incredible phenomena will occur |

Source: NOAA - SPC

Although the F-Scale has been in use for over 30 years, there are limitations of the scale. The primary limitations are a lack of damage indicators, no account of construction quality and variability, and no definitive correlation between damage and wind speed. These limitations have led to the inconsistent rating of tornadoes and, in some cases, an overestimate of tornado wind speeds. These limitations led to the development of the Enhanced Fujita Scale (EF Scale). The Texas Tech University Wind Science and Engineering Center, along with a forum of nationally renowned meteorologists and wind engineers from across the country, developed the Enhanced Fujita Scale (NOAA).

The EF Scale became operational on February 1, 2007. It is used to assign tornadoes a 'rating' based on estimated wind speeds and related damage. When tornado-related damage is surveyed, it is compared to a list of Damage Indicators (DIs) and Degrees of Damage (DOD), which help better estimate the range of wind speeds produced by the tornado. From that, a rating is assigned, similar to that of the F-Scale, with six categories from EF0 to EF5, representing increasing degrees of damage. The EF Scale was revised from the original F-Scale to reflect better examinations of tornado damage surveys. This new scale has to do with how most structures are designed (NOAA). Table III-17 displays the EF Scale and each of its six categories.

Table III-17 – Enhanced Fujita Damage Scale

| F-Scale | Intensity | Wind Speed (mph) | Damage |
|---------|---------------------|------------------|---|
| EF0 | Light tornado | 65-85 | Light damage, peels surface off some roofs; some damage to gutters or siding; branches broken off trees; shallow-rooted trees pushed over |
| EF1 | Moderate tornado | 86-110 | Moderate damage, roofs severely stripped; mobile homes overturned or badly damaged; loss of exterior doors; windows and other glass broken |
| EF2 | Significant tornado | 111-135 | Considerable damage, roofs torn off well-constructed houses; foundations of frame homes shifted; mobile homes completely destroyed; large trees snapped or uprooted; light-object missiles generated; cars lifted off ground |
| EF3 | Severe tornado | 136-165 | Severe damage, entire stories of well-constructed house destroyed; severe damage to large buildings such as shopping malls; trains overturned; trees debarked; heavy cars lifted off the ground and thrown; structures with weak foundations blown away some distance |
| EF4 | Devastating tornado | 166-200 | Devastating damage, well-constructed house and whole frame house completely leveled; cars thrown and small missiles generated |
| EF5 | Incredible tornado | > 200 | Incredible damage, strong frame house leveled off foundations and swept away; automobile-sized missiles fly through the air in excess of 100 meters; high-rise buildings have significant structural deformation; incredible phenomena will occur |

Source: NOAA - SPC

In the Fujita Scale, there was a lack of clearly defined and easily identifiable damage indicators. The EF Scale takes into account more variables than the original F-Scale did when assigning a wind speed rating to a tornado. The EF Scale incorporates 28 damage indicators, such as building type, structures, and trees. For each damage indicator, there are 8 degrees of damage (DOD), ranging from the beginning of visible damage to complete destruction of the damage indicator. Table III-18 lists the 28 Damage Indicators. Each one of these indicators has a description of the typical construction for that category of indicator. Each DOD in every category is given an expected estimate of wind speed, a lower bound of wind speed, and an upper bound of wind speed.

Table III-18 – Enhanced F-Scale Damage Indicators

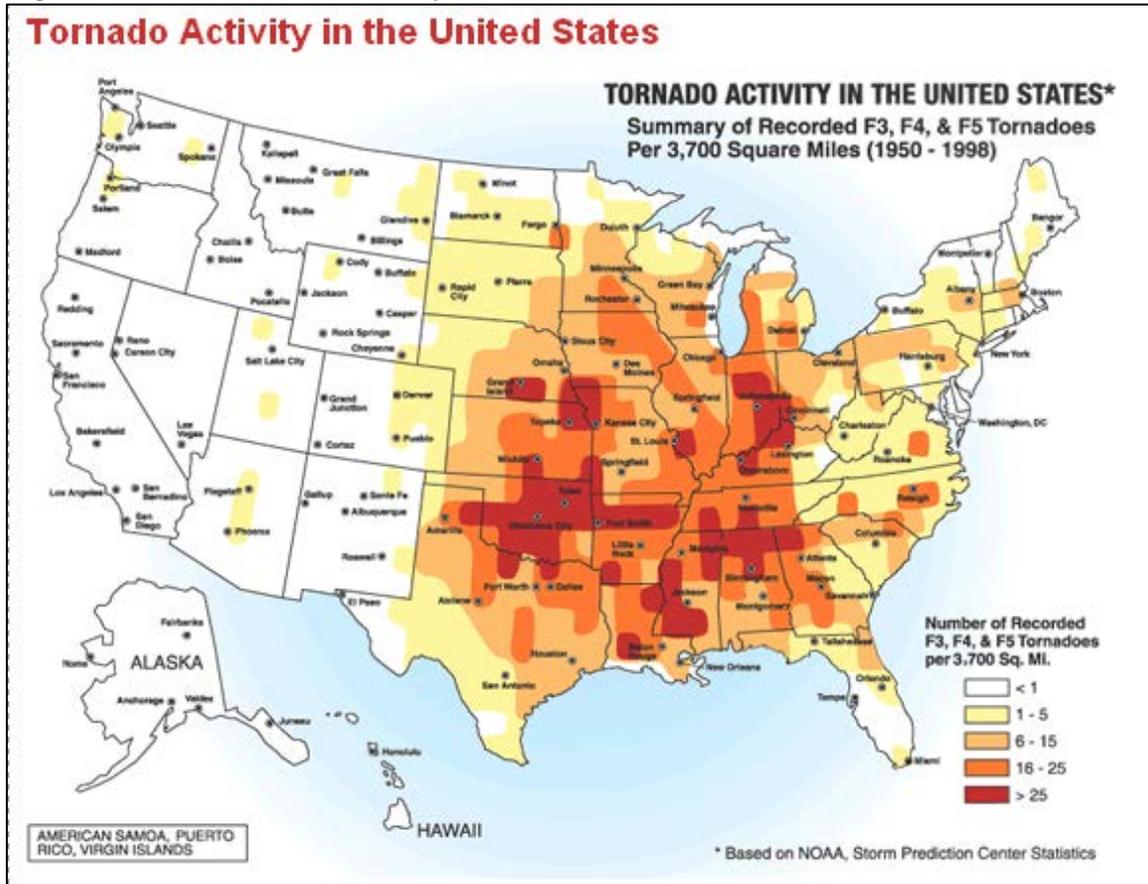
| No. | Damage Indicator | Abbreviation | No. | Damage Indicator | Abbreviation |
|-----|--|--------------|-----|--|--------------|
| 1 | Small barns, farm outbuildings | SBO | 15 | One story elementary school | ES |
| 2 | One- or two-family residences | FR12 | 16 | Jr. or Sr. high school | JHSH |
| 3 | Single-wide mobile home | MHSW | 17 | 1-4 story low-rise building | LRB |
| 4 | Double-wide mobile home | MHDW | 18 | 5-20 story mid-rise building | MRB |
| 5 | Apt, condo, townhouse (3 stories or less) | ACT | 19 | High-rise (over 20 stories) | HRB |
| 6 | Motel | M | 20 | Institutional bldg. (hospital, gov't) | IB |
| 7 | Masonry apt. or motel | MAM | 21 | Metal building system | MBS |
| 8 | Small retail bldg. (fast food) | SRB | 22 | Service station canopy | SSC |
| 9 | Small professional bldg. (doctors office, branch bank) | SPB | 23 | Warehouse (tilt-up walls or heavy timber) | WHB |
| 10 | Strip mall | SM | 24 | Transmission line tower | TLT |
| 11 | Large shopping mall | LSM | 25 | Free-standing tower | FST |
| 12 | Large isolated (“big box”) retail bldg. | LIRB | 26 | Free standing pole (light, flag, luminary) | FSP |
| 13 | Automobile showroom | ASR | 27 | Tree – hardwood | TH |
| 14 | Automotive service building | ASB | 28 | Tree – softwood | TS |

Source: SPC

Since the EF Scale went into effect in February 2007, some of the previous occurrences and losses associated with historic tornado events of this hazard profile are based on the former Fujita Scale.

According to the National Weather Service, an average of 800 tornadoes affects the U.S. each year. These tornadoes typically result in approximately 80 deaths and over 1,500 injuries annually. Figure III-24 shows tornado activity in the U.S. between 1950 and 1998, based on the number of recorded tornadoes per 3,700 square miles.

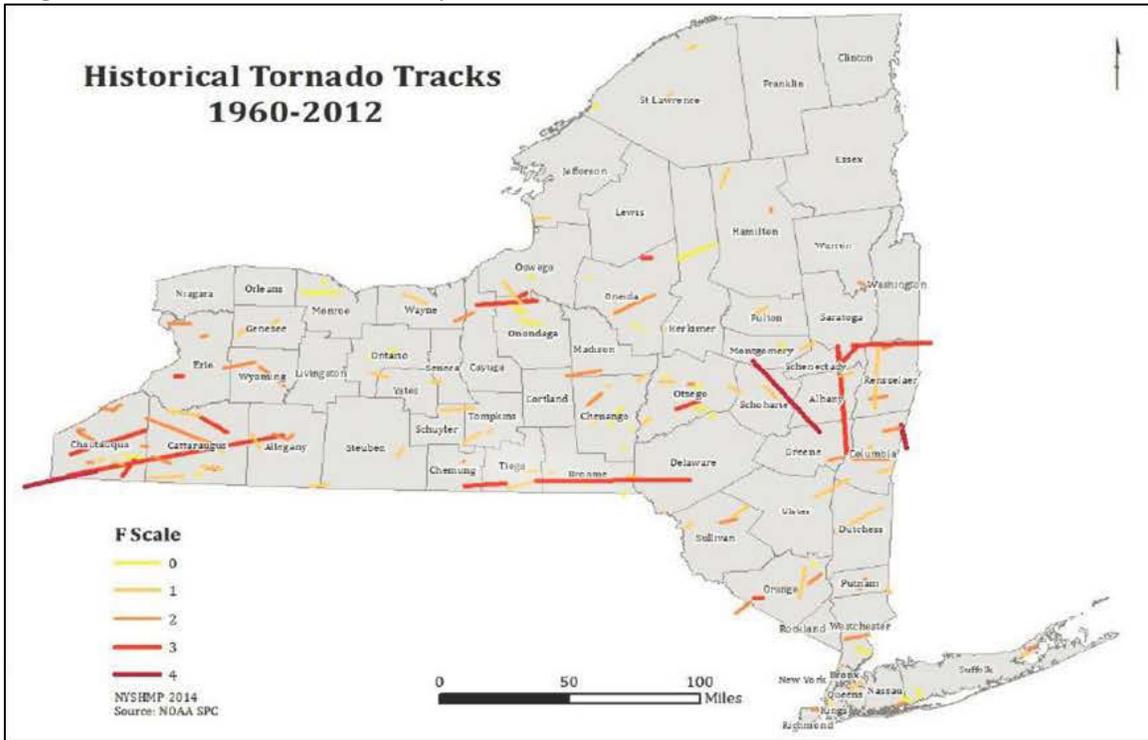
Figure III-24 – Tornado Activity in the United States



Source: FEMA

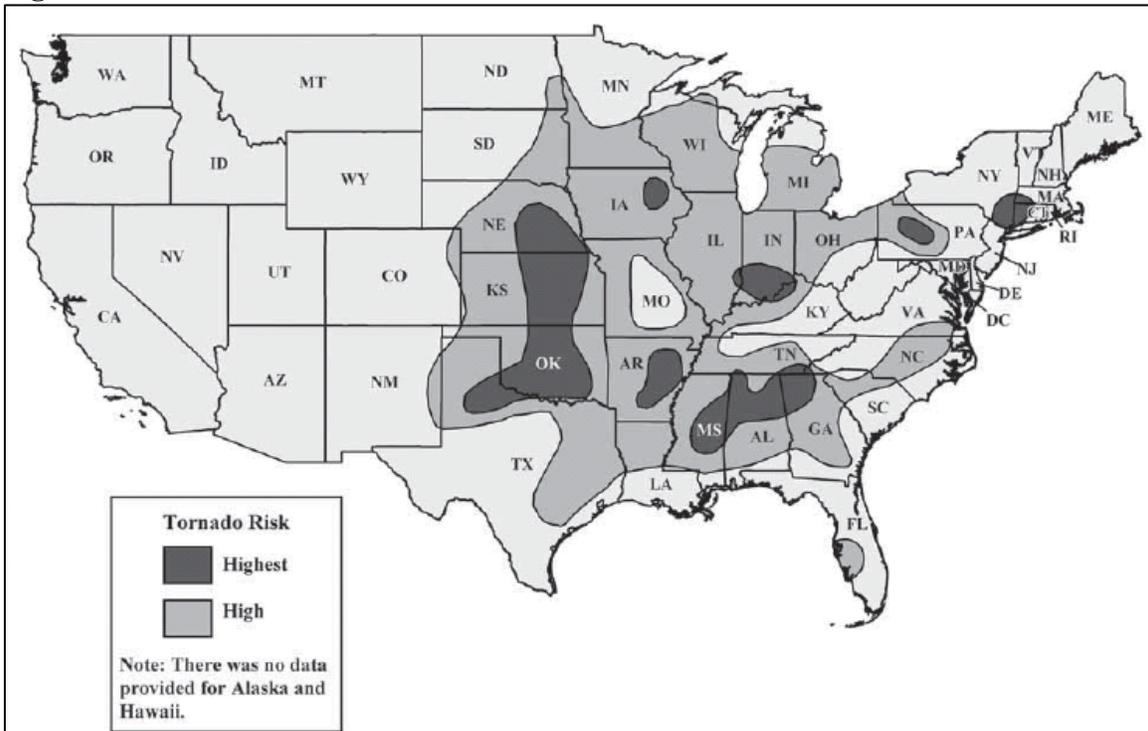
New York State ranks 30th in the U.S. for frequency of tornadoes. When compared to other states on the frequency of tornadoes per square mile, New York ranks 35th (Tornado Disaster Center). New York State has a definite vulnerability to tornadoes and can occur, based on historical occurrences, in any part of the State. According to Figure III-25, New York State has experienced between 0 and 15 tornadoes per 3,700 square miles since 1950. The New York State Emergency Management office reports that the State has experienced 359 tornadoes since 1950, ranging from F0 to F4 on the Fujita-Pearson Tornado Intensity Scale. Every county in New York State has experienced a tornado between 1960 and 2012 (Figure III-25). Figure III-26 indicates that a majority of New York State, with the exception of the southeastern section (Mid-Hudson Region), has an overall low risk of tornado activity.

Figure III-25 – Tornado Activity in New York State



Source: NOAA SPC

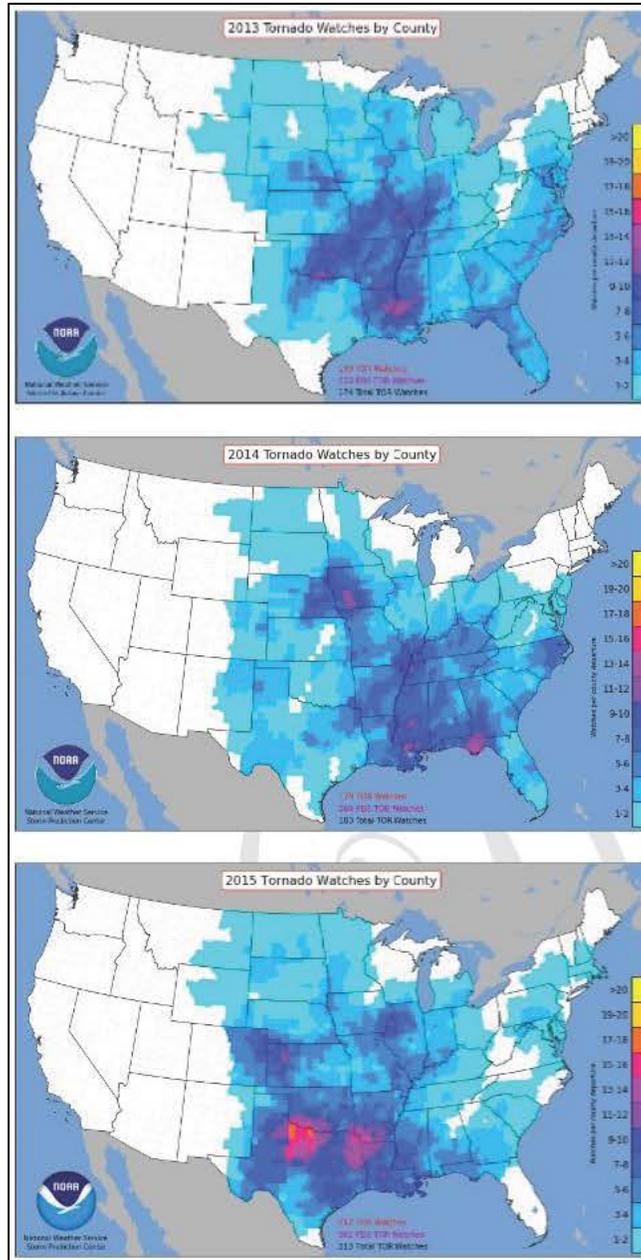
Figure III-26 – Tornado Risk in the United States



Source: NYSDPC

Figure III-27, below shows tornado watch frequency in the United States from 2013 to 2015.

Figure III-27 – Tornado Watch Frequency, 2013-2015



Source: NOAA SPC

Location

Windstorms are a common natural hazard in New York State because the State exhibits a unique blend of weather (geographically and meteorological) features that influence the

potential for windstorms and associated flooding. Factors include temperature, which is affected by latitude, elevation, proximity to waterbodies and source of air masses; and precipitation which includes snowfall and rainfall. Precipitation intensities and effects are influenced by temperature, proximity to water bodies, and general frequency of storm systems. The Cornell Climate Report also indicates that the geographic position of the State makes it vulnerable to frequent storm and precipitation events. This is because nearly all storms and frontal systems moving eastward across the continent pass through, or in close proximity to New York State. Additionally, the potential for prolonged thunderstorms or coastal storms and periods of heavy precipitation is increased throughout the state because of the available moisture that originates from the Atlantic Ocean (NYSDPC).

Previous Occurrences

Between 1950 and 2007 there have been eight tornadoes reported in Orange County with a maximum rating of F-3 occurring on July 14, 1988. The most deadly and notable tornado³ occurred just minutes from New Windsor in the Town of Newburgh when a storm caused a wall to collapse at East Coldenham Elementary School killing nine students.

Table III-19 shows a record of hurricanes that have affected the Town of New Windsor and their numeric classification based on the Saffir-Simpson scale. The most recent hurricane to strike the Town of New Windsor was Hurricane Floyd which caused severe damage throughout the Hudson Valley by dropping between three and six inches of rain within twelve hours. In Orange, Ulster, and Sullivan Counties 57,000 residents were without power.

³ According to tornadoproject.com experts disagree on whether or not this storm event should be classified as a tornado.

Table III-19 – Hurricanes Tracking through New York State

| Name | Date | Saffir-Simpson Category |
|-------------|-------------|--------------------------------|
| Unnamed | 08/14/1888 | NA |
| Unnamed | 08/15/1893 | NA |
| Unnamed | 09/25/1893 | NA |
| Unnamed | 10/01/1894 | NA |
| Unnamed | 10/23/1899 | 1 |
| Unnamed | 09/12/1903 | 1 |
| Unnamed | 09/06/1928 | 4 |
| Unnamed | 09/22/1929 | 3 |
| Unnamed | 09/17/1933 | 2 |
| Unnamed | 06/04/1934 | 3 |
| Unnamed | 09/10/1938 | 3 |
| Unnamed | 08/07/1939 | 1 |
| Unnamed | 09/09/1944 | 3 |
| Unnamed | 09/12/1945 | 3 |
| Unnamed | 08/23/1949 | 3 |
| Able | 08/18/1952 | 1 |
| Carol | 08/25/1954 | 3 |
| Hazel | 10/05/1954 | 4 |
| Connie | 08/03/1955 | 3 |
| Dianne | 08/07/1955 | 1 |
| Audrey | 06/25/1957 | 4 |
| Gracie | 09/20/1959 | 3 |
| Donna | 08/29/1960 | 4 |
| Agnes | 06/14/1972 | 1 |
| Belle | 08/06/1976 | 1 |
| David | 08/25/1979 | 2 |
| Frederick | 08/29/1979 | 3 |
| Gloria | 09/16/1985 | 3 |
| Hugo | 09/10/1989 | 4 |
| Floyd | 09/19/1999 | 4 |
| Irene | 08/28/2011 | 4 |
| Sandy | 10/29/2012 | 3 |

Source: NOAA - NCDC

Table III-20 – Tropical Storms & Depressions

| Incident Type | Date | Damage |
|----------------------|-------------|---|
| Tropical Storm | 07/13/1996 | Tropical Storm Bertha produced torrential rains and strong gusty winds across southeastern NY. Extensive flooding was reported across the area. Rainfall amounts recorded in Orange County ranged from 3.3 to 4.5 inches. |
| Hail | 05/18/2000 | As a line containing severe thunderstorms swept southeast across the region, it produced damaging wind gusts, large hail (from 0.75 to 1.00 inch in diameter), heavy rain and lightning "mainly" from New York City north and west. |
| Tropical Storm | 09/18/2004 | Tropical Storm Ivan produced torrential rains across southeastern NY. Widespread flash flooding was reported throughout the area. |
| Hail | 08/11/2008 | Penny size hail was reported. A strong upper level low pressure system spawned numerous severe thunderstorms over the Lower Hudson Valley, New York City Metro, and Long Island. |
| Tropical Storm | 09/06/2008 | No fatalities or injuries were attributed to the winds. All of the associated effects of Tropical Storm Hanna resulted in estimated property damage of just under \$70,000 and a minimal amount of property and crop damage. |
| Tropical Storm | 09/09/2011 | Tropical Storm Lee produced heavy rainfall. 2-4 inches of rainfall was reported for Orange County and came directly after damage caused by Hurricane Irene, about 10 days earlier. |

Source: NOAA - NCDC

No additional data on past windstorm events for the Town of New Windsor was available.

Windstorms Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For windstorm hazards, the entire Town has been identified as a hazard area. The following text evaluates and estimates the potential impact of windstorms on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation
- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

Severe storms include high winds and air speeds that result in power outages, disruptions to transportation corridors and equipment, loss of workplace access, significant property damage, injuries and loss of life, and the need to shelter and care for individuals impacted by the events. A large amount of damage can be inflicted by trees, branches, and other objects that fall onto power lines, buildings, roads, vehicles, and, in some cases, people.

The Town of New Windsor is generally impacted by tropical storm/hurricane remnant rains and severe winds. Secondary flooding associated with torrential downpours during these storms is also a primary concern to the Town.

Potential losses associated with high wind events were calculated for the Town for two probabilistic hurricane events; the 100-year and 500-year mean return period (MRP) hurricane events. The impacts on population, existing structures and critical facilities are presented below.

Data and Methodology

National weather databases and local resources were used to collect and analyze windstorm impacts on the Town. The HAZUS-MH model was used to analyze the hurricane hazard for the Town.

HAZUS-MH contains data on historic hurricane events and wind speeds. It also includes surface roughness and vegetation maps for the area. Surface roughness and vegetation data support the modeling of wind force across various types of land surfaces. Hurricane and inventory data available in HAZUS-MH were used to evaluate potential losses from the 100- and 500-year MRP hurricane event. Default data in HAZUS-MH was used in this evaluation. Residential loss estimates address both multi-family and single family dwellings. In addition, impacts to critical facilities were evaluated for the 100-year and 500-year MRP events.

Impact on Life, Health and Safety

The impact of severe storms on life, health and safety is dependent upon the severity of the storm event. Residents may be displaced or require temporary to long-term sheltering. In addition, downed trees, damaged buildings and debris carried by high winds can lead to injury or loss of life. It is assumed that the entire Town population is exposed to the severe storm hazard. Socially vulnerable populations are most susceptible, based on a number of factors including their physical and financial ability to react or respond during a hazard and the location and construction quality of their housing. Additionally, residents living in mobile homes are particularly vulnerable to wind events due to the construction of their housing.

For a 100-year MRP event, HAZUS-MH estimates that no households will be displaced and zero households will require temporary shelter. HAZUS-MH estimates 155 tons of brick and wood debris and a total of 481 tons of tree debris will be generated. For a 500-year MRP event, HAZUS-MH estimates that 4 households will be displaced and zero households will require temporary shelter. HAZUS-MH estimates 1,746 tons of brick and wood debris and a total of 3,223 tons of tree debris will be generated.

Please note that the HAZUS-MH Hurricane Model Technical Manual and User Manual recommend that the estimated debris volume be treated as a low estimate. There may be other sources of vegetative and non-vegetative debris (i.e., flooding) not being modeled

in HAZUS-MH in combination with the wind. Therefore, this is likely a conservative estimate and may be higher if multiple impacts occur.

Impact on General Building Stock

After considering the population exposed to the severe storm hazard, the value of general building stock exposed to and damaged by 100- and 500-year MRP events was evaluated. Potential damage is the modeled loss that could occur to the exposed inventory. HAZUS-MH wind model estimates the Town of New Windsor’s total building replacement value is nearly \$1.5 billion. Approximately 92 percent of the building stock values are associated with residential housing. The analysis below uses the default general building stock data as reported in HAZUS-MH. Table III-21 presents the total exposure value for general building stock by occupancy class for the Town.

Table III-21 – Building Stock Replacement Value by Occupancy Class*

| Residential | Commercial | Other | Total |
|--------------------|-------------------|--------------|--------------|
| 1,454,111 | 313,817 | 158,167 | 1,926,095 |

Source: HAZUS-MH

* In thousands of dollars

The entire study area is considered at risk for the windstorm hazard. Expected building damage was evaluated by HAZUS-MH across the following damage categories: no damage/very minor damage, minor damage, moderate damage, severe damage, and total destruction.

The estimated building damage by general occupancy type of various severities for the wind analysis is summarized for the 100- and 500-year events in Table III-22.

Table III-22 – Estimated Building Damage by Occupancy Class

| Occupancy Class | Damage | 100-Year Building Count | 500-Year Building Count |
|-----------------|-------------|-------------------------|-------------------------|
| Residential | None | 7,643 | 6,887 |
| | Minor | 33 | 709 |
| | Moderate | 1 | 79 |
| | Severe | 0 | 1 |
| | Destruction | 0 | 2 |
| Commercial | None | 454 | 424 |
| | Minor | 3 | 28 |
| | Moderate | 0 | 5 |
| | Severe | 0 | 0 |
| | Destruction | 0 | 0 |
| Industrial | None | 143 | 134 |
| | Minor | 1 | 8 |
| | Moderate | 0 | 1 |
| | Severe | 0 | 0 |
| | Destruction | 0 | 0 |

Source: HAZUS-MH

HAZUS-MH estimates approximately 788 residential buildings will be minor to moderately damaged in a 500-year MRP event. 3 buildings will be severely damaged or completely destroyed as a result of this event. Residential buildings comprise the majority of the building inventory and are estimated to experience the majority of building damage.

Residential buildings account for a majority of potential building stock damage and also comprise the majority of total building inventory. Because of differences in building construction, residential structures are generally more susceptible to wind damage than commercial and industrial structures. Mobile or manufactured homes are particularly vulnerable to severe storms. HAZUS-MH estimates there are 620 manufactured homes in the Town of New Windsor.

Impact on Critical Facilities

HAZUS-MH estimates the police departments, fire stations and schools are not likely to experience any damage during a 100-year event. All facilities are estimated to be fully functional. HAZUS-MH estimates the fire stations and schools will experience a loss of functionality and minor structural damage from a 500-year event. The fire stations are estimated to operate at 50 percent functionality whereas the schools are estimated to operate at approximately 66 percent functionality. The police departments are estimated to be fully functional.

Impact on the Economy

Severe storms also have impacts on the economy including: loss of business function, damage to inventory, relocation costs, wage loss and rental loss due to the repair/replacement of buildings. HAZUS-MH estimates the total economic loss associated with each storm scenario (direct building losses and business interruption losses). Direct building losses are the estimated costs to repair or replace the damage caused to the building. This is reported in the Impact on General Building Stock section discussed earlier. Business interruption losses are the losses associated with the inability to operate a business because of the damage sustained during a windstorm. Additionally, losses include the temporary living expenses for those people displaced from their homes because of a storm.

HAZUS-MH estimates moderate business interruption losses of approximately \$12,000 as a result of a 100-year MRP event. For the 500-year MRP event, HAZUS-MH estimates business interruption losses of approximately \$1,026,000 for the Town; associated with relocation and rental costs.

Transportation lifelines are not considered particularly vulnerable to the 100- and 500-year MRP windstorm hazard. However, utility structures could suffer damage associated with falling tree limbs or other debris. Such impacts can result in the loss of power, which can impact business operations and can impact heating or cooling provision to citizens.

It is estimated that the impact to the economy, as a result of severe storm event, would be considered “frequent”.

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. Any areas of growth could be potentially impacted by the windstorm hazard because the entire planning area is exposed and vulnerable.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to hurricanes are:

Hurricane Score = 168, Moderately Low Hazard

- Potential Impact:** Throughout a large region
Cascade Effects: Some potential
Frequency: An infrequent event
Onset: Several days warning
Hazard Duration: Two to three days
Recovery Time: One to two days
Impacts:
- Serious injury or death unlikely
 - Moderate damage to private property
 - Moderate structural damage to public facilities

The results of the analysis in regard to severe storms are:

Severe Storms Score = 218, Moderately Low Hazard

- Potential Impact:** Throughout a small region
Cascade Effects: Some potential
Frequency: A frequent event
Onset: several hours warning
Hazard Duration: Less than one day
Recovery Time: Less than one day
Impacts:
- Serious injury or death unlikely
 - Little or no damage to private property
 - Little or no structural damage to public facilities

Windstorms (Hurricanes and Tropical Storms) - Probability of Future Events

Earlier in the Plan, the identified hazards of concern for the Town of New Windsor were ranked. The probability of occurrence, or likelihood of the event, is one parameter used for ranking hazards. Based on historical records and input from the HMPT, the probability of occurrence for windstorms in New Windsor is considered to be “frequent” (that is, likely to occur within 25 years).

It is estimated that the Town of New Windsor will continue to experience direct and indirect impacts of windstorms annually that may potentially induce secondary hazards.

5. Severe Winter Storms

For the purpose of this Plan a severe winter storm is defined as a storm system that develops in late fall to early spring and deposits wintry precipitation, such as snow, sleet, or freezing rain, with a significant impact on transportation systems, utilities, and public safety. The following could meet this definition:

Heavy Snow: Characterized by six inches of snow in 12 hours or less.

Blizzard: Characterized by low temperatures, winds of 35 mph or greater, and sufficient falling and/or blowing snow in the air to frequently reduce visibility to ¼ of a mile or less for a duration of at least three hours.

Blizzard (Severe): Characterized by temperatures near or below 10 degrees F, winds exceeding 45 mph, and visibility reduced by snow to near zero for a duration of at least three hours.

Ice Storm: An ice storm involves freezing rain or rain that freezes upon impact. Ice coating at least one-fourth inch in thickness is heavy enough to damage trees, overhead wires and produce widespread power outages.

Nor'easter: A Nor'easter is a large weather system traveling from south to north, passing along or near the seacoast. As the storm approaches New England and intensifies, the counterclockwise cyclonic winds impact the coast and inland areas from a northeasterly direction.

In general, the winter storm season for the Atlantic Coast including New York State falls between October and April. While it is almost certain that a number of significant winter storms will occur during this period, it is impossible to determine how many storms will occur during any particular winter season. Similarly, the frequency of winter storms and the annual snowfall amount cannot be accurately predicted.

Severe winter weather can cause significant damage to trees in the form of bending and breaking limbs and branches, and toppling trees outright. The resulting debris can disrupt power distribution, block roads and damage residential and commercial structures.

A significant winter storm generally occurs over more than a single day, two days being common, and three days being rare. Significant storms in the recent past that have affected the Town of New Windsor include the following:

Extent

The magnitude or severity of a severe winter storm depends on several factors including a region's susceptibility to snowstorms, snowfall amounts, snowfall rates, wind speeds, temperatures, visibility, storm duration, topography and time of occurrence during the year. Unlike hurricanes and tornados there is no widely used scale to classify winter storm events. The extent of a severe winter storm can be classified by meteorological measurements such as those above or can be measured by societal impacts. The Northeast Snowfall Impact Scale (NESIS), shown in Table III-23 below, categorizes and ranks high-impact snowstorms in this manner. This scale was created due to the major impacts a severe winter storm event can have on transportation and the economy of the entire country due to the number of major population centers in the northeast. In recent history there have been four Category 5, Extreme Winter storms recorded, both dumping up to 30 inches of snow in northwestern Orange County and New Windsor, March 12-14,

1993, January 6-8, 1996, February 17, 2003, and December 26, 2010. Refer to Table III-25, Severe Winter Storms Affecting New Windsor, for additional details.

Table III-23 – NESIS Ranking Categories

| Category | Description | NESIS Range | Definition |
|----------|-------------|-------------|--|
| 1 | Notable | 1.0-2.49 | These storms are notable for their large areas of 4 inch snow accumulations and small areas of 10 inch snow accumulations. |
| 2 | Significant | 2.5-3.99 | Includes storms that produce significant areas of greater than 10 inches of snow while some include areas of 20 inch snowfalls. A few cases may even include small areas of very heavy snowfall (greater than 30 inches). |
| 3 | Major | 4.0-5.99 | This encompasses the typical major Northeast snowstorm with large areas of 10 inch snows and multiple areas with 20 inches of accumulation |
| 4 | Crippling | 6.0-9.99 | These storms consist of widespread, heavy snows with significant areas receiving 20 inches or greater amounts of accumulation and can be best described as crippling to the entire northeast with impacts to transportation and the economy felt throughout the country. |
| 5 | Extreme | 10 + | These storms represent those with the most extreme snowfall distributions, blanketing large areas and populations with snowfalls as high as 30 inches. These storms could effect more than 60 million people. |

Source: National Climatic Data Center

Though the occurrence of a Nor’Easter can be forecasted with some accuracy, predicting their impact can be a little more complex. The extent of a Nor’Easter can be categorized by the Dolan-Davis Nor’Easter Intensity Scale. In 1993, researchers Robert Davis and Robert Dolan created this Nor’Easter intensity scale, but it deals primarily with beach and coastal deterioration. This scale, presented as Table III-24, categorizes the intensity of Nor’Easters from 1 (weak) to 5 (extreme) based on their storm class. This is used to give an estimate of the potential beach erosion, dune erosion, overwash and property damages expected from a Nor’Easter (Multi-County Environmental Storm Observatory).

Table III-24 – The Dolan-Davis Nor’Easter Intensity Scale

| Storm Class | Overwash | Beach Erosion | Dune Erosion | Property Damage |
|-------------|--------------------------------|------------------------------------|--------------------------------------|--|
| 1 | No | Minor changes | None | No |
| 2 | No | Modest; mostly to lower beach | Minor | Modest |
| 3 | No | Erosion extends across the beach | Can be significant | Loss of many structures at local level |
| 4 | On low beaches | Severe beach erosion and recession | Severe dune erosion or destruction | Loss of structures at community level |
| 5 | Massive in sheets and channels | Extreme beach erosion | Dunes destroyed over extensive areas | Extensive at regional scale; millions of dollars in damage |

Source: MESO

Location

Winter weather, particularly snowstorm events, has historically affected many U.S. states, mainly in the Northeast and Midwest. The climate of New York State is marked by abundant snowfall. Winter weather can reach New York State as early as October and is usually in full force by late November with average winter temperatures between 20 and 40 degrees F. As indicated in the NYS HMP, communities in New York State receive more snow than most other communities in the Nation. The Cities of Syracuse, Buffalo, Rochester, and Albany are typically in the top 10 cities in the Nation in annual snowfall. These municipalities are located in Onondaga, Erie, Monroe, and Albany Counties. Although the entire State is subject to winter storms, the eastern and west-Central portions of the State are more likely to suffer under winter storm occurrences than any other location (NYSDPC). With the exception of coastal New York State, the State receives an average seasonal amount of 40 inches of snow or more. The average annual snowfall is greater than 70 inches over 60-percent of New York State's area; however, this does not include Orange County which receives between 36 and 48 inches (Figure III-28).

Figure III-28 – Annual Mean Snowfall within the Eastern United States



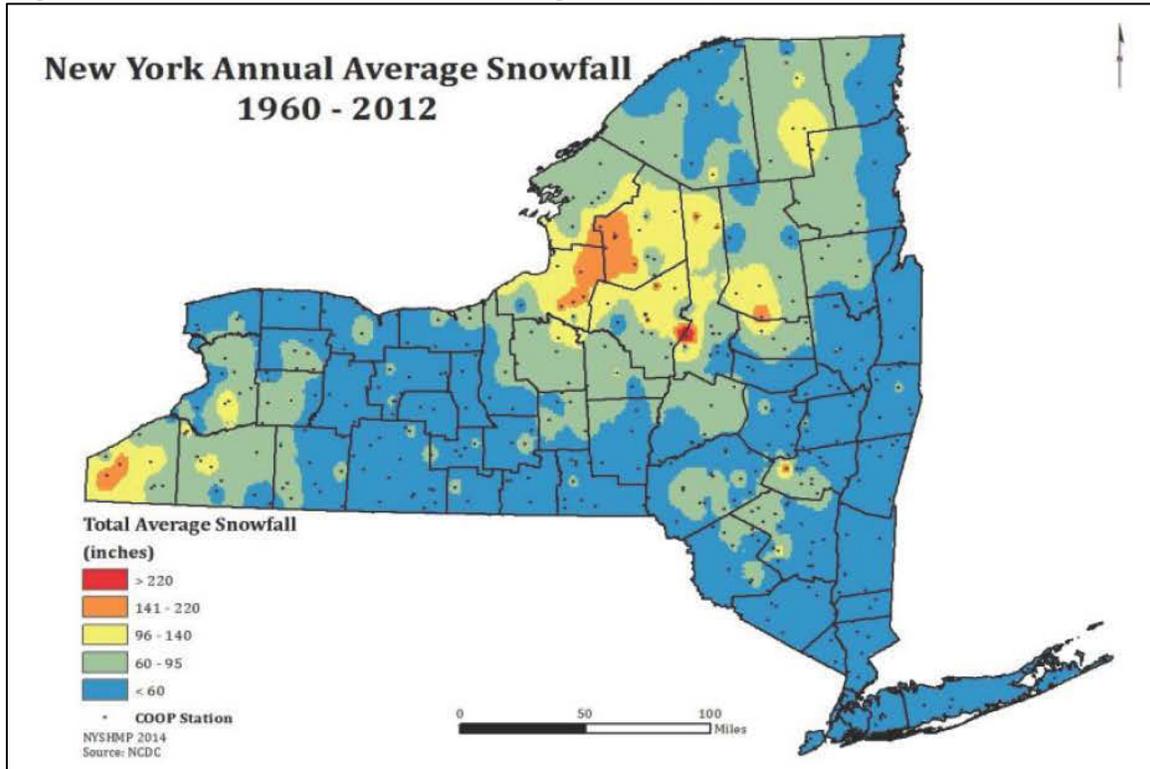
Source: National Weather Service

Topography, elevation and proximity to large bodies of water result in a great variation of snowfall in the State's interior, even within relatively short distances. Maximum seasonal

snowfall, averaging more than 175 inches, occurs on the western and southwestern slopes of the Adirondacks and Tug Hill. A secondary maximum of 150 to 180 inches prevails in the southwestern highlands, some 10 to 30 miles inland from Lake Erie. Record heavy snow accumulations, averaging from 100 to 120 inches, also occur within (1) the uplands of southwestern Onondaga County and adjoining counties; the Cherry Valley section of northern Otsego and southern Herkimer counties; and (3) the Catskill highlands in Ulster, Delaware and Sullivan counties. Minimum seasonal snowfall of 40 to 50 inches occur upstate in (1) Niagara County, near the south shore of Lake Ontario, (2) the Chemung and mid-Genesee River Valleys of western New York, and (3) near the Hudson River in Orange, Rockland, and Westchester Counties upstream to the southern portion of Albany County (NCDC).

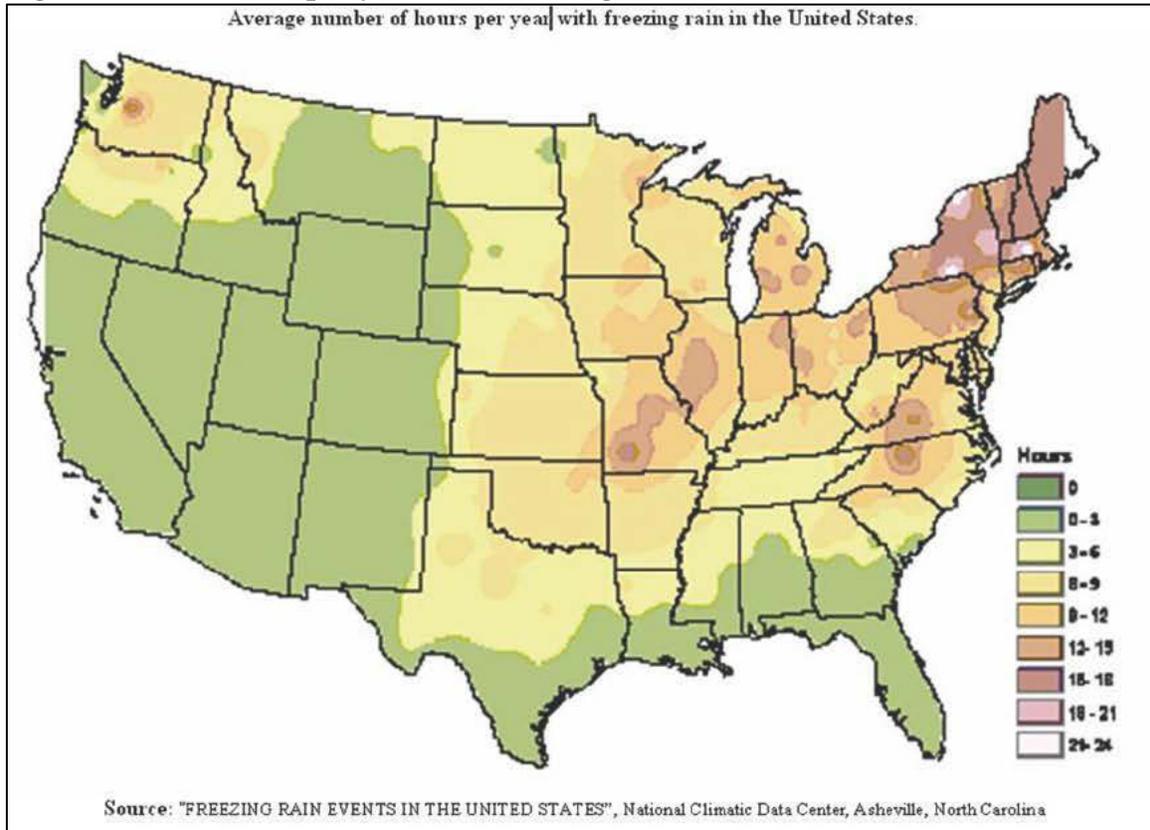
The New York City metropolitan area, which encompasses Orange County, in comparison to the rest of the state, is milder in the winter. Due in part to geography (its proximity to the Atlantic and being shielded to the north and west by hillier terrain), the New York metro area usually sees far less snow than the rest of the state. Lake-effect snow rarely affects the New York metro area, except for its extreme northwestern suburbs. Winters also tend to be noticeably shorter here than the rest of the state. Based on this information, all of Orange County is susceptible to winter storms. Refer to Figure III-29 and Figure III-30 below.

Figure III-29 – New York Annual Average Snowfall, 1960-2012



Source: NCDC, NYSHMP, 2014

Figure III-30 – Hours per year with Freezing Rain



Source: NCDC

Previous Occurrences

The HMPT researched several data sources for winter storms including disaster declarations and the National Oceanic & Atmospheric Administration's (NOAA) National Climatic Data Center Storm Event Database. Table III-25 shows a record of severe winter storms that have affected the Town of New Windsor.

Table III-25 – Severe Winter Storms Affecting New Windsor

| Date | Description |
|------------|--|
| 01/22/2005 | This system produced near blizzard conditions with heavy snow, strong and gusty winds, blowing snow, and drifting snow. Across the Lower Hudson Valley, temperatures rose from the single digits into the teens as northeast winds increased up to 15 to 25 mph during this time. Driving was hazardous and there were widespread impacts to mass transit. Storm total snowfalls ranged from around 7 to 20 inches across the region. Most locations measured between 8 and 16 inches. Orange County - from 8.0 inches at Campbell Hall to 15.0 inches at Highland Mills. |
| 02/21/2005 | Bands of moderate to heavy snow developed and moved slowly northeast across the region, before dissipating. Storm Total Snowfall amounts ranged from 5 to 8 inches, as follows: Orange County - from 5.0 inches at Newburgh to 8 inches at Montgomery. |
| 02/28/2005 | Bands of heavy snow swept northeast across the region. Storm Total Snowfall amounts ranged from 8.8 inches at East Middletown to 11.0 inches at Salisbury Mills. |
| 03/23/2005 | Snow quickly developed and spread northeast across the region. In Orange County, snowfall accumulations ranged from 6.0 inches at Cornwall-On-Hudson to 10.0 inches at Circleville. |
| 12/09/2005 | A vigorous upper level disturbance tracked across the Great Lakes with heavy snows breaking out across the region. Snowfall amounts ranged from 6 inches in Manhattan to just over a foot in northern portions of the Lower Hudson Valley. |
| 01/03/2006 | Rain developed and changed over to a mix of snow, sleet, and freezing rain before changing over to all snow. Here are selected snowfall amounts: Mount Hope - 12.8 inches Chester - 11.3 inches Harriman - 7.5 inches. |
| 01/15/2006 | Rain at the onset of the event mixed with sleet and snow and then went over to all snow. The snow fell heavy at times. Here are selected snowfall amounts for Orange County: Highland Mills - 7.0 inches Goshen - 5.8 inches New Windsor - 5.7 inches. |
| 02/12/2006 | Snow spread north across the area. The snow fell steadily and heavily at times in many areas. During the event, many areas experienced very heavy snowfall rates, up to 3 to 4 inches per hour. As the strongest band of snow moved through the lower Hudson Valley, reports of "thundersnow" were received, which supported the very intense snowfall rates. The highest snowfall amounts fell across New York City and Westchester and Putnam counties with 15 to 27 inches. Elsewhere, 10 to 20 inches of snowfall was common. Winds ranged from 10 to 20 mph with gusts to 30 mph. Snow and blowing snow created near blizzard conditions with very hazardous driving conditions due to poor visibilities in many areas. |
| 12/13/2007 | This event produced 4 to 8 inches of snow in Orange and Putnam counties. Montgomery and Walden received 8 inches. |
| 02/22/2008 | Widespread heavy snowfall blanketed the region. This was the biggest event for the tri-state area during the 2007-2008 winter season. Snowfall amounts generally ranged from 5 to 8 inches with a few higher spots. Monroe in Orange County received 10 inches. |
| 12/19/2008 | Event with widespread heavy snowfall across southeast New York. Snowfall amounts averaged between 6 and 10 inches, with the highest amounts occurring across northern portions of Orange county. |
| 03/01/2009 | A heavy snowfall event across the tri-state area with snowfall rates of 2 to 3 inches an hour. This was the biggest snowfall event of the winter season. Snowfall amounts across southeast New York generally ranged from 7 to 12 inches. |
| 12/09/2009 | A heavy snowfall event produced a 6 to 8 hour period of heavy precipitation across the region. A marginally cold thermal profile and strong dynamics allowed for a 2 to 4 hour period of moderate to heavy snow across interior zones with snowfall rates up to 1 inch per hour. |
| 02/09/2010 | Heavy snow came to the region. 6 to 12 inches of snow were reported across the lower Hudson Valley. |
| 02/15/2010 | Heavy snowfall to Orange County with between six to nine inches of snow reported. |

| Date | Description |
|------------|--|
| 02/22/2010 | An extended period of mainly snow mixed with sleet and freezing rain in Orange County. Snowfall amounts ranged from 6.0 to 11.3 inches. |
| 02/25/2010 | A combination of heavy snow, heavy rain, coastal flooding and strong winds to the region. Up to 3 feet of snow fell across interior portions of the Lower Hudson Valley, one to two feet across the NYC metropolitan region and six to twelve inches of snow across eastern Long Island. |
| 01/11/2011 | A heavy snowfall event was responsible for snowfall rates of 3 to 4 inches per hour. In total. The Lower Hudson Valley received 8 to 16 inches of snow. |
| 01/26/2011 | A heavy snowfall event was responsible for rates of 3 to 4 inches of snow per hour over a 4 to 6 hour period with snow totals to 15-20 inches across much of the region. |
| 10/29/2011 | A historic and unprecedented early-season winter storm impacted the area with more than one foot of heavy wet snow falling on interior portions of the Lower Hudson Valley. This is the first time a winter storm of this magnitude has ever occurred in October. Widespread tree damage and power outages occurred due to 8 to 16 inches of heavy wet snow. |
| 12/26/2012 | Widespread snowfall amounts near or over 6 inches in the northern and western parts of the county, including 6.5 inches in Montgomery, 6.4 inches in Middletown, 6 inches in New Windsor and Greenville, and 5.8 inches in Warwick. |
| 03/07/2013 | Snowfall reported in Orange County ranging from 7.8 to 15.5 inches. |
| 03/18/2003 | Heavy snow fell before changing to a mix of freezing rain and snow. widespread 6-inch snowfall amounts across the northern and western portions of the County were reported. |
| 12/14/2013 | heavy snow and some freezing rain was reported into the Lower Hudson Valley. Snowfall totals ranged from 7 to 8.5 inches in the County. |
| 01/02/2014 | Southeast New York was hit with heavy snow before moving out to sea. Snowfall reported in Orange County ranged from 6 to 8 inches. |
| 02/05/2014 | A burst of moderate to heavy snow that changed to sleet and then freezing rain in many places before tapering off. The public, emergency management, trained spotters, and an NWS cooperative observer reported widespread 7 to 13 inches of snowfall. |
| 01/24/2015 | Heavy snow to interior southeast New York was reported. The public and trained spotters reported snowfall of 5 to 8 inches. |
| 02/1/2015 | Heavy snow event. Much of southeast New York received 5 to 10 inches of snowfall along with up to a quarter inch of ice near the coast. Snowfall ranged from 8 to 11 inches across the County. |

Source: NOAA NCDC

Table III-26 – Ice Storms Affecting New Windsor

| Date | Description |
|------------|--|
| 12/14/2000 | A mixture of freezing rain and sleet created treacherous travel for the morning commute. In addition, power outages resulted as tree limbs fell due to significant ice accretion. Ice accumulated at least one quarter inch throughout the area, with some locations receiving up to one half inch of ice. |
| 02/25/2001 | Total ice accumulations ranged from 1/4 to 1/3-inch, which resulted in some power outages. Several minor traffic accidents were reported in Orange County. |
| 12/26/2005 | A mixture of snow, sleet, and freezing began during the evening hours and quickly changed to freezing rain. The freezing rain persisted for 6 to 8 hours before it changed to rain. A trained spotter in Middletown reported 0.50 inches of ice accumulation with roadways glazed over. Many traffic accidents occurred. |
| 02/01/2008 | Light to moderate freezing rain broke out across the Lower Hudson Valley and Northeast New Jersey ahead of a warm front over the Middle Atlantic states. The storm left about half an inch of ice across Orange and Putnam counties. |
| 01/06/2009 | Storm resulting in a significant accumulation of ice across northern portions of the Lower Hudson Valley. Ice amounts averaged around one-half inch, with up to almost an inch in spots. Emergency management officials in both Orange and Putnam counties reported trees and wires down during the late morning hours. |

Source: NOAA NCDC

Table III-27 – Historic Winter Storms Affecting New Windsor

| Storm | Date | Damage |
|---------------------------|------------|---|
| Blizzard of 1888 | 03/1888 | With 21 inches of snow falling over a two-day period (the third largest accumulation on record) the Blizzard of 1888 hit New York City at the end of a warm March day. As two storms, one approaching from the south and one from the north, met over the City, heavy precipitation and winds gusting up to almost 75 mph resulted in snowdrifts up to 30 feet high. |
| Blizzard of 1947 | 1947 | Dropping 26.4 inches of snow in Central Park, the Blizzard of 1947 holds rank as the biggest snowstorm in New York City history. As moisture in the Gulf Stream fed the storm's energy, the City was paralyzed when the blizzard barreled its way through, stranding cars and busses in the streets, halting subway service and claiming 77 lives. |
| Blizzard of 1996 | 01/07/1996 | Dumping more than 20 inches of snow in Central Park, the Blizzard of 1996, marked the second biggest snowstorm in New York City history. With winds gusting to more than 50 mph, the powerful nor'easter caused widespread power outages, scores of fatalities and \$1 billion in damages from Washington D.C. to Boston. |
| Presidents Day Storm 2003 | 02/17/2003 | Nearly two feet of snow blanketed the New York City area. The storm claimed 42 lives, stranded thousands of travelers and cost the City more than \$20 million. |
| Blizzard of 2010 | 12/26/2010 | An intense low pressure system spread snowfall into the region Sunday morning, with bands of heavy snow plus embedded thunderstorms and very strong winds affecting the region Sunday afternoon through Sunday night. The powerful blizzard accompanied by falling and/or blowing snow, frequently reducing visibility to less than 1/4 mile for three hours or more) brought a widespread area of 20 to 30 inches of snow across the NYC metro and Lower Hudson Valley region. |

Source: NOAA NCDC

No additional data on past severe winter storm events for the Town of New Windsor was available.

Severe Winter Storms Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For severe winter storm hazards, the entire Town has been identified as a hazard area. The following text evaluates and estimates the potential impact of severe winter storms on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation
- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

Severe winter storm events are of significant concern to the Town of New Windsor because of their frequency and magnitude in the region. Additionally, they are of significant concern due to the direct and indirect costs associated with these events; delays caused by the storms; and impacts on the people and facilities of the region related to snow and ice removal, health problems, cascade effects such as utility failure (power outages) and traffic accidents, and stress on community resources.

Data and Methodology

National weather databases and local resources were used to collect and analyze severe winter storm impacts on the Town.

Impact on Life, Health and Safety

For the purposes of this Plan, the entire population in the Town of New Windsor is exposed to severe winter storm and extreme cold temperature events. Snow accumulation and frozen/slippery road surfaces increase the frequency and impact of traffic accidents for the general population, resulting in personal injuries. The elderly are considered most susceptible to this hazard due to their increased risk of injuries and death from falls and overexertion and/or hypothermia from attempts to clear snow and ice. In addition, severe winter storm events can reduce the ability of these populations to access emergency services.

Impact on General Building Stock

The entire general building stock inventory in the Town of New Windsor is exposed and vulnerable to severe winter storm hazards. In general, structural impacts include damage

to roofs and building frames. Current modeling tools are not available to estimate specific losses for this hazard.

A specific area that is vulnerable to the severe winter storm hazard is the floodplain. At risk general building stock and infrastructure in floodplains are presented in the flood hazard profile. In summary, snow and ice melt can cause both riverine and urban flooding.

Additionally, cold winter temperatures cause rivers to freeze. A rise in the water level due to snow/ice melt or a thaw breaking the river ice/compacted snow into large pieces can become jammed at man-made and natural obstructions. Ice jams can act as a dam, resulting in severe flash riverine flooding.

Impact on Critical Facilities

Full functionality of critical facilities such as police, fire and medical facilities is essential for response during and after a severe winter storm. Fire and police stations are largely constructed of concrete and masonry; therefore, they should only suffer minimal structural damage from severe winter storm events. Because power interruption can occur, backup power is recommended for critical facilities and infrastructure. Infrastructure at risk for this hazard includes roadways that could be damaged due to the application of salt and intermittent freezing and warming conditions that can damage roads over time. Severe snowfall requires infrastructure to clear roadways, alert citizens to dangerous conditions, and following the winter requires resources for road maintenance and repair.

Impact on the Economy

The cost of snow and ice removal and repair of roads from the freeze/thaw process can drain local financial resources. Another impact on the economy includes impacts on commuting into, or out of, the area for work or school. The loss of power and closure of roads prevents the commuter population traveling to work within and outside of the Town.

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. Any areas of growth could be potentially impacted by severe winter storm hazards because the entire planning area is exposed and vulnerable.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an

evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to Severe Winter Storms are:

Winter Storm (Severe) Score = 204, Moderately Low Hazard

- Potential Impact:** Throughout a large region
Cascade Effects: Some potential
Frequency: A regular event
Onset: One day warning
Hazard Duration: Less than one day
Recovery Time: One to two days
Impacts:
- Serious injury or death is likely, but not in large numbers
 - Moderate damage to private property
 - Little or no structural damage to public facilities

The results of the HAZNY analysis in regard to ice storms are:

Ice Storms Score = 195, Moderately Low Hazard

- Potential Impact:** Throughout a large region
Cascade Effects: Some potential
Frequency: A regular event
Onset: Several hours warning
Hazard Duration: Less than one day
Recovery Time: Less than one day
Impacts:
- Serious injury or death unlikely
 - Little or no damage to private property
 - Little or no damage to private property

Severe Winter Storms - Probability of Future Events

Winter storm hazards in New York State are virtually guaranteed yearly since the State is located at relatively high latitudes resulting winter temperatures range between 0 degrees F and 32 degrees Fahrenheit for a good deal of the fall through early spring season (late October until Mid-April). In addition, the State is exposed to large quantities of moisture from both the Great Lakes and the Atlantic Ocean. While it is almost certain that a number of significant winter storms will occur during the Winter and Fall season, how many such storms will occur during that time frame is not easily determined (NYSDPC). Similar to winter storms, the frequency of occurrence for ice storms cannot be easily predicted.

Earlier in this section, the identified hazards of concern for the Town were ranked. The New York State HMP includes a similar ranking process for hazards that affect the State. The probability of occurrence, or likelihood of an event, is one parameter used in this ranking process. Based on historical snow related disaster declaration occurrences, New York State can expect a snow storm of disaster declaration proportions, on average, once every 3-5 years. Similarly, for ice storms, based on historical disaster declarations, it is expected that on average, ice storms of disaster proportions will occur once every 7-10 years within the State (NYSDPC).

The probability of future severe winter storm events in Orange County and the Town of New Windsor is considered “frequent” (that is, likely to occur within 25 years). It is estimated that Orange County and all of its jurisdictions, will continue to experience direct and indirect impacts of severe winter storms annually that may induce secondary hazards.

Table III-28 – Occurrence of Winter Storms/Ice Storms, Orange County, 2000-2015

| Type | Total Number of Events | Average Annual Number of Events |
|----------------|------------------------|---------------------------------|
| Heavy Snow | 43 | 2.86 |
| Winter Storm | 15 | 1.0 |
| Blizzard | 1 | 0.07 |
| Ice Storm | 6 | 0.4 |
| Winter Weather | 5 | 0.33 |
| Total | 70 | 4.6 |

Source: NOAA NCDC

6. Water Supply Contamination

Water supply contamination for the purposes of this Plan refers to the contamination or potential contamination of surface or subsurface public water supply by chemical or biological materials that result in restricted or diminished ability to use the water source.

Extent

Water Supply

The NYSDEC established classifications for fresh surface waters intended for drinking water and food preparation. Four categories of such waters are classified by the NYSDEC and rated on water cleanliness. These categories include the following (Table III-29):

(a) Class AA-Special (AA-S) fresh surface waters. This classification may be given to those waters that contain no floating solids, settled solids, oil, sludge deposits, toxic wastes, deleterious substances, colored or other wastes or heated liquids attributable to sewage, industrial wastes or other wastes.

There shall be no discharge or disposal of sewage, industrial wastes or other wastes into these waters. These waters shall contain no phosphorus and nitrogen in amounts that will result in growths of algae, weeds and slimes that will impair the waters for their best usages. There shall be no alteration to flow that will impair the waters for their best usage, and there shall be no increase in turbidity that will cause a substantial visible contrast to natural conditions.

(b) Class A-Special (A-S) fresh surface waters. This classification may be given to those waters that, if subjected to approved disinfection treatment, with additional treatment if necessary to remove naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

(c) Class AA fresh surface waters. This classification may be given to those waters that, if subjected to approved disinfection treatment, with additional treatment if necessary to remove naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

(d) Class A fresh surface waters. This classification may be given to those waters that, if subjected to approved treatment equal to coagulation, sedimentation, filtration and disinfection, with additional treatment if necessary to reduce naturally present impurities, meet or will meet New York State Department of Health drinking water standards and are or will be considered safe and satisfactory for drinking water purposes.

Table III-29 – Water Quality Standards for Fresh Surface Water

| Parameter | Classes | Standard |
|------------------|------------------------------|---|
| pH | AA, A, AA-Special, A-Special | Shall not be less than 6.5 nor more than 8.5. |
| Dissolved Oxygen | A-Special | In rivers and upper waters of lakes, not less than 6.0 mg/L at any time. In hypolimnetic waters, it should not be less than necessary for the support of fishlife, particularly cold water species. |
| | AA, A, AA-Special | For trout spawning waters (TS), the DO concentration shall not be less than 7.0 mg/L from other than natural conditions. For trout waters (T), the minimum daily average shall not be less than 6.0 mg/L, and at no time shall the concentration be less than 5.0 mg/L. For nontrot waters, the minimum daily average shall not be less than 5.0 mg/L, and at no time shall the DO concentration be less than 4.0 mg/L. |
| Dissolved Solids | A-Special | Shall not exceed 200 mg/L. |
| | AA, A, AA-Special | Shall be kept as low as practicable to maintain the best usage of waters but in no case shall it exceed 500 mg/L. |

Source: NYSDEC

Contamination

Ground and surface water contamination occurs when man-made products such as gasoline, oil, road salts and chemicals get into a water source and cause it to become unsafe and unfit for human use. A single identifiable localized source of pollution is known as point source pollution. Non-point source pollution is water pollution affecting a water body from diffuse sources, such as polluted runoff from agricultural areas draining into a river, or wind-borne debris blowing into a surface water body. Nonpoint source pollution can be contrasted with point source pollution, where discharges occur to a body of water at a single location, such as discharges from a chemical factory or urban runoff from a storm drain.

Nonpoint source pollution may derive from many different sources with no specific solution to rectify the problem, making it difficult to regulate. It is the leading cause of water pollution in the United States today, with polluted runoff from agriculture being the primary cause.⁴

Some of the major point source contaminants are storage tanks, septic systems, hazardous waste sites, landfills, and the widespread use of road salts, fertilizers, pesticides and other chemicals. The principle types of non-point source pollution include the following:

- **Sediment.** Sediment may enter surface waters from eroding stream banks and from surface runoff due to improper plant cover on urban and rural land. Sediment creates turbidity in water bodies which, among other things, inhibits water purification systems.
- **Nitrogen and Phosphorus.** Both nitrogen and phosphorus are naturally occurring nutrients and are used in many fertilizers. Amounts of either of these chemicals in surface water can lead to algae and consequently hypoxia (oxygen depletion). Phosphorus and nitrogen are most often transported to water bodies via soil erosion once it has been absorbed by soil particles.
- **Pathogens.** Pathogens including salmonella, parasitic worms, viruses and other bacteria can be the source of disease if they enter drinking water supplies. Pathogens can contaminate stormwater runoff due to poorly managed livestock operations, faulty septic systems and improper handling of pet waste.⁵

Acute toxic effect, as defined by the NYSDEC, is an effect that usually occurs shortly after the administration of either a single dose or multiple doses of a chemical or other toxic pollutant. A chronic toxic effect is an effect that is irreversible or progressive, or occurs because the rate of injury is greater than the rate of repair during prolonged exposure to a chemical or other toxic pollutant.

The New York State Department of Environmental Conservation conducts water quality monitoring, assessment and planning for all major waters of the State, evaluating data

⁴ <http://en.wikipedia.org>

⁵ Iowa State University. Iowa Fact Sheet: Agriculture and Water Quality. October 2001.

and information to assess the quality of these waters and to better define the nature of pollutants, sources, and impacts.

Location

The Town of New Windsor presently has 13 water districts in the eastern half and north central portion of the Town. The Town's water is supplied from the Catskill aqueduct which feeds from the Ashokan Reservoir. The water feeds into two separate water filtration plants: Reily Filtration Plant which has a capacity of approximately 3 million gallons per day, and the Stewart Airport filtration plant which has a capacity of approximately 500,000 gallons per day.

Water Supply

The following is a summary of the Town of New Windsor Water supplies:

Riley Road Water Supply

The Town's primary water supply is the New York City Department of Environmental Protection's Catskill Aqueduct. There is a siphon tap into the aqueduct at the Town's Riley Road water filtration plant. The facility is a direct filtration plant which includes flow metering, chemical addition, flocculation, sand filtration and disinfection. The facility was originally designed to treat 2 MGD. In the early 1990's the facility was re-rated to process 3 MGD. The facility is susceptible to high turbidities that can occur in the Catskill Aqueduct water supply during the spring and summer.

Stewart Airport Water Treatment Plant

The Town owns and maintains the Stewart Airport water filtration plant. Water is withdrawn from the Catskill Aqueduct. The treatment process includes chemical addition, flocculation, diatomaceous earth filters and chlorine disinfection. The facility typically produces 300,000 gpd with a design capacity of 500,000 gpd.

Existing Municipal Interconnects

The Town maintains interconnects with the Town and City of Newburgh. During times of high turbidity situations in the aqueduct and/or aqueduct shut-downs, the Town uses these interconnects to use water from the Town and/or City of Newburgh.

Alternative Surface Water Sources

During periods of Catskill Aqueduct shut-down and/or high turbidity the Town uses the City of Newburgh's Brown's Pond surface water. This temporary system has been used since the early 1990's. The source is located approximately 100 feet from the treatment plant. The Town maintains a temporary pump which is activated as required. The water is pumped directly from the Brown's Pond pump to the Riley Road water filtration plant.

Alternative Groundwater Sources

The Town is aggressively pursuing groundwater supplies to supplement the Catskill Aqueduct supply which includes the following:

St. Anne's Well – The Town has re-activated the St. Anne's well. The well was originally used as a municipal water source prior to the Town building the Riley Road water filtration plant. The well is rated at 100 gpm.

Kroll/Baxter Wells – The Town has developed additional groundwater sources on the Kroll and Baxter property along Mt. Airy Road. There are three bedrock wells on the Kroll property and two small diameter sand and gravel wells on the Baxter property.

Little Falls Wells – There are three wells that the Town used prior to the construction of the Riley Road Water Filtration plant. These wells have since been contaminated by an industrial property in the vicinity of the wells. The Town is in litigation with the potentially responsible party to pay for the cost to remediate the pollution or pay for the Town to construct a water filtration facility.

Route 9W Cassion Well – Prior to the construction of the Riley Road water filtration plant, the Town used the Route 9W cassion well which is located near the Moodna Creek. This well was sampled and showed high levels of chlorides most likely associated to the proximity of the adjoining state highway. The well may also be under the influence of surface water in light of its proximity to the adjoining creek. If the well were to be re-activated, the water would have to be filtered.

Alternative Aqueduct Sources – The Town and County have had several meetings with NYSDEP to construct an interconnect from the Delaware Aqueduct to the Catskill Aqueduct at Shaft 4 in the Moodna. This would allow for the Town to be fed from the Delaware Aqueduct which is less susceptible to high turbidities and would allow NYCDEP to shut down the aqueduct above Shaft 4 for necessary repairs.

Previous Occurrences

Refer to Table III-30 for an inventory of past groundwater contamination problems and contaminated sites that pose a potential threat to water supply contamination in the Town.

Table III-30 – Contaminated Sites as Reported by the NYSDEC

| Name of Site | Location | Size | Date of Contamination | Description | Current status and potential for contamination |
|--------------------------------|-----------------------|-----------|-----------------------|--|--|
| Town Landfill | Silver Stream Rd | 14 acres | June 1962- April 1976 | Used by the Town as a landfill and industrial waste disposal site for 14 years | Site is capped, vented and equipped with leachate collection system and monitoring wells. No private wells exist within one half mile of the site. |
| Central Hudson G&E | 410 Little Britain Rd | 9 acres | 1881 - 1951 | Tar spill from a manufactured gas plant which has spread widely extending into the Hudson River as well as volatile organic compounds from other manufacturing operations on the site. | Ground water, subsurface soils and soil vapor are contaminated in this area to levels far above standards. Lake Washington lies 0.25 miles west of the site. Soils have been removed from the site itself, but contamination is wide spread. Residual groundwater contamination remains. Five bedrock wells have been drilled for testing. |
| American Felt and Filter Corp. | Walsh Avenue | 8 acres | 1940's - present | Trichloroethane (TCA) spill from industrial use of the property has contaminated the north/ central part of the site. | Soil and groundwater contamination have been found with potential threats to the Quassaick Creek but no potable water sources. |
| Macbeth Kollmorgen Corp. | 617 Little Britain Rd | 10 acres | 1952-1980 | Disposal site for chemical solvent waste including carbon tetrachloride and trichloroethylene. | Soils have been removed as part of a remediation program but residual contamination still exists albeit minor. Several private wells were reported to be contaminated in 1990 and residents were subsequently hooked to public water. Monitoring wells and nearby private wells continue to be monitored quarterly. |
| Dennison Monarch Systems | Ruscitti Rd | 5.8 acres | 1956-1994 | Spill of chlorinated solvents which was found to have leached into soil and adjacent wetlands. | A number of remediation plans have been carried out on the site but contaminant levels remain above DEC standards in both soil and water. This area |

| Name of Site | Location | Size | Date of Contamination | Description | Current status and potential for contamination |
|--------------|----------|------|-----------------------|-------------|---|
| | | | | | is served by public water so effects to residents is unlikely. However, an emergency back-up well is located down-gradient of the spill area. No proof of contamination of this well has been found and it continues to be monitored. |

Source: NYSDEC

Water Supply Contamination Vulnerability Assessment

To understand risk, a community must evaluate what assets are exposed or vulnerable in the identified hazard area. For water supply contamination hazards, the entire Town has been identified as a hazard area. The following text evaluates and estimates the potential impact of water supply contamination on the Town including:

- Overview of vulnerability
- Data and methodology used for the evaluation
- Impact, including: (1) impact on life, safety and health of Town residents, (2) general building stock, (3) critical facilities, (4) economy, and (5) future growth and development

Overview of Vulnerability

Water supply contamination is of significant concern to the Town of New Windsor.

Data and Methodology

Local resources and information from the NYSDEC were used to collect and analyze water supply contamination impacts on the Town.

Impact on Life, Health and Safety

For the purposes of this Plan, the entire population in the Town of New Windsor is susceptible to being exposed to water supply contamination.

The Town of New Windsor is presently working on projects to increase and/or resurrect existing wells for water supply. These well projects are intended to address the impact of droughts and/or shutdowns of the City of Newburgh’s aqueduct due to conditions or operational problems out of the control of New Windsor.

Impact on General Building Stock

No structures are anticipated to be directly impacted by a water supply contamination event.

Impact on Critical Facilities

It is expected that critical facilities will continue to be operational during a water supply contamination event. The Town has the facilities in place to alert citizens to dangerous conditions.

General Water Issues in the Town of New Windsor include the following:

- The Little Falls wells have had some contamination issues.
- The Town's greatest problem in regard to water is relative to turbidity with aqueduct water (frequent seasonal events and following major storms), and also turbidity/quality issues with Browns Pond.

Potential water problems in the Town of New Windsor include the following:

- Development near Browns Pond.
- Contamination of the two million gallon grade reservoir at Stewart Airport.
- Contamination of Aqueduct water by introduction upstream or introduction at access-ways along the aqueduct. New York City has ongoing security along the aqueduct.

General Sewer issues in the Town of New Windsor include the following:

- The sewage treatment plant (POTW) located on Caesars Lane off of Route 9W adjacent to the Moodna Creek has flooding problems in the area of secondary treatment units and Chlorine Contact Tanks at the lower area of plant.

Impact on the Economy

A water supply contamination event can have a serious economic impact on a community. An event of this type will lead to an increased demand for clean water and may result in shortages and a higher cost for clean water.

Specific economic monetary losses associated with water supply contamination were not identified for the Town of New Windsor. The Town is prepared for water supply contamination events with emergency back-up potable-water supplies in place. Further, the Town can contract with state DEP to use tankers.

Future Growth and Development

Areas targeted for future growth and development have been identified throughout the Town. Future growth could impact the amount of potable water available due to a drain on available water resources.

On August 27, 2007 officials from the Town of New Windsor signed an agreement with the City of Newburgh to provide the Town with an additional 1 million gallons of water supply per day for the next 20 years. After this period has expired the Town has the option to renew the contract with the City. Water supply will come from three separate connection points: the Silver Stream Reservoir, Little Britain Road, and Route 32 (Miron Lumber).

This agreement will not only ensure a stable water supply for the residents of New Windsor, but also makes protection of the watershed and prevention of water waste a mutual responsibility.

The Town is also exploring additional water supply from the development of new high-yield groundwater supply wells and planned expansion of the Reily and Stewart filtration plants.

The Orange County Water Authority is presently evaluating the feasibility of connecting the Catskill and Delaware aqueducts to provide an additional backup source.

A portion of the residential development surrounding Beaverdam Lake is served by the Beaver Dam community well system, a private corporation (approximately 150 of 700 homes).

In addition, the Town is actively seeking to improve its water supply system. Towards that end, in August 2007 the Town entered into an agreement with the City of Newburgh to acquire up to an additional 1 million GPD of water from the City for various public and municipal purposes which the Town can access and use in addition to the regular and usual supply available from the New York City Catskill Aqueduct. The Town has also recently applied for and received a permit from the NYSDEC to add additional water supply wells, known as the Saint Anne's wells, to its water supply system.

HAZNY Analysis

During the development of the previously adopted 2011 Hazard Mitigation Plan, the HMPT undertook a HAZNY (Hazards New York) analysis with the assistance of the Orange County Department of Emergency Management. This analysis was designed to evaluate potential hazards within New Windsor. The current 2016 HMPT made an evaluation early on in the planning process of the previous HAZNY analysis and made a decision to continue to utilize the existing analysis, as conditions remained the same.

The results of the analysis in regard to water supply contamination are:

Score = 272, Moderately High Hazard

Potential Impact: Throughout a large region

Cascade Effects: Some potential

Frequency: A frequent event

Onset: One day warning

Hazard Duration: More than one week

Recovery Time: Three days to one week

Impacts:

- Serious injury or death is likely, but not in large numbers
- Little or no damage to private property
- Moderate structural damage to public facilities

Water Supply Contamination - Probability of Future Events

This Hazard Mitigation Plan is similar to the New York State Standard Multi-Hazard Mitigation Plan in that it does not include a description of potential loss estimation for water supply contamination hazards.

IV. LOSS MITIGATION STRATEGIES

This section presents mitigation strategies for the Town of New Windsor to reduce the potential exposure and losses identified as concerns in the risk assessment based on the frequency, severity and impact of each hazard. This section addresses both mitigation activities that are specific to particular hazards and approaches that apply to multiple hazards.

This section addresses both mitigation actions that are specific to particular hazards, as well as those that apply to multiple hazards.

General Mitigation Planning Approach

The general mitigation planning approach used to develop this plan was developed using the Federal Emergency Management Agency publication: Developing the Mitigation Plan: Identifying Mitigation Actions and Implementing Strategies. The FEMA document included four steps, which were used to support mitigation planning as summarized below:

- Develop mitigation goals and objectives – Mitigation goals and objectives were developed using the hazard profiles summarized in the risk assessment.
- Identify and prioritize mitigation actions – The potential mitigation activities were qualitatively evaluated against the goals and objectives and evaluation criteria and prioritized.
- Prepare an implementation strategy – High priority mitigation activities are recommended for first consideration for implementation; however, some lower priority mitigation activities could be addressed based on community-specific needs. Planning meetings will support further evaluation and selection of mitigation activities with input and recommendations from DHSES and FEMA.
- Document the mitigation planning process – The mitigation planning process is documented throughout the Plan.

The hazard mitigation strategies presented in this Plan were arrived at by first reviewing existing practices by Town departments at mitigating hazards. In the past the Town of New Windsor has worked with various local, State, and Federal agencies to mitigate impacts. The following is a partial list of Town policies and programs intended to reduce or eliminate the Town's long-term susceptibility to identified hazards.

Background and Past Accomplishments

Although DMA 2000 does not require a discussion regarding past mitigation efforts, an overview of past efforts is provided as a foundation for understanding the mitigation goals, objectives, and actions outlined in this Plan. The Town, through previous and

ongoing hazard mitigation actions, has demonstrated that it is pro-active in protecting its physical assets and citizens against losses from natural hazards. Examples of previous and ongoing mitigation actions and projects completed following the adoption of the 2011 Plan include:

- The Town participates in the NFIP, which requires the adoption of FEMA floodplain mapping and certain minimum construction standards for building within the floodplain.
- The Town has actively participated in floodplain re-mapping efforts.
- The Town's Highway Department has undertaken numerous "force account" projects to improve stormwater flow within Town Road Right-of-Ways to improve drainage flow and minimize potential for damage to the Town's infrastructure caused during storm events. Drainage projects involve the installation of 15" stormwater piping as a minimum, and in cases as needed piping of 18" diameter and 24" diameter. Piping was installed along roadways and, in addition, where required by site conditions, cross piping and basins were also installed. Drainage projects were undertaken on the following Town Roads:
 - Dean Hill Road
 - Mt. Airy Road
 - Lake Side Drive
 - Valley Drive
 - Maclean Drive
 - Marshall Drive
 - Philo Street
 - MacArthur Avenue
 - Margo Street
 - Parkway Drive
 - Hudson Drive
 - Oxford Drive
- The Town undertook a construction project as part of the Community Block Development Grant Program for drainage improvements in the Summit Drive area of the Town.
 - Butternut Slope Restoration and Stream Barbs – This project which was completed in 2015. It included restoration and hazard mitigation work to restore Butternut Dr. which collapsed during Hurricane Irene and Tropical Storm Lee in Aug.-Sep. 2011. The project scope was split as it was funded by the FEMA's Recovery Policy through DHSES and NRCS' Emergency Watershed Protection program. The projects were bid under the same construction contract as the scopes were dependent on each other.

The Butternut Dr. Slope Restoration and Hazard Mitigation scope funded through FEMA's Recovery Policy consisted of a geo-grid reinforced earth from the 100 year flood elevation (approximate elevation 44ft.) up to the shoulder of Butternut Drive (approximately elevation 83ft.) and a rip rap buttress from the stream bed to the 100 year flood elevation. It also included the reconstruction of the roadway and facilities that had collapsed during the storm event. The total project costs summed to approximately \$1,500,000.

The Stream Barb scope of the project funded through NRCS' Emergency Watershed Protection program included the installation of stacked heavy rock "stream barbs" located at the toe of the embankment of the Moodna Creek and additional rip rap embankment protection between barbs outside the FEMA scope limits. The "stream barbs" re-direct high velocity stream flows away from the embankment and toward the center of the stream channel, thus reducing the potential for erosion of the embankment on the stream bend. The total project costs summed to approximately \$230,000.

These past and ongoing actions have contributed to the Town's understanding of its hazard preparedness and future mitigation action needs, costs, and benefits. These efforts provide a foundation for the HMPT to use in developing this Plan.

Table IV-1 – Existing Mitigation Strategies in the Town of New Windsor

| Existing Mitigation | Description | Department | Improvements Needed |
|----------------------------------|--|---|--|
| Building Codes | Adopted to ensure public safety under all hazard conditions | Planning and Building | N/A |
| Tree Maintenance | Tree pruning to minimize damage from fallen trees | Highway | N/A |
| Emergency Generators | Provide standby power at all Town and school buildings utilized during a hazard event | Individual Town Departments and School District | Recommend installation of generators in all essential Town and school facilities |
| Storm Drain Maintenance | Inspection and clearing of piped storm drains, water courses, streams and ditches to minimize overflows during storm events | Highway | N/A |
| NIMS Training | Training among police, fire, EMS, and Highway Department employees | Individual Departments | Continue |
| National Flood Insurance Program | Encourage residents to obtain flood insurance | N/A | N/A |
| Fire Protection (hydrants) | The majority of the eastern portion of the Town has municipal water service capable of providing needed fire flows. Exposing hydrants during snowstorm events. | Water | N/A |
| Fire Protection (Apparatus) | Current apparatus meets ISO standards | Fire | N/A |

Prepared by HMPT

A. Goals & Objectives

The HMPT has developed a set of broad goals to help guide the development of the Plan. For the purposes of this Plan, goals were defined as broad policy statements representing long term global visions for the Town. These goals were developed by examining community documents such as the Comprehensive Plan, consideration of Town goals for development and discussion among the HMPT members at the outset of the planning process. The goals were revisited and refined as necessary following the completion of the hazard identification and analysis studies. Each goal has several corresponding objectives that further define and measure specific implementation steps to attain the identified goals.

Goal 1: Improve upon the protection of the Town of New Windsor’s citizens’ health, well-being, quality of life and private property from natural hazards.

Objectives:

- Ensure public and private facilities with public access and infrastructure meet established building codes.
- Coordinate and integrate the Hazard Mitigation Plan with Town Emergency Response Plan.

Goal 2: Reduce the potential impact of natural hazards on the Town of New Windsor support services, critical facilities, infrastructure, natural environment, and economy.

Objectives:

- Strengthen communication and coordinate efforts among various federal, state and local public agencies.
- Provide information on tools, partnership opportunities and funding resources to assist in implementing mitigation activities.
- Inventory, test and repair emergency equipment that are essential during hazard events.

Goal 3: Implement effective measures to raise the general public's awareness of and acceptance of the Town of New Windsor's Hazard Mitigation Plan.

Objectives:

- Develop and implement educational and outreach programs to increase public awareness of the risks associated with natural hazards.
- Promote natural hazard drills and education programs.
- Participate in disaster preparedness seminars and other information and training sessions sponsored by the American Red Cross or similar organizations.

Goal 4: Address stormwater quality and quantity (flooding), through the protection and restoration of natural resources (stream corridors, wetlands, and lakes) while simultaneously complying with emerging Federal and State regulatory mandates.

Objectives:

- Improve hazard assessment information to make recommendations for discouraging poorly planned development and encouraging enhanced preventive measures for existing development in areas vulnerable to natural hazards.
- Reduce losses and repetitive damages from chronic hazard events through planning and improvements while promoting insurance coverage from catastrophic hazards.
- Balance watershed planning, natural resource management and land use planning with natural hazard mitigation to protect life, property and the environment.
- Preserve, rehabilitate and enhance natural systems to serve natural hazard mitigation functions.
- Develop methodologies to protect structures within stream corridors from damage as a result of erosion.

- Promote involvement in the flood insurance program for those structures in flood prone areas.
- Promote implementation of protection measures such as structure elevation, flood proofing and property buyout.

B. Range of Considered Actions

This section identifies a range of potential mitigation actions and capital projects necessary to achieve the goals and objective identified in the previous section. The mitigation actions included in this section were developed through the review of the New York State Disaster Preparedness Commission Comprehensive Emergency Management Plan Volume I, New York State Standard Multi-Hazard Mitigation Plan. The mitigation activities include a range of options in line with six types of mitigation strategies described in the Federal Emergency Management Agency State and Local Mitigation Planning How-To Guide: Developing the Mitigation Plan including the following:

Table IV-2 – Hazard Mitigation Strategies

| Strategy | Description | Examples |
|------------------------------|--|--|
| Prevention | Government administration or regulatory actions or processes that influence land development | Planning and zoning regulations |
| Property Protection | Modification of existing structures or removal of structures from the hazard area | Utility relocation and Flood proofing |
| Structural Protection | Construction of structures to reduce the impact of hazards | Dams, flood/retaining walls and culverts |
| Emergency Services | Actions that protect people and property during a hazard event | Mutual aid agreements and warning systems |
| Public Education & Awareness | Actions to inform citizens and officials about hazards and mitigation | Outreach projects and mapping initiatives |
| Resource Protection | Actions that preserve or restore the functions of natural systems | Stream corridor clearing and wetland restoration |

Source: NYSDHSES

The initial consideration in the planning process was to develop a list of actions and capital project that if implemented would potentially mitigate identified natural hazards.

Table IV-3 – Range of Considered Actions

| Strategy | Description |
|--|--|
| Hazard Awareness | Provide hazard mitigation information at various locations throughout the Town. Information may include emergency preparedness lists; flood plain maps; NFIP information. |
| Flood Education | Provide specific information to residents in high-risk flood areas. |
| Training | Continue and expand training in National Incident Management System (NIMS). |
| Storm Drain Maintenance | Continue and expand the Town’s storm sewer inspection and maintenance program. |
| Flood Insurance Rate Map Modernization | Continue to cooperate with federal, state and local agencies efforts to modernize the flood insurance rate maps and map any areas outside of the current designated areas. |
| Flood Proofing | Obtain funding to purchase or replace emergency standby generators for critical facilities. |
| Evacuation Routes | Provide public education regarding evacuation routes. Inspect and improve existing routes through repair or replacement of roads, culvers and bridges. |
| Emergency Shelters | Identify, map and publicize the emergency shelters throughout the Town. Shelters should be evaluated to confirm hazard resistance and added to the critical facilities list. |
| Generators | Obtain funding to purchase or replace emergency standby generators for critical facilities. |
| Winter Storm Preparedness | Obtain funding to purchase or replace equipment utilized by Highway Department personnel during winter storm events. |
| Tree Maintenance | Continue and expand the existing tree maintenance program |
| Flood Studies | Conduct engineering studies and watershed assessment to support the reduction of flood protection, analyze repetitive loss properties and identify mitigation options. |
| Traffic Control | Develop a plan to reduce the dependency on roads which transverse flood prone areas. |
| Structural Measures | Construct mitigation structures as necessary within flood prone areas including roadside stabilization, retaining walls, etc. |
| Fire Hydrants | Create and maintain mapping of existing fire hydrants throughout the Town. Construct water works improvements to maintain reliability. |
| Fire Department Equipment | Identify deficiencies in equipment and training and ensure the Town fire departments are adequately equipped. |
| Funding | Identify and pursue funding opportunities to develop and implement Town mitigation activities. |
| Planning | Formalize hazard mitigation as a factor in Town development planning activities. |
| Channel Stabilization | Construct channel stabilization measure including retaining wall and bridge replacements. |

Prepared by HMPT

The HMPT has developed a comprehensive list of potential mitigation actions presented below. These actions include projects intended to reduce the effects of hazards on new and existing buildings and infrastructure within the Town. The list of potential mitigation actions, organized according to the hazards of concern identified for this Plan, includes a

range of options in line with the six types of mitigation actions described in FEMA guidance (FEMA 386-3), including:

1. Prevention – Government, administrative or regulatory actions or processes that influence the way land and buildings are developed and built. These actions also include public activities to reduce hazard losses. Examples include planning and zoning, floodplain local laws, capital improvement programs, open space preservation, and stormwater management regulations.
2. Property Protection – Actions that involve (1) modification of existing buildings or structures to protect them from a hazard or (2) removal of the structures from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, storm shutters, and shatter-resistant glass.
3. Public Education and Awareness – Actions to inform and educate citizens, elected officials, and property owners about hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and school-age and adult education programs.
4. Natural Resource Protection – Actions that minimize hazard loss and also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
5. Emergency Services – Actions that protect people and property, during and immediately following, a disaster or hazard event. Services include warning systems, emergency response services, and the protection of essential facilities.
6. Structural Projects – Actions that involve the construction of structures to reduce the impact of a hazard. Such structures include dams, levees, floodwalls, retaining walls, and safe rooms.

The HMPT identified a baseline of appropriate mitigation actions backed by a planning process, consistent with the goals and objectives of the planning area, and within the capabilities of the Town. Many of the strategies identified, such as community outreach, could be applied to multiple hazards. Actions that were not selected by the Town were not selected based on the following:

- Action is currently outside the scope of capabilities
- Action is not in line with established community goals and vision
- Action is already being implemented

C. Analysis of Mitigation Actions

Prioritization of Considered Mitigation Actions

The purpose of the Town of New Windsor’s Hazard Mitigation Plan is to reduce long-term risks to human life and property while simultaneously reducing the Town’s reliance on post disaster declarations for assistance. While the Town would prefer to institute all of the mitigation actions detailed in this plan not all of these mitigation measures will be feasible or cost effective. To facilitate the prioritization of considered mitigation activities all actions were reviewed and ranked against estimated costs, implementation timeframes and possible funding sources. Mitigation actions were further prioritized by considering potential mitigation effectiveness and the Town’s vulnerability to each hazard. A discussion of cost/benefit considerations is included below.

Detailed economic analysis for each proposed action is beyond the scope of this Hazard Mitigation Plan. Costs were evaluated in part on the personal and professional experiences of the HMPT.

Table IV-4 – Mitigation Project Costs

| Cost | Description |
|-------------|-----------------------|
| Low | Below \$10,000 |
| Moderate | \$10,000 to \$100,000 |
| High | More than \$100,000 |

Source: NYSDHSES

Table IV-5 – Mitigation Project Implementation Timeframes

| Timeframe | Description |
|------------------|--|
| Short | 1-2 years |
| Moderate | Completed within 5 years |
| Long | Completion anticipated in more than 5 years |
| Ongoing | Action involves continued coordination or effort |

Source: NYSDHSES

Table IV-6 – Potential Funding Sources

| Funding Source | Earthquakes | Extreme Temperatures | Flooding | Windstorms | Winter Storms | Water Supply Contamination |
|---|-------------|----------------------|----------|------------|---------------|----------------------------|
| Community Assistance Program-State Support Services Element (NFIP) | | | + | | | |
| Community Development Block Grant / Economic Development Initiative | | | + | + | | |
| Community Development Block Grant / Entitlement Grant | + | + | + | + | + | + |
| Community Development Block Grant / Small Cities Program | + | + | + | + | + | + |
| Community Disaster Loan | + | + | + | + | + | + |
| Cooperative Forestry Research | | | | | | |
| Emergency Community Water Assistance Grants | | | + | | | + |
| Emergency Conservation Program | | | + | | | |
| Emergency Flood and Shelter National Board Program | + | + | + | + | + | + |
| Emergency Management Institute Training Assistance | + | + | + | + | + | + |
| Emergency Rehabilitation of Flood control Works | | | | | | |
| Fire Suppression Assistance | | | | | | |
| Flood Plain Management Services | | | + | | | |
| Hazard Mitigation Grant Program | + | + | + | + | + | + |
| National Dam Safety Program | | | | | | |
| Project Impact: Building Disaster Resistant Communities | + | + | + | + | + | + |
| Public Assistance Grant Program | + | + | + | + | + | + |

Prepared by HMPT

Specific mitigation actions were identified to prevent future losses. The implementation of these mitigation actions is dependent on the approval of the local elected governing body and the ability of the community to obtain funding from local or outside sources. Where such actions are high priorities, the community will work together with NYSDHSES, FEMA and other Federal, State and County agencies to secure funding.

In general, mitigation actions ranked as high priorities will be addressed first. However, medium or even low priority mitigation actions will be considered for concurrent implementation. Therefore, the ranking levels should be considered as a first-round, preliminary ranking and will evolve based on input from Town departments, Orange County Emergency Management, the public, NYSDHSES, and FEMA as the Plan is implemented.

A comprehensive list of potential mitigation actions is presented below. These actions include projects intended to reduce the effects of hazards on new and existing buildings and infrastructure within the Town.

Cost-Benefit Considerations

FEMA defines cost-benefit analysis at its most basic level as determining whether the cost of investing in a mitigation project will result in sufficiently reduced damages in the future to justify spending money on the project. Cost-effective mitigation strategies and projects are those in which the benefits outweigh the costs. Because a key criterion for determining funding eligibility for mitigation projects is its cost-effectiveness, all identified projects took cost-benefit considerations into account.

Cost effectiveness considerations played a role in the prioritization of all projects and strategies. Those projects that were not believed to be cost effective were not included as a potential project. More detailed cost-benefit reviews will be completed for each project at the time of funding.

It is noted that FEMA is trying to maximize its investment in damage reduction by focusing mitigation resources on those projects that have the best chance of making an impact on losses in property and life. The Town of New Windsor HMPT recognizes this and has made every effort to ensure that the identified mitigation projects meet FEMA's standards.

Each proposed mitigation action was evaluated against the following considerations:

- Compatibility with goals and objectives identified in the 2014 NYS Hazard Mitigation Plan
- Compatibility with goals of the plan update
- Assessment of the impact of identified actions on jurisdictions within the entire planning area or region
- Cost-benefit review of potential actions;
- Funding priorities identified
- Compatibility with other local and regional plans and programs

The HMPT evaluated the identified hazards studied against the above considerations as a way to prioritize the mitigation actions. The proposed actions were divided into three priority classes as detailed in Table IV-7. Low cost actions that support multiple hazard benefits were assigned a higher priority based on cost to benefit ratio.

Table IV-7 – Priority Classes for Proposed Hazard Mitigation Actions

| Priority Class | Description |
|-----------------------|---|
| High Priority | An action that will produce results which would largely reduce vulnerability to damage, eliminate eminent danger, be technically and environmentally sound, easily maintained, implemented and supported politically. |
| Moderate Priority | An action that would provide marginal results or may have implementation barriers (funding, schedule, regulatory or support). |
| Low Priority | An action that would provide minimal results or have serious implementation barriers (funding, schedule, regulatory or support). |

Source: NYSDHSES

National Flood Insurance Program (NFIP)

As described previously, the NFIP makes available federally backed insurance to homeowners, renters, and business owners in communities that have adopted and are enforcing floodplain management ordinances. The NFIP also provides minimum criteria for floodplain management ordinances to provide for the safety of those living within areas subject to flooding. To identify those areas, the NFIP is also responsible for identifying and mapping the Nation’s floodplains. Floodplain mapping provides needed data for floodplain management programs.

Many of the mitigation projects identified are projects related to flood control. These efforts specifically are designed to remain compliant with NFIP standards. The overall result of the identified projects will be to reduce future flood damages for residents and to reduce federal expenditures for disaster assistance and flood control.

As part of the National Flood Insurance Act of 1968, FEMA is prohibited from providing flood insurance unless the community adopts and enforces floodplain management regulations that meet or exceed criteria established by FEMA. It is anticipated that with the completion of identified mitigation projects, some of the identified Special Flood Hazard Areas (SFHA) will be removed from the NFIP maps. Those that do remain will continue to comply with established floodplain ordinances.

National Flood Insurance Program records and claims were analyzed to determine the extent of participation, flood losses, and flood insurance policies within the Town of New Windsor.

Table IV-8 – New Windsor NFIP Policy Statistics

| Policies in force | Insurance in force (whole \$) | Written Premium in force |
|--------------------------|--------------------------------------|---------------------------------|
| 65 | \$18,455,100 | 63,238 |

Source: NFIP

Data current as of 1-30-2015

Table IV-9 – New Windsor NFIP Loss Statistics, 1978-2015

| Total Losses | Closed Losses | Open Losses | CWOP Losses | Total Payments |
|--------------|---------------|-------------|-------------|----------------|
| 37 | 26 | 0 | 11 | \$386 |

Source: NFIP

Total losses – all losses submitted regardless of status, total claims

Closed losses – losses that have been paid

Open losses – losses that have not been paid in full

CWOP losses – losses closed without payment

Total payments – total amount paid on losses

Data current as of 1-30-2015

Table IV-10 – Land Area in Flood Hazard Areas

| Total Land Area | High Flood Risk (acres) | Moderate Flood Risk (acres) | Low Flood Risk (acres) | Land in High Flood Risk % | Land in Moderate Flood Risk % |
|-----------------|-------------------------|-----------------------------|------------------------|---------------------------|-------------------------------|
| 23,742 | 1,426 | 84 | 22,229 | 6% | 0% |

Source: NFIP

Table IV-11 – Improved Values in Flood Hazard Areas

| Total Improved Value | Improved Value in High Flood Risk Areas (zones A, AE, AH, AO) | | Improved Value in Moderate Flood Risk Areas (zone X500) | | Improved Value in Low Flood Risk Areas (zone X) | |
|----------------------|---|----|---|----|---|-----|
| | \$ | % | \$ | % | \$ | % |
| \$3,034,886,997 | \$140,822,280 | 5% | 37,745,000 | 1% | \$2,856,319,717 | 94% |

Source: Orange County RPS, GIS

Mitigation Projects

Table IV-12 below details the hazard mitigation actions identified by the HMPT and shows the prioritization of projects based on implementation timeframes, anticipated costs and a cost-benefit analysis:

Table IV-12 – Hazard Mitigation Projects

| Mitigation | Priority Class | Implementation Timeframe | Costs | Department / Agency |
|---|-----------------------|---------------------------------|------------------|---|
| Town Sewer Treatment Plant, Water Filter Plant and Pump Station standby generator projects | High | Short | High | Highway Dept., Engineering |
| Riley Road Water Filter Plant standby generator project | High | Short | High | Highway Dept., Engineering |
| Stewart Booster Station standby generator project | High | Short | High | Highway Dept., Engineering |
| Town Sewer Pump Station 18 (Terrace Housing) Phase I upgrade | High | Short | High | Highway Dept., Engineering |
| Sewer Pump Station 18 (Terrace Housing) Phase II upgrade | High | Short | High | Highway Dept., Engineering |
| Town Sewage Treatment Plant / Moodna Creek dike | High | Short | High \$410,000 | Highway Dept., Engineering |
| River Road / Clinton Street / Silver Spring Road Drainage Improvements | High | Moderate | High \$800,000 | Highway Dept., Engineering |
| Jackson Avenue Drainage Improvements and Road Elevation | Moderate | Moderate | High \$2,700,000 | Highway Dept., Engineering |
| Inventory / identify / create alternative water supplies and sources for the Town | Moderate | Short | High | Engineering |
| Ensure that the Town's emergency responders and ESO's have the necessary training to adequately respond to hazard events; Invest in inter-agency coordination | Moderate | Moderate | Moderate | Emergency Services - Police Dept., Fire District, EMS |
| Continue to develop public information strategies to make residents aware of impending hazards; Encourage participation in NFIP | Moderate | Moderate | Low | Building Dept. |
| Community Rating System (CRS): participate in the CRS | Low | Long | Low | Engineering |
| Town code modifications to require AED's and standby generators at all senior facilities | Moderate | Moderate | Low | Town Board |
| Town code modification to require new elevator installations to be compatible with ambulance gurneys | Moderate | Moderate | Low | Town Board |

Prepared by Town HMPT

The following is a detailed description of the hazard mitigation actions identified by the HMPT:

Town of New Windsor Sewage Treatment Plant Hazard Mitigation Proposal

Proposed project includes the addition of a dike between the Town's STP and the Moodna Creek as hazard mitigation to prevent damage similar to that caused by Hurricane Irene and Tropical Storm Lee in Aug.-Sep. 2011. The plant experienced approximately \$415,000 in damages during the storm event caused by flooding from the Moodna Creek. The Town has applied to FEMA with a Hazard Mitigation Proposal under the FEMA Recovery Policy and are awaiting response. Project would include approximately 630 LF of a berm/dike constructed to 100 year +1 foot flood elevations to protect the plant from future events. Preliminary design project cost estimate is approximately \$410,000.

Town of New Windsor Standby Generator Projects

For the New Windsor STP, Water Filter Plant and Water Pumping Station at Stewart Airport the following is being incorporated to provide reliability and emergency service during power outages and severe storm events.

New Windsor STP: A new standby generator diesel fired, 250KW rated for 120/240V 3 phase electric service with new service entrance rated ATS providing automated switch over of power from normal utility to standby generator in event of loss of power across one or all electric feeders feeding electric to plant. This generator covers 100% of the equipment demands for the site and as verified with local utility company where maximum draw is 163 KW. Diesel is utilized to provide a minimum of 48 hours of run time at 100% load.

Riley Road Water Filter Plant: A new 250 KW diesel generator set is proposed to operate existing water pumps remote from main plant as well backwash functions of the main plant. The generator matches the 277/480V, 3 phase electric characteristics. A diesel fuel tank providing a minimum of 48 hours of run time at 100% load shall be provided. Maximum KW utilized at any time per local utility company is 82 KW. This generator shall handle 100% of anticipated loads during a power outage. Two ATS's shall be provided one located at each respective building on property to provide automatic switch over in event of power loss from utility company.

Stewart Booster Station: Proposed standby generator rated at 150KW with 120/208V 3 phase output. A step up transformer to be installed to provide 277/480V 3 phase power for the site. A new service entrance rated ATS to be installed ahead of incoming service providing power for majority of this location. Utility company notes 173KW maximum energy draw. During standby power usage approximately 80% of this locations energy shall be provided. Generator is diesel fired with a 48-hour standby storage tank. The ATS shall provide automated switch over in event of a power loss from local utility company.

Town of New Windsor Sewer Pump Station 18 (Terrace Housing) Phase I Upgrade:

Providing new elevated building for power feed and controls for existing pump station. In addition, the existing 83.8KW natural gas fired generator is being relocated to an elevated pad out of potential flood zone area. This generator's output is 120/240V 3 phase electric feed with a new service entrance rated ATS located in new building. The ATS provides automated sensing of power and switches automatically when local utility power is interrupted. This generator provides 100% of load via natural gas service.

Phase II involves an upgrade of the pump wet well to make the station more resilient to potential flooding conditions.

V. PLAN IMPLEMENTATION & MAINTENANCE

A. Plan Implementation

This section identifies the cost effective and feasible actions that should be developed into an action plan describing how the actions identified in the preceding section will be implemented and administered by the Town of New Windsor. The following questions were asked to develop an implementation schedule for the identified priority mitigation strategies:

- Who will coordinate the implementation efforts including applying for funding requests and submitting applications?
- How will the Town fund the proposed action?
- When will the proposed action be implemented?

The HMPT has identified the high priority actions that will satisfy the previously outlined goals and objectives. The Town of New Windsor has limited resources to accept new responsibilities and projects. The implementation of these mitigation actions is dependent on the approval of the elected Town Board and the ability of the Town to secure funding from various sources. Where such actions are high priorities, the Town will work with Orange County, NYSDHSES and other agencies to secure funding.

The draft Pre-Disaster Hazard Mitigation Plan was submitted to NYSDHSES and FEMA for review and comments in April, 2016. The mitigation development effort continued through the performance period and culminated in a final submission to NYSDHSES and FEMA on , 2016. Activities included the following:

- Submission of draft plan to NYSDHSES and incorporation of revisions;
- Ongoing public involvement and incorporation of comments;
- Ongoing key stakeholders (agencies, organizations, and municipalities) involvement;
- Additional vulnerability assessment including refinement of estimation of potential losses; and
- Ongoing pre-disaster mitigation meetings to refine the priority of actions.

The input of all stakeholders was received by the HMPT, documents, discussed and incorporated into the Final Pre-Disaster Hazard Mitigation Plan for adoption by the Town of New Windsor Town Board.

B. Evaluating & Monitoring the Plan

This section presents the procedures for evaluating, monitoring, and updating the plan. The Town of New Windsor Hazard Mitigation Planning Team intends to remain intact as the organization responsible for evaluating, monitoring, and updating this Plan. The Town's Hazard Mitigation Planning Coordinator shall continue to act as the coordinator for all HMPT activities. It is recognized that individual commitments change over time,

and it shall be the responsibility of each Hazard Mitigation Planning team member to inform the HMP Coordinator of any changes in representation.

Evaluating the Plan

The evaluation of the mitigation plan is an assessment of whether the planning process and actions have been effective, if the Plan goals are being reached, and whether changes are needed. The Plan will be evaluated on an annual basis to determine the effectiveness of the programs, and to reflect changes that may affect mitigation priorities or available funding. The status of the Plan will be discussed and documented at an annual plan review meeting of the Mitigation Planning Team, to be held in the month of March. In February, at least one month before the annual plan review meeting, the HMP Coordinator will advise HMPT members of the meeting date, agenda and expectations of the members. The HMP Coordinator will be responsible for calling and coordinating the annual plan review meeting, and assessing progress toward meeting plan goals and objectives. These evaluations will assess whether:

- Goals and objectives address current and expected conditions
- The nature or magnitude of the risks has changed
- Current resources are appropriate for implementing the HMP and if different or additional resources are now available
- Actions were cost effective
- Schedules and budgets are feasible
- Implementation problems, such as technical, political, legal or coordination issues with other agencies exist
- Outcomes have occurred as expected
- Changes in municipal resources impacted plan implementation (e.g., funding, personnel, and equipment)
- New agencies/departments/staff should be included, including other local governments as defined under 44 CFR 201.6
- Documentation for hazards that occurred within the Town during the last year

Specifically, the HMPT will review the mitigation goals, objectives, and activities/projects using performance based indicators, including:

- New agencies/departments created that have authority to implement mitigation actions or are required to meet goals, objectives, and actions
- Project evaluation based on current needs of the mitigation plan
- Project completion regarding progress of proposed or ongoing actions
- Under/over spending regarding proposed mitigation action budgets
- Achievement of the goals and objectives
- Resource allocation to note if resources are required to implement mitigation activities
- Timeframes comment on whether proposed schedules are sufficient to address actions

- Budgets note if budget basis should be changed or is sufficient
- Lead/support agency commitment note if there is a lack of commitment on the part of lead or support agencies
- Resources regarding whether resources are available to implement actions
- Feasibility comment regarding whether certain goals, objectives, or actions prove to be unfeasible

Finally, the HMPT will evaluate how other programs and policies have conflicted or augmented planned or implemented measures, and shall identify policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions. Other programs and policies can include those that address:

- Economic Development
- Environmental Preservation & Permitting
- Historic Preservation
- Redevelopment
- Health and/or safety
- Recreation
- Land use/zoning
- Public Education and Outreach
- Transportation

The HMPT Coordinator shall be responsible for preparing an Annual HMP Progress Report. These annual reports will provide data for the next 5-year update of this HMP and will assist in pinpointing implementation challenges. By monitoring the implementation of the Plan on an annual basis, the HMPT will be able to assess which projects are completed, which are no longer feasible, and what projects may require additional funding. The Plan will also be evaluated and revised following any major disasters, to determine if the recommended actions remain relevant and appropriate. The risk assessment will also be revisited to see if any changes are necessary based on the pattern of disaster damages or if data listed in the Hazard Profiles Section of this Plan has been collected to facilitate the risk assessment. This is an opportunity to increase the community's disaster resistance and build a better and stronger community.

Monitoring the Plan

The Town's Hazard Mitigation Plan will be updated every five (5) years. The updated plan shall be submitted to DHSES, which will in turn submit the plan to FEMA for review and approval. The periodic review and updating of the plan is required for the Town to remain eligible for federal funding under the FEMA Mitigation Grant Program.

The HMPT will be responsible for monitoring progress on and evaluating the effectiveness of the Plan and documenting this in an annual progress report. During each year, and prior to the annual meeting of the HMPT, representatives will collect and process the annual reports from the departments, agencies and organizations involved in implementing mitigation projects or activities identified in the Mitigation Strategy

Section of this Plan, or conduct phone calls and meetings with persons responsible for initiating and/or overseeing the mitigation projects to obtain progress information. The HMPT will document, as needed and appropriate:

- Hazard events and losses occurring in the Town and region including their nature and extent and the effects that hazard mitigation actions have had on impacts and losses
- Progress on the implementation of mitigation actions, including efforts to obtain outside funding for mitigation actions
- Any obstacles or impediments to the implementation of actions
- Additional mitigation actions believed to be appropriate and feasible
- Public and stakeholder input and comment on the Plan

C. Updating the Plan

44 CFR 201.6.d.3 requires that local hazard mitigation plans be reviewed and revised as appropriate and resubmitted for approval in order to remain eligible for benefits awarded under DMA 2000. It is the intent of the Town of New Windsor HMPT to update this Plan on a five (5) year cycle from the date of initial plan adoption.

To facilitate the update process, the Town HMP Coordinator, with support of the HMPT, will use the third annual HMPT meeting to develop and commence the implementation of a detailed Plan update program. The Town HMP Coordinator shall invite representatives from NYSDHSES and FEMA to this meeting to provide guidance on plan update procedures. This program shall, at a minimum, establish who shall be responsible for managing and completing the Plan update effort, what needs to be included in the updated plan, and a detailed timeline to assure that the update is completed according to regulatory requirements.

At this meeting, the HMPT shall determine what resources will be needed to complete the update. The HMP Coordinator shall be responsible for assuring that needed resources are secured. Following each five (5) year update of the mitigation plan, the updated plan will be distributed for public comment. After all comments are addressed, the HMP will be posted on the Town's website and kept on file with the HMP Coordinator, Town Engineering and Building departments, the Town Clerk, and DHSES.

D. Incorporating the Plan into Existing Planning Mechanisms

It is the intention of the Town of New Windsor to continue to incorporate mitigation planning as an integral component of government operations. The HMPT consists of representatives from various Town departments working with Town officials to integrate the hazard mitigation goals, objectives, and recommendations into daily operations of the Town. The Town has and will continue to establish provisions for the review of future capital improvement projects for hazard vulnerability.

Specifically, the Town has worked to incorporate hazard resistant design and siting considerations for new infrastructure and critical facilities.

The Town's Planning Board, Zoning Board of Appeals, and Building Department have also routinely utilized the 2011 Plan, its goals, objectives, and recommendations, in the review of applications for site plan and the subdivision of land. The Planning Board, ZBA, and the Building Department have and continue to coordinate with applicants and other town departments to control development and to ensure that plans and new development are consistent with the Hazard Mitigation Plan in place. This ensures that any new development occurring in the Town is located outside of identified hazard prone areas and that sufficient mitigation actions are taken during the development process to minimize vulnerabilities to natural hazards.

Further, the implementation of identified mitigation actions highlighted in the 2011 Plan have been made a priority by the numerous implementing Town departments in the development of their budgets. This has included leveraging mitigation grant funding to support local funding for such mitigation projects.

As was previously noted, it is also anticipated that any future updates to the Town's Comprehensive Plan, Emergency Response Plan or any land use planning that occurs in the future will use this Hazard Mitigation Plan to ensure consistency and to institutionalize hazard mitigation for new construction and land use. It is noted that the Town's Comprehensive Plan, Emergency Response Plan and other relevant planning documents have not gone through an update cycle since the adoption of the Town's 2011 Hazard Mitigation Plan.

Refer to Table V-1 below detailing how the Town has incorporated the adopted 2011 Hazard Mitigation Plan, where appropriate, into planning mechanisms as a demonstration of progress in local hazard mitigation efforts.

Table V-1 – Incorporation of 2011 Hazard Mitigation Plan into Existing Planning Mechanisms

| Process | Action | Implementation of Plan |
|-----------------------------|--|---|
| Administrative & Regulatory | Departmental and organizational work plans and policies | <ul style="list-style-type: none"> • Building and Engineering Departments <ul style="list-style-type: none"> ○ Enforcement of codes and review of plans to a higher standard in identified hazard prone areas • Advisory Boards and local committees <ul style="list-style-type: none"> ○ Planning Board and Zoning Board of Appeals – control development and ensure that projects are consistent with the HMP and are located outside of hazard prone areas • Continued participation in the National Flood Insurance Program (NFIP) |
| Budgetary & Funding | Operational budgets and Capital | <ul style="list-style-type: none"> • Prioritize and include identified mitigation projects in annual departmental budgets • Leverage mitigation grant funding to support local funding for such mitigation projects, including funding through the U.S. Department of Housing and Urban Development’s Community Development Block Grant |
| Partnerships | Working with federal and state agencies in the development of a Hazard Mitigation Plan | <ul style="list-style-type: none"> • Federal Emergency Management Agency (FEMA) • New York State Department of Homeland Security and Emergency Services (NYSDHSES) |

Prepared by HMPT

The sample adoption resolution included as part of Appendix A, includes a resolution item stating the intent of the Town Board to continue to incorporate mitigation planning as an integral component of government operations. By doing so, the HMPT anticipates that:

1. Hazard mitigation planning will continue to be formally recognized as an integral part of overall emergency management efforts;
2. The Hazard Mitigation Plan and the Town’s Comprehensive Plan are mutually supportive documents that work in concert to meet the goals and needs of Town residents; and
3. Duplication of effort can be minimized.

The information on hazard, risk, vulnerability and mitigation contained in this update to the 2011 Plan is based on the best information available at the time of the development of the Plan. It is recognized that this information can be invaluable in making decisions under other planning programs, such as comprehensive, capital improvement, and emergency management plans. Table V-2 below includes existing processes and programs through which the mitigation plan can be implemented.

Table V-2 – Available Processes and Programs for Mitigation Plan Implementation

| Process | Action | Implementation of Plan |
|----------------|---|--|
| Administrative | Departmental or organizational work plans, policies, and procedural changes | <ul style="list-style-type: none"> • Department of Public Works • Building and Engineering Department • Advisory Boards |
| Budgetary | Capital and operational budgets | <ul style="list-style-type: none"> • Continue to include mitigation related projects in annual Capital Improvement Program • Leverage mitigation grant funding to support local funding for such mitigation projects |
| Regulatory | Executive orders, ordinances and other directives | <ul style="list-style-type: none"> • Comprehensive planning – institutionalize hazard mitigation for new construction and land use • Zoning and ordinances • Building codes – enforcement of codes or higher standard in identified hazard areas • National Flood Insurance Program • Community Rating System Program • Continue to implement storm water management plans • Formal amendments to the Comprehensive Plan, zoning, ordinances, capital improvement plans, or other mechanisms that control development, ensure that they are consistent with the Hazard Mitigation Plan |
| Funding | Secure traditional sources of funding | <ul style="list-style-type: none"> • Apply for grants from Federal (including FEMA Hazard Mitigation Assistance (HMA) funding programs), state government, nonprofit organizations, foundations, and private sources • Other potential federal funding sources include: <ul style="list-style-type: none"> ○ Stafford Act, Section 406 – Public Assistance Program Mitigation Grants ○ Federal Highway Administration ○ Catalog of Federal Domestic Assistance ○ United States Fire Administration – Assistance to Firefighter Grants ○ United States Small Business Administration Pre and Post Disaster Mitigation Loans ○ United States Department of Economic Development Administration Grants ○ United States Army Corps of Engineers ○ United States Department of Interior, Bureau of Land Management |
| Partnerships | Develop creative partnerships, funding and incentives | <ul style="list-style-type: none"> • Public-Private partnerships • State Cooperation • In-kind resources |
| Partnerships | Existing committees and councils | <ul style="list-style-type: none"> • Local school districts • Local Government Committees <ul style="list-style-type: none"> ○ Planning Board ○ Zoning Board of Appeals ○ Other • Commerce and merchants associations • Homeowner associations • County Park Commission |
| Partnerships | Working with other | <ul style="list-style-type: none"> • Army Corps of Engineers (ACOE) |

| Process | Action | Implementation of Plan |
|---------|------------------------------------|--|
| | federal, state, and local agencies | <ul style="list-style-type: none"> • American Red Cross • Department of Homeland Security (DHS) • Federal Emergency Management Agency (FEMA) • National Oceanic and Atmosphere Agency (NOAA) • National Weather Service (NWS) • New York State Department of Transportation (NYDOT) • New York State Department of Environmental Conservation (NYSDEC) • New York State Department of Homeland Security and Emergency Services (NYSDHSES) • United States Department of Agriculture (USDA) • United States Department of Transportation (USDOT) • United States Geological Service (USGS) • Watershed associations |

Prepared by HMPT

During the annual Plan evaluation process, the HMPT will identify additional policies, programs, practices, and procedures that could be modified to accommodate hazard mitigation actions, and include these findings and recommendations in the Annual HMP Progress Report.

The Town addresses statewide planning goals and legislative requirements through its Town code, capital improvement plans, and building codes. This Hazard Mitigation Plan provides a series of recommendations which are closely related to the goals and objectives of existing planning programs. The Town will have the opportunity to implement recommended mitigation action items through existing programs and procedures. The New Windsor Building Department is responsible for administering the building codes. The HMPT will work with the Building Department through the Building Inspector to ensure the building codes are adequate to mitigate or prevent damage from natural hazards. This is to ensure life/safety criteria are met for new construction. Upon review of capital improvement plans, the HMPT will work with the department heads to identify areas where the Hazard Mitigation Plan goals and objectives are consistent with the capital plan and integrate them where appropriate.

E. Continued Public Involvement

In keeping with the public outreach involvement goals described in prior sections of the Plan, the HMPT will be responsible for ensuring the public-at-large will have adequate opportunity to participate in the maintenance and updating of the Hazard Mitigation Plan. During the maintenance process, the following techniques may be utilized to ensure continued public involvement and support:

- Provide personal invitations to Town officials, department and committee heads and key stakeholders to participate in the hazard mitigation planning process;

- Post notices of hazard mitigation planning meetings at Town Hall and on the Town’s website;
- Keep review copies of the most recently adopted Town of New Windsor Hazard Mitigation Plan at the Town Clerks office; and
- Adopt all revisions to the Hazard Mitigation Plan at public meetings and afford opportunity for public involvement.

Table V-3 – Hazard Mitigation Plan Updating Timeline

| Timeframe | Action |
|----------------------|---|
| After Major Disaster | Superintendent of Highways will request Town Department to gather data and resources and report to Highway Department. Superintendent of Highways will compile information and reconvene the HMPT who will compare the results of the disaster (losses, vulnerabilities, etc.) to the Hazard Mitigation Plan and suggest/recommend revisions. |
| March 2017 | The HMP Coordinator will hold an annual meeting to assess the condition of the Hazard Mitigation Plan. Meeting agenda will include (1) monitoring progress of implemented and ongoing actions; (2) examination of goals and objectives to confirm relevancy; (3) review new/revised resources. |
| March 2020 | The Chairperson of the HMPT to reconvene the HMPT for the purpose of initiating the next revision process. |

Prepared by HMPT

The HMP Coordinator shall be responsible to assure that public comment and input on the Plan, and hazard mitigation in general, are recorded and addressed as appropriate. Opportunity to comment on the Plan will be provided directly on the Town’s website. Provisions for public comment in writing will also be made. All public comments shall be addressed to:

Hazard Mitigation Coordinator
 Town of New Windsor
 555 Union Avenue
 New Windsor, NY 12553
 Phone: (845) 565-8800
 Fax: (845) 563-4610

VI. SOURCES

Code of Federal Regulations (CFR) – 44 Part 201, Mitigation Planning.

Federal Disaster Mitigation Act of 2000.

Hazard Mitigation Grant Program (HMGP), Pre-disaster Mitigation Program, Flood Mitigation Assistance Program, Repetitive Floodplain Claims Program (RFC), Severe Repetitive Loss Program (SRL).

Hazard Mitigation Planning Standards (NYSDHSES), June 2014.

Hazard Mitigation and Relocation Assistance Act of 1993.

Multi-Community Environmental Storm Observatory (MESO).

National Oceanic and Atmospheric Administration (NOAA), National Climatic Data Center (NCDC)

National Weather Service (NWS). National Hurricane Center (NHC).

New York International Plaza Environmental Impact Statement, April 10, 2003.

New York State Uniform Fire Prevention and Building Code.

New York State Emergency Management Office (NYSDHSES). New York State 2014 Multi-Hazard Mitigation Plan.

New York State Climate Office (NYSC).

New York State Department of Environmental Conservation (NYSDEC).

Orange County Multi-Jurisdictional Multi-Hazard Mitigation Plan. 2016.

Orange County Geographic Information Systems (OSGIS) Division. GIS Interactive Mapping Database.

Randall, Michael. "Stewart Airport will triple traffic in '07", *Times-Herald Record*, November 28, 2007.

Section 404 of Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq. April 2013.

Stewart International Airport Fact Sheet. Port Authority of New York and New Jersey, Aviation Department. November, 2007.

The Weather Channel. Averages and Records.

Town of New Windsor Comprehensive Plan.

Town of New Windsor Zoning Local Law.

United States Environmental Protection Agency (EPA).

World Book, Inc. North American Climates: New York.

APPENDIX A

SAMPLE HAZARD MITIGATION PLAN ADOPTION
RESOLUTION

MOTION – ADOPT TOWN OF NEW WINDSOR HAZARD MITIGATION PLAN (A/K/A PRE-DISASTER MITIGATION PLAN).

MOTION BY COUNCIL _____

SECONDED BY COUNCIL _____

WHEREAS, all of the Town of New Windsor has exposure to natural hazards that increase the risk to life, property environment and the Town’s economy; and

WHEREAS, pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS, on the 6th day of May, 2015 the Supervisor of the Town of New Windsor established a Pre-Disaster Plan Committee to pool resources and create consistent mitigation strategies to be implemented within the Town of New Windsor; and

WHEREAS, the committee has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Windsor:

1. Adopts the Town of New Windsor Hazard Mitigation Plan (the “Plan”) as this jurisdiction’s Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction; and

2. Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified; and

3. Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority; and

4. Will continue its support of the Pre-Disaster Plan Committee as described within the Plan; and

5. Will help to promote and support the mitigation success of all participants in this Plan; and

6. Will incorporate mitigation planning as in integral component of government and partner operations.

ROLL CALL:

MOTION CARRIED:

TOWN BOARD AGENDA:

APPENDIX B

**MEETING MINUTES RELATED TO THE HAZARD
MITIGATION PLAN**



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4616
Fax: (845) 563-4618

OFFICE OF THE ENGINEER FOR THE TOWN

MEMORANDUM RECORD OF COMMITTEE MEETING HAZARD MITIGATION COMMITTEE

DATE OF MEETING:

9 March 2015

COMMITTEE MEMBERS PRESENT:

Chief Rick S. Hovey, New Windsor Police Department
Francis "Barney" Bedetti III, Fire Inspector, New Windsor
Mark J. Edsall, P.E., P.P., Engineer for the Town

LOCATION OF MEETING:

Conference Room – Town Police Department

On this date a committee meeting was held to assess the needed plan update. A review was made of the current Hazard Mitigation Plan with Town approval date 3-2-2011 (FEMA approval 3-18-2011). Various aspects of the current plan were discussed and a general informal discussion was held as to the possible changes in hazards which may exist now versus the conditions when the initial plan was prepared. A discussion was also held as to the major occurrences over the last four years, such as Hurricane Irene in 2011, which was noted as the most significant event.

After a discussion of the potential work needed to update the plan, the committee agreed that it was preferred that the Town retain the Professional Planner to assist in preparation of the plan. In line with same, the committee members contacted Fred Doneit by phone and discussed the plan update.

A general concept schedule was determined as follows:

| | |
|---------------------------|--------------------|
| Meet with Fred Doneit | April 2015 |
| Contact SEMO | May 2015 |
| Work on Draft Update | May – October 2015 |
| Public Meeting on Plan | October 2015 |
| Submit Plan to Town Board | January 2016 |

TOWN BOARD MEETING
 WEDNESDAY, APRIL 06, 2016; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Biasotti, Councilman Lundstrom, Councilman Regenbaum

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Hovey, Town Attorney Blythe, Highway Superintendent Fay,

ABSENT OFFICIALS: Councilwoman Mullarkey

Supervisor Green said we have an unusual agenda tonight. He said the first thing on the agenda is a presentation from James Oliver from the Horizon Family Medical Group. Mr. Oliver has generously donated a check for the purchase of a new defibrillator for the Town Hall and we are very appreciative. He asked Councilman Regenbaum to get up and say a few words.

Councilman Regenbaum said that the Town Hall needed an AED device and he contacted Horizon Family Medical Group which has a community outreach program that they use to help the communities which they serve. He said they very generously offered to donate the entire cost of an AED device. This was arranged with the help of Town Clerk Debbie Green who helped to arrange for the purchase. The Town Clerk said that the Ambulance Corps is going to provide training for employees to learn to use the defibrillator.

Supervisor Green said that next on the agenda was a discussion of the Hazard Mitigation Plan Update. He asked Fred Doneit of the Doneit Group to give an explanation as to what the update to the Plan is for.

Mr. Doneit said this is a draft Hazard Mitigation Plan Update to the Town's 2011 Mitigation Plan. He said that a committee has been working with him for the past eleven or twelve months on the update. He said the purpose of a Hazard Mitigation Plan is to identify natural hazards facing a community and to outline how to reduce risks from those hazards. He said that in order to be eligible for FEMA grant funding used to implement capital projects to help mitigate the potential impacts of a natural disaster, all local communities, county and state governments must have a FEMA approved plan in place.

He said the Town adopted their first Plan in March of 2011, five years has elapsed since then and the Town Board authorized the update in May 2015. We now have a final draft of the plan and it is ready to be sent up to the New York State Department of Homeland Security for approval, it then goes to FEMA for their approval and once the Plan is approved by these two organizations, it comes to the Town Board for adoption.

PUBLIC COMMENT

Supervisor Green asked if anyone had any comments regarding the Town Board Meeting Agenda. Hearing no one wishing to comment, he proceeded with the meeting.

#1 On Agenda: Motion – Approve Minutes

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding Drainage District 17 and minutes of the Town Board meeting both held on March 2, 2016 as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

**UNFINISHED BUSINESS
HIGHWAY DEPARTMENT**

#2 On Agenda: Receive And File Bids – One (1) – 6 Cubic Yard Dump Body And Plow With Wing.

Hearing no objections, the Town Board of the Town of New Windsor receive and file sealed bids received and publicly opened on March 29, 2016 for one 6 cubic .yard dump body and plow with wing.

#3 On Agenda: Motion - Award Bid – One (1) – 6 Cubic Yard Dump Body And Plow With Wing.

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor award the bid for one 6 cubic yard dump body and plow with wing to Amthor Welding in the amount of \$92,773.00 as recommended by the Town Highway Superintendent and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C.

Roll Call: All Ayes

Motion Carried: 4-0

#4 On Agenda: Motion – Authorize Use Of Alternate Rural Street Detail – Weikfield Windsor Development

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the use of an alternate rural street detail for the Weikfield Windsor Development (PB# 15-01) pursuant to Town Code Section 252-41(B). This Motion shall not authorize the alternate finish course structure for traveled way area.

Roll Call: All Ayes

Motion Carried: 4-0

WATER DEPARTMENT

#5 On Agenda: Motion - Authorize Advertisement For Bids – Packaged Water Treatment System – Butterhill Water System.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise, pursuant to law, calling for sealed bids for the procurement of a packaged water treatment system for the Butterhill Water System – Manganese Treatment which shall be received and publicly opened on the 29th day of April, 2016 at 2:00 PM (local time) at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids

Roll Call: All Ayes

Motion Carried: 4-0

#6 On Agenda: Motion – Authorize Execution Of 2nd Revised Part I Environmental Assessment Form For Butterhill Well Alternative Water Supply

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, heretofore the Town Board has determined to increase and improve the facilities of the New Windsor Consolidated Water District consisting of development of groundwater supplies at the Butter Hill site adjoining the Moodna Creek in the Town of New Windsor to supplement the primary water supply source from the New York City Catskill Aqueduct. Said project commonly referred to as the “Butterhill Well Alternative Water Supply” (“Proposed Action”); and

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

WHEREAS, the Town has caused to be completed a 2nd revised Part I of a long form Environmental Assessment Form (EAF), together with appendices; and

WHEREAS, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA), and is classified as a Type I Action; and

WHEREAS, the Town Board intends to conduct a coordinated SEQRA review for this Proposed Action; and

WHEREAS, the Town Board has assumed lead agency with respect to the Proposed Action and has circulated a Notice of Intent to be Lead Agency to other involved and interested agencies;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1 That the Town Board authorize the Supervisor to execute a 2nd Revised Part 1 of the long Environmental Assessment Form.
2. The Town Board authorize its consultants to circulate a 2nd Revised Part 1 long form EAF to all other Involved or Interested Agencies.

Roll Call: All Ayes

Motion Carried: 4-0

#7 On Agenda: Motion - Authorize Supervisor To Execute Documents – Butterhill Well Alternative Water Supply Project.

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor authorize the Supervisor to execute all agreements, contracts, authorizations and related documents necessary to construct distribution system improvements including interconnects at Express Drive and Union Avenue and storage at the Snake Hill Tanks and the Riley Road Filtration Plant to develop and complete the Butterhill Well Alternative Water Supply Project.

Roll Call: All Ayes

Motion Carried: 4-0

#8 On Agenda: Motion – - Authorize Execution Of Change Order #2 – Butterhill Well Alternative Water Supply (Engineer’s Project No.: 14.4271).

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute Change Order #2 with CT Male Associates for additional survey work to include Riley Road Water Filtration Plant Site and Union Avenue/Liner Road. Said Change Order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

#9 On Agenda: Motion – Authorize Execution Of Agreement Amendment – Butterhill Well Alternative Water Supply Project.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement Amendment between the Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., for engineering services in connection with the construction of the Butterhill Well Alternative Water Supply Project. Said amendment shall modify the project scope from a 3.0 MGD treatment plant to a 7.0 MGD treatment plant, 2.0 MGD water storage tank and replacement of interconnect meter vault at Union Avenue.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

10 On Agenda: Motion – Authorize Execution Of Inter-Governmental Agreement – Butterhill Alternative Water Supply

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor to execute Inter-Governmental Agreement between the Town of New Windsor and the New York City Department of Environmental Protection for the design, construction and funding of the Butterhill Wells Alternative Water Supply Project .

Roll Call: All Ayes

Motion Carried: 4-0

#11 On Agenda: Motion – Authorize Supervisor To Execute Change Order #1 – Express Drive Water Line Interconnect Project – (Engineer’s Project No.: 15.5347).

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor authorize the Supervisor to execute Change Order #1 with CT Male Associates for additional survey work to develop easement area at Express Drive. Said Change Order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

#12 On Agenda: Motion – Authorize Execution Of Agreement Amendment – Design Inter-Municipal Water Connections

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement Amendment between the Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., for engineering services in connection with the design of inter-municipal water connections at Lake Street and Express Drive. Said Amendment shall eliminate the interconnection at Lake Street.

Roll Call: All Ayes

Motion Carried: 4-0

#13 On Agenda: Motion – Authorize Supervisor To Execute Termination Of Agreement With City Of New York – Tri-Municipal Connections.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to termination the Agreement between the City of New York and Town of New Windsor for the provision of funds for the design of portions of the Tri-Municipal Connections pursuant to paragraph 30 of the contract dated May 28, 2015.

Roll Call: All Ayes

Motion Carried: 4-0

SANITATION DEPARTMENT

#14 On Agenda: Receive and File Bids For Upgrades And Modifications To Sewer Pump Station 18.

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids publicly opened on March 31, 2016 for the upgrades and modifications to Sewer Pump Station No. 18.

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

#15 On Agenda: Motion – Award Bid (General Construction) – Upgrades And Modifications To Stewart Pump Station No. 18 (MHE #13-152).

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor award the bid for General Construction of the upgrades and modifications to Stewart Pump Station No. 18 to Nannini & Callahan in the amount of \$119,000.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

#16 On Agenda: Motion – Award Bid (Electrical Construction) – Upgrades And Modifications To Stewart Pump Station No. 18 (MHE #13-152).

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award the bid for Electrical Construction for the upgrades and modifications to Stewart Pump Station No. 18 to Harry Rotolo in the amount of \$141,366.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

GENERAL

#17 On Agenda: Motion - Authorize Execution Of Inter-Municipal Agreement For Cooperative Information Technology Services.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-municipal Agreement between Town of New Windsor and City of Middletown for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the City of Middletown in the establishment, configuration, maintenance and oversight of the City of Middletown computers.

18 On Agenda: Motion - Authorize Supervisor To Execute Lease Contract – De Lage Landen Public Finance, LLC.

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute a lease contract between Town of New Windsor and De Lage Landen Public Finance, LLC for the lease of certain computer equipment in the amount of \$74,502.00. Said lease will be for a term of five (5) years beginning April 1, 2016 and ending on May 31, 2020.

Roll Call: All Ayes

Motion Carried: 4-0

#19 On Agenda: Motion – Authorize Amending Standard Schedule of Fees

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor hereby amends the 2016 Standard Schedule of Fees as follows and directs the Town Clerk to revise the Standard Schedule of Fees accordingly:

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

J. DOG LICENSING FEES :

2) There shall be a fee of One Hundred Fifty (\$150) Dollars for any dog adopted through the Town of New Windsor. The fee includes rabies vaccination, Bordetella vaccine and distemper vaccine.

5) The fee of seized/impounded dogs shall also include the local board fee of Fifty (\$50.) Dollars per day, or the actual cost of boarding, whichever is higher.

R. MISCELLANEOUS RATES:

b) Beaver Dam Garbage district rates:

| | <u>Quarterly</u> | <u>Annually</u> |
|----------|------------------|-----------------|
| 1 Family | \$122.00 | \$ 488.00 |
| 2 Family | \$142.00 | \$ 568.00 |
| 3 Family | \$162.00 | \$ 648.00 |
| 4 Family | \$182.00 | \$ 728.00 |

Roll Call: All Ayes

Motion Carried: 4-0

#20 On Agenda: Motion - Authorize Appropriation Of Excess Revenues.

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Board of the Town of New Windsor authorize the appropriation of excess revenues in the 2015 Highway Fund, Water Fund and Sewer Fund as follows:

Highway Fund

| | | |
|-------|---|---------------------|
| To: | Highway Garage Project Costs (in 2016 CPF to Reimburse Hwy Fund \$18,015) | \$22,918.00 |
| | Snow Removal for Materials and Overtime Labor | <u>120,540.00</u> |
| | | <u>\$143,458.00</u> |
| From: | Highway Fund Excess 2015 Revenues | \$84,256.00 |
| | Unreserved Fund Balance at 12-31-15 | 54,316.00 |
| | Unexpended Road Paving Budget Balance at 12-31-15 | <u>4,886.00</u> |
| | | <u>\$143,458.00</u> |

Water Fund

| | | |
|-------|---|---------------------|
| To: | Debt Service – St. Anne’s Well BAN Pay Off | \$290,000.00 |
| | | <u>\$290,000.00</u> |
| From: | Water Fund Excess 2015 Revenues | \$103,419.00 |
| | Unexpended Constructed Budget Balance at 12-31-2015 | <u>186,581.00</u> |
| | | <u>\$290,000.00</u> |

Sewer Fund

| | | |
|-----|---|-----------------------|
| To: | Debt Service – WWTP Project BAN Pay Off | \$1,000,000.00 |
| | | <u>\$1,000,000.00</u> |

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

| | |
|--|----------------------------|
| From: Sewer Fund Excess 2015 Revenues – Interfund Transfer | |
| From CPF | \$731,000.00 |
| Sewer Fund Excess 2015 Revenues | 64,777.00 |
| Unreserved Fund Balance at 12-31-15 | 79,440.00 |
| Unexpended Construction Budget Balance at 12-31-15 | <u>124,783.00</u> |
| | \$1,000,000.00 |
| <i>Roll Call: All Ayes</i> | <i>Motion Carried: 4-0</i> |

#21 On Agenda: Motion – Authorize Execution Of Amended Lease – 930 Raz Avenue

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Amended Lease between the Town of New Windsor and New York State ARC, Inc., Orange County Chapter for the lease of 930 Raz Avenue. Said Agreement is effective from January 1, 2016 to August 31, 2018.

Roll Call: All Ayes *Motion Carried: 4-0*

#22 On Agenda: Motion - Establish Performance Bond - Rakowicki Major Subdivision (Phase 2)

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the establishment of the performance bond for public improvements in the Rakowicki Major Subdivision (Phase 2), Planning Board #01-26, in the amount of \$1,188,450.24 plus an inspection fee of \$47,538.00 representing 4% of the public improvement bond amount, as recommended by McGoey, Hauser and Edsall Consulting Engineers, D.P.C. by correspondence dated 5 April, 2016.

Roll Call: All Ayes *Motion Carried: 4-0*

#23 On Agenda: Motion – Adopt Proclamation In Support of Mental Health Awareness Month

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor supports the proclamation that May 2016 is Mental Health Awareness Month:

PROCLAMATION IN SUPPORT OF MENTAL HEALTH AWARENESS MONTH – MAY 2016

WHEREAS, mental health is essential to the wellbeing and vitality of our families, businesses, and communities; and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 4 Americans and 1 out of 5 children affected by mental illness.

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day.

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness.

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen share the responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, I, George A. Green, Supervisor of the Town of New Windsor on behalf of the Town of New Windsor, do hereby proclaim the month of May 2016, as MENTAL HEALTH AWARENESS MONTH.

As the Supervisor, I also call upon all Town of New Windsor citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

Roll Call: All Ayes

Motion Carried: 4-0

#24 On Agenda: Receive and File Bids For 2016 Generator Project.

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids publicly opened on March 31, 2016 for the Town of New Windsor 2016 Generator Project.

#25 On Agenda: Motion - Award Bid – 2016 Generator Project (MHE #15-121).

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor award the bid of the 2016 Generator Project to Ray S. Pantel, in the amount of \$446,000.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

**#26 On Agenda: Receive and File Certificate Of Clerk As To No Referendum –
Lease With AW Oils Corp.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the lease of town-owned property commonly known as 334 Avenue of the Americas, Building #2422 to AW Oils Corp.

**#27 On Agenda: Receive and File Certificate Of Clerk As To No Referendum –
Lease With Orange County Industrial Development Agency**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the lease of town-owned property commonly known as 334 Avenue of the Americas, Building #2416 to Orange County Industrial Development Agency, D/B/A The Accelerator.

**#28 On Agenda: Receive and File Title Policy - Xcel Developments, LLC –
Pump Station (NW PB#01-06).**

Hearing no objection, the Town Board of the Town of New Windsor receive and file title policy (OP-22-NY1133-4193937) from Westcor Land Title Insurance Company dated July 7, 2015 for the pump station at the Briarwood Subdivision.

TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.

#29 On Agenda: Receive and File Notice Of Petition And Petition – Banta Realty Newburgh, LLC V. Zoning Board Of Appeals Of The Town Of New Windsor & Windsor Hospitality, LLC.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Petition & Petition in the Matter of Banta Realty Newburgh, LLC v. Zoning Board of Appeals of the Town of New Windsor and Windsor Hospitality, LLC.

#30 On Agenda: Receive and File – Decision & Order – Stewart Park And Reserve Coalition, Inc. V. Town Of New Windsor Zoning Board Of Appeals, Et Al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Decision and Order in the matter of Stewart Park and Reserve Coalition, Inc. v. Town of New Windsor Zoning Board of Appeals, et al.

#31 On Agenda: Receive and File – Stipulation Of Discontinuance – Mangieri V. Town Of New Windsor, et al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Stipulation of Discontinuance with prejudice as to defendant Town of New Windsor only in the matter of Nancy L. Mangieri and Gerard A. Mangieri v. The County of Orange and Town of New Windsor.

#32 On Agenda: Receive and File Amended Summons & Verified Complaint – Liberty Mutual Insurance Company A/S/O Mangieri V. The County Of Orange And Town Of New Windsor.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Summons & Verified Complaint in the matter of Liberty Mutual Insurance Company, a/s/o Nancy Mangieri and Gerard Mangieri v. The County of Orange and Town of New Windsor.

#31 On Agenda: Receive and File Stipulation Of Discontinuance – Liberty Mutual Insurance Company, A/S/O Mangieri V. Town Of New Windsor, et al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Stipulation of Discontinuance with prejudice as to defendant Town of New Windsor only in the matter of Liberty Mutual Insurance Company a/s/o Nancy L. Mangieri and Gerard A. Mangieri v. The County of Orange and Town of New Windsor.

#34 On Agenda: Receive and File Drainage Easement – Anderson To Town Of New Windsor.

Hearing no objection, the Town Board of the Town of New Windsor receive and file drainage easement from Debra Anderson to Town of New Windsor dated August 17, 2015 and filed in the Orange County Clerk's Office on the 9th day of November, 2015 in Liber 13967 at page 1930.

#35 On Agenda: Receive and File Lease – AW Oils Corp.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Lease between Town of New Windsor and AW Oils Corp., dated March 8, 2016 for premises commonly known as 334 Avenue of the Americas, Building #2422.

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

#36 On Agenda: Receive and File Amended Agreement – New Windsor Superior Officers Bargaining Unit.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Agreement between Town of New Windsor and New Windsor Superior Officers Bargaining Unit for the term January 1, 2016 to December 31, 2018.

#37 On Agenda: Receive and File Certificate Of Clerk As To No Referendum – Town Of New Windsor To Shamrock Creek, LLC.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the sale of 1.666 acres of town-owned land to Shamrock Creek, LLC.

#38 On Agenda: Receive and File Amended Memorandum Of Understanding - CSEA.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Memorandum of Understanding between Town of New Windsor and CSEA, Local 1000 AFSCME, AFL-CIO, for the term January 1, 2016 to December 31, 2018.

#39 On Agenda: Receive and File Collective Bargaining Agreement - CSEA.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Collective Bargaining Agreement by and between Town of New Windsor and CSEA, Local 1000 AFSCME, AFL-CIO, for the term January 1, 2016 to December 31, 2018.

#40 On Agenda: Receive And File GASB45 Actuarial Valuation

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk GASB45 Actuarial Valuation for the Town of New Windsor dated December 31, 2015, received from Summit Actuarial Services, LLC.

#41 On Agenda: Receive And File Executed 2016 Municipal Funding Contract – Juvenile Aid Bureau & Summer Camp Program

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk fully executed 2016 Municipal Funding Contract - Juvenile Aid Bureau & Summer Camp Program.

#42 On Agenda: Receive and File Closing Documents - Bond Anticipation Note – \$1,960,000 – 2015 Series B (Tax Exempt).

Hearing no objection, the Town Board of the Town of New Windsor receive and file closing documents for the 2015 Bond Anticipation Note - Series B (Tax Exempt) in the amount of \$1,960,000.

TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.

#43 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

| | |
|----------------------------------|------------------------|
| Building Department | Month of February 2016 |
| Building Department | Month of March 2016 |
| Fire Prevention | Month of February 2016 |
| Justice Court – Noreen Calderin | Month of March 2016 |
| Justice Court – Richard Thorpe | Month of March 2016 |
| Police Department | Month of February 2016 |
| Police Department | Month of March 2016 |
| Recreation Department | Month of March 2016 |
| Tax Receiver Utility Report | Month of March 2016 |
| Tax Receiver Property Tax Report | Month of March 2016 |
| Town Clerk | Month of March 2016 |

#44 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if anyone had any comments or questions.

Leo Braun asked if Lake Street was the one between New Windsor and the City of Newburgh. Supervisor Green said that the Lake Street part of the agreement has gone away as the City of Newburgh if not part of the agreement anymore, it is just Town of New Windsor and the Town of Newburgh.

Don Bigi asked if the Town had heard anything from the DOT study done at the Butterhill traffic light. Supervisor Green said that study had nothing to do with the traffic light. He said that the Town has commissioned their own traffic study and that he would be meeting with a traffic engineer this week. He said that the study the Town commissioned will be sent on to the DOT and they would have to see where it goes from there.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

#45 On Agenda: Motion – Adjourn Meeting

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:55 P. M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4616
Fax: (845) 563-4618

OFFICE OF THE ENGINEER FOR THE TOWN

MEMORANDUM RECORD OF COMMITTEE MEETING HAZARD MITIGATION COMMITTEE

DATE OF MEETING:

8 April 2015

COMMITTEE MEMBERS PRESENT:

Chief Rick S. Hovey, New Windsor Police Department (RH)
Francis "Barney" Bedetti III, Fire Inspector, New Windsor (BB)
Mark J. Edsall, P.E., P.P., Engineer for the Town (MJE)
Fred Doneit, GISP, Doneit Group, Planner (FD)

OTHERS PRESENT:

Paul Hoole, FEMA (PH)
Debra Dunbrook, NYSDHSES (DD)
Harry Bartik, NYSDHSES (HB)

LOCATION OF MEETING:

Conference Room – Town Police Department

On this date a committee meeting was held to meet with representatives of FEMA and NYSDHSES. assess the needed plan update. The following items were discussed:

1. It was noted that the Town's current plan expires on March 18, 2016
2. PH advised the committee that the regulations pertaining to Plans has not changed, although the interpretation of the requirements and expectations of content may have. More documentation for purposes of demonstrating the plan is well thought out is appropriate. There is a new management tool for Plans. For new plans, the State can add additional requirements, for us, since we are not getting any grant money, no new requirements.
3. Big question is "was plan implemented ?". That is most important issue.
4. To make the Plan more usable, backup data can be moved from body of report to appendices to make plan body shorter.
5. There should be more focus on daily operations considering mitigation.

6. The committee should look at Irene and possible climate changes ongoing. At minimum storm events seem to be intensifying and new storm tables are being used in storm evaluations.
7. PH / DD / HB confirm the need for public input and a public meeting. We acknowledged and advised that public will have opportunity to comment on plan via emails (plan will be posted on Town web site) or in person at public input meeting. Stakeholders will all be contacted for input and participation.
8. Committed needs to evaluate any development that may have occurred in any hazard areas.
9. The plan's risk assessment must be updated. Profile hazards. A HAZUS analysis is not required. (note we did have an earthquake). We should access latest info on occurrences.
10. Committee needs to think about hazards. What problems are we concerned about. Identify the problem, then what ways to address a solution. (note Moodna barb installation, Planning Board shadow parking, methods to decrease impervious).
11. Committee must report on what happened with prior plan. For listed projects, advise if work was done (provide status). If problem was solved another way, must explain. If the project is completed, or no longer desired, no need to list again.
12. The Plan Review Tool (Section D) – provide updates only.
13. Mitigation strategy is most important issue.
14. Discuss generator projects as mitigation for bad storms (wind, snow, hail).
15. We need to have the Plan take credit for ongoing programs that reduce risk.
16. Plan update should list all mitigation projects undertaken, as well as any projects Highway Department (or other departments) undertook to reduce risks. (note possibility of listing new town policy for sewer backflow preventors on laterals).
17. Town Flood Plain Administrator must be listed in plan. Any actions taken by administrator to reduce risks should be acknowledged.
18. PH advised that listing 61 actions in plan is excessive. General statements are not really actions. Don't "overlist". Town can always add items over the subsequent 5 years and advise NYSDHSES.
19. STAPLEE not required; now not recommended.
20. Plan should be realistic and provide method to monitor over next 5 years.
21. PH says to get latest data on National Flood Program (Jess can write letter to FEMA). Would be good to verify any repetitive loss properties.
22. Public Involvement is important. Must have "opportunity to participate". Invite agencies and stakeholders to meeting. Post plan on Town website. Public meeting for draft. On-line surveys if appropriate. Possibly set up a booth at a local town event.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
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OFFICE OF THE ENGINEER FOR THE TOWN

MEMORANDUM RECORD OF COMMITTEE MEETING HAZARD MITIGATION COMMITTEE

DATE OF MEETING:

21 October 2015

COMMITTEE MEMBERS PRESENT:

Chief Rick S. Hovey, New Windsor Police Department
Mark J. Edsall, P.E., P.P., Engineer for the Town
Chief Michael Bigg, New Windsor Vol. Ambulance Corp.
John Seymour, Captain, New Windsor Vol. Ambulance Corp.
Fred Doneit, GISP, Doneit Group, Planner

LOCATION OF MEETING:

Conference Room -- Town Police Department

On this date a committee meeting was held to discuss a recap of our meeting with DHSES and FEMA and move forward on the update of the Plan. The following items were discussed:

1. The last HMP identified 61 activities. Our meeting with DHSES/FEMA noted that this was too many. Our goal is to identify approximately 12 activities. We will focus on more achievable smaller projects.
2. A follow-up review of goals and objectives is needed. The goal and objectives of prior plan were discussed and committee believed they are still valid.
3. DHSES/FEMA is looking for us to identify community vulnerabilities in addition to flooding.
4. We need to determine progress of mitigation efforts of prior plan, as well as any changes in priority.
5. We need to identify development changes in Town. Note additional senior housing and multifamily.

6. Mike Bigg notes NWVAC calls have significantly increased. Mike will provide info/data and a representative text of activity to Fred. He also notes a goal should be increase in joint training.
7. Discussed a Town Code modification be considered (as a goal) to provide AEDs and standby generators at all senior facilities. Gensets should support common areas, oxygen and medical equipment, a heat/cool controlled area for gathering during storms, and elevators. Code should also mandate elevators that area compatible with ambulance gurneys.
8. Fred notes he is awaiting GIS and land use data from Town information systems department.
9. We need to verify location information for new Highway Garage. (ie flood plain etc).
10. A review was made of the Critical Facilities listing. Fred will rework list based on discussions and circulate to committee for review.
11. Mark Edsall is to set up meeting with Highway Superintendent Fayo to review completed projects, problem areas, etc.
12. Some recent projects related to the Irene storm event were discussed (STP flood dike, Moodna Creek rehab and stream barbs, Butterhill reconstruction). Mark Edsall will work with Town to obtain information from FEMA paperwork to identify all projects (scope, cost, etc.)
13. Discussion took place that the shelters identified by the Town are actually "Interim Shelters" as the locations do not have the facilities for long term boarding, food, etc.
14. Fred will prepared a list of mitigation actions by department so the committee can meet with department heads as needed to determine status of items and update list.

TOWN BOARD MEETING
 WEDNESDAY, APRIL 06, 2016; 7:00 P.M.
 NEW WINDSOR TOWN HALL
 NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Biasotti, Councilman Lundstrom, Councilman Regenbaum

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Hovey, Town Attorney Blythe, Highway Superintendent Fay,

ABSENT OFFICIALS: Councilwoman Mullarkey

Supervisor Green said we have an unusual agenda tonight. He said the first thing on the agenda is a presentation from James Oliver from the Horizon Family Medical Group. Mr. Oliver has generously donated a check for the purchase of a new defibrillator for the Town Hall and we are very appreciative. He asked Councilman Regenbaum to get up and say a few words.

Councilman Regenbaum said that the Town Hall needed an AED device and he contacted Horizon Family Medical Group which has a community outreach program that they use to help the communities which they serve. He said they very generously offered to donate the entire cost of an AED device. This was arranged with the help of Town Clerk Debbie Green who helped to arrange for the purchase. The Town Clerk said that the Ambulance Corps is going to provide training for employees to learn to use the defibrillator.

Supervisor Green said that next on the agenda was a discussion of the Hazard Mitigation Plan Update. He asked Fred Doneit of the Doneit Group to give an explanation as to what the update to the Plan is for.

Mr. Doneit said this is a draft Hazard Mitigation Plan Update to the Town's 2011 Mitigation Plan. He said that a committee has been working with him for the past eleven or twelve months on the update. He said the purpose of a Hazard Mitigation Plan is to identify natural hazards facing a community and to outline how to reduce risks from those hazards. He said that in order to be eligible for FEMA grant funding used to implement capital projects to help mitigate the potential impacts of a natural disaster, all local communities, county and state governments must have a FEMA approved plan in place.

He said the Town adopted their first Plan in March of 2011, five years has elapsed since then and the Town Board authorized the update in May 2015. We now have a final draft of the plan and it is ready to be sent up to the New York State Department of Homeland Security for approval, it then goes to FEMA for their approval and once the Plan is approved by these two organizations, it comes to the Town Board for adoption.

PUBLIC COMMENT

Supervisor Green asked if anyone had any comments regarding the Town Board Meeting Agenda. Hearing no one wishing to comment, he proceeded with the meeting.

#1 On Agenda: Motion – Approve Minutes

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing regarding Drainage District 17 and minutes of the Town Board meeting both held on March 2, 2016 as per the copies posted on the Town Clerk's bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

**UNFINISHED BUSINESS
HIGHWAY DEPARTMENT**

#2 On Agenda: Receive And File Bids – One (1) – 6 Cubic Yard Dump Body And Plow With Wing.

Hearing no objections, the Town Board of the Town of New Windsor receive and file sealed bids received and publicly opened on March 29, 2016 for one 6 cubic .yard dump body and plow with wing.

#3 On Agenda: Motion - Award Bid – One (1) – 6 Cubic Yard Dump Body And Plow With Wing.

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor award the bid for one 6 cubic yard dump body and plow with wing to Amthor Welding in the amount of \$92,773.00 as recommended by the Town Highway Superintendent and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C.

Roll Call: All Ayes

Motion Carried: 4-0

#4 On Agenda: Motion – Authorize Use Of Alternate Rural Street Detail – Weikfield Windsor Development

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the use of an alternate rural street detail for the Weikfield Windsor Development (PB# 15-01) pursuant to Town Code Section 252-41(B). This Motion shall not authorize the alternate finish course structure for traveled way area.

Roll Call: All Ayes

Motion Carried: 4-0

WATER DEPARTMENT

#5 On Agenda: Motion - Authorize Advertisement For Bids – Packaged Water Treatment System – Butterhill Water System.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise, pursuant to law, calling for sealed bids for the procurement of a packaged water treatment system for the Butterhill Water System – Manganese Treatment which shall be received and publicly opened on the 29th day of April, 2016 at 2:00 PM (local time) at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids

Roll Call: All Ayes

Motion Carried: 4-0

#6 On Agenda: Motion – Authorize Execution Of 2nd Revised Part I Environmental Assessment Form For Butterhill Well Alternative Water Supply

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, heretofore the Town Board has determined to increase and improve the facilities of the New Windsor Consolidated Water District consisting of development of groundwater supplies at the Butter Hill site adjoining the Moodna Creek in the Town of New Windsor to supplement the primary water supply source from the New York City Catskill Aqueduct. Said project commonly referred to as the “Butterhill Well Alternative Water Supply” (“Proposed Action”); and

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

WHEREAS, the Town has caused to be completed a 2nd revised Part I of a long form Environmental Assessment Form (EAF), together with appendices; and

WHEREAS, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA), and is classified as a Type I Action; and

WHEREAS, the Town Board intends to conduct a coordinated SEQRA review for this Proposed Action; and

WHEREAS, the Town Board has assumed lead agency with respect to the Proposed Action and has circulated a Notice of Intent to be Lead Agency to other involved and interested agencies;

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1 That the Town Board authorize the Supervisor to execute a 2nd Revised Part 1 of the long Environmental Assessment Form.
2. The Town Board authorize its consultants to circulate a 2nd Revised Part 1 long form EAF to all other Involved or Interested Agencies.

Roll Call: All Ayes

Motion Carried: 4-0

#7 On Agenda: Motion - Authorize Supervisor To Execute Documents – Butterhill Well Alternative Water Supply Project.

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor authorize the Supervisor to execute all agreements, contracts, authorizations and related documents necessary to construct distribution system improvements including interconnects at Express Drive and Union Avenue and storage at the Snake Hill Tanks and the Riley Road Filtration Plant to develop and complete the Butterhill Well Alternative Water Supply Project.

Roll Call: All Ayes

Motion Carried: 4-0

#8 On Agenda: Motion – - Authorize Execution Of Change Order #2 – Butterhill Well Alternative Water Supply (Engineer’s Project No.: 14.4271).

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute Change Order #2 with CT Male Associates for additional survey work to include Riley Road Water Filtration Plant Site and Union Avenue/Liner Road. Said Change Order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

#9 On Agenda: Motion – Authorize Execution Of Agreement Amendment – Butterhill Well Alternative Water Supply Project.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement Amendment between the Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., for engineering services in connection with the construction of the Butterhill Well Alternative Water Supply Project. Said amendment shall modify the project scope from a 3.0 MGD treatment plant to a 7.0 MGD treatment plant, 2.0 MGD water storage tank and replacement of interconnect meter vault at Union Avenue.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

10 On Agenda: Motion – Authorize Execution Of Inter-Governmental Agreement – Butterhill Alternative Water Supply

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize Supervisor to execute Inter-Governmental Agreement between the Town of New Windsor and the New York City Department of Environmental Protection for the design, construction and funding of the Butterhill Wells Alternative Water Supply Project .

Roll Call: All Ayes

Motion Carried: 4-0

#11 On Agenda: Motion – Authorize Supervisor To Execute Change Order #1 – Express Drive Water Line Interconnect Project – (Engineer’s Project No.: 15.5347).

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor authorize the Supervisor to execute Change Order #1 with CT Male Associates for additional survey work to develop easement area at Express Drive. Said Change Order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

#12 On Agenda: Motion – Authorize Execution Of Agreement Amendment – Design Inter-Municipal Water Connections

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement Amendment between the Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., for engineering services in connection with the design of inter-municipal water connections at Lake Street and Express Drive. Said Amendment shall eliminate the interconnection at Lake Street.

Roll Call: All Ayes

Motion Carried: 4-0

#13 On Agenda: Motion – Authorize Supervisor To Execute Termination Of Agreement With City Of New York – Tri-Municipal Connections.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to termination the Agreement between the City of New York and Town of New Windsor for the provision of funds for the design of portions of the Tri-Municipal Connections pursuant to paragraph 30 of the contract dated May 28, 2015.

Roll Call: All Ayes

Motion Carried: 4-0

SANITATION DEPARTMENT

#14 On Agenda: Receive and File Bids For Upgrades And Modifications To Sewer Pump Station 18.

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids publicly opened on March 31, 2016 for the upgrades and modifications to Sewer Pump Station No. 18.

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

#15 On Agenda: Motion – Award Bid (General Construction) – Upgrades And Modifications To Stewart Pump Station No. 18 (MHE #13-152).

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor award the bid for General Construction of the upgrades and modifications to Stewart Pump Station No. 18 to Nannini & Callahan in the amount of \$119,000.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

#16 On Agenda: Motion – Award Bid (Electrical Construction) – Upgrades And Modifications To Stewart Pump Station No. 18 (MHE #13-152).

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor award the bid for Electrical Construction for the upgrades and modifications to Stewart Pump Station No. 18 to Harry Rotolo in the amount of \$141,366.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

GENERAL

#17 On Agenda: Motion - Authorize Execution Of Inter-Municipal Agreement For Cooperative Information Technology Services.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Inter-municipal Agreement between Town of New Windsor and City of Middletown for purposes of utilizing the Town of New Windsor's Information Technology Officers to assist the City of Middletown in the establishment, configuration, maintenance and oversight of the City of Middletown computers.

18 On Agenda: Motion - Authorize Supervisor To Execute Lease Contract – De Lage Landen Public Finance, LLC.

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the Supervisor to execute a lease contract between Town of New Windsor and De Lage Landen Public Finance, LLC for the lease of certain computer equipment in the amount of \$74,502.00. Said lease will be for a term of five (5) years beginning April 1, 2016 and ending on May 31, 2020.

Roll Call: All Ayes

Motion Carried: 4-0

#19 On Agenda: Motion – Authorize Amending Standard Schedule of Fees

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor hereby amends the 2016 Standard Schedule of Fees as follows and directs the Town Clerk to revise the Standard Schedule of Fees accordingly:

**TOWN BOARD MEETING
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J. DOG LICENSING FEES :

2) There shall be a fee of One Hundred Fifty (\$150) Dollars for any dog adopted through the Town of New Windsor. The fee includes rabies vaccination, Bordetella vaccine and distemper vaccine.

5) The fee of seized/impounded dogs shall also include the local board fee of Fifty (\$50.) Dollars per day, or the actual cost of boarding, whichever is higher.

R. MISCELLANEOUS RATES:

b) Beaver Dam Garbage district rates:

| | <u>Quarterly</u> | <u>Annually</u> |
|----------|------------------|-----------------|
| 1 Family | \$122.00 | \$ 488.00 |
| 2 Family | \$142.00 | \$ 568.00 |
| 3 Family | \$162.00 | \$ 648.00 |
| 4 Family | \$182.00 | \$ 728.00 |

Roll Call: All Ayes

Motion Carried: 4-0

#20 On Agenda: Motion - Authorize Appropriation Of Excess Revenues.

Motion by Councilman Regenbaum, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town Board of the Town of New Windsor authorize the appropriation of excess revenues in the 2015 Highway Fund, Water Fund and Sewer Fund as follows:

Highway Fund

| | | |
|-----|---|---------------------|
| To: | Highway Garage Project Costs (in 2016 CPF to Reimburse Hwy Fund \$18,015) | \$22,918.00 |
| | Snow Removal for Materials and Overtime Labor | <u>120,540.00</u> |
| | | <u>\$143,458.00</u> |

| | | |
|-------|---|---------------------|
| From: | Highway Fund Excess 2015 Revenues | \$84,256.00 |
| | Unreserved Fund Balance at 12-31-15 | 54,316.00 |
| | Unexpended Road Paving Budget Balance at 12-31-15 | <u>4,886.00</u> |
| | | <u>\$143,458.00</u> |

Water Fund

| | | |
|-----|--|---------------------|
| To: | Debt Service – St. Anne’s Well BAN Pay Off | \$290,000.00 |
| | | <u>\$290,000.00</u> |

| | | |
|-------|---|---------------------|
| From: | Water Fund Excess 2015 Revenues | \$103,419.00 |
| | Unexpended Constructed Budget Balance at 12-31-2015 | <u>186,581.00</u> |
| | | <u>\$290,000.00</u> |

Sewer Fund

| | | |
|-----|---|-----------------------|
| To: | Debt Service – WWTP Project BAN Pay Off | \$1,000,000.00 |
| | | <u>\$1,000,000.00</u> |

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

| | |
|--|----------------------------|
| From: Sewer Fund Excess 2015 Revenues – Interfund Transfer | |
| From CPF | \$731,000.00 |
| Sewer Fund Excess 2015 Revenues | 64,777.00 |
| Unreserved Fund Balance at 12-31-15 | 79,440.00 |
| Unexpended Construction Budget Balance at 12-31-15 | <u>124,783.00</u> |
| | \$1,000,000.00 |
| <i>Roll Call: All Ayes</i> | <i>Motion Carried: 4-0</i> |

#21 On Agenda: Motion – Authorize Execution Of Amended Lease – 930 Raz Avenue

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Amended Lease between the Town of New Windsor and New York State ARC, Inc., Orange County Chapter for the lease of 930 Raz Avenue. Said Agreement is effective from January 1, 2016 to August 31, 2018.

Roll Call: All Ayes *Motion Carried: 4-0*

#22 On Agenda: Motion - Establish Performance Bond - Rakowicki Major Subdivision (Phase 2)

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor authorize the establishment of the performance bond for public improvements in the Rakowicki Major Subdivision (Phase 2), Planning Board #01-26, in the amount of \$1,188,450.24 plus an inspection fee of \$47,538.00 representing 4% of the public improvement bond amount, as recommended by McGoey, Hauser and Edsall Consulting Engineers, D.P.C. by correspondence dated 5 April, 2016.

Roll Call: All Ayes *Motion Carried: 4-0*

#23 On Agenda: Motion – Adopt Proclamation In Support of Mental Health Awareness Month

Motion by Councilwoman Biasotti, seconded by Councilman Regenbaum, that the Town Board of the Town of New Windsor supports the proclamation that May 2016 is Mental Health Awareness Month:

PROCLAMATION IN SUPPORT OF MENTAL HEALTH AWARENESS MONTH – MAY 2016

WHEREAS, mental health is essential to the wellbeing and vitality of our families, businesses, and communities; and

WHEREAS, mental health conditions are real and prevalent in our nation with 1 out of 4 Americans and 1 out of 5 children affected by mental illness.

WHEREAS, more people die from suicide in the United States than from traffic accidents and an estimated 22 veterans die from suicide each day.

WHEREAS, stigma and fear of discrimination keep many who would benefit from mental health services from seeking help; and

WHEREAS, with effective treatment those individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, education, compassion, and awareness about mental illness can change negative attitudes and behaviors toward people with mental illness.

**TOWN BOARD MEETING
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WHEREAS, each business, school, government agency, law enforcement agency, healthcare provider, organization and citizen share the responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, I, George A. Green, Supervisor of the Town of New Windsor on behalf of the Town of New Windsor, do hereby proclaim the month of May 2016, as MENTAL HEALTH AWARENESS MONTH.

As the Supervisor, I also call upon all Town of New Windsor citizens, government agencies, public and private institutions, businesses, and schools to recommit our community to increasing awareness and understanding of mental illnesses, reducing stigma, and discrimination, and promoting appropriate and accessible services for all individuals.

Roll Call: All Ayes

Motion Carried: 4-0

#24 On Agenda: Receive and File Bids For 2016 Generator Project.

Hearing no objection, the Town Board of the Town of New Windsor receive and file the bids publicly opened on March 31, 2016 for the Town of New Windsor 2016 Generator Project.

#25 On Agenda: Motion - Award Bid – 2016 Generator Project (MHE #15-121).

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor award the bid of the 2016 Generator Project to Ray S. Pantel, in the amount of \$446,000.00 as the lowest responsible bidder in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

**#26 On Agenda: Receive and File Certificate Of Clerk As To No Referendum –
Lease With AW Oils Corp.**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the lease of town-owned property commonly known as 334 Avenue of the Americas, Building #2422 to AW Oils Corp.

**#27 On Agenda: Receive and File Certificate Of Clerk As To No Referendum –
Lease With Orange County Industrial Development Agency**

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the lease of town-owned property commonly known as 334 Avenue of the Americas, Building #2416 to Orange County Industrial Development Agency, D/B/A The Accelerator.

**#28 On Agenda: Receive and File Title Policy - Xcel Developments, LLC –
Pump Station (NW PB#01-06).**

Hearing no objection, the Town Board of the Town of New Windsor receive and file title policy (OP-22-NY1133-4193937) from Westcor Land Title Insurance Company dated July 7, 2015 for the pump station at the Briarwood Subdivision.

TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.

#29 On Agenda: Receive and File Notice Of Petition And Petition – Banta Realty Newburgh, LLC V. Zoning Board Of Appeals Of The Town Of New Windsor & Windsor Hospitality, LLC.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Notice of Petition & Petition in the Matter of Banta Realty Newburgh, LLC v. Zoning Board of Appeals of the Town of New Windsor and Windsor Hospitality, LLC.

#30 On Agenda: Receive and File – Decision & Order – Stewart Park And Reserve Coalition, Inc. V. Town Of New Windsor Zoning Board Of Appeals, Et Al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Decision and Order in the matter of Stewart Park and Reserve Coalition, Inc. v. Town of New Windsor Zoning Board of Appeals, et al.

#31 On Agenda: Receive and File – Stipulation Of Discontinuance – Mangieri V. Town Of New Windsor, et al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Stipulation of Discontinuance with prejudice as to defendant Town of New Windsor only in the matter of Nancy L. Mangieri and Gerard A. Mangieri v. The County of Orange and Town of New Windsor.

#32 On Agenda: Receive and File Amended Summons & Verified Complaint – Liberty Mutual Insurance Company A/S/O Mangieri V. The County Of Orange And Town Of New Windsor.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Summons & Verified Complaint in the matter of Liberty Mutual Insurance Company, a/s/o Nancy Mangieri and Gerard Mangieri v. The County of Orange and Town of New Windsor.

#31 On Agenda: Receive and File Stipulation Of Discontinuance – Liberty Mutual Insurance Company, A/S/O Mangieri V. Town Of New Windsor, et al.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Stipulation of Discontinuance with prejudice as to defendant Town of New Windsor only in the matter of Liberty Mutual Insurance Company a/s/o Nancy L. Mangieri and Gerard A. Mangieri v. The County of Orange and Town of New Windsor.

#34 On Agenda: Receive and File Drainage Easement – Anderson To Town Of New Windsor.

Hearing no objection, the Town Board of the Town of New Windsor receive and file drainage easement from Debra Anderson to Town of New Windsor dated August 17, 2015 and filed in the Orange County Clerk's Office on the 9th day of November, 2015 in Liber 13967 at page 1930.

#35 On Agenda: Receive and File Lease – AW Oils Corp.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Lease between Town of New Windsor and AW Oils Corp., dated March 8, 2016 for premises commonly known as 334 Avenue of the Americas, Building #2422.

**TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.**

#36 On Agenda: Receive and File Amended Agreement – New Windsor Superior Officers Bargaining Unit.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Agreement between Town of New Windsor and New Windsor Superior Officers Bargaining Unit for the term January 1, 2016 to December 31, 2018.

#37 On Agenda: Receive and File Certificate Of Clerk As To No Referendum – Town Of New Windsor To Shamrock Creek, LLC.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Certificate as to No Referendum in the matter of the sale of 1.666 acres of town-owned land to Shamrock Creek, LLC.

#38 On Agenda: Receive and File Amended Memorandum Of Understanding - CSEA.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Amended Memorandum of Understanding between Town of New Windsor and CSEA, Local 1000 AFSCME, AFL-CIO, for the term January 1, 2016 to December 31, 2018.

#39 On Agenda: Receive and File Collective Bargaining Agreement - CSEA.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Collective Bargaining Agreement by and between Town of New Windsor and CSEA, Local 1000 AFSCME, AFL-CIO, for the term January 1, 2016 to December 31, 2018.

#40 On Agenda: Receive And File GASB45 Actuarial Valuation

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk GASB45 Actuarial Valuation for the Town of New Windsor dated December 31, 2015, received from Summit Actuarial Services, LLC.

#41 On Agenda: Receive And File Executed 2016 Municipal Funding Contract – Juvenile Aid Bureau & Summer Camp Program

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk fully executed 2016 Municipal Funding Contract - Juvenile Aid Bureau & Summer Camp Program.

#42 On Agenda: Receive and File Closing Documents - Bond Anticipation Note – \$1,960,000 – 2015 Series B (Tax Exempt).

Hearing no objection, the Town Board of the Town of New Windsor receive and file closing documents for the 2015 Bond Anticipation Note - Series B (Tax Exempt) in the amount of \$1,960,000.

TOWN BOARD MEETING
WEDNESDAY, APRIL 06, 2016; 7:00 P.M.

#43 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

| | |
|----------------------------------|------------------------|
| Building Department | Month of February 2016 |
| Building Department | Month of March 2016 |
| Fire Prevention | Month of February 2016 |
| Justice Court – Noreen Calderin | Month of March 2016 |
| Justice Court – Richard Thorpe | Month of March 2016 |
| Police Department | Month of February 2016 |
| Police Department | Month of March 2016 |
| Recreation Department | Month of March 2016 |
| Tax Receiver Utility Report | Month of March 2016 |
| Tax Receiver Property Tax Report | Month of March 2016 |
| Town Clerk | Month of March 2016 |

#44 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if anyone had any comments or questions.

Leo Braun asked if Lake Street was the one between New Windsor and the City of Newburgh. Supervisor Green said that the Lake Street part of the agreement has gone away as the City of Newburgh if not part of the agreement anymore, it is just Town of New Windsor and the Town of Newburgh.

Don Bigi asked if the Town had heard anything from the DOT study done at the Butterhill traffic light. Supervisor Green said that study had nothing to do with the traffic light. He said that the Town has commissioned their own traffic study and that he would be meeting with a traffic engineer this week. He said that the study the Town commissioned will be sent on to the DOT and they would have to see where it goes from there.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom, that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

#45 On Agenda: Motion – Adjourn Meeting

Motion by Councilman Lundstrom, seconded by Councilman Regenbaum that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:55 P. M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc

APPENDIX C

PUBLIC OUTREACH INFORMATION



TOWN OF NEW WINDSOR

POLICE DEPARTMENT

555 UNION AVENUE

NEW WINDSOR, NEW YORK 12553

Telephone: (845) 565-7000 • Fax: (845) 563-4694



Richard S. Hovey
Chief of Police

February 22, 2016

[SENT TO RECIPIENTS ON ATTACHED LIST]

To Whom It May Concern:

The Town of New Windsor is undertaking the preparation of an update to its previously adopted 2011 Hazard Mitigation Plan. The purpose of a Hazard Mitigation Plan is to develop strategies that reduce the loss of life and property resulting from natural disasters. Once a local government has adopted a hazard mitigation plan, they are eligible to receive certain types of non-emergency disaster assistance from Federal and State Agencies.

The Town started the development of the update to its Plan in May 2015 with the appointment of a Hazard Mitigation Planning Team (HMPT), which is primarily comprised of local emergency services representatives, Town municipal department representatives, and the Town's Consulting Engineer. The Doneit Group, a local planning consultant familiar with our community, was retained to assist the HMPT in the preparation and submittal of the Plan to the State and Federal Government for acceptance.

The HMPT is seeking input on the development of the Plan from residents, organizations, property owners and other local municipalities / government units. An address for submitting comments in writing or by email is listed below. Please be sure to include your name and address in all correspondence.

Email comments: rhovey@town.new-windsor.ny.us
Via Mail: Town of New Windsor
Hazard Mitigation Planning Committee
555 Union Avenue
New Windsor, NY 12553

All correspondence and updates to the Plan will be posted to the Town's website and available for public review as it becomes available.

Very truly yours,

Town of New Windsor Hazard Mitigation Planning Team

MAILING LIST FOR PUBLIC OUTREACH LETTERS 2-22-16

Steven M. Neuhas, County Executive
40 Matthews Street
Goshen, NY 10924

Michael G. Ciaravino, City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Gil Piquadio, Supervisor
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Robert S. Jankowski, Supervisor
Town of Hamptonburgh
18 Bull Road
Campbell Hall, NY 10916

Richard Randazzo, Supervisor
Town of Cornwall
183 Main Street
Cornwall, NY 12518

Brendan G. Coyne, Mayor
Village of Cornwall-on-Hudson
325 Hudson Street
Cornwall-on-Hudson, NY 12520

Michael Hayes, Supervisor
Town of Montgomery
110 Bracken Road
Montgomery, NY 12549

Mayor David Heintz
Village of Washingtonville
9 Fairlawn Drive
Washingtonville, NY 10992

Robert A. Fromaget, Supervisor
Town of Blooming Grove
6 Horton Road
P. O. Box 358
Blooming Grove, NY 10914

Roberto Padilla, Superintendent
Newburgh Enlarged City School District
124 Grand Street
Newburgh, NY 12550

Neil S. Miller, Superintendent
Cornwall School District
24 Idlewild Ave.
Cornwall-on-Hudson, NY 12520

Roberta L. Greene, Superintendent
Washingtonville School District
52 West Main Street
Washingtonville, NY 10992

John Xanthis, Interim Superintendent
Valley Central School District
944 State Route 17K
Montgomery, NY 12549

Daniel T. Conner, Superintendent
Goshen Central School District
227 Main Street
Goshen, NY 10924

Emily Lloyd, Commissioner
New York City
Department of Environmental Protection
Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, NY 11373

Patrick J. Foye, Executive Director
The Port Authority of New York & New Jersey
4 World Trade Center, 150 Greenwich Street
New York, NY 10007



TOWN OF NEW WINDSOR

POLICE DEPARTMENT

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 565-7000 • Fax: (845) 563-4694



Richard S. Hovey
Chief of Police

March 21, 2016

[SENT TO RECIPIENTS ON ATTACHED LIST]

Re: Town of New Windsor Pre-Disaster Mitigation Plan

To Whom It May Concern:

In accordance with the Federal Disaster Mitigation Act of 2000, The Town of New Windsor is preparing an update of their previously adopted 2011 Pre-Disaster Hazard Mitigation Plan. This update to the Plan allows the Town to remain eligible for future Federal and New York State mitigation and disaster funding.

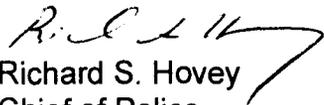
Please be advised that The Town of New Windsor Town Board is holding a public hearing on the draft Plan at its next Board meeting scheduled for April 6, 2016 at 7:00pm at 555 Union Avenue, New Windsor, New York 12553.

The Town Board and the Hazard Mitigation Planning Committee is inviting and encouraging input on its Plan from surrounding municipalities and all interested parties. A copy of the Draft Hazard Mitigation Plan is available on the Town's website at: www.town.newwindsor.ny.us as well as in our Town Clerk's Office located at 555 Union Avenue, New Windsor, NY 12553.

If you would like to attend the April 6th meeting, please RSVP to Jessica Marina at 845-563-4630.

If you are unable to attend the meeting, written comments may be submitted via our website by clicking the quick contact email address on the left of the screen: info@town.new-windsor.ny.us and placing PDMP in the subject box or by using the public comment box located at the service counter of the Town Clerk's office or via regular mail addressed to the Hazard Mitigation Planning Committee, 555 Union Avenue, New Windsor, NY 12553. Please be sure to include your name and address in all correspondence.

Very Truly Yours,


Richard S. Hovey
Chief of Police

DISTRIBUTION LIST
TOWN OF NEW WINDSOR
HAZARD MITIGATION PLAN (UPDATE)

Steven M. Neuhas, County Executive
40 Matthews Street
Goshen, NY 10924

Michael G. Ciaravino, City Manager
City of Newburgh
83 Broadway
Newburgh, NY 12550

Gil Piquadio, Supervisor
Town of Newburgh
1496 Route 300
Newburgh, NY 12550

Robert S. Jankowski, Supervisor
Town of Hamptonburgh
18 Bull Road
Campbell Hall, NY 10916

Richard Randazzo, Supervisor
Town of Cornwall
183 Main Street
Cornwall, NY 12518

Brendan G. Coyne, Mayor
Village of Cornwall-on-Hudson
325 Hudson Street
Cornwall-on-Hudson, NY 12520

Michael Hayes, Supervisor
Town of Montgomery
110 Bracken Road
Montgomery, NY 12549

Mayor David Heintz
Village of Washingtonville
9 Fairlawn Drive
Washingtonville, NY 10992

Robert A. Fromaget, Supervisor
Town of Blooming Grove
6 Horton Road
P. O. Box 358
Blooming Grove, NY 10914

DISTRIBUTION LIST
TOWN OF NEW WINDSOR
HAZARD MITIGATION PLAN (UPDATE)

Roberto Padilla, Superintendent
Newburgh Enlarged City School District
124 Grand Street
Newburgh, NY 12550

Neil S. Miller, Superintendent
Cornwall School District
24 Idlewild Ave.
Cornwall-on-Hudson, NY 12520

Roberta L. Greene, Superintendent
Washingtonville School District
52 West Main Street
Washingtonville, NY 10992

John Xanthis, Interim Superintendent
Valley Central School District
944 State Route 17K
Montgomery, NY 12549

Daniel T. Conner, Superintendent
Goshen Central School District
227 Main Street
Goshen, NY 10924

Emily Lloyd, Commissioner
New York City
Department of Environmental Protection
Customer Service Center
59-17 Junction Boulevard, 13th Floor
Flushing, NY 11373

Patrick J. Foye, Executive Director
The Port Authority of New York & New Jersey
4 World Trade Center, 150 Greenwich Street
New York, NY 10007

TOWN OF NEW WINDSOR TOWN BOARD NOTICE OF THIRTY (30) DAY PUBLIC REVIEW AND COMMENT PERIOD FOR THE ADOPTION OF A TOWN-WIDE PRE-DISASTER MITIGATION PLAN

The Town of New Windsor is preparing an update of their previously adopted 2011 Pre-Disaster Hazard Mitigation Plan. This update to the Plan allows the Town to remain eligible for future Federal and New York State mitigation and disaster funding.

Public notice is hereby given that the Town of New Windsor Town Board is soliciting public review and comment on its Draft Pre-Disaster Mitigation Plan for a period of thirty (30) days commencing on March 25, 2016 and continuing through April 15, 2016. The Town Board has therefore directed the Town Clerk to post a complete copy of the Draft Pre-Disaster Mitigation Plan on the Town of New Windsor's website at: www.town.new-windsor.ny.us for public review and comment. In addition, a complete copy of the Draft Pre-Disaster Mitigation Plan is on file and available for inspection in the Town Clerk's Office located at the Town of New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553.

The Town of New Windsor Town Board is holding a public hearing on the draft Plan at its next Board meeting scheduled for April 6, 2016 at 7:00pm at 555 Union Avenue, New Windsor, New York 12553.

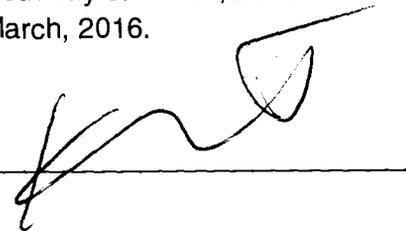
The Town Board and the Hazard Mitigation Planning Committee is inviting input on the Plan from surrounding municipalities and all interested parties. All persons wishing to be heard will be given the opportunity to speak at the public hearing or may submit written comments to: Deborah Green, Town Clerk, Town of New Windsor Town Hall, 555 Union Avenue, New Windsor, New York 12553, Telephone: 845-543-4610, Facsimile: 845-

www.town.new-windsor.ny.us

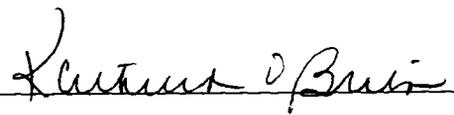
STATE OF NEW YORK

COUNTY OF ORANGE, SS:

Kathy Amanatides, being duly sworn, disposes and says that she is the Office Manager of the E.W. Smith Publishing Company, Inc., Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which is annexed is a true copy was published in said newspaper one time commencing on the 25th day of March, 2016 and ending on the 25th day of March, 2016.



Subscribed and sworn to before me this ^{29th} day of March, 2016.



Notary Public of the State of New York

County of Orange

My Commission expires July 31, 2017

KATHLEEN O'BRIEN
Notary Public, State of New York
Qualified in Orange County
No. 0104703612
Commission Expires July 31, 2017

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- TAX BILLS**
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Town Clerk & Receiver of Taxes Open Saturday April 2, 9am - 12noon

The Town Clerk's office and Receiver of Taxes office will be open this Saturday, from 9am - 12noon for those who cannot get to town hall during normal office hours. All normal Town Clerk services will be available, and the Receiver of Taxes will be open for collecting utility payments.

Hazard Mitigation Plan Public Hearing on April 6 2016

Please be advised that The Town of New Windsor Town Board is holding a public hearing on their draft Hazard Mitigation Plan at its next Board meeting scheduled for April 6, 2016 at 7:00 pm at 555 Union Avenue, New Windsor, New York 12553.

The Town Board and the Hazard Mitigation Planning Committee is inviting and encouraging input on its Plan from all interested parties. A copy of the Draft Hazard Mitigation Plan is available on this webpage as well as in our Town Clerk's Office located at 555 Union Avenue, New Windsor, NY 12553.

Draft Hazard Mitigation Plan - [Click Here](#)

Welcome to the Town of New Windsor



The Town is committed to provide as many services as possible right online for your convenience at any time of the day! Please continue to visit us often, sign up for our email and text alerts, and follow us on twitter.

The elected officials and all our town employees are committed to ensuring that the Town of New Windsor is safe and affordable place to raise a family. The Town prides itself on its outstanding services it provides to its residents and business owners. Our

Police Department is top notch, our roads are maintained to high standards, and our Recreation Department provides a wealth of activities to all age groups.

Town Hall is open Monday - Friday, from 8:30am - 4:30pm. If you have any suggestions or problems relating to the town or services, please do not hesitate to contact the appropriate town department.

Upcoming Events

| | |
|-----|---------------------------|
| APR | Town Board Meeting |
| 6 | 7:00 PM |
| MAY | Town Board Meeting |
| 4 | 7:00 PM |
| JUN | Town Board Meeting |
| 1 | 7:00 PM |

« 1 | 2 | 3 »

Latest Press Releases

[Town of New Windsor 2016 Hazard Mitigation Plan Update Process](#)

Please be advised that the Town of New Windsor is undertaking the development of an update to its previously adopted 2011 Hazard Mitigation Plan.

[Heritage Middle School Motor Vehicle Accident](#)

[Found Dog in Area of Hudson Drive](#)

[Reminder to New Windsor Business Owners Regarding Temporary Signs](#)

Town Board Meeting

Meeting Date
March 2, 2016

Next Meeting Date
April 6, 2016

Related Documents
[Agenda | Minutes](#)
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Video
[Video Page](#)

APPENDIX D
FEMA DFIRM MAPPING

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BFEs shown on the FIRM represent whole-foot elevations. These BFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood insurance and/or floodplain management.

Base Flood Elevations shown on this map apply only landward of the American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood insurance and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodway Data were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway data not pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by **flood structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid was used in datum, spheroid, projection or UTM zones used in the production of this map. Adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
NAD83/2011
Geodetic Survey
#9202
14-Week Highway
College Park, Maryland 20710-3282
301-324-3242

Vertical datum information for **bench marks** shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital orthophotography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30-centimeter and 60-centimeter resolution natural color orthophotography from city dated April-May 2004.

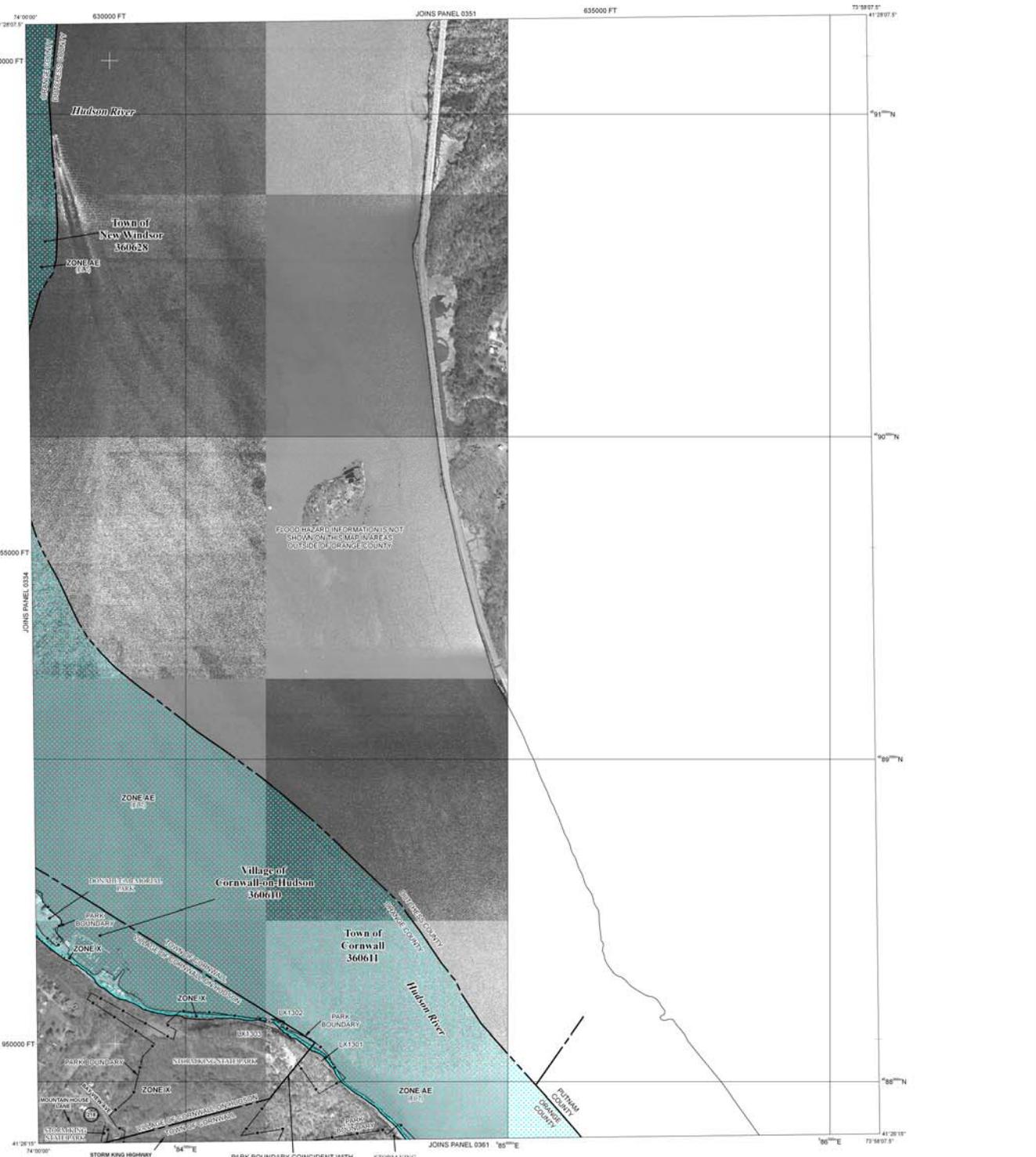
Map in updated topographic information, this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which contain authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the entire community showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program information for each community as well as a listing of the panels on which each community is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include Flood Insurance Letters of Map Change, a Flood Insurance Study report, and/or other information of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://mfc.fema.gov>.

For **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as follows: ZONE A, AE, AH, AO, AR, AV, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance 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 Elevation determined.

ZONE AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); depths determined. For areas of floodway flood, depths determined.

ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently determined to be obsolete. The former flood control system is being retained for protection from the 1% annual chance or greater flood.

ZONE AV: Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevation determined.

ZONE V: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

ZONE VE: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE: Floodway areas are shown with a wavy line pattern. The floodway is the channel of a stream plus any adjacent floodplain areas that must be included to ensure that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with depths of less than 1 foot or with drainage areas of 1 square mile and areas protected by levees from 1% annual chance flood.

OTHER AREAS: Areas determined to be outside the 0.2% annual chance flood boundary.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS: Areas in which flood hazards are unmodeled, but possible.

OTHERWISE PROTECTED AREAS (OPAs): CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary: Solid line.

0.2% annual chance floodplain boundary: Dashed line.

Floodway boundary: Wavy line.

Zone D boundary: Dotted line.

CBRS and OPA boundary: Dashed line with cross-hatching.

Boundary dividing Special Flood Hazard Area Zone AE from Zone V: Solid line with cross-hatching.

Boundary dividing Special Flood Hazard Area Zone AE from Zone X: Solid line with cross-hatching.

Base Flood Elevation line and value, elevation in feet: Solid line with wavy pattern.

Base Flood Elevation value where within zone AE: Value in feet.

*** Referenced to the North American Vertical Datum of 1988**

○: Cross section line

□: Limited detail cross section line

○: Traversed line

87°07'45", 32°22'30": Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAVD 88), Western Hemisphere

76°N: 100-meter Universal Transverse Mercator grid values

600000 FT: 5000-foot grid ticks; New York State Plane coordinate system (NAD 83) (FPOD/COR 1315), Transverse Mercator projection

DX5510: Bench mark (see explanation in Notes to Users with FIRM panel)

MI 5: River Mile

MAP REPOSITORY: Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTY-WIDE FLOOD INSURANCE RATE MAP: August 2, 2009

EFFECTIVE DATES OF REVISIONS TO THIS PANEL:

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

NFIP

PANEL 0353E

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

| COMMUNITY | NUMBER |
|---------------------------------|--------|
| CORNWALL, TOWN OF | 360611 |
| CORNWALL-ON-HUDSON, VILLAGE OF | 360610 |
| VILLAGE OF NEW WINDSOR, TOWN OF | 360628 |

PANEL 353 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: The Map Number shown below should be used when placing map orders. The Community Map History table located in the Flood Insurance Study report for this jurisdiction should be used to determine if flood insurance is available in this community. Contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

MAP SCALE 1" = 500'

200 0 500 1000 FEET

150 0 300 450 METERS

NATIONAL FLOOD INSURANCE PROGRAM

FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER 360710

EFFECTIVE DATE AUGUST 2, 2009

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the **Profiles and Floodway Data** and/or **Summary of Stillwater Elevations** contained within the Flood Insurance Study Report that accompanies this map. Users should be aware that BEFs shown on the FIRM represent whole-foot elevations. These BEFs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only in landward of the American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections and interpolated across sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by **flood structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The **horizontal datum** was NAD 83. GRS80 spheroid was used in datum spherical projection or UTM zones used in the production of this map. Adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations as referenced to the same **vertical datum**. For information regarding the difference between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
 NAD83/2011
 Geodetic Survey
 #9202
 4600 Highway
 4600 Highway
 Annapolis, Maryland 20710-3282
 410-333-3242

For current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30-centimeter and 60-centimeter resolution natural color orthorectified imagery from July 2004 to May 2004.

Updated topographic information, this map reflects more detailed and **stream channel configurations and floodplain delineations** than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

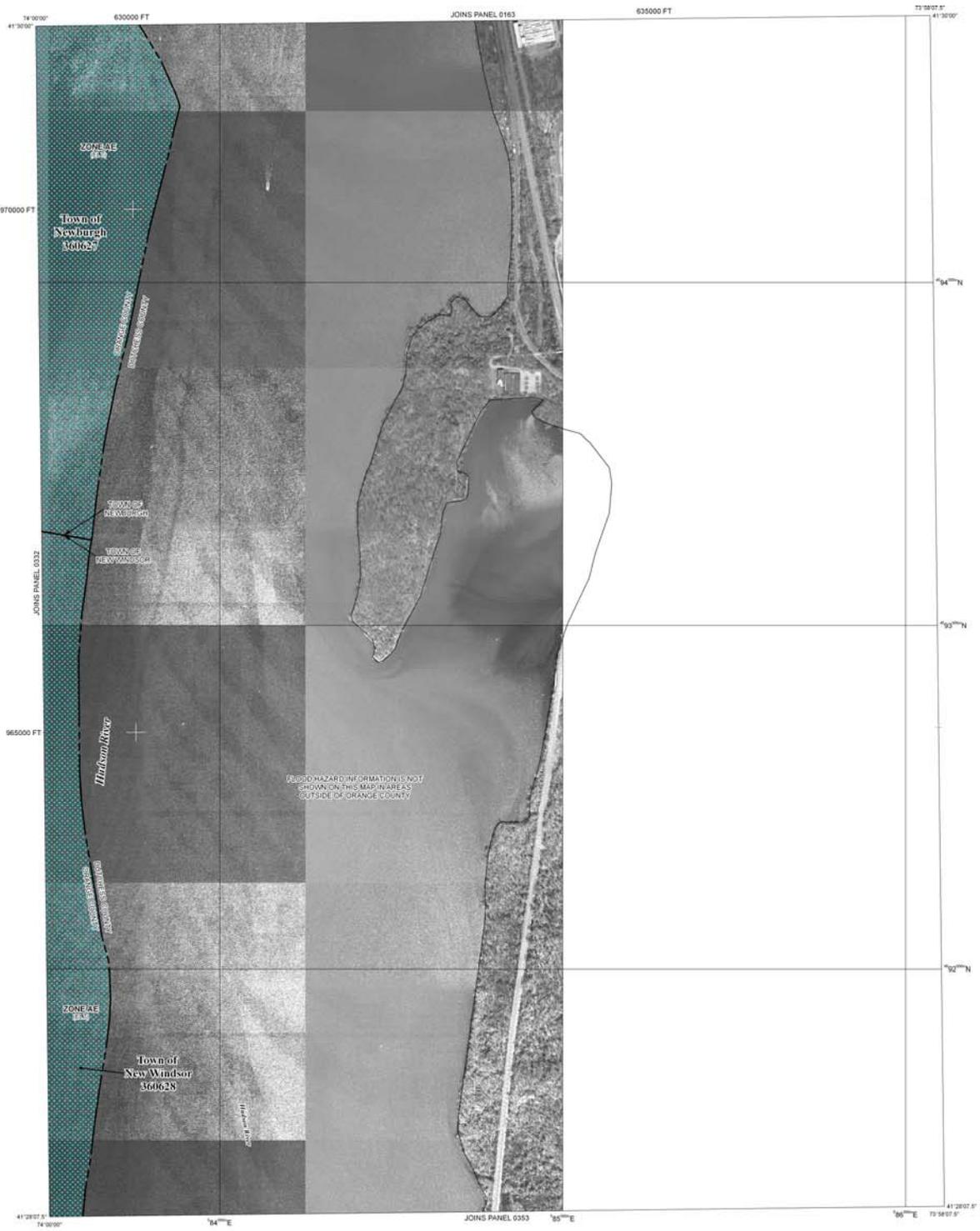
Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program information for each community as well as a listing of the panels on which each community is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include the Flood Insurance Study Report, a Flood Insurance Study report, and/or other products of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://info.fema.gov>.

For **more questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.

FLOOD HAZARD INFORMATION IS NOT SHOWN ON THIS MAP IN AREAS OUTSIDE OF ORANGE COUNTY.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zone A, AE, AH, AO, AV, A99, V, and VE. The Base Flood Elevation is the water elevation of the 1% annual chance flood.

ZONE AE No Base Flood Elevations determined.
ZONE AH Base Flood Elevations determined.
ZONE AV 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); depths determined. For areas of unusual fan flooding, water depths determined.
ZONE A99 Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently dismantled. It indicates that the former flood control system is being restored for protection from the 1% annual chance or greater flood.
ZONE V Areas to be protected from 1% annual chance flood by a Federal Flood Protection System under construction; no Base Flood Elevations determined.
ZONE VE Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be included to ensure that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE C Areas determined to be outside the 0.2% annual chance flood boundary.
ZONE D Areas in which flood hazards are unassessable, but possible.
COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary
 0.2% annual chance floodplain boundary
 Floodway boundary
 Zone D boundary
 CBRS and OPA boundary
 Boundary dividing Special Flood Hazard Area Zone AE from Zone V
 Boundary dividing Special Flood Hazard Area Zone VE from Zone VE
 Base Flood Elevation line and value; elevation in feet
 Base Flood Elevation value where uniform within zone, in feet

* Referenced to the North American Vertical Datum of 1988

Open section line
 Limited detail cross section line
 Truncated line
 Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAVD 88), Western Hemisphere
 76° 11' N
 1000-meter Universal Transverse Mercator grid values
 600000 FT
 5000-foot grid ticks; New York State Plane coordinate system
 Zone 18 (EPSG:3143), Transverse Mercator projection
 DMS510
 Bench mark (see explanation in notes to users with FIRM panel)
 M1 S
 River Mile

MAP REPOSITORY
 Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTY-WIDE FLOOD INSURANCE RATE MAP
 August 2, 2009

EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0351E

FIRM
FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

| | |
|----------------------|-------------------------|
| COMMUNITY | NUMBER OF PANELS |
| NEW WINDSOR, TOWN OF | 36 |
| NEWBURGH, TOWN OF | 36 |

PANEL 351 OF 630
MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to Users: This Map Number should be used when placing map orders. The Community Map History table should be used on insurance applications subject to community.

MAP NUMBER
 360710

EFFECTIVE DATE
 AUGUST 2, 2009

Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the Profiles and Floodway Data and/or Summary of Stillwater Elevations prepared within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BFEs shown on the FIRM represent whole-foot elevations. These BFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway data and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this area.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid datum, spheroid projection or UTM zones used in the production of adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the data of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the address:

Information Services Branch
Geodetic Survey
#9202
16 West Highway
Baltimore, Maryland 20910-3282
301-324-3242

Bench marks in current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- or 60-centimeter resolution natural color orthorectified from a digital elevation model dated April-May 2004.

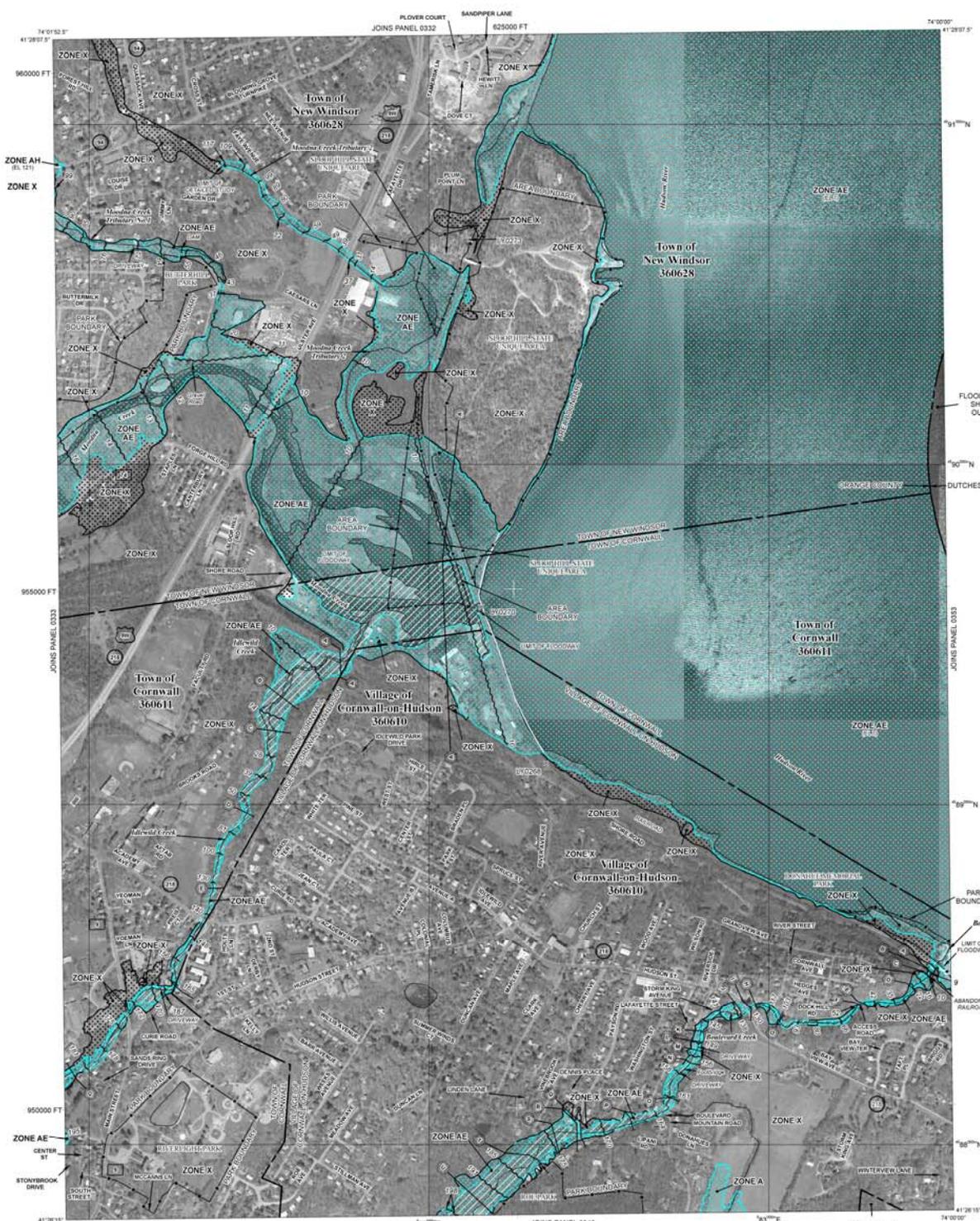
Map information in updated topographic information, this map reflects more detailed and accurate stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate city officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the entire area, listing of map panels, community map repository addresses, listing of Communities at Risk containing National Flood Insurance Program flood insurance, as well as a listing of the panels on which each city is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include issued Letters of Map Change, a Flood Insurance Study report, and/or other information of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://msc.fema.gov>.

For **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are ZONE A, AE, AH, AO, AR, AV, and VE. The Base Flood Elevation is the water elevation of the 1% annual chance 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); no Base Flood Elevations determined.

ZONE AO
Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); depths determined. For areas of annual fan flooding, water depths determined.

ZONE AR
Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently derelictified. Indicates that the flood control system is being restored for protection from the 1% annual chance or greater flood.

ZONE AV
Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevations determined.

ZONE VE
Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE V
Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be encroached so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X
Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.

OTHER AREAS

ZONE X
Areas determined to be outside the 0.2% annual chance flood boundary.

ZONE D
Areas in which flood hazards are understood, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREA

OTHERWISE PROTECTED AREAS (OPA)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area ZONE AE from Floodway

Boundary dividing Special Flood Hazard Area ZONE AE from Base Flood Elevation line and value, elevation in feet

Base Flood Elevation value where uniform within zone, in feet

* Referenced to the North American Vertical Datum of 1988

Cross section line
Unreduced cross section line
Truncated line

Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAVD 88), Western Hemisphere
76°10'45" 32" 2230"

1000-meter Universal Transverse Mercator grid values
600000 FT
5000-foot grid ticks; New York State Plane coordinates for Zone 18 (FPOZONE 1815), Transverse Mercator projection

Bench mark (see explanation in Notes to Users section)
M 1 S
River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COMMUNITY FLOOD INSURANCE RATE MAP
August 3, 2009

EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For community map revision history prior to computerized mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

NFIP

PANEL 0334E

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

| | |
|--------------------------------|--------|
| COMMUNITY | NUM |
| CORNWALL, TOWN OF | 360611 |
| CORNWALL-ON-HUDSON, VILLAGE OF | 360610 |
| NEW WINDSOR, TOWN OF | 360628 |

PANEL 334 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: This Map Number should be used when placing map orders. The Community Map Number should be used on insurance applications.

MAP NUMBER
360710

EFFECTIVE DATE
AUGUST 3, 2009

Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BEFs shown on the FIRM represent whole-foot elevations. These BEFs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections on bases and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid datum, spheroid projection or UTM zones used in the production of this map or adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations as referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
 FPM/CS-12
 Geodetic Survey
 #9202
 44 West Highway
 King, Maryland 20910-3282
 301-334-3242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30-centimeter and 60-centimeter resolution natural color orthorectified imagery dated April-May 2004.

Updated topographic information, this map reflects more detailed and accurate stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which contain authoritative hydraulic data) may reflect stream channel distances that are different from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate local officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the County showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program information for each community as well as a listing of the panels on which each community is located.

The FEMA Map Service Center at 1-800-358-9616 for information on products associated with this FIRM. Available products may include: Issued Letters of Map Change, a Flood Insurance Study report, and/or other information of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://mmsc.fema.gov>.

For questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that is expected to be equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zones A, AE, AH, AO, AH, V, and VE. The Base Flood Elevation is the water elevation of the 1% annual chance 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); depths determined. For areas of alluvial fan flooding, velocity determined.

ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently dismantled. Includes that former flood control system is being restored for protection from the 1% annual chance or greater flood.

ZONE A99: Areas to be protected from 1% annual chance flood by a Federal project under construction; no Base Flood Elevation determined.

ZONE V: Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

ZONE VE: Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE: Floodway areas are shown with a wavy line pattern.

OTHER FLOOD AREAS: Areas of 0.2% annual chance flood; areas of 1% annual chance flood of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS: Areas determined to be outside the 0.2% annual chance flood boundary. Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS: Areas determined to be outside the 0.2% annual chance flood boundary.

OTHERWISE PROTECTED AREAS (OPAs): CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary: Solid line.

0.2% annual chance floodplain boundary: Dashed line.

Floodway boundary: Wavy line.

Zone D boundary: Dotted line.

CBRS and OPA boundary: Dashed line with a central line.

Boundary dividing Special Flood Hazard Area 2a from Special Flood Hazard Area 2b: Dotted line with a central line.

Base Flood Elevation line and value, uniform in feet: Solid line with a central line.

Base Flood Elevation value where uniform within section in feet: Dashed line with a central line.

Referenced to the North American Vertical Datum of 1988:

- Cross section line: Solid line with a central line.
- Limited detail cross section line: Dashed line with a central line.
- Transect line: Dotted line with a central line.

Geographic coordinates referenced to the North American Vertical Datum of 1983 (NAD 83), Western Hemisphere

76°13'N
 600000 FT

1000-meter Universal Transverse Mercator grid values, 5000-foot grid ticks; New York State Plane coordinate system (FPM/CS-12), Transverse Mercator projection

DX5510
 Bench mark (see explanation in Notes to Users with FIRM panel)

• M1 S
 River Mile

MAP REPOSITORY: Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP: August 1, 2009

EFFECTIVE DATES OF REVISIONS TO THIS PANEL:

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if Flood Insurance is available in this community, contact your Insurance Agent or call the National Flood Insurance Program at 1-800-438-6633.



NFIP

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

| | |
|----------------------|-------------------------|
| COMMUNITY | NUMBER OF PANELS |
| CORNWALL, TOWN OF | 36 |
| NEW WINDSOR, TOWN OF | 36 |

PANEL 333 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: This Map Number shown below should be used when placing map orders. The Community Map History table should be used on insurance applications subject to community.

MAP NUMBER: 360710

EFFECTIVE DATE: AUGUST 1, 2009

Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BEFs shown on the FIRM represent whole-foot elevations. These BEFs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (AVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Cross sections of the floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83, GRS80 spheroid, and datum spheroid projection or UTM zones used in the production of adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations as referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
 FPM/OS12
 Geodetic Survey
 #9202
 40 West Highway
 King, Maryland 20910-3282
 303-3242

Current elevation description and/or location information for bench marks shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- and 60-centimeter resolution natural color orthorectified imagery from city dated April-May 2004.

Updated topographic information this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that are different from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate city officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the housing the layout of map panels, community map repository addresses, listing of Communities table containing National Flood Insurance Program for each community as well as a listing of the panels on which each city is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include issued Letters of Map Change, a Flood Insurance Study report, and/or other versions of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://mfc.fema.gov>.

For **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as ZONE A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water elevation of the 1% annual chance 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); depths determined. For areas of unusual fan flooding, depths determined.

ZONE AR
 Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently dismantled. Indicates that the former flood control system is being restored for protection from the 1% annual chance or greater flood.

ZONE A99
 Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevations determined.

ZONE V
 Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE
 Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be reserved to ensure that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X
 Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.

OTHER AREAS

ZONE D
 Areas determined to be outside the 0.2% annual chance flood boundary in which flood hazards are unassessable, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREA

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area ZONE AE from Zone AR

Boundary dividing Special Flood Hazard Area of Other Flood Elevations from Flood Elevations

Base Flood Elevation line and value, elevation in feet

Base Flood Elevation value where uniform within zone, in feet

*** Referenced to the North American Vertical Datum of 1988**

Cross section line

Limited detail cross section line

Transect line

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

76° 10' 45" W, 32° 22' 30" N

1000-meter Universal Transverse Mercator grid values

600000 FT

5000-foot grid ticks; New York State Plane coordinate system; Zone 18 (FPM/OS12), Transverse Mercator projection

BM 5510
 Bench mark (see explanation in notes to users with FIRM panel)

• M1 S
 River Mile

MAP REPOSITORY

Refer to listing of Map Repositories in Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
 August 3, 2008

EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6633.

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0332E

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

| | |
|-----------------------------|-------------------------|
| COMMUNITY | NUMBER OF PANELS |
| NEW WINDSOR, TOWN OF | 360628 |
| NEWBURGH, CITY OF | 360626 |
| NEWBURGH, TOWN OF | 360627 |

PANEL 332 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: This Map Number should be used when placing map orders; the Community Map History table should be used on insurance applications; subject community.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER: 360710

EFFECTIVE DATE: AUGUST 2008

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BEFs shown on the FIRM represent whole-foot elevations. These BEFs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway data and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in a Special Flood Hazard Area may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid was used in datum, spheroid, projection or UTM zones used in the production of this map. Adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services
 NAD83/2
 Geodetic Survey
 #9202
 24 West Highway
 Annapolis, Maryland 20910-3282
 410-334-3242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital orthophotography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- and 60-centimeter resolution natural color orthophotography from a date April-May 2004.

Updated topographic information, this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the entire area showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each community is located.

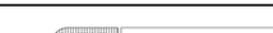
For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include issued Letters of Map Change, a Flood Insurance Study report, and/or other information of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://msc.fema.gov>.

For **more questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

- SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD**
- The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area (SFHA) is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zone A, AE, AH, AO, AV, A99, V, and VE. The Base Flood Elevation is the water elevation of the 1% annual chance 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); depths determined. For areas of unusual flood flow, depths determined.
 - ZONE AR:** Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently identified, indicates that former flood control system is being restored for protection from the 1% annual chance or greater flood.
 - ZONE A99:** Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevations determined.
 - ZONE VE:** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
 - ZONE V:** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- FLOODWAY AREAS IN ZONE AE**
- The floodway is the channel of a stream plus any adjacent floodplain areas that must be of sufficient width so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X:** Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.
- OTHER AREAS**
- ZONE D:** Areas determined to be outside the 0.2% annual chance flood hazard areas, in which flood hazards are understood, but possible.
 - COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREA:** Areas in which flood hazards are understood, but possible.
 - OTHERWISE PROTECTED AREAS (OPA):** Areas in which flood hazards are understood, but possible.
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
- 1% annual chance floodplain boundary
 - 0.2% annual chance floodplain boundary
 - Floodway boundary
 - Zone D boundary
 - CBRS and OPA boundary
 - Boundary dividing Special Flood Hazard Area ZONE AE from Special Flood Hazard Area ZONE X
 - Boundary dividing Special Flood Hazard Area ZONE VE from Special Flood Hazard Area ZONE V
 - Base Flood Elevation line and value, elevation in feet
 - Base Flood Elevation value where uniform within zone, in feet
- * Referenced to the North American Vertical Datum of 1988
- Cross section line
 - Limited detail cross section line
 - Transect line
 - Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
 - 76°N
 - 1000-meter Universal Transverse Mercator grid values
 - 600000 FT
 - 5000-foot grid ticks; New York State Plane coordinates by East Zone (FPOZONE 110), Transverse Mercator projection
 - DX5510
 - Bench mark (see explanation in Notes to Users section FIRM panel)
 - M 1.5
 - River Mile
- Refer to listing of Map Repositories on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP: August 3, 2009
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:
- For community map revision history prior to countywide mapping, refer to the Community Map History 1986 located in the Flood Insurance Study report for this jurisdiction.
- To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-438-6623.



NFP

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

| COMMUNITY | NUMBER OF PAGES |
|----------------------|-----------------|
| NEW WINDSOR, TOWN OF | 36 |
| NEWBURGH, CITY OF | 36 |
| NEWBURGH, TOWN OF | 36 |

PANEL 331 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: This Map number should be used when placing map orders. The Community Map Index should be used on insurance applications subject to community.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER: 360710

EFFECTIVE DATE: AUGUST 3, 2009

FEDERAL EMERGENCY MANAGEMENT AGENCY

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify areas subject to flooding, particularly from local sources of small size. The community map repository should be kept for possible updates or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult Profiles and Floodway Data and/or Summary of Stillwater Elevations prepared within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BFEs shown on the FIRM represent whole-foot elevations. These BFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of the American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. As shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than elevations shown on this FIRM.

Floodway elevations were computed at cross sections and interpolated at cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by **flood structures**. Refer to Section 2.4 "Flood Protection Measures" in the Flood Insurance Study report for information on flood control structures for this area.

The projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83, GRS80 spheroid as datum, spheroid projection or UTM zones used in the production of or adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988 (NAVD 88). These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding the difference between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the address below.

Information Services Branch, Geodetic Survey #9202, 401 West Highway, Ring, Maryland 20910-3282, 302-427-3242.

For current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30-meter and 60-centimeter resolution natural color orthorectified imagery from 2004 to 2006.

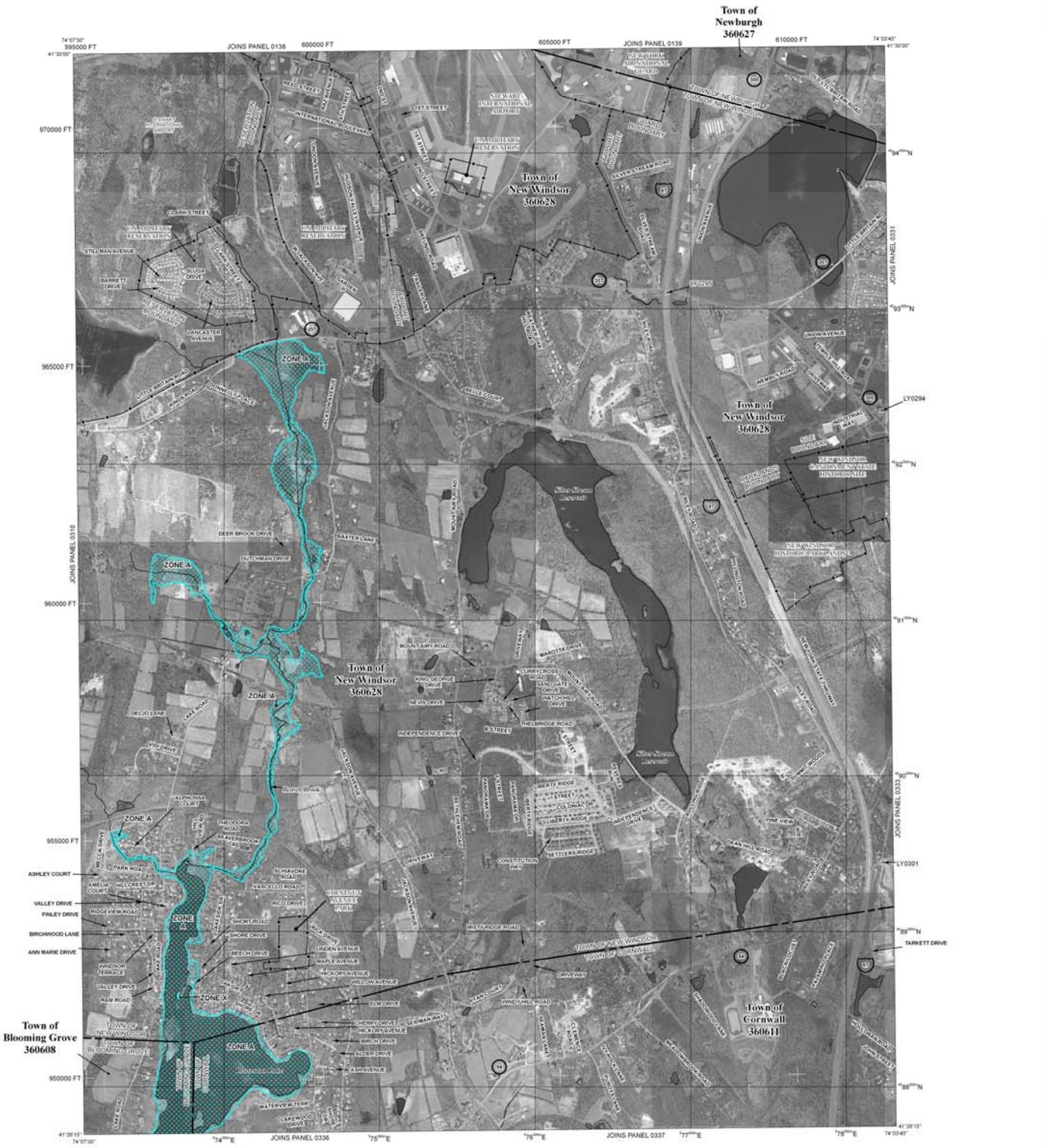
In updated topographic information, this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that are different from what is shown on this map. Also, the need for floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the County showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program for each community as well as a listing of the panels on which each is located.

The **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include issued Letters of Map Change, a Flood Insurance Study report, and/or versions of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://www.fema.gov>.

For questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-358-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Areas are subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zone A, AE, AH, AO, AR, AR9, V, X, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance 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); depths determined. For areas of shallow fan flooding, velocity determined.
ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently identified, indicates that the former flood control system is being restored for protection from the 1% annual chance or greater flood.
ZONE AR9: Area to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevation determined.
ZONE V: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevation determined.
ZONE VE: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE:
 Floodway is the channel of a stream plus any adjacent floodplain areas that must be maintained so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS:
ZONE X: Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas 1 square mile and areas protected by levees from the 1% annual chance flood.
OTHER AREAS:
ZONE D: Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D: Areas in which flood hazards are unestimated, but possible.
COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS:
OTHERWISE PROTECTED AREAS (OPAs):
 CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary
0.2% annual chance floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary
Boundary showing Special Flood Hazard Area 2% boundary dividing Special Flood Hazard Area 2% boundary from Special Flood Hazard Area 1% boundary
Base Flood Elevation line and value; elevation in feet
Base Flood Elevation value where uniform within zone in feet

* Referenced to the North American Vertical Datum of 1988

Legend symbols:
 Cross section line
 Lower order cross section line
 Transit line
 Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAVD 88), Western Hemisphere
 1000-meter Universal Transverse Mercator grid values
 500-foot grid ticks; New York State Plane coordinate or East zone (FIPS CODE 3163), Transverse Mercator projection
 Bench mark (see explanation in Notes to Users section of FIRM)
 River Mile

MAP REPOSITORY: Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP: August 1, 2009

EFFECTIVE DATES OF REVISIONS TO THIS PANEL:

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your State agent or call the National Flood Insurance Program at 1-800-638-6623.

NFIP PANEL 0330E

FIRM
FLOOD INSURANCE RATE MAP
 for ORANGE COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

| COMMUNITY | NUMBER |
|-------------------------|--------|
| BLOOMING GROVE, TOWN OF | 360608 |
| CORNWALL, TOWN OF | 360611 |
| NEW WINDSOR, TOWN OF | 360628 |
| NEWBURGH, TOWN OF | 360627 |

PANEL 330 OF 630
 MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below is used when placing map orders. The Community name shown above should be used on insurance applications submitted to the community.

MAP NUMBER: 360710
EFFECTIVE DATE: AUGUST 1, 2009
 Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the **Profits and Floodway Data** and/or **Summary of Stillwater Elevations** contained within the **Flood Insurance Study (FIS)** report that accompanies this map. Users should be aware that **BFEs** shown on the **FIRM** represent whole-foot elevations. These **BFEs** are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the **FIS** should be utilized in conjunction with the **FIRM** for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of the **1% Annual Chance Flood** (also known as the **Base Flood**), and the **1% Annual Chance Flood** is the flood that has a 1% chance of being equaled or exceeded in any given year. The **Special Flood Hazard Area** (SFHA) is the area subject to flooding by the **1% Annual Chance Flood**. Areas of **Special Flood Hazard** are designated as **Zone A, AE, AH, AO, AR, AV, X, Y, and VE**. The **Base Flood Elevation** is the water elevation of the **1% Annual Chance Flood**.

Areas of the floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and are not to be construed as requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the **Flood Insurance Study** report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the **Flood Insurance Study** report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was **Universal Transverse Mercator (UTM) zone 18**. The **horizontal datum** was **NAD 83**. **GRS80** spheroid was used in datum spheroid projection or UTM zones used in the production of adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the **FIRM**.

Elevations on this map are referenced to the **North American Vertical Datum of 1988**. These flood elevations must be compared to structure and ground elevations as referenced to the same **vertical datum**. For information regarding differences between the **National Geodetic Vertical Datum of 1929** and the **North American Vertical Datum of 1988**, visit the **National Geodetic Survey** at <http://www.ngs.noaa.gov> or contact the **National Geodetic Survey** at the address:

Information Services Branch
 Geodetic Survey
 #9202
 Air-Weed Highway
 Annapolis, Maryland 20910-3282
 410-324-3242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the **Information Services Branch** of the **National Geodetic Survey** at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this **FIRM** was derived from digital orthography provided by the **New York State Office of Cyber Security & Infrastructure Coordination**. This information was provided as 30- and 60-centimeter resolution natural color orthoimagery from a date April-May 2004.

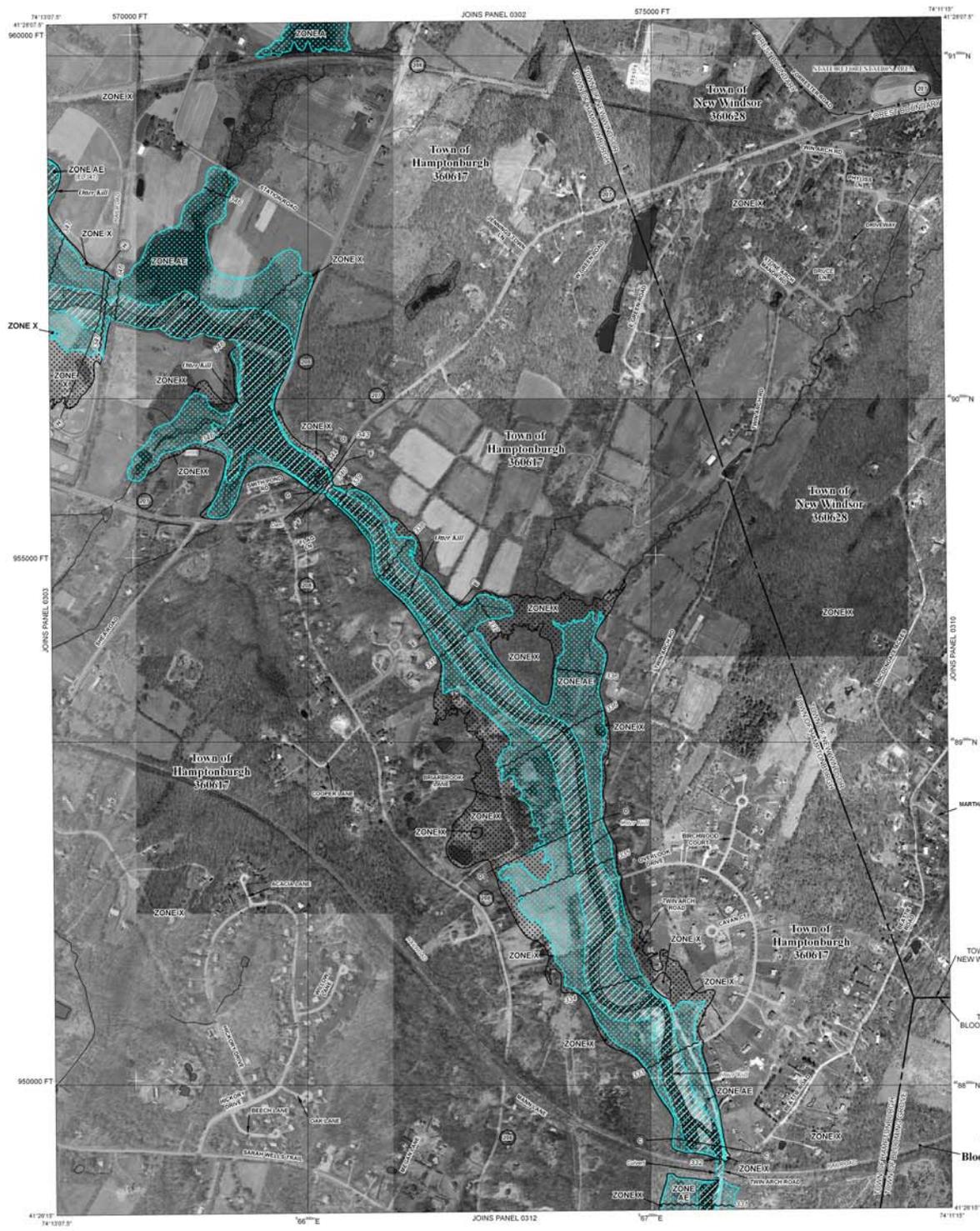
Updated topographic information on this map reflects more detailed and **stream channel configurations and floodplain delineations** than shown on the previous **FIRM** for this jurisdiction. As a result, the **Flood and Floodway Data** tables in the **Flood Insurance Study Report** (which authoritative hydraulic data) may reflect stream channel relationships that are what is shown on this map. Also, the road to floodplain distances for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate city officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the entire community showing the layout of map panels, community map repository addresses, and listing of Communities table containing **National Flood Insurance Program** information for each community as well as a listing of the panels on which each city is located.

The **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this **FIRM**. Available products may include **issued Letters of Map Change**, a **Flood Insurance Study report**, and/or other products of this map. The **FEMA Map Service Center** may also be reached at 1-800-358-9620 and its website at <http://msc.fema.gov>.

For questions about this map or questions concerning the **National Flood Insurance Program** in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the **FEMA** website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The **1% Annual Flood (100-year flood)**, also known as the **Base Flood**, is the flood that has a 1% chance of being equaled or exceeded in any given year. The **Special Flood Hazard Area** (SFHA) is the area subject to flooding by the **1% Annual Chance Flood**. Areas of **Special Flood Hazard** are designated as **Zone A, AE, AH, AO, AR, AV, X, Y, and VE**. The **Base Flood Elevation** is the water elevation of the **1% Annual Chance 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); depths determined. For areas of atypical fan flooding, velocity determined.
- ZONE AR:** Special Flood Hazard Area formerly protected from the **1% Annual Flood** by a flood control system that was subsequently identified. Includes the former flood control system's levee, which is no longer in operation from the **1% Annual Chance or Greater Flood**.
- ZONE AV:** Areas to be protected from **1% Annual Chance Flood** by a flood protection system under construction; no Base Flood Elevation determined.
- ZONE VE:** Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE X:** Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be included so that the **1% Annual Chance Flood** can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

- ZONE X:** Areas of **0.2% Annual Chance Flood**; areas of **1% Annual Chance Flood** with average depths of less than 1 foot or with discharge areas of 1 square mile and areas protected by levees from **1% Annual Chance Flood**.

OTHER AREAS

- ZONE X:** Areas determined to be outside the **0.2% Annual Chance Flood** boundary.
- ZONE O:** Areas in which flood hazards are unassessable, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPA)

- 1% Annual Chance Floodplain boundary**
- 0.2% Annual Chance Floodplain boundary**
- Floodway boundary**
- Zone D boundary**
- CBRS and OPA boundary**
- Boundary dividing Special Flood Hazard Area 2a from Special Flood Hazard Area 2b**
- Boundary dividing Special Flood Hazard Area of 2a from Special Flood Hazard Area of 2b**
- Base Flood Elevation line and value, elevation in feet**
- Base Flood Elevation value where uniform within section in feet**

* Referenced to the **North American Vertical Datum of 1988**

- Cross section line**
- Control point cross section line**
- Transect line**
- Geographic coordinates referenced to the North American of 1983 (NAD 83), Western Hemisphere**
- 76°11'N**
- 1300-meter Universal Transverse Mercator grid values**
- 5000-foot grid ticks; New York State Plane coordinates for Zone 18 (FPCOZ 131), Transverse Mercator projection**
- 600000 FT**
- DX5510**
- Bench mark (see explanation in Notes to Users with FIRM panel)**
- M1 S**
- River Mile**

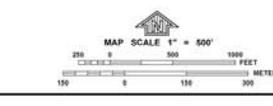
MAP REPOSITORY
 Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COMMUNITY FLOOD INSURANCE RATE MAP
 August 3, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the **Community Map History Table** located in the **Flood Insurance Study report** for this jurisdiction.

To determine if flood insurance is available in this community, contact your State agent or call the **National Flood Insurance Program** at 1-800-438-6623.



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0304E

FIRM
FLOOD INSURANCE RATE MAP

for **ORANGE COUNTY, NEW YORK**
 (ALL JURISDICTIONS)

CONTAINS:

| | |
|--------------------------------|-------------------------|
| COMMUNITY | NUMBER OF PANELS |
| BLOOMING GROVE, TOWN OF | 36068 |
| HAMPTONBURGH, TOWN OF | 36067 |
| NEW WINDSOR, TOWN OF | 36063 |

PANEL 304 OF 630
MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: This Map Number shown below should be used when placing map orders; the Community Map History Table should be used to determine applicable subject community.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER: 360710
EFFECTIVE DATE: AUGUST 3, 2008

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the **Profits and Floodway Data** and/or **Summary of Stillwater Elevations** contained within the **Flood Insurance Study Report** that accompanies this map. Users should be aware that **BFEs** shown on the FIRM represent whole-foot elevations. These **BFEs** are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and are not to be used for purposes of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in a Special Flood Hazard Area may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid was used in datum, spheroid, projection or UTM zones used in the production of this map. Adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations as referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
 NGS-212
 Geodetic Survey
 #9202
 4600 Highway
 Annapolis, Maryland 20710-3282
 410-334-3242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital orthography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- and 60-centimeter resolution natural color orthoimagery from the date April-May 2004.

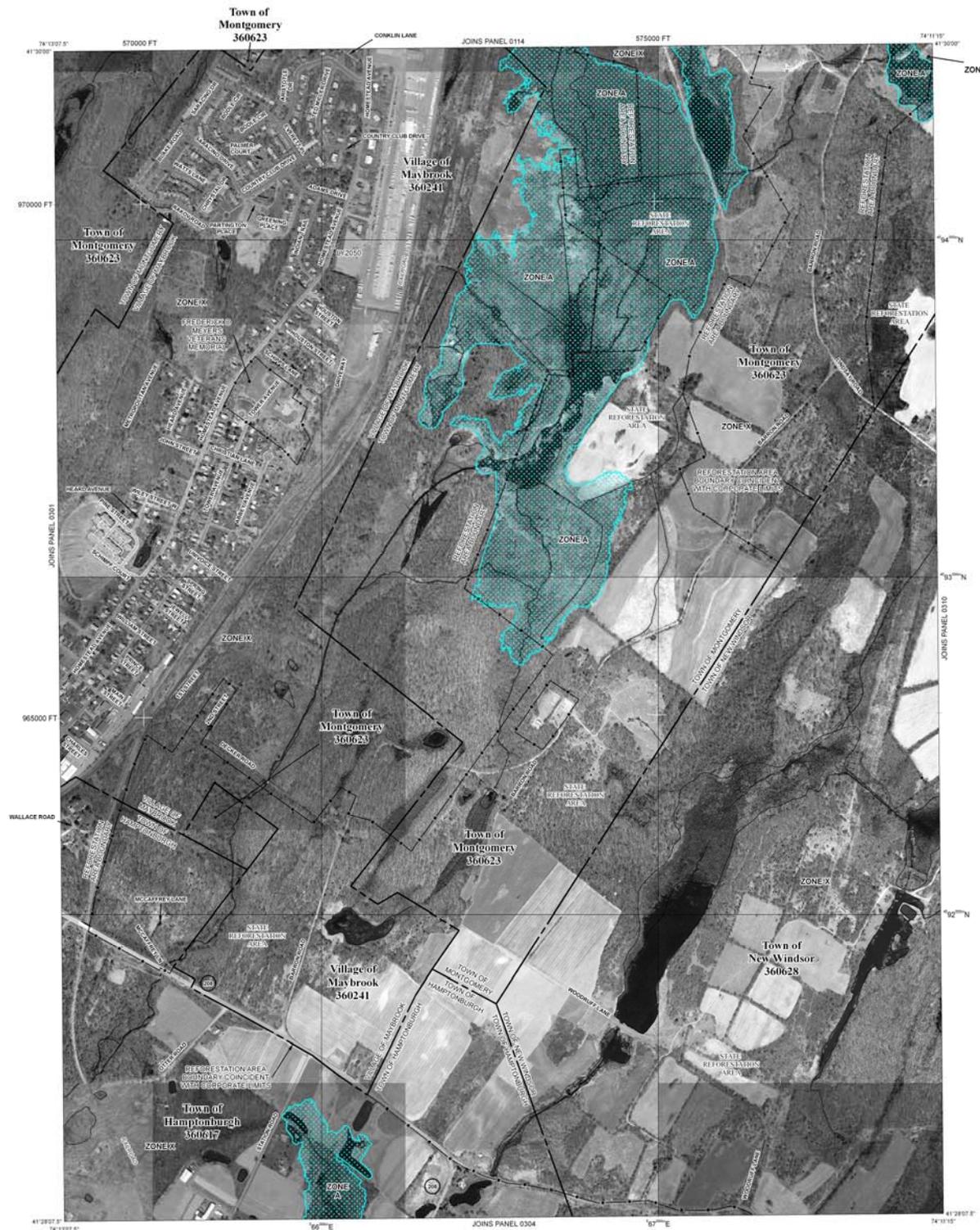
Updated topographic information, this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel delineations that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the County showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program information for each community as well as a listing of the panels on which each community is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include Issued Letters of Map Change, a Flood Insurance Study report, and/or other versions of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://msc.fema.gov>.

For **more questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equalled or exceeded in any given year. The Special Flood Hazard Area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zone A, AE, AH, AO, AR, A99, VE, and V. The Base Flood Elevation is the water elevation of the 1% annual chance 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); depths determined. For areas of unusual fan flooding, water depths determined.

ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual flood by a flood control system that was subsequently identified, includes the former flood control system under construction; no Base Flood Elevation determined.

ZONE A99: Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevation determined.

ZONE VE: Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

ZONE V: Coastal Flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE: The floodway is the channel of a stream plus any adjacent floodplain areas that must be included to ensure that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS: Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with discharge areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.

OTHER AREAS: Areas determined to be outside the 0.2% annual chance flood hazard areas in which flood hazards are unmodeled, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS: CBRS areas and OFAs are normally located within or adjacent to Special Flood Hazard Areas.

OTHERWISE PROTECTED AREAS (OPAs):

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- Transect line
- CBRS and OFA boundary
- Boundary dividing Special Flood Hazard Area 2a from Special Flood Hazard Area 2b
- Boundary dividing Special Flood Hazard Area of OFA from Special Flood Hazard Area of OFA
- Base Flood Elevation line and value; elevation in feet
- Base Flood Elevation value where uniform within section in feet

* Referenced to the North American Vertical Datum of 1988

Other symbols:

- Cross section line
- Unfilled detail cross section line
- Transect line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- 1500-meter Universal Transverse Mercator grid values
- 600000 FT
- 5000-foot grid ticks; New York State Plane coordinate system (NAD 83) (NAD 83), Transverse Mercator projection
- Bench mark (see explanation in Notes to Users with FIRM panel)
- M 1 S
- River Mile

MAP REPOSITORY: Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP: August 3, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL:

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

NFIP PANEL 0302E

FIRM
 FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

| COMMUNITY | NUMBER OF PANELS |
|-----------------------|------------------|
| HAMPTONBURGH, TOWN OF | 36 |
| MAYBROOK, VILLAGE OF | 36 |
| MONTGOMERY, TOWN OF | 36 |
| NEW WINDSOR, TOWN OF | 36 |

PANEL 302 OF 630
MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to Users: This Map Number should be used when placing map orders; the Community Map History table should be used on insurance applications.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MAP NUMBER: 360710
EFFECTIVE DATE: AUGUST 3, 2009

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BEFs shown on the FIRM represent whole-foot elevations. These BEFs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. The elevations shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodways were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid used in datum, spheroid, projection or UTM zones used in the production of or adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
Geodetic Survey
#9202
16-Wood Highway
Baltimore, Maryland 20910-3282
301-324-3242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- and 60-centimeter resolution natural color orthorectified imagery from city dated April-May 2004.

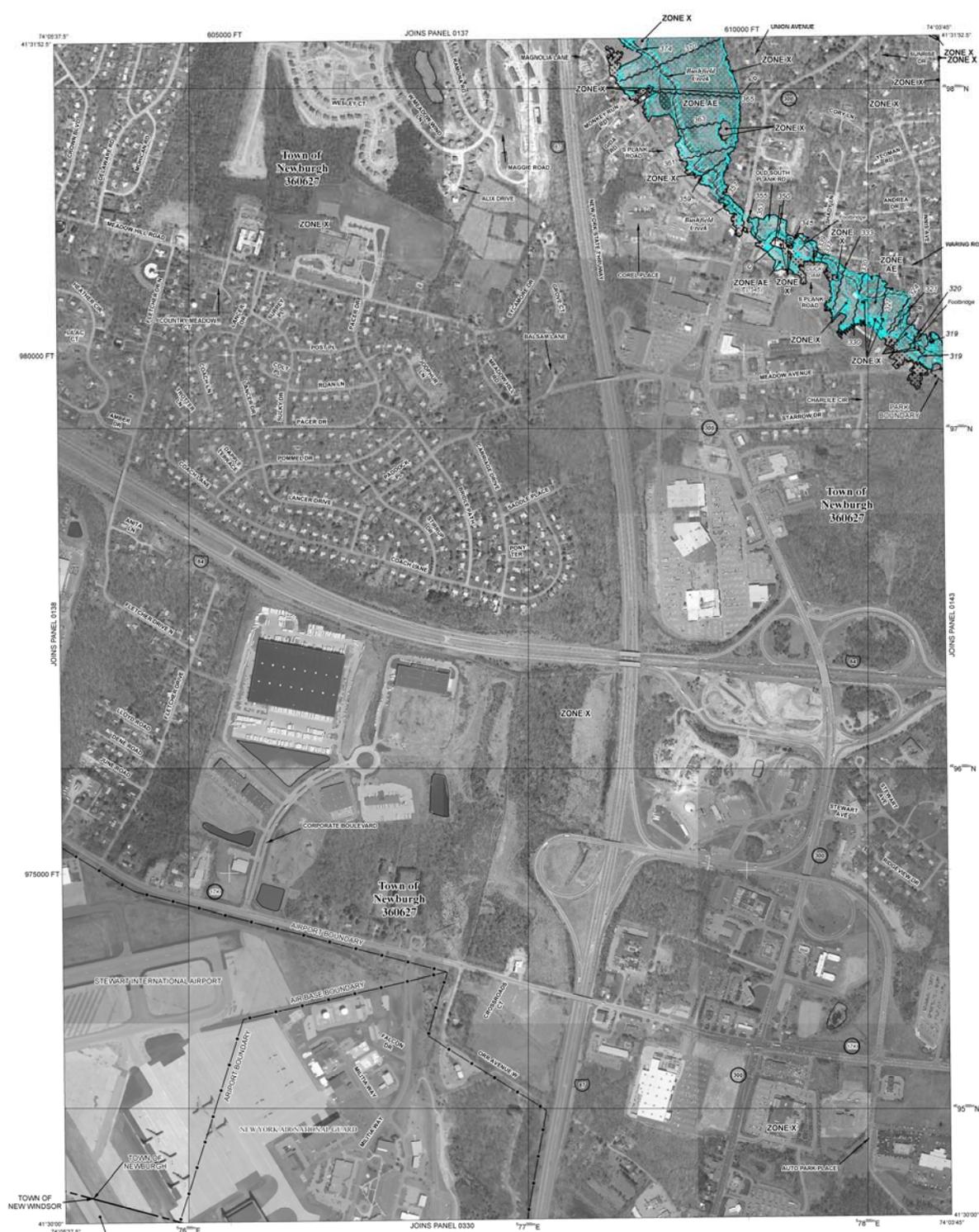
Updated topographic information, this map reflects more detailed and accurate stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which contain authoritative hydraulic data) may reflect stream channel delineations that differ from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate city officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the County showing the layout of map panels, community map repository addresses, and a listing of the panels on which each city is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include updated Letters of Map Change, a Flood Insurance Study Report, and/or other products of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://msc.fema.gov>.

For **more questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area (SFHA) is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as follows: ZONE A, AE, AH, AO, AR, V, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance 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 Elevation determined.

ZONE AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); depths determined; for areas of unusual flood flooding, depths determined.

ZONE AR: Special Flood Hazard Areas formerly protected from the 1% annual flood by a flood control system that was subsequently identified, modified, or removed. Flood control system is being restored for protection from the 1% annual chance or greater flood.

ZONE A99: Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevation determined.

ZONE VE: Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

ZONE V: Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE: Floodway areas are shown as areas of floodway protection.

The floodway is the channel of a stream plus any adjacent floodplain areas that must be included in the 1% annual chance flood so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X: Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.

OTHER AREAS

ZONE X: Areas determined to be outside the 0.2% annual chance floodplain boundary.

ZONE D: Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREA

OTHERWISE PROTECTED AREAS (OPA)

1% annual chance floodplain boundary

0.2% annual chance floodplain boundary

Floodway boundary

Zone D boundary

CBRS and OPA boundary

Boundary dividing Special Flood Hazard Area ZONE AE from Special Flood Hazard Area ZONE VE

Boundary dividing Special Flood Hazard Area ZONE VE from Special Flood Hazard Area ZONE V

Base Flood Elevation line and value, elevation in feet

Base Flood Elevation value where uniform within zone, in feet

*** Referenced to the North American Vertical Datum of 1988**

○ Cross section line

○ Limited detail cross section line

○ Transit line

87°07'45", 32°22'30"

76°N

1000-meter Universal Transverse Mercator grid values, 600000 FT

5000-foot grid ticks: New York State Plane coordinates for Flood zone (FLOODZ) 1315, Transverse Mercator zone 18E

DX5510

Bench mark (see explanation in Notes to Users section of FIS report)

• M1.5

River Mile

MAP REPOSITORY

Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTY-WIDE FLOOD INSURANCE RATE MAP

August 3, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-438-6623.



NFIP

PANEL 0139E

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK (ALL JURISDICTIONS)

CONTAINS:

COMMUNITY

NEW WINDSOR, TOWN OF 360628

NEWBURGH, TOWN OF 360627

PANEL 139 OF 630

MAP SUFFIX: E

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notes to User: The Map Number shown below should be used when placing map orders. The Community Map Number shown above should be used on insurance applications.

MAP NUMBER

360710

EFFECTIVE DATE

AUGUST 2009

Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be updated for possible updated or additional flood hazard information.

For more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult the Profiles and Floodway Data and/or Summary of Stillwater Elevations contained within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BFEs shown on the FIRM represent whole-foot elevations. These BFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of the American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction. Floodway data shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than those shown on this FIRM.

Floodway data were computed at cross sections and interpolated cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway data not pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by flood structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The horizontal datum was NAD 83. GRS80 spheroid datum, spherical projection or UTM zones used in the production of adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the FIRM.

Elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations as referenced to the same vertical datum. For information regarding differences between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services
NAD83/2
Geodetic Survey
#9202
161 Wood Highway
Annapolis, Maryland 20710-3282
3-3242

For current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch, National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30- and 60-centimeter resolution natural color orthorectified imagery from a date April-May 2004.

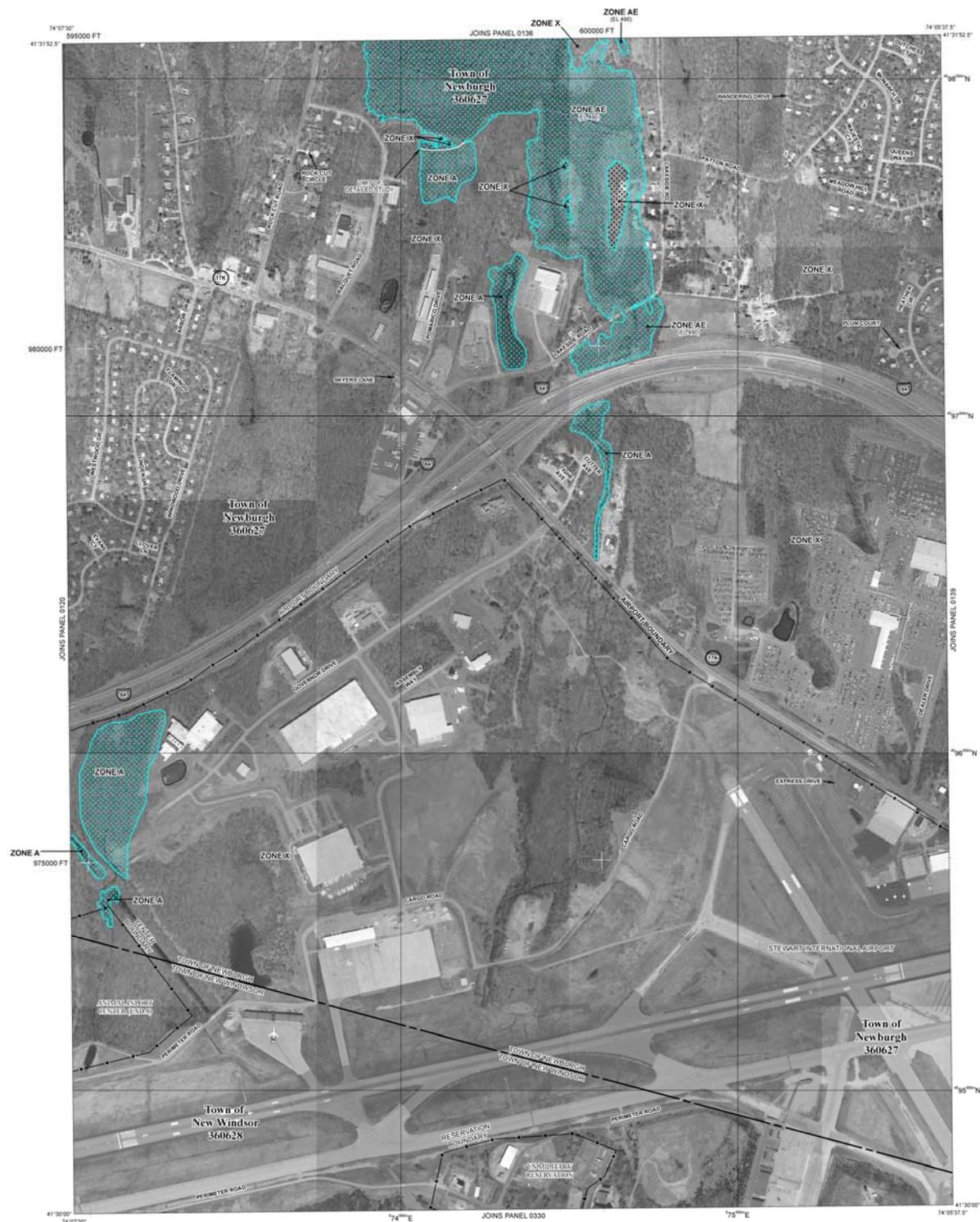
Updated topographic information, this map reflects more detailed and stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel distances that are different from what is shown on this map. Also, the road to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the entire community, showing the layout of map panels, community map repository addresses, and a listing of the panels on which each jurisdiction is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include Flood Insurance Study Reports, Flood Insurance Study maps, and/or Flood Insurance Study data. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://www.fema.gov>.

For **questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area (SFHA) is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as ZONE A, AE, AH, AO, AR, AR9, VE, and V. The Base Flood Elevation is the water elevation of the 1% annual chance 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); depths determined. For areas of actual flood flooding, depths determined.

ZONE AR
Special Flood Hazard Areas formerly protected from the 1% annual flood by a flood control system that was subsequently identified, indicates that the former flood control system is being restricted from protection from the 1% annual chance or greater flood.

ZONE AR9
Areas to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevations determined.

ZONE VE
Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE V
Coastal Flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be enclosed so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X
Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile; and areas protected by levees from the 1% annual chance flood.

OTHER AREAS

ZONE D
Areas determined to be outside the 0.2% annual chance floodplain; Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREA

OTHERWISE PROTECTED AREAS (OPA)

1% annual chance floodplain boundary
0.2% annual chance floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary
Boundary dividing Special Flood Hazard Area ZONE A from Special Flood Hazard Area ZONE AE
Base Flood Elevation line and value, elevation in feet
Base Flood Elevation value where uniform within community

* Referenced to the North American Vertical Datum of 1988

○ Cross section line
□ Limited detail cross section line
○ Truncated line
87°07'45" 32°22'30"
Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAD 83), Western Hemisphere

76°N
600000 FT
1000-meter Universal Transverse Mercator grid values
5000-foot grid ticks; New York State Plane coordinates for East zone (PROJCODE 1103), Transverse Mercator projection

DX5510
Bench mark (see explanation in Notes to Users section of FIS report)
• M1.5
River Mile

MAP REPOSITORY
Refer to listing of Map Repositories on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
August 3, 2008

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

NFIP PANEL 0138E

FIRM
FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

| | |
|----------------------|-------------------------|
| COMMUNITY | NUMBER OF PANELS |
| NEW WINDSOR, TOWN OF | 36 |
| NEWBURGH, TOWN OF | 36 |

PANEL 138 OF 630
MAP SUFFIX: E
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the Community Map Index should be used on insurance applications; and the Community Map Index should be used on insurance applications.

MAP NUMBER
360710

EFFECTIVE DATE
AUGUST 3, 2008

Federal Emergency Management Agency

NOTES TO USERS

is for use in administering the National Flood Insurance Program. It is necessary to identify all areas subject to flooding, particularly from local sources of small size. The community map repository should be used for periodic updates or additional flood hazard information.

In more detailed information in areas where **Base Flood Elevations** and/or **floodways** have been determined, users are encouraged to consult Profiles and Floodway Data and/or Summary of Stillwater Elevations prepared within the Flood Insurance Study (FIS) report that accompanies this map. Users should be aware that BFEs shown on the FIRM represent whole-foot elevations. These BFEs are intended for flood insurance purposes only and should not be used as the sole source of flood information. Accordingly, flood elevation data presented in the FIS should be utilized in conjunction with the FIRM for purposes of flood and/or floodplain management.

Base Flood Elevations shown on this map apply only to landward of the American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Elevations tables in the Flood Insurance Study report for this jurisdiction, as shown in the Summary of Stillwater Elevations tables should be used for flood and/or floodplain management purposes when they are higher than elevations shown on this FIRM.

Floodway elevations were computed at cross sections and interpolated at cross sections. The floodways were based on hydraulic considerations and to requirements of the National Flood Insurance Program. Floodway and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Areas not in Special Flood Hazard Areas may be protected by **flood structures**. Refer to Section 2.4 "Flood Control Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

Projection used in the preparation of this map was Universal Transverse Mercator (UTM) zone 18. The **horizontal datum** was NAD 83, GRS80 spheroid datum in datum, spheroid, projection or UTM zones used in the production of adjacent jurisdictions may result in slight positional differences in map across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Elevations on this map are referred to the North American Vertical Datum of 1988 (NAVD 88). These flood elevations must be compared to structure and ground elevations referred to the same vertical datum. For information regarding differences between the National Geodetic Survey of 1929 and the American Vertical Datum of 1988, visit the National Geodetic Survey at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

Information Services Branch
Geodetic Survey
#9202
1617 West Highway
Baltimore, Maryland 20910-3282
410-326-4242

Current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at www.ngs.noaa.gov.

Map information shown on this FIRM was derived from digital topography provided by the New York State Office of Cyber Security & Infrastructure Coordination. This information was provided as 30-meter and 60-centimeter resolution natural color orthorectified imagery from the year 2004.

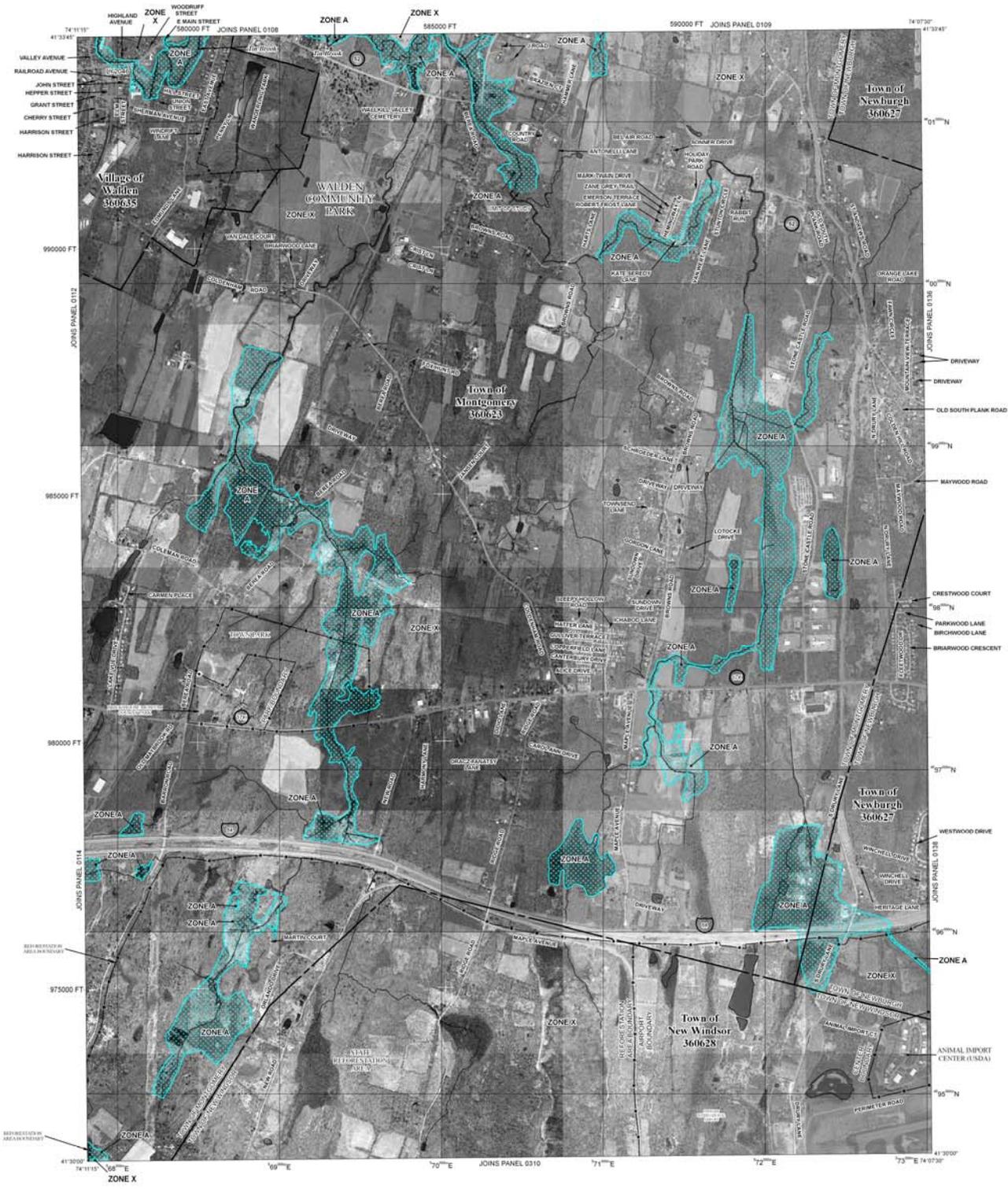
In updated topographic information, this map reflects more detailed and accurate stream channel configurations and floodplain delineations than shown on the previous FIRM for this jurisdiction. As a result, the Flood and Floodway Data tables in the Flood Insurance Study Report (which authoritative hydraulic data) may reflect stream channel delineations that are different from what is shown on this map. Also, the need to floodplain relationships for streams may differ from what is shown on previous maps.

Map limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur after this map was published, map users should contact appropriate city officials to verify current corporate limit locations.

Refer to the separately printed **Map Index** for an overview map of the County showing the layout of map panels, community map repository addresses, and listing of Communities table containing National Flood Insurance Program data for each community as well as a listing of the panels on which each city is located.

For the **FEMA Map Service Center** at 1-800-358-9616 for information on products associated with this FIRM. Available products may include printed Letters of Map Change, a Flood Insurance Study report, and/or versions of this map. The FEMA Map Service Center may also be reached at 1-800-358-9620 and its website at <http://fema.gov>.

For **more questions about this map** or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-358-2627) or visit the FEMA website at <http://www.fema.gov>.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INSURANCE BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Areas shown on this map are subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard are designated as Zone A, AE, AH, AO, AV, X, and VE. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood.

ZONE A: No Base Flood Elevation determined.
ZONE AE: Base Flood Elevation determined.
ZONE AH: Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevation determined.
ZONE AO: Flood depths of 1 to 3 feet (usually check flow on sloping terrain); flood depths determined. For areas of unusual flat flooding, water depths determined.
ZONE AR: Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently identified. It indicates that the former flood control system is being retained for protection from the 1% annual chance or greater flood.
ZONE AS: Area to be protected from 1% annual chance flood by a flood protection system under construction; no Base Flood Elevation determined.
ZONE AV: Coastal flood zone with velocity hazard (wave action); no Base Flood Elevation determined.
ZONE V: Coastal flood zone with velocity hazard (wave action); Base Flood Elevation determined.

FLOODWAY AREAS IN ZONE AE:
 The floodway is the channel of a stream plus any adjacent floodplain areas that must be maintained so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS:
ZONE X: Areas of 0.2% annual chance flood; areas of 1% annual chance average depths of less than 1 foot or with drainage areas of 1 square mile and are protected by levees from 1% annual chance flood.
OTHER AREAS:
ZONE Y: Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D: Areas in which flood heights are unestimated, but possible.
COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS:
OTHERWISE PROTECTED AREAS (OPAs):
 CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary
0.2% annual chance floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary
Boundary showing Special Flood Hazard Area 2% annual chance flood (Special Flood Hazard Area 2% Flood Elevation), flood depths or flood velocities
Base Flood Elevation line and value; elevation in feet
Base Flood Elevation value where uniform within zone
(EL. 10')

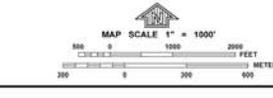
* Referenced to the North American Vertical Datum of 1988

Cross section line
Lower aerial cross section line
Transect line
 Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
 41°07'45", 74°12'30"

1000-meter Universal Transverse Mercator grid values
 600000 FT
 5000-foot grid ticks: New York State Plane coordinate or East zone (FZONEM 311), Transverse Mercator projection
 Bench mark (see explanation in Notes to Users section)
 M1.5
 River Mile

MAP REPOSITORY
 Refer to listing of Map Repositories on Map Index
EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
 August 3, 2008
EFFECTIVE DATES OF REVISIONS TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.
 To determine if flood insurance is available in this community, contact your State agent or call the National Flood Insurance Program at 1-800-638-6633.



NFIP PANEL 0120E

FIRM
FLOOD INSURANCE RATE MAP
 for ORANGE COUNTY, NEW YORK
 (ALL JURISDICTIONS)

CONTAINS:

| COMMUNITY | NUMBER |
|----------------------|--------|
| MONTGOMERY, TOWN OF | 360623 |
| NEW WINDSOR, TOWN OF | 360628 |
| NEWBURGH, TOWN OF | 360627 |
| WALDEN, VILLAGE OF | 360635 |

PANEL 120 OF 630
MAP SUFFIX: E
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below is used when placing map orders. The Community name above should be used on insurance applications submitted to the community.

MAP NUMBER
 360710

EFFECTIVE DATE
 AUGUST 3, 2008

Federal Emergency Management Agency

APPENDIX E

HAZARDS NEW YORK ASSESSMENT (HAZNY)

Background

On **May 13, 2008**, the Town of New Windsor conducted a hazard analysis using the automated program, *HAZNY* (Hazards New York). *HAZNY* was developed by the American Red Cross and the New York State Emergency Management Office.

The results of this hazard analysis are presented in this report.

***HAZNY* and the Town of New Windsor**

HAZNY is an automated interactive spreadsheet that asks specific questions on potential hazards in a community and records and evaluates the responses to these questions. *HAZNY* also includes historical and expert data on selected hazards. *HAZNY* is designed specifically for groups, rather than individual use. The Town of New Windsor assembled a group of local officials to consider and discuss the questions and issues raised by the *HAZNY* program. Representatives from (Enter what agency facilitated the workshop) facilitated the meeting and recorded the results.

The Results

The Group analyzed hazards potentially affecting the Town of New Windsor. *HAZNY* rated each hazard based on the Group's assessment and assigned a numerical value.

These values are categorized as follows:

321 to 400 HIGH HAZARD
241 to 320 MODERATELY HIGH HAZARD
161 to 240 MODERATELY LOW HAZARD
44 to 160 LOW HAZARD

The Group rated the 34 hazards as follows:

| Hazard | Rating |
|-----------------------------------|---------------|
| WATER SUPPLY CONTAMINATION | 272 |
| FLOOD | 249 |
| FIRE | 240 |
| CIVIL UNREST | 238 |
| INFESTATION | 224 |
| EXTREME TEMPS | 218 |
| SEVERE STORM | 218 |
| UTILITY FAILURE | 216 |
| OIL SPILL | 214 |
| WINTER STORM (SEVERE) | 204 |
| ICE STORM | 195 |

| | |
|----------------------------------|-----|
| AIR CONTAMINATION | 187 |
| EXPLOSION | 183 |
| HAZMAT (FIXED SITE) | 172 |
| HAZMAT (IN TRANSIT) | 170 |
| HURRICANE | 168 |
| ICE JAM | 166 |
| LANDSLIDE | 166 |
| DROUGHT | 164 |
| STRUCTURAL COLLAPSE | 158 |
| BLIGHT | 152 |
| FUEL SHORTAGE | 152 |
| TORNADO | 147 |
| RADIOLOGICAL (IN TRANSIT) | 143 |
| WILDFIRE | 143 |
| EARTHQUAKE | 136 |
| TRANS ACCIDENT | 132 |
| TERRORISM | 130 |
| EPIDEMIC | 111 |
| AVALANCHE | 107 |
| RADIOLOGICAL (FIXED SITE) | 107 |
| FOOD SHORTAGE | 75 |
| MINE COLLAPSE | 44 |
| TSUNAMI | 44 |

Hazard(s) rated as moderately high: WATER SUPPLY CONTAMINATION, FLOOD

WATER SUPPLY CONTAMINATION: 272, Moderately High Hazard

- Potential Impact:** Throughout a Large Region
Cascade Effects: Some Potential
Frequency: A Frequent Event
Onset: One Day Warning
Hazard Duration: More Than One Week
Recovery Time: Three Days to One Week
Impact:
- Serious Injury or Death is Likely, but not in Large Numbers
 - Little or No Damage to Private Property
 - Moderate Structural Damage to Public Facilities

FLOOD: 249, Moderately High Hazard

- Potential Impact:** Throughout a Small Region
Cascade Effects: Some Potential
Frequency: A Frequent Event
Onset: One Day Warning
Hazard Duration: One Day

Recovery Time: One to Two Days

Impact:

- Serious Injury or Death Unlikely
- Severe Damage to Private Property
- Moderate Structural Damage to Public Facilities

Hazard(s) rated as moderately low: FIRE, CIVIL UNREST, INFESTATION, EXTREME TEMPS, SEVERE STORM, UTILITY FAILURE, OIL SPILL, WINTER STORM (SEVERE), ICE STORM, AIR CONTAMINATION, EXPLOSION, HAZMAT (FIXED SITE), HAZMAT (IN TRANSIT), HURRICANE, ICE JAM, LANDSLIDE, DROUGHT

FIRE: 240, Moderately Low Hazard

Potential Impact: Single Location

Cascade Effects: Highly Unlikely

Frequency: A Frequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Severe Damage to Private Property
- Little or No Structural Damage to Public Facilities

CIVIL UNREST: 238, Moderately Low Hazard

Potential Impact: Single Location

Cascade Effects: Some Potential

Frequency: A Frequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

INFESTATION: 224, Moderately Low Hazard

Potential Impact: Throughout a Large Region

Cascade Effects: Highly Unlikely

Frequency: A Regular Event

Onset: No Warning
Hazard Duration: Two to Three Days
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

EXTREME TEMPS: 218, Moderately Low Hazard

Potential Impact: Throughout a Large Region
Cascade Effects: Some Potential
Frequency: A Frequent Event
Onset: Several Days Warning
Hazard Duration: Two to Three Days
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

SEVERE STORM: 218, Moderately Low Hazard

Potential Impact: Throughout a Small Region
Cascade Effects: Some Potential
Frequency: A Frequent Event
Onset: Several Hours Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

UTILITY FAILURE: 216, Moderately Low Hazard

Potential Impact: Throughout a Large Region
Cascade Effects: Some Potential
Frequency: A Regular Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

OIL SPILL: 214, Moderately Low Hazard

Potential Impact: Single Location
Cascade Effects: Some Potential
Frequency: A Regular Event
Onset: No Warning
Hazard Duration: One Day
Recovery Time: One to Two Days
Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Moderate Structural Damage to Public Facilities

WINTER STORM (SEVERE): 204, Moderately Low Hazard

Potential Impact: Throughout a Large Region
Cascade Effects: Some Potential
Frequency: A Regular Event
Onset: One Day Warning
Hazard Duration: Less Than One Day
Recovery Time: One to Two Days
Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

ICE STORM: 195, Moderately Low Hazard

Potential Impact: Throughout a Large Region
Cascade Effects: Some Potential
Frequency: A Regular Event
Onset: Several Hours Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day
Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

AIR CONTAMINATION: 187, Moderately Low Hazard

Potential Impact: Throughout a Large Region

Cascade Effects: Some Potential

Frequency: A Regular Event

Onset: One Day Warning

Hazard Duration: One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

EXPLOSION: 183, Moderately Low Hazard

Potential Impact: Single Location

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Severe Damage to Private Property
- Little or No Structural Damage to Public Facilities

HAZMAT (FIXED SITE): 172, Moderately Low Hazard

Potential Impact: Single Location

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: One to Two Days

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

HAZMAT (IN TRANSIT): 170, Moderately Low Hazard

Potential Impact: Single Location

Cascade Effects: Some Potential
Frequency: An Infrequent Event
Onset: No Warning
Hazard Duration: One Day
Recovery Time: One to Two Days
Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

HURRICANE: 168, Moderately Low Hazard

Potential Impact: Throughout a Large Region
Cascade Effects: Some Potential
Frequency: An Infrequent Event
Onset: Several Days Warning
Hazard Duration: Two to Three Days
Recovery Time: One to Two Days
Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Moderate Structural Damage to Public Facilities

ICE JAM: 166, Moderately Low Hazard

Potential Impact: Single Location
Cascade Effects: Some Potential
Frequency: A Regular Event
Onset: One Day Warning
Hazard Duration: Two to Three Days
Recovery Time: Less Than One Day
Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

LANDSLIDE: 166, Moderately Low Hazard

Potential Impact: Several Locations
Cascade Effects: Some Potential
Frequency: An Infrequent Event
Onset: No Warning
Hazard Duration: One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

DROUGHT: 164, Moderately Low Hazard

Potential Impact: Throughout a Large Region

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: More Than One Week Warning

Hazard Duration: More Than One Week

Recovery Time: Three Days to One Week

Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

Hazard(s) rated as low: STRUCTURAL COLLAPSE, BLIGHT, FUEL SHORTAGE, TORNADO, RADIOLOGICAL (IN TRANSIT), WILDFIRE, EARTHQUAKE, TRANS ACCIDENT, TERRORISM, EPIDEMIC, AVALANCHE, RADIOLOGICAL (FIXED SITE), FOOD SHORTAGE, MINE COLLAPSE, TSUNAMI

STRUCTURAL COLLAPSE: 158, Low Hazard

Potential Impact: Single Location

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

BLIGHT: 152, Low Hazard

Potential Impact: Several Locations

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: Several Days Warning

Hazard Duration: More Than One Week

Recovery Time: One to Two Days

Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

FUEL SHORTAGE: 152, Low Hazard

Potential Impact: Throughout a Large Region

Cascade Effects: Some Potential

Frequency: An Infrequent Event

Onset: More Than One Week Warning

Hazard Duration: More Than One Week

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

TORNADO: 147, Low Hazard

Potential Impact: Throughout a Small Region

Cascade Effects: Some Potential

Frequency: A Rare Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

RADIOLOGICAL (IN TRANSIT): 143, Low Hazard

Potential Impact: Single Location

Cascade Effects: Highly Unlikely

Frequency: An Infrequent Event

Onset: No Warning

Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

WILDFIRE: 143, Low Hazard

Potential Impact: Single Location
Cascade Effects: Highly Unlikely
Frequency: An Infrequent Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

EARTHQUAKE: 136, Low Hazard

Potential Impact: Throughout a Small Region
Cascade Effects: Some Potential
Frequency: A Rare Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: One to Two Days

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

TRANS ACCIDENT: 132, Low Hazard

Potential Impact: Single Location
Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death to Large Numbers
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

TERRORISM: 130, Low Hazard

Potential Impact: Single Location
Cascade Effects: Some Potential
Frequency: A Rare Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Moderate Damage to Private Property
- Little or No Structural Damage to Public Facilities

EPIDEMIC: 111, Low Hazard

Potential Impact: Throughout a Small Region
Cascade Effects: Some Potential
Frequency: A Rare Event
Onset: Several Days Warning
Hazard Duration: Four days to One Week
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death is Likely, but not in Large Numbers
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

AVALANCHE: 107, Low Hazard

Potential Impact: Single Location
Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

RADIOLOGICAL (FIXED SITE): 107, Low Hazard

Potential Impact: Single Location

Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: No Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

FOOD SHORTAGE: 75, Low Hazard

Potential Impact: Several Locations
Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: More Than One Week Warning
Hazard Duration: Four days to One Week
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

MINE COLLAPSE: 44, Low Hazard

Potential Impact: Single Location
Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: More Than One Week Warning
Hazard Duration: Less Than One Day
Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

TSUNAMI: 44, Low Hazard

Potential Impact: Single Location
Cascade Effects: Highly Unlikely
Frequency: A Rare Event
Onset: More Than One Week Warning
Hazard Duration: Less Than One Day

Recovery Time: Less Than One Day

Impact:

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

- Serious Injury or Death Unlikely
- Little or No Damage to Private Property
- Little or No Structural Damage to Public Facilities

Impact:

Biggest Hazards

HAZARDS THAT OCCUR WITH NO WARNING*

FIRE
CIVIL UNREST
INFESTATION
UTILITY FAILURE
OIL SPILL
EXPLOSION
HAZMAT (FIXED SITE)
HAZMAT (IN TRANSIT)
LANDSLIDE
STRUCTURAL COLLAPSE
RADIOLOGICAL (IN TRANSIT)
WILDFIRE
EARTHQUAKE
TRANS ACCIDENT
TERRORISM
AVALANCHE
RADIOLOGICAL (FIXED SITE)

* No warning was selected from the Onset Tab.

HAZARDS THAT OCCUR MOST OFTEN*

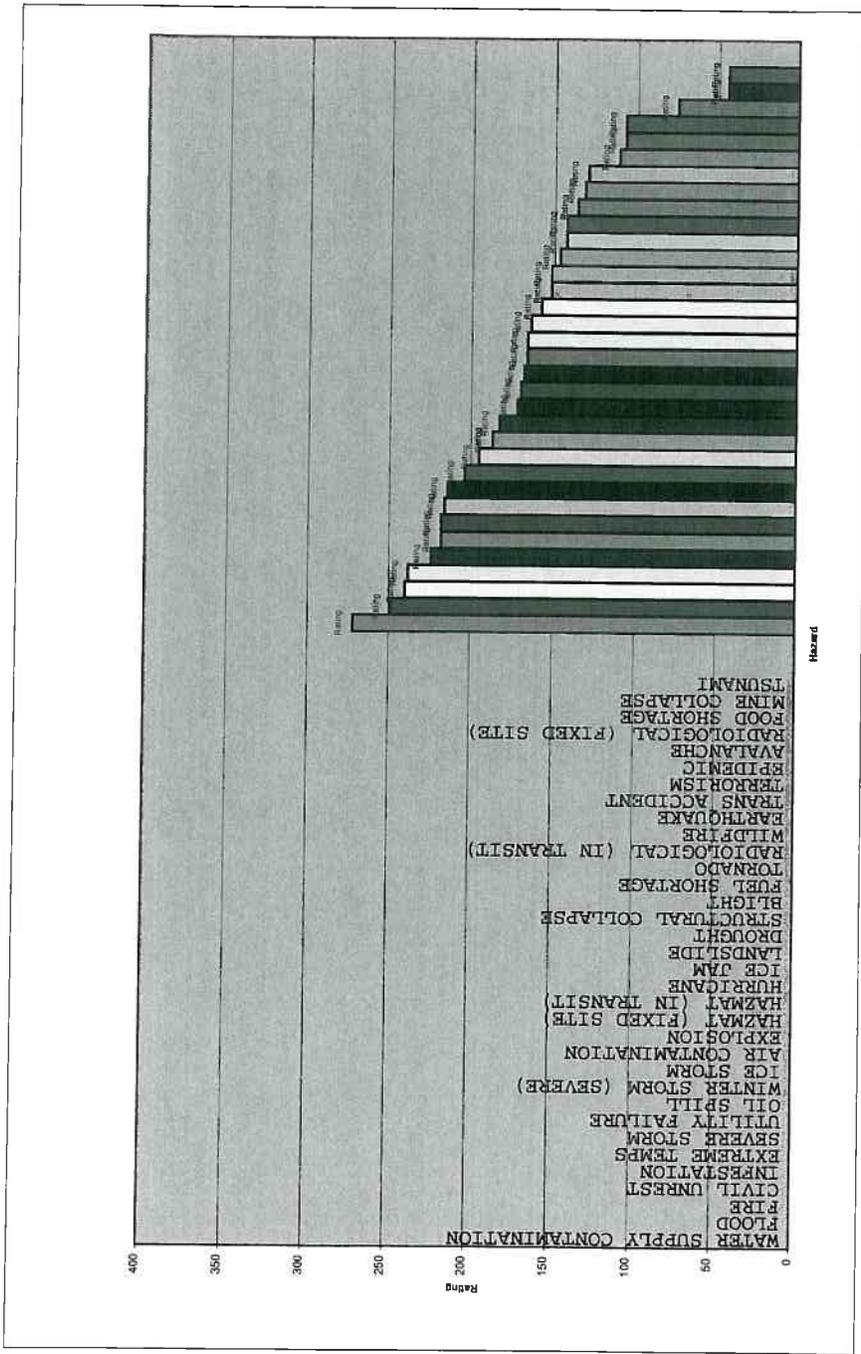
WATER SUPPLY CONTAMINATION
FLOOD
FIRE
CIVIL UNREST
EXTREME TEMPS
SEVERE STORM

*A frequent event was selected on frequency Tab.

HAZARDS THAT PRESENT THE GREATEST THREAT TO LIFE*

TRANS ACCIDENT

*Serious injury and death in extremely large numbers was selected from the Impact Tab.



Possible Mitigation Measures by Hazard

Possible mitigation measures for selected hazards identified throughout New York State. This list is not exhaustive, but is intended as a guide in the consideration of measures to mitigate the associated hazards.

Natural Hazards

Hazard: **Drought**

- Public Awareness
- Retrofit/Upgrade Irrigation System
- Drought Resistant Vegetation
- Drought Preparedness/Planning
- Increase Water Conservation Standards

Hazard: **Earthquake**

- Planning and Zoning
- Retrofit/Upgrade Critical Facilities
- Seismic Retrofit
- Improve/Upgrade/Enforce Building Codes

Hazard: **Epidemic/Blight/Infestation**

- Public Awareness
- Preventative Actions (Spraying for West Nile Virus/Insect Management)
- Medical Stockpile (Planning and Training)

Hazard: **Flood/Ice Jams**

- Planning and Zoning
- Stormwater Management
- Warning System
- Post Disaster Code Enforcement
- Major/Minor Structural Flood Control Projects
- Protective Measures for Critical Facilities
- Property Protection
 - Protective Measures for Critical Facilities
 - Wet/Dry Floodproofing

Hazard: **Hurricane/Severe Storm/Tornado**

- Public Awareness
- Evacuation Plan
- Warning System
- Develop/Improve/Enforce Building Codes in Hazard Areas
- Structural Retrofit
 - Wind Resistant Design and Construction

Hazard: Ice Storm

- Structural Retrofit
- Redundant Utilities/Communications
- Tree Pruning
- Selective Planting around Utility Lines
- Public Awareness
- Develop/Improve/Enforce Building Codes in Hazard Areas
- Underground Wiring/Utilities

Hazard: Landslide

- Planning and Zoning
- Open Space Preservation
- Relocation of Structures
- Acquisition of Structures (Demolish and Convert to Open Space)

Hazard: Wildfire

- Public Awareness
- Evacuation Plan
- Warning System
- Redundant Utilities/Communications
- Tree Pruning
- Selective Planting/Vegetative Setback around Structures

Hazard: Winter Storm(Severe)

- Public Awareness
- Redundant Utilities/Communications
- Tree Pruning
- Warning System
- Develop/Improve/Enforce Building Codes in Hazard Areas
- Retrofit Critical Structures
 - Hazard Resistant Construction

Technological Hazards

*Hazard: **Air Contamination***

- Improve/Upgrade/Enforce Codes for Air Quality Standards
- Retrofit Existing Ventilation Systems
- Incorporate Air Contamination Standards in New Construction

*Hazard: **Dam Failure***

- Warning System
- Public Awareness
- Evacuation Plan
- Inspections
- Dam Maintenance and Upgrades to Increased Safety Standards

*Hazard: **Explosion***

- Retrofit/Upgrade Critical Facilities
- Blast Resistant Construction
- Emergency Evacuation Plan

*Hazard: **Fire (Structural)***

- Develop Codes for Fire Resistant Construction in New Construction
- Improve/Upgrade/Enforce Fire Codes
- Public Awareness
- Retrofit Existing Structures

*Hazard: **Hazardous Materials Fixed Sites/Radiological Fixed Sites***

- Public Awareness
- Evacuation Plan
- Warning System
- Retrofit Key Storage and Operational Facilities
- Preparedness and Response Planning
- Isolation of Hazardous Materials

*Hazard: **Hazardous Materials in Transit/Radiological in Transit/Transportation Accident***

- Public Awareness
- Emergency Service Measures (Preparedness and Response Planning)

*Hazard: **Structural Collapse***

- Retrofit/Upgrade Facilities
- Improve/Upgrade/Enforce Codes and Regulations
- Preparedness and Response (Evacuation Plan)

Hazard: **Utility Failure**

- Public Awareness
- Structural Retrofit
- Redundant Utilities to Support Critical Facilities
- Redundant Communications

Hazard: **Water Supply Contamination**

- Public Awareness
- Warning System
- Structural Retrofit
- Implement Procedures for Testing/Sampling of Water Supply
- Land Use Planning and Zoning

Human Caused Hazards

Hazard: **Civil Unrest**

- Blast Resistant Construction
- Retrofit/Upgrade Lighting
- CCTV
- Crowd Control Planning
- Crowd Control Training (Multi Community/Agency Coordination)

Hazard: **Terrorism**

- Public Awareness
- Evacuation Plan
- Retrofit/Upgrade Critical Facilities
- Blast Resistant Windows
- Access Controls
- Retrofit/Upgrade Ventilation System
- Egress Improvements
- Improved Lighting
- CCTV
- Redundant Communications/Information Technology
- Redundant Utilities to Support Critical Facilities

APPENDIX F
TOWN BOARD ACTIONS

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK**

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Biasotti, Councilman Regenbaum

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Chief Hovey, Town Attorney Blythe, Highway Superintendent Fayó

ABSENT OFFICIALS: Councilman Lundstrom

PUBLIC COMMENT

Supervisor Green asked if anyone had any comments regarding the Town Board meeting agenda. Hearing no one wishing to comment, he proceeded with the meeting.

#1 On Agenda: Motion – Approve Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor approve the minutes of the Town Board meeting held on April 1, 2015 as per the copies posted on the Town Clerk’s bulletin board in the Town Hall and same distributed to each of the Town Board members,

Roll Call: All Ayes

Motion Carried: 4-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

WATER DEPARTMENT

#2 On Agenda: Receive And File Contract - McGoey, Hauser And Edsall For Moodna Wells Water Treatment Facility

Hearing no objection, the Town Board of the Town of New Windsor receive and file an agreement between Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., dated April 2, 2015 for the construction of the Moodna Wells Water Treatment Facility.

#3 On Agenda: Receive And File Contract – McGoey, Hauser And Edsall For Clarkview Drive Watermain Replacement Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file Agreement between Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., dated April 2, 2015, for the Clarkview Drive Watermain Replacement Project.

#4 On Agenda: Receive And File Map Plan And Report – Clarkview Drive Watermain Replacement Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Map, Plan and Report dated April 29, 2015 for the Clarkview Drive Watermain Replacement Project for the Town of New Windsor Consolidated Water District.

#5 On Agenda: Motion – Authorize Execution Of EAF And Adopt Negative Declaration – Clarkview Drive Watermain Replacement Project

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor adopt the following:

Whereas, heretofore the Town Board has determined to replace the existing watermain along Clarkview Drive; and

Whereas, this is an action subject to SEQR; and

Whereas, the Town Board has reviewed a short Environmental Assessment Form (EAF); and

Whereas, the Town Board as the sole Involved Agency has determined this is an unlisted action; and

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

Whereas, the Town Board of the Town of New Windsor has conducted an uncoordinated review and determined there will be no significant environmental impacts;

Now, Therefore, Be It Resolved that after considering all of the information presented to it, the Town Board hereby:

- 1) Authorize the Supervisor to execute the short form EAFs attached hereto and any and all necessary agreements for pertinent agency applications, contracts and bidding documents to allow the construction of water interconnection facilities at Lake Street and Express Drive.
- 2) Determine these to be unlisted actions requiring uncoordinated reviews.
- 3) Declare the actions will not have a significant impact on the environment and hereby adopt Negative Declarations.

Roll Call: All Ayes

Motion Carried: 4-0

#6 On Agenda: Motion - Adopt Order Calling Public Hearing For Increase And Improvement Of Facilities For New Windsor Consolidated Water District (Clarkview Drive Watermain Replacement Project)

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt an Order calling a public hearing to be held on June 3, 2015 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to consider an increase and improvement of facilities of the New Windsor Consolidated Water District (Clarkview Drive Watermain Replacement Project) in accordance with the Order attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

#7 On Agenda: Receive And File Contract – McGoey, Hauser And Edsall For Lake Street And Express Drive Interconnects

Hearing no objection, the Town Board of the Town of New Windsor receive and file an agreement between Town of New Windsor and McGoey, Hauser & Edsall, Consulting Engineers, D.P.C., dated April 2, 2015 for the design of inter-municipal water connections as identified in the Orange County Water Authority Northeast Orange County Water Supply Project Facility Plan, including the interconnects at Lake Street and Express Drive.

#8 On Agenda: Receive And File Map, Plan And Report - Lake Street And Express Drive Interconnects

Hearing no objection, the Town Board of the Town of New Windsor receive and file map, plan and report dated 29 April, 2015 for Lake Street and Express Drive Interconnects Projects, Town of New Windsor Consolidated Water District.

#9 On Agenda: Motion – Authorize Execution Of EAF And Adopt Neg Dec – Lake Street And Express Drive Interconnects

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor adopt the following resolution:

Whereas, heretofore the Town Board has determined to construct water interconnection facilities at Lake Street and Express Drive including the installation of water mains, water meter pit(s) and other improvements as further described in a Map, Plan and Report dated April 29, 2015; and

Whereas, this is an action subject to SEQR; and

Whereas, the Town Board has reviewed two short Environmental Assessment Forms (EAF); and

Whereas, the Town Board as the sole Involved Agency has determined these to be unlisted actions; and

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

Whereas, the Town Board of the Town of New Windsor has conducted uncoordinated reviews and determined there will be no significant environmental impacts;

Now, Therefore Be It Resolved that after considering all of the information presented to it, the Town Board hereby:

- 1) Authorize the Supervisor to execute the short form EAFs attached hereto and any and all necessary agreements for pertinent agency applications, contracts and bidding documents to allow the construction of water interconnection facilities at Lake Street and Express Drive.
- 2) Determine these to be unlisted actions requiring uncoordinated reviews.
- 3) Declare the actions will not have a significant impact on the environment and hereby adopt Negative Declarations.

Roll Call: All Ayes

Motion Carried: 4-0

#10 On Agenda: Motion - Adopt Order Calling Public Hearing For Increase And Improvement Of Facilities For New Windsor Consolidated Water District (Lake Street And Express Drive Interconnects)

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt an Order calling a public hearing to be held on June 3, 2015 at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to consider an increase and improvement of facilities of the New Windsor Consolidated Water District (Lake Street and Express Drive Interconnects) in accordance with the Order attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

#11 On Agenda: Receive And File Easement Agreement – Aquifer LLC (Kroll Well)

Hearing no objection, the Town Board of the Town of New Windsor receive and file an easement agreement between Henry Kroll, Luann Kroll and Margaret Baxter and the Town of New Windsor dated October 1, 2014 and recorded in the Orange County Clerk's office on the 31st day of December, 2014 as File #20140101637.

#12 On Agenda: Motion - Authorize Change Order #GC2 – Kroll Well And Mt. Airy Road Watermain Connection Project

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute change order #GC2 with Roehrs Construction, Inc. for the reduction of estimated quantities of contingency items and the addition of recommended well remediation work for the total amount of \$0.00. Said change order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

SANITATION DEPARTMENT

#13 On Agenda: Motion - Authorize Advertising For Bids – STP Culvert Replacement Project

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize the Town Clerk to advertise, pursuant to law, calling for sealed bids for the STP Culvert Replacement Project which shall be received and publicly opened on the 28th day of May, 2015 at 3:00 P.M. (local time) at the office of the Town of New Windsor Town Clerk, 555 Union Avenue, New Windsor, New York. The Town Board of the Town of New Windsor reserves the right to reject any and/or all bids.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

#14 On Agenda: Receive And File Bids For Influent Building Renovation And Mechanical Bar Screen Installation – Sewer Treatment Plant

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk, bids received and publicly opened on April 7, 2015 for Influent Building Renovation Mechanical Bar Screen Installation Project.

#15 On Agenda: Motion - Award Bid For Influent Building Renovation And Mechanical Bar Screen Installation – Sewer Treatment Plant

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor award the bid for the influent building renovation and mechanical bar screen installation to J Squared Construction for the general construction portion of the project in the amount of \$479,000.00 and to Harry F. Rotolo and Son, Inc. for the electrical portion of the project in the amount of \$96,988.00, each as the lowest responsible bidder for their respective portion of the contract, in accordance with General Municipal Law, Section 103 and as recommended by McGoey, Hauser and Edsall Consulting Engineers, DPC in the attached correspondence.

Roll Call: All Ayes

Motion Carried: 4-0

#16 On Agenda: Receive And File Contract – McGoey, Hauser And Edsall For Influent Building Renovation Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file an agreement between Town of New Windsor and McGoey, Hauser and Edsall Consulting Engineers, D.P.C. dated April 2, 2015 for the Influent Structure and Building Renovation Project.

#17 On Agenda: Receive And File Easements – McQuade Sewer Line Replacement Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file a temporary access and construction easement and a permanent utility easement between McQuade Foundation, Inc. and Town of New Windsor dated October 7, 2014 and recorded in the Orange County Clerk's office on December 31st, 2014 as file #20140101593.

#18 On Agenda: Motion – Authorize Adoption Of Bond Resolution – Proposed Relocation Of Wastewater Treatment Plant Outfall

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor hereby authorize the adoption of a Bond Resolution for the relocation of the wastewater treatment plant outfall and authorize the issuance of \$750,000 bonds in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

GENERAL

#19 On Agenda: Motion - Authorize Execution Of Contract – Doneit Group For Hazard Mitigation Plan Update

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize Supervisor to execute contract between Town of New Windsor and Doneit Group for the update of the Town's Hazard Mitigation Plan, not to exceed \$18,250.00 to address mitigation of potential natural hazards, including flood, wind, fire, geologic hazards, etc., in the Town.

Roll Call: All Ayes

Motion Carried: 4-0

#20 On Agenda: Motion - Authorize Execution of Change Order #2 – Streambank Stabilization Project

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute change order #2 with A. Servidone, Inc./B. Anthony Construction Corp, JV for a thirty (30) day time extension. Said change order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

#21 On Agenda: Motion - Authorize Execution of Change Order #3 – Streambank Stabilization Project

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor authorize the Supervisor to execute change order #3 with A. Servidone, Inc./B. Anthony Construction Corp, JV for the reduction of estimated quantities of contingency item C-3 and the change in geotextile material for the face of the slope. The total sum of the additions and reductions if \$0.00. Said change order shall be in a form acceptable to the Town Attorney and with the approval of the Town Engineer.

Roll Call: All Ayes

Motion Carried: 4-0

#22 On Agenda: Motion - Reduce Performance Bond – Rakowicki Major Subdivision, Phase 1

Motion by Councilman Regenbaum, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the reduction of the performance bond for the Rakowicki Major Subdivision, Phase 1, (Planning Board #01-26), from \$209,502.00 to \$157,822.00 as recommended by McGoey, Hauser and Edsall Consulting Engineers, DPC by correspondence dated April 13, 2015.

Roll Call: All Ayes

Motion Carried: 4-0

#23 On Agenda: Motion - Authorize Solicitor's Permit – Power Marketing Group LLC

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor authorize a solicitor's permit submitted by Power Marketing Group LLC, 782 Pelham Parkway South, Apartment A4, Bronx, New York, to solicit commodities (gas and electric), door-to-door in the Town. Permit shall be obtained from the Town Clerk's office.

Roll Call: All Ayes

Motion Carried: 4-0

#24 On Agenda: Motion - Authorize Solicitor's Permit – Nicholas Minutolo

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the renewal of a solicitor's permit submitted by veteran Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell hot dogs, snacks and drinks in the Town of New Windsor at the Route 207 right-of-way near Executive Drive. Permit shall be obtained from the Town Clerk's office, permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 4-0

#25 On Agenda: Motion - Authorize Bond Resolution – Proposed Replacement Of Lake Road Bridge

Motion by Councilwoman Mullarkey, seconded by Councilwoman Biasotti, that the Town Board of the Town of New Windsor hereby authorize the adoption of a Bond Resolution for the replacement of the Lake Road Bridge and authorize the issuance of \$400,000 bonds in accordance with the resolution attached hereto.

Roll Call: All Ayes

Motion Carried: 4-0

#26 On Agenda: Motion - Authorize Amendments to Standard Schedule of Fees

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor that the Town Board of the Town of New Windsor authorize the following amendments to the 2015 Standard Schedule of Fees; adopted February 4, 2015:

Section I – Dog Licensing Fees: #2:

Delete: "\$22.00 for rabies vaccination and bordetella vaccine"

Replace with: "\$100.00 for rabies vaccine, bordetella vaccine and distemper vaccine"

Section I- Dog Licensing Fees. #5:

Delete wording "Local board fee of \$15.00 per day"

Replace with: "Local board fee of \$30.00 per day, or the actual cost of boarding, whichever is higher"

Roll Call: All Ayes

Motion Carried: 4-0

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

#27 On Agenda: Receive And File Title Policy - SCC Canyon II, LLC (The Grove)

Hearing no objection, the Town Board of the Town of New Windsor receive and file Title Policy #3712-00055 dated June 5, 2014 from Chicago Title Insurance Company for Section 97, Block 2, Lot 72.

#28 On Agenda: Receive And File Title Policy – Orleans DK, LLC (Woodside Crossing)

Hearing no objection, the Town Board of the Town of New Windsor receive and file title policy #OP-22-NY1133-3939031 dated February 10, 2015 from Westcor Land Title Insurance Company for Luthien Forest Road and Brandywine Road in the Woodside Crossing Subdivision (f/k/a Middle Earth Subdivision).

#29 On Agenda: Receive And File Title Policy – RRWC, LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file title policy #OP-22-NY1133-3986686 dated March 4, 2015 from Westcor Land Title Insurance Company for 78+/- acres adjacent to Mt. Airy Park.

#30 On Agenda: Receive And File Drainage Easements – Drainage District #6 (The Reserve)

Hearing no objection, the Town Board of the Town of New Windsor receive and file two drainage easements in accordance with the attached list for drainage district #6, Mt. Airy Estates a/k/a The Reserve, said easements were recorded in the Orange County Clerk's office on November 6, 2014.

| | | |
|---|-------------|---------------------|
| Pia J. Smith-Sands and Charles D. Sands | SBL 77-2-25 | 2724 Colonial Drive |
| Shirlyn Manzano | SBL 77-6-18 | 2608 Liberty Ridge |

#31 On Agenda: Receive And File Option Lease Agreement – Jointa Lime Company

Hearing no objection, the Town Board of the Town of New Windsor receive and file Option Lease Agreement between Jointa Lime Company, a wholly owned subsidiary of D. A. Collins, Inc. and Town of New Windsor for property located at 20 World Trade Way, New Windsor New York (SBL 91-1-9) and Treatment Plant Road, New Windsor, New York (SBL 91-1-2).

#32 On Agenda: Receive And File GASB-45 Actuarial Valuation – Summit Actuarial Services, LLC

Hearing no objections, the Town Board of the Town of New Windsor receive and file with the Town Clerk GASB45 Actuarial Valuation for the Town of New Windsor dated December 31, 2014, received from Summit Actuarial Services, LLC.

#33 On Agenda: Motion – Appoint Police Officer

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor appoint MICHAEL D. SUTTLEHAN, 8 Willow Parkway, New Windsor, New York to the Town of New Windsor Police Department pending medical approval.

Roll Call: All Ayes

Motion Carried: 4-0

#34 On Agenda: Receive and File Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

| | |
|---|---------------------|
| Building Department | Month of April 2015 |
| Justice Court – Noreen Calderin | Month of April 2015 |
| Justice Court – Richard Thorpe | Month of April 2015 |
| Police Department | Month of April 2015 |
| Recreation Department | Month of April 2015 |
| Tax Receiver Utility Report | Month of April 2015 |
| Tax Receiver Final Property Tax Statement | Month of April 2015 |
| Town Clerk | Month of April 2015 |

**TOWN BOARD MEETING
WEDNESDAY, MAY 6, 2015; 7:00 P.M.**

#35 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments. Hearing no one wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilwoman Biasotti, seconded by Councilwoman Mullarkey, that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes

Motion Carried: 4-0

#36 On Agenda: Motion - Adjourn Meeting

Motion by Councilman Regenbaum, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:25 P. M.

Roll Call: All Ayes

Motion Carried: 4-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc

APPENDIX G

APPLICABLE STATE AND FEDERAL REGULATIONS

TITLE 44 - EMERGENCY MANAGEMENT AND ASSISTANCE

[67 FR 8848, Feb. 26, 2002, as amended at 67 FR 61515, Oct. 1, 2002; 68 FR 61370, Oct. 28, 2003; 69 FR 55096, Sept. 13, 2004]

Part 201 - Mitigation Planning

Table of Contents:

- 201.1. Purpose
- 201.2. Definitions
- 201.3. Responsibilities
- 201.4. Standard State Mitigation Plans
- 201.5. Enhanced State Mitigation Plans
- 201.6. Local Mitigation Plans

Authority:

Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

Source:

67 FR 8848, Feb. 26, 2002, unless otherwise noted.

§1. Purpose

(a) The purpose of this part is to provide information on the policies and procedures for mitigation planning as required by the provisions of section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) The purpose of mitigation planning is for State, local, and Indian tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from those hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide range of resources.

§2. Definitions

Grantee means the government to which a grant is awarded, which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State. An Indian tribal government acting as grantee will assume the responsibilities of a "state", as described in this part, for the purposes of administering the grant.

Hazard mitigation means any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.

Hazard Mitigation Grant Program means the program authorized under section 404 of the Stafford Act, 42 U.S.C 5170c and implemented at 44 CFR Part 206, Subpart N, which authorizes funding for certain mitigation measures identified through the evaluation of natural hazards conducted under section 322 of the Stafford Act 42 U.S.C 5165.

Indian tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity.

Managing State means a State to which FEMA has delegated the authority to administer and manage the HMGP under the criteria established by FEMA pursuant to

42 U.S.C. 5170c(c). FEMA may also delegate authority to tribal governments to administer and manage the HMGP as a Managing State.

Regional Director is a director of a regional office of FEMA, or his/her designated representative.

Small and impoverished communities means a community of 3,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city; is economically disadvantaged, by having an average per capita annual income of residents not exceeding 80 percent of national, per capita income, based on best available data; the local unemployment rate exceeds by one percentage point or more, the most recently reported, average yearly national unemployment rate; and any other factors identified in the State Plan in which the community is located.

The Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (42 U.S.C. 5121-5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Hazard Mitigation Officer is the official representative of State government who is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under the Stafford Act.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

§3. Responsibilities

(a) *General*. This section identifies the key responsibilities of FEMA, States, and local/tribal governments in carrying out section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) *FEMA*. The key responsibilities of the Regional Director are to:

(1) Oversee all FEMA related pre- and post-disaster hazard mitigation programs and activities;

(2) Provide technical assistance and training to State, local, and Indian tribal governments regarding the mitigation planning process;

(3) Review and approve all Standard and Enhanced State Mitigation Plans;

(4) Review and approve all local mitigation plans, unless that authority has been delegated to the State in accordance with §201.6(d);

(5) Conduct reviews, at least once every three years, of State mitigation activities, plans, and programs to ensure that mitigation commitments are fulfilled, and when necessary, take action, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.

(c) *State*. The key responsibilities of the State are to coordinate all State and local activities relating to hazard evaluation and mitigation and to:

(1) Prepare and submit to FEMA a Standard State Mitigation Plan following the

criteria established in §201.4 as a condition of receiving Stafford Act assistance (except emergency assistance).

(2) In order to be considered for the 20 percent HMGP funding, prepare and submit an Enhanced State Mitigation Plan in accordance with §201.5, which must be reviewed and updated, if necessary, every three years from the date of the approval of the previous plan.

(3) At a minimum, review and, if necessary, update the Standard State Mitigation Plan by November 1, 2004 and every three years from the date of the approval of the previous plan in order to continue program eligibility.

(4) Make available the use of up to the 7 percent of HMGP funding for planning in accordance with §206.434.

(5) Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.

(6) For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with §201.6(d).

(7) If necessary, submit a request from the Governor to the Director of FEMA, requesting an extension to the plan deadline in accordance with §201.4(a)(2).

(d) *Local governments.* The key responsibilities of local governments are to:

(1) Prepare and adopt a jurisdiction-wide natural hazard mitigation plan as a condition of receiving project grant funds under the HMGP, in accordance with §201.6.

(2) At a minimum, review and, if necessary, update the local mitigation plan every five years from date of plan approval to continue program eligibility.

(e) *Indian tribal governments.* Indian tribal governments will be given the option of applying directly to us for Hazard Mitigation Grant Program funding, or they may choose to apply through the State. If they apply directly to us, they will assume the responsibilities of the State, or grantee, and if they apply through the State, they will assume the responsibilities of the local government, or subgrantee.

[67 FR 8848, Feb. 26, 2002, as amended at 67 FR 61515, Oct. 1, 2002; 69 FR 55096, Sept. 13, 2004]

§4. Standard State Mitigation Plans

(a) *Plan requirement.* (1) By November 1, 2004, States must have an approved Standard State Mitigation Plan meeting the requirements of this section in order to receive assistance under the Stafford Act, although assistance authorized under disasters declared prior to November 1, 2004 will continue to be made available. Until that date, existing, FEMA approved State Mitigation Plans will be accepted. In any case, emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the Pre-Disaster Mitigation (PDM) program, authorized under Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133, will also continue to be available. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan, but must comply with the requirement for updates, amendments, or revisions listed under 44 CFR 206.437.

(2) A Governor, or Indian tribal leader, may request an extension to the plan approval deadline by submitting a request in writing to the Director of FEMA, through the Regional Director. At a minimum, this must be signed by the Governor or the Indian tribal leader, and must include justification for the extension, identification of the reasons the plan has not been completed, identification of the amount of additional time required to complete the plan, and a strategy for finalizing the plan. The Director of FEMA will review each request and may grant a plan approval extension of up to six months. However, any

extended plan approval deadline will be no later than May 1, 2005.

(b) *Planning process.* An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other State agencies, appropriate Federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.

(c) *Plan content.* To be effective the plan must include the following elements:

(1) Description of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how other agencies participated.

(2) *Risk assessments* that provide the factual basis for activities proposed in the strategy portion of the mitigation plan. Statewide risk assessments must characterize and analyze natural hazards and risks to provide a statewide overview. This overview will allow the State to compare potential losses throughout the State and to determine their priorities for implementing mitigation measures under the strategy, and to prioritize jurisdictions for receiving technical and financial support in developing more detailed local risk and vulnerability assessments. The risk assessment shall include the following:

(i) An overview of the type and location of all natural hazards that can affect the State, including information on previous occurrences of hazard events, as well as the probability of future hazard events, using maps where appropriate;

(ii) An overview and analysis of the State's vulnerability to the hazards described in this paragraph (c)(2), based on estimates provided in local risk assessments as well as the State risk assessment. The State shall describe vulnerability in terms of the jurisdictions most threatened by the identified hazards, and most vulnerable to damage and loss associated with hazard events. State owned critical or operated facilities located in the identified hazard areas shall also be addressed;

(iii) An overview and analysis of potential losses to the identified vulnerable structures, based on estimates provided in local risk assessments as well as the State risk assessment. The State shall estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.

(3) A *Mitigation Strategy* that provides the State's blueprint for reducing the losses identified in the risk assessment. This section shall include:

(i) A description of State goals to guide the selection of activities to mitigate and reduce potential losses.

(ii) A discussion of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; a discussion of State funding capabilities for hazard mitigation projects; and a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.

(iii) An identification, evaluation, and prioritization of cost-effective, environmentally sound, and technically feasible mitigation actions and activities the State is considering and an explanation of how each activity contributes to the overall mitigation strategy. This section should be linked to local plans, where specific local actions and projects are identified.

(iv) Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.

(4) A section on the *Coordination of Local Mitigation Planning* that includes the following:

(i) A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.

(ii) A description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.

(iii) Criteria for prioritizing communities and local jurisdictions that would receive planning and project grants under available funding programs, which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.

(5) A *Plan Maintenance Process* that includes:

(i) An established method and schedule for monitoring, evaluating, and updating the plan.

(ii) A system for monitoring implementation of mitigation measures and project closeouts.

(iii) A system for reviewing progress on achieving goals as well as activities and projects identified in the Mitigation Strategy.

(6) A *Plan Adoption Process*. The plan must be formally adopted by the State prior to submittal to us for final review and approval.

(7) *Assurances.* The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

(d) *Review and updates.* Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities and resubmitted for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible. We also encourage a State to review its plan in the post-disaster timeframe to reflect changing priorities, but it is not required.

[67 FR 8848, Feb. 26, 2002, as amended at 67 FR 61515, Oct. 1, 2002; 69 FR 55096, Sept. 13, 2004]

§5. Enhanced State Mitigation Plans

(a) A State with a FEMA approved Enhanced State Mitigation Plan at the time of a disaster declaration is eligible to receive increased funds under the HMGP, based on twenty percent of the total estimated eligible Stafford Act disaster assistance. The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program, that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within three years prior to the disaster declaration.

(b) Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation Plan identified in §201.4, as well as document the following:

(1) Demonstration that the plan is integrated to the extent practicable with other State and/or regional planning initiatives (comprehensive, growth management, economic development, capital improvement, land development, and/or emergency management plans) and FEMA mitigation programs and initiatives that provide guidance to State and regional agencies.

(2) Documentation of the State's project implementation capability, identifying and demonstrating the ability to implement the plan, including:

(i) Established eligibility criteria for multi-hazard mitigation measures.

(ii) A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.

(iii) Demonstration that the State has the capability to effectively manage the HMGP as well as other mitigation grant programs, including a record of the following:

(A) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation;

(B) Preparing and submitting accurate environmental reviews and benefit-cost analyses;

(C) Submitting complete and accurate quarterly progress and financial reports on time; and

(D) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.

(iv) A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.

(3) Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.

(4) Demonstration that the State is committed to a comprehensive state mitigation program, which might include any of the following:

(i) A commitment to support local mitigation planning by providing workshops and training, State planning grants, or coordinated capability development of local officials, including Emergency Management and Floodplain Management certifications.

(ii) A statewide program of hazard mitigation through the development of legislative initiatives, mitigation councils, formation of public/private partnerships, and/or other executive actions that promote hazard mitigation.

(iii) The State provides a portion of the non-Federal match for HMGP and/or other mitigation projects.

(iv) To the extent allowed by State law, the State requires or encourages local governments to use a current version of a nationally applicable model building code or standard that addresses natural hazards as a basis for design and construction of State sponsored mitigation projects.

(v) A comprehensive, multi-year plan to mitigate the risks posed to existing buildings that have been identified as necessary for post-disaster response and recovery operations.

(vi) A comprehensive description of how the State integrates mitigation into its post-disaster recovery operations.

(c) *Review and updates.* (1) A State must review and revise its plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit it for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(2) In order for a State to be eligible for the 20 percent HMGP funding, the Enhanced State Mitigation plan must be approved by FEMA within the three years prior to the current major disaster declaration.

§6. Local Mitigation Plans

The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.

(a) *Plan requirements.*

(1) For disasters declared on or after November 1, 2004, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants.

(2) Local governments must have a mitigation plan approved pursuant to this section in order to receive a project grant through the Pre-Disaster Mitigation (PDM) program under any Notice of funding opportunity issued after November 1, 2003. The PDM program is authorized under §203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133. PDM planning grants will continue to be made available to local governments after this time to enable them to meet the requirements of this section.

(3) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(4) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

(b) *Planning process.* An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

(1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;

(2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and

(3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

(c) *Plan content.* The plan shall include the following:

(1) Documentation of the *planning process* used to develop the plan, including

how it was prepared, who was involved in the process, and how the public was involved.

(2) A *risk assessment* that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:

(i) A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

(ii) A description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community. The plan should describe vulnerability in terms of:

(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;

(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate;

(C) Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.

(iii) For multi-jurisdictional plans, the risk assessment section must

assess each jurisdiction's risks where they vary from the risks facing the entire planning area.

(3) A *mitigation strategy* that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:

(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

(iii) An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

(iv) For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

(4) A *plan maintenance process* that includes:

(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.

(ii) A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.

(iii) Discussion on how the community will continue public participation in the plan maintenance process.

(5) *Documentation* that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

(d) *Plan review.* (1) Plans must be submitted to the State Hazard Mitigation Officer for initial review and coordination. The State will then send the plan to the appropriate FEMA Regional Office for formal review and approval.

(2) The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(3) Plans must be reviewed, revised if appropriate, and resubmitted for approval within five years in order to continue to be eligible for HMGP project grant funding.

(4) Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c) will be delegated approval authority for local mitigation plans, and the review will be based on the criteria in this part. Managing States will review the plans within 45 days of receipt of the plans, whenever possible, and provide a copy of the approved plans to the Regional Office.

PUBLIC LAW 106-390—OCT. 30, 2000

DISASTER MITIGATION ACT OF 2000

Public Law 106–390
106th Congress

An Act

Oct. 30, 2000
[H.R. 707]

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

Disaster
Mitigation Act of
2000.

42 USC 5121
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Disaster Mitigation Act of 2000”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PREDISASTER HAZARD MITIGATION

Sec. 101. Findings and purpose.
Sec. 102. Predisaster hazard mitigation.
Sec. 103. Interagency task force.
Sec. 104. Mitigation planning; minimum standards for public and private structures.

TITLE II—STREAMLINING AND COST REDUCTION

Sec. 201. Technical amendments.
Sec. 202. Management costs.
Sec. 203. Public notice, comment, and consultation requirements.
Sec. 204. State administration of hazard mitigation grant program.
Sec. 205. Assistance to repair, restore, reconstruct, or replace damaged facilities.
Sec. 206. Federal assistance to individuals and households.
Sec. 207. Community disaster loans.
Sec. 208. Report on State management of small disasters initiative.
Sec. 209. Study regarding cost reduction.

TITLE III—MISCELLANEOUS

Sec. 301. Technical correction of short title.
Sec. 302. Definitions.
Sec. 303. Fire management assistance.
Sec. 304. Disaster grant closeout procedures.
Sec. 305. Public safety officer benefits for certain Federal and State employees.
Sec. 306. Buy American.
Sec. 307. Treatment of certain real property.
Sec. 308. Study of participation by Indian tribes in emergency management.

**TITLE I—PREDISASTER HAZARD
MITIGATION**

42 USC 5133
note.

SEC. 101. FINDINGS AND PURPOSE.

(a) **FINDINGS.**—Congress finds that—

(1) natural disasters, including earthquakes, tsunamis, tornadoes, hurricanes, flooding, and wildfires, pose great danger to human life and to property throughout the United States;

(2) greater emphasis needs to be placed on—

(A) identifying and assessing the risks to States and local governments (including Indian tribes) from natural disasters;

(B) implementing adequate measures to reduce losses from natural disasters; and

(C) ensuring that the critical services and facilities of communities will continue to function after a natural disaster;

(3) expenditures for postdisaster assistance are increasing without commensurate reductions in the likelihood of future losses from natural disasters;

(4) in the expenditure of Federal funds under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), high priority should be given to mitigation of hazards at the local level; and

(5) with a unified effort of economic incentives, awareness and education, technical assistance, and demonstrated Federal support, States and local governments (including Indian tribes) will be able to—

(A) form effective community-based partnerships for hazard mitigation purposes;

(B) implement effective hazard mitigation measures that reduce the potential damage from natural disasters;

(C) ensure continued functionality of critical services;

(D) leverage additional non-Federal resources in meeting natural disaster resistance goals; and

(E) make commitments to long-term hazard mitigation efforts to be applied to new and existing structures.

(b) **PURPOSE.**—The purpose of this title is to establish a national disaster hazard mitigation program—

(1) to reduce the loss of life and property, human suffering, economic disruption, and disaster assistance costs resulting from natural disasters; and

(2) to provide a source of predisaster hazard mitigation funding that will assist States and local governments (including Indian tribes) in implementing effective hazard mitigation measures that are designed to ensure the continued functionality of critical services and facilities after a natural disaster.

SEC. 102. PREDISASTER HAZARD MITIGATION.

(a) **IN GENERAL.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

“SEC. 203. PREDISASTER HAZARD MITIGATION.

“(a) **DEFINITION OF SMALL IMPOVERISHED COMMUNITY.**—In this section, the term ‘small impoverished community’ means a community of 3,000 or fewer individuals that is economically disadvantaged, as determined by the State in which the community is located and based on criteria established by the President.

“(b) **ESTABLISHMENT OF PROGRAM.**—The President may establish a program to provide technical and financial assistance to States and local governments to assist in the implementation of

President.
42 USC 5133.

predisaster hazard mitigation measures that are cost-effective and are designed to reduce injuries, loss of life, and damage and destruction of property, including damage to critical services and facilities under the jurisdiction of the States or local governments.

“(c) APPROVAL BY PRESIDENT.—If the President determines that a State or local government has identified natural disaster hazards in areas under its jurisdiction and has demonstrated the ability to form effective public-private natural disaster hazard mitigation partnerships, the President, using amounts in the National Predisaster Mitigation Fund established under subsection (i) (referred to in this section as the ‘Fund’), may provide technical and financial assistance to the State or local government to be used in accordance with subsection (e).

“(d) STATE RECOMMENDATIONS.—

“(1) IN GENERAL.—

“(A) RECOMMENDATIONS.—The Governor of each State may recommend to the President not fewer than five local governments to receive assistance under this section.

“(B) DEADLINE FOR SUBMISSION.—The recommendations under subparagraph (A) shall be submitted to the President not later than October 1, 2001, and each October 1st thereafter or such later date in the year as the President may establish.

“(C) CRITERIA.—In making recommendations under subparagraph (A), a Governor shall consider the criteria specified in subsection (g).

“(2) USE.—

President.

“(A) IN GENERAL.—Except as provided in subparagraph (B), in providing assistance to local governments under this section, the President shall select from local governments recommended by the Governors under this subsection.

“(B) EXTRAORDINARY CIRCUMSTANCES.—In providing assistance to local governments under this section, the President may select a local government that has not been recommended by a Governor under this subsection if the President determines that extraordinary circumstances justify the selection and that making the selection will further the purpose of this section.

“(3) EFFECT OF FAILURE TO NOMINATE.—If a Governor of a State fails to submit recommendations under this subsection in a timely manner, the President may select, subject to the criteria specified in subsection (g), any local governments of the State to receive assistance under this section.

“(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—

“(1) IN GENERAL.—Technical and financial assistance provided under this section—

“(A) shall be used by States and local governments principally to implement predisaster hazard mitigation measures that are cost-effective and are described in proposals approved by the President under this section; and

“(B) may be used—

“(i) to support effective public-private natural disaster hazard mitigation partnerships;

“(ii) to improve the assessment of a community’s vulnerability to natural hazards; or

“(iii) to establish hazard mitigation priorities, and an appropriate hazard mitigation plan, for a community.

“(2) DISSEMINATION.—A State or local government may use not more than 10 percent of the financial assistance received by the State or local government under this section for a fiscal year to fund activities to disseminate information regarding cost-effective mitigation technologies.

“(f) ALLOCATION OF FUNDS.—The amount of financial assistance made available to a State (including amounts made available to local governments of the State) under this section for a fiscal year—

“(1) shall be not less than the lesser of—

“(A) \$500,000; or

“(B) the amount that is equal to 1.0 percent of the total funds appropriated to carry out this section for the fiscal year;

“(2) shall not exceed 15 percent of the total funds described in paragraph (1)(B); and

“(3) shall be subject to the criteria specified in subsection

(g).

“(g) CRITERIA FOR ASSISTANCE AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under this section, the President shall take into account—

“(1) the extent and nature of the hazards to be mitigated;

“(2) the degree of commitment of the State or local government to reduce damages from future natural disasters;

“(3) the degree of commitment by the State or local government to support ongoing non-Federal support for the hazard mitigation measures to be carried out using the technical and financial assistance;

“(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State;

“(5) the extent to which the technical and financial assistance is consistent with other assistance provided under this Act;

“(6) the extent to which prioritized, cost-effective mitigation activities that produce meaningful and definable outcomes are clearly identified;

“(7) if the State or local government has submitted a mitigation plan under section 322, the extent to which the activities identified under paragraph (6) are consistent with the mitigation plan;

“(8) the opportunity to fund activities that maximize net benefits to society;

“(9) the extent to which assistance will fund mitigation activities in small impoverished communities; and

“(10) such other criteria as the President establishes in consultation with State and local governments.

President.

“(h) FEDERAL SHARE.—

“(1) IN GENERAL.—Financial assistance provided under this section may contribute up to 75 percent of the total cost of mitigation activities approved by the President.

“(2) SMALL IMPOVERISHED COMMUNITIES.—Notwithstanding paragraph (1), the President may contribute up to 90 percent of the total cost of a mitigation activity carried out in a small impoverished community.

“(i) NATIONAL PREDISASTER MITIGATION FUND.—

“(1) ESTABLISHMENT.—The President may establish in the Treasury of the United States a fund to be known as the ‘National Predisaster Mitigation Fund’, to be used in carrying out this section.

“(2) TRANSFERS TO FUND.—There shall be deposited in the Fund—

“(A) amounts appropriated to carry out this section, which shall remain available until expended; and

“(B) sums available from gifts, bequests, or donations of services or property received by the President for the purpose of predisaster hazard mitigation.

“(3) EXPENDITURES FROM FUND.—Upon request by the President, the Secretary of the Treasury shall transfer from the Fund to the President such amounts as the President determines are necessary to provide technical and financial assistance under this section.

“(4) INVESTMENT OF AMOUNTS.—

“(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

“(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

“(i) on original issue at the issue price; or

“(ii) by purchase of outstanding obligations at the market price.

“(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

“(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

“(E) TRANSFERS OF AMOUNTS.—

“(i) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

“(ii) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

“(j) LIMITATION ON TOTAL AMOUNT OF FINANCIAL ASSISTANCE.—The President shall not provide financial assistance under this section in an amount greater than the amount available in the Fund.

“(k) MULTHAZARD ADVISORY MAPS.—

“(1) DEFINITION OF MULTHAZARD ADVISORY MAP.—In this subsection, the term ‘multihazard advisory map’ means a map

on which hazard data concerning each type of natural disaster is identified simultaneously for the purpose of showing areas of hazard overlap.

“(2) DEVELOPMENT OF MAPS.—In consultation with States, local governments, and appropriate Federal agencies, the President shall develop multihazard advisory maps for areas, in not fewer than five States, that are subject to commonly recurring natural hazards (including flooding, hurricanes and severe winds, and seismic events).

President.

“(3) USE OF TECHNOLOGY.—In developing multihazard advisory maps under this subsection, the President shall use, to the maximum extent practicable, the most cost-effective and efficient technology available.

“(4) USE OF MAPS.—

“(A) ADVISORY NATURE.—The multihazard advisory maps shall be considered to be advisory and shall not require the development of any new policy by, or impose any new policy on, any government or private entity.

“(B) AVAILABILITY OF MAPS.—The multihazard advisory maps shall be made available to the appropriate State and local governments for the purposes of—

“(i) informing the general public about the risks of natural hazards in the areas described in paragraph (2);

“(ii) supporting the activities described in subsection (e); and

“(iii) other public uses.

“(1) REPORT ON FEDERAL AND STATE ADMINISTRATION.—Not later than 18 months after the date of the enactment of this section, the President, in consultation with State and local governments, shall submit to Congress a report evaluating efforts to implement this section and recommending a process for transferring greater authority and responsibility for administering the assistance program established under this section to capable States.

Deadline.

“(m) TERMINATION OF AUTHORITY.—The authority provided by this section terminates December 31, 2003.”

(b) CONFORMING AMENDMENT.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by striking the title heading and inserting the following:

**“TITLE II—DISASTER PREPAREDNESS
AND MITIGATION ASSISTANCE”.**

SEC. 103. INTERAGENCY TASK FORCE.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) (as amended by section 102(a)) is amended by adding at the end the following:

“SEC. 204. INTERAGENCY TASK FORCE.

42 USC 5134.

“(a) IN GENERAL.—The President shall establish a Federal interagency task force for the purpose of coordinating the implementation of predisaster hazard mitigation programs administered by the Federal Government.

“(b) CHAIRPERSON.—The Director of the Federal Emergency Management Agency shall serve as the chairperson of the task force.

“(c) MEMBERSHIP.—The membership of the task force shall include representatives of—

“(1) relevant Federal agencies;

“(2) State and local government organizations (including Indian tribes); and

“(3) the American Red Cross.”.

SEC. 104. MITIGATION PLANNING; MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) is amended by adding at the end the following:

42 USC 5165.

“SEC. 322. MITIGATION PLANNING.

“(a) REQUIREMENT OF MITIGATION PLAN.—As a condition of receipt of an increased Federal share for hazard mitigation measures under subsection (e), a State, local, or tribal government shall develop and submit for approval to the President a mitigation plan that outlines processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government.

“(b) LOCAL AND TRIBAL PLANS.—Each mitigation plan developed by a local or tribal government shall—

“(1) describe actions to mitigate hazards, risks, and vulnerabilities identified under the plan; and

“(2) establish a strategy to implement those actions.

“(c) STATE PLANS.—The State process of development of a mitigation plan under this section shall—

“(1) identify the natural hazards, risks, and vulnerabilities of areas in the State;

“(2) support development of local mitigation plans;

“(3) provide for technical assistance to local and tribal governments for mitigation planning; and

“(4) identify and prioritize mitigation actions that the State will support, as resources become available.

“(d) FUNDING.—

“(1) IN GENERAL.—Federal contributions under section 404 may be used to fund the development and updating of mitigation plans under this section.

“(2) MAXIMUM FEDERAL CONTRIBUTION.—With respect to any mitigation plan, a State, local, or tribal government may use an amount of Federal contributions under section 404 not to exceed 7 percent of the amount of such contributions available to the government as of a date determined by the government.

“(e) INCREASED FEDERAL SHARE FOR HAZARD MITIGATION MEASURES.—

“(1) IN GENERAL.—If, at the time of the declaration of a major disaster, a State has in effect an approved mitigation plan under this section, the President may increase to 20 percent, with respect to the major disaster, the maximum percentage specified in the last sentence of section 404(a).

President.

“(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

“(A) eligibility criteria for property acquisition and other types of mitigation measures;

“(B) requirements for cost effectiveness that are related to the eligibility criteria;

“(C) a system of priorities that is related to the eligibility criteria; and

“(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete.

“SEC. 323. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES.

42 USC 5165a.

“(a) IN GENERAL.—As a condition of receipt of a disaster loan or grant under this Act—

“(1) the recipient shall carry out any repair or construction to be financed with the loan or grant in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards; and

“(2) the President may require safe land use and construction practices, after adequate consultation with appropriate State and local government officials.

“(b) EVIDENCE OF COMPLIANCE.—A recipient of a disaster loan or grant under this Act shall provide such evidence of compliance with this section as the President may require by regulation.”.

(b) LOSSES FROM STRAIGHT LINE WINDS.—The President shall increase the maximum percentage specified in the last sentence of section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) from 15 percent to 20 percent with respect to any major disaster that is in the State of Minnesota and for which assistance is being provided as of the date of the enactment of this Act, except that additional assistance provided under this subsection shall not exceed \$6,000,000. The mitigation measures assisted under this subsection shall be related to losses in the State of Minnesota from straight line winds.

President.

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(a)) is amended—

(A) in the second sentence, by striking “section 409” and inserting “section 322”; and

(B) in the third sentence, by striking “The total” and inserting “Subject to section 322, the total”.

(2) Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5176) is repealed.

TITLE II—STREAMLINING AND COST REDUCTION

SEC. 201. TECHNICAL AMENDMENTS.

Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking “section 803 of the Public Works and Economic Development Act of 1965” each place it appears

and inserting “section 209(c)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2))”.

SEC. 202. MANAGEMENT COSTS.

(a) IN GENERAL.—Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 104(a)) is amended by adding at the end the following:

42 USC 5165b.

“SEC. 324. MANAGEMENT COSTS.

“(a) DEFINITION OF MANAGEMENT COST.—In this section, the term ‘management cost’ includes any indirect cost, any administrative expense, and any other expense not directly chargeable to a specific project under a major disaster, emergency, or disaster preparedness or mitigation activity or measure.

Regulations.

“(b) ESTABLISHMENT OF MANAGEMENT COST RATES.—Notwithstanding any other provision of law (including any administrative rule or guidance), the President shall by regulation establish management cost rates, for grantees and subgrantees, that shall be used to determine contributions under this Act for management costs.

Deadline.

“(c) REVIEW.—The President shall review the management cost rates established under subsection (b) not later than 3 years after the date of establishment of the rates and periodically thereafter.”.

42 USC 5165b
note.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), subsections (a) and (b) of section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)) shall apply to major disasters declared under that Act on or after the date of the enactment of this Act.

(2) INTERIM AUTHORITY.—Until the date on which the President establishes the management cost rates under section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as added by subsection (a)), section 406(f) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(f)) (as in effect on the day before the date of the enactment of this Act) shall be used to establish management cost rates.

SEC. 203. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

Title III of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141 et seq.) (as amended by section 202(a)) is amended by adding at the end the following:

42 USC 5165c.

“SEC. 325. PUBLIC NOTICE, COMMENT, AND CONSULTATION REQUIREMENTS.

“(a) PUBLIC NOTICE AND COMMENT CONCERNING NEW OR MODIFIED POLICIES.—

President.

“(1) IN GENERAL.—The President shall provide for public notice and opportunity for comment before adopting any new or modified policy that—

“(A) governs implementation of the public assistance program administered by the Federal Emergency Management Agency under this Act; and

“(B) could result in a significant reduction of assistance under the program.

“(2) APPLICATION.—Any policy adopted under paragraph (1) shall apply only to a major disaster or emergency declared on or after the date on which the policy is adopted.

“(b) CONSULTATION CONCERNING INTERIM POLICIES.—

“(1) IN GENERAL.—Before adopting any interim policy under the public assistance program to address specific conditions that relate to a major disaster or emergency that has been declared under this Act, the President, to the maximum extent practicable, shall solicit the views and recommendations of grantees and subgrantees with respect to the major disaster or emergency concerning the potential interim policy, if the interim policy is likely—

“(A) to result in a significant reduction of assistance to applicants for the assistance with respect to the major disaster or emergency; or

“(B) to change the terms of a written agreement to which the Federal Government is a party concerning the declaration of the major disaster or emergency.

“(2) NO LEGAL RIGHT OF ACTION.—Nothing in this subsection confers a legal right of action on any party.

“(c) PUBLIC ACCESS.—The President shall promote public access to policies governing the implementation of the public assistance program.”.

President.

SEC. 204. STATE ADMINISTRATION OF HAZARD MITIGATION GRANT PROGRAM.

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) is amended by adding at the end the following:

“(c) PROGRAM ADMINISTRATION BY STATES.—

“(1) IN GENERAL.—A State desiring to administer the hazard mitigation grant program established by this section with respect to hazard mitigation assistance in the State may submit to the President an application for the delegation of the authority to administer the program.

“(2) CRITERIA.—The President, in consultation and coordination with States and local governments, shall establish criteria for the approval of applications submitted under paragraph (1). The criteria shall include, at a minimum—

“(A) the demonstrated ability of the State to manage the grant program under this section;

“(B) there being in effect an approved mitigation plan under section 322; and

“(C) a demonstrated commitment to mitigation activities.

“(3) APPROVAL.—The President shall approve an application submitted under paragraph (1) that meets the criteria established under paragraph (2).

President.

“(4) WITHDRAWAL OF APPROVAL.—If, after approving an application of a State submitted under paragraph (1), the President determines that the State is not administering the hazard mitigation grant program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

“(5) AUDITS.—The President shall provide for periodic audits of the hazard mitigation grant programs administered by States under this subsection.”.

President.

SEC. 205. ASSISTANCE TO REPAIR, RESTORE, RECONSTRUCT, OR REPLACE DAMAGED FACILITIES.

(a) CONTRIBUTIONS.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (a) and inserting the following:

“(a) CONTRIBUTIONS.—

“(1) IN GENERAL.—The President may make contributions—

“(A) to a State or local government for the repair, restoration, reconstruction, or replacement of a public facility damaged or destroyed by a major disaster and for associated expenses incurred by the government; and

“(B) subject to paragraph (3), to a person that owns or operates a private nonprofit facility damaged or destroyed by a major disaster for the repair, restoration, reconstruction, or replacement of the facility and for associated expenses incurred by the person.

“(2) ASSOCIATED EXPENSES.—For the purposes of this section, associated expenses shall include—

“(A) the costs of mobilizing and employing the National Guard for performance of eligible work;

“(B) the costs of using prison labor to perform eligible work, including wages actually paid, transportation to a worksite, and extraordinary costs of guards, food, and lodging; and

“(C) base and overtime wages for the employees and extra hires of a State, local government, or person described in paragraph (1) that perform eligible work, plus fringe benefits on such wages to the extent that such benefits were being paid before the major disaster.

“(3) CONDITIONS FOR ASSISTANCE TO PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—The President may make contributions to a private nonprofit facility under paragraph (1)(B) only if—

“(i) the facility provides critical services (as defined by the President) in the event of a major disaster; or

“(ii) the owner or operator of the facility—

“(I) has applied for a disaster loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

“(II)(aa) has been determined to be ineligible for such a loan; or

“(bb) has obtained such a loan in the maximum amount for which the Small Business Administration determines the facility is eligible.

“(B) DEFINITION OF CRITICAL SERVICES.—In this paragraph, the term ‘critical services’ includes power, water (including water provided by an irrigation organization or facility), sewer, wastewater treatment, communications, and emergency medical care.

“(4) NOTIFICATION TO CONGRESS.—Before making any contribution under this section in an amount greater than \$20,000,000, the President shall notify—

“(A) the Committee on Environment and Public Works of the Senate;

“(B) the Committee on Transportation and Infrastructure of the House of Representatives;

“(C) the Committee on Appropriations of the Senate; and

“(D) the Committee on Appropriations of the House of Representatives.”

(b) **FEDERAL SHARE.**—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (b) and inserting the following:

“(b) **FEDERAL SHARE.**—

“(1) **MINIMUM FEDERAL SHARE.**—Except as provided in paragraph (2), the Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of repair, restoration, reconstruction, or replacement carried out under this section.

“(2) **REDUCED FEDERAL SHARE.**—The President shall promulgate regulations to reduce the Federal share of assistance under this section to not less than 25 percent in the case of the repair, restoration, reconstruction, or replacement of any eligible public facility or private nonprofit facility following an event associated with a major disaster—

President.
Regulations.

“(A) that has been damaged, on more than one occasion within the preceding 10-year period, by the same type of event; and

“(B) the owner of which has failed to implement appropriate mitigation measures to address the hazard that caused the damage to the facility.”

(c) **LARGE IN-LIEU CONTRIBUTIONS.**—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (c) and inserting the following:

“(c) **LARGE IN-LIEU CONTRIBUTIONS.**—

“(1) **FOR PUBLIC FACILITIES.**—

“(A) **IN GENERAL.**—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) **AREAS WITH UNSTABLE SOIL.**—In any case in which a State or local government determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing any public facility owned or controlled by the State or local government because soil instability in the disaster area makes repair, restoration, reconstruction, or replacement infeasible, the State or local government may elect to receive, in lieu of a contribution under subsection (a)(1)(A), a contribution in an amount equal to 90 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(C) **USE OF FUNDS.**—Funds contributed to a State or local government under this paragraph may be used—

“(i) to repair, restore, or expand other selected public facilities;

“(ii) to construct new facilities; or

“(iii) to fund hazard mitigation measures that the State or local government determines to be necessary to meet a need for governmental services and functions in the area affected by the major disaster.

“(D) LIMITATIONS.—Funds made available to a State or local government under this paragraph may not be used for—

“(i) any public facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured public facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).

“(2) FOR PRIVATE NONPROFIT FACILITIES.—

“(A) IN GENERAL.—In any case in which a person that owns or operates a private nonprofit facility determines that the public welfare would not best be served by repairing, restoring, reconstructing, or replacing the facility, the person may elect to receive, in lieu of a contribution under subsection (a)(1)(B), a contribution in an amount equal to 75 percent of the Federal share of the Federal estimate of the cost of repairing, restoring, reconstructing, or replacing the facility and of management expenses.

“(B) USE OF FUNDS.—Funds contributed to a person under this paragraph may be used—

“(i) to repair, restore, or expand other selected private nonprofit facilities owned or operated by the person;

“(ii) to construct new private nonprofit facilities to be owned or operated by the person; or

“(iii) to fund hazard mitigation measures that the person determines to be necessary to meet a need for the person’s services and functions in the area affected by the major disaster.

“(C) LIMITATIONS.—Funds made available to a person under this paragraph may not be used for—

“(i) any private nonprofit facility located in a regulatory floodway (as defined in section 59.1 of title 44, Code of Federal Regulations (or a successor regulation)); or

“(ii) any uninsured private nonprofit facility located in a special flood hazard area identified by the Director of the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.).”

(d) ELIGIBLE COST.—

(1) IN GENERAL.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (e) and inserting the following:

“(e) ELIGIBLE COST.—

“(1) DETERMINATION.—

“(A) IN GENERAL.—For the purposes of this section, the President shall estimate the eligible cost of repairing, restoring, reconstructing, or replacing a public facility or private nonprofit facility—

“(i) on the basis of the design of the facility as the facility existed immediately before the major disaster; and

“(ii) in conformity with codes, specifications, and standards (including floodplain management and hazard mitigation criteria required by the President or under the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.)) applicable at the time at which the disaster occurred.

“(B) COST ESTIMATION PROCEDURES.—

“(i) IN GENERAL.—Subject to paragraph (2), the President shall use the cost estimation procedures established under paragraph (3) to determine the eligible cost under this subsection.

“(ii) APPLICABILITY.—The procedures specified in this paragraph and paragraph (2) shall apply only to projects the eligible cost of which is equal to or greater than the amount specified in section 422.

“(2) MODIFICATION OF ELIGIBLE COST.—

“(A) ACTUAL COST GREATER THAN CEILING PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is greater than the ceiling percentage established under paragraph (3) of the cost estimated under paragraph (1), the President may determine that the eligible cost includes a portion of the actual cost of the repair, restoration, reconstruction, or replacement that exceeds the cost estimated under paragraph (1).

“(B) ACTUAL COST LESS THAN ESTIMATED COST.—

“(i) GREATER THAN OR EQUAL TO FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than 100 percent of the cost estimated under paragraph (1), but is greater than or equal to the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving funds under this section shall use the excess funds to carry out cost-effective activities that reduce the risk of future damage, hardship, or suffering from a major disaster.

“(ii) LESS THAN FLOOR PERCENTAGE OF ESTIMATED COST.—In any case in which the actual cost of repairing, restoring, reconstructing, or replacing a facility under this section is less than the floor percentage established under paragraph (3) of the cost estimated under paragraph (1), the State or local government or person receiving assistance under this section shall reimburse the President in the amount of the difference.

“(C) NO EFFECT ON APPEALS PROCESS.—Nothing in this paragraph affects any right of appeal under section 423.

“(3) EXPERT PANEL.—

“(A) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this paragraph, the President, acting through the Director of the Federal Emergency Management Agency, shall establish an expert panel, which shall include representatives from the construction industry and State and local government.

“(B) DUTIES.—The expert panel shall develop recommendations concerning—

“(i) procedures for estimating the cost of repairing, restoring, reconstructing, or replacing a facility consistent with industry practices; and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

President.

“(C) REGULATIONS.—Taking into account the recommendations of the expert panel under subparagraph (B), the President shall promulgate regulations that establish—

“(i) cost estimation procedures described in subparagraph (B)(i); and

“(ii) the ceiling and floor percentages referred to in paragraph (2).

Deadline.

“(D) REVIEW BY PRESIDENT.—Not later than 2 years after the date of promulgation of regulations under subparagraph (C) and periodically thereafter, the President shall review the cost estimation procedures and the ceiling and floor percentages established under this paragraph.

Deadline.

“(E) REPORT TO CONGRESS.—Not later than 1 year after the date of promulgation of regulations under subparagraph (C), 3 years after that date, and at the end of each 2-year period thereafter, the expert panel shall submit to Congress a report on the appropriateness of the cost estimation procedures.

“(4) SPECIAL RULE.—In any case in which the facility being repaired, restored, reconstructed, or replaced under this section was under construction on the date of the major disaster, the cost of repairing, restoring, reconstructing, or replacing the facility shall include, for the purposes of this section, only those costs that, under the contract for the construction, are the owner’s responsibility and not the contractor’s responsibility.”

42 USC 5172
note.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on the date of the enactment of this Act and applies to funds appropriated after the date of the enactment of this Act, except that paragraph (1) of section 406(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (as amended by paragraph (1)) takes effect on the date on which the cost estimation procedures established under paragraph (3) of that section take effect.

(e) CONFORMING AMENDMENT.—Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172) is amended by striking subsection (f).

SEC. 206. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended to read as follows:

“SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

“(a) IN GENERAL.—

“(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

“(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

“(b) HOUSING ASSISTANCE.—

“(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

“(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

“(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

President.

“(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

“(c) TYPES OF HOUSING ASSISTANCE.—

“(1) TEMPORARY HOUSING.—

“(A) FINANCIAL ASSISTANCE.—

“(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings.

“(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.

“(B) DIRECT ASSISTANCE.—

“(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable

to make use of the assistance provided under subparagraph (A).

“(ii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

“(iii) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.

“(2) REPAIRS.—

“(A) IN GENERAL.—The President may provide financial assistance for—

“(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster to a safe and sanitary living or functioning condition; and

“(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

“(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

“(C) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(3) REPLACEMENT.—

“(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

“(B) MAXIMUM AMOUNT OF ASSISTANCE.—The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

“(C) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

“(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which—

“(A) no alternative housing resources are available; and

“(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.

“(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

“(1) SITES.—

“(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

“(i) is complete with utilities; and

“(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

“(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

“(2) DISPOSAL OF UNITS.—

“(A) SALE TO OCCUPANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

“(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

“(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

“(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

“(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

“(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

“(i) may be sold to any person; or

“(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

“(I) to comply with the nondiscrimination provisions of section 308; and

“(II) to obtain and maintain hazard and flood insurance on the housing unit.

“(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(1) MEDICAL, DENTAL, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, and funeral expenses.

“(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

“(f) STATE ROLE.—

“(1) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

“(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

“(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

“(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

“(g) COST SHARING.—

“(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

“(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

“(A) the Federal share shall be 75 percent; and

“(B) the non-Federal share shall be paid from funds made available by the State.

“(h) MAXIMUM AMOUNT OF ASSISTANCE.—

“(1) IN GENERAL.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster.

“(2) ADJUSTMENT OF LIMIT.—The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

President.

“(i) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.”

(b) CONFORMING AMENDMENT.—Section 502(a)(6) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is amended by striking “temporary housing”.

(c) **ELIMINATION OF INDIVIDUAL AND FAMILY GRANT PROGRAMS.**—Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is repealed.

(d) **EFFECTIVE DATE.**—The amendments made by this section take effect 18 months after the date of the enactment of this Act.

42 USC 5174
note.

SEC. 207. COMMUNITY DISASTER LOANS.

Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184) is amended—

(1) by striking “(a) The President” and inserting the following:

“(a) **IN GENERAL.**—The President”;

(2) by striking “The amount” and inserting the following:

“(b) **AMOUNT.**—The amount”;

(3) by striking “Repayment” and inserting the following:

“(c) **REPAYMENT.**—

“(1) **CANCELLATION.**—Repayment”;

(4) by striking “(b) Any loans” and inserting the following:

“(d) **EFFECT ON OTHER ASSISTANCE.**—Any loans”;

(5) in subsection (b) (as designated by paragraph (2))—

(A) by striking “and shall” and inserting “shall”; and

(B) by inserting before the period at the end the following: “, and shall not exceed \$5,000,000”; and

(6) in subsection (c) (as designated by paragraph (3)), by

adding at the end the following:

“(2) **CONDITION ON CONTINUING ELIGIBILITY.**—A local government shall not be eligible for further assistance under this section during any period in which the local government is in arrears with respect to a required repayment of a loan under this section.”.

SEC. 208. REPORT ON STATE MANAGEMENT OF SMALL DISASTERS INITIATIVE.

42 USC 5121
note.

Not later than 3 years after the date of the enactment of this Act, the President shall submit to Congress a report describing the results of the State Management of Small Disasters Initiative, including—

Deadline.

(1) identification of any administrative or financial benefits of the initiative; and

(2) recommendations concerning the conditions, if any, under which States should be allowed the option to administer parts of the assistance program under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172).

SEC. 209. STUDY REGARDING COST REDUCTION.

42 USC 5121
note.

Not later than 3 years after the date of the enactment of this Act, the Director of the Congressional Budget Office shall complete a study estimating the reduction in Federal disaster assistance that has resulted and is likely to result from the enactment of this Act.

Deadline.

TITLE III—MISCELLANEOUS

SEC. 301. TECHNICAL CORRECTION OF SHORT TITLE.

The first section of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 note) is amended to read as follows:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Robert T. Stafford Disaster Relief and Emergency Assistance Act’.”

SEC. 302. DEFINITIONS.

Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended—

(1) in each of paragraphs (3) and (4), by striking “the Northern” and all that follows through “Pacific Islands” and inserting “and the Commonwealth of the Northern Mariana Islands”;

(2) by striking paragraph (6) and inserting the following:
“(6) LOCAL GOVERNMENT.—The term ‘local government’ means—

“(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

“(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

“(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.”; and

(3) in paragraph (9), by inserting “irrigation,” after “utility,”.

SEC. 303. FIRE MANAGEMENT ASSISTANCE.

(a) IN GENERAL.—Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) is amended to read as follows:

“SEC. 420. FIRE MANAGEMENT ASSISTANCE.

“(a) IN GENERAL.—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

President.

“(b) COORDINATION WITH STATE AND TRIBAL DEPARTMENTS OF FORESTRY.—In providing assistance under this section, the President shall coordinate with State and tribal departments of forestry.

“(c) ESSENTIAL ASSISTANCE.—In providing assistance under this section, the President may use the authority provided under section 403.

“(d) RULES AND REGULATIONS.—The President shall prescribe such rules and regulations as are necessary to carry out this section.” President.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act. 42 USC 5187 note.

SEC. 304. DISASTER GRANT CLOSEOUT PROCEDURES. 42 USC 5205.

Title VII of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5101 et seq.) is amended by adding at the end the following:

“SEC. 705. DISASTER GRANT CLOSEOUT PROCEDURES.

“(a) STATUTE OF LIMITATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no administrative action to recover any payment made to a State or local government for disaster or emergency assistance under this Act shall be initiated in any forum after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency.

“(2) FRAUD EXCEPTION.—The limitation under paragraph (1) shall apply unless there is evidence of civil or criminal fraud.

“(b) REBUTTAL OF PRESUMPTION OF RECORD MAINTENANCE.—

“(1) IN GENERAL.—In any dispute arising under this section after the date that is 3 years after the date of transmission of the final expenditure report for the disaster or emergency, there shall be a presumption that accounting records were maintained that adequately identify the source and application of funds provided for financially assisted activities.

“(2) AFFIRMATIVE EVIDENCE.—The presumption described in paragraph (1) may be rebutted only on production of affirmative evidence that the State or local government did not maintain documentation described in that paragraph.

“(3) INABILITY TO PRODUCE DOCUMENTATION.—The inability of the Federal, State, or local government to produce source documentation supporting expenditure reports later than 3 years after the date of transmission of the final expenditure report shall not constitute evidence to rebut the presumption described in paragraph (1).

“(4) RIGHT OF ACCESS.—The period during which the Federal, State, or local government has the right to access source documentation shall not be limited to the required 3-year retention period referred to in paragraph (3), but shall last as long as the records are maintained.

“(c) BINDING NATURE OF GRANT REQUIREMENTS.—A State or local government shall not be liable for reimbursement or any other penalty for any payment made under this Act if—

“(1) the payment was authorized by an approved agreement specifying the costs;

“(2) the costs were reasonable; and

“(3) the purpose of the grant was accomplished.”.

SEC. 305. PUBLIC SAFETY OFFICER BENEFITS FOR CERTAIN FEDERAL AND STATE EMPLOYEES.

(a) IN GENERAL.—Section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b) is amended by striking paragraph (7) and inserting the following:

“(7) ‘public safety officer’ means—

“(A) an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew;

“(B) an employee of the Federal Emergency Management Agency who is performing official duties of the Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the Director of the Federal Emergency Management Agency to be hazardous duties; or

“(C) an employee of a State, local, or tribal emergency management or civil defense agency who is performing official duties in cooperation with the Federal Emergency Management Agency in an area, if those official duties—

“(i) are related to a major disaster or emergency that has been, or is later, declared to exist with respect to the area under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

“(ii) are determined by the head of the agency to be hazardous duties.”.

42 USC 3796b
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) applies only to employees described in subparagraphs (B) and (C) of section 1204(7) of the Omnibus Crime Control and Safe Streets Act of 1968 (as amended by subsection (a)) who are injured or who die in the line of duty on or after the date of the enactment of this Act.

42 USC 5206.

SEC. 306. BUY AMERICAN.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds authorized to be appropriated under this Act or any amendment made by this Act may be expended by an entity unless the entity, in expending the funds, complies with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF “MADE IN AMERICA” LABELS.**—

Deadline.

(1) **IN GENERAL.**—If the Director of the Federal Emergency Management Agency determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Director shall determine, not later than 90 days after determining that the person has been so convicted, whether the person should be debarred from contracting under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) **DEFINITION OF DEBAR.**—In this subsection, the term “debar” has the meaning given the term in section 2393(c) of title 10, United States Code.

SEC. 307. TREATMENT OF CERTAIN REAL PROPERTY.

(a) **IN GENERAL.**—Notwithstanding the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Flood Disaster

Protection Act of 1973 (42 U.S.C. 4002 et seq.), or any other provision of law, or any flood risk zone identified, delineated, or established under any such law (by flood insurance rate map or otherwise), the real property described in subsection (b) shall not be considered to be, or to have been, located in any area having special flood hazards (including any floodway or floodplain).

(b) REAL PROPERTY.—The real property described in this subsection is all land and improvements on the land located in the Maple Terrace Subdivisions in the City of Sycamore, DeKalb County, Illinois, including—

- (1) Maple Terrace Phase I;
- (2) Maple Terrace Phase II;
- (3) Maple Terrace Phase III Unit 1;
- (4) Maple Terrace Phase III Unit 2;
- (5) Maple Terrace Phase III Unit 3;
- (6) Maple Terrace Phase IV Unit 1;
- (7) Maple Terrace Phase IV Unit 2; and
- (8) Maple Terrace Phase IV Unit 3.

(c) REVISION OF FLOOD INSURANCE RATE LOT MAPS.—As soon as practicable after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall revise the appropriate flood insurance rate lot maps of the agency to reflect the treatment under subsection (a) of the real property described in subsection (b).

SEC. 308. STUDY OF PARTICIPATION BY INDIAN TRIBES IN EMERGENCY MANAGEMENT.

42 USC 5121
note.

(a) DEFINITION OF INDIAN TRIBE.—In this section, the term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) STUDY.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct a study of participation by Indian tribes in emergency management.

(2) REQUIRED ELEMENTS.—The study shall—

(A) survey participation by Indian tribes in training, predisaster and postdisaster mitigation, disaster preparedness, and disaster recovery programs at the Federal and State levels; and

(B) review and assess the capacity of Indian tribes to participate in cost-shared emergency management programs and to participate in the management of the programs.

(3) CONSULTATION.—In conducting the study, the Director shall consult with Indian tribes.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a report on the study under subsection (b) to—

Deadline.

(1) the Committee on Environment and Public Works of the Senate;

(2) the Committee on Transportation and Infrastructure of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

Approved October 30, 2000.

LEGISLATIVE HISTORY—H.R. 707 (S. 1691):

HOUSE REPORTS: No. 106-40 (Comm. on Transportation and Infrastructure).

SENATE REPORTS: No. 106-295 accompanying S. 1691 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 145 (1999): Mar. 4, considered and passed House.

Vol. 146 (2000): July 19, considered and passed Senate, amended.

Oct. 3, House concurred in Senate amendment with an amendment.

Oct. 5, Senate concurred in House amendment with an amendment.

Oct. 10, House concurred in Senate amendment.





Federal Register

**Tuesday,
February 26, 2002**

Part III

**Federal Emergency
Management Agency**

44 CFR Parts 201 and 206

**Hazard Mitigation Planning and Hazard
Mitigation Grant Program; Interim Final
Rule**

**FEDERAL EMERGENCY
MANAGEMENT AGENCY**

44 CFR Parts 201 and 206

RIN 3067-AD22

**Hazard Mitigation Planning and Hazard
Mitigation Grant Program**

AGENCY: Federal Emergency
Management Agency.

ACTION: Interim final rule.

SUMMARY: This rule addresses State mitigation planning, identifies new local mitigation planning requirements, authorizes Hazard Mitigation Grant Program (HMGP) funds for planning activities, and increases the amount of HMGP funds available to States that develop a comprehensive, enhanced mitigation plan. This rule also requires that repairs or construction funded by a disaster loan or grant must be carried out in accordance with applicable standards and says that FEMA may require safe land use and construction practices as a condition of grantees receiving disaster assistance under the Stafford Act.

DATES: *Effective Date:* February 26, 2002.

Comment Date: We will accept written comments through April 29, 2002.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202-646-4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Margaret E. Lawless, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC, 20472, 202-646-3027, (facsimile) 202-646-3104, or (email) margaret.lawless@fema.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Throughout the preamble and the rule the terms “we”, “our” and “us” refer to FEMA.

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under § 104 the Disaster Mitigation Act of 2000, (DMA 2000) P.L. 106-390, provides new and revitalized approaches to mitigation planning. This section: (1) Continues the requirement for a Standard State Mitigation plan as a condition of disaster assistance; (2) provides for States to receive an increased

percentage of HMGP funds (from 15 to 20 percent of the total estimated eligible Federal assistance) if, at the time of the declaration of a major disaster, they have in effect a FEMA-approved Enhanced State Mitigation Plan that meets the factors listed in this rule; (3) establishes a new requirement for local mitigation plans; and (4) authorizes up to 7 percent of the HMGP funds available to a State to be used for development of State, tribal, and local mitigation plans. We will give Indian tribal governments the opportunity to fulfill the requirements of § 322 either as a grantee or a subgrantee. An Indian tribal government may choose to apply for HMGP funding directly to us and would then serve as a grantee, meeting the State level responsibilities, or it may apply through the State, meeting the local government or subgrantee responsibilities.

Section 322, in concert with other sections of the Act, provides a significant opportunity to reduce the Nation’s disaster losses through mitigation planning. In addition, implementation of planned, pre-identified, cost-effective mitigation measures will streamline the disaster recovery process. The Act provides a framework for linking pre- and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. The language in the Act, taken as a whole, emphasizes the importance of strong State and local planning processes and comprehensive program management at the State level. The new planning criteria also support State administration of the HMGP, and contemplate a significant State commitment to mitigation activities, comprehensive State mitigation planning, and strong program management.

The planning process also provides a link between State and local mitigation programs. Both State level and local plans should address strategies for incorporating post-disaster early mitigation implementation strategies and sustainable recovery actions. We also recognize that governments are involved in a range of planning activities and that mitigation plans may be linked to or reference hazardous materials and other non-natural hazard plans. Improved mitigation planning will result in a better understanding of risks and vulnerabilities, as well as to expedite implementation of measures and activities to reduce those risks, both pre- and post-disaster.

Section 409 of the Stafford Act, 42 U.S.C. 5176, which required mitigation

plans and the use of minimum codes and standards, was repealed by the DMA 2000. These issues are now addressed in two separate sections of the law: mitigation planning is in section 322 of the Act, and minimum codes and standards are in section 323 of the Act. We previously implemented section 409 through 44 CFR Part 206, Subpart M. Since current law now distinguishes the planning from the codes and standards in separate sections, we will address them in different sections of the CFR. We address the new planning regulations in Part 201 to reflect the broader relevance of planning to all FEMA mitigation programs, while the minimum standards remain in Part 206, Federal Disaster Assistance, Subpart M. The regulations implementing the Hazard Mitigation Grant Program are in Part 206, Subpart N. This rule also contains changes to Subpart N, to reflect the new planning criteria identified in section 322 of the Act.

The administration is considering changes to FEMA’s mitigation programs in the President’s Budget for FY 2003. However, States and localities still would be required to have plans in effect, which meet the minimum requirements under this rule, as a condition of receiving mitigation assistance after November 1, 2003.

Implementation Strategy. States must have an approved hazard mitigation plan in order to receive Stafford Act assistance, excluding assistance provided pursuant to emergency provisions. These regulations provide criteria for the new two-tiered State mitigation plan process: Standard State Mitigation Plans, which allow a State to receive HMGP funding based on 15 percent of the total estimated eligible Stafford Act disaster assistance, and Enhanced State Mitigation Plans, which allow a State to receive HMGP funds based on 20 percent of the total estimated eligible Stafford Act disaster assistance. Enhanced State Mitigation Plans must demonstrate that the State has developed a comprehensive mitigation program, that it effectively uses available mitigation funding, and that it is capable of managing the increased funding. All State Mitigation Plans must be reviewed, revised, and re-approved by FEMA every three years. An important requirement of the legislation is that we must approve a completed enhanced plan *before* a disaster declaration, in order for the State to be eligible for the increased funding.

We will no longer require States to revise their mitigation plan after every disaster declaration, as under former

section 409 of the Act, 42 U.S.C. 5176. We recommend, however, that States consider revising their plan if a disaster or other circumstances significantly affect its mitigation priorities. States with existing mitigation plans, approved under former section 409, will continue to be eligible for the 15 percent HMGP funding until November 1, 2003, when all State mitigation plans must meet the requirements of these regulations. If State plans are not revised and approved to meet the Standard State Mitigation Plan requirements by that time, they will be ineligible for Stafford Act assistance, excluding emergency assistance.

Indian tribal governments may choose to apply directly to us for HMGP funding, and would therefore be responsible for having an approved State level mitigation plan, and would act as the grantee. If an Indian tribal government chooses to apply for HMGP grants through the State, they would be responsible for having an approved local level mitigation plan, and would serve as a subgrantee accountable to the State as grantee.

This rule also establishes local planning criteria so that these jurisdictions can actively begin the hazard mitigation planning process. This requirement is to encourage the development of comprehensive mitigation plans before disaster events. Section 322 requires local governments to have an approved local mitigation plan to be eligible to receive an HMGP project grant; however, this requirement will not fully take effect until November 1, 2003. FEMA Regional Directors may grant an exception to this requirement in extenuating circumstances. Until November 1, 2003, local governments will be able to receive HMGP project grant funds and may prepare a mitigation plan concurrently with implementation of their project grant. We anticipate that the Predisaster Mitigation program authorized by section 203 of the Act, 42 U.S.C. 5133, will also support this local mitigation planning by making funds available for the development of comprehensive local mitigation plans. Managing States that we approve under new criteria established under section 404 of the Act, 42 U.S.C. 5170c(c), as amended by section 204 of DMA 2000 will have approval authority for local mitigation plans. This provision does not apply to States that we approved under the Managing State program in effect before enactment of DMA 2000.

Our goal is for State and local governments to develop comprehensive and integrated plans that are coordinated through appropriate State,

local, and regional agencies, as well as non-governmental interest groups. To the extent feasible and practicable, we would also like to consolidate the planning requirements for different FEMA mitigation programs. This will ensure that one local plan will meet the minimum requirements for all of the different FEMA mitigation programs, such as the Flood Mitigation Assistance Program (authorized by sections 553 and 554 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4104c and 42 U.S.C. 4104d), the Community Rating System (authorized by section 541 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4022), the Pre-Disaster Mitigation Program (authorized by section 203 of the Stafford Act), the Hazard Mitigation Grant Program (authorized by section 404 of the Stafford Act), and the mitigation activities that are based upon the provisions of section 323 and subsections 406(b) and (e) of the Stafford Act. The mitigation plans may also serve to integrate documents and plans produced under other emergency management programs. State level plans should identify overall goals and priorities, incorporating the more specific local risk assessments, when available, and including projects identified through the local planning process.

Under section 322(d), up to 7 percent of the available HMGP funds may now be used for planning, and we encourage States to use these funds for local plan development. In a memorandum to FEMA Regional Directors dated December 21, 2000, we announced that this provision of section 322 was effective for disasters declared on or after October 30, 2000, the date on which the Disaster Mitigation Act of 2000 became law. Regional Directors are encouraging States to make these funds immediately available to local and Indian tribal governments, although the funds can be used for plan development and review at the State level as well.

As discussed earlier in this Supplementary Information, subsection 323(a) of the Stafford Act, 42 U.S.C. 5166(a), requires as a precondition to receiving disaster assistance under the Act that State and local governments, as well as eligible private nonprofit entities, must agree to carry out repair and reconstruction activities "in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards." In addition, that subsection authorizes the President (FEMA, by virtue of Executive Order 12148, as amended) to "require safe land use and construction practices,

after adequate consultation with appropriate State and local officials" in the course of the use of Federal disaster assistance by eligible applicants to repair and restore disaster-damaged facilities.

At the same time that we implement the planning mandates of section 322 of the Stafford Act, we are also implementing the Minimum Standards for Public and Private Structures provision of section 323 of the Act. This rule appears at Subpart M of Part 206 of Title 44 of the Code of Federal Regulations. As mentioned earlier, the section 322 planning regulations are in Part 201, while Part 206, Subpart M includes only the minimum codes and standards regulations mandated in § 323. The rule to implement § 323 of the Act reinforces the link between pre-disaster planning, building and construction standards, and post-disaster reconstruction efforts.

We encourage comments on this interim final rule, and we will make every effort to involve all interested parties prior to the development of the Final Rule.

Justification for Interim Final Rule

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. Section 322 of the Stafford Act allows States to receive increased post-disaster grant funding for projects designed to reduce future disaster losses. States will only be eligible for these increased funds if they have a FEMA-approved Enhanced State Mitigation Plan.

This interim final rule provides the criteria for development and approval of these plans, as well as criteria for local mitigation plans required by this legislation. In order for State and local governments to be positioned to receive these mitigation funds as soon as possible, these regulations must be in effect. The public benefit of this rule will be to assist States and communities assess their risks and identify activities to strengthen the larger community and the built environment in order to become less susceptible to disasters. Planning serves as the vital foundation to saving lives and protecting properties, having integrated plans in place can serve to both streamline recovery efforts and lessen potential future damages. Therefore, we believe it is contrary to the public interest to delay

the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to take effect immediately upon publication in the **Federal Register** in order to meet the needs of States and communities by identifying criteria for mitigation plans in order to reduce risks nationwide, establish criteria for minimum codes and standards in post-disaster reconstruction, and to allow States to adjust their mitigation plans to receive the increase in mitigation funding.

In addition, we believe that, under the circumstances, delaying the effective date of this rule until after the comment period would not further the public interest. Prior to this rulemaking, FEMA hosted a meeting where interested parties provided comments and suggestions on how we could implement these planning requirements. Participants in this meeting included representatives from the National Emergency Management Association, the Association of State Floodplain Managers, the National Governors' Association, the International Association of Emergency Managers, the National Association of Development Organizations, the American Public Works Association, the National League of Cities, the National Association of Counties, the National Conference of State Legislatures, the International City/County Management Association, and the Bureau of Indian Affairs. We took comments and suggestions provided at this meeting into account in developing this interim final rule. Therefore, we find that prior notice and comment on this rule would not further the public interest. We actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them in preparing the final rule. For these reasons, we believe we have good cause to publish an interim final rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory

action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The purpose of this rule is to implement section 322 of the Stafford Act which addresses mitigation planning at the State, tribal, and local levels, identifies new local planning requirements, allows Hazard Mitigation Grant Program (HMGP) funds for planning activities, and increases the amount of HMGP funds available to States that develop a comprehensive, enhanced mitigation plan. The rule identifies local mitigation planning requirements before approval of project grants, and requires our approval of an Enhanced State Mitigation plan as a condition for increased mitigation funding. The rule also implements section 323 of the Stafford Act, which requires that repairs or construction funded by disaster loans or grants must comply with applicable standards and safe land use and construction practices. As such the rule itself will not have an effect on the economy of more than \$100,000,000.

Therefore, this rule is a significant regulatory action and is not an economically significant rule under Executive Order 12866. The Office of Management and Budget (OMB) has reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994, we incorporate environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the

environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in our programs, denying persons the benefits of our programs, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the final rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. Section 322 focuses specifically on mitigation planning to: Identify the natural hazards, risks, and vulnerabilities of areas in States, localities, and tribal areas; support development of local mitigation plans; provide for technical assistance to local and tribal governments for mitigation planning; and identify and prioritize mitigation actions that the State will support, as resources become available. Section 323 requires compliance with applicable codes and standards in repair and construction, and use of safe land use and construction standards. Accordingly, the requirements of Executive Order 12898 do not apply to this interim final rule.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and concurrent with the publication of this interim final rule, we have submitted a request for review and approval of a new collection of information, which is contained in this interim final rule. Under the Paperwork Reduction Act of 1995, a person may not be penalized for failing to comply with an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. The request was submitted to OMB for approval under the emergency processing procedures in OMB regulation 5 CFR 1320.1. OMB has approved this collection of information for use through August 31, 2002, under OMB Number 3067-0297.

We expect to follow this emergency request with a request for OMB approval to continue the use of the collection of information for a term of three years. The request will be processed under OMB's normal clearance procedures in accordance with provisions of OMB regulation 5 CFR 1320.10. To help us with the timely processing of the emergency and normal clearance submissions to OMB, we invite the general public to comment on the collection of information. This notice and request for comments complies with the provisions of the Paperwork

Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

Collection of Information

Title: State/Local/Tribal Hazard Mitigation Plans under Section 322 of the Disaster Mitigation Act of 2000.

Abstract: Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Section 104 of the Disaster Mitigation Act of 2000, provides new and revitalized approaches to mitigation planning. To obtain Federal assistance, new planning provisions require that each state, local, and tribal government prepare a hazard mitigation plan to include sections that describe the planning process, an assessment of the risks, a mitigation strategy, and identification of the plan maintenance and updating process. The Act provides a framework for linking pre- and post-disaster mitigation planning and initiatives with public and

private interests to ensure an integrated, comprehensive approach to disaster loss reduction. Under Section 322 there is a two-tiered State mitigation plan process. State mitigation plans must be reviewed, revised, and submitted to us every 3 years.

(1) A *Standard State Mitigation Plan* must be approved by us in order for States to be eligible to receive Hazard Mitigation Grant Program (HGMP) funding based on 15 percent of the total estimated eligible Federal disaster assistance. This plan demonstrates the State's goals, priorities, and commitment to reduce risks from natural hazards and serves as a guide for State and local decision makers as they commit resources to reducing the effects of natural hazards.

(2) An *Enhanced State Mitigation Plan* must be approved by us for a State to be eligible to receive HMGP funds based on 20 percent of the total

estimated eligible Federal disaster assistance. This plan must be approved by us within the 3 years prior to the current major disaster declaration. It must demonstrate that a State has developed a comprehensive mitigation program, is effectively using available mitigation funding, and is capable of managing the increased funding.

To be eligible to receive HMGP project grants, *local governments* must develop Local Mitigation Plans that include a risk assessment and mitigation strategy to reduce potential losses and target resources. Plans must be reviewed, revised, and submitted to us for approval every 5 years.

To receive HMGP project grants, *tribal governments* may apply as a grantee or subgrantee, and will be required to meet the planning requirements of a State or local government.

Estimated Total Annual Burden:

| Type of collection/forms | No. of respondents | Hours per response | Annual burden hours |
|---|--------------------|--------------------|---------------------|
| Update state or tribal mitigation plans (standard state mitigation plans) | 18 | 320 | 5,760 |
| State review of local plans | 500 local plans | 8 | 4,000 |
| States develop Enhanced State Mitigation Plans | 7 | 100 | 700 |
| Local or tribal governments develop mitigation plans | 500 local plans | 300 | 150,000 |
| Total burden | | | 160,460 |

Comments: We are soliciting written comments to: (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) obtain recommendations to enhance the quality, utility, and clarity of the information to be collected; and (d) evaluate the extent to which automated, electronic, mechanical, or other technological collection techniques may further reduce the respondents' burden. FEMA will accept comments through April 29, 2002.

Addressee: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the OMB paperwork clearance package by

contacting Ms. Anderson at (202) 646-2625 (voice), (202) 646-3347 (facsimile), or by e-mail at muriel.anderson@fema.gov.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O.13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor

does it limit State policymaking discretion.

However, we have consulted with State and local officials. In order to assist us in the development of this rule, we hosted a meeting to allow interested parties an opportunity to provide their perspectives on the legislation and options for implementation of § 322. Stakeholders who attended the meeting included representatives from the National Emergency Management Association, the Association of State Floodplain Managers, the National Governors' Association, the International Association of Emergency Managers, the National Association of Development Organizations, the American Public Works Association, the National League of Cities, the National Association of Counties, the National Conference of State Legislatures, the International City/County Management Association, and the Bureau of Indian Affairs. We received valuable input from all parties at the meeting, which we took into account in the development of this rule. Additionally, we actively encourage and solicit comments on this interim final rule from interested parties, and we will

consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

We have reviewed this interim final rule under Executive Order 13175, which became effective on February 6, 2001. Under the Hazard Mitigation Grant Program (HMGP), Indian tribal governments will have the option to apply for grants directly to us and to serve as “grantee”, carrying out “State” roles. If they choose this option, tribal governments may submit either a State-level Standard Mitigation Plan for the 15 percent HMGP funding or a State-level Enhanced Mitigation Plan for 20 percent HMGP funding. In either case, Indian tribal governments would be able to spend up to 7 percent of those funds on planning. Before developing this rule, we met with representatives from State and local governments and the Bureau of Indian Affairs, to discuss the new planning opportunities and requirements of § 322 of the Stafford Act. We received valuable input from all parties, which helped us to develop this interim final rule.

In reviewing the interim final rule, we find that it does not have “tribal implications” as defined in Executive Order 13175 because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim final rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

Congressional Review of Agency Rulemaking

We have sent this interim final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104–121. The rule is a not “major rule” within the meaning of that Act. It is an administrative action in support of normal day-to-day mitigation planning activities required by section 322 and compliance under section 323 of the Stafford Act, as enacted in DMA 2000.

The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have “significant adverse effects” on competition, employment, investment,

productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is subject to the information collection requirements of the Paperwork Reduction Act, and OMB has assigned Control No. 3067–0297. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104–4, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 201 and Part 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and recordkeeping requirements.

Accordingly, Amend 44 CFR, Subchapter D—Disaster Assistance, as follows:

1. Add Part 201 to read as follows:

PART 201—MITIGATION PLANNING

Sec.

- 201.1 Purpose.
- 201.2 Definitions.
- 201.3 Responsibilities.
- 201.4 Standard State Mitigation Plans.
- 201.5 Enhanced State Mitigation Plans.
- 201.6 Local Mitigation Plans.

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

§ 201.1 Purpose.

(a) The purpose of this part is to provide information on the policies and procedures for mitigation planning as required by the provisions of section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) The purpose of mitigation planning is for State, local, and Indian tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from those hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide range of resources.

§ 201.2 Definitions.

Grantee means the government to which a grant is awarded, which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally,

the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State. An Indian tribal government acting as grantee will assume the responsibilities of a “state”, as described in this part, for the purposes of administering the grant.

Hazard mitigation means any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.

Hazard Mitigation Grant Program means the program authorized under section 404 of the Stafford Act, 42 U.S.C. 5170c and implemented at 44 CFR Part 206, Subpart N, which authorizes funding for certain mitigation measures identified through the evaluation of natural hazards conducted under section 322 of the Stafford Act 42 U.S.C. 5165.

Indian tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity.

Managing State means a State to which FEMA has delegated the authority to administer and manage the HMGP under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c). FEMA may also delegate authority to tribal governments to administer and manage the HMGP as a Managing State.

Regional Director is a director of a regional office of FEMA, or his/her designated representative.

Small and impoverished communities means a community of 3,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city; is economically disadvantaged, by having an average per capita annual income of residents not exceeding 80 percent of national, per capita income, based on

best available data; the local unemployment rate exceeds by one percentage point or more, the most recently reported, average yearly national unemployment rate; and any other factors identified in the State Plan in which the community is located.

The Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (42 U.S.C. 5121-5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Hazard Mitigation Officer is the official representative of State government who is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under the Stafford Act.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

§ 201.3 Responsibilities.

(a) *General*. This section identifies the key responsibilities of FEMA, States, and local/tribal governments in carrying out section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) *FEMA*. The key responsibilities of the Regional Director are to:

(1) Oversee all FEMA related pre- and post-disaster hazard mitigation programs and activities;

(2) Provide technical assistance and training to State, local, and Indian tribal governments regarding the mitigation planning process;

(3) Review and approve all Standard and Enhanced State Mitigation Plans;

(4) Review and approve all local mitigation plans, unless that authority has been delegated to the State in accordance with § 201.6(d);

(5) Conduct reviews, at least once every three years, of State mitigation activities, plans, and programs to ensure that mitigation commitments are fulfilled, and when necessary, take action, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.

(c) *State*. The key responsibilities of the State are to coordinate all State and

local activities relating to hazard evaluation and mitigation and to:

(1) Prepare and submit to FEMA a Standard State Mitigation Plan following the criteria established in § 201.4 as a condition of receiving Stafford Act assistance (except emergency assistance).

(2) In order to be considered for the 20 percent HMGP funding, prepare and submit an Enhanced State Mitigation Plan in accordance with § 201.5, which must be reviewed and updated, if necessary, every three years from the date of the approval of the previous plan.

(3) At a minimum, review and, if necessary, update the Standard State Mitigation Plan by November 1, 2003 and every three years from the date of the approval of the previous plan in order to continue program eligibility.

(4) Make available the use of up to the 7 percent of HMGP funding for planning in accordance with § 206.434.

(5) Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.

(6) For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with § 201.6(d).

(d) *Local governments*. The key responsibilities of local governments are to:

(1) Prepare and adopt a jurisdiction-wide natural hazard mitigation plan as a condition of receiving project grant funds under the HMGP, in accordance with § 201.6.

(2) At a minimum, review and, if necessary, update the local mitigation plan every five years from date of plan approval to continue program eligibility.

(e) *Indian tribal governments*. Indian tribal governments will be given the option of applying directly to us for Hazard Mitigation Grant Program funding, or they may choose to apply through the State. If they apply directly to us, they will assume the responsibilities of the State, or grantee, and if they apply through the State, they will assume the responsibilities of the local government, or subgrantee.

§ 201.4 Standard State Mitigation Plans.

(a) *Plan requirement*. By November 1, 2003, States must have an approved Standard State Mitigation plan meeting the requirements of this section, in order to receive assistance under the Stafford Act, although assistance authorized under disasters declared prior to November 1, 2003 will continue

to be made available. In any case, emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan.

(b) *Planning process*. An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other State agencies, appropriate Federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.

(c) *Plan content*. To be effective the plan must include the following elements:

(1) Description of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how other agencies participated.

(2) *Risk assessments* that provide the factual basis for activities proposed in the strategy portion of the mitigation plan. Statewide risk assessments must characterize and analyze natural hazards and risks to provide a statewide overview. This overview will allow the State to compare potential losses throughout the State and to determine their priorities for implementing mitigation measures under the strategy, and to prioritize jurisdictions for receiving technical and financial support in developing more detailed local risk and vulnerability assessments. The risk assessment shall include the following:

(i) An overview of the type and location of all natural hazards that can affect the State, including information on previous occurrences of hazard events, as well as the probability of future hazard events, using maps where appropriate;

(ii) An overview and analysis of the State's vulnerability to the hazards described in this paragraph (c)(2), based on estimates provided in local risk assessments as well as the State risk assessment. The State shall describe vulnerability in terms of the jurisdictions most threatened by the identified hazards, and most vulnerable to damage and loss associated with hazard events. State owned critical or operated facilities located in the

identified hazard areas shall also be addressed;

(iii) An overview and analysis of potential losses to the identified vulnerable structures, based on estimates provided in local risk assessments as well as the State risk assessment. The State shall estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.

(3) A *Mitigation Strategy* that provides the State's blueprint for reducing the losses identified in the risk assessment. This section shall include:

(i) A description of State goals to guide the selection of activities to mitigate and reduce potential losses.

(ii) A discussion of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; a discussion of State funding capabilities for hazard mitigation projects; and a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.

(iii) An identification, evaluation, and prioritization of cost-effective, environmentally sound, and technically feasible mitigation actions and activities the State is considering and an explanation of how each activity contributes to the overall mitigation strategy. This section should be linked to local plans, where specific local actions and projects are identified.

(iv) Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.

(4) A section on the *Coordination of Local Mitigation Planning* that includes the following:

(i) A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.

(ii) A description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.

(iii) Criteria for prioritizing communities and local jurisdictions that would receive planning and project grants under available funding programs, which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according

to a cost benefit review of proposed projects and their associated costs.

(5) A *Plan Maintenance Process* that includes:

(i) An established method and schedule for monitoring, evaluating, and updating the plan.

(ii) A system for monitoring implementation of mitigation measures and project closeouts.

(iii) A system for reviewing progress on achieving goals as well as activities and projects identified in the Mitigation Strategy.

(6) A *Plan Adoption Process*. The plan must be formally adopted by the State prior to submittal to us for final review and approval.

(7) *Assurances*. The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

(d) *Review and updates*. Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities and resubmitted for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible. We also encourage a State to review its plan in the post-disaster timeframe to reflect changing priorities, but it is not required.

§ 201.5 Enhanced State Mitigation Plans.

(a) A State with a FEMA approved Enhanced State Mitigation Plan at the time of a disaster declaration is eligible to receive increased funds under the HMGP, based on twenty percent of the total estimated eligible Stafford Act disaster assistance. The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program, that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within three years prior to the disaster declaration.

(b) Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation Plan identified in § 201.4, as well as document the following:

(1) Demonstration that the plan is integrated to the extent practicable with other State and/or regional planning

initiatives (comprehensive, growth management, economic development, capital improvement, land development, and/or emergency management plans) and FEMA mitigation programs and initiatives that provide guidance to State and regional agencies.

(2) Documentation of the State's project implementation capability, identifying and demonstrating the ability to implement the plan, including:

(i) Established eligibility criteria for multi-hazard mitigation measures.

(ii) A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.

(iii) Demonstration that the State has the capability to effectively manage the HMGP as well as other mitigation grant programs, including a record of the following:

(A) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation;

(B) Preparing and submitting accurate environmental reviews and benefit-cost analyses;

(C) Submitting complete and accurate quarterly progress and financial reports on time; and

(D) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.

(iv) A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.

(3) Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.

(4) Demonstration that the State is committed to a comprehensive state mitigation program, which might include any of the following:

(i) A commitment to support local mitigation planning by providing workshops and training, State planning grants, or coordinated capability development of local officials, including Emergency Management and Floodplain Management certifications.

(ii) A statewide program of hazard mitigation through the development of legislative initiatives, mitigation councils, formation of public/private

partnerships, and/or other executive actions that promote hazard mitigation.

(iii) The State provides a portion of the non-Federal match for HMGP and/or other mitigation projects.

(iv) To the extent allowed by State law, the State requires or encourages local governments to use a current version of a nationally applicable model building code or standard that addresses natural hazards as a basis for design and construction of State sponsored mitigation projects.

(v) A comprehensive, multi-year plan to mitigate the risks posed to existing buildings that have been identified as necessary for post-disaster response and recovery operations.

(vi) A comprehensive description of how the State integrates mitigation into its post-disaster recovery operations.

(c) *Review and updates.* (1) A State must review and revise its plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit it for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(2) In order for a State to be eligible for the 20 percent HMGP funding, the Enhanced State Mitigation plan must be approved by FEMA within the three years prior to the current major disaster declaration.

§ 201.6 Local Mitigation Plans.

The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.

(a) *Plan requirement.* (1) For disasters declared after November 1, 2003, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of the project grant.

(2) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after

notice of grant's termination will not be reimbursed by FEMA.

(3) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

(b) *Planning process.* An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

(1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;

(2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and

(3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

(c) *Plan content.* The plan shall include the following:

(1) Documentation of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.

(2) A *risk assessment* that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:

(i) A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

(ii) A description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community. The plan should describe vulnerability in terms of:

(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;

(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section

and a description of the methodology used to prepare the estimate;

(C) Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.

(iii) For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction's risks where they vary from the risks facing the entire planning area.

(3) A *mitigation strategy* that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:

(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

(iii) An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

(iv) For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

(4) A *plan maintenance process* that includes:

(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.

(ii) A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.

(iii) Discussion on how the community will continue public participation in the plan maintenance process.

(5) *Documentation* that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

(d) *Plan review.* (1) Plans must be submitted to the State Hazard Mitigation Officer for initial review and coordination. The State will then send the plan to the appropriate FEMA Regional Office for formal review and approval.

(2) The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(3) Plans must be reviewed, revised if appropriate, and resubmitted for approval within five years in order to continue to be eligible for HMGP project grant funding.

(4) Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c) will be delegated approval authority for local mitigation plans, and the review will be based on the criteria in this part. Managing States will review the plans within 45 days of receipt of the plans, whenever possible, and provide a copy of the approved plans to the Regional Office.

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

2. The authority citation for part 206 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2a. Revise Part 206, Subpart M to read as follows:

Subpart M—Minimum Standards

Sec.
206.400 General.
206.401 Local standards.
206.402 Compliance.

§ 206.400 General.

(a) As a condition of the receipt of any disaster assistance under the Stafford Act, the applicant shall carry out any repair or construction to be financed with the disaster assistance in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications and standards.

(b) Applicable codes, specifications, and standards shall include any disaster resistant building code that meets the minimum requirements of the National Flood Insurance Program (NFIP) as well as being substantially equivalent to the recommended provisions of the National Earthquake Hazards Reduction

Program (NEHRP). In addition, the applicant shall comply with any requirements necessary in regards to Executive Order 11988, Floodplain Management, Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, and any other applicable Executive orders.

(c) In situations where there are no locally applicable standards of safety, decency and sanitation, or where there are no applicable local codes, specifications and standards governing repair or construction activities, or where the Regional Director determines that otherwise applicable codes, specifications, and standards are inadequate, then the Regional Director may, after consultation with appropriate State and local officials, require the use of nationally applicable codes, specifications, and standards, as well as safe land use and construction practices in the course of repair or construction activities.

(d) The mitigation planning process that is mandated by section 322 of the Stafford Act and 44 CFR part 201 can assist State and local governments in determining where codes, specifications, and standards are inadequate, and may need to be upgraded.

§ 206.401 Local standards.

The cost of repairing or constructing a facility in conformity with minimum codes, specifications and standards may be eligible for reimbursement under section 406 of the Stafford Act, as long as such codes, specifications and standards meet the criteria that are listed at 44 CFR 206.226(b).

§ 206.402 Compliance.

A recipient of disaster assistance under the Stafford Act must document for the Regional Director its compliance with this subpart following the completion of any repair or construction activities.

Subpart N—Hazard Mitigation Grant Program

3. Revise § 206.431 to read as follows:

§ 206.431 Definitions.

Activity means any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters.

Applicant means a State agency, local government, Indian tribal government, or eligible private nonprofit organization, submitting an application to the grantee for assistance under the HMGP.

Enhanced State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201 as a condition of receiving increased funding under the HMGP.

Grant application means the request to FEMA for HMGP funding, as outlined in § 206.436, by a State or tribal government that will act as grantee.

Grant award means total of Federal and non-Federal contributions to complete the approved scope of work.

Grantee means the government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, an Indian tribal government may choose to be a grantee, or it may act as a subgrantee under the State. An Indian tribal government acting as a grantee will assume the responsibilities of a “state”, under this subpart, for the purposes of administering the grant.

Indian tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local Mitigation Plan is the hazard mitigation plan required of a local or Indian tribal government acting as a subgrantee as a condition of receiving a project subgrant under the HMGP as outlined in 44 CFR 201.6.

Standard State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201, as a condition of receiving Stafford Act assistance as outlined in § 201.4.

State Administrative Plan for the Hazard Mitigation Grant Program means the plan developed by the State to describe the procedures for administration of the HMGP.

Subgrant means an award of financial assistance under a grant by a grantee to an eligible subgrantee.

Subgrant application means the request to the grantee for HMGP funding by the eligible subgrantee, as outlined in § 206.436.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private nonprofit organizations, or Indian tribal government as outlined in § 206.433.

Indian tribal governments acting as a subgrantee are accountable to the State grantee.

4. Revise § 206.432(b) to read as follows:

§ 206.432 Federal grant assistance.

* * * * *

(b) *Amounts of assistance.* The total of Federal assistance under this subpart shall not exceed either 15 or 20 percent of the total estimated Federal assistance (excluding administrative costs) provided for a major disaster under 42 U.S.C. 5170b, 5172, 5173, 5174, 5177, 5178, 5183, and 5201 as follows:

(1) *Fifteen (15) percent.* Effective November 1, 2003, a State with an approved Standard State Mitigation Plan, which meets the requirements outlined in 44 CFR 201.4, shall be eligible for assistance under the HMGP not to exceed 15 percent of the total estimated Federal assistance described in this paragraph. Until that date, existing, approved State Mitigation Plans will be accepted.

(2) *Twenty (20) percent.* A State with an approved Enhanced State Mitigation Plan, in effect prior to the disaster declaration, which meets the requirements outlined in 44 CFR 201.5 shall be eligible for assistance under the HMGP not to exceed 20 percent of the total estimated Federal assistance described in this paragraph.

(3) The estimates of Federal assistance under this paragraph (b) shall be based on the Regional Director's estimate of all eligible costs, actual grants, and appropriate mission assignments.

* * * * *

5. Section 206.434 is amended by redesignating paragraphs (b) through (g) as paragraphs (c) through (h), respectively; adding a new paragraph (b); revising redesignated paragraphs (c) introductory text and (c)(1); and revising redesignated paragraph (d) to read as follows:

§ 206.434 Eligibility.

* * * * *

(b) *Plan requirement.* (1) For all disasters declared on or after November 1, 2003, local and tribal government applicants for subgrants, must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of subgrants.

(2) Regional Directors may grant an exception to this requirement in extraordinary circumstances, such as in a small and impoverished community

when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(c) *Minimum project criteria.* To be eligible for the Hazard Mitigation Grant Program, a project must:

(1) Be in conformance with the State Mitigation Plan and Local Mitigation Plan approved under 44 CFR part 201;

* * * * *

(d) *Eligible activities.* (1) *Planning.* Up to 7% of the State's HMGP grant may be used to develop State, tribal and/or local mitigation plans to meet the planning criteria outlined in 44 CFR part 201.

(2) *Types of projects.* Projects may be of any nature that will result in protection to public or private property. Eligible projects include, but are not limited to:

- (i) Structural hazard control or protection projects;
- (ii) Construction activities that will result in protection from hazards;
- (iii) Retrofitting of facilities;
- (iv) Property acquisition or relocation, as defined in paragraph (e) of this section;
- (v) Development of State or local mitigation standards;
- (vi) Development of comprehensive mitigation programs with implementation as an essential component;
- (vii) Development or improvement of warning systems.

* * * * *

6. Revise § 206.435(a) to read as follows:

§ 206.435 Project identification and selection criteria.

(a) *Identification.* It is the State's responsibility to identify and select eligible hazard mitigation projects. All funded projects must be consistent with the State Mitigation Plan. Hazard Mitigation projects shall be identified and prioritized through the State, Indian tribal, and local planning process.

* * * * *

7. Revise § 206.436 to read as follows:

§ 206.436 Application procedures.

(a) *General.* This section describes the procedures to be used by the grantee in submitting an application for HMGP funding. Under the HMGP, the State or Indian tribal government is the grantee and is responsible for processing subgrants to applicants in accordance with 44 CFR part 13 and this part 206. Subgrantees are accountable to the grantee.

(b) *Governor's Authorized Representative.* The Governor's Authorized Representative serves as the grant administrator for all funds provided under the Hazard Mitigation Grant Program. The Governor's Authorized Representative's responsibilities as they pertain to procedures outlined in this section include providing technical advice and assistance to eligible subgrantees, and ensuring that all potential applicants are aware of assistance available and submission of those documents necessary for grant award.

(c) *Hazard mitigation application.* Upon identification of mitigation measures, the State (Governor's Authorized Representative) will submit its Hazard Mitigation Grant Program application to the FEMA Regional Director. The application will identify one or more mitigation measures for which funding is requested. The application must include a Standard Form (SF) 424, Application for Federal Assistance, SF 424D, Assurances for Construction Programs, if appropriate, and a narrative statement. The narrative statement will contain any pertinent project management information not included in the State's administrative plan for Hazard Mitigation. The narrative statement will also serve to identify the specific mitigation measures for which funding is requested. Information required for each mitigation measure shall include the following:

- (1) Name of the subgrantee, if any;
- (2) State or local contact for the measure;
- (3) Location of the project;
- (4) Description of the measure;
- (5) Cost estimate for the measure;
- (6) Analysis of the measure's cost-effectiveness and substantial risk reduction, consistent with § 206.434(c);
- (7) Work schedule;
- (8) Justification for selection;
- (9) Alternatives considered;
- (10) Environmental information consistent with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.

(d) *Application submission time limit.* The State's application may be amended as the State identifies and selects local project applications to be funded. The State must submit all local HMGP applications and funding requests for the purpose of identifying new projects to the Regional Director within 12 months of the date of disaster declaration.

(e) *Extensions.* The State may request the Regional Director to extend the application time limit by 30 to 90 day

increments, not to exceed a total of 180 days. The grantee must include a justification in its request.

(f) *FEMA approval.* The application and supplement(s) will be submitted to the FEMA Regional Director for approval. FEMA has final approval authority for funding of all projects.

(g) *Indian tribal grantees.* Indian tribal governments may submit a SF 424 directly to the Regional Director.

Subpart H—Public Assistance Eligibility

* * * * *

8. Revise § 206.220 to read as follows:

§ 206.220 General.

This subpart provides policies and procedures for determinations of eligibility of applicants for public assistance, eligibility of work, and eligibility of costs for assistance under sections 402, 403, 406, 407, 418, 419,

421(d), 502, and 503 of the Stafford Act. Assistance under this subpart must also conform to requirements of 44 CFR part 201, Mitigation Planning, and 44 CFR part 206, subparts G—Public Assistance Project Administration, I—Public Assistance Insurance Requirements, J—Coastal Barrier Resources Act, and M—Minimum Standards. Regulations under 44 CFR part 9—Floodplain Management and 44 CFR part 10—Environmental Considerations, also apply to this assistance.

9. Section 206.226 is amended by redesignating paragraphs

(b) through (j) as paragraphs (c) through (k), respectively; adding a new paragraph (b); and revising redesignated paragraph (g)(5) to read as follows:

§ 206.226 Restoration of damaged facilities.

* * * * *

(b) *Mitigation planning.* In order to receive assistance under this section, as

of November 1, 2003, the State must have in place a FEMA approved State Mitigation Plan in accordance with 44 CFR part 201.

* * * * *

(g) * * *

(5) If relocation of a facility is not feasible or cost effective, the Regional Director shall disapprove Federal funding for the original location when he/she determines in accordance with 44 CFR parts 9, 10, 201, or subpart M of this part 206, that restoration in the original location is not allowed. In such cases, an alternative project may be applied for.

* * * * *

Dated: February 19, 2002.

Michael D. Brown,
General Counsel.

[FR Doc. 02-4321 Filed 2-25-02; 8:45 am]

BILLING CODE 6718-05-P

CFR 773.23(a)(1) through (a)(6) for a notice of suspension or rescission, showing that the person requesting review is entitled to administrative relief;

* * * * *

24. In § 4.1374, revise paragraph (a) to read as follows:

§ 4.1374 Burdens of proof.

(a) OSM shall have the burden of going forward to present a prima facie case of the validity of the notice of proposed suspension or rescission or the notice of suspension or rescission.

* * * * *

25. In § 4.1376, revise the section heading and paragraph (a) to read as follows:

§ 4.1376 Petition for temporary relief from notice of proposed suspension or rescission; appeals from decisions granting or denying temporary relief.

(a) Any party may file a petition for temporary relief from the notice of proposed suspension or rescission or the notice of suspension or rescission in conjunction with the filing of the request for review or at any time before an initial decision is issued by the administrative law judge.

* * * * *

26. Revise the heading for 43 CFR 4.1380–4.1387 to read as follows:

Review of Office of Surface Mining Written Decisions Concerning Ownership or Control Challenges

27. Revise § 4.1380 to read as follows:

§ 4.1380 Scope.

Sections 4.1380 through 4.1387 govern the procedures for review of a written decision issued by OSM under 30 CFR 773.28 on a challenge to a listing or finding of ownership or control.

28. In § 4.1381, revise paragraph (a) to read as follows:

§ 4.1381 Who may file; when to file; where to file.

(a) Any person who receives a written decision issued by OSM under 30 CFR 773.28 on a challenge to an ownership or control listing or finding may file a request for review with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 801 N. Quincy Street, Suite 300, Arlington, Virginia 22203 (telephone 703–235–3800) within 30 days of service of the decision.

* * * * *

29. Revise § 4.1390 to read as follows:

§ 4.1390 Scope.

Sections 4.1391 through 4.1394 set forth the procedures for obtaining

review of an OSM determination under 30 CFR 761.16 that a person does or does not have valid existing rights.

30. In § 4.1391, revise paragraphs (a) and (b) to read as follows:

§ 4.1391 Who may file; where to file; when to file; filing of administrative record.

(a) The person who requested a determination under 30 CFR 761.16 or any person with an interest that is or may be adversely affected by a determination that a person does or does not have valid existing rights may file a request for review of the determination with the office of the OSM official whose determination is being reviewed and at the same time shall send a copy of the request to the Interior Board of Land Appeals, U.S. Department of the Interior, 801 N. Quincy Street, Suite 300, Arlington, VA 22203 (telephone 703–235–3750). OSM shall file the complete administrative record of the determination under review with the Board as soon as practicable.

(b) OSM must provide notice of the valid existing rights determination to the person who requested that determination by certified mail, or by overnight delivery service if the person has agreed to bear the expense of this service.

(1) When the determination is made independently of a decision on an application for a permit or for a permit boundary revision, a request for review shall be filed within 30 days of receipt of the determination by a person who has received a copy of it by certified mail or overnight delivery service. The request for review shall be filed within 30 days of the date of publication of the determination in a newspaper of general circulation or in the **Federal Register**, whichever is later, by any person who has not received a copy of it by certified mail or overnight delivery service.

(2) When the determination is made in conjunction with a decision on an application for a permit or for a permit boundary revision, the request for review must be filed in accordance with § 4.1362.

* * * * *

31. Revise § 4.1394 to read as follows:

§ 4.1394 Burden of proof.

(a) If the person who requested the determination is seeking review, OSM shall have the burden of going forward to establish a prima facie case and the person who requested the determination shall have the ultimate burden of persuasion.

(b) If any other person is seeking review, that person shall have the burden of going forward to establish a

prima facie case and the ultimate burden of persuasion that the person who requested the determination does or does not have valid existing rights.

[FR Doc. 02–24417 Filed 9–30–02; 8:45 am]

BILLING CODE 4310–79–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 201 and 206

RIN 3067–AD22

Hazard Mitigation Planning and Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim final rule.

SUMMARY: This rule extends the date by which State and local governments must develop mitigation plans as a condition of grant assistance in compliance with 44 CFR Part 201. The regulations in Part 201 outline the requirements for State and local mitigation plans, which must be completed by November 1, 2003 in order to continue to receive FEMA grant assistance. This interim final rule extends that date to November 1, 2004.

DATES: *Effective Date:* October 1, 2002. *Comment Date:* We will accept written comments through December 2, 2002.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202–646–4536, or (e-mail) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Terry Baker, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC, 20472, 202–646–4648, (facsimile) 202–646–3104, or (e-mail) terry.baker@fema.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Throughout the preamble and the rule the terms “we”, “our” and “us” refer to FEMA.

On February 26, 2002, FEMA published an interim final rule implementing Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under § 104 of the Disaster Mitigation Act of 2000, (DMA 2000) Pub. L. 106–390. This identified the requirements for State and local mitigation plans necessary for FEMA assistance. The critical portion of the current interim

final rule being published extends the date that the planning requirements take effect. The date is being modified from November 1, 2003 to November 1, 2004 for all programs except the Pre-Disaster Mitigation (PDM) program.

The date that local mitigation plans will be required for the PDM program as a condition of "brick and mortar" project grant funding will continue to be November 1, 2003. Our objective is to encourage the use of the PDM program to develop State and local mitigation plans that will meet the criteria for all of our mitigation programs. The initial implementation of the PDM program allows States to prioritize the funding towards the development of mitigation plans in their most high-risk communities, positioning them to be eligible for project grant funding when it becomes available. The PDM program will benefit from the experiences in the Flood Mitigation Assistance (FMA) program, which has had a planning requirement for many years. States often prioritize FMA planning funds to a community in one year, with the implementation of the project occurring after the appropriate planning has been completed.

We received many thoughtful comments on much of the rule, and we intend to address them all prior to finalizing the rule. However, the overwhelming number of comments regarding the effective date for the new planning requirements on both the State and local governments indicated to us a need to extend that date. This new interim final rule will address this issue, and clarify the planning requirement for the recently published Fire Management Assistance Grant Program final rule.

Since publication of the interim final rule, it became clear to us that, in some cases, there was a need to extend the effective date of the planning requirement to allow more time for plan development. An additional year will allow State, tribal, and local governments time to identify necessary resources, establish support for the planning process, and develop meaningful mitigation plans. Legislative sessions, which in some cases may be once every two years, may be necessary to obtain funding for plan development and/or adoption of the plan prior to submittal to FEMA. Many State and local fiscal years run from July through June, and budget requests must be made months prior to the beginning of the fiscal year. This has made it difficult for many jurisdictions to begin the planning process. Our intention in extending the date is to allow for more thoughtful and comprehensive development of plans and implementation of this regulation.

Nearly all of those commenting on the rule recognize the importance of planning. The generally accepted model is that good mitigation happens when good mitigation plans are the basis for the actions taken.

Even though we are extending the date for meeting the planning requirements, we encourage States and localities to continue to work on getting plans developed and approved as soon as feasible, and not to wait until the deadline to begin the process. It is important to note that although there is no deadline for approval of Enhanced State Mitigation Plans in order to qualify for the 20 percent HMPG funding, it will only be available to States if the plan is approved prior to a disaster declaration.

Although many comments addressed the need to extend the deadline, only a few provided specific alternative dates. We received several comments requesting a phased approach to the deadline for communities based on general risk levels or the priorities identified in a State plan. At this point, FEMA is not considering any option for a phased approach to the timeline since we believe that it would make this requirement too difficult to administer, for both States and FEMA. We believe that the one-year extension for the HMGP will address most of the concerns regarding the effective date of the planning requirements.

We have also received some questions regarding the relationship of the planning requirements of the Fire Management Assistance Grant Program to the plans developed under 44 CFR part 201. A Standard or Enhanced State Mitigation plan, which includes an evaluation of wildfire risk and mitigation, as identified in 44 CFR part 201 will meet the planning requirement of the Fire Management Assistance Grant Program. Until States develop and have either of those plans approved by FEMA, States must comply with the fire management planning requirement as stated in 44 CFR part 204 by ensuring that there is a fire component to the existing State Mitigation Plan or a separate wildfire mitigation plan.

Finally, we would like to clarify that for grants awarded under any hazard mitigation program prior to October 30, 2000 for the purpose of developing or updating a hazard mitigation plan, we will not provide an increase in funding or extensions for changes in the scope of work for purposes of meeting the enhanced state plan criteria, since the enhanced plan concept did not exist prior to the Disaster Mitigation Act of 2000, enacted on that date.

We encourage comments on this interim final rule, and we will make every effort to involve all interested parties, including those who commented on the original interim final planning rule, prior to the development of the Final Rule.

Justification for Interim Final Rule

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest.

This interim final rule extends the date that State, tribal, and local governments have to develop mitigation plans required as a condition of FEMA grant assistance. State, tribal, and local governments are currently under the assumption that plans are required by November 1, 2003, whereas this interim final rule extends that date to November 1, 2004 for the HMGP. It does not affect the date for compliance for other programs, such as the Pre-disaster Mitigation (PDM) program. In order for State, local and tribal resources to be appropriately identified and used, it is essential that the date extension be made effective as soon as possible. We believe it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to take effect immediately upon publication in the **Federal Register** in order to meet the needs of States and communities by identifying the new effective date for planning requirement under 44 CFR part 201. Therefore, we find that prior notice and comment on this rule would not further the public interest. We actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them as well as those submitted on the original interim final planning rule in preparing the final rule. For these reasons, we believe we have good cause to publish an interim final rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to review by The Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The purpose of this rule is to extend the date by which State and local governments have to prepare or update their plans to meet the criteria identified in 44 CFR part 201. The original date, November 1, 2003, was determined to be difficult to meet. This interim final rule extends that date to November 1, 2004 for the post disaster Hazard Mitigation Grant Program. The date of November 1, 2003 will still apply to project grants under the Pre-disaster Mitigation program. As such, the rule itself will not have an effect on the economy of more than \$100,000,000.

Therefore, this rule is not a significant regulatory action and is not an economically significant rule under Executive Order 12866. OMB has not reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994, we incorporate environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and

activities do not have the effect of excluding persons from participation in our programs, denying persons the benefits of our programs, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the final rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. This rule extends the date for development or update of State and local mitigation plans in compliance with 44 CFR part 201. Accordingly, the requirements of Executive Order 12898 do not apply to this interim final rule.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) we submitted a request for review and approval of a new collection of information when the initial interim final rule was published on February 26, 2002. OMB approved this collection of information for use through August 31, 2002, under the emergency processing procedures in OMB regulation 5 CFR 1320.1, OMB Number 3067-0297. There have been no changes to the collection of information, and we have submitted a request for OMB approval to continue the use of the collection of information for a term of three years. The request is being processed under OMB's normal clearance procedures in accordance with provisions of OMB regulation 5 CFR 1320.11.

This new interim final rule simply extends the date by which States and communities have to comply with the planning requirements, and clarifies which FEMA programs are affected by these requirements. The changes do not affect the collection of information; therefore, no change to the request for the collection of information is necessary. In summary, this interim final rule complies with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the OMB paperwork clearance package by contacting Ms. Muriel Anderson at (202) 646-2625 (voice), (202) 646-3347 (facsimile), or by e-mail at informationcollectios@fema.gov.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the

distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O. 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

We will continue to evaluate the planning requirements and will work with interested parties as we implement the planning requirements of 44 CFR part 201. In addition, we actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

We have reviewed this interim final rule under Executive Order 13175, which became effective on February 6, 2001. In reviewing the interim final rule, we find that it does not have "tribal implications" as defined in Executive Order 13175 because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim final rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

Congressional Review of Agency Rulemaking

We have sent this interim final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104-121. The rule is a not "major rule" within the meaning of that Act. It is an administrative action to extend the time State and local governments have to prepare mitigation plans required by section 322 of the Stafford Act, as enacted in DMA 2000.

The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is subject to the information collection requirements of the Paperwork Reduction Act, and OMB has assigned Control No. 3067-0297. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Parts 201 and Part 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and record keeping requirements.

Accordingly, amend 44 CFR, chapter I, as follows:

PART 201—MITIGATION PLANNING

1. The authority for Part 201 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. Revise § 201.3(c)(3) to read as follows:

§ 201.3 Responsibilities.

* * * * *

(c) * * *

(3) At a minimum, review and, if necessary, update the Standard State Mitigation Plan by November 1, 2004 and every three years from the date of the approval of the previous plan in order to continue program eligibility.

* * * * *

3. Revise § 201.4(a) to read as follows:

§ 201.1 Standard State Mitigation Plans.

(a) *Plan requirement.* By November 1, 2004, States must have an approved Standard State Mitigation plan meeting the requirements of this section in order to receive assistance under the Stafford Act, although assistance authorized under disasters declared prior to

November 1, 2004 will continue to be made available. Until that date, existing, FEMA approved State Mitigation Plans will be accepted. In any case, emergency assistance provided under 42 U.S.C 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan, but must comply with the updates, amendments or revisions requirement listed under 44 CFR 206.437.

* * * * *

4. Revise § 201.6(a) to read as follows:

§ 201.6 Local Mitigation Plans.

* * * * *

(a) *Plan requirements.*

(1) For disasters declared after November 1, 2004, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of the HMGP project grant.

(2) By November 1, 2003, local governments must have a mitigation plan approved pursuant to this section in order to receive a project grant through the Pre-Disaster Mitigation (PDM) program, authorized under § 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133. PDM planning grants will continue to be made available to all local governments after this time to enable them to meet the requirements of this section.

(3) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(4) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

* * * * *

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

4. The authority for Part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

5. Revise § 206.432(b)(1) to read as follows:

§ 206.432 Federal grant assistance.

* * * * *

(b) * * *

(1) *Fifteen (15) Percent.* Effective November 1, 2004, a State with an approved Standard State Mitigation Plan, which meets the requirements outlined in 44 CFR 201.4, shall be eligible for assistance under the HMGP not to exceed 15 percent of the total estimated Federal assistance described in this paragraph. Until that date, existing, FEMA approved State Mitigation Plans will be accepted.

* * * * *

6. Revise § 206.434(b)(1) to read as follows:

§ 206.434 Eligibility.

* * * * *

(b) * * *

(1) For all disasters declared on or after November 1, 2004, local and tribal government applicants for subgrants must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of subgrants.

* * * * *

Dated: September 26, 2002.

Joe M. Allbaugh,

Director.

[FR Doc. 02-24998 Filed 9-30-02; 8:45 am]

BILLING CODE 6718-05-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02-2315, MB Docket No. 02-130, RM-10438]

Digital Television Broadcast Service; Des Moines, IA

AGENCY: Federal Communications Commission.

have federalism implications, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This action is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866. This action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action also does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*) generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Nitrogen dioxide, Particulate matter, Sulfur oxides, Volatile organic compounds.

Dated: October 22, 2003.

Marianne Lamont Horinko,

Acting Administrator.

■ 40 CFR Part 51 is amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Protection of Visibility

■ 2. Section 51.309 is amended by revising paragraphs (b)(6) and (d)(5)(i); redesignating paragraph (d)(5)(ii) as paragraph (d)(5)(iv); and adding paragraphs (d)(5)(ii) and (d)(5)(iii) to read as follows:

§ 51.309 Requirements related to the Grand Canyon Visibility Transport Commission.

* * * * *

(b) * * *

(6) Mobile Source Emission Budget means the lowest level of VOC, NO_x, SO₂ elemental and organic carbon, and fine particles which are projected to occur in any area within the transport region from which mobile source emissions are determined to contribute significantly to visibility impairment in any of the 16 Class I areas.

* * * * *

(d) * * *

(5) * * *

(i) Statewide inventories of current annual emissions and projected future annual emissions of VOC, NO_x, SO₂, elemental carbon, organic carbon, and fine particles from mobile sources for the years 2003 to 2018. The future year inventories must include projections for the year 2005, or an alternative year that is determined by the State to represent the year during which mobile source emissions will be at their lowest levels within the State.

(ii) A determination whether mobile source emissions in any areas of the State contribute significantly to visibility impairment in any of the 16 Class I Areas, based on the statewide inventory of current and projected mobile source emissions.

(iii) For States with areas in which mobile source emissions are found to contribute significantly to visibility impairment in any of the 16 Class I areas:

(A) The establishment and documentation of a mobile source emissions budget for any such area, including provisions requiring the State to restrict the annual VOC, NO_x, SO₂, elemental and organic carbon, and/or fine particle mobile source emissions to their projected lowest levels, to implement measures to achieve the budget or cap, and to demonstrate compliance with the budget.

(B) An emission tracking system providing for reporting of annual mobile source emissions from the State in the periodic implementation plan revisions required by paragraph (d)(10) of this section. The emission tracking system must be sufficient to determine the States' contribution toward the Commission's objective of reducing emissions from mobile sources by 2005 or an alternate year that is determined by the State to represent the year during which mobile source emissions will be at their lowest levels within the State,

and to ensure that mobile source emissions do not increase thereafter.

* * * * *

[FR Doc. 03–27159 Filed 10–27–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Parts 201, 204 and 206

RIN 1660-AA17

Hazard Mitigation Planning and Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Interim final rule.

SUMMARY: This rule clarifies the date that local mitigation plans will be required as a condition of receiving project grant funds under the Pre-Disaster Mitigation (PDM) program. In addition, we are taking the opportunity to correct cross references in our regulations to address areas of inconsistency regarding the planning requirement in the Fire Management Assistance Grant Program and Public Assistance Eligibility that should have been addressed previously.

DATES: Effective Date: October 28, 2003. Comment Date: We will accept written comments through December 29, 2003.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., Room 840, Washington DC 20472, (facsimile) 202–646–4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Karen Helbrecht, Program Planning Branch, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington DC, 20472, 202–646–3358, (facsimile) 202–646–4127, or (email) karen.helbrecht@dhs.gov.

SUPPLEMENTARY INFORMATION: On February 26, 2002, FEMA published an interim final rule at 67 FR 8844 implementing section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under section 104 of the Disaster Mitigation Act of 2000, (DMA 2000) Public Law 106–390. This identified the

requirements for State, tribal, and local mitigation plans necessary for Hazard Mitigation Grant Program (HMGP) project funding. On October 1, 2002, FEMA published a change to that rule at 67 FR 61512, extending the date that the planning requirements take effect. This rule stated that for disasters declared on or after November 1, 2004, State Mitigation Plans will be required in order to receive non-emergency Stafford Act assistance, and local mitigation plans will be required in order to receive HMGP project grants.

However, the date that local mitigation plans will be required for the Pre-Disaster Mitigation program as a condition of project grant funding was left at November 1, 2003. The intent was to make grants and technical assistance available in fiscal year 2003 to assist State and local governments to develop mitigation plans and implement mitigation projects during the first year of the competitive grant program. However, because the application period for the competitive PDM program will not close until October 6, 2003, the project grants will not be awarded until after November 1, 2003. The intent of this rule change is to clarify that the November 1, 2003 effective date for the planning requirement will apply only to PDM grant funds awarded under any Notice of funding opportunity issued after that date. Essentially, for PDM grant funds made available in fiscal year 2004 and beyond, local governments must have an approved mitigation plan in order to receive a project grant under the PDM program.

In addition, this rule updates the planning requirement identified in 44 CFR part 204, Fire Management Assistance Grant Program as well as part 206, subpart H, Public Assistance Eligibility. The changes bring these sections into conformity with the existing planning rule, 44 CFR part 201.

FEMA received many thoughtful comments, and intends to address them all prior to finalizing the rule. However, in the interest of expediting these minor clarifying and conforming changes, FEMA is issuing another interim final rule. FEMA encourages comments on this interim final rule, and will make every effort to involve all interested parties, including those who commented on the original interim final planning rules, prior to the development of the Final Rule.

Administrative Procedure Act Statement.

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR

1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to the public interest.

This interim final rule clarifies the date that local governments, as well as a tribe applying as a sub-applicant, must have a mitigation plan as a condition of receiving FEMA PDM project grant assistance. This interim final rule clarifies that the plan requirement applies only to PDM project grants awarded under any Notice of funding opportunity issued after November 1, 2003. The Notice of Availability of Funding (NOFA) for the fiscal year 2003 PDM program was not published until July 7, 2003, making it difficult to make grant awards by November 1, 2003. In order to make timely awards for the fiscal year 2003 PDM program, it is essential that the clarification of the effective date of the planning requirement be made effective as soon as possible.

In addition, this rule brings the mitigation planning requirements for the Fire Management Assistance Grant Program, and FEMA's Public Assistance Program into conformity with 44 CFR part 201. FEMA believes it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find good cause for the interim final rule to take effect immediately upon publication in the **Federal Register** in order to meet the needs of States, tribes, and communities by clarifying the effective date for planning requirements under 44 CFR part 201. Therefore, FEMA finds that prior notice and comment on this rule would not further the public interest. FEMA actively encourages, solicits, and will consider comments on this interim final rule from interested parties, as well as those submitted on the original interim final planning rule, in preparing the final rule. For these reasons, FEMA believes there is good cause to publish an interim final rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

FEMA has prepared and reviewed this rule under the provisions of Executive

Order 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, Oct. 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in th[e] Executive [O]rder.

The purpose of this rule is to clarify the date by which State, tribal, and local governments have to prepare or update their plans to meet the criteria identified in 44 CFR part 201. This interim final rule clarifies that local governments must have a mitigation plan approved in order to receive a project grant through the PDM program under any Notice of funding opportunity issued after November 1, 2003, in fiscal year 2004 and beyond. As such, the rule itself will not have an effect on the economy of more than \$100,000,000.

Therefore, this rule is not a significant regulatory action and is not an economically significant rule under Executive Order 12866. The Office of Management and Budget (OMB) has reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Environmental Justice is incorporated into policies and programs under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, Feb. 16, 1994. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from program participation, denying persons program benefits, or subjecting persons to discrimination because of their race, color, or national origin.

No action that FEMA can anticipate under the final rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. This rule extends the date for development or update of State and local mitigation plans in compliance with 44 CFR part 201. Accordingly, the requirements of Executive Order 12898 do not apply to this interim final rule.

Paperwork Reduction Act of 1995

This new interim final rule simply clarifies the date by which States and communities have to comply with the planning requirements, and clarifies which FEMA programs are affected by these requirements. The changes do not affect the collection of information; therefore, no change to the request for the collection of information is necessary. In summary, this interim final rule complies with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria to which agencies must adhere in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

FEMA reviewed this rule under Executive Order 13132 and concluded that the rule has no federalism implications as defined by the Executive Order. FEMA has determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

FEMA will continue to evaluate the planning requirements and work with interested parties as the planning requirements of 44 CFR part 201 are implemented. In addition, we actively encourage and solicit comments on this interim final rule from interested parties, and will consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

FEMA has reviewed this interim final rule under Executive Order 13175, which became effective on February 6, 2001. In this review, no “tribal implications” as defined in Executive Order 13175 were found because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim final rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

Congressional Review of Agency Rulemaking.

FEMA sent this interim final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104–121. The rule is not a “major rule” within the meaning of that Act. It is an administrative action to extend the time State and local governments have to prepare mitigation plans required by Section 322 of the Stafford Act, as enacted in DMA 2000.

The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have “significant adverse effects” on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

In compliance with section 808(2) of the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 8(2), for good cause we find that notice and public procedure on this interim final rule are impracticable, unnecessary, or contrary to the public interest. In order to make timely awards for the fiscal year 2003 PDM program, it is essential that the clarification of the effective date of the planning requirement be made effective as soon as possible. Accordingly, this interim final rule is effective on October 28, 2003.

List of Subjects in 44 CFR Part 201, Part 204, and Part 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning,

Reporting and record keeping requirements.

■ Accordingly, FEMA amends 44 CFR Parts 201, 204, and 206 as follows:

PART 201—MITIGATION PLANNING

■ 1. The authority citation for part 201 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

■ 2. Section 201.6(a)(2) is revised to read as follows:

§ 201.6 Local Mitigation Plans.

* * * * *

(a) * * *

(2) Local governments must have a mitigation plan approved pursuant to this section in order to receive a project grant through the Pre-Disaster Mitigation (PDM) program under any Notice of funding opportunity issued after November 1, 2003. The PDM program is authorized under § 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133. PDM planning grants will continue to be made available to local governments after this time to enable them to meet the requirements of this section.

* * * * *

PART 204—FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

■ 3. The authority citation for part 204 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR, 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 2 CFR, 1989 Comp., p. 214.

■ 4. Revise the definition of *Hazard mitigation plan* in § 204.3 to read as follows:

§ 204.3 Definitions used throughout this part.

* * * * *

Hazard mitigation plan. A plan to develop actions the State, local, or tribal government will take to reduce the risk to people and property from all hazards. The intent of hazard mitigation planning under the Fire Management Assistance Grant Program is to identify wildfire hazards and cost-effective mitigation alternatives that produce

long-term benefits. We address mitigation of fire hazards as part of the State's comprehensive Mitigation Plan, described in 44 CFR part 201.

* * * * *

■ 5. Revise § 204.51(d)(2) to read as follows:

§ 204.51 Application and approval procedures for a fire management assistance grant.

* * * * *

(d) * * *

(2) *Hazard Mitigation Plan*. As a requirement of receiving funding under a fire management assistance grant, a State, or tribal organization, acting as Grantee, must:

(i) Develop a Mitigation Plan in accordance with 44 CFR part 201 that addresses wildfire risks and mitigation measures; or

(ii) Incorporate wildfire mitigation into the existing Mitigation Plan developed and approved under 44 CFR part 201 that also addresses wildfire risk and contains a wildfire mitigation strategy and related mitigation initiatives.

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988.

■ 6. The authority citation for part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

■ 7. Revise § 206.226(b) to read as follows:

§ 206.226 Restoration of damaged facilities.

* * * * *

(b) *Mitigation planning*. In order to receive assistance under this section, as of November 1, 2004, the State must have in place a FEMA approved State Mitigation Plan in accordance with 44 CFR part 201.

* * * * *

Dated: October 22, 2003.

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 03–27140 Filed 10–27–03; 8:45 am]

BILLING CODE 9110–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[Docket No. OST–2003–15858]

RIN 2105–AD30

Standard Time Zone Boundary in the State of South Dakota: Relocation of Jones, Mellette, and Todd Counties

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: In response to a concurrent resolution of the South Dakota legislature, DOT is relocating the boundary between mountain time and central time in the State of South Dakota. DOT is placing all of Jones, Mellette, and Todd Counties in the central time zone.

EFFECTIVE DATE: 2 a.m. MDT Sunday, October 26, 2003, which is the changeover from daylight saving to standard time.

FOR FURTHER INFORMATION CONTACT:

Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 Seventh Street, Washington, DC 20590, (202) 366–9315, or by e-mail at joanne.petrie@ost.dot.gov.

SUPPLEMENTARY INFORMATION: Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–64), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is “regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce.”

Time zone boundaries are set by regulation (49 CFR part 71). Currently, under regulation, Mellette and Todd Counties, and the western portion of Jones County, are located in the mountain standard time zone. The eastern portion of Jones County is currently located in the central time zone.

Request for a Change

The South Dakota legislature adopted a concurrent resolution (Senate Concurrent Resolution No. 3) petitioning the Secretary of Transportation to place all of Jones, Mellette, and Todd counties into the central time zone. The resolution was

adopted by the South Dakota Senate on February 3, 2003, and concurred in by the South Dakota House of Representatives on February 7, 2003. The resolution noted, among other things, that the vast majority of residents of those counties observe central standard time, instead of mountain standard time, because their commercial and social ties are to communities located in the central time zone. It further stated that there would be much less confusion and that it would be much more convenient for the commerce of these counties if these counties were located in the central time zone. A copy of the resolution has been placed in the docket.

Procedure for Changing a Time Zone Boundary

Under DOT procedures to change a time zone boundary, the Department will generally begin a rulemaking proceeding if the highest elected officials in the area make a *prima facie* case for the proposed change. DOT determined that the concurrent resolution of the South Dakota legislature made a *prima facie* case that warranted opening a proceeding to determine whether the change should be made. On August 11, 2003, DOT published a notice of proposed rulemaking (68 FR 47533) proposing to make the requested change and invited public comment. The NPRM proposed that this change go into effect during the next changeover from daylight saving time to standard time, which is on October 26, 2003.

Comments

Two comments were filed. One, which was filed by the South Dakota Secretary of State, supported the change. He stated that “The proposal to place all of Jones, Mellette and Todd Counties in the central time zone would eliminate confusion these counties have when elections are conducted. Eliminating this confusion will improve voter turnout in these counties. South Dakota’s polling hours are from 7 a.m. to 7 p.m. legal time. These counties that are legally set in mountain time follow central time for their business hours, therefore causing confusion in the past on what time zone to use for polling hours for local, state and federal elections.” The other comment objected to daylight saving time observance and suggested that all states should be in the same time zone.

We did not hold a public hearing in the area because of the unusual circumstances in this case. According to the State legislature, the vast majority of people in the affected area are already

PART 292—NATIONAL RECREATION AREAS**Subpart C—Sawtooth National Recreation Area—Private Lands**

■ 1. The authority citation for subpart C continues to read as follows:

Authority: Sec. 4(a), Act of Aug. 22, 1972 (86 Stat. 613).

■ 2. Amend § 292.16 by revising paragraph (e)(2)(ii) to read as follows:

§ 292.16 Standards.

* * * * *

(e) * * *

(2) * * *

(ii) Not more than two outbuildings with each residence. Aggregate square foot area of outbuildings not to exceed 850 square feet and to be limited to one story not more than 22 feet in height.

* * * * *

Dated: September 7, 2004.

David P. Tenny,

Deputy Under Secretary, Natural Resources and Environment.

[FR Doc. 04–20592 Filed 9–10–04; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF HOMELAND SECURITY**Federal Emergency Management Agency****44 CFR Parts 201 and 206**

RIN 1660–AA17

Hazard Mitigation Planning and Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency (FEMA), Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Interim rule.

SUMMARY: This rule provides State and Indian tribal governments with a mechanism to request an extension to the date by which they must develop State Mitigation Plans as a condition of grant assistance. FEMA regulations outline the requirements for State Mitigation Plans, which must be completed by November 1, 2004 in order to receive FEMA grant assistance. This interim rule allows FEMA to grant justifiable extensions, in extraordinary circumstances, for State and Indian tribal governments of up to six months, or no later than May 1, 2005. In addition, this interim rule allows mitigation planning grants provided through the Pre-Disaster Mitigation

(PDM) program to continue to be available to State, Indian tribal, and local governments after November 1, 2004.

DATES: *Effective Date:* September 13, 2004.

Comment Date: We will accept written comments through November 12, 2004.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington DC 20472, (facsimile) 202–646–4536, or (e-mail) FEMA-RULES@dhs.gov.

FOR FURTHER INFORMATION CONTACT: Karen Helbrecht, Risk Reduction Branch, Mitigation Division, Federal Emergency Management Agency, 500 C Street, SW., Washington DC 20472, (phone) 202–646–3358, (facsimile) 202–646–3104, or (e-mail) karen.helbrecht@dhs.gov.

SUPPLEMENTARY INFORMATION:**Introduction**

On February 26, 2002, FEMA published an interim rule at 67 FR 8844 implementing Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under Section 104 of the Disaster Mitigation Act of 2000 (DMA 2000), Public Law 106–390. This identified the requirements for State, tribal, and local mitigation plans. On October 1, 2002, FEMA published a change to that rule at 67 FR 61512, extending the date that the planning requirements take effect. The October 1, 2002 interim rule stated that by November 1, 2004, FEMA approved State Mitigation Plans were required in order to receive non-emergency Stafford Act assistance, and local mitigation plans were required in order to receive mitigation project grants. The critical portion of this interim rule provides a mechanism for Governors or Indian tribal leaders to request an extension to the date that the planning requirements take effect for State level mitigation plans. This interim rule allows extensions up to May 1, 2005 to States or Indian tribal governments who submit the necessary justification.

While all States and many Indian tribal governments have been working on the required State Mitigation Plans, and many have been very successful, a few have encountered extraordinary difficulties in meeting the November 1, 2004 deadline. Due to the significant implications of not having an approved plan, FEMA has decided to provide an option for States and Indian tribal

governments that may not be able to meet the deadline, in order to allow all States to develop effective Mitigation plans. The option allows the Governor or Indian tribal leader to ask FEMA for an extension. A Governor or Indian tribal leader would be required to submit a written request to FEMA for the extension. The written request would include the justification for the extension; the reasons the plan has not been completed; the amount of additional time needed to complete the plan; and a strategy for completing the plan. FEMA would review each request, and could grant up to a six-month extension. However, the deadline would not be later than May 1, 2005. Governors or Indian tribal leaders could request this extension at any time after publication of this interim rule.

In addition, the current rule requirement states that States, or Indian tribal governments who choose to apply directly to FEMA, must have an approved mitigation plan by November 1, 2004 to be eligible for planning or project grant funding under the Pre-Disaster Mitigation (PDM) program. This rule change allows PDM planning grants to continue to be available to States and Indian tribal governments who do not have a FEMA approved mitigation plan. Local governments, and Indian tribal governments acting as subgrantees, continue to be eligible for PDM planning grants under the current requirement. Mitigation planning is the foundation to saving lives, protecting properties, and developing disaster resistant communities. The PDM program is the primary mechanism that provides grant assistance for mitigation planning. State and Indian tribal governments will be able to apply for a PDM planning grant in order to develop or update their mitigation plan which, when approved by FEMA, will maintain their eligibility for non-emergency Stafford Act assistance.

Finally, this interim rule makes technical and conforming amendments to other sections of FEMA regulations affected by the provision of Part 201 Mitigation planning, and adjusts the general major disaster allocation for the Hazard Mitigation Grant Program (HMGP) from 15 percent to 7½ percent to be consistent with a recent statutory amendment.

FEMA encourages comments on this interim rule.

Administrative Procedure Act Statement

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act,

however, provides an exception from that general rule where the agency for good cause finds that the procedures for prior comment and response are impracticable, unnecessary, or contrary to public interest.

This interim rule provides an option for States and Indian tribal governments to request an extension to the date by which they have to develop State Mitigation Plans required as a condition of receiving non-emergency Stafford Act grant assistance. State and Indian tribal governments are currently under the assumption, consistent with the current requirements, that plans are required by November 1, 2004, whereas this interim rule provides a mechanism to extend that date up to May 1, 2005, in certain cases. It does not affect the date that local plans will be required for other programs, such as the PDM program. In order for State and Indian tribal government resources to be appropriately identified and available to complete the required plans, it is essential that the date extension be made effective as soon as possible. If the rule were delayed beyond the November 1, 2004 deadline, and a State or Indian tribal government did not have a FEMA approved mitigation plan, all entities within that State or Indian tribe would be ineligible for grants to restore damaged public facilities, Fire Management Assistance grants, and HMGP funding. The benefits of this rule will only be realized if the rule is immediately effective and available to State and Indian tribal governments prior to the existing November 1, 2004 deadline. As a practical matter, since FEMA anticipates opening the application period for the FY2004/2005 PDM program in September, this rule is necessary to ensure that FEMA can provide timely guidance to States and Indian tribal governments of their eligibility for PDM planning funds, so they do not miss the opportunity to submit the necessary applications. FEMA believes that it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), FEMA finds that there is good cause for the interim rule to take effect immediately upon publication in the **Federal Register** in order to meet the needs of States and communities by identifying the new effective date for planning requirement under 44 CFR Part 201.

The rule also allows PDM planning grants to continue to be available to States and Indian tribal governments who do not have a FEMA approved mitigation plan. The existing deadline for States to have a FEMA approved

mitigation plan is November 1, 2004, and since the next round of competition for PDM funding will occur after that deadline, it is essential that the change in the planning requirement be made effective as soon as possible. This will allow State and Indian tribal governments to apply and compete for planning grants during the next PDM competitive cycle.

Therefore, FEMA finds that prior notice and comment on this rule would not further the public interest. We actively encourage and solicit comments on this interim rule from interested parties, and we will consider them as well as those submitted on the original interim planning rule in preparing the final rule. For these reasons, FEMA believes that we have good cause to publish an interim rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

FEMA has prepared and reviewed this rule under the provisions of Executive Order 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The purpose of this rule is to extend the date by which State and Indian tribal governments have to prepare or update their mitigation plans to meet the criteria identified in 44 CFR Part

201. This interim rule provides a mechanism for States and Indian tribal governments to request an extension of the November 1, 2004 deadline for State Mitigation Plans, and allows State and Indian tribal governments that do not have an approved plan to compete for PDM planning funds after the deadline. As such, the rule itself will not have an effect on the economy of more than \$100,000,000, nor otherwise constitute a significant regulatory action.

The Office of Management and Budget has concluded that this rule is not significant for purposes of Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994, FEMA incorporates environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in our programs, denying persons the benefits of our programs, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the interim rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. This rule extends the date for development or update of State and Indian tribal mitigation plans in compliance with 44 CFR 201.4. Accordingly, the requirements of Executive Order 12898 do not apply to this interim rule.

Paperwork Reduction Act of 1995

This new interim rule simply provides an option to extend the date by which States have to comply with the planning requirements, and clarifies the planning requirements for the PDM program. The changes do not affect the collection of information; therefore, no change to the request for the collection of information is necessary. In summary, this interim rule complies with the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A).

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and

implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under Executive Order 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

We will continue to evaluate the planning requirements and will work with interested parties as we implement the planning requirements of 44 CFR Part 201. In addition, we actively encourage and solicit comments on this interim rule from interested parties, and we will consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

FEMA has reviewed this interim rule under Executive Order 13175, which became effective on February 6, 2001. In reviewing the interim rule, we find that it does not have "tribal implications" as defined in Executive Order 13175 because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim rule does not impose substantial direct compliance costs on Indian tribal governments, nor does it preempt tribal law, impair treaty rights nor limit the self-governing powers of Indian tribal governments. In fact, this interim rule relieves a burden on Indian tribal governments by allowing them to apply for PDM planning grants after the November 1, 2004 deadline.

Congressional Review of Agency Rulemaking

FEMA has sent this interim rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104-121. This interim rule is a not

"major rule" within the meaning of that Act. It is an administrative action to extend the time State and local governments have to prepare mitigation plans required by Section 322 of the Stafford Act, as enacted in DMA 2000.

The interim rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Parts 201 and 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and recordkeeping requirements.

■ Accordingly, FEMA amends 44 CFR, Parts 201 and 206 as follows:

PART 201—MITIGATION PLANNING

■ 1. The authority citation for part 201 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

■ 2. In § 201.3 add paragraph (c)(7) to read as follows:

§ 201.3 Responsibilities.

* * * * *

(c) * * *

(7) If necessary, submit a request from the Governor to the Director of FEMA, requesting an extension to the plan deadline in accordance with § 201.4(a)(2).

* * * * *

■ 3. Revise § 201.4(a) to read as follows:

§ 201.4 Standard State Mitigation Plans.

(a) *Plan requirement.* (1) By November 1, 2004, States must have an approved Standard State Mitigation Plan meeting the requirements of this section in order to receive assistance under the Stafford Act, although assistance authorized

under disasters declared prior to November 1, 2004 will continue to be made available. Until that date, existing, FEMA approved State Mitigation Plans will be accepted. In any case, emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the Pre-Disaster Mitigation (PDM) program, authorized under Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133, will also continue to be available. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan, but must comply with the requirement for updates, amendments, or revisions listed under 44 CFR 206.437.

(2) A Governor, or Indian tribal leader, may request an extension to the plan approval deadline by submitting a request in writing to the Director of FEMA, through the Regional Director. At a minimum, this must be signed by the Governor or the Indian tribal leader, and must include justification for the extension, identification of the reasons the plan has not been completed, identification of the amount of additional time required to complete the plan, and a strategy for finalizing the plan. The Director of FEMA will review each request and may grant a plan approval extension of up to six months. However, any extended plan approval deadline will be no later than May 1, 2005.

* * * * *

■ 4. Revise § 201.6(a)(1) to read as follows:

§ 201.6 Local Mitigation Plans.

* * * * *

(a) * * *

(1) For disasters declared on or after November 1, 2004, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants.

* * * * *

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

■ 5. The authority citation for part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42

U.S.C. 5121–5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

■ 6. Revise § 206.226(b) to read as follows:

§ 206.226 Restoration of damaged facilities.

* * * * *

(b) *Mitigation planning.* In order to receive assistance under this section, as of November 1, 2004 (subject to 44 CFR 201.4(a)(2)), the State must have in place a FEMA approved State Mitigation Plan in accordance with 44 CFR part 201.

* * * * *

■ 7. In § 206.432, revise paragraphs (b) introductory text and (b)(1) to read as follows:

§ 206.432 Federal grant assistance.

* * * * *

(b) *Amounts of assistance.* The total of Federal assistance under this subpart shall not exceed either 7½ or 20 percent of the total estimated Federal assistance (excluding administrative costs) provided for a major disaster under 42 U.S.C. 5170b, 5172, 5173, 5174, 5177, 5178, 5183, and 5201 as follows:

(1) *Seven and one-half (7½) percent.* Effective November 1, 2004, a State with an approved Standard State Mitigation Plan, which meets the requirements outlined in 44 CFR 201.4, shall be eligible for assistance under the HMGP not to exceed 7½ percent of the total estimated Federal assistance described in this paragraph. Until that date, existing FEMA approved State Mitigation Plans will be accepted. States may request an extension to the deadline of up to six months to the Director of FEMA by providing written justification in accordance with 44 CFR 201.4(a)(2).

* * * * *

■ 8. Revise § 206.434(b)(1) to read as follows:

§ 206.434 Eligibility.

* * * * *

(b) * * *

(1) For all disasters declared on or after November 1, 2004, local and Indian tribal government applicants for project subgrants must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding for projects. Until November 1, 2004, local mitigation plans may be developed

concurrent with the implementation of subgrants.

* * * * *

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response, Department of Homeland Security.

[FR Doc. 04–20609 Filed 9–10–04; 8:45 am]

BILLING CODE 9110–41–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, and 54

[CC Docket No. 02–6; FCC 04–190]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission adopts measures to protect against waste, fraud, and abuse in the administration of the schools and libraries universal service support mechanism (also known as the E-rate program). In particular, the Commission resolves a number of issues that have arisen from audit activities conducted as part of ongoing oversight over the administration of the universal service fund, and we address programmatic concerns raised by our Office of Inspector General.

DATES: Effective October 13, 2004 except for §§ 1.8003, 54.504(b)(2), 54.504(c)(1), 54.504(f), 54.508, and 54.516 which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The FCC will publish a document in the **Federal Register** announcing the effective date for those sections.

FOR FURTHER INFORMATION CONTACT: Jennifer Schneider, Attorney, Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418–7400.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission’s Fifth Report and Order, and Order in CC Docket No. 02–6 released on August 13, 2004. The full text of this document is available for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC, 20554.

I. Introduction

1. In this order, we adopt measures to protect against waste, fraud, and abuse

in the administration of the schools and libraries universal service support mechanism (also known as the E-rate program). In particular, we resolve a number of issues that have arisen from audit activities conducted as part of ongoing oversight over the administration of the universal service fund, and we address programmatic concerns raised by our Office of Inspector General (OIG). First, we set forth a framework regarding what amounts should be recovered by the Universal Service Administrative Company (USAC or Administrator) and the Commission when funds have been disbursed in violation of specific statutory provisions and Commission rules. Second, we announce our policy regarding the timeframe in which USAC and the Commission will conduct audits or other investigations relating to use of E-rate funds. Third, we eliminate the current option to offset amounts disbursed in violation of the statute or a rule against other funding commitments. Fourth, we extend our red light rule previously adopted pursuant to the Debt Collection Improvement Act (DCIA) to bar beneficiaries or service providers from receiving additional benefits under the schools and libraries program if they have failed to satisfy any outstanding obligation to repay monies into the fund. Fifth, we adopt a strengthened document retention requirement to enhance our ability to conduct all necessary oversight and provide a stronger enforcement tool for detecting statutory and rule violations. Sixth, we modify our current requirements regarding the timing, content and approval of technology plans. Seventh, we amend our beneficiary certification requirements to enhance our oversight and enforcement activities. Eighth, we direct USAC to submit a plan for timely audit resolution, and we delegate authority to the Chief of the Wireline Competition Bureau to resolve audit findings. Finally, we direct USAC to submit on an annual basis a list of all USAC administrative procedures to the Wireline Competition Bureau (Bureau) for review and further action, if necessary, to ensure that such procedures effectively serve our objective of preventing waste, fraud and abuse.

II. Fifth Report and Order

2. Since the inception of the schools and libraries support mechanism, schools and libraries have been subject to audits to determine compliance with the program rules and requirements. Audits are a tool for the Commission and USAC, as directed by the

Article 2-B

STATE AND LOCAL NATURAL AND MAN-MADE DISASTER PREPAREDNESS

(Current as of December 2006)

20 - NATURAL AND MAN-MADE DISASTERS; POLICY; DEFINITIONS

21 - DISASTER PREPAREDNESS COMMISSION ESTABLISHED; MEETINGS; POWERS AND DUTIES

22 - STATE DISASTER PREPAREDNESS PLANS

23 - LOCAL DISASTER PREPAREDNESS PLANS

23-A - COUNTY REGISTRY OF DISABLED PERSONS; NOTICE

24 - LOCAL STATE OF EMERGENCY; LOCAL EMERGENCY ORDERS BY CHIEF EXECUTIVE

25 - USE OF LOCAL GOVERNMENT RESOURCES IN A DISASTER

**26 - COORDINATION OF LOCAL DISASTER PREPAREDNESS FORCES AND LOCAL CIVIL
DEFENSE FORCES IN DISASTERS**

27 - CONTINUITY OF LOCAL GOVERNMENTS

28 - STATE DECLARATION OF DISASTER EMERGENCY

28-A - POST DISASTER RECOVERY PLANNING

29 - DIRECTION OF STATE AGENCY ASSISTANCE IN A DISASTER EMERGENCY

29-A - SUSPENSION OF OTHER LAWS

29-B - USE OF CIVIL DEFENSE FORCES IN DISASTERS

29-C - RADIOLOGICAL PREPAREDNESS

29-D - REPORTS

29-E - NEW YORK STATE EMERGENCY ASSISTANCE PROGRAM

29-G - EMERGENCY MANAGEMENT ASSISTANCE COMPACT

§ 20. Natural and man-made disasters; policy; definitions.

1. It shall be the policy of the state that:

- a. Local government and emergency service organizations continue their essential role as the first line of defense in times of disaster, and that the state provide appropriate supportive services to the extent necessary;
- b. Local chief executives take an active and personal role in the development and implementation of disaster preparedness programs and be vested with authority and responsibility in order to insure the success of such programs;
- c. State and local natural disaster and emergency response functions be coordinated in order to bring the fullest protection and benefit to the people;
- d. State resources be organized and prepared for immediate effective response to disasters which are beyond the capability of local governments and emergency service organizations; and
- e. State and local plans, organizational arrangements, and response capability required to execute the provisions of this article shall at all times be the most effective that current circumstances and existing resources allow.

2. As used in this article the following terms shall have the following meanings:

- a. "Disaster" means occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, radiological accident, water contamination, bridge failure or bridge collapse.
- b. "State disaster emergency" means a period beginning with a declaration by the governor that a disaster exists and ending upon the termination thereof.
- c. "Municipality" means a public corporation as defined in subdivision one of section sixty-six of the general construction law and a special district as defined in subdivision sixteen of section one hundred two of the real property tax law.
- d. "Commission" means the disaster preparedness commission created pursuant to section twenty-one of this article.
- e. "Emergency services organization" means a public or private agency, organization or group organized and functioning for the purpose of providing fire, medical, ambulance, rescue, housing, food or other services directed toward relieving human suffering, injury

or loss of life or damage to property as a result of an emergency, including non-profit and governmentally-supported organizations, but excluding governmental agencies.

f. "Chief executive" means:

- (1) A county executive or manager of a county;
- (2) In a county not having a county executive or manager, the chairman or other presiding officer of the county legislative body;
- (3) A mayor of a city or village, except where a city or village has a manager, it shall mean such manager; and
- (4) A supervisor of a town, except where a town has a manager, it shall mean such manager.

§ 21. Disaster preparedness commission established; meetings; powers and duties.

1. There is hereby created in the executive department a disaster preparedness commission consisting of the commissioners of transportation, health, division of criminal justice services, education, social services, economic development, agriculture and markets, housing and community renewal, general services, labor, environmental conservation, mental health, the president of the New York state energy research and development authority, the superintendents of state police, insurance, banking, the secretary of state, the state fire administrator, the chair of the public service commission, the adjutant general, the director of the state office for technology, the chairman of the thruway authority, the chief professional officer of the state coordinating chapter of the American Red Cross and three additional members, to be appointed by the governor, two of whom shall be chief executives. The governor shall designate the chair of the commission. The members of the commission, except those who serve ex officio, shall be allowed their actual and necessary expenses incurred in the performance of their duties under this article but shall receive no additional compensation for services rendered pursuant to this article.

2. The commission, on call of the chairperson, shall meet at least twice each year and at such other times as may be necessary. The agenda and meeting place of all regular meetings shall be made available to the public in advance of such meetings and all such meetings shall be open to the public. The commission shall establish quorum requirements and other rules and procedures regarding conduct of its meetings and other affairs. The adjutant general shall serve as secretary to the commission and provide staff services as may be necessary through the state emergency management office.

3. The commission shall have the following powers and responsibilities:

- a. Study all aspects of man-made or natural disaster prevention, response and recovery;
- b. Request and obtain from any state or local officer or agency any information necessary to the commission for the exercise of its responsibilities;

c. Prepare state disaster preparedness plans, to be approved by the governor, and review such plans and report thereon by March thirty-first of each year to the governor, the legislature and the chief judge of the state. In preparing such plans, the commission shall consult with federal and local officials, emergency service organizations, and the public as it deems appropriate. To the extent such plans impact upon administration of the civil and criminal justice systems of the state, including their operational and fiscal needs in times of disaster emergency, the commission, its staff and any working group, task force, agency or other instrumentality to which it may delegate responsibility to assist it in its duties shall consult with the chief administrator of the courts and coordinate their preparation with him or her or with his or her representatives;

d. Prepare, keep current and distribute to chief executives and others an inventory of programs directly relevant to prevention, minimization of damage, readiness, operations during disasters, and recovery following disasters;

e. Direct state disaster operations and coordinate state disaster operations with local disaster operations following the declaration of a state disaster emergency;

f. Unless it deems it unnecessary, create, following the declaration of a state disaster emergency, a temporary organization in the disaster area to provide for integration and coordination of efforts among the various federal, state, municipal and private agencies involved. The commission, upon a finding that a municipality is unable to manage local disaster operations, may, with the approval of the governor, direct the temporary organization to assume direction of the local disaster operations of such municipality, for a specified period of time, and in such cases such temporary organization shall assume direction of such local disaster operations, subject to the supervision of the commission. In such event, such temporary organization may utilize such municipality's local resources, provided, however, that the state shall not be liable for any expenses incurred in using such municipality's resources;

g. Assist in the coordination of federal recovery efforts and coordinate recovery assistance by state and private agencies;

h. Provide for periodic briefings, drills, exercises or other means to assure that all state personnel with direct responsibilities in the event of a disaster are fully familiar with response and recovery plans and the manner in which they shall carry out their responsibilities, and coordinate with federal, local or other state personnel. Such activities may take place on a regional or county basis, and local and federal participation shall be invited and encouraged;

i. Submit to the governor, the legislature and the chief judge of the state by March thirty-first of each year an annual report which shall include but need not be limited to:

(1) A summary of commission and state agency activities for the year and plans for the ensuing year with respect to the duties and responsibilities of the commission;

(2) Recommendations on ways to improve state and local capability to prevent, prepare for, respond to and recover from disasters;

(3) The status of the state and local plans for disaster preparedness and response, including the name of any locality which has failed or refused to develop and implement its own disaster preparedness plan and program;

j. Coordinate and, to the extent possible and feasible, integrate commission activities, responsibilities and duties with those of the civil defense commission; and

k. Develop public service announcements to be distributed to television and radio stations and other media throughout the state informing the public how to prepare and respond to disasters. Such public service announcements shall be distributed in English and such other languages as such commission deems appropriate.

§ 22. State disaster preparedness plans.

1. The commission shall prepare a state disaster preparedness plan and submit such plan to the governor for approval no later than one year following the effective date of this act. The governor shall act upon such plan by July first of that year. The commission shall review such plans annually.

2. The purpose of such plans shall be to minimize the effects of disasters by: (i) identifying appropriate measures to prevent disasters, (ii) developing mechanisms to coordinate the use of resources and manpower for service during and after disaster emergencies and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) provide for recovery and redevelopment after disaster emergencies.

3. Such plans shall be prepared with such assistance from other agencies as the commission deems necessary, and shall include, but not be limited to:

a. Disaster prevention. Plans to prevent and minimize the effects of disasters shall include, but not be limited to:

(1) Identification of potential disasters and disaster sites;

(2) Recommended disaster prevention projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;

(3) Suggested revisions and additions to building and safety codes, and zoning and other land use programs;

(4) Suggested ways in which state agencies can provide technical assistance to municipalities in the development of local disaster prevention plans and programs;

(5) Such other measures as reasonably can be taken to prevent disasters or mitigate their impact.

b. Disaster response. Plans to coordinate the use of resources and manpower for service during and after disaster emergencies and to deliver services to aid citizens and reduce human suffering resulting from a disaster emergency shall include, but not be limited to:

(1) Centralized coordination of resources, manpower and services, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;

(2) The location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution or use of materials, facilities and services;

(3) A system for warning populations who are or may be endangered;

(4) Arrangements for activating state, municipal and volunteer forces, through normal chains of command so far as possible and for continued communication and reporting;

(5) A specific plan for rapid and efficient communication, and for the integration of state communication facilities during a state disaster emergency, including the assignment of responsibilities and the establishment of communication priorities, and liaison with municipal, private and federal communication facilities;

(6) A plan for coordinated evacuation procedures, including the establishment of temporary housing and other necessary facilities;

(7) Criteria for establishing priorities with respect to the restoration of vital services and debris removal;

(8) Plans for the continued effective operation of the civil and criminal justice systems;

(9) Provisions for training state and local government personnel and volunteers in disaster response operations;

(10) Providing information to the public;

(11) Care for the injured and needy and identification and disposition of the dead;

(12) Utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, the handicapped, and other groups which may be especially affected;

(13) Control of ingress and egress to and from a disaster area;

* (14) Arrangements to administer federal disaster assistance; and

* NB Effective until January 1, 2007

* (14) Arrangements to administer federal disaster assistance;

* NB Effective January 1, 2007

* (15) A system for obtaining and coordinating disaster information including the centralized assessment of disaster effects and resultant needs.

* NB Effective until January 1, 2007

* (15) A system for obtaining and coordinating disaster information including the centralized assessment of disaster effects and resultant needs; and

* NB Effective January 1, 2007

* (16) Utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options.

* NB Effective January 1, 2007

c. Recovery. Plans to provide for recovery and redevelopment after disaster emergencies shall include, but not be limited to:

(1) Measures to coordinate state agency assistance in recovery efforts;

(2) Arrangements to administer federal recovery assistance; and

(3) Such other measures as reasonably can be taken to assist in the development and implementation of local disaster recovery plans.

§ 23. Local disaster preparedness plans.

1. Each county, except those contained within the city of New York, and each city, town and village is authorized to prepare disaster preparedness plans. The disaster preparedness commission shall provide assistance and advice for the development of such plans. City, town and village plans shall be coordinated with the county plan.

2. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent disasters, (ii) developing mechanisms to coordinate the use of local resources and manpower for service during and after disasters and the delivery of

services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters.

3. Plans for coordination of resources, manpower and services shall provide for a centralized coordination and direction of requests for assistance.

4. Plans for coordination of assistance shall provide for utilization of existing organizations and lines of authority.

5. In preparing such plans, cooperation, advice and assistance shall be sought from local government officials, regional and local planning agencies, police agencies, fire departments and fire companies, local civil defense agencies, commercial and volunteer ambulance services, health and social services officials, community action agencies, the chief administrator of the courts, organizations for the elderly and the handicapped, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate methods.

6. All plans for disaster preparedness developed by local governments or any revisions thereto shall be submitted to the commission by December thirty-first of each year to facilitate state coordination of disaster operations.

7. Such plans shall include, but not be limited to:

a. Disaster prevention. Plans to prevent and minimize the effects of disasters shall include, but not be limited to:

(1) Identification of potential disasters and disaster sites;

(2) Recommended disaster prevention projects, policies, priorities and programs, with suggested implementation schedules, which outline federal, state and local roles;

(3) Suggested revisions and additions to building and safety codes and zoning and other land use programs;

(4) Such other measures as reasonably can be taken to prevent disasters or mitigate their impact.

b. Disaster response. Plans to coordinate the use of resources and manpower for service during and after disasters and to deliver services to aid citizens and reduce human suffering resulting from a disaster shall include, but not be limited to:

(1) Centralized coordination of resources, manpower and services, utilizing existing organizations and lines of authority and centralized direction of requests for assistance;

(2) The location, procurement, construction, processing, transportation, storing, maintenance, renovation, distribution or use of materials, facilities and services which may be required in time of disaster;

(3) A system for warning populations who are or may be endangered;

(4) Arrangements for activating municipal and volunteer forces, through normal chains of command so far as possible, and for continued communication and reporting;

(5) A specific plan for rapid and efficient communication and for the integration of local communication facilities during a disaster including the assignment of responsibilities and the establishment of communication priorities and liaison with municipal, private, state and federal communication facilities;

(6) A plan for coordination evacuation procedures including the establishment of temporary housing and other necessary facilities;

(7) Criteria for establishing priorities with respect to the restoration of vital services and debris removal;

(8) Plans for the continued effective operation of the civil and criminal justice systems;

(9) Provisions for training local government personnel and volunteers in disaster response operations;

(10) Providing information to the public;

(11) Care for the injured and needy and identification and disposition of the dead;

(12) Utilization and coordination of programs to assist victims of disasters, with particular attention to the needs of the poor, the elderly, the handicapped, and other groups which may be especially affected;

(13) Control of ingress and egress to and from a disaster area;

(14) Arrangements to administer state and federal disaster assistance;

(15) Procedures under which the county, city, town, village or other political subdivision and emergency organization personnel and resources will be used in the event of a disaster;

* (16) A system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs; and

* NB Effective until January 1, 2007

* (16) A system for obtaining and coordinating disaster information including the centralized assessment of local disaster effects and resultant needs;

* NB Effective January 1, 2007

* (17) Continued operation of governments of political subdivisions.

* NB Effective until January 1, 2007

* (17) Continued operation of governments of political subdivisions; and

* NB Effective January 1, 2007

* (18) Utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options.

* NB Effective January 1, 2007

c. Recovery. Local plans to provide for recovery and redevelopment after disasters shall include, but not be limited to:

(1) Recommendations for replacement, reconstruction, removal or relocation of damaged or destroyed public or private facilities, proposed new or amendments to zoning, subdivision, building, sanitary or fire prevention regulations and recommendations for economic development and community development in order to minimize the impact of any potential future disasters on the community.

(2) Provision for cooperation with state and federal agencies in recovery efforts.

(3) Provisions for training and educating local disaster officials or organizations in the preparation of applications for federal and state disaster recovery assistance.

§ 23-a. County registry of disabled persons; notice.

1. In each county having a local disaster preparedness plan pursuant to section twenty-three of this article, in order to meet the special needs of persons who would need assistance during evacuations and sheltering because of physical or mental handicaps, it is recommended that each chief executive maintain a registry of disabled persons located within the county. The registration shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the chief executive in identifying such persons, the county department of health, or such other county department or agency as designated by the chief executive, shall provide voluntary registration information to all of its special needs clients and to all incoming clients as part of the intake process. The registry shall be updated annually. The registration program shall give disabled persons the option of pre-authorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare during disasters.

2. Upon the establishment of a voluntary registry of disabled persons as provided in subdivision one of this section, the chief executive shall make such registry available to the appropriate county, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall, upon the request of the state emergency management office, provide such registry information to such office. The chief executive may, at his discretion, use the registry information for local disaster preparedness only in coordination with other political subdivisions of the state.

3. Upon the establishment of a voluntary registry of disabled persons as provided in subdivision one of this section, at least semi-annually, each chief executive shall cause to be published in a newspaper of general circulation within the county a notice of the availability of the voluntary registration program.

4. All records, data, information, correspondence and communications relating to the registration of disabled persons as provided in subdivision one of these sections are confidential, except that such information shall be available to other county chief executives for local disaster preparedness only as the chief executive of the county maintaining such registry deems necessary. Provided, however, the individual file of a person having registered with the registry of disabled persons shall be made available to that person upon request.

5. All community-based services providers, including home health care providers, shall assist the chief executive by collecting registration information for people with special needs as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating clients about the procedures that may be necessary for their safety during disasters.

6. A county shall not be liable for any claim based upon the good faith exercise or performance or the good faith failure to exercise or perform a function or duty on the part of any officer or employee in carrying out a local disaster preparedness plan.

§ 24. Local state of emergency; local emergency orders by chief executive.

1. Notwithstanding any inconsistent provision of law, general or special, in the event of a disaster, rioting, catastrophe, or similar public emergency within the territorial limits of any county, city, town or village, or in the event of reasonable apprehension of immediate danger thereof, and upon a finding by the chief executive thereof that the public safety is imperiled thereby, such chief executive may proclaim a local state of emergency within any part or all of the territorial limits of such local government; provided, however, that in the event of a radiological accident as defined in section twenty-nine-c of this article, such chief executive may request of the governor a declaration of disaster emergency. Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. As illustration, such orders may, within any part or all of the territorial limits of such local government provide for:

- a. The establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- b. The designation of specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- c. The regulation and closing of places of amusement and assembly;
- d. The suspension or limitation of the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- e. The prohibition and control of the presence of persons on public streets and places;
- f. The establishment or designation of emergency shelters and/or emergency medical shelters;
- g. The suspension within any part or all of its territorial limits of any of its local laws, ordinances or regulations, or parts thereof subject to federal and state constitutional, statutory and regulatory limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom whenever

(1) A request has been made pursuant to subdivision seven of this section, or

(2) Whenever the governor has declared a state disaster emergency pursuant to section twenty-eight of this article. Suspension of any local law, ordinance or regulation pursuant to this paragraph shall be subject to the following standards and limits:

(i) No suspension shall be made for a period in excess of five days, provided, however, that upon reconsideration of all the relevant facts and circumstances, a suspension may be extended for additional periods not to exceed five days each during the pendency of the state of emergency;

(ii) No suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;

(iii) Any such suspension order shall specify the local law, ordinance or regulation, or part thereof suspended and the terms and conditions of the suspension;

(iv) The order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;

(v) Any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary; and

(vi) When practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.

2. A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast. Such orders may be amended, modified and rescinded by the chief executive during the pendency or existence of the state of emergency. Such orders shall cease to be in effect five days after promulgation or upon declaration by the chief executive that the state of emergency no longer exists, whichever occurs sooner. The chief executive nevertheless, may extend such orders for additional periods not to exceed five days each during the pendency of the local state of emergency.

3. The local emergency orders of a chief executive of a county shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of the governing board of the county, the office of the county clerk and the office of the secretary of state. The local emergency orders of a chief executive of a city, town or village shall be executed in triplicate and shall be filed within seventy-two hours or as soon thereafter as practicable in the office of the clerk of such municipal corporation, the office of the county clerk and the office of the secretary of state.

4. Nothing in this section shall be deemed to limit the power of any local government to confer upon its chief executive any additional duties or responsibilities deemed appropriate.

5. Any person who knowingly violates any local emergency order of a chief executive promulgated pursuant to this section is guilty of a class B misdemeanor.

6. Whenever a local state of emergency is declared by the chief executive of a local government pursuant to this section, the chief executive of the county in which such local state of emergency is declared, or where a county is wholly contained within a city, the mayor of such city, may request the governor to remove all or any number of sentenced inmates from institutions maintained by such county in accordance with section ninety-three of the correction law.

7. Whenever a local state of emergency has been declared pursuant to this section, the chief executive of the county in which the local state of emergency has been declared, or where a county is wholly contained within a city, the chief executive of the city, may request the governor to provide assistance under this chapter, provided that such chief executive determines that the disaster is beyond the capacity of local government to meet adequately and state assistance is necessary to supplement local efforts to save lives and to protect property, public health and safety, or to avert or lessen the threat of a disaster.

8. The legislature may terminate by concurrent resolution, such emergency orders at any time.

§ 25. Use of local government resources in a disaster.

1. Upon the threat or occurrence of a disaster, the chief executive of any political subdivision is hereby authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting therefrom.

2. Upon the threat or occurrence of a disaster, a chief executive may request and accept assistance which is coordinated and directed by the county chief executive as provided in section twenty-six of this article.

3. A chief executive may also request and accept assistance from any other political subdivision and may receive therefrom and utilize any real or personal property or the service of any personnel thereof on such terms and conditions as may be mutually agreed to by the chief executives of the requesting and assisting political subdivisions.

4. Upon the receipt of a request for assistance made pursuant to subdivision two or three of this section, the chief executive of any political subdivision may give, lend or lease, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of such political subdivision, any services, equipment, facilities, supplies or other resources of his political subdivision. Any lease or loan of real or personal property pursuant to this subdivision, or any transfer of personnel pursuant hereto, shall be only for the purpose of assisting a political subdivision in emergency relief, reconstruction, or rehabilitation made necessary by the disaster.

5. A political subdivision shall not be liable for any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of any officer or employee in carrying out the provisions of this section.

6. The chief executive, when requesting assistance pursuant to this section may request assistance from the civil defense and disaster preparedness forces of any other political subdivision, but only if the civil defense and disaster preparedness forces of the type being requested have already been activated within the political subdivisions requesting assistance. The chief executive of any political subdivision receiving such a request is hereby authorized and empowered, subject to the provisions of section twenty-six of this article, to respond thereto.

7. Any power or authority conferred upon any political subdivision by this section shall be in addition to and not in substitution for or limitation of any powers or authority otherwise vested in such subdivision or any officer thereof.

§ 26. Coordination of local disaster preparedness forces and local civil defense forces in disasters.

1. Upon the threat or occurrence of a disaster, the chief executive of a county may coordinate responses for requests for assistance made by the chief executive of any political subdivision within the county.
2. Coordination of assistance shall utilize existing organizations and lines of authority and shall utilize any disaster preparedness or civil defense plans prepared by the affected municipality.
3. A chief executive or any elected or appointed county, city, town or village official shall not be held responsible for acts or omissions of municipal employees, disaster preparedness forces or civil defense forces when performing disaster assistance pursuant to a declared disaster emergency or when exercising disaster preparedness plans.

§ 27. Continuity of local governments.

1. Every county, except those wholly contained within a city, every city, every town and every village shall have power to provide by local law, and every other public corporation, district corporation or public benefit corporation shall have power to provide by resolution, for its continuity and that of its elective and appointive officers, including members of its legislative or governing body when, in the event of a disaster and the emergency conditions caused thereby, any of such officers is unable to discharge the powers and duties of his office or is absent from the political subdivision. In any such local law or resolution, provision may be made that the removal of a disability or the termination of an absence from the political subdivision of an officer higher on a list or order of succession provided therein to an office shall not terminate the service in such office of an individual lower on such list or order of succession who is temporarily filling such office. Notwithstanding the provisions of any general or special law or city or village charter, a local law or resolution adopted pursuant to this section may be made effective without approval at a mandatory or permissive referendum but in no case shall such local law or resolution become effective until one certified copy thereof has been filed with the clerk of the political subdivision or other appropriate official designated for such purpose by the respective legislative or governing body, one certified copy thereof has been filed in the office of the state comptroller and three certified copies thereof have been filed in the office of the secretary of state.

No provision of this subdivision shall be construed or interpreted as affecting the validity of any ordinance, local law or resolution enacted prior to April first, nineteen hundred seventy-nine or actions taken thereunder by the government of any county, city, town or village.

2. The provisions of this section shall not be applicable in any case where the continuity of the government of a political subdivision or that of any of its elective or appointive officers is otherwise provided for by or pursuant to law.

3. This section shall be construed liberally. The powers herein granted shall be in addition to and not in substitution of any power granted, procedure provided or provision made in any other law.

§ 28. State declaration of disaster emergency.

1. Whenever the governor, on his own initiative or pursuant to a request from one or more chief executives, finds that a disaster has occurred or may be imminent for which local governments are unable to respond adequately, he shall declare a disaster emergency by executive order.

2. Upon declaration of a disaster arising from a radiological accident, the governor or his designee, shall direct one or more chief executives and emergency services organizations to:

(a) Notify the public that an emergency exists; and

(b) Take appropriate protective actions pursuant to the radiological emergency preparedness plan approved pursuant to sections twenty-two and twenty-three of this article. The governor, or his designee, shall also have authority to direct that other actions be taken by such chief executives pursuant to their authority under section twenty-four of this article.

3. The executive order shall include a description of the disaster, and the affected area. Such order or orders shall remain in effect for a period not to exceed six months or until rescinded by the governor, whichever occurs first. The governor may issue additional orders to extend the state disaster emergency for additional periods not to exceed six months.

4. Whenever the governor shall find that a disaster is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected jurisdictions, he shall make an appropriate request for federal assistance available under federal law, and may make available out of any funds provided under the governmental emergency fund or such other funds as may be available, sufficient funds to provide the required state share of grants made under any federal program for meeting disaster related expenses including those available to individuals and families.

§ 28-a. Post disaster recovery planning.

1. Whenever a state disaster emergency has been declared any county, city, town or village included in such disaster area shall prepare a local recovery and redevelopment plan, unless the legislative body of the municipality shall determine such plan to be unnecessary or impractical. Prior to making such determination, the municipality shall notify the commission of its intent to forego preparation and provide an opportunity to comment to the commission. Within fifteen days after the declaration of a state disaster, any county, city, town or village included in such disaster area shall report to the commission whether the preparation of a recovery and redevelopment plan has been commenced, and if not, the reasons for not preparing such plan. Within sixty days after the declaration of a state disaster, the commission shall report to the governor and the legislature the status of local recovery and redevelopment plans, including the name of any municipality which has failed or refused to commence the development of a recovery and redevelopment plan.

2. The commission shall provide technical assistance in the development of such plans upon the request of such county, city, town or village.

3. A local recovery and redevelopment plan shall include, but need not be limited to: plans for replacement, reconstruction, removal or relocation of damaged or destroyed facilities; proposed new or amended regulations such as zoning, subdivision, building or sanitary ordinances and codes; and plans for economic recovery and community development. Such plans shall take into account and to the extent practicable incorporate relevant existing plans and policies and such plans shall take into account the need to minimize the potential impact of any future disasters on the community.

4. Proposed plans shall be presented at a public hearing upon five days notice published in a newspaper of general circulation in the area affected and transmitted to the radio and television media for publication and broadcast. Such notice shall state the time and place of the hearing and indicate where copies of the proposed plan may be inspected or obtained. Any county, city, town, or village preparing a recovery and redevelopment plan pursuant to this subdivision may, upon mutual agreement with any other such county, city, town or village, hold a joint hearing to consider such recovery and redevelopment plan.

5. Such plans shall be prepared within forty-five days after the declaration of a state disaster and shall be transmitted to the commission. The commission shall provide its comments on the plan within ten days after receiving such plan.

6. A plan shall be adopted by such county, city, town or village within ten days after receiving the comments of the commission. The adopted plan may be amended at any time in the same manner as originally prepared, revised and adopted.

7. The adopted plan shall be the official policy for recovery and redevelopment within the municipality.

8. Nothing in this section shall preclude any municipality from applying for or accepting and receiving any federal funds.

§ 29. Direction of state agency assistance in a disaster emergency.

Upon the declaration of a state disaster emergency the governor may direct any and all agencies of the state government to provide assistance under the coordination of the disaster preparedness commission. Such state assistance may include:

(1) Utilizing, lending, or giving to political subdivisions, with or without compensation therefor, equipment, supplies, facilities, services of state personnel, and other resources, other than the extension of credit;

(2) Distributing medicine, medical supplies, food and other consumable supplies through any public or private agency authorized to distribute the same;

(3) Performing on public or private lands temporary emergency work essential for the protection of public health and safety, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of political subdivisions damaged or destroyed as a result of such disaster; and

(4) Making such other use of their facilities, equipment, supplies and personnel as may be necessary to assist in coping with the disaster or any emergency resulting therefrom.

§ 29-a. Suspension of other laws.

1. Subject to the state constitution, the federal constitution and federal statutes and regulations, and after seeking the advice of the commission, the governor may by executive order temporarily suspend specific provisions of any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster.

2. Suspensions pursuant to subdivision one of this section shall be subject to the following standards and limits:

a. No suspension shall be made for a period in excess of thirty days, provided, however, that upon reconsideration of all of the relevant facts and circumstances, the governor may extend the suspension for additional periods not to exceed thirty days each;

b. No suspension shall be made which does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;

c. Any such suspension order shall specify the statute, local law, ordinance, order, rule or regulation or part thereof to be suspended and the terms and conditions of the suspension;

d. The order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such statute, local law, ordinance, order, rule or regulation suspended, and may include other terms and conditions;

e. Any such suspension order shall provide for the minimum deviation from the requirements of the statute, local law, ordinance, order, rule or regulation suspended consistent with the disaster action deemed necessary; and

f. When practicable, specialists shall be assigned to assist with the related emergency actions to avoid needless adverse effects resulting from such suspension.

3. Such suspensions shall be effective from the time and in the manner prescribed in such orders and shall be published as soon as practicable in the state bulletin.

4. The legislature may terminate by concurrent resolution executive orders issued under this section at any time.

§ 29-b. Use of civil defense forces in disasters.

1. The governor may, in his discretion, direct the state civil defense commission to conduct a civil defense drill, under its direction, in which all or any of the civil defense forces of the state may be utilized to perform the duties assigned to them in a civil defense emergency, for the purpose of protecting and preserving human life or property in a disaster. In such event, civil defense forces in the state shall operate under the direction and command of the state director of civil defense, and shall possess the same powers, duties, rights, privileges and immunities as are applicable in a civil defense drill held at the direction of the state civil defense commission under the provisions of the New York state defense emergency act.

2. Local use of civil defense forces.

a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in paragraph d of this subdivision, the county chief executive may direct the civil defense director of a county to assist in the protection and preservation of human life or property by holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate places within the county, in which all or any civil defense forces may be called upon to perform the civil defense duties assigned to them.

b. The civil defense forces of the county shall be regarded as a reserve disaster force to be activated, in whole or in part, by the county civil defense director upon the direction of the county chief executive when the county chief executive, in his discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.

c. Except as provided in paragraph d of this subdivision, the county chief executive may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the civil defense forces of the county in whole or in part, on his own motion or upon the request of the chief executive officer of a village, town or city located within the county of which he is an officer.

d. Where the local office of civil defense in a city is independent of the county office of civil defense and is not consolidated therewith, the county chief executive may direct the civil defense director of the county to render assistance within such city only when the chief executive officer of such city has certified to him that the civil defense forces of the city have been activated pursuant to the provisions of subdivision three of this section and that all resources available locally are insufficient adequately to cope with the disaster.

e. When performing disaster assistance pursuant to this section, county civil defense forces shall operate under the direction and command of the county civil defense director and his duly authorized deputies, and shall possess the same powers, duties, rights,

privileges and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the civil or political subdivision in which they are enrolled, employed or assigned civil defense responsibilities.

f. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county civil defense director when rendering disaster assistance within a city pursuant to this section.

g. Outside of a city, the sheriff of the county, and in Nassau county the commissioner of police of the county of Nassau, shall supervise the operations of the civil defense director when rendering peace officer duties incident to disaster assistance. The sheriff and such commissioner may delegate such supervisory power to an elected or appointed town or village official in the area affected.

h. Neither the chief executive officer of a city, nor the county chief executive, nor any elected or appointed town or village official to whom the county chief executive has delegated supervisory power as aforesaid shall be held responsible for acts or omissions of civil defense forces when performing disaster assistance.

3. City use of civil defense forces.

a. Upon the threat or occurrence of a disaster, and during and immediately following the same, and except as otherwise provided in paragraph d of this subdivision, the chief executive of a city may direct the civil defense director of the city to assist in the protection and preservation of human life or property by holding a civil defense drill and training exercise at the scene of the disaster and at any other appropriate places within the city, in which all or any civil defense forces may be called upon to perform the civil defense duties assigned to them.

b. The civil defense forces of the city shall be regarded as a reserve disaster force to be activated, in whole or in part, by the city civil defense director upon the direction of the chief executive officer of the city when the latter, in his discretion, is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance are insufficient adequately to cope with the disaster.

c. Except as provided in paragraph d of this subdivision, the chief executive officer of a city may exercise the power conferred upon him in paragraph a of this subdivision, or may deactivate the civil defense forces of the city in whole or in part, on his own motion or upon the request of the head of the city police force.

d. Where the local office of civil defense in a city is under the jurisdiction of a consolidated county office of civil defense as provided in the New York state defense emergency act, the chief executive officer of such city seeking the assistance of civil defense forces in the protection and preservation of human life or property within such city because of such disaster, must request the same from the county chief executive in

which such city is located, in the same manner as provided for assistance to towns and villages in subdivision two of this section.

e. When performing disaster assistance pursuant to this subdivision, city civil defense forces shall operate under the direction and command of the city civil defense director and his duly authorized deputies, and shall possess the same powers, duties, rights, privileges, and immunities they would possess when performing their duties in a locally sponsored civil defense drill or training exercise in the city in which they are enrolled, employed or assigned civil defense responsibilities.

f. Where the city civil defense forces have been directed to assist in local disaster operations pursuant to paragraph a of this subdivision, and the chief executive officer of the city is convinced that the personnel and resources of local municipal and private agencies normally available for disaster assistance, including local civil defense forces, are insufficient adequately to cope with the disaster, he may certify the fact to the county chief executive and request the county chief executive to direct the county civil defense director to render assistance in the city, as provided in subdivision two of this section.

g. The chief executive officer of a city shall be responsible for the conduct of disaster operations within the city, including the operations directed by the county civil defense director, when rendering disaster assistance within a city pursuant to this subdivision.

h. Neither the chief executive officer of a city, nor the county chief executive, shall be held responsible for acts or omissions of civil defense forces when performing disaster assistance.

§ 29-c. Radiological preparedness.

1. The commission:

(a) May monitor directly and record the off-site presence of radioactive material in the vicinity of nuclear electric generating facilities located in the state of New York;

(b) Shall obtain from the licensees, United States nuclear regulatory commission-required high range radiation, temperature and pressure levels in the containment buildings and in the containment building vents of nuclear electric generating facilities located in the state of New York; and,

(c) Shall obtain, subject to the approval of the United States nuclear regulatory commission, any reactor data provided by the licensee to the United States nuclear regulatory commission, which the disaster preparedness commission determines, as a result of the report issued pursuant to section twenty-nine-d of this article, to be a reliable indicator of a possible radiological accident.

Upon the occurrence of a radiological accident, the commission shall promptly provide appropriate and available radioactivity monitoring data to any chief executive who requests it.

For the purposes of this section, the term "radiological accident" shall be limited to a radiological accident occurring at a nuclear electric generating facility.

2. (a) Any licensee of the United States nuclear regulatory commission for a nuclear electric generating facility shall be liable for an annual fee to support state and local governmental responsibilities under accepted radiological emergency preparedness plans related to the facility operated by such licensee.

(b) The amount of such fee shall be determined annually by the commission taking into account the costs of such responsibilities not otherwise provided for and unexpended amounts of previous fees paid by any such licensee. In no event shall an annual fee for any facility exceed five hundred fifty thousand dollars. Such fee, which shall be payable to the commission on or before April first, shall be expended or distributed only by appropriation.

3. Such fees shall be expended by the commission for purposes of supporting state and local government responsibilities under accepted radiological emergency preparedness plans, including:

(a) Purchase, installation, maintenance and operation of equipment used by the commission and local governments to monitor and record the potential and actual presence of radioactive materials within the appropriate planning radius from a nuclear electric generating facility;

(b) Purchase, storage and distribution by the commission of equipment, drugs or other material for the purpose of protecting public health and safety;

(c) Personal service, administrative costs and contractual services;

(d) Emergency services personnel training and the plans, development, implementation, testing and revisions; and,

(e) The state or local share when applying for matching funds.

3-a. (a) Notwithstanding the provisions of subdivision three of this section, the New York state emergency management office (SEMO) and the coalition of nuclear counties, which constitutes the counties of Monroe, Wayne, Oswego, Orange, Putnam, Rockland and Westchester, shall each receive an equal one-half portion of the total amount of proceeds resulting from the total assessments and contributions made pursuant to this section.

(b) The one-half portion of the proceeds resulting from the total assessments and contributions made pursuant to this section received by the coalition of nuclear counties shall be distributed pursuant to the following formula:

Monroe county 12.3%

Orange county 10%

Oswego county 12.5%

Putnam county 9.8%

Rockland county 18%
Wayne county 12.4%
Westchester county 25%

4. Notwithstanding the provisions of paragraph (b) of subdivision two of this section, for the fiscal year beginning April first, nineteen hundred eighty-one, any person who holds a license from the United States nuclear regulatory commission to operate a nuclear electric generating facility shall be liable for a seventy-five thousand dollar annual fee for each such facility which amount shall be payable to the commission on or before October first, nineteen hundred eighty-one.

§ 29-d. Reports.

In order to assess the present preparedness in the state for any radiological accident and to determine the need for, and appropriateness of, any additional specific steps by state government, the commission shall report to the governor and the legislature by January first, nineteen hundred eighty-two, its findings, recommendations and proposed legislation where appropriate concerning:

1. The need for and appropriateness of additional specific state activities or programs beyond those required by the accepted radiological emergency preparedness plans or provided for under existing law, including but not limited to:

- (a) Radiological monitoring equipment;
- (b) Warning systems and equipment;
- (c) Medical technologies and equipment;
- (d) Plume transport and dose assessment models; and
- (e) Nuclear fuel cycle and materials licensees other than electric generating facilities.

2. Any such recommendations shall be developed in consultation with all concerned public and private parties and shall:

- (a) Take into account proven safety effectiveness;
- (b) Outline any proposed costs and the means for meeting such costs;
- (c) Consider related activities of the United States nuclear regulatory commission or others; and
- (d) When appropriate, discuss alternatives and various implementation stages.

§ 29-e. New York state emergency assistance program.

1. For purposes of this section the following terms shall have the following meanings:

(a) "Infrastructure" shall mean and include publicly owned storm and sanitary sewers, water supply systems, drainage systems, transportation systems, roads and bridges.

(b) "Municipality" shall mean any county, city, village, or town of the state.

(c) "Public facilities" shall mean and include publicly owned buildings, including traditional government buildings, such as courthouses, firehouses, police stations, parks, recreational facilities and correctional facilities.

(d) "Fund" shall mean the state's contingency reserve fund established by law.

(e) "The state emergency management office" shall mean the office within the office of military and naval affairs that assists the disaster preparedness commission in implementing the powers and duties of the disaster preparedness commission.

2. The governor may, upon a finding that a municipality in the state has suffered substantial damage by an unanticipated natural disaster which has resulted in significant economic distress within such municipality, issue a declaration of significant economic distress in accordance with the provisions herein. In determining whether such significant economic distress exists, the governor shall consider whether the following criteria have been met:

(a) The municipality suffered a substantial loss of assessed value;

(b) Substantial damage has occurred to municipal buildings, facilities and infrastructure;

(c) The cost incurred by the municipality for clean-up operations is significant;

(d) Businesses within the municipality have experienced significant economic loss due to the inability to conduct normal business due to the disaster;

(e) A significant increase in unemployment claims filed by persons employed within the municipality has occurred; and

(f) The county or the county within which the municipality is located has been declared eligible by the United States small business administration for physical disaster and economic injury disaster loans. In addition, the governor shall also consider the extent that other financial resources, including federal assistance and insurance, are available to assist the municipality to repair damage caused by the disaster.

3. (a) Upon the issuance of a declaration of significant economic distress due to unanticipated natural disaster by the governor, a municipality recognized by the governor as being affected by

such disaster which occurred on or after December first, nineteen hundred ninety-two, may apply to the state emergency management office on a form prescribed by such office, for reimbursement from the state's contingency reserve fund for reimbursement of extraordinary and unanticipated costs associated with the reconstruction or repair of public buildings, facilities or infrastructure.

(b) Where the municipality applying for assistance authorized pursuant to this section is a city, and such application pertains to a county wholly contained within such city, such city may submit separate applications for such assistance for each such county.

(c) Such municipality shall be granted the assistance provided pursuant to this section, within the amounts made available by appropriation from the fund, upon approval of such application, provided that such municipality agrees to have a local disaster preparedness plan pursuant to section twenty-three of this article in effect by December thirty-first, nineteen hundred ninety-three. On or after December thirty-first, nineteen hundred ninety-three, no municipality shall be eligible for reimbursement of such expenses unless such plan is in effect.

(d) Municipalities which have received assistance pursuant to this section shall, as soon thereafter as may be possible, amend their respective local disaster preparedness plans to include corrective measures that must be taken in order to avoid, to the extent possible, similar emergencies in the future.

(e) Municipalities applying for assistance pursuant to this section shall accurately describe the emergency conditions which necessitate the expenditure of funds for which reimbursement is being sought pursuant to this section.

(f) In providing assistance pursuant to this section, the state emergency management office may give preference to applicants which demonstrate the greatest need or which document that such assistance will be utilized to bring the applicant into compliance with federal or state law.

(g) In the event that amounts appropriated are insufficient to provide for full reimbursement of all extraordinary and unanticipated costs incurred by such municipality approved for reimbursement pursuant to this section, the state emergency management office is authorized to provide a pro rata share of the appropriations, appropriated herein, to such municipality.

4. (a) The adjutant general as defined in article nine of this chapter with the advise and consent of the disaster preparedness commission created pursuant to this article, shall have the power to make such rules and regulations as may be necessary and proper to effectuate the purposes of this section.

(b) The adjutant general shall by March fifteenth of each year report to the governor and the legislature describing the activities and operation of the program authorized by this section. Such report shall set forth the number of reimbursement applications received and approved; the identities of the counties, cities, towns and villages receiving reimbursement together with the amount and purpose of the reimbursement.

§ 29-g. Emergency management assistance compact.

1. The emergency management assistance compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this agreement, the term "states" is taken to mean the several states, the commonwealth of Puerto Rico, the District of Columbia, and all United States territorial possessions. The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state or states, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' national guard forces, either in accordance with the national guard mutual assistance compact or by mutual agreement between states.

2. Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating states, including any resources on hand or available from the federal government or any other source, that are essential to the safety, care and welfare of the people in the event of any emergency or disaster declared by a party state, shall be the underlying principle on which all provisions of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

3. (a) It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this section. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) Review individual state hazard analysis and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether

due to natural disaster, technological hazard, man-made disaster, emergency aspects or resource shortages, civil disorders, insurgency or enemy attack.

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue and critical lifeline equipment, services and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

(b) The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, such as, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time that they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

(c) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States government, with free exchange of information, plans and resource records relating to emergency capabilities.

4. Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof provided, that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state, or states, of emergency or disaster remains in effect or loaned resources remain in the receiving states, whichever is longer.

5. Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

6. Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes and no party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account or any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith shall not include willful misconduct, gross negligence or recklessness.

7. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are parties hereto, this instrument contains elements of a broad base common to all states, and nothing contained herein shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

8. Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

9. Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests provided, that any aiding party state may assume, in whole or in part, such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost provided, however, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Expenses under subdivision eight of this section shall not be reimbursable under this provision.

10. Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

11. (a) This compact shall become operative immediately upon its enactment into law by any two states; thereafter, this compact shall become effective as to any other state upon its enactment by such state.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

(c) Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval be deposited with each of the party states and with the federal emergency management agency and other appropriate agencies of the United States government.

12. This compact shall be construed to effectuate the purposes stated in subdivision one of this section. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this

compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

13. Nothing in this compact shall authorize or permit the use of military forces by the National Guard of a state at any place outside the state in any emergency for which the president is authorized by law to call into federal service the militia, or for any purposes for which the use of the army or the air force would in the absence of express statutory authorization be prohibited under section 1385 of title 18, United States code.

14. The legally designated state official who is assigned responsibility for emergency management shall not offer resources to, or request resources from, another compact member state, without prior discussion with and concurrence from the state agency, department, office, division, board, bureau, commission or authority that may be asked to provide resources or that may utilize resources from another compact member state.

15. The director of the state emergency management office shall, on or before the first day of January, two thousand two, provide to the legislature and the governor copies of all mutual aid plans and procedures promulgated, developed or entered into after the effective date of this section. The director of the state emergency management office shall annually hereafter provide the legislature and governor with copies of all new or amended mutual aid plans and procedures on or before the first day of January of each year.

APPENDIX H
ADDITIONAL RESOURCES

Applicable Agencies

| Agency | Telephone Number |
|--|------------------|
| Federal Emergency Management Agency (General Inquiries) | (800) 621-FEMA |
| Federal Emergency Management Agency (Region II) | (212) 292-2304 |
| New York State Emergency Management Office (24 Hour Coordination Center) | (518) 292-2200 |
| New York State Emergency Management Office (Mitigation) | (518) 292-2304 |
| New York State Governor's Office | (518) 474-8390 |
| New York State Department of Health (Environmental Health) | (800) 458-1158 |
| New York State Department of Transportation | (518) 256-6195 |
| New York State Department of Environmental Conservation (Region 3) | (845) 256-3000 |
| New York State Thruway Authority (Headquarters) | (518) 436-2700 |
| New York State Thruway Authority (New York Division) | (845) 918-2500 |
| Orange County, New York (Main Office) | (845) 291-3000 |
| Orange County, New York (County Executive) | (845) 291-2700 |
| Orange County, New York (Health Management) | (845) 291-2331 |
| Orange County, New York (Emergency Management) | (845) 291-3199 |
| Orange County, New York (Public Works) | (845) 291-2750 |
| Orange County, New York (Emergency Communications) | (845) 291-2921 |
| Orange County, New York (Division of Fire Services) | (845) 347-1900 |
| Orange County, New York (Water Authority) | (845) 291-4861 |
| Orange County, New York (Planning) | (845) 291-2318 |