Date

[Subrecipient]

Address

Address

Town, NY ZIP

RE: Low Impact Debris Removal Stipulations Assurance

 [project name] Acquisition and Demolition

 HMGP XXXX-NY

Dear [Subrecipient]:

This letter provides guidance on the Lower-Impact Debris Removal Stipulations (LIDRS), which are minimization measures intended to avoid impacts to below-ground resources during the demolition of structures and/or debris removal activities. The LIDRS enable FEMA to streamline compliance reviews under Section 106 of the National Historic Preservation Act (NHPA). They have been vetted and approved by FEMA, New York State Division of Homeland Security and Emergency Services (DHSES), and the New York State Historic Preservation Office (SHPO) and are incorporated into the NYS Statewide Programmatic Agreement that was signed by these agencies on November 26, 2019. A copy of the LIDRS is attached.

While adherence to the LIDRS streamlines FEMA’s Section 106 review, they are not a substitute for the process altogether, and FEMA may still need to consult on projects that occur in archeologically sensitive areas or that involve demolition of structures that are 45 years old or older. However, project scopes-of-work that incorporate LIDRS as minimization measures typically do not result in adverse effects on historic properties, and usually, Section 106 consultations can be completed seamlessly.

We are asking Hazard Mitigation Grant Program (HMGP) Subrecipients to review the attached LIDRS and provide an assurance that they have read and understood the document and agree with and understand the following:

* Compliance with the LIDRS is the responsibility of the Subrecipient.
* The Subrecipient will ensure that the LIDRS are made explicit to their demolition contractors, preferably through the inclusion of the LIDRS in the contracting documents.
* The Subrecipient is responsible for ensuring that their demolition contractor adheres to these work restrictions.
* If it is not possible for the Subrecipient and/or the Subrecipient’s contractor to adhere to the LIDRS as outlined in the attachment, the subrecipient must provide advance notice to NYSDHSES/FEMA before project implementation.
* FEMA reserves the right to conduct field inspections and observe debris removal activities to verify adherence to LIDRS. FEMA may also request project documentation or field inspections following site closure to verify that ground disturbance was minimized.
* Projects that cannot be implemented using LIDRS, or projects for which Subrecipients cannot provide written assurance that they will adhere to LIDRS, may require additional testing, project documentation, studies and reviews during the consultation process, and they may be subject to monitoring during construction. FEMA EHP will coordinate any additional requirements through FEMA HMGP and DHSES should this be necessary.
* Failure to comply with these stipulations may jeopardize receipt of federal funding.

Before completing Section 106 review, FEMA requires concurrence of [Subrecipient] in writing to accept the LIDRS and guidelines outlined in this letter. Please sign and date this letter in the space below as an assurance that you have read this letter and the attached LIDRS and that you agree to implement the stipulations as described in the attached document and return a copy of the countersigned letter to NYSDHSES. Please contact Marlene White, Chief of Hazard Mitigation Programs, NYSDHES, at Marlene.White@dhses.ny.gov or 518-292-2375 if you need additional information.

 Sincerely,

 EHP Supervisor

Cc: NYSDHSES

 EHP (or HMGP, depending on who signs letter)

Enclosure:

 LIDRS (Appendix H of New York Statewide Programmatic Agreement)

Name of Subrecipient’s authorized official Title of Subrecipient’s authorized official

(Please print or type)

Signature Date