



**COMBINED NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS  
AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN**

**The Shores @Atlantic Beach LLC (059-ED-724-13)**

**November 23, 2016**

**Name of Responsible Entity and Recipient:** New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755. The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State.

Pursuant to 24 CFR part 58 and 24 CFR part 55, this combined Notice of Intent to Request Release of Funds (NOIRROF) and Final Notice and Public Explanation of a Proposed Activity in a floodplain satisfies two separate procedural requirements for project activities proposed to be undertaken by HCR.

On or about December 1, 2016, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds appropriated under Public Law 113-2, as amended and as authorized by related laws and policies for the purpose of implementing the New York CDBG-DR Action Plan.

**Project Description:** GOSR proposes to provide HUD CDBG-DR funding to The Shores @Atlantic Beach LLC (059-ED-724-13), a beach vacation resort that includes a full-service restaurant and pools. This business has two locations in Atlantic Beach, with the proposed project activities being performed at 1845 Ocean Boulevard, Atlantic Beach, Nassau County, New York (the "Proposed Project"). HUD CDBG-DR funding of \$50,000.00 is proposed for reimbursement of completed construction-related activities associated with Superstorm Sandy. These activities included shower repairs and two new water spigot installations.

**REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

The Proposed Project is categorically excluded from the National Environmental Policy Act of 1969 (NEPA) by HUD regulations at 24 C.F.R. Part 58. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file and available for review and copying in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor's Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755. The ERR is also available upon written request by post or email.

**Public Review:** Public viewing is available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information or a copy of the ERR may be requested by writing to the above address, emailing NYSCDBG\_DR\_ER@nyscr.org or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

**Public Comments on NOIRROF:** Any individual, group or agency may submit written comments on the Project. Comments should be submitted via email, in the proper format, on or before November 30, 2016 at NYSCDBG\_DR\_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before November 30, 2016: Governor's Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5:00 PM on November 30, 2016 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

**Environmental Certification:** HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

**Objection to Release of Funds:** HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity or has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649.

#### **FINAL NOTIFICATION OF ACTIVITY IN A WETLAND**

This is to give notice that the Governor's Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in a floodplain would have on the human and natural environment. This work will be located in 100-year floodplain (SHFA Zone AE). There is no new construction within the approximately one and a one-quarter (1.25) acres of floodplain on the proposed project area. Since the action exceeds the substantial damage threshold of 50% in 24 CFR §55.2(b)(10), Executive Order 11988 requires that the project not be supported if there are practicable alternatives to development in floodplain.

A draft Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988, as well as a floodplains map based on the FEMA Base Flood Elevation Maps has been prepared for this project and is available for review at <http://www.stormrecovery.ny.gov/environmental-docs>.

One potential alternative is to relocate the business outside of the 100-year floodplain; however, this beach resort facility would have difficulty moving to a replacement property outside of the floodplain. Moreover, given the barrier island topography and developed nature of the community, it could be challenging and/or impracticable to secure a feasible alternative location within the community. The beach resort serves local and regional recreational and tourism demand and is a type of land use that could be a compatible form of floodplain development. As such, relocation is not considered a viable option.

Another alternative would be for no action to occur, meaning the Applicant would not be receiving grant funds to restore and sustain business. This option means there would be a potential inability for the business to survive rebuilding after the

storms. This could greatly impact this business and the surrounding community, as recovery would be greatly impaired due to lack of support. Accordingly, the 'no action' decision would neither support this business's recovery nor help the community recover from the devastating storms.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains can facilitate and enhance federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk.

Prior to finalization on December 1, 2016, any individual, group, or agency may submit written comments on the Draft Floodplain Management Plan to Lori A. Shirley, Governor's Office of Storm Recovery, HCR, 38-40 State Street, Albany, NY 12207, 9:00 AM- 5:00 PM; email: NYSCDBG\_DR\_ER@nyshcr.org; phone: (518) 474-0700. All comments must be received no later than 5pm on November 30, 2016.

Lori A. Shirley  
Certifying Officer  
November 23, 2016