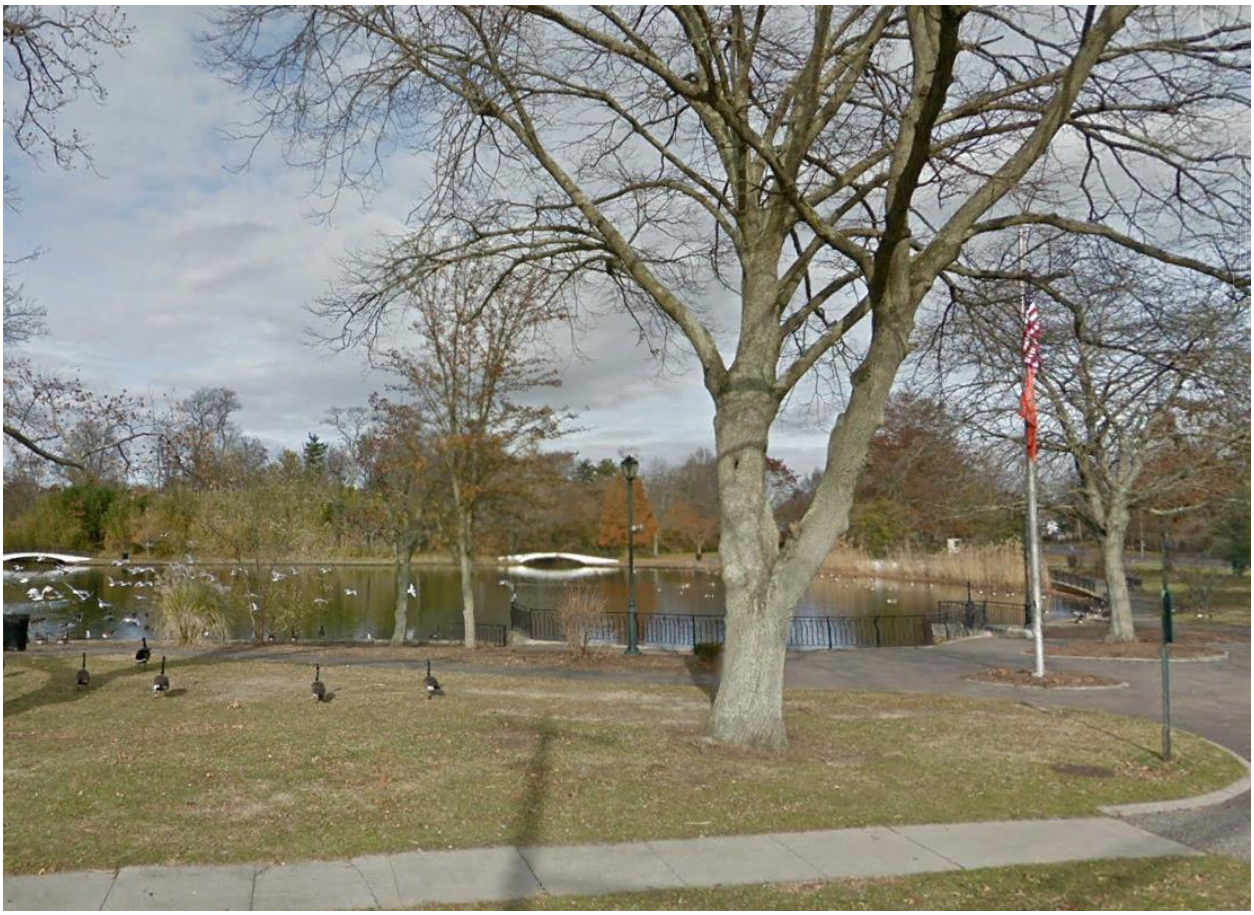
SILVER LAKE DRAINAGE IMPROVEMENTS PROJECT

HAMLET OF BALDWIN, TOWN OF HEMPSTEAD
NASSAU COUNTY, NEW YORK

ENVIRONMENTAL ASSESSMENT



New York State Governor's Office of Storm Recovery
New York State Homes and Community Renewal
U.S. Department of Housing and Urban Development

December 5, 2019

SILVER LAKE DRAINAGE IMPROVEMENTS PROJECT
Environmental Assessment

December 5, 2019

Project Name:	Silver Lake Drainage Improvements Project
Project Location:	Nassau County Silver Lake Park, Hamlet of Baldwin, Town of Hempstead, Nassau County, New York
Federal Agency:	US Department of Housing and Urban Development (HUD)
Responsible Entity:	New York State Homes and Community Renewal (HCR) Governor's Office of Storm Recovery (GOSR)
Responsible Agency's Certifying Officer:	Lori A. Shirley, Certifying Environmental Officer 38-40 State Street, Hampton Plaza Albany, New York 12207 Phone: (518) 474-0755 E-mail: Lori.Shirley@nyshcr.org
Project Sponsor: **Primary Contact:**	Nassau County Sean Sallie, AICP, Lead Planner Nassau County Department of Public Works – Planning Division 1194 Prospect Avenue Westbury, NY 11590 Phone: (516) 571-9342 E-mail: ssallie@nassaucountyny.gov
Project NEPA Classification:	24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	☒ Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	☐ Finding of Significant Impact - The project may significantly affect the quality of the human environment.
Certification	The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.
Signature	Lori A Shirley Lori A. Shirley

Environmental Review Prepared By:	Tectonic Engineering & Surveying PO Box 37, 70 Pleasant Hill Road Mountainville, NY 10953	GOSR 500 Bi-County Blvd. Farmingdale NY 11735

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in this 2019 CDBG-DR project, Silver Lake Drainage Improvements Project, are:
Project Year Project Name

Check the applicable classification.

☐ Exempt as defined in 24 CFR 58.34 (a).

☐ Categorically Excluded as defined in 24 CFR 58.35(b).

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

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.

☒ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).

☒ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Lori A Shirley
Signature of Certifying Officer

December 5, 2019
Date

Lori A. Shirley
Print Name

Certifying Officer
Title

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in this 2019 CDBG-DR project, Silver Lake Drainage Improvements Project, are:
Project Year Project Name

Check the applicable classification:

- [x] Type I Action (6NYCRR Section 617.4)
- [ ] Type II Action (6NYCRR Section 617.5)
- [ ] Unlisted Action (not Type I or Type II Action)

Check if applicable:

- [ ] Environmental Impact Statement (EIS) Prepared
- [ ] Draft EIS
- [ ] Final EIS

Lori A Shirley
Signature of Certifying Officer

December 5, 2019
Date

Lori A. Shirley
Print Name

Certifying Officer
Title

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**
The Silver Lake Drainage Improvements Project (Project) will involve the construction of improvements to reduce flood risk to Silver Lake Park, the surrounding neighborhood, and the Silver Lake watershed during major storm events (such as heavy rainfall and extreme tides/storm surge). The Project will involve construction activity at Silver Lake Park, Hamlet of Baldwin, Town of Hempstead, Nassau County, New York. Project location maps are included in **Attachment 1**. Project design plans are included in **Attachment 2**. The Project will include the following components:

Component 1 – Elevate Perimeter Walkway of Silver Lake to Elevation 5.0'.

- Elevate perimeter walkway of Silver Lake to an elevation of 5.0' (NAVD88); the perimeter walkway involves a 5' wide asphalt and concrete pathway with salt tolerant topsoil and sod. This walkway will be off-set approximately 10' from the edge of the lake as needed to allow for grading and safety concerns. The existing concrete bridges will remain in place.
- Concrete and brick paver imprinted concrete overlooks with railings will be provided at three (3) locations around the lake, for safe access to the edge of the lake. Benches or 1' sitting walls will be located on the outlook areas.
- The parts of the existing lake shoreline will be reinforced with natural boulders and bulkheads, with an addition of a proposed living shoreline with salt tolerant perennials.
- Approximately 1,772 square feet (SF) of *Phragmites* and other invasive species, will be removed along the eastern side of the lake. The area will be regraded to re-establish an appropriate water depth.

Component 2 – Install Tide Gates on the Silver Lake Outfalls.

- Self-regulating tidal gate vault, or equivalent thereof, will be installed at the northern section of the existing 6'x6' box culverts traveling to Parsonage Canal, at the intersection of Foxhurst Avenue and Foxhurst Road. A tidal flap gate, or equivalent thereof, will be installed at the south side of the existing 10'x 7'3" box culvert, at the entrance of Parsonage Canal.
- These tide gates utilize a system of floats to close the gate, or flap, at a desired elevation, allowing the gates to stay open during the normal tide cycle. This allows fish passage and the normal tidal flushing of the lake to be maintained.

Component 3 – Install a Stormwater Treatment Device between Lofts Pond and Parsonage Creek.

- A 10' hydrodynamic separation unit, or equivalent thereof, will be installed to protect water quality downstream by capturing floatables, oils, and sediment coming from Lofts Pond and the positive drainage system collecting runoff from the roadways in the vicinity of Coventry Road, Coventry Drive, and Surrey Lane.

Component 4 – Fish Passage to Caroline's Pond.

- A low flow channel will be created within the invert of the existing trapezoidal channel located north of Wateredge Avenue, to allow for fish passage during normal flow conditions. This passage would be sized to handle the measured base flow under dry weather conditions and would require a depth of approximately 12" for fish passage.
- In order to increase the minimum depth of base flow during dry weather conditions, a small weir would be constructed across Parsonage Creek, just south of the Wateredge Avenue culvert.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:
According to the Silver Lake Drainage Improvements Study – Final Report (Study), included in **Attachment 2**, the primary benefits of the Project will include the following:

- Raising the perimeter walkway elevation above elevation 5.0' (NAVD88) and the installation of tidal gates will significantly reduce the occurrence of flooding as a result of regularly occurring tide surges that occur during the full moon, new moon and coastal storms.
- The Project will mitigate flooding at Silver Lake for a design scenario that includes a 1-year rainfall (2.8" 24-hour storm) peak intensity occurring simultaneously with a 1-year tailwater elevation (Elevation 4.42' NAVD88).
- The Project will reduce walkway flooding compared to existing conditions by a depth of 2 feet.
- The installation of tide gates will significantly reduce the potential of flooding for Silver Lake and Caroline's Pond from a tidal surge up to a 10-year stillwater elevation during dry weather or low intensity rainfalls.
- The Project will remove existing invasive plants at the existing natural shoreline areas and create sections of living shoreline with native plant species. This will improve the natural habitat of Silver Lake.
- The new walkways will replace the existing deteriorated asphalt walkways and address Americans with Disabilities Act (ADA) / Public Right-of-Way Accessibility Guidelines (PROWAG) compliance.
- The overall aesthetics of Silver Lake Park will be significantly improved as a result of the new landscaped lake perimeter, overlooks and reconstructed walkway.
- The proposed stormwater treatment device will reduce the amount of floatables, oils and sediment entering the Parsonage Creek natural channel south of Merrick Road.
- The SRT Tidal Gate will maintain fish passage at Silver Lake by allowing the normal tide cycle range to continue to backflow over the outfall weir and into the lake. Additionally, the proposed fish passage design at Caroline's Pond will provide new fish passage to the Caroline's Pond habitat.
- The proposed fish passage south of Caroline's Pond will increase the natural habitat for ecologically important fish species such as river herring (alewife).
- Elevating the perimeter walkway around Silver Lake to elevation 5.0' (NAVD) from its existing elevation of 3.0' will help alleviate future issues that may occur as a result of potential sea-level rise. The NYSDEC has estimated that the Long Island Region can expect to be impacted by a rise in sea-level of approximately 8 inches to 30 inches by the 2050s.

The Project will involve the construction of improvements to reduce flood risk to Silver Lake Park and surrounding neighborhoods during major storm events and regular non-catastrophic rain or tidal events. A reduced flood risk in these areas also translates to a reduced public safety risk following future disasters. By reducing flooding on roads, emergency responders and community members will maintain better access to these areas during tidal or extreme flooding events.

Improved flood management and resilience at Silver Lake Park will improve the protection of community assets, including public infrastructure, open spaces, houses, and businesses. By reducing the risk of flooding to these assets, future costs of reconstruction and recovery can be reduced. The proposed resilient design standards will enable Nassau County and community homeowners and businesses to reduce maintenance and flood repair costs.

Reduced flood risk will also increase the overall attractiveness of the park as both a passive and active recreational asset in the community. This will encourage more social interaction as well as community understanding of the value of parks and open spaces. By reducing the amount of standing water on adjacent

roadways, the Project will also improve traffic safety and minimize road congestion, which in turn affects travel times and vehicle operating costs.

Currently, the existing trapezoidal channel north of Wateredge Avenue restricts fish passage during normal flow conditions as a result of inadequate depth of flow. The proposed fish passage to Caroline's Pond would address this by constructing a low flow channel below the invert of the existing trapezoidal channel, which would be sized to handle the measured base flow under dry weather conditions.

Existing Conditions and Trends [24 CFR 58.40(a)]:
Silver Lake Park is a nine-acre park located in a residential area on Foxhurst Road, just south of Merrick Road in Baldwin. It was acquired by Nassau County in 1946 and is one of several County properties that were originally designed for drainage purposes and later turned into public parks. It is now a key community recreational asset and environmental open space, while retaining its original role as a drainage facility. Silver Lake Park was part of a three-pond capital improvement restoration project completed in 2007, which included cleaning and dredging of the pond; planting of trees, shrubs, and aquatic plants; and restoration of walkways.

Silver Lake is the confluence of two urban watersheds and stream corridors and is linked with a series of stormwater basins that includes Caroline's Lake, Lofts Pond, and Parsonage Creek. The area around Silver Lake Park on Foxhurst Road flooded during Hurricane Irene and Superstorm Sandy and it has a history of flooding during regular rainfall events.

Funding Information

Estimated Total HUD Funded Amount: $2,500,000.00

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]: $2,500,000.00

Compliance with 24 CFR 58.5, and 58.6 Laws and Authorities

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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No ☐ ☒	Based on guidance provided by HUD via Fact Sheet #D1[1], the National Plan of Integrated Airport Systems (NPIAS) was reviewed for civilian, commercial service and military airports located near the Project area. An Airport Hazards map showing the Project area, airport locations, heliport locations, and their associated buffers is included in **Attachment 3**. There are no civilian, commercial service airports located within 2,500 feet of the proposed Project area. There are no military airports located within 15,000 feet of the Project area. No additional review is required.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No ☐ ☒	Based on the USFWS Coastal Barrier Resources System Map[2], the Project is not located in, or immediately adjacent to (within 150 feet), a Coastal Barrier Resource System Unit or Otherwise Protected Area. The USFWS Coastal Barrier Resources System Map is included in **Attachment 3**. No additional review is required.

[1] Fact Sheet #D1: Siting HUD-Assisted Projects in Accident Potential Zones. https://www.michigan.gov/documents/mshda/mshda_cd_nsp2_air_accident_315724_7.pdf

[2] USFWS Coastal Barrier Resources System mapper. https://www.fws.gov/ecological-services/habitat-conservation/cbra/maps/mapper.html

Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No ☐ ☒	Based on the FEMA National Flood Hazard Layer Map included in *Appendix II* of **Attachment 4** (FIRM 36059C0238G, effective 9/11/2009), the Project is located within a FEMA[3] Special Flood Hazard Area (SFHA). However, proof of National Flood Insurance Program insurance is not required, as the proposed Project does not involve insurable structures. No additional review is required.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No ☐ ☒	The proposed Project is located in Nassau County, which is within a maintenance area[4,5] for inhalable particulate matter (PM2.5) and carbon monoxide, a marginal non-attainment area for the 8-hour Ozone standard[6] and considered an area source for hazardous air pollutants (HAPs) emissions. Temporary emissions would result from equipment during construction with no increased emissions occurring due to the operation of the proposed Project. Therefore, a conformity and screening analysis was performed according to the requirements of 40 CFR 93, Subpart B (federal general conformity regulations). The screening analysis assumed that the emissions intensity per expenditure (tons per dollar) for the proposed Project would be similar to the average intensity of the construction sector in the county. Projects with a projected construction expenditure substantially lower than the average construction de minimis expenditure would not exceed de minimis emissions levels for general conformity purposes. Based on the screening analysis, the construction expenditure threshold for Nassau County is $410 million before a project may be expected to exceed the de minimis expenditure thresholds requiring further analysis or conformity determination (**Attachment 5**). The estimated construction cost of the Project is approximately

[3] FEMA https://msc.fema.gov/portal
[4] EPA, Nonattainment Areas for Criteria Pollutants. https://www.epa.gov/green-book
[5] EPA, Recent Updates: Federal Register Notices Published or Effective After May 31, 2018. http://www.epa.gov/airquality/greenbook/adden.html
[6] Ozone specific: https://www3.epa.gov/airquality/greenbook/hbca.html#Ozone_8-hr.2008.New_York

Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93		$2,500,000.00, which is less than the $410 million threshold; thus, the Project would not require further analysis for a conformity determination. Construction of the Project would not generate significant levels of vehicular traffic; therefore, no exceedances of the National Ambient Air Quality Standard (NAAQS) associated with carbon monoxide (CO) or particulate matter (PM) is anticipated occur. The Project will not result in siting any new source of air pollutants. The Project will not adversely affect the State Implementation Plan (SIP). Any air quality impacts would be short-term and localized during construction and, therefore, no significant adverse impacts to air quality are anticipated. Additionally, the following measures are recommended to be incorporated into the contract documents and a more detailed conformity analysis will be required to be completed for the bid package using the "General Conformity Worksheet." *Idling Restriction*. In addition to adhering to the local law restricting unnecessary idling on roadways, on-site vehicle idle time will also be restricted to five minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine. *Utilization of Newer Equipment*. EPA's Tier 1 through 4 standards for non-road engines regulates the emission of criteria pollutants from new engines, including PM, CO, NOx, and hydrocarbons (HC). All non-road construction equipment with a power rating of 50 horsepower (hp) or greater would meet at least the Tier 2 emissions standard to the extent practicable. *Best Available Tailpipe Reduction Technologies*. Non-road diesel engines with a power rating of 50 hp or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the Project) including but not limited to concrete mixing and pumping trucks would utilize the best available tailpipe (BAT) technology for reducing DPM emissions. Diesel particulate filters (DPFs) have been identified as being the tailpipe technology

Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93		currently proven to have the highest reduction capability. Construction contracts would specify that all diesel non-road engines rated at 50 hp or greater would utilize DPFs, either installed by the original equipment manufacturer (OEM) or retrofitted. Retrofitted DPFs must be verified by EPA. Active DPFs or other technologies proven to achieve an equivalent reduction may also be used. No additional review is required.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No ☐ ☒	Based on the USFWS CBRS Map, the Project is not located in or immediately adjacent (within 150 feet) to a Coastal Barrier Resource System Unit or Otherwise Protected Area, as documented in **Attachment 6**. The Project is located within the New York State Coastal Boundary[7]; the Project is not located within a Local Waterfront Revitalization Program Community as shown in the NYS Department of State (DOS) Coastal Boundary map, included as part of **Attachment 6**. On April 17, 2019, a New York State Federal Consistency Assessment was completed and submitted to the NYS DOS Division of Coastal Resources for the proposed Project to determine its consistency with the New York State's Coastal Management Plan. On July 24, 2019, the NYS DOS concurred with GOSR's assessment that the proposed Project was consistent with the State Coastal Consistency requirements, included as **Attachment 6**. No additional review is required.
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No ☐ ☒	Based on a review of available environmental records for the Project area and surrounding area, the Project area is unlikely to contain hazardous materials, contamination, toxic chemicals and gases, or radioactive substances, which would constitute a hazard that could affect the health and safety of occupants or conflict with the intended utilization of the Project area. Therefore, a Phase I Environmental Site Assessment (ESA) or Phase II Investigation is not warranted. Maps, EPA

[7] New York Department of State Geographic Information Gateway. https://appext20.dos.ny.gov/coastal_map_public/map.aspx

Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)		documents, and NYSDEC documents are included in **Attachment 7**. No additional review is required.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No ☐ ☒	According to the NYSDEC Environmental Resource Mapper (ERM), there are no documented occurrences of rare plants or animals in the vicinity of the Project area (**Attachment 8**). Therefore, the Project is anticipated to have no effect on NYSDEC regulated threatened or endangered plants or animals. The U.S. Fish and Wildlife Service (USFWS) lists the northern long-eared bat (threatened), piping plover (threatened), red knot (threatened, roseate tern (endangered), sandplain gerardia (endangered) and seabeach amaranth (threatened) as the only threatened, endangered, proposed, or candidate species that may occur within the boundaries of the proposed Project. The Project will involve construction at an existing Nassau County owned park. Silver Lake Park is used for recreational activities and is located in a developed residential area that does not support or provide habitat for any rare, threatened or endangered plant or animal species. Therefore, GOSR determined that the proposed Project would have "no effect" on species under the jurisdiction of the USFWS. The USFWS response was not received within 30 days from submission of the no effect determination to USFWS. Thus, GOSR may presume that its "no effect" determination is informed by the best available information and its project responsibilities under Section 7 of the ESA have been fulfilled. The USFWS Consultation Package is included in **Attachment 8**. The Project involves the installation of a self-regulating tidal gate vault at the northern end of an existing box culvert and a tidal flap gate at the southern end of the existing box culvert, at the entrance of Parsonage Canal. These tide gates utilize a system of floats to close the gate, or flap, at a desired elevation, allowing the gates to stay open during the normal tide cycle. This allows fish passage and the normal tidal flushing of the lake to be maintained. The Project does not involve any activities that would introduce stressors to listed species or their designated

Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402		critical habitats under the jurisdiction of National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) pursuant to the ESA. Therefore, GOSR has determined that the proposed Project would have "no effect" on species under the jurisdiction of the NMFS. No additional review is required.
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No ☐ ☒	Not applicable. This criterion is applicable to HUD-assisted projects that involve new residential construction, conversion of non-residential buildings to residential use, rehabilitation of residential properties that increase the number of units, or restoration of abandoned properties to habitable condition. The proposed Project does not involve these activities, nor does it involve the introduction of bulk storage of hazardous materials. No additional review is required.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No ☐ ☒	Not applicable. The Project is not located within an Agricultural District as identified by New York State and the University of Cornell in **Attachment 9**. Additionally, the Project activities occur in a developed residential area, the USDA NRCS notes that the soil is rated as "Not Prime Farmland", and the Project does not involve the conversion of farmland to non-agricultural use. No additional review required.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No ☒ ☐	The Project is located within the 100-year floodplain (FIRM 36059C0238G, effective 9/11/2009), as documented in *Appendix II* of **Attachment 4**. An 8-step Floodplain Management Determination was completed pursuant to 24 CFR 55.20. See Floodplain Management & Wetlands Protection Determination, annexed hereto as **Attachment 4**. In accordance with 24 CFR 55.20, on June 20, 2019 the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" was published in the Long Island Herald – Baldwin edition newspaper, with the 15-day period expiring on July 8, 2019. No public

		comments were received. A "Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetland was published on December 5, 2019. The 8-step concluded that due to the nature of the proposed action, prohibition of this work within floodplain and wetland area is not practicable. Improved flood management and resilience at Silver Lake Park will improve the protection of community assets, including public infrastructure, open spaces, houses, and businesses. By reducing the risk of flooding to these assets, future costs of reconstruction and recovery can be reduced. The proposed resilient design standards will enable Nassau County and community homeowners and businesses to reduce maintenance and flood repair costs. Elements of the proposed project will improve living resources such as flora and fauna.
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	Yes No ☐ ☒	On April 24, 2019, the New York State Historic Preservation Office (SHPO) reviewed the proposed Project and provided a determination that "no historic properties will be affected by this undertaking." This determination is included as part of **Attachment 10**. Additionally, as the construction work solely involves work in previously disturbed soils, there is no adverse effect on tribal resources; no consultation with the applicable Tribal Historic Preservation Officers is required. In the event of any inadvertent discoveries of human remains and/or cultural resources including, but not limited to, funerary objects, sacred objects and objects of cultural patrimony are made during execution of the Project scope, then work shall be halted immediately and the SHPO and THPO of all appropriate Tribes, Nations and Communities shall be consulted before work can be resumed. No additional review is required.

Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes No ☐ ☒	The Project use is not a noise-sensitive use, and the funded scope of work is defined as minor, or non-substantial. The proposed activities are not expected to generate excessive noise during the short-term construction work and will adhere to local noise control standards. The proposed Project will be completed in accordance with all applicable federal, state and local permit requirements and conditions. Therefore, the proposed Project would not generate any significant adverse noise impacts. No additional review is required.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes No ☐ ☒	The Project is located above the Nassau-Suffolk Sole Source Aquifer. The Project activities were reviewed according to the non-housing project activity initial screen criteria and public wells were identified within ½ mile of the Project area. Therefore, a sole source aquifer review and consultation was requested with the EPA. The EPA determined that there is compliance with the Safe Drinking Water Act of 1974 Section 1424(e) and the regulations promulgated in 40 CFR Part 149, and no further compliance measures are required. The EPA determination for the Project is included in **Attachment 11**. No additional review is required.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes No ☒ ☐	The proposed Project is located within and adjacent to both federally mapped and state designated wetlands as shown in *Appendix I* of **Attachment 4**. A formal wetland management review process is required for compliance with Executive Order 11990 Protection of Wetlands. The 8-step decision making process is included in **Attachment 4**. The review concluded that the Proposed Project will improve the quality of existing wetlands and will not decrease the area of the wetlands.
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes No ☐ ☒	Not applicable, as there are no rivers designated by the U.S. Department of the Interior, Congress or NYSDEC as wild and scenic within Nassau County; and the National Wild and Scenic Rivers System and Nationwide Rivers Inventory (NRI) have no wild and scenic rivers located within Nassau County, as documented in **Attachment 3**. No additional review is required.

ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes No ☐ ☒	The Project is not located in an area defined by the NYSDEC as a potential environmental justice area[8], as shown by the map included in **Attachment 3**. Therefore the proposed Project does not contribute to, or promote, environmental injustice. No additional review is required.

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	One potential mitigation action that addresses hazards, identified in the *Nassau County Multi-Jurisdictional Hazard Mitigation Plan, 2014 Update*, is reducing the possibility of damage and losses due to flooding caused by floods and hurricanes. According to the *New York Rising Community Reconstruction Baldwin Conceptual Plan, October 2013*; resilient planning, design, and building on Long Island should create a higher degree of protection for existing communities while allowing for growth that is in better balance with the natural features that make Long Island so attractive. The proposed Project has been designed to reduce flooding frequency, duration, and extent. Improvements and upgrades

[8] NYSDEC Environmental Justice. https://www.dec.ny.gov/public/333.html

		will be constructed for resilience in the face of sea level rise, and increasing frequency and duration of extreme weather events. The purpose of the Project is to improve the community's natural and engineered stormwater management and flood control systems to build resilience against future flooding. As a result of the Project, the community will experience less risk to public and private property and infrastructure. The Project is located at an existing Nassau County owned park and proposed improvements will mitigate flooding at Silver Lake Park and in the surrounding area, and will allow for the park's continued recreational use. The Project is consistent with the existing land use and is in accordance with local zoning. Therefore, the Project is compatible with local land use and zoning and is in accordance with the current land use.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	1	Per the topographic map of the Project area, the Project is located in an area of minimal topographic relief. The proposed Project activities would not significantly alter the slope of the Project area. The purpose of the Project is to improve the community's natural and engineered stormwater management and flood control systems to build resilience against future flooding. As a result of the Project, the community will experience less risk to public and private property and infrastructure. The Project will involve the incorporation of best management practices (BMPs) to prevent the potential runoff of construction-related pollutants and sediment. All work will be completed in accordance with site plans and in accordance with all applicable federal, state and local regulations, laws and permit requirements and conditions.
Hazards and Nuisances including Site Safety and Noise	2	Based on a review of available environmental records for the proposed Project and surrounding area, the proposed Project is unlikely to be impacted by hazardous materials, contamination, toxic chemicals and gases, and radioactive substances. No hazards are anticipated to affect the health and safety of occupants or conflict with the intended utilization of the proposed Project. An in depth review of New York State and Federal records, including maps, NYSDEC reports, and US EPA reports, are included as part of **Attachment 7**. The proposed Project is not a noise-sensitive use. The proposed activities are not expected to generate excessive noise during the short-term construction work and will adhere to local noise control standards. The proposed Project will be completed in accordance with all applicable federal, state and local permit requirements and conditions. Therefore, the proposed Project would not generate any significant adverse noise impacts.

Energy Consumption	2	The proposed Project will cause a temporary increase in energy consumption in the form of fossil fuels for construction equipment necessary for construction activities. However, the proposed Project will not increase long-term energy consumption.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The proposed Project would not adversely affect employment opportunities or income patterns, would not impact traffic and potential customer access to residences and businesses in the area, either during construction or operation.
Demographic Character Changes, Displacement	2	The Project is not expected to cause any change in the demographic character of the area. This Project does not involve residential development or activities. There is no known potential for the Project to cause the displacement of individuals or families, destroy jobs, local businesses or public community facilities, or disproportionately affect particular populations.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	The proposed Project will not introduce any new populations that would increase the student population of the area. As such, the proposed Project would not have an impact on educational or cultural facilities.
Commercial Facilities	2	The proposed Project will not introduce any new commercial development that would require additional retail services or other commercial facilities.
Health Care and Social Services	2	The proposed Project will not introduce any new development that would require the availability of additional routine or emergency health services.
Solid Waste Disposal / Recycling	2	The proposed Project will not introduce any new development that would generate waste water. Mitigative measures and BMPs will be utilized during construction to prevent soil and/or debris from being washed off-site. No additional waste water will be generated during construction.
Waste Water / Sanitary Sewers	2	The proposed Project will not introduce any new development that would generate waste water. Mitigative measures and BMPs will be utilized during construction to prevent soil and/or debris

		from being washed off-site. No additional waste water will be generated during construction.
Water Supply	2	The proposed Project will not increase demand for water. As such, the proposed Project will not have an impact on local water supplies.
Public Safety - Police, Fire and Emergency Medical	2	The proposed Project will not generate new demand for police, fire, or emergency services. The proposed Project will not impact traffic. Therefore, there will be no adverse effect on the access and travel time for emergency services.
Parks, Open Space and Recreation	1	The proposed Project will improve Nassau County owned Silver Lake Park. Elevating the perimeter walkway around Silver Lake to elevation 5.0' (NAVD88) from its existing elevation of 3.0' will help alleviate future issues that may occur as a result of potential sea level rise. The new walkways will replace the existing deteriorated asphalt walkways and address ADA / PROWAG compliance. The overall aesthetics of Silver Lake Park will be significantly improved as a result of the new landscaped lake perimeter, overlooks, and reconstructed walkway. This Project will not introduce new development that would generate demand for open space resources or impede open space access. Therefore, the Project is expected to improve existing parkland and have a beneficial impact on park resources, including visual, ecological, and recreational resources.
Transportation and Accessibility	2	Besides limited trips generated by construction vehicles during a short window of construction, the proposed Project will not introduce new development that generates continuing demand for transportation access or transportation services.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	1	According to the NYSDEC, there are no unique geological features located on or adjacent to the proposed Project. According to NYSDEC's Environmental Resource Map, the proposed Project is not located in or adjacent to "Significant Natural Communities." This data layer identifies locations within ½ mile of an identified significant natural community as shown in **Attachment 8**. The proposed Project will involve construction in USFWS mapped and NYSDEC regulated freshwater wetlands (NYSDEC Wetland ID: F-11) and the regulated 100-foot adjacent area. The Project will contribute to community resiliency and reduce its vulnerability to flooding. Project activities will be completed in accordance with all applicable federal, state and local permit requirements and conditions. Permits required for the Project will be obtained before commencing work. Additionally, BMPs and erosion control measures will be incorporated into the proposed Project. The proposed stormwater treatment device will reduce the amount of floatables, oils, and sediment entering the Parsonage Creek natural channel south of Merrick Road. Raising the perimeter walkway above elevation 5.0' (NAVD88) and the installation of tidal gates will significantly reduce the occurrence of flooding as a result of regularly occurring tide surges that occur during the full moon, new moon, and coastal storms. The SRT tidal gate will maintain fish passage at Silver Lake by allowing the normal tide cycle range to continue to backflow over the outfall weir and into the lake. Additionally, the proposed fish passage design at Caroline's Pond will provide new fish passage to the Caroline's Pond habitat. Approximately 1,772 square feet (SF) of *Phragmites* and other invasive species, will be removed along the eastern side of the lake. The area will be regraded to re-establish an appropriate water depth. **Watershed Analysis** The Project is not located within and will impact any of the 47 identified watersheds with watershed plans in NYS[9] The proposed Project will not introduce new demand for groundwater or surface water, nor would the proposed Project introduce septic flows that may affect groundwater. Additionally, the proposed Project will not significantly

[9] NYSDEC Watershed Plans. http://www.dec.ny.gov/chemical/99985.html

		increase impervious surfaces or impede waters during future storm or flooding events. Therefore, unique natural features or water resources are not expected to be permanently affected by this proposed Project. The Project is anticipated to have a beneficial impact on water resources.
Vegetation, Wildlife	1	The proposed Project will not introduce nuisance or non-indigenous species of vegetation. The Project will involve removal of existing invasive plants at the existing natural shoreline areas and the creation of a living shoreline with native plant species. This will improve the natural habitat of Silver Lake. The proposed fish passage will increase the natural habitat for ecologically important fish species such as the river herring (alewife). The Project will not damage or destroy rare, threatened, or endangered species or their habitat. The Project will have no effect on state or federally threatened species, endangered species or species of concern. The NYSDEC ERM and EAF mapper documents, USFWS Official Species List and IPaC Resource List, and USFWS No Effect Determination letter are included in **Attachment 8**. For a detailed Endangered Species analysis, see the Endangered Species section above (Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402).
Other Factors		There are no other factors identified or evaluated for the proposed Project.

Additional Studies Performed:

- Silver Lake Drainage Improvements Study Final Report, November 2018.

Attachments:

- **Attachment 1:** Project Location Maps
  - Street Map
  - Topographic Map
  - Aerial Photograph
- **Attachment 2:** Project Design Plans and Studies
  - Project Design Plans
  - Silver Lake Drainage Improvements Study - Final Report, November 2018
- **Attachment 3:** Project Reference Maps
  - FAA Airport Hazards Map
  - USFWS Coastal Barrier Resources System Map
  - NYSDEC & NPS Wild and Scenic Rivers Map
  - NYSDEC Potential Environmental Justice Areas Map
- **Attachment 4:** Floodplain Management (EO 11988) and Protection of Wetlands (EO 11990) Determination
  - Appendix I
    - USFWS NWI Map
    - NYSDEC Wetlands and Waterways Map
    - NYSDEC Tidal Wetlands Map
  - Appendix II
    - FEMA National Flood Hazard Layer Map
  - Appendix III
    - Early Notice of a Proposed Activity in a 100-Year Floodplain and Wetland
  - Appendix IV
    - Affidavit for Early Notice of a Proposed Activity in a 100-Year Floodplain and Wetland
- **Attachment 5**: CAA De Minimis Threshold Analysis & General Conformity Worksheet
- **Attachment 6**: NYS DOS Coastal Consistency Documentation
  - NYS DOS Coastal Consistency General Concurrence Letter
  - NYS DOS Coastal Consistency Consultation Package
- **Attachment 7**: HUD Environmental Standards Review
  - HUD Environmental Report Maps and EPA NEPAssist Map
  - NYSDEC Reports for Spills, Environmental Remediation Sites, or Bulk Storage Sites Located on, or within close proximity to, the Project Area
- **Attachment 8:** Endangered Species Compliance Documents
  - NYSDEC Environmental Resource Map
  - NYSDEC Environmental Resource Map Information
  - USFWS Consultation Package
- **Attachment 9:** Agricultural and NRCS Soil Resource Documents
  - New York State Agricultural Districts Map
  - USDA NRCS Soil Resource Map
  - USDA NRCS Farmland Classification
- **Attachment 10:** SHPO Documentation
  - SHPO Response
- **Attachment 11:** US EPA Sole Source Aquifer Documents
  - US EPA Sole Source Aquifer Map
  - US EPA SSA Consultation Response

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

- Federal Aviation Administration (FAA)
- Federal Emergency Management Agency (FEMA)
- United States Environmental Protection Agency (USEPA)
- United States Fish and Wildlife Service (USFWS)
- National Marine Fisheries Service (NMFS)
- United States Department of Agriculture (USDA)
- Natural Resources Conservation Service (NRCS)
- United States Department of Interior (USDOI)
- National Parks Service (NPS)
- United States Geological Survey (USGS)
- New York State Department of Environmental Conservation (NYSDEC)
- Natural Heritage Program (NHP)
- New York State Department of State (NYSDOS)
- New York State Historic Preservation Office (SHPO)
- Tribal Historic Preservation Office (THPO)
- Long Island Index Map
- Silver Lake Drainage Improvements Study Final Report, November 2018.
- Silver Lake Drainage Improvements – Application for Funding, November 2016.
- Baldwin: NY Rising Community Reconstruction Plan. March 2014.
- New York Rising Community Reconstruction: Baldwin Conceptual Plan. October 2013.
- Nassau County Multi-Jurisdictional Hazard Mitigation Plan, 2014 Update.

List of Environmental Permits Potentially Required:

- NYSDEC Article 24 – Freshwater Wetlands Permit
- NYSDEC Article 25 – Tidal Wetlands Permit
- NYSDEC Section 401 Water Quality Certification
- NYSDEC SPDES General Permit for Construction Activity (if disturbing greater than 1 acre)
- USACE Section 10 of the Rivers and Harbors Act
- USACE Section 404 of the Clean Water Act Permit
- Town of Hempstead Floodplain Development Permit

Public Outreach [24 CFR 50.23 & 58.43]**:**

- December 5, 2019 – Publication of a Combined Final Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland, Notice of Finding of No Significant Impact, and Notice of Intent to Request Release of Funds.
- June 20, 2019 – Publication of Notice of Early Public Review of a Proposed Activity in 100-year Floodplain and Wetland.
- October 22, 2018 – Public Meeting
- September 18, 2018 – Community Stakeholder Outreach Meeting
- June 21, 2018 – Community Stakeholder Outreach Meeting
- April 25, 2018 – Community Stakeholder Outreach Meeting
- April 12, 2018 – Public Meeting
- March 14, 2018 – Community Stakeholder Outreach Meeting

During the inventory phase of the Project and prior to the development of any alternatives, two public meetings were held on April 12, 2018 and October 22, 2018 at Baldwin High School. At the first meeting, the area residents shared their local knowledge with regard to the history of flooding in and around Silver Lake Park and gave their opinions as to what type of storm events result in flooding at Silver Lake Park (i.e. heavy rain, tidal surges, or both). At the start of the meeting, Nassau County representatives and the design team presented the Project overview, schedule and budget limitations. Subsequent to the presentation, residents were encouraged to talk to the design team, identify known flooding locations on a map, and fill out Flooding Information Sheets describing the issues they have observed. In general, the main consensus from the public was that a majority of the flooding events occur during storms that include a tidal surge. Additionally, they noted that heavy rain combined with a tidal surge will exacerbate the level of flooding. Lastly, the desire to improve the overall water quality and aesthetic appeal of the Silver Lake Park was a common concern of the local area residents. At the second meeting, on October 22, 2018, the design team presented the proposed alternative improvements to the public and answered questions with regard to the Project.

These meetings were well attended and the design team collected valuable data and first hand reports from residents related to a variety of issues. In addition to the expected flooding issues that were known to occur at Silver Lake Park, the residents also voiced their desire that the Project also aim to address important issues such as water quality, park aesthetics and ecological improvements such as fish passage to Silver Lake and possibly Caroline's Pond.

Cumulative Impact Analysis [24 CFR 58.32]**:**
The Project was evaluated according to draft plans which encompassed all proposed actions. There are no other known future projects in the vicinity of the Silver Lake Drainage Improvements project that would create environmental or social impacts in the area. The Project is compatible with the existing land use and will contribute to community resiliency and will reduce its vulnerability to flooding.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]
The Silver Lake Drainage Improvements Study was performed to identify the most beneficial and cost-effective Project components. A variety of design scenarios were evaluated in order to consider the various combinations of design rainfalls and tailwater elevations at Parsonage Creek Canal that can affect the hydraulic results. The Study did not have a specific design criterion that was required to be met. The recommended feasible high priority alternatives included in the report are a combination of proposed improvements aimed to most efficiently utilize the construction budget with a goal of also addressing the public's concerns.

The drainage analysis performed during the design phase indicated that developing alternative improvements that will mitigate flooding for all potential storm scenarios that can occur is not possible within the Project's available construction budget. Due to cost estimates that were greater than available funding for the Project, the replacement of the outfall culverts and weir was not evaluated as a feasible alternative.

One improvement that was evaluated involves using control gates to lower Silver Lake prior to a storm event. In an attempt to reduce surface water elevations in Silver Lake during rainfall events, a design scenario was analyzed that would use the existing control gate located on the east side of the weir to lower the Silver Lake surface water elevations by two (2) feet prior to the storm event. The purpose of this design component would be to provide additional impoundment capacity in an effort to alleviate flooding. The drainage model analysis indicated that this design component would have no significant benefit for any rainfall event equal to or greater than a 1-year rainfall. It also indicated that the additional storage attained from lowering the lake is quickly filled in the initial hours of the 24-hour design rainfall events prior to the

peak intensities of the rainfall. It was determined that this component would not have a cost-effective, significant benefit to the area.

A second design component considered but determined to have no significant benefit is increasing the capacity of the Silver Lake Weir. Since an existing conditions model indicates that a 10-year rainfall will result in the surface waters of Silver Lake rising to elevation 5.0' (NAVD88) even when the peak rainfall coincides with a normal low tide, a design alternative was considered to increase the length of the weir in an attempt to lower the surface water elevation in Silver Lake during a 10-year rainfall. The results of the analysis indicated that even if the length of the weir was increased from 52 feet to 75 feet, the improvement in the maximum surface water elevation of Silver Lake would only result in a surface water elevation of 4.75' (NAVD) and would still overtop the existing perimeter bulkhead elevation by 1.75 feet (a 3" improvement). For this reason, it is clear that increasing the length of the outfall weir does not have a significant benefit. In order to create a significant hydraulic improvement at the outfall, the existing culverts would need to be replaced with higher capacity culverts that could pass the 100- year rainfall event. The cost of replacing the culverts is not feasible within the existing Project budget.

A third design component considered, but determined to have no significant benefit, is using existing control gates at Lofts Pond Weir to lower Loft Pond prior to storms. Similar to the idea of lowering the water elevation prior to a storm at Silver Lake, the possible benefit of lowering the elevation of Lofts Pond prior to a storm was evaluated in an attempt to identify a solution to reduce peak flows released downstream from the pond under design storm conditions. The drainage model analysis indicates that this alternative would also have no significant benefit for any rainfall event equal to or greater than a 1-year rainfall. The drainage model indicates that the additional storage attained from lowering the pond is quickly filled in the initial hours of the 24-hour design rainfall events prior to the peak intensities of the rainfall. This component would have no significant benefit for reducing the downstream surface water elevations.

A fourth design component considered is utilizing an existing recharge basin north of Lofts Pond to detain additional stormwater. North of Lofts Pond and immediately north of NYS Route 27 and the LIRR exists Nassau County Recharge Basin 500. In its existing condition, stormwater from the large upland urban watershed discharges into this basin and flows southerly to the outlet on the south side. Currently, there is no weir control structure at the outlet and the stormwater is permitted to flow into the outlet without any impoundment. The potential of installing a new weir structure four (4) feet higher than the basin invert to provide impoundment and detain the stormwater for a longer period of time was evaluated with the drainage model. The model indicates that there is no significant downstream benefit to the additional impoundment; the additional storage is filled in the early stages of the 24- hour storm event prior to the peak intensities of the rainfall.

A fifth design component considered, but determined to have no significant benefit, is installing trash racks at the Lofts Pond Weir. This component was considered for the purposes of preventing floatables from Lofts Pond from overflowing the weir and entering the Caroline's Pond / Silver Lake waterbodies. This component is not recommended because of the potential negative aesthetic impact at Lofts Pond and the potential difficulty maintenance crews would have when trying to remove the debris from the trash rack at that location.

No Action Alternative [24 CFR 58.40(e)]:
The primary alternative for the proposed Project is the "no action" alternative. This alternative means that there would be no work undertaken to alleviate the flood problem, rehabilitate the Project area, or mitigate the future flooding. This would leave the surrounding community vulnerable to future flood damage. The "no action" alternative would provide no protection to the residential neighborhoods and greater community from future flood events, as mitigation would be compromised due to lack of financial support. Thus, the

"no action" alternative is not feasible in relation to the desired objective of creating area resiliency to future flooding events.

Under the no action alternative, the area will continue to flood during rain events, creating issues on the surrounding roadways and adjoining properties. Continued flooding will lead to a deterioration of infrastructure at Silver Lake Park and in the surrounding area. The Project represents the optimal opportunity to improve infrastructure, which will allow for the continued use of Silver Lake Park and the surrounding residential area.

Summary of Findings and Conclusions:
The preceding Statutory Checklist, Environmental Assessment Checklist and the discussion below document that the proposed work will comply with regulations in 24 CFR part 58 and that there are no direct or cumulative adverse environmental impacts anticipated as a result of the proposed action.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]
Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/ conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.

Law, Authority, or Factor	Mitigation Measure
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	An 8-step Floodplain Management Determination was completed pursuant to 24 CFR 55.20. It was determined that there is no better alternative than to provide funding for the Project. A Town of Hempstead Floodplain Development Permit will be required prior to commencement of Project activities. The proposed Project will be completed in accordance with all applicable federal, state and local permit requirements and conditions.
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	The proposed Project will improve the quality of existing wetlands and will not decrease the area of the wetlands. The proposed Project is located within and adjacent to federally mapped and state designated wetlands. It is anticipated that the

Wetlands Protection Executive Order 11990, particularly sections 2 and 5	following permits will be required prior to commencement of Project activities: • NYSDEC Article 24 - Freshwater Wetlands Permit • NYSDEC Article 25 – Tidal Wetlands Permit • NYSDEC SPDES General Permit for Construction Activity (if soil disturbance is greater than 1 acre) • NYSDEC Section 401 Water Quality Certification • USACE Section 404 of the Clean Water Act Permit • USACE Section 10 of the Rivers and Harbors Act Several Project components, described below, have been designed to enhance and protect aquatic resources at, and in the vicinity of, Silver Lake Park. • Approximately 1,772 SF of Phragmites, and other invasive species, will be removed along the eastern side of the lake. The area will be regraded to re-establish an appropriate water depth. • Parts of the existing lake shoreline will be reinforced with natural boulders and bulkheads, with an addition of a proposed living shoreline with salt tolerant perennials. • Self-regulating tidal gate vault, or equivalent thereof, will be installed at the northern section of the existing 6'x6' box culverts traveling to Parsonage Canal, at the intersection of Foxhurst Avenue and Foxhurst Road. • A tidal flap gate, or equivalent thereof, will be installed at the south side of the existing 10'x7'3" box culvert, at the entrance of Parsonage Canal. Self-regulating tidal gates; which utilize a system of floats to close the gate, or flap at a desired elevation, allowing the gates to stay open during the normal tide cycle; will be installed along the Parsonage Canal. This will allow fish passage and the normal tidal flushing of the lake to be maintained. • A 10' hydrodynamic separation unit, or equivalent thereof, will be installed to protect water quality downstream by capturing floatables, oils, and sediment coming from Lofts Pond and the positive drainage system collecting runoff from the roadways in the vicinity of Coventry Road, Coventry Drive, and Surrey Lane. • A low flow channel will be created within the invert of the existing trapezoidal channel located north of Water edge Avenue, to allow for fish passage during normal flow conditions. This passage would be sized to handle the measured base flow under dry weather conditions and would require a depth of approximately 12" for fish passage.

Wetlands Protection Executive Order 11990, particularly sections 2 and 5	• In order to increase the minimum depth of base flow during dry weather conditions, a small weir would be constructed across Parsonage Creek, just south of the Water edge Avenue culvert. Permits required for the Project will be obtained before commencing work. Additionally, BMPs and erosion control measures will be incorporated into the proposed Project. Project activities will be completed in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

<u>Standard Conditions for All Projects</u>

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Preparer Signature: _____ Date: December 5, 2019

Name/Title/Organization: Kristofer Mierisch, Senior Environmental Analyst

Certifying Officer Signature: _____ Date: December 5, 2019

Name/Title: Lori A. Shirley – Environmental Certifying Officer

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