

**Executive Orders Compliance Analysis –  
Floodplain Management (EO 11988) &  
Wetlands Protection (EO 11990) Determination**

**Project 103-ED-366-13 EO 11988 Floodplain Management and Wetlands Protection Determination**  
***Commercial & Economic Development Initiative within NY State Community Development Block***  
***Grant Disaster Recovery Program***  
*January 23, 2017*

**Introduction & Overview**

The purpose of Executive Order 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” This report contains the analysis prescribed by 24 CFR Part 55.

This project involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for rock revetment installment and other in-kind business infrastructure repairs for a single business impacted by Superstorm Sandy and Hurricane Irene. The analysis that follows focuses on floodplain impacts and wetland impacts associated with this project. Based on the “non-substantial” level of work, and other case characteristics, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain and wetland. Moreover, in the [March 5, 2013 Federal Register Notice](#), HUD expressly recognized that “without the return of businesses and jobs to a disaster-impacted area, recovery may be impossible. Therefore, HUD strongly encourages grantees to envision economic revitalization as a cornerstone to a long-term recovery” (78 FR 14335). Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives.

**Description of Proposed Action & Land Use**

Jackson’s Marina Enterprises, Inc. is a full-service marina business situated on Shinnecock Canal with a street address at 6 Tepee Street, Hamlet of Hampton Bays, Town of Southampton, New York. The operation is within the municipality’s Resort and Waterfront Business Zoning District. County records and data on Property Shark.com website indicate the property is Section 230, Block 1, and Lot 32.2 with that lot’s size listed as 4.8 acres. Aerial images show multiple structures on the property and the marina’s website lists this functionally dependent operation as occupying seven acres with 200 boat slips, fueling dockage, and extensive maritime infrastructure and developed areas, including three hauling lifts. Based on pictures from a site inspection, there are multiple buildings, including a two story office and store as well as ones used for other aspects of operations, like repair and storage.

**CatEx(a) – January 12, 2015**

A CatEx(a) environmental review record (ERR) was completed on January 12, 2015 for fuel system repair, dock repairs and adjustments, and sump system repairs. An abbreviated, 5-step, floodplain determination was completed for these activities and was included in the January 12, 2015 CatEx(a) ERR. The conclusion of the floodplain determination was that there was a reasonable basis to proceed with funding for this project/ activity within floodplain. A *Notice of Intent to Request Release of Funds* (NOIRROF) was issued on January 19, 2015.

After the publication of the NOIRROF on January 19, 2015, GOSR identified the need to fund mitigation activities at the Subject Property. Therefore, this ERR re-evaluation has been prepared to include mitigation funding of \$100,000.00 for a rock revetment project that is now being proposed. The proposed mitigation work is to remove approximately 265 linear feet of existing rubble and replacing it with approximately 490 linear feet of rock revetment. The rock revetment will consist of a top layer of Rip-Rap consisting of 1 ton boulders on top of a layer of core stone of 200-300-pound rock, all of which will sit on a gravel keyway of 25-50 pound rocks wrapped within a gabion.

A prior environmental review for separate activities categorized under 24 CFR 58.35(b)(4) for this applicant was completed October 8, 2014 and is included in the Environmental Review Record.

#### **Applicable Regulatory Procedure Per EO 11988**

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the use in the floodplain if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed.

Based on online data, including data managed and updated by the U.S. Fish & Wildlife Service (USFWS) and New York Department of Environmental Conservation (NYSDEC), there are mapped wetlands on and immediately adjacent to the Subject Property. The rock revetment work will involve work in approximately 0.1 acres of tidal wetland areas at the Subject Property. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on floodplains and wetlands.

According to 24 CFR §55, the activity planned to construct a rock revetment occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. A rock revetment is not an insurable structure under the NFIP. The work will involve work in wetlands and new wetland impacts. As such, the floodplain determination process in §55.20 is allowed. The following analysis examines each step in a floodplain management determination process.

#### ***Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.***

The location of the proposed action, per the applicable FEMA flood map Firmette, is within 100-year floodplain (SFHA – VE and AE Zones). As shown on the Firmette, a small part of the site consisting of some docks and bulkheads along the southern and southwestern parts of the property are in the VE Zone, while there is also extensive Area of Limited Wave Action. There is an established Base Flood Elevation (BFE) of 10-11 feet across the property. The Proposed Activity will result in permanent impacts to approximately 0.2 acres of 100-Year Floodplain and approximately 0.1 acres of wetlands. The permanent impacts are associated with the proposed removal of existing rip-rap and construction of a rock revetment. This action does not require a Section 404 permit under the Clean Water Act (see 55.20(a)(1)).

#### ***Step 2. Initiate Public Notice for Early Review of Proposal.***

Because the proposed project is located in floodplain and wetlands, the Governor's Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding for reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice and corresponding 15-day public comment period started on January 26, 2017 with the "Early Notice of a Proposed Activity in a 100-Year Floodplain and Wetlands" being published in Southampton Press newspaper, with the 15-day period expiring on February 10, 2017. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on February 10, 2017: Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); NYSDEC; New York State Department of Transportation; and New York State Office of Emergency Management. The notice was also sent to the Town of Southampton. (See **Appendices 1 and 2** of this EO 11988 Floodplain Management and EO 11990 Wetlands Protection Determination for the letter distributed to these agencies and the associated newspaper notice affidavit).

**Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain (or 500-year Floodplain if a Critical Action) or Wetland.**

The Program is structured to provide eligible businesses with loan or grant assistance for activities necessary to restore storm-damaged businesses, including through damage reimbursements, and support for rehabilitation, reconstruction, elevation, and/ or other mitigation activities. This small business suffered damage during Superstorm Sandy and Hurricane Irene, as such potential alternatives must be considered in order to try and mitigate the amount of damage from future flood events.

One potential alternative is to relocate the business out of the 100-year floodplain; however, this marina business is functionally dependent on its location on/adjacent to the water and subsequently, wetlands and floodplains. Additionally, the marina serves local and regional recreational and tourism demand, and it 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 to elevate infrastructure on the Subject Property so that a rock revetment would not have to be constructed. This alternative is not viable because of the high cost of this alternative. Additionally, this alternative would not limit erosion of the shoreline, or reduce the energy of wave action to the shoreline during storms. Without arresting the erosion of the shoreline, there is potential that shoreline erosion will continue to eat away the Subject Property and greatly limit the business' operation.

Another alternative would be for no action to occur, meaning the Applicant would not be receiving grant funds to complete mitigation work and sustain business operations. This option means there would be a potential inability for the business to survive rebuilding after the storms. Furthermore, the ability for the owner to successfully mitigate any future damages from floods would be impeded due to the lack of financial support; which means the property would be more vulnerable. 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.

Due to the number of developed parcels within this community, prohibition of the mitigation work within floodplain and wetland is not practicable.

The above identified alternatives will be re-evaluated in response to public comments received.

**Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.**

***Floodplain Evaluation:***

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - [A Unified National Program for Floodplain Management](#), two definitions commonly used in evaluating actions in floodplain are "structural" and "non-structural" activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

*Natural moderation of floods*

As the Applicant's property is one of many developed parcels situated within the 100-year floodplain, the continued occupancy may potentially result in future direct impacts to property during certain severe floods and related natural disasters. However, the direct effects to this property would be no greater than those expected to the other adjacent occupied properties within this floodplain.

*Living resources such as flora and fauna*

This land use may constitute a type of business where, after flooding, materials used in operations could potentially be released into the environment, thereby having unquantifiable potential to impact water quality maintenance and ecological resources. A potential impact that may arise is that materials used or stored on-site would be caused to be released into the environment, such as a result of wind or floodwaters. However, this would be more likely if there are not non-structural and structural floodproofing techniques in place, such as if materials are not stored in water-tight containers, and/ or said containers break or migrate out of a non-enclosed building due to lack of proper preparation. A qualitative evaluation suggests the potential would be relatively small and if such releases do occur, it is likely as part of a potential area-wide impact. In such an instance, floatable debris could contribute to litter and if there were minor amounts of chemicals used on the Subject Property, floodwaters may induce rapid dilution. Given the nature of this business, the potential for an acute or chronic level of water quality impact from the Subject Property is low.

*Impacts to Property & Lives*

The action does present potential to impact a functionally water dependent marina within floodplain. Supporting the recovery of small businesses is an essential component of recovery in storm-affected communities, as recognized by the March 2013 Notice in the Federal Register. Moreover, the proposed mitigation work is intended to limit flood damages to the Subject Property in the event of future flood events.

Occupancy of this floodplain in this developed area has taken place over an extended recent history. According to Suffolk County's 2014 Draft update to the 2000 version of their Multi-Jurisdictional Hazard Mitigation Plan, Southampton is at risk for frequent flooding for hurricanes, flooding, and severe storms (page 9.36-6). Considering the context of the area—this action represents an activity at only one functionally dependent business among others that are located within contiguous floodplain. Thus, funding this project/activity does constitute indirect continued support of floodplain occupancy and development for this business. In the event of severe flooding and associated natural hazards in the future, there is potential for further damage to this property, business disruption, and other associated impacts to this small business.

The rehabilitation and mitigation of the site sustains area property values and community character within a developed district. It enables continued viability of this small business, which might otherwise degrade, or cease to exist, without support in rehabilitating facilities, restarting business operations, and/or recouping some revenue lost as a result of the disaster. Similarly, the proposed investment supports area residents by sustaining a maritime asset. With sustained operations here the recreational fishing and tourism industry is not disrupted. Support to sustain this business helps ensure a diverse economic base. If this project/activity were not funded, there probably would be other undefined, undesirable indirect impacts to lives and the area economy, on a short- and long-term basis, such as relating to economic multipliers and support this business provides to surrounding businesses as it purchases goods and services.

*Cultural resources such as archaeological, historic & recreational aspects*

There are no recorded historic properties listed on or deemed eligible for the State and National Register

of Historic Places located on or adjacent to the Subject Property. The New York State Historic Preservation Office confirmed on August 18, 2016 that this project has no effect on historic or tribal resources. Without support, building resources could degrade and there could be loss of development character and identity for the building and the area.

According to the Outdoor Industry Association's two-page fact sheet The New York Outdoor Recreation Economy, outdoor recreation generates \$338 Billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional economy and the subject business is an example of a constituent part of this aspect of the economic base. It is presumed that market demand for marinas is strong and if the service here were disrupted, consumer demand could not easily shift to other facilities located in the floodplain because of finite supply.

#### *Agricultural, aquacultural, & forestry resources*

The Suffolk County area has several agricultural sites located in the flood zone, as well as undeveloped woodlands. There is substantial agriculture and fishing industry in Nassau and Suffolk Counties on Long Island, including aquaculture in the form of oyster farming. While there appears to be a higher concentration of aquaculture on Eastern Long Island, per the 2012 State Comptrollers Report Agriculture in Long Island and Agricultural Production by Commodity Group in Long Island (2007), aquaculture represents 2.9% of the economy at a \$7.5 million sales revenue. It is possible that if there is a materials release from this property, it could potentially affect natural resources including agricultural and forestry. However, while it is conceivable that flooding of a business like this could be part of a cumulative influence on such resources, the impact attributable to this use could not have been quantitatively derived, and the potential impact, with planning for and practice of non-structural management practices, is considered minor.

#### ***Wetland Evaluation***

The purpose of wetland evaluation is to consider factors relevant to a proposal's effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

#### *Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.*

The project location is in wetlands that are designated tidal wetlands (NYSDEC) and estuarine/ marine deep-water (USFWS). These wetlands are not freshwater wetlands and, therefore, are not directly used for water supply. However, these tidal wetlands and deep-water estuarine wetlands along the coast can serve to absorb the force of storm waters and tidal erosion. These areas help protect upland soil and freshwater resources. The scope of work for this project involves work to mitigate against future storm surges at the Subject Property by installing a rock revetment along the wetland boundary and paved developed marina lots and infrastructure. This work is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards. This is because the proposed action occurs on the edge of the wetland and is designed to limit storm surge over the developed portion of the Subject Property. Thus, preventing storm surge from affecting buildings and materials on the Subject Property and the resultant spilling or displacing of debris or other materials during storms. Additionally, the rock revetment will make this property and surrounding area safer from future damages as erosion will be decreased during storm events.

*Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.*

The proposed action will not further affect the natural systems/ wetlands at this preexisting developed marina parcel, which is located in an area that is primarily developed with a marina. The proposed work is for the installment of a rock revetment to replace insufficient rip-rap along the wetland/ developed property boundary. The project is not expected to affect any plant or wildlife species as the majority of the project is in previously disturbed areas. The rock revetment will not require additional excavation as it will be placed on grade. The Applicant shall obtain and comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits. The work will not increase the area of the marina, but will protect the developed infrastructure by moderating storm surge energy and erosion during future potential storms. There will not be new adverse impacts on the existing flora/fauna, habitat, natural hydrologic function, or natural resources at the location.

*Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.*

The proposed scope of work does not involve changing the area of the wetland by dredging. The proposed rock revetment will be constructed on-grade along the NYS tidal wetland buffer and the developed marina property. Only a small portion of the rock revetment will be constructed in mapped wetlands and it will be located immediately adjacent to an existing bulkhead. Consequently, there are no cost increases attributed to necessary mitigation measures to minimize harm to wetlands that may result from such use.

*Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.*

This functionally dependent marina offers the public recreational access to waterways in the area. According to the Outdoor Industry Association's two-page fact sheet The New York Outdoor Recreation Economy, outdoor recreation generates \$338 Billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional and local economy and the subject business is an example of a constituent part of this aspect of the economic base. It is presumed that market demand for marina services is strong and if the service here were disrupted, consumer demand could not simply shift to other marinas located in wetlands and floodplains because of finite supply.

***Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.***

Given that proposed mitigation funded by this Program is limited and does not rise to the level of substantial reconstruction, and considering the individual property scale, it is not financially feasible to specify mitigation measures such as elevating the buildings on the Subject Property, dry flood proofing the buildings, or promoting strategic retreat such as through government acquisition. However, it is reasonable to promote business owner awareness of future risks of natural hazards, including flooding, plus the physical, social and economic impacts that potential events could convey, including through potential for future physical damage to property, buildings, supplies, and equipment.

It is reasonable to promote business owner awareness of actions they can take to define and prepare for the impacts of many hazards they may face. There are free resources available to aid such preparedness planning found at the link: <http://www.ready.gov/business>. Also, the Applicant could consider participating in The Clean Marina Initiative, an incentive-based program promoted by the National Oceanic and Atmospheric Administration that offers information about engaging in marina-specific operating and maintenance procedures in order to protect coastal water quality.

**Step 6. Reevaluate the Alternatives and Proposed Action.**

The relocation alternatives within floodplain and/ or wetland is not feasible, because the business type, a marina, is functionally dependent on being located on and adjacent to the water and its associated floodplains and wetlands. The areas that are outside flood zone are impracticable in terms of the businesses' basic requirements to achieve an acceptable level of service as marina. Locations within flood zone are already occupied, and/ or lack the functional space required by such a recreational business, or already serve important purposes such as forestry, agriculture, or other recreation pursuits such as other marinas, waterfront resorts, fishing, or locations for commercial businesses.

The 'no action' alternative would not address the need this business has for help in funding their mitigation. Without funding this grant provides, the business would be unable to successfully complete the rock revetment mitigation, which is functionally dependent on being placed along the developed Subject Property boundary. Without the mitigation support the facility would remain vulnerable to damage in future flooding events.

Elevating the buildings on the Subject Property is not financially feasible. Moreover, this alternative does not prevent erosion of the Subject Property.

Therefore, the alternatives examined are not considered desirable or possible and the action to fund mitigation and business continuity at this business is still practicable in light of exposure to flood hazards in floodplain and wetland, possible adverse impacts on floodplain and wetland, the extent to which it may aggravate current hazards to other floodplains and wetlands, and the potential to disrupt natural and beneficial functions and values of floodplains and wetlands. Moreover, the March 2013 Notice in the Federal Register strongly recommends that grantees engage in a robust policy for ensuring recovery of small business affected by storm events, as such recovery is essential to the continued vitality of surrounding communities. Thus, alternatives preventing or impeding small business recovery are not considered reasonable alternatives. As such, the impact on a floodplain would be less than with both the 'no action' and relocation alternatives.

The impacts of these alternatives will be re-evaluated in response to any public comments received.

**Step 7. Issue Findings and Public Explanation.**

It is the finding of this report that there is no better alternative than to provide funding for the mitigation at this small business. The location within floodplain and wetland cannot be avoided due to requirements of a marina and land economics, in terms of the high expected cost of land outside floodplain and the high development costs of relocating the business. However, not funding any actions would mean that this small business would struggle to recover, much less be able to mitigate any future damages. A final notice, formally known as "Notice of Policy Determination" was published in accordance with 24 CFR 55, for a 7-day comment period. (See **Appendix 3** of this EO 11990 Wetlands Protection and EO 11988 Floodplain Management Determination for the letter distributed to the associated agencies and the associated newspaper notice affidavit). The 7-day comment period started with the Final Notice publishing in the Southampton Press newspaper on February 23, 2017 and the 7-day period expires March 2, 2017. The notice describes the reasons why the project must be located in the floodplain and wetland, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

**Step 8. Continuing Responsibility of Responsible Entity & Recipient.**

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, is the responsible entity. The responsible entity will make available educational materials regarding best practices for businesses located in floodplains/wetlands. It will also require the business to demonstrate proof of

current flood insurance, as applicable. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the steps herein.

## **Appendix 2**

**Notice of Early Public Review  
Floodplain Management  
Executive Order 11988 & Protection of Wetlands  
Executive Order 11990**



**EARLY NOTICE OF A PROPOSED ACTIVITY  
IN A 100-YEAR FLOODPLAIN AND WETLANDS**

**JACKSON'S MARINA ENTERPRISES, INC. (103-ED-366-13)  
6 TEPEE STREET, HAMLET OF HAMPTON BAYS, TOWN OF SOUTHAMPTON  
SUFFOLK COUNTY, NEW YORK**

**JANUARY 26, 2017**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), has received a request to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the NY Rising Small Business Recovery Program to implement repairs and mitigation at Jackson's Marina Enterprises, Inc., case #103-ED-366-13, (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the floodplain and wetlands. Second, adequate public notice is an important public education tool. The dissemination of information about floodplains and wetlands facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in the floodplain and wetlands, it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in New York State.

The Proposed Activity is needed to address damages from Superstorm Sandy, which resulted in damages to docks and buildings on the property from flooding and wind damage. Proposed project activities will involve the removal of existing rip-rap and the construction of a rock revetment to mitigate against potential future storm events.

The Proposed Activity will result in permanent impacts to approximately 0.2 acres of 100-Year Floodplain and approximately 0.1 acres of wetlands. The permanent impacts are associated with the proposed removal of existing rip-rap and construction of a rock revetment.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the National Wetland Inventory and New York State Department of Environmental Conservation (NYSDEC) data have been prepared and are available for review with additional information at: <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Lori A. Shirley, Certifying Officer, Governor's Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207; email: [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org). Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information, call (518) 474-0755. All comments received by 5pm on February 10, 2017 will be considered.

## **Appendix 3**

**Notice of Early Public Review Affidavit  
Floodplain Management  
Executive Order 11988 & Protection of Wetlands  
Executive Order 11990**

EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLANDS JACKSON'S MARINA ENTERPRISES, INC. (103-ED-366-13) 6 TEPEE STREET, HAMLET OF HAMPTON BAYS, TOWN OF SOUTHAMPTON SUFFOLK COUNTY, NEW YORK JANUARY 26, 2017

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State of New York  
County of Suffolk

Angela Sanchez

being duly sworn, says s/he is the

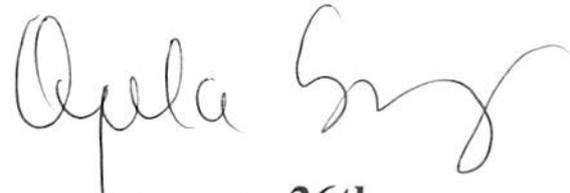
**ADMINISTRATIVE ASSISTANT**

of the SOUTHAMPTON PRESS, WESTERN EDITION, a newspaper published weekly in the Village of Westhampton Beach, Town of Southampton, county and state aforesaid, and that a notice, of which the annexed printed slip is a copy, was published in said newspaper once a week

for 1 consecutive week(s),

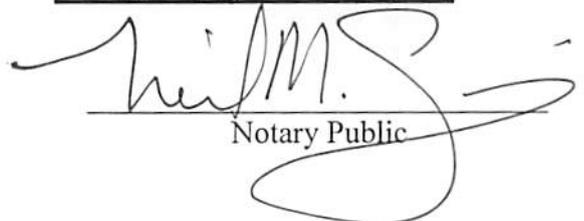
commencing on the 26th day of

January 2017



Sworn to before me this 26th day of

January 2017

  
Notary Public

NEIL M. SALVAGGIO  
Notary Public, State of New York  
No. 01SA6082874, Suffolk County  
Commission Expires November 4, 2018

898468

## **Appendix 4**

### **Final Notice**

#### **Floodplain Management**

#### **Executive Order 11988 & Protection of Wetlands**

#### **Executive Order 11990**



**Governor's Office of  
Storm Recovery**

**ANDREW M. CUOMO**  
Governor

**LISA BOVA-HIATT**  
Executive Director

**PUBLIC NOTICE**  
**FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED**  
**ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLANDS**

**JACKSON'S MARINA ENTERPRISES INC. (103-ED-366-13)**  
**6 TEPEE STREET, HAMLET OF HAMPTON BAYS, TOWN OF SOUTHAMPTON**  
**SUFFOLK COUNTY, NEW YORK**  
**FEBRUARY 23, 2017**

**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.

Pursuant to 24 CFR Section 58.43, this Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland satisfies the procedural requirement for project activities proposed to be undertaken by HCR.

**Project Description:** 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. GOSR proposes to provide CDBG-DR funding to Jackson's Marina Enterprises Inc., which is located at 6 Tepee Street, Hampton Bays, Suffolk County, New York. HUD CDBG-DR funding of \$100,000.00 for future mitigation activities involving removing approximately 265 linear feet of existing rubble and replacing it with approximately 490 linear feet of rock revetment after this business location was damaged during Superstorm Sandy and Hurricane Irene ("Proposed Project").

This work will be located in 100-year floodplain (SHFA Zone AE) and within Federal wetlands. Approximately 0.2 acres of 100-Year Floodplain and approximately 0.1 acres of wetlands will be disturbed during construction. Since the action will include new construction in floodplain and wetland, Executive Orders 11990 and 11988 require that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains/wetlands 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/wetlands 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/wetlands, it must inform those who may be put at greater or continued risk.

**Public Review:** Public viewing of the Floodplain Management & Wetlands Protection Determination are available online at <http://stormrecovery.ny.gov/environmental-docs> and are also available 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.

Further information may be requested by writing to the above address, emailing [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.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 the Proposed Activity within Floodplain and Wetland:** Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before March 2, 2017 at [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto: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 March 2, 2017: 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 pm on March 2, 2017 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

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.

Lori A. Shirley  
Certifying Officer  
February 23, 2017