



ANDREW M. CUOMO  
Governor

## **PUBLIC NOTICE**

### **COMBINED NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTION IN A 100-YEAR FLOODPLAIN AND WETLANDS**

#### **MONHAGEN BROOK CULVERT PROJECT INTERSECTION OF MONHAGEN BROOK AND WEST MAIN STREET, AND GRANT STREET CITY OF MIDDLETOWN, ORANGE COUNTY, NY**

**DECEMBER 4, 2020**

**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: James McAllister (646) 256-9485.

This combined Notice of Intent to Request Release of Funds (NOIRROF) and Final Notice and Public Review of a Proposed Action in a 100-year Floodplain and Wetlands satisfies two separate procedural requirements 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 \$3,500,000.00 in CDBG-DR funding to City of Middletown for the Monhagen Brook Culvert Project (the "Proposed Activity"), which involves the replacement of a bridge and culvert over Monhagen Brook on West Main Street and culvert replacements along Grant Street in the City of Middletown, New York. The Proposed Activity will mitigate localized flooding that occurs during heavy rainfall events such as those experienced during Hurricane Irene and Tropical Storm Lee. The Proposed Activity is estimated to have a total cost of \$3,500,000.00.

Project activities on West Main Street will involve the removal of the existing culvert and bridge over Monhagen Brook on West Main Street and the installation of a new 28-foot wide and 44-foot long, three-sided bridge and headwalls. Much of the construction area is currently covered with asphalt and concrete. The replacement will not change the function of the floodplain. The Proposed Activity will result in an increase in the size of the bridge opening that conveys water beneath the bridge, which will reduce the volume of flooding that bypasses the bridge and pools at the low point along West Main Street by allowing more flow through the opening. The wider bridge opening will reduce overtopping for the 25, 50, and 100-year storms compared to existing conditions. The existing bridge has the capacity to convey up to the 10-year storm with the 50-year and 100-year storms overtopping the roadway. The proposed bridge has the capacity to convey up to the 25-year storm with the 100-year storm overtopping.

The Proposed Activity will protect the properties and enhance safety to those most at-risk during disaster events. Improvements that will mitigate flooding along the Monhagen Brook will also benefit the greater community in the City of Middletown and surrounding areas, in that portions of the City which have been made inaccessible in flooding caused by Hurricane Irene, Tropical Storm Lee, and other heavy rainfall events will not be isolated from emergency response and general ingress/egress.

#### **PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLANDS**

This is to give notice that the GOSR has conducted an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Development (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management, to determine the potential effects that its activity in the floodplain and wetlands would have on the human environment. An early public notice of proposed activity within the 100-year floodplain and wetlands was published by the Governor's Office of Storm Recovery on October 2, 2020 in the Times Herald Record newspaper. No comments were received.

The Proposed Activity will result in approximately 0.3 acres of temporary impacts to the Monhagen Brook floodplain and floodway. The brook has little floodplain development, as the brook is contained in a small channel. The Proposed Activity will result in no permanent impacts to the floodplain. A wetland delineation was performed by NV5 on December 18, 2019 at the West Main Street project location. The ordinary high water mark (OHWM) of the Monhagen Brook was delineated, but no wetlands were identified in the project area. Temporary impacts include the construction activities to remove the existing culvert and install the new 28-foot wide and 44-foot long, three-sided bridge and headwalls. The culvert and bridge replacement on West Main Street will increase the width of the opening for the Monhagen Brook beneath the bridge West Main Street from 15 feet 10-inches

to 28 feet. The new bridge and headwalls will extend 60 linear feet over the Monhagen Brook. Much of the construction area is currently covered with asphalt and concrete. The replacement will not change the function of the floodplain. The proposed impacts in the floodplain and floodway of Monhagen Brook are solely associated with the replacement of an existing culvert and bridge. All applicable permits will be acquired before work is commenced. Best management practices, including the use of a turbidity curtain and silt fence, will be implemented to protect water quality and flora and fauna adjacent to the project area. The funding recipient will be bound by any permit stipulations or mitigation measures listed in permits acquired for the Proposed Activity.

The Monhagen Brook Culvert and Drainage Improvements Study (Study) was performed to identify alternatives based on an analysis of the following items: total estimated cost, flood reduction ranking, property issues, constructability issues, permitting, and notable advantages/challenges for each of the ranked alternatives. The Study recommended that the City of Middletown pursue the West Main Street bridge replacement and Monhagen and Draper Brook spot repairs and rehabilitation. Due to budget constraints, the West Main Street bridge replacement and culvert replacement at the Grant Street location were selected for the Proposed Activity.

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

**Public Review:** Public viewing of the Floodplain Management & Protection of Wetlands Determination Documents and environmental review record is available online at <http://stormrecovery.ny.gov/environmental-docs>. Contact: James McAllister (646) 256-9485.

Further information may be requested by writing to the above address, emailing [NYSCDBG\\_DR\\_ER@nyschr.org](mailto:NYSCDBG_DR_ER@nyschr.org) or by calling (646) 256-9485. 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 Wetlands and/or NOIRROF:**

Any individual, group or agency may submit written comments on the Proposed Activity. 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 December 14, 2020 at [NYSCDBG\\_DR\\_ER@nyschr.org](mailto:NYSCDBG_DR_ER@nyschr.org). Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before December 14, 2020: Governor's Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. All comments must be received on or before 5 PM on December 14, 2020 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

#### **REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

On or about December 15, 2020, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

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

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

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

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649, or e-mailed to [disaster\\_recovery@hud.gov](mailto:disaster_recovery@hud.gov).

James McAllister  
Certifying Officer  
December 4, 2020