Floodplain Management and Wetland Protection Plan

Governor’s Office of Storm Recovery
U.S. Department of Housing and Urban Development
Community Development Block Grant – Disaster Recovery

Village of Amityville Bulkhead Restoration Project
Town of Babylon, NY

Town of Babylon, Suffolk County, New York
Effective Date: June 10, 2016
This Floodplain Management Plan meets the requirements of 24 CFR Part 55.20 and Executive Order 11988—Floodplain Management—and Executive Order 11990—Protection of Wetlands—for the Village of Amityville Bulkhead Restoration Project (Project) in the Town of Babylon, Suffolk County, NY. This Floodplain and Wetlands Management Plan documents the eight-step decision making for the Project and pertains to activities within the Special Flood Hazard Area (SFHA) as defined by the Federal Emergency Management Agency (FEMA), or its successors, pursuant to the National Flood Insurance Program (NFIP), or a successor program, whether advisory, preliminary, or final, as well as activities occurring within wetlands.

Description of Proposed Program Activities

The U.S. Department of Housing and Urban Development (HUD) is responsible for administration of the CDBG-DR program pursuant to the Disaster Relief Appropriations Act of 2013. The CDBG-DR program is designed to address the needs of New York State (NYS) communities devastated by Superstorm Sandy. To date, program funding has been disbursed in three allocations. On Tuesday, March 5, 2013, HUD published Federal Register Notice 78 Fed. Reg. 14329, which established the requirements and processes for the first $1.71 billion in federal CDBG-DR aid appropriated by the United States Congress and allocated to NYS for disaster relief. On November 18, 2013, HUD issued a second allocation of $2.097 billion to NYS under Federal Register Notice 78 Fed. Reg. 69104. On October 16, 2014, HUD issued the third and final allocation of $600 million to NYS under Federal Register Notice 79 Fed. Reg. 62194.

The Governor’s Office of Storm Recovery (GOSR) is conducting an evaluation as required by Executive Order 11988 in accordance with HUD regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that Project activity in the floodplain would have on the human environment.

The Town of Babylon is requesting CDBG-DR funding to construct approximately 2,000 linear feet of public bulkhead in areas of the Village of Amityville that were severely damaged by Superstorm Sandy. The Town is requesting this funding for the construction of proposed bulkhead improvements to minimize damage and wave overtopping from future storms. The Village is bordered by Massapequa in Nassau County on the west, the Great South Bay to the south, and the Town of Babylon Hamlets of Copiague to the east and North Amityville to the north.

The proposed project would repair existing, damaged public infrastructure and construct new public
infrastructure. During Superstorm Sandy, the Village of Amityville was hit with an eight-foot storm surge, which overtopped existing bulkheads throughout the system, causing severe erosion of the shoreline. Residences, business establishments, public community facilities, and roads south of Montauk Highway, also known as Merrick Road, experienced flooding, downed trees and power and communications failures. This project would rehabilitate and raise existing public bulkheads and construct new public bulkheads throughout the targeted community. The proposed construction of new bulkheads and improvements to existing bulkheads would serve to minimize damage and wave overtopping from future storms. All existing and proposed bulkheads are located on public property owned by the Village of Amityville and no private land acquisition is anticipated for the project.

A total of 22 individual bulkhead locations have been identified for repair, replacement or new construction based on an assessment of the locations most in need of improvement, engineering feasibility, and following a determination of available funding and decision regarding which project sites would most improve resiliency for future storms. Of the 22 project sites, 19 locations are reconstructions of existing bulkheads and three locations would involve construction of new bulkheads.

The total acreage of disturbance from the proposed bulkhead construction and repairs would be approximately 0.872 acres. Approximately 2 cubic yards of fill for each of the 19 locations with existing bulkheads may be required in order to raise the grade behind the bulkhead. Precautions would be taken to prevent sedimentation of the waterway. For the three locations without current bulkheads, approximately 10 cubic yards of fill may be required. All project activities are to be carried out in a manner consistent with the terms and conditions of the federal, state, and local permits.

Although no dredging is proposed as a component of project construction, any incidental dredging required in front of the bulkheads would be for the purpose of recapturing any lost fill during construction and would be performed using a clam shell dredge. No fill would be side cast. All fill would be cast landward of the bulkheads.

Throughout project implementation, precautions would be taken to prevent sedimentation of the associated waterways. Prior to construction, a turbidity curtain would be placed into the edge of the waterway and remain in place for the duration of the construction period. New piles and sheeting would be installed via jetting, which utilizes a carefully directed and pressurized flow of water to assist in pile placement, thereby reducing sonic and vibrational disturbances within the water column. To prevent loose materials and/or leaking equipment from contaminating the waterway, no storage of equipment or materials would occur near the water’s edge.

**Executive Orders 11988, 11990 & 24 CFR Part 55**

Under 24 CFR Part 55.20, an eight-step decision making process must be completed for proposed actions taking place in a floodplain or wetland. 24 CFR Part 55.20 implements Executive Order 11988—Floodplain Management and Executive Order 11990—Protection of Wetlands. The orders require federal agencies (or a state agency implementing a federal funding program) to reduce the loss of life and property caused by floods, minimize impacts of floods on human safety, health, and welfare, and preserve the natural and beneficial functions of floodplains and wetlands. Under these orders, federal agencies should first look at avoiding all actions in or adversely affecting floodplains and wetlands unless no practicable alternatives exist. If no practicable alternatives exist, then federal
agencies must evaluate the potential effects of the proposed action. In addition, federal agencies are required to demonstrate that consideration of all practicable alternatives has resulted in the reduction or elimination of the long- and short-term adverse impacts associated with occupancy and modifications of the floodplain or wetlands. This eight-step process includes assessing all practicable alternatives and incorporating public review.

Projects located within the SFHA are subject to Executive Order 11988. Information on where SFHAs are located is available on Flood Insurance Rate Maps (FIRMs) published by FEMA. FEMA uses engineering studies to determine the delineation of these areas or zones subject to flooding. The relevant data source for the SFHA is the latest issued FEMA data or guidance, which includes advisory data, such as Advisory Base Flood Elevations (ABFEs) or preliminary and final FIRMs.

The SFHA is the area that would be inundated by a 100-year flood: an area that has a one percent or greater chance of experiencing a flood in any single year. SFHAs are shown on FIRMs as shaded areas labeled with the letter “A” or “V”.

- “V” zones are coastal flood hazard zones subject to wave run-up in addition to storm surge.
- “A” zones include all other special flood hazard areas.
- “VE” zones, “AE” zones, “V” zones, or “A” zones followed by a number are areas with specific flood elevations, known as Base Flood Elevations (BFE).
- A zone with the letter “A” or “V” by itself is an appropriately studied flood hazard area without a specific flood elevation.
- Within an “AE” zone or a numbered “A” zone, there may be an area known as the “regulatory floodway,” which is the channel of a river and adjacent land areas which must be reserved to discharge a 100-year flood without causing a rise in flood elevations.

24 CFR Part 55.1 (c)

Under 24 CFR Part 55.1 (c), except with respect to actions listed in Part 55.12(c), no HUD financial assistance (including mortgage insurance) may be approved after May 23, 1994 with respect to:

(1) Any action, other than a functionally dependent use, located in a floodway;
(2) Any critical action located in a coastal high hazard area (V zone) (a “critical action” is an action such as storage of volatile materials, irreplaceable record storage, or construction of a hospital or nursing home); or
(3) Any non-critical action located in a coastal high hazard area, unless the action is designed for location in a coastal high hazard area or is a functionally dependent use and complies with the construction standards outlined in HUD Regulations 24 CFR Part 55 (c)(3).

24 CFR Parts 55.11 & 55.20

Under 24 CFR Parts 55.11 (including Table 1) and 55.20, non-critical actions are allowed in A or V zones only if the actions are reviewed in accordance with the floodplain management eight-step decision making process (eight-step process) outlined in 24 CFR Part 55.20. The eight-step process was conducted for the Village of Amityville Bulkhead Restoration Project and is detailed below.
24 CFR Part 55.20 Eight-Step Process

Step One: Determine whether the proposed action is located in a wetland or 100-year floodplain (or a 500-year floodplain for a Critical Action).

The geographic scope for the Village of Amityville Bulkhead Restoration Project is located within the Town of Babylon in Suffolk County. The project area includes boundaries of the Village of Amityville. Specifically, there are twenty-two locations where improvements or replacements of the bulkheads are proposed.

The selected locations of bulkhead improvements are located along the shoreline of Narraskatuck Creek, Amityville Creek and Woods Creek.

All of the 22 proposed sites are located in FEMA Zone “AE” (Base Flood Elevation is between 6-7 feet for all project locations).

The proposed Project location and action are:
See EXHIBIT 1.1 and 1.2 for a FIRM maps of the Project locations and FEMA floodplain.

Initially, the proposed project included 23 bulkhead locations. Upon further analysis of the planned locations, it became apparent that one location at the north end of Narraskatuck Creek, which does not contain an existing bulkhead, did not require a hardened shoreline. The shoreline at this location contains a tidal wetland providing a buffer between the waters of Narraskatuck Creek and Montauk Highway to the north. The environmental impacts of constructing a bulkhead at this location outweighed any benefits expected through the installation of a bulkhead and/or hardened shoreline. Therefore, this planned location was eliminated from the proposed project.

The Proposed Activity will result in temporary impacts to 0.872 acres of 100-Year Floodplain and 0.872 acres of National Wetland Inventory (NWI) and (New York State Department of Environmental Conservation (DEC) mapped tidal wetlands and tidal wetland adjacent areas. The Proposed Activity will result in permanent impacts to 0.087 acres of 100-Year Floodplain and 0.087 acres of NWI and DEC-mapped tidal wetlands and tidal wetland adjacent areas. These impacts will consist of the repair and restoration of bulkhead locations to mitigate damage and wave overtopping from future storms. The project will also convert 0.091 acres of impervious surface to pervious open space at the Richmond Avenue location. Potential adverse impacts to the floodplain and wetlands will be weighed against the benefits of the Proposed Activity.

Step Two: Notify the public at the earliest possible time of a proposal to consider an action in a wetland or floodplain (or in the 500-year floodplain for a Critical Action), and involve the affected and interested public in the decision making process.

Because the Project activities would be located in the floodplain, GOSR must publish an early notice that allows the public an opportunity to provide input into the decision to provide funding for the Project activities in this area. Once the early public notice and comment period is complete, GOSR will assess, consider, and respond to the comments received individually and collectively for the Project file, then proceed to Step Three.

A 15-day “Early Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain”
was published in the Amityville Record, on **July 20, 2016**. The 15-day period expired on **August 4, 2016**. The notice addressed residents who live in the floodplain. The notice was also sent to the following state and federal agencies on **July 20, 2016**: Federal Emergency Management Agency (FEMA), U.S. Department of the Interior (DOI), U.S. Environmental Protection Agency (EPA), U.S. Department of Homeland Security (DHS), U.S Fish and Wildlife Service (FWS); National Park Service (NPS); National Oceanic and Atmospheric Administration (NOAA); NOAA National Marine Fisheries Service (NMFS); U.S. Army Corps of Engineers (USACE); NYS Department Environmental Conservation; the NYS Office of Parks, Recreation and Historic Preservation; NYS Department of Transportation; NYS Office of Emergency Management. The notice was also sent to the Village of Amityville, Town of Babylon and the office of the Suffolk County Executive (see **EXHIBIT 2** for the notice).

GOSR received 0 public comments on this notice. See **EXHIBIT 4** for the comments received and responses to those comments, if applicable.
Step Three: Identify and evaluate practicable alternatives to locating the proposed action in a floodplain (or the 500-year floodplain for a Critical Action).

After a consideration of the following alternatives, Suffolk County and GOSR have determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: No Action, Limited Action Alternative, Alternative Bulkhead Location Options.

**No Action Alternative**
Under a No Action alternative, conditions of the environment would remain unchanged and still subject to the existing potential for flood-related damage.

**Limited Action Alternative**
There is no limited action alternative since the line has specific length.

**Alternative Bulkhead Location Options**
There are no alternative bulkhead location options proposed in the Project Area. All of the twenty-two locations identified are determined to be most in need of repair or replacement.

Step Four: Identify the potential direct and indirect impacts associated with the occupancy or modification of the floodplain (or 500-year floodplain for a Critical Action) and wetlands.

GOSR has evaluated the alternatives to the proposed Project activities in the floodplain, and has determined that the proposed activities must take place in the floodplain.

Given that the proposed Project components located within the floodplain will not exacerbate flooding, there are no direct or indirect impacts anticipated as a result of the Project activities. The Project seeks to reduce the risk of damage to the Village of Amityville. The twenty-two locations of proposed bulkhead replacements or restoration will prevent future flooding.

The proposed Project actions will have a beneficial outcome for the residents of the Village of Amityville. Implementation of the Project would reduce risk of flooding and increase resiliency by reducing flooding impacts and associated damage to property and prevent wavetopping. The bulkhead improvements will serve to minimize damage and wave topping from future storms. Public health and safety will also be enhanced from providing greater access for emergency operations and vehicles.

None of the bulkhead locations are in designated wetlands. While estuarine subtidal areas consist of deepwater tidal habitats that may contain adjacent tidal wetlands, the total area of potential disturbance from bulkhead replacement or construction would not exceed one acre. No dredging is proposed as a component of project construction, and any incidental dredging required in front of the bulkhead would be performed using a clam shell dredge and no fill would be side cast. Incidental dredging that may occur during project activities would be solely for the purpose of recapturing any lost fill during construction. Because no designated wetlands occur at the project locations, the project would not result in effects to wetlands under Executive Order 11990.

Step Five: Where practicable, design or modify the proposed action to minimize the potential adverse impacts within the floodplain (including the 500-year floodplain for a Critical Action) and to restore and preserve its natural and beneficial values.
As proposed, all of the Project activities will be performed within the existing development footprint. Precautions will be taken to prevent sedimentation of the waterway. Prior to construction, a turbidity curtain would be placed on the seaward side of the proposed bulkhead to capture any floating sediments from entering the waterway and allowing them to settle to the bottom of the waterway. The sediment curtain will remain in place for the duration of the construction period. Although no dredging is proposed as a component of project construction, any incidental dredging required in front of the bulkhead would be performed using a clam shell dredge and no fill would be side cast. All fill would be cast landward of the bulkhead. New piles and sheeting would be installed via jetting, which utilizes a carefully directed and pressurized flow of water to assist in pile placement, thereby reducing sonic and vibrational disturbances within the water column. To prevent loose materials and/or leaking equipment from contaminating the waterway, no storage of equipment or materials would occur near the water’s edge.

Initially, the proposed project included 23 bulkhead locations. Upon further analysis of the planned locations, it became apparent that one location at the north end of Narraskatuck Creek, which does not contain an existing bulkhead, did not require a hardened shoreline. The shoreline at this location contains a tidal wetland providing a buffer between the waters of Narraskatuck Creek and Montauk Highway to the north. The environmental impacts of constructing a bulkhead at this location outweighed any benefits expected through the installation of a bulkhead and/or hardened shoreline. Therefore, this planned location was eliminated from the proposed project.

**Step Six: Reevaluate the proposed action to determine: (1) Whether it is still practicable in light of its exposure to flood hazards in the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and its potential to disrupt floodplain values; and (2) Whether alternatives preliminarily rejected at Step Three are practicable in light of the information gained in Steps Four and Five.**

GOSR has reevaluated the proposed action and determined that the Village of Amityville Bulkhead Restoration Project is still practicable in light of its potential exposure to flood hazards in the floodplain. There is no practicable alternative to the proposed action. The Project would repair damaged bulkheads necessary to mitigate the potential of future flooding. Thus, the Project would not aggravate current hazards to the floodplain, nor will the Project disrupt floodplain values. The restoration and replacement of the bulkheads will reduce the risk of flooding and increase resiliency.

GOSR has also reconsidered the alternatives discussed in Step Three and determined the best practicable alternative is the proposed action. There is no practicable alternative to locating the proposed action in the floodplain.

**Step Seven: If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the floodplain (or the 500-year floodplain for a Critical Action), publish a final notice.**

It is GOSR’s determination that the preferred alternative is the proposed Village of Amityville Bulkhead Restoration Project. Among the numerous benefits of the Project, these include the mitigation of potential flooding, immediate threat to public health, safety and welfare of the Village’s residents. The proposed bulkheads are necessary improvements for the Village of Amityville and the Town of Babylon.

A 7-day “Notice for Final Public Review of a Proposed Activity in a 100-Year Floodplain” was
Step Eight: Implement the Action

Step eight is implementation of the proposed action. GOSR will ensure that all mitigation measures prescribed in the steps above will be adhered to. Also, prior to Project implementation, GOSR will conduct a National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617.

FIGURES
FIGURE 1: Regional Project Location Map
FIGURE 3: Flood Hazard Map

EXHIBITS
EXHIBIT 1: Copy of Notice Transmitting Notice of Early Public Review and Proof of Publication
EXHIBIT 2: Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication
EXHIBIT 3: Public Comments Received and Response, if applicable
FIGURES
Figure 1
Regional Location

Amityville Waterfront
Resiliency Improvements
Figure 3

Flood Hazard

Amityville Waterfront
Resiliency Improvements

Source: U.S. Fish and Wildlife Service; Suffolk County GIS Data; NYS Department of Environmental Conservation; ESRI World Imagery; ESRI Street Map
EXHIBIT 1 Copy of Notice Transmitting Notice of Early Public Review
and Proof of Publication
EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

VILLAGE OF AMITYVILLE BULKHEAD RESTORATION PROJECT
TOWN OF BABYLON
SUFFOLK, NEW YORK
JULY 20, 2016

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 an application from the Town of Babylon to fund the Village of Amityville Bulkhead Restoration Project (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. 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 floodplains or 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 Community Development Block Grant – Disaster Recovery (CDBG-DR) program for storm recovery activities in New York State.

The Proposed Activity is needed to address damaged public infrastructure. During Superstorm Sandy, the Village of Amityville was hit with an eight-foot storm surge, which overtopped existing bulkheads throughout the system, causing severe erosion of the shoreline. Homes, businesses, public facilities, and roads south of Montauk Highway (Merrick Road) experienced flooding, downed trees, and power and communications failures. This project would construct, rehabilitate and raise public bulkheads throughout the targeted community. The proposed construction of the necessary bulkhead improvements would serve to minimize damage and wave overtopping from future storms. The bulkheads are located on public property owned by the Village of Amityville, and no private land acquisition is anticipated for the project. The Proposed Activity entails construction of approximately 2,000 linear feet of public bulkhead in the severely damaged areas of the village. A total of twenty-two (22) bulkhead locations (individual project sites) have been identified for repair, replacement or new construction.

The Proposed Activity will result in temporary impacts to 0.872 acres of 100-Year Floodplain and 0.872 acres of National Wetland Inventory (NWI) maps and New York State Department of Environmental Conservation (DEC) mapped tidal wetlands and tidal wetland adjacent areas. The Proposed Activity will result in permanent impacts to 0.087 acres of 100-Year Floodplain and 0.087 acres of NWI and DEC-mapped tidal wetlands and tidal wetland adjacent areas. These impacts will consist of the repair and restoration of bulkhead locations to mitigate damage and wave overtopping from future storms. The project will also convert 0.091 acres of impervious surface to pervious open space at the Richmond Avenue location. Potential adverse impacts to the floodplain and wetlands will be weighed against the benefits of the Proposed Activity.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the
NWI and DEC 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 Thomas King, Assistant General Counsel and Certifying Officer, Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, NY 12260; email: NYSCDBG_DR_ER@nyshcr.org. Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information call 518-473-0015. All comments received by August 5, 2016, will be considered.
STATE OF NEW YORK / ss
COUNTY OF SUFFOLK

BARBARA FRISCH of Amityville, Town of Babylon, aforesaid County and State, being duly sworn says that she is the legal advertising manager for the AMITYVILLE RECORD, a newspaper published weekly at AMITYVILLE, New York in the aforesaid Town of Babylon, Suffolk County, and that a notice of which the annexed is a true printed copy, as printed and published in the said newspaper on

July 20, 2016

By, Barbara Frisch
Authorized Designee of Alfred James

Sworn to before me this 2016 day of July, 2016

Suffolk County Notary Public
Alfred James
NOTARY PUBLIC State of New York
No. 01JA6012808
Qualified in Suffolk County
Commission Expires September 8, 2018
Early Notice of a Proposed Activity in a 100-Year Floodplain and Wetland Village of Amityville Bulkhead Restoration Project.
EXHIBIT 2 Copy of Notice Transmitting Notice of Final Public Review and Proof of Publication
EXHIBIT 3: Public Comments Received and Response, if applicable