



ANDREW M. CUOMO  
Governor

**PUBLIC NOTICE**

**COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT,  
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS,  
AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED  
ACTION IN A 100-YEAR FLOODPLAIN, FLOODWAY, AND WETLANDS**

**BINNEKILL BULKHEAD REPAIR AND IMPROVEMENTS PROJECT  
INTERSECTION OF BINNEKILL CREEK AND EAST BRANCH DELAWARE RIVER  
TOWN OF MIDDLETOWN, DELAWARE COUNTY, NEW YORK**

**January 22, 2021**

**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.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI/NOIRROF), and Final Notice and Public Review of a Proposed Action in a 100-year Floodplain, Floodway, and Wetlands satisfies three 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 CDBG-DR funding of \$892,770.00 to the Village of Margaretville for the Binnekil Bulkhead Repair and Improvements Project (the "Proposed Project"), which involves the rehabilitation and repair of the inlet to the Binnekil Creek along the East Branch Delaware River (EBDR) and improvements along the western bank of the EBDR. The Proposed Project will occur along the eastern portion of a 55-acre, undeveloped parcel on State Highway 30, known as Section-Block-Lot 284.-1-21, Town of Middletown, Delaware County, New York. The total funding amount for the proposed Project is anticipated to be \$892,770.00.

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

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 Renewal (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 Notice of a Proposed Project in a 100-Year Floodplain, Floodway, and Wetlands" was published by the Governor's Office of Storm Recovery on November 6, 2020, in the Mountain Eagle newspaper. Floodplain and wetland maps, and the 8-step decision making process completed under 24 CFR Part 55 have been prepared and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>. No comments were received.

The Proposed Project is entirely located within the floodplain and floodway of the EBDR. The Proposed Project will involve the disturbance of approximately 1.33 acres. The Proposed Project will involve the disturbance of approximately 1.33 acres in the floodplain and floodway and the disturbance of approximately 0.27 acres below the Ordinary High Water Mark of the Binnekil and EBDR. The proposed stream and floodplain improvements will aid in the mitigation of damage caused by

flooding from future storm events, as well as being a key component in the overall flood protection plan for the Village of Margaretville. Project implementation would be conditioned upon issuance of applicable federal and state permits. The Proposed Project would be constructed in accordance with federal and state permit requirements and their conditions.

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.

### **FINDING OF NO SIGNIFICANT IMPACT**

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the Proposed Project complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

**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@nyshcr.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, FONSI 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 February 8, 2021 at NYSCDBG\_DR\_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before February 8, 2021: 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 February 8, 2021 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 February 9, 2021, 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 Project is unsatisfactory from the standpoint of environmental quality.

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

James McAllister  
Certifying Officer  
January 22, 2021