



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**

**FIRE ISLAND NATIONAL SEASHORE – BURMA ROAD IMPROVEMENT PROJECT  
BURMA ROAD – EAST OF THE NPS RANGER STATION AND  
WEST OF THE HAMLET OF KISMET  
TOWN ISLIP, SUFFOLK COUNTY, NEW YORK**

**NOVEMBER 20, 2019**

**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.

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 \$1,122,706.00 in CDBG-DR funding to the Eastern Federal Lands Highway Division, the sub-recipient, for the Fire Island National Seashore – Burma Road Improvement Project (the "Proposed Activity"), which will improve the aggregate surface of Burma Road between the Fire Island National Seashore Lighthouse Checkpoint and Kimset, Town of Islip, Suffolk County, New York. The length of road that will be improved by the Proposed Activity is approximately 0.57 miles. Burma Road is the only east-west road between the Lighthouse Checkpoint and Kimset, a vital access route for emergency vehicles. In 2012, Hurricane Sandy substantially damaged Burma Road. Since then, minor repairs have helped keep the road in passable condition, but longer-lasting road improvement is needed. This Proposed Activity will strengthen the road bed with hard packed sand and an aggregate of sand and stone, established at an elevation and alignment that will resist flooding and erosion in the future. Other miscellaneous work such as ditch clearing, and signing will take place as part of this action. The Proposed Activity will take place within the footprint of the existing access route. Heavy equipment including trailer trucks, road graders, excavators, and payloaders will be used to complete the Proposed Activity. All work, including staging areas, will take place on previously disturbed areas of the access route. The Proposed Activity is estimated to have a total cost of \$1,122,706.00.

**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 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 public notice of proposed activity within the 100-year floodplain and wetlands was published by the Governor's Office of Storm Recovery on October 30, 2019, in the Sayville and South Bayshore editions of the South Bay's Neighbor newspaper. No comments were received.

The Proposed Activity will result in approximately 0.2 acres of temporary impacts and 1.8 acres of permanent impacts in the 100-year floodplain; and approximately zero temporary impacts and permanent impacts in wetlands. The proposed impacts are solely associated with improving an existing road surface to provide a roadway that is more resistant to flooding and erosion. The Proposed Activity will increase resilience by improving the condition of the only internal route for emergency travel between the Lighthouse Checkpoint and Kismet by making it more resilient to storm damage. The Proposed Activity would improve response time of emergency vehicles and address risk for the entirety of Fire Island west of the Old Inlet breach, which was one of three breaches caused by Superstorm Sandy and the only breach that was not filled in after the storm.

All applicable permits will be acquired before work is commenced. The funding recipient will be bound by any permit stipulations or mitigation measures listed in permits acquired 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 is available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, 25 Beaver Street, 5<sup>th</sup> Floor, New York, NY 10004. Contact: Lori A. Shirley (518) 474-0755. Public viewing of the Floodplain Management & Protection of Wetlands Determination Documents is available online at <http://stormrecovery.ny.gov/environmental-docs>.

Further information may be requested by writing to the above address, emailing 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 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 November 27, 2019 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 November 27, 2019: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. All comments must be received on or before 5pm on November 27, 2019 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 November 29, 2019, 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 Lori A. Shirley, in her 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 7<sup>th</sup> Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley  
Certifying Officer  
November 20, 2019