

Attachment 4

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

Clarkstown: Cranford Drive Drainage Improvements
EO 11990 Wetland Protection & EO 11988 Floodplain Management Determination
*Commercial & Economic Development Initiative within NY State Community Development Block
Grant Disaster Recovery Program*
January 5, 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.” The purpose of Executive Order (EO) 11990, Protection of Wetlands, is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This report contains the analysis prescribed by 24 CFR Part 55.

This project involves United States Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for redesigning the existing on-site drainage infrastructure, installing a new drainage system using green infrastructure practices, and streambed restoration, stabilization, and reinforcing within the Town of Clarkstown. The analysis that follows focuses on floodplain and wetland impacts, as there are direct wetland and floodplain impacts associated with this project. Based on the type of land use and facility and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain and wetland. The CDBG-DR funding is administered through the New York State Rising Community Reconstruction Program which is using bottom-up community participation and State-provided technical expertise to develop resilient and sustainable communities. Thus, alternatives preventing or impeding the development of resilient and sustainable communities are not considered reasonable alternatives.

Description of Proposed Action & Land Use

The proposed project is a stormwater management improvement and flood control measures project involving the modification of existing onsite drainage infrastructure and the installation of new drainage controls in order to maintain future 100-year flood levels within the stream channel. The redesign of the stream channel incorporates a multi-channel design including a normal low flow channel (thalweg), a bank full channel, and the floodplain channel. Backflow preventers will be installed at all drainage pipes out letting into the stream channel to prevent backflow from the channel flooding onto the roadway.

The project designs include rock cross-vein, weirs, and strategic boulder placement as low flow diversion devices which create diverse stream channel habitat. Stream bank stabilization and restoration will be realized with the placement of armored channel lining, brush matting, fiber rolls, boulders, and retaining walls. As the stream stabilization and restoration work is completed, habitat improvement including complete forestation along the stream banks will be implemented.

Approximately 2,150 linear feet of the Demarest Kill between Old Route 304 and Cranford Drive, will be realigned. There will be channel widening along 1,200 feet of the channel along Bush Court, and there will be 1,550 linear feet of alignment of its tributary measured upstream from its confluence with Demarest Kill. Project plans do not call for piped sections and do not involve alterations of the bridges at Old Route 304 or at Cranford Drive.

The project will entail approximately 7,470 cubic yards (CY) of material removal at the site. Approximately 18,841 CY of top-soil will be stripped and stockpiled, and 11,140 CY of that stockpile will be respread on the site. Excavated boulders and stone will be reused in the channels for stabilization,

and the excess soils will be disposed of at New York State Department of Conservation (NYSDEC) approved locations.

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 State Department of Environmental Conservation (NYSDEC), there will be direct construction within and immediately adjacent to mapped wetlands at the proposed project location. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on wetlands and floodplains.

According to 24 CFR §55, the activity planned to replace structures occurs in a community, Town of Clarkstown, that participates in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. This project involves the modification and realignment of the Demarest Kill, a tributary of the western branch of the Hackensack River. Because the project involves new construction in wetland, the full eight-step floodplain determination process in §55.20 is required. 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 - AE Zone). There is an established Base Flood Elevation (BFE) of approximately 105 to 115 feet across the proposed project area. This action requires 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 September 9, 2016 with the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" being published in Rockland Journal News newspaper, with the 15-day period expiring on September 26, 2016. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on September 9, 2016: Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); U.S. Fish and Wildlife Service; HUD; U.S. Army Corps of Engineers (USACE); NYSDEC; NYS Department of Transportation; and New York State Office of Emergency Management. The notice was also sent to Rockland County and the Town of Clarkstown. (See **Attachments 1** and **2** of this EO 11990 Wetlands Protection and EO 11988 Floodplain Management 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 New York State Rising Community Reconstruction Program is structured to provide eligible communities resources and expertise to build resilience to future flooding events. This community was impacted by Hurricane Irene and Superstorm Sandy, during which flooding occurred along Cranford

Drive. This flooding forced road closures in the area due to floodwaters overwhelming the existing culverts and bridges. Given the scope of the proposed action to redesign existing onsite drainage infrastructure, install new drainage systems using green infrastructure practices, and to implement streambed restoration, stabilization, and reinforcing, potential alternatives must be considered in order to try and mitigate the amount of damage from future flood events.

One potential alternative is to construct a detention basin along the southern tributary of Demarest Kill. This alternative was analyzed to determine the potential of reducing peak flood flows by constructing a detention basin upstream from the crossing of the Demarest Kill with NYS Route 304. The potential detention basin considered had spatial limitations both in lateral extent and in depth by the existence of residences surrounding the potential site. These limitations have a direct influence on the available storage capacity that could be achieved. The HEC-1 calculations were computed and the results of the analysis were compared. The analysis revealed that the 15-, 25-, 50- and 100-year flood flows could only be reduced by less than 12 percent. The corresponding drop in flood stages at the proposed project site were modelled to be minimal and, thus, it was determined that the detention basin alternative would be ineffective.

A second alternative is to relocate the stream. The Town of Clarkstown has stated that changing the location of the stream is not feasible and would be cost prohibitive, especially because residential homes would have to be bought out in order to create space for relocating the stream.

A third alternative involves the buyout of residential homes along Cranford Drive. The Town of Clarkstown has stated that purchasing the homes at approximately \$800,000 per dwelling would have a total cost in excess of \$12 million. This alternative is not financially feasible and would displace current residents from the community.

A fourth alternative involves raising residential structures two feet above the 100-year BFE. This alternative would cost in excess of \$200,000 per dwelling for a total cost of over \$6 million, in addition to any temporary relocation fees. This alternative is not financially feasible and would not alleviate flooding of residential yards or urban waste deposited into the stream from surrounding yards during flood events.

A fifth alternative involves a reduced version of the project scope. The amended design would reduce the footprint of the project by not realigning the southern tributary portion of the project. The design was submitted to the USACE for review in 2011. The reduced design was also shown to the residents in the project area to get feedback on which project they preferred. The Town stated, as part of the alternatives analysis presented, that the reduced version, although having less impact on the channel, does not provide the proper mitigation to the flooding problems in the area.

The No Action alternative was considered and rejected by the Town of Clarkstown. No action would provide zero benefit to the residents and the Town. Flooding conditions in the areas of Cranford Drive and Bush Court, Termakay Drive and the end of Cypress Street have historically caused damage to residences and blocked access for emergency vehicles. Major storm events are likely to continue to occur. Thus, flooding of low lying areas and residences during major storm events would continue to occur if no action were taken causing costly property damage and potentially fatalities.

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 proposed project area borders 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 project is designed to alleviate the impacts from future severe floods.

Living resources such as flora and fauna

A potential impact that may arise is that during construction there could be disturbance in the stream and the adjacent wetlands during the stream realignment and reinforcement. However, construction best management practices, including an erosion control plan and compliance with federal, state and local permits, will be implemented during the construction period and afterward landscape restoration will be implemented in order to return disturbed areas to forested and vegetated space. A qualitative evaluation suggests the potential for long-term impacts would be relatively small as the proposed work includes restoring the project area to pre-existing conditions after construction using native foliage and trees.

Impacts to Property & Lives

The action does present potential to impact occupancy of floodplain as the project involves the modification and realignment of the Demarest Kill, a tributary of the western branch of the Hackensack River. This work includes the modification of existing drainage infrastructure and installation of new drainage controls in order to contain future 100-year flood levels within the stream channel. As such, while this project is expected to affect the floodplain, it is projected that the project will limit flooding to surrounding properties within floodplain.

Occupancy of the floodplain in this suburban and undeveloped area has taken place over an extended recent history. According to Rockland County’s Multi-Jurisdictional Natural Hazard Mitigation Plan, 2010, the Town of Clarkstown has 11% of their land at high risk for frequent flooding (page 3a-55). Considering the context of the area, this action represents an activity in a developed area located partially within floodplain. Thus, funding this project/ activity does constitute indirect continued support of floodplain occupancy and development. However, the development is only for flood control measures and does not involve siting new commercial or residential infrastructure in floodplain.

The project involving the modification and realignment of the Demarest Kill sustains area property values and community character within a long settled district and neighborhood. It enables the continued functionality of the surrounding neighborhoods and roads, and without the proposed project, the surrounding communities would not have support in rehabilitating drainage and flood control infrastructure. If this project were not funded, there probably would be other undefined, undesirable indirect impacts to resident's quality of life, ease of accessibility to their homes, and access to emergency

services in the event they are needed.

Cultural resources such as archaeological, historic & recreational aspects

The project is located in an archaeologically sensitive landform. The New York State Historic Preservation Office (SHPO) recommended a Phase I Archaeological Survey for all portions of the project that would potentially involve ground disturbance, unless it could be proven prior ground disturbance had occurred. As such, a Phase I Archaeological and Geomorphological Survey was performed. Based on the results of the Phase I Archaeological and Geomorphological Survey, no archaeological resources were identified; therefore, no further archaeological survey work is recommended for the Clarkstown Cranford Drive Drainage Improvements project (Report dated September 26, 2016). On October 18, 2016, SHPO determined that this project will have no adverse effects to historic properties in or eligible for inclusion in the State or National Register of Historic Places.

Agricultural, aquacultural, & forestry resources

The Town of Clarkstown is the most densely populated town in Rockland County, and the hamlet of New City is the county seat. The hamlet of New City is primarily commercial and residential, though a few small farms still exist in the hamlet. It is possible that if there is a materials release from the proposed project, it could potentially affect natural resources including agricultural and forestry. While it is conceivable that during the short-term construction activities the disturbance could impact water quality, the impact attributable to this use could not be quantitatively derived. However, a qualitative analysis suggests that the impact would be relatively small, as no ground disturbance is proposed on the immediate river bank. Moreover, the project scope aims at reducing and/ or eliminating flooding of residential properties and preventing debris from residential properties from washing into the Demarest Kill.

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 freshwater Forested/ Shrub wetland and riverine wetland (USFWS). These wetlands are freshwater wetlands, but are not directly used for water supply. However, Demarest Kill is a tributary of the western branch of the Hackensack River that ultimately leads to the Lake DeForest reservoir. The project is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards. This is because while the proposed action includes reshaping and altering the existing wetland, it will not decrease the overall area of the wetland.

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 affect the natural systems/ wetlands at this waterway. The proposed work is for the modification and realignment of the Demarest Kill, a tributary of the western branch of the Hackensack River. The Town shall comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits for the project activities performed. As the work will not decrease the area of the existing wetlands, it is presumed that there will not be long-term adverse impacts on the existing flora/ fauna, habitat, natural hydrologic function, or natural resources at the location. Moreover, project plans call for re-vegetating stream banks once work is completed, and the design ensures that stream habitat will be diverse.

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. It does involve realigning the stream (wetland) channel. 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 area is a developed residential and commercial area that has abundant wooded acres, trees, lakes, and streams. Additionally, easy access is afforded to local public recreational access to the neighboring State Parks and Preserves and various other agricultural facilities such as farmers' markets and farms. According to the Outdoor Industry Association's two-page fact sheet New York The Outdoor Recreation Economy, outdoor recreation generates \$338 billion in consumer spending and 305,000 direct jobs within the State. Due to the developed nature of the area, demand could not simply shift to other areas located in out of 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 the scope to modify and realign the Demarest Kill and the proposed funding support, it is a direct policy requirement to specify standards that mitigate flood risk. There are mitigation measures in the form of significant landscaping proposed upon the completion of stream stabilization and restoration work, including the planting of: 674 new major (shade) trees; 156 minor (small) trees; 1,790 shrubs; and 4,010 ground cover plants. Additionally, stone weirs and rock cross-veins will be used to decrease water velocity and prevent erosion. These landscaping improvements will establish plant cover to limit erosion and provide habitat for local wildlife.

It is still reasonable to promote 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 the surrounding properties.

Step 6. Reevaluate the Alternatives and Proposed Action.

One potential alternative is to construct a detention basin along the southern tributary of Demarest Kill. This alternative was analyzed to determine the potential of reducing peak flood flows by constructing a detention basin upstream from the crossing of the Demarest Kill with NYS Route 304. The potential detention basin considered had spatial limitations both in lateral extent and in depth by the existence of residences surrounding the potential site. These limitations have a direct influence on the available storage capacity that could be achieved. The HEC-1 calculations were computed and the results of the analysis were compared. The analysis revealed that the 15-, 25-, 50- and 100-year flood flows could only be reduced by less than 12 percent. The corresponding drop in flood stages at the proposed project site were modelled to be minimal and, thus, it was determined that the detention basin alternative would be ineffective.

A second alternative is to relocate the stream. The Town of Clarkstown has stated that changing the location of the stream is not feasible and would be cost prohibitive, especially because residential homes would have to be bought out in order to create space for relocating the stream.

A third alternative involves the buyout of residential homes along Cranford Drive. The Town of Clarkstown has stated that purchasing the homes at approximately \$800,000 per dwelling would have a total cost in excess of \$12 million. This alternative is not financially feasible and would displace current residents from the community.

A fourth alternative involves raising residential structures two feet above the 100-year BFE. This alternative would cost in excess of \$200,000 per dwelling for a total cost of over \$6 million, in addition to any temporary relocation fees. This alternative is not financially feasible and would not alleviate flooding of residential yards or urban waste deposited into the stream from surrounding yards during flood events.

A fifth alternative involves a reduced version of the project scope. The amended design would reduce the footprint of the project by not realigning the southern tributary portion of the project. The design was submitted to the USACE for review in 2011. The reduced design was also shown to the residents in the project area to get feedback on which project they preferred. The Town stated, as part of the alternatives analysis presented, that the reduced version, although having less impact on the channel, does not provide the proper mitigation to the flooding problems in the area.

The No Action alternative was considered and rejected by the Town of Clarkstown. No action would provide zero benefit to the residents and the Town. Flooding conditions in the areas of Cranford Drive and Bush Court, Termakay Drive and the end of Cypress Street have historically caused damage to residences and blocked access for emergency vehicles. Major storm events are likely to continue to occur. Thus, flooding of low lying areas and residences during major storm events would continue to occur if no action were taken causing costly property damage and potentially fatalities.

Therefore, the alternatives examined are not considered desirable and the proposed action to fund the modification and realignment of the Demarest Kill is still practicable in light of exposure to flood hazards in floodplain, possible adverse impacts on floodplain and wetlands, the extent to which it may aggravate current hazards to other floodplains, and the potential to disrupt natural and beneficial functions and values of floodplains. Furthermore, the Town will have to abide by applicable state and local codes for floodplain development. As such, the impact on a floodplain would be less with the proposed project than with the No Action or rehabilitation 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 Cranford Drive Drainage Improvements project. The location within floodplain cannot be avoided due to the stream and drainage features being within floodplain and wetland. However, not funding any actions would mean that this community would struggle to recover, and would be limited in its options to improve resilience to future storm events.

A final notice, formally known as “Notice of Policy Determination” was published in accordance with 24 CFR 55, for a 15-day comment period. (See **Attachment 3** of this EO 11990 Wetlands Protection and EO 11988 Floodplain Management Determination for the letter distributed to the associated agencies. **Attachment 4** will be appended with the associated newspaper notice affidavit). The 7-day comment period started with the Final Notice publishing in the Rockland Journal News newspaper on January 5, 2017 and the 15-day period expires January 20, 2017.

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 in floodplains. It is acknowledged there is a continuing responsibility by the responsible entity, New York State Housing Trust Fund/ Division of Homes and Community Renewal, to ensure, to the extent feasible and necessary, compliance with Steps 5 through 7.

Attachment 1

Notice of Early Public Review Wetlands Protection (EO 11990) & Floodplain Management (EO 11988) Determination

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

**CRANFORD DRIVE DRAINAGE IMPROVEMENTS
OLD ROUTE 304 BRIDGE AND SOUTH 4,650 LINEAR FEET DOWN THE
DEMAREST KILL
ROCKLAND COUNTY, NEW YORK**

September 9, 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 Town of Clarkstown to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the NY Rising Community Reconstruction Program to implement the Cranford Drive Drainage Improvements 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, including alternative locations outside of the Floodplain and Wetland. 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 CDBG-DR program for storm recovery activities in New York State.

The Proposed Activity is needed to address repetitive intense flooding along Cranford Drive. During Hurricane Irene and Superstorm Sandy, the Demarest Kill rose about its banks and flowed into its floodplains throughout the residential area of Clarkstown. Intense flooding along Cranford Drive forced road closures in the area due to floodwaters overwhelming culverts and bridges. This proposed action will alleviate 100-year flooding in and around the houses and streets which are currently located within the flood prone areas and allow unrestricted emergency access to the area. The main objective is to protect the health, safety and welfare of the public in and around the surrounding area.

The Proposed Activity entails modification of existing onsite drainage infrastructure and the installation of new drainage controls in order to contain future 100-year flood levels within the stream channel. The work will be performed in six phases to reduce the potential for erosion. Phase 1 will begin at the Old Route 304 bridge, and the subsequent phases will move south down the Demarest Kill. Approximately 4,650 linear feet of the bed and banks of the Demarest Kill, located south of Old Route 304 and running approximately parallel to Cranford Drive, will be realigned and reinforced. The redesign of the stream channel incorporates a multi-channel design including a normal low flow channel (thalweg), a bank full channel, and the floodplain channel. Backflow preventers will be installed at all drainage pipes out letting into the stream channel to prevent backflow from the channel flooding onto the roadway.

The Proposed Activity will result in temporary and permanent impacts to approximately 18 acres of 100-Year Floodplain and approximately 10 acres of NWI-mapped wetlands. These impacts will consist of modification and realignment of the Demarest Kill, a tributary of the western branch of the Hackensack River. This work includes modification of existing onsite drainage infrastructure and the installation of new drainage controls in order to contain future 100-year flood levels within the stream channel. As the stream stabilization and restoration work is completed, habitat improvements including trees, shrubs, and ground-cover plants will be planted along the stream banks to replace the removed trees, shrubs, and grasses.

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 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@nysshr.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 September 26, 2016 will be considered. 1561693

Attachment 2

Notice of Early Public Review Affidavit Wetlands Protection (EO 11990) & Floodplain Management (EO 11988) Determination



AFFIDAVIT OF PUBLICATION FROM

State of New York County of Westchester, ss.:

CECILIA FERNANDEZ

being duly sworn says that he/she is the principal clerk of THE JOURNAL

NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone: Rockland

Run Dates: 09/09/16

Handwritten signature of Cecilia Fernandez

Signature

Sworn to before me, this 14th day of September 2016

Handwritten signature of Vilma Avelar

Notary Signature

Vilma Avelar Notary Public State of New York NO. 01AV6318411 Qualified In Westchester County Commission Expires January 26, 2019

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Harisdele, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thomwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Gamerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Pleasant, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, TrielIs, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0001561693

Attachment 3

Final Notice

Wetlands Protection (EO 11990) & Floodplain Management (EO 11988) Determination



ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

PUBLIC NOTICE
**COMBINED FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND,
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI),
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF)**

CRANFORD DRIVE DRAINAGE IMPROVEMENTS

January 5, 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 combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland 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 to modify and realign the Demarest Kill, including modification of the onsite drainage infrastructure and the installation of new drainage controls. These project activities will be performed in six phases to reduce the potential for erosion, beginning at the Old Route 304 bridge, and the subsequent phases will move south down the Demarest Kill and on the tributary traveling west under Cranford Drive ("Proposed Project"). This Proposed Project is estimated to have a total cost of \$3,500,000.00, with approximately \$2,500,000.00 being provided by CDBG-CR and the remaining \$1,000,000.00 to be provided by Rockland County.

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

This work will be located in 100-year floodplain (SHFA Zone AE) and within Federal wetlands. Approximately 10 acres of wetlands will be disturbed, and approximately 18 acres of floodway and floodplain will be disturbed during construction. Since the action will include new construction in wetland and floodplain, 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.

Applicable permits from the New York State Department of Environmental Conservation and the United States Army Corps of Engineers will be acquired before work is commenced. The Applicant will be bound by any permit stipulations or mitigation measures listed in permits acquired for this project. Additionally, ground disturbance will be minimized by placing fabric down in areas where temporary roads will be installed.

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.

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 project identified herein 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 EA and Floodplain Management Documents 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 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, FONSI and/or NOIRROF: 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 January

20, 2017 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 January 20, 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 5:00 pm on January 20, 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.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about January 23, 2017, 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 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 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley
Certifying Officer
January 5, 2017