



PUBLIC NOTICE

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

**GORGE CREEK CULVERT REPAIR AND STORMWATER AND DRAINAGE INFRASTRUCTURE
IMPROVEMENTS,
VILLAGE OF MIDDLEBURGH, SCHOHARIE COUNTY, NEW YORK**

October 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.

Per 24 CFR Section 58.33, this combined Notice of Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI/NOIRROF) and Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain and Wetlands satisfies three separate procedural requirements for program activities proposed to be undertaken. The comment periods for the FONSI/NOIRROF and Final Notice of Public Review of a Proposed Activity in a 100-Year Floodplain and Wetlands have been combined.

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 \$3,000,000 in CDBG-DR funding to the Gorge Creek Culvert Repair and Stormwater and Drainage Infrastructure Improvements Project (Project), which entails construction of a box culvert and a sedimentation basin upstream of the box culverts, storm water drainage improvements along Gorge Creek, and expansion of the Gorge Creek floodplain. These improvements would benefit the community and environment by reducing the probability of flooding along the creek and decrease the flow velocity of the creek in the increased floodplain area. The new box culvert would supplement two existing under-sized culverts. The new box culvert would cross under NYS Route 145 to Clauverwie Road, continue under Clauverwie Road for approximately 320 feet, proceed underground on the west side of Clauverwie Road and south of the Middleburgh Junior/Senior High School, and discharge to Gorge Creek approximately 175 feet south of the school. Approximately 140 linear feet of gabion baskets would be installed along the west side of Gorge Creek, between the creek and the school ball fields, to protect the ball fields from increased flow in Gorge Creek during storm events.

The box culverts would be complemented by expansion of the Gorge Creek floodplain. Grading of the floodplain expansion and the sedimentation pond would require removal of approximately 15,430 cubic yards of fill, which would be incorporated into grading of the site outside the existing and proposed floodplain. Approximately 300 linear feet of the deepest part of the stream channel would be shifted approximately 20 to 25 feet south. The floodplain expansion and sedimentation basin are intended to reduce stream flow velocity during storm events and provide a location for sediment and debris to settle. This portion of the Project would minimize the accumulation of sediment and associated reduction in the flow capacity in the proposed box culvert.

Provided sufficient funding is available, a new or improved storm sewer system would be constructed on all or a portion of the following streets: Railroad Avenue, Grove Street, Main Street (NYS Route 145) and Baker Avenue. The system would discharge to the Schoharie Creek on the west side of Dexter Avenue. The Project is not expected to result in a change in land use but is expected require land acquisition. The Project would involve construction in existing roadways, as well as extensive earthwork to create a sedimentation pond/floodplain and would disturb approximately 13.2 acres.

The Project is needed to address the risk of localized flooding and increase access to emergency shelter when future storm events occur in the Village of Middleburgh. The Village of Middleburgh was heavily impacted by flood waters during Hurricane Irene and Tropical Storm Lee, as Gorge Creek overflowed its banks and overwhelmed the existing stormwater system. Gorge Creek runs under the Middleburgh High School through two culverts that cannot handle the volume of stormwater and debris during major storms.

FINAL NOTIFICATION OF ACTIVITIES IN A 100-YEAR FLOODPLAIN AND WETLANDS

This is to give notice that GOSR has conducted an evaluation as required by Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55) Subpart C - Procedures for Making Determinations on Floodplain Management and Protection of Wetlands, to determine the potential effects that its activity in a 100-year floodplain and wetlands would have on the human and natural environment. The Project would result in permanent impacts to 4.94 acres of a 100-year floodplain and 1.45 acres of a 500-year floodplain. Approximately 1.39 acres of the Project area within the 100-year floodplain are also within a floodway, which includes the channel of the stream plus any adjacent floodplain areas that must be kept free of encroachments so that a one percent annual chance flood (100-year flood) can be accommodated without substantial increases in flood height. Approximately 3.54 acres of the area for the proposed floodplain expansion area and sedimentation basin are within the 100-year floodplain, and implementing the floodplain expansion and sedimentation basin would result in a beneficial increase for a new total of 4.47 acres. Approximately 0.93 acres of the floodplain expansion area and the sedimentation basin area are within the 500-year floodplain, and with the Project, this would be reduced to about 0.64 acres within the 500-year floodplain.

The Project would result in temporary impacts to approximately 0.22 acres of National Wetlands Inventory (NWI)-mapped wetlands. The affected wetland areas are classified by the NWI as riverine and lie within the stream channel of Gorge Creek.

There would be long-term direct impacts to the stream channel and wetland in the area of the proposed sedimentation basin. The stream channel would be shifted to the south. Following alteration of the stream channel, it would continue to function as a riverine area.

Implementation of the Project will include obtaining a US Army Corps of Engineers Permit under Section 404 of the Clean Water Act and an NYSDEC Water Quality Certification permit, indicating that the Project will not violate water quality standards, in accordance with Section 401 of the Clean Water Act. These permits could place additional design modifications or mitigation requirements on the Project. A local floodplain development permit would be obtained prior to construction activities.

A summary of the 8-step floodplain and wetland analysis, documenting compliance with Executive Order 11990, has been prepared for this Project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>. There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Project, including alternative locations outside of the floodplain and wetlands. 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.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the 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 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 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 is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, HCR, 38-40 State Street, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information or a copy of the EA 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 the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on FONSI, NOIRROF, and Activity in a 100-Year Floodplain and Wetlands: Any individual, group or agency may submit written comments on the Project. Comments should be submitted via email, in the proper format, on or before October 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 October 20, 2017: Governor’s Office of Storm Recovery, HCR, 38-40 State Street, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5pm on October 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 October 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.

Environmental Certification: 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.

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
October 5, 2017