



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 ACTIVITY IN A WETLAND**

**Rebuild by Design: Living with the Bay
Hempstead Lake State Park Project**

December 13, 2019

This provides notice that the State of New York, as the “Responsible Entity,” as that term is defined by 24 CFR 58.2(a)(7)(i), has completed and made available for public review and comment an Environmental Assessment (EA) that evaluates proposals for improving and enhancing the resilience of Hempstead Lake State Park and its infrastructure and help to avoid or minimize adverse impacts to the quality of the human environment. The State of New York is the Grantee of Community Development Disaster Recovery (CDBG-DR) funds appropriated by the Disaster Relief Appropriations Act, 2013 (Pub. L. 113-2, approved January 29, 2013) related to disaster relief, long-term recover, restoration of infrastructure and housing, and economic revitalization in the most impacts and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act) in calendar years 2011, 2012, and 2013. The Governor’s Office of Storm Recovery (GOSR) implements the State’s obligations under the National Environmental Policy Act (NEPA) through duly authorized Certifying Officers. GOSR was formed under the auspices of the New York State Homes and Community Renewal’s Housing Trust Fund Corporation (HTFC), a public benefit corporation and subsidiary of the New York State Housing Finance Agency, 99 Washington Avenue, Suite 1224, Albany, New York 12260.

Certifying Officer: Matt Accardi, Associate General Counsel, New York State Governor’s Office of Storm Recovery, 25 Beaver Street, Fifth Floor, New York, New York 10004.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) and Final Notice and Public Review of a Proposed Activity in a Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: GOSR proposes to provide \$35,000,000.00 in CDBG-DR funding to New York State Parks, Recreation and Historic Preservation for the Hempstead Lake State Park Project (the “Proposed Project”) located in Hempstead, Nassau County, New York. The Proposed Project would occur in the Town of Hempstead, on public lands managed by the State of New York Office of Parks, Recreation, and Historic Preservation (OPRHP). The Proposed Project consists of four (4) components intended to improve stormwater management, enhance natural ecosystems by improving water quality, provide connectivity among diverse populations, enhance safety, and promote education programs at the Park. The Proposed Activity components are as follows:

- Repair and replacement of dams, restoration of gatehouses, and installation of bridges;
- Installation of floatables and sediment controls within Northern Ponds;
- Establishment of environmental education and resiliency center; and
- Greenway alignment and improvements to trails, gateways, and waterfront access.

Persons desiring to be heard on environmental issues will be afforded the opportunity to be heard.

FINAL NOTICE OF A PROPOSED ACTIVITY IN A WETLAND

This is to give notice that GOSR is conducting an evaluation as required by Executive Orders 11988 and 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 and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human and natural environment. The Proposed Activity is anticipated to disturb approximately 2.36 acres of National Wetland Inventory and/or New York State Department of Environmental Conservation (DEC)-mapped 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.

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 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 wetlands, it must inform those who may be put at greater or continued risk.

A Protection of Wetlands Plan (8-step process) documenting compliance with Executive Order 11988 and 11990, as well as wetlands maps based on the National Wetland Inventory and NYSDEC data, have been prepared for this project and are available for review at <http://www.stormrecovery.ny.gov/environmental-docs>. The Protection of Wetlands Plan is also included as part of the Environmental Assessment prepared for the project, as detailed below.

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 is available online at <http://www.stormrecovery.ny.gov/environmental-docs> and is also available in person at the following locations:

- Governor's Office of Storm Recovery: 25 Beaver Street, Fifth Floor, New York, New York 10004.
Contact: (212) 480-6265; Mon.-Fri. 9:00am-5:00pm
- Hempstead Public Library, 115 Nichols Court, Hempstead, New York 11550.
Contact: (516) 481-6990; Mon.-Thurs. 10:00am-9:00pm; Fri. 10am-6pm; Sat. 9am-5pm.
- Rockville Centre Public Library, 221 N. Village Avenue, Rockville Centre, New York 11570.

Contact: (516) 766-6257; Mon., Wed. & Thurs. 9:00am-9:00pm; Tues, 10:00am-9:00pm; Fri. 9:00am-6:00pm; Sat. 9:00am-5:00pm; Sun. 1:00pm-5:00pm.

- Lynbrook Public Library, 56 Eldert Street, Lynbrook, New York 11563.
Contact: (516) 599-8630; Mon., Wed. & Thurs. 10:00am-9:00pm; Tues. 1pm-9pm; Fri. 10am-5pm; Sat. 9am-1pm.
- East Rockaway Public Library, 477 Atlantic Avenues, East Rockaway, New York 11518.
Contact: (516) 599-1664; Mon.-Thurs. 10:00am-8:00pm; Fri. 10am-6pm; Sat. 10am-5pm; Sun. 1:00pm-5:00pm.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshr.org or by calling (212) 480-6265. 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 FONSI and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed 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 13, 2020, at NYSCDBG_DR_ER@nyshr.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 13, 2020: Governor’s Office of Storm Recovery, 25 Beaver Street, Fifth Floor, New York, New York 10004. All comments must be received on or before 5pm on January 13, 2020, 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 14, 2020, 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 Matt Accardi, 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 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.