



PUBLIC NOTICE

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

**TOWN OF ROSENDALE
JAMES STREET FLOOD CONTROL**

OCTOBER 20, 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 and 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 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 the James Street Flood Control Project, which is a stormwater management improvement project located on James Street between John Street and Route 32 and along and within Rondout Creek, Town of Rosendale, Ulster County, New York 12472 (the "Proposed Project"). The Town of Rosendale proposes to replace an existing culvert beneath James Street with a 60-inch high-density polyethylene (HDPE) pipe culvert and a retaining wall built on the north side of James Street at the outfall location into Rondout Creek. A catch basin and storm manhole will be installed on the western side of the Parkcrest Drive and James Street intersection, and a new 36-inch HDPE pipe will replace the existing 36-inch pipe running under Parkcrest Drive. Four additional catch basins are proposed to be built along James Street, west of Parkcrest Drive. The proposed construction includes flattening the south bank slope with a buttress toe for slope stability on the south bank of the Rondout Creek. Additionally, Rondout Creek's southern bank will be armored with riprap at the western edge of the existing riprap and extend 600 feet upstream. A point bar along the northern bank of Rondout Creek will be removed, which will restore the original Rondout Creek flood control creek bottom to 39.5 feet, which is the original Rondout Creek flood control creek bottom elevation. The Town also proposes to construct guide rails along James Street, as well as a 5-foot asphalt pedestrian walkway that will run parallel to the north side of James Street extending approximately 330 feet west of Parkcrest Drive to the intersection of James Street and Route 32. This Proposed Project is estimated to have a total cost of \$600,000.00 to be provided by CDBG-DR.

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), floodway and within federal wetlands. Approximately two acres of 100-year floodplain and wetlands will be disturbed during construction. Since the action will include new construction in a floodplain and a wetland, 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, the United States Army Corps of Engineers, and local

jurisdiction 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, 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 & Protection of Wetlands Determination Documents are 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, 99 Washington Avenue, Suite 1224, Albany, New York 12260. 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 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 November 6, 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 November 6, 2017: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. 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 November 6, 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 November 7, 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
October 20, 2017