

**STATE ENVIRONMENTAL QUALITY REVIEW ACT
DETERMINATION OF NON-SIGNIFICANCE (NEGATIVE DECLARATION)**

LIVING WITH THE BAY STORMWATER PROJECT

DATE: September 15, 2020

NAME OF ACTION: Living with the Bay Stormwater Project

LOCATION: Village of East Rockaway, Rockville Centre, and Lynbrook; Town of Hempstead, Nassau County, New York

SEQRA CLASSIFICATION: Type I (*ENB Required*); Unlisted
REVIEW TYPE: Coordinated; Uncoordinated
DETERMINATION OF SIGNIFICANCE: Negative Declaration; Positive Declaration

On behalf of the Grantee of the State of New York, the Governor's Office of Storm Recovery (GOSR), acting under the auspices of the New York State Homes and Community Renewal's Housing Trust Fund Corporation (HTFC), acting under the authority of the HUD regulations at 24 Code of Federal Regulations (CFR) § 58, and in cooperation with other involved, cooperating, and interested agencies, has analyzed potential impacts of the proposed Living with the Bay Stormwater Project, which is a component of the larger Living with the Bay (LWTB) Project and Resiliency Strategy.

The LWTB Project and Resiliency Strategy are configured such that projects could advance independently, subject to availability of funding. As the timelines for project development and construction vary, each project would consider the cumulative environmental impacts of the previous project(s). Because of the variety and geographic separation of the projects proposed by the LWTB Project and Resiliency Strategy, GOSR determined that a permissibly separate environmental review process for the Living with the Bay Stormwater Project would best inform decision makers and the public of potential environmental impacts presented by the proposed project.

PROPOSED PROJECT

The LWTB Stormwater Project area comprises the five components described below, located adjacent to the Mill River and Hewlett Harbor. See **Figures 1** and **2** for the location of these five components. All figures referenced in this document are contained in **Attachment 1**.

The lettered appendices referenced herein are associated with the LWTB Stormwater Project Environmental Assessment, which is available online at <http://www.stormrecovery.ny.gov/environmental-docs>. Detailed design drawings for each component are included in **Appendix A**, and vegetation and planting plans for each component are included in **Appendix B**.

Smith Pond Rehabilitation

Smith Pond is a 22-acre freshwater pond located along the Mill River north of Sunrise Highway in the Village of Rockville Centre. Existing conditions are shown in **Figure 3**, and the proposed improvements are shown in **Figure 4**, which would consist of the following:

- Floodwall and Floodgate. Installation and construction of vinyl sheet pile floodwalls with a timber cap along Merrick Road, and along Claude and Nassau Streets, to prevent off-site flooding. A 35-foot-wide passive floodgate would be incorporated into the wall at the southern parking lot on Nassau Street.
- Weir Enhancements and Access Road. The deteriorated timber sheeting and wall on the downstream face of the weir would receive a new concrete-block face. The adjacent timber bulkheads and piles would be removed and replaced with a new concrete bulkhead that would be tied into the weir and receiving-channel concrete slab. The receiving concrete slab would also be repaired. Along the access road to the weir from Merrick Road, 15-foot-wide compacted dense graded aggregate would be placed with a 2-percent cross slope for drainage.
- Fish Ladder. This pool and chute fish ladder operate at a range of streamflows that occur during the spring at Smith Pond. Each pool would be 6-feet-long by 6-feet-wide with a minimum depth of 2.5-feet and a drop per pool of 0.5-feet.
- Porous Pavement. The surfaces of the existing parking lots would be stripped and replaced with porous pavement systems designed to manage the 10-year storm event and would be pitched toward Smith Pond so events that exceed the 10-year storm capacity of the porous pavement system would drain toward the pond
- Inlet Headwall and Wing Walls. Structural repair of the northeast culvert head wall and wing walls would include tuck-pointing all exposed mortar joints, stone repair, replacement of the deteriorated wall cap, stone cleaning all surfaces, and final cleaning.
- Invasive Vegetation Removal. Upland/wetland invasive vegetation removal would occur along the north, east, and west shorelines of Smith Pond, with supplemental plantings of native species.
- Greenway and Pedestrian Outlook Enhancements. A new 6-foot-wide greenway would be constructed using the alignments of existing pathways. The northern overlook at the northeast outfall and the new southern overlook at the weir would both be connected to the greenway. Electrical conduits and wiring would be installed along the proposed greenway for low-level bollard lighting.

Lister Park Improvements

South of Smith Pond, just north of East Rockaway High School, is Lister Park. Existing conditions are shown in **Figure 5** and **6**. The Lister Park project would include the proposed improvements:

- Tighe Field. Construction of a bioretention basin and introduction of vegetation at the northwest corner of the Tighe Field parking lot; improvement of the parking lot and walkways by removing the curb on the north and west sides of the parking lot and replacing it with pre-cast concrete bumpers and a new 4-foot sidewalk with an Americans with Disabilities Act (ADA)-compliant curb and detectable warning surface from the parking lot; and installation of a drainage system leading to the bioretention basin. See **Figure 7**.
- Centennial Field. Construction of a bioretention basin, drainage improvements, and introduction of vegetation immediately north of the Centennial Field parking lot; a full-depth pavement reclamation of the parking lot, and restoration of connecting routes and signage. See **Figure 8**.

- Bligh Field. Construction of a 670-linear-foot, 10-foot wide porous, asphalt greenway adjacent to the river, with drainage relief pipes installed at low points; installation and rehabilitation of four crosswalks; removal of the sidewalk on the southern side of South Park Avenue, between Oceanview and Riverside Roads, and the curb along South Park Avenue; installation of a knee wall; on the opposite side of Riverside Road, installation of a concrete sidewalk; a full-depth pavement reclamation process of the parking lot to install porous asphalt; construction of an earthen berm along the western side of Bligh Field; construction of an access ramp to the existing Mill River overlook on the east side of parking lot, and the replacement of the existing overlook. See **Figure 9**.
- Living Shoreline. Installation of a living shoreline and bank stabilization along the Mill River, adjacent to Tighe, Centennial, and Bligh Fields. The area of work for the living shoreline, as well as other improvements at the fields, is shown in **Figure 10**.

East Rockaway High School Improvements

Located along the west bank of the Mill River, between Centre Avenue and Pearl Street, the existing conditions for the East Rockaway High School (ERHS) component are shown in **Figure 11**. The project would involve the following proposed improvements, as shown in **Figure 12**:

- Bulkhead and Shoreline Improvements. The existing bulkhead would be elevated by 2 feet above the current grade, and approximately 705 linear feet of proposed bulkhead would be built landward of the mean high-water line along the eastern side of the existing athletic field. A 3-foot-wide French drain with a 12-inch perforated high-density polyethylene pipe is proposed on the eastern side of the sports field. This drain would provide a future connection point for discharge into the Mill River for the proposed turf field underdrainage system that the School District would design and construct. The eastern side of the sports field would be preserved and maintained. The existing shipping container, shed, bleachers, and score board would be relocated. At two locations, additional piping would connect the perforated high-density polyethylene pipe invert to the bulkhead, and two backflow preventers would be installed at those locations.
- Green Infrastructure and Emergency Generator. A rain garden and a hydrodynamic separator would be installed by the faculty parking lot. An emergency generator would be installed between the school building.
- Parking Lot Enhancements. The entire parking lot would be replaced with new pavement, graded to direct stormwater runoff to the proposed green infrastructure to the east.

East, West, and North Boulevards Stormwater Drainage Improvements

This component is situated in Bay Park, a hamlet in the southwestern portion of the Town of Hempstead. It is bordered by Hewlett and Hewlett Harbor to the west, East Rockaway to the north, Oceanside to the east, and Hewlett Bay to the south. Existing conditions are shown in **Figure 13**. Proposed stormwater improvements are shown in **Figure 14** and would include:

- Stormwater structures. installation of conventional storm sewer structures, such as catch basins, storm drainpipes, and manholes. The proposed improvements would also include the installation of in-line check valves to prevent water backflow from Grand Canal and Higbie Creek into the storm sewer.
- Bioretention basins. To increase resiliency, two bioretention basins would be installed at the ends of West Evans Street and Court Street West. Each basin would be approximately 3,200 square feet in size. The basins are expected to improve the quality of stormwater runoff by allowing the water to percolate through the system where it is treated. The slowed, cleaned water would then infiltrate the soils, groundwater, or nearby waterways.

- Roadway enhancements. Minor roadway enhancements would be performed at the East, North, and West Boulevards, including the installation of gutters and curbs. Roadways would be milled and paved in all work areas. Driveways and areas adjacent to the roadways would be replaced and reseeded, respectively.

Mill River Greenway

The proposed greenway would span across multiple communities, including the Villages of Hempstead, Rockville Centre, Lynbrook, and East Rockaway, and the Town of Hempstead. See **Figure 15**. As it connects through these communities, the greenway would connect to several waterbodies along the Mill River, including Smith Pond, South Pond, McDonald Pond, and Hempstead Lake. The continuous greenway would extend approximately 5.1 miles from Hempstead Lake State Park and Tanglewood Preserve south to Bay Park and Hewlett Bay. The multiuse path would vary in width and, where practical, would typically include 10-foot-wide permeable pavement with water storage and infiltration. Example locations where the greenway would be implemented are shown in **Figure 16**.

PURPOSE AND NEED

The purpose of the LWTB Stormwater Project is to increase community resilience by mitigating local risks from flooding, while incorporating environmental benefits such as water quality improvements, ecological restoration, erosion control, and recreational opportunities. The project components were selected based on practical considerations, including their relative hydraulic connection to the Mill River and to one another and their relative demonstration of beneficial effects. Other considerations included project timelines (i.e., whether they could be accomplished within the grant funding time constraints) and property ownership/control for project implementation.

The project is needed to address flooding caused by rainfall, improve habitat and water quality, mitigate shoreline erosion, ease public access to the waterfront and recreational facilities, increase community connectivity, and educate the public on stormwater and environmental management throughout the communities in Nassau County, New York. Flooding of the project area and/or adjacent roads and properties commonly occurs at the Smith Pond; Lister Park; ERHS; and East, West, and North Boulevards components, whether in heavy storms or due to normal rainfall. Flooding of these components is due to the lack of proper drainage infrastructure. At the Smith Pond component, the habitat and the community's access to the waterfront and pond suffer because of the overgrown aquatic plants and areas of vegetation containing invasive, non-native species. The existing paths in the Smith Pond component are narrow and overgrown, limiting passage and access to the public, especially during the summer months. Fish are also unable to pass the weir located at Smith Pond, impeding river herring that historically traveled northward up the Mill River to spawn. Water quality throughout the project area and the Mill River suffers due to untreated and uncontrolled runoff from parking lots (including those at ERHS and Lister Park), erosion of the shoreline, and debris and sediment from inadequate drainage infrastructure (such as at East/West/North Boulevards). Additionally, flooding and overgrown vegetation restrict the public's access and connectivity throughout the Mill River area; sidewalks and crosswalks in the area are obstructed or do not possess appropriate safety measures, such as ADA-compliant walkways or striping at crosswalks.

EXISTING CONDITIONS

Land Use

The current land use of the proposed project area is recreational (Smith Pond and Lister Park), institutional (ERHS), and low-density residential (East/West/North Boulevards). Surrounding the proposed Mill River Greenway, land uses are a mix of high and low-density residential, commercial, educational, recreational, and public. Land uses adjacent are a mix of high-density residential, low-density residential, commercial, park/recreational, transportation, public and institutional (religious).

Floodplain Management

Federal Emergency Management Agency (FEMA) flood data for the project area are depicted on **Figure 17**. Flood zones and BFE, if available, for each component are listed below. BFE indicates the water surface elevation resulting from a flood that has a 1-percent chance of occurring in any given year. The floodplain for each LWTB project component is noted in **Table 1**. FEMA Flood Insurance Rate Maps can be found in **Appendix C**.

Table 1: Federal Emergency Management Agency-Designated Floodplains

LWTB Stormwater Project Component	FEMA Designated Floodplain	FEMA Flood Insurance Rate Map Number
Smith Pond Rehabilitation	Zone A, Zone X	36059C0216G & 36059C0217G

Lister Park Improvements	Zone AE (BFE 9 feet), Zone X, & 0.2% annual chance flood hazard zone	36059C0216G, 36059C0217G, 36059C0218G, 36059C0219G
East Rockaway High School	Zone AE (BFE 10 feet), Zone X	36059C0218G & 36059C0219G
East, West, and North Boulevards Stormwater Drainage Improvements	Zone AE (BFE 9 feet)	36059C0218G
Mill River Greenway	Zone X, Zone AE (BFE 9-10 feet) & 0.2% annual chance flood hazard zone.	36059C0210G, 36059C0216G, 36059C0217G, 36059C0218G, 36059C0219G

Source: FEMA 2020 (References and other sources are listed in **Attachment 2**).

Coastal Zone Management and Coastal Barriers

Figure 18 depicts the coastal zone boundary, and **Figure 19** depicts the Coastal Barrier Resource System, in or near the LWTB Stormwater Project area. See **Appendix I** for the Coastal Zone Management Act consultation.

The Lister Park, ERHS, Boulevards, and Mill River Greenway components are located within the coastal zone boundaries of New York State. None of the components are located within a coastal barrier resource system.

Cultural and Ecological Resources

Cultural Resources

The Area of Potential Effect for cultural resources comprises the five project locations as shown in **Figure 2**. The locations of new ground disturbance among the five project components is shown in **Figure 20**.

No archaeological sites are located within the project area. Archaeologists have recorded one archaeological site within a 1-mile radius of the project area. In the Cultural Resource Information System, the Smith’s Pond Pump Station Site (A059-47-004), a ca. 1870 emergency pump station, is mapped adjacent to the project area. No historic structures are located within the project area, although there are several properties listed on the National Register of Historic Places (NRHP) within 1 mile of the project area.

Ecological Resources

Wetlands

Wetlands in the project area are described below for each component. Wetlands mapped by U.S. Fish Wildlife Service (USFWS) National Wetlands Inventory (NWI) are depicted on **Figure 21**. NWI wetlands are classified based on *The Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979). New York State Department of Environmental Conservation (NYSDEC) freshwater and tidal wetlands are depicted on **Figure 22**. Completed wetland delineation reports are found in **Appendix D**.

Smith Pond Rehabilitation Component

NWI maps lake, riverine, and freshwater pond wetlands within the site. Smith Pond is designated as lacustrine, limnetic, unconsolidated bottom, permanently flooded, diked/impounded (L1UBHh). Portions of the Mill River at the inlets and outlet of Smith Pond are classified as riverine, lower perennial, unconsolidated bottom, permanently flooded (R2UBH). A freshwater pond classified as palustrine,

unconsolidated bottom, permanently flooded, excavated (PUBHx) is mapped in the northeast corner of the site.

NYSDEC regulates Smith Pond as a freshwater wetland. The wetland identification number assigned to Smith Pond site is L-3, and it is classified as a Class I wetland.

Tetra Tech delineated approximately 29.6 acres of freshwater wetlands and 300 linear feet of ephemeral stream within the site in 2017 (see **Appendix D**). The delineated wetlands include approximately 25.9 acres of lacustrine wetlands and 3.7 acres of palustrine wetlands. Scrub shrub dominated fringe wetlands are present along the eastern shore of Smith Pond, while forested/scrub shrub wetlands are more prevalent along the western shore. Fringe wetlands surround most of the smaller eastern island but only occur along the northern shore of the larger western island. The fringe wetlands are approximately 6-feet wide; however, a wider (approximately 200-foot wide) palustrine forested/scrub shrub/emergent community is present in the northwestern corner of Smith Pond.

Lister Park Improvements Component

NWI maps the Mill River within the confines of the site as estuarine, subtidal, unconsolidated bottom with a subtidal water regime (E1UBL). Two palustrine, scrub-shrub, broad-leaved deciduous (PSS) wetlands with a seasonally flooded water regime are mapped contiguous to the eastern and western sides of the river in the central portion of the site. A riverine, lower perennial, unconsolidated bottom with a permanently flooded water regime (R2UBH) wetland is mapped in the northern portion of the site, and a small segment of riverine, unknown perennial, unconsolidated bottom with a permanently flooded water regime (R5UBH) wetland is mapped contiguous to the western edge of the mapped estuarine wetland at the South Park Avenue bridge.

NYSDEC maps the extent of the Mill River within the site as littoral zone, with a small freshwater marsh mapped along the shoreline at the southern extent.

Tetra Tech delineated the wetlands within the site in 2017 (see **Appendix D**). The boundary of one estuarine wetland comprising littoral zone, intertidal marsh, and high marsh, was delineated along the shoreline of the Mill River.

East Rockaway High School Component

The site does not include any NWI-mapped wetlands, although NWI maps the Mill River adjacent to the site as E1UBL, and NYSDEC maps it as littoral zone. A small tidal tributary with vegetated wetlands flowing into the Mill River is located along the western side of the football field.

Tetra Tech delineated wetlands adjacent to the site in 2017 (see **Appendix D**). The boundary of one estuarine wetland, consisting of littoral zone, intertidal marsh, and high marsh, was delineated along the shoreline of the Mill River.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

There are no mapped wetlands within the site. NWI mapped the canal adjacent to the site as E1UBL, and NYSDEC mapped it as littoral zone.

Mill River Greenway Component

There are no mapped wetlands within the proposed greenway alignment. The northern portion of the alignment is adjacent to an NWI-mapped riverine, intermittent, streambed, seasonally flooded (R4SBC) wetland. The middle northern portion of the alignment is adjacent to NYSDEC-mapped freshwater wetlands; NWI maps these wetlands as PUBHx, L1UBHh, R2UBH, and palustrine, emergent, persistent (PEMIC). The southern portion of the southern portion of the alignment is adjacent to wetlands classified by NWI as E1UBL and by NYSDEC as littoral zone.

Water Quality

Four of the five project components contain or are located immediately adjacent to bodies of water. The Mill River Greenway component is the only component that is not associated with a waterbody, and it is not discussed in this section.

The project components are located in the South Oyster Bay/Jones Inlet Watershed (HUC 02030202). Stormwater and urban nonpoint runoff are sources of pathogens and pollutants in the area.

Smith Pond Rehabilitation Component

Smith Pond is a freshwater pond at the confluence point of two primary drainage branches of the Mill River that enter Smith Pond from the northeast and the northwest. The NYSDEC Environmental Resource Mapper classifies Smith Pond as Class C surface water, which indicates a best usage for fishing.

Smith Pond serves as the divide in the Mill River between the upstream freshwater system and the downstream tidal saltwater system, which begins approximately 750 feet downstream of the weir. The nearest major surface waterbodies are Hewlett Bay, approximately 2.5 miles south, and the Atlantic Ocean, approximately 5.5 miles south of the pond.

Smith Pond is included on the 2018 New York State Section 303(d) List of Impaired Waters (NYSDEC 2018). The waterbody is included on part 1 of the list as an individual waterbody with an impairment requiring development of a total maximum daily load due to phosphorus; it is included on part 2b of the list as restricted for fish consumption because of chlordane. The suspected source of phosphorous is an on-site wastewater treatment system; the suspected source of chlordane is contaminated sediments. Public bathing and recreational uses are considered impaired, and Smith Pond is not currently used as a source of drinking water.

Lister Park Improvements and East Rockaway High School Components

The NYSDEC Environmental Resource Mapper classifies the Mill River within the confines of the site as Class SC (saline surface waters). The best usage for Class SC waters is fishing. These waters are suitable for fish, shellfish, and wildlife propagation and survival. The water quality is generally suitable for primary and secondary contact recreation; however, other factors may limit its use for these purposes. Mill River is not included on the 2018 New York State Section 303(d) List of Impaired Waters (NYSDEC 2018).

East, West, and North Boulevards – Stormwater Drainage Improvements Component

The NYSDEC Environmental Resource Mapper classifies Hewlett Bay as Class SA (marine waters). Class SA indicates a best usage for shellfishing for market purposes, swimming and other recreation, and fishing.

Hewlett Bay is included on the 2018 New York State Section 303(d) List of Impaired Waters (NYSDEC 2018). The waterbody is included on part 1 of the list as an individual waterbody with impairment requiring development of a total maximum daily load due to nitrogen; it is on part 2c of the list as restricted for fish consumption because of pathogens. The suspected source of nitrogen is surrounding municipalities, such as Bay Park; the suspected source of pathogens is urban and stormwater runoff. Public bathing and recreational uses are considered impaired, and Hewlett Bay is not currently used as a source of drinking water.

Biological Resources

See **Appendix E** for NYSDEC Natural Heritage Program (NHP) consultation, **Appendix F** for USFWS consultation, and **Appendix G** for National Marine Fisheries Service (NMFS) consultation.

Vegetation

A desktop review of available resource mapping, previous reports, and species inventories was conducted to identify vegetation resources in the project area, including significant natural communities. Significant natural communities are rare or high quality wetlands, forests, grasslands, ponds, streams, and other types of habitats considered significant from a statewide perspective by the NYSDEC NHP.

Smith Pond Rehabilitation Component

Significant Natural Communities. According to NHP and the NYSDEC Environmental Resource Mapper, there are no significant natural communities near this site.

Upland Vegetative Communities. A vegetated upland buffer of deciduous forest surrounds Smith Pond, composed predominantly of white mulberry (*Morus alba*), black locust, black cherry (*Prunus serotina*), Norway maple (*Acer platanoides*), red oak (*Quercus rubra*), white oak (*Quercus alba*), red maple (*Acer rubrum*), and gray birch (*Betula populifolia*). Steep banks with dense vegetation of Japanese knotweed (*Fallopia japonica*), grape (*Vitis* sp.), green briar (*Smilax* sp.), honeysuckle (*Lonicera* spp.), oriental bittersweet (*Celastrus orbiculatus*), poison ivy (*Toxicodendron radicans*), and common mugwort (*Artemisia vulgaris*) are present around the pond perimeter. Other invasive species occurring within and around the perimeter of the pond include hydrilla (*Hydrilla verticillata*), garlic mustard (*Alliaria petiolata*), broad-leaved helleborine (*Epipactis helleborine*), multiflora rose (*Rosa multiflora*), Norway maple, tree-of-heaven, black locust, porcelain-berry (*Ampelopsis brevipedunculata*), and English ivy (*Hedera helix*).

Wetland and Aquatic Vegetative Communities. The nearshore areas of Smith Pond are heavily colonized by spatterdock (*Nuphar lutea*). White water lily (*Nymphaea odorata*), duckweed (*Lemna* sp.), and water meal (*Wolffia* sp.) are also present in the shallow areas of the pond. The predominant submergent plant species is hornwort (*Anthocerotopsida*), which dominates the deeper fringes of the spatterdock bands around the shoreline.

Dominant tree species in the fringe wetlands include red maple and black willow (*Salix nigra*). Dominant shrubs include buttonbush (*Cephalanthus occidentalis*), sweet pepperbush (*Clethra alnifolia*), and swamp azalea (*Rhododendron viscosum*). Herbaceous plants in the forested/scrub shrub wetlands primarily consist of poison ivy. The emergent wetlands in the northwest corner of the site contain spatterdock, Pennsylvania smartweed (*Polygonum pennsylvanicum*) and purple loosestrife (*Lythrum salicaria*).

Lister Park Improvements Component

Significant Natural Communities. According to NHP and the NYSDEC Environmental Resource Mapper, there are no significant natural communities near this site.

Upland Vegetative Communities. Upland vegetated communities within the site are dominated by maintained lawns, parklands, and wooded edges. These communities are all vegetated by opportunistic species common to disturbed urban and residential environments. Adjacent upland woods are narrow in nature, generally not extending more than 25 feet in width. Dominant vegetation includes boxelder maple, white mulberry, tree-of-heaven, black locust, black cherry, and Norway maple in the tree stratum. Dominant vegetation in the upland shrub layer includes saplings of the above-listed tree species, multiflora rose, forsythia (*Forsythia* sp.) and poison ivy. Dominant herbaceous species include multiflora rose, aster (*Aster* sp.), mugwort (*Artemisia vulgaris*), bush clover (*Lespedeza* sp.); dominant vines

include nightshade (*Solanum dulcamara*), oriental bittersweet, poison ivy, English ivy, and Virginia creeper (*Parthenocissus quinquefolia*).

Wetland and Aquatic Vegetative Communities. The dominant wetland vegetation occurring along the shoreline of the Mill River within the site consists of common reed. Jesuit's bark (*Iva frutescens*) is common at higher elevation of the intertidal wetland. Two stands of smooth cordgrass (*Spartina alterniflora*) were also identified on the eastern shore of the Mill River in intertidal marsh wetlands located between Demott Place and Rodney Place. Other species observed in the intertidal fringe wetland include boxelder maple and multiflora rose in the shrub strata and iris (*Iris* sp.) and jewelweed (*Impatiens capensis*) in the herbaceous layer.

East Rockaway High School Component

Significant Natural Communities. According to NHP and the NYSDEC Environmental Resource Mapper, there are no significant natural communities near the site.

Upland Vegetative Communities. Upland vegetation at the site is consistent with the communities described at Lister Park.

Wetland and Aquatic Vegetative Communities. The site is entirely upland; however, vegetation in adjacent wetlands associated with the Mill River shoreline are consistent with the communities described along the shoreline at Lister Park.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

Significant Natural Communities. According to the NYSDEC Environmental Resource Mapper, this component is adjacent to the Hempstead Bay Wetlands complex, which contains three significant natural communities: low salt marsh, high salt marsh, and salt panne. These natural communities are part of a larger salt marsh complex within a five-bay system and are all considered high quality occurrences of uncommon community types. The number, aerial extent, and integrity of salt marsh complexes in New York are suspected to have declined substantially from their historical state. Primary threats include ditching and draining, dredging and filling, common reed invasion, poor water quality, diking and impoundment, inlet stabilization, shoreline hardening, wrack accumulation, altered sediment budget, subsidence, changes in water circulation patterns, restricted tidal connection, and altered tidal hydrodynamics (**Appendix E**).

Upland Vegetative Communities. The site primarily consists of roadways in a residential neighborhood along a bulkheaded canal. Vegetation consists primarily of scattered street trees and residential properties landscaped with mowed grass, trees, and shrubs.

Wetland and Aquatic Vegetative Communities. The site is entirely upland with no submerged aquatic vegetation mapped in the adjacent canal.

Mill River Greenway Component

Significant Natural Communities. According to NHP and the NYSDEC Environmental Resource Mapper, there are no significant natural communities near the proposed greenway.

Upland Vegetative Communities. Much of the proposed greenway alignment runs through developed neighborhoods dominated by impervious surfaces, with scattered street trees and residential and commercial properties landscaped with mowed grass, trees, and shrubs. The northern and middle southern portions are adjacent to forested areas. Invasive plant species expected to occur along the length of the proposed greenway include Japanese honeysuckle (*Lonicera japonica*), English ivy, Japanese knotweed, and tree-of-heaven.

Wetland and Aquatic Vegetative Communities. The proposed greenway alignment does not contain wetland or aquatic vegetative communities.

Wildlife and Fish

All five components are in urban environments that provide limited habitat for wildlife. This limited habitat is fragmented by development and is subject to frequent human disturbance.

Smith Pond Rehabilitation Component

Birds that use the pond and surrounding habitats include barn swallow (*Hirundo rustica*), brant (*Branta bernicla*), ring-billed gull (*Larus delawarensis*), lesser scaup (*Aythya affinis*), mallard (*Anas platyrhynchos*), American black duck (*Anas rubripes*), and Canada goose (*Branta canadensis*). Other wildlife expected to use the habitats surrounding Smith Pond include insects, small mammals, and cosmopolitan bird species.

Smith Pond is a warm water fishery dominated by sunfish, largemouth bass (*Micropterus salmoides*), white perch (*Morone americana*), and yellow perch (*Perca flavescens*). An anadromous alewife (*Alosa pseudoharengus*) run exists below the pond where alewives stack up at the base of the Smith Pond outlet, unable to by-pass the existing weir structure.

Lister Park Improvements Component

Birds that use the waters and associated wetlands along the Mill River within the site include brant, Canada goose, American black duck, ruddy duck (*Oxyura jamaicensis*), northern shoveler (*Spatula clypeata*), and various gull and sparrow species. Wildlife that may use the upland habitats within the site are those adapted for suburban habitats and human disturbance. These species include striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), and gray squirrel (*Sciurus carolinensis*). Common birds in suburban areas include species such as northern cardinal (*Cardinalis cardinalis*), blue jay (*Cyanocitta cristata*), and American crow (*Corvus brachyrhynchos*). Canada geese would likely use the open fields. Non-native species adapted to human disturbance include rock pigeon (*Columbia livia*), house sparrow (*Passer domesticus*), and European starling (*Sturnus vulgaris*).

According to the National Oceanic and Atmospheric Administration's (NOAA) Essential Fish Habitat (EFH) Mapper, the waters within the site are designated as EFH for various life stages of 17 species. Based on the low salinity and shallow water depths within the site, EFH for various life stages of four species is expected to occur in the intertidal and shallow open habitats that are present within the site: winter flounder (*Pseudopleuronectes americanus*), windowpane flounder (*Scophthalmus aquosus*), bluefish (*Pomatomus saltatrix*), and summer flounder (*Paralichthys dentatus*). The site may also support forage species, which are an important resource for EFH-designated fish species.

East Rockaway High School Component

Wildlife use of the site is consistent with the species described at Lister Park.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

Wildlife that may use the existing habitats of maintained lawns, scattered trees, and shrub areas would be those adapted for suburban habitats and human disturbance, such as those species described above for upland habitats in Lister Park. Gulls and double-crested cormorant (*Phalacrocorax auritus*) are likely to occur on or near the bulkheads.

Mill River Greenway Component

Most of the proposed greenway alignment provides minimal wildlife habitat because it is immediately adjacent to active roadways in highly developed neighborhoods. Terrestrial wildlife expected to occur along the greenway includes squirrels, chipmunks, muskrats, mice, and raccoons. Forested habitats adjacent to the northern and middle northern sections of the greenway may provide breeding habitat for species such as woodpeckers and migratory songbirds.

Threatened and Endangered Species

The USFWS, Long Island Ecological Services Field Office was contacted through the Information, Planning, and Conservation System (IPaC) regarding the potential presence of species under the jurisdiction of the USFWS within the project area. The USFWS Official Species List (included in **Appendix F**) indicates that the following threatened and endangered species may occur in the project area: northern long-eared bat (*Myotis septentrionalis* – threatened); piping plover (*Charadrius melodus* – threatened); red knot (*Calidris canutus rufa* – threatened); roseate tern (*Sterna dougallii* – endangered); sandplain gerardia (*Agalinis acuta* – endangered); and seabeach amaranth (*Amaranthus pumilus* – threatened). There are no critical habitats for these or any other species in the project area. **Table 2** presents a list of these federally listed species and their preferred habitat.

Table 2. Federally Listed Species that may Occur in the Vicinity of the Project

Common Name	Scientific Name	Federal Listing	Suitable Habitat
Northern long-eared bat	<i>Myotis septentrionalis</i>	Threatened	Summer: Interior of mature forests with sufficient bark crevices and snags for roosting Winter: Caves and mines
Piping plover	<i>Charadrius melodus</i>	Threatened	Foraging: intertidal beach and dunes, mudflats Nesting: open sandy beaches
Red knot	<i>Calidris canutus rufa</i>	Threatened	Foraging: intertidal beach and shallow coastal waters, mudflats Nesting: Canadian arctic region
Roseate tern	<i>Sterna dougallii</i>	Endangered	Foraging: shallow coastal waters Nesting: open sandy beaches
Sandplain gerardia	<i>Agalinis acuta</i>	Endangered	Pine-barrens grasslands; remnant grasslands
Seabeach amaranth	<i>Amaranthus pumilus</i>	Threatened	Nearly pure sand substrate above the high tide line; open sand or sparsely vegetated base of foredunes

Based on the habitat requirements described in **Table 2**, piping plover, red knot, roseate tern, sandplain gerardia, and seabeach amaranth are not expected to occur in the project area. No known northern long-

eared bat maternity roosts or hibernacula are nearby; however, northern long-eared bats may use mature, closed-canopy, in upland and riparian forests as summer habitat.

On behalf of GOSR, Seatuck Environmental Association conducted avian surveys along the Mill River corridor between 2016 and 2019 in support of project in the Mill River corridor. Seatuck did not report any sightings of piping plover, red knot, or roseate tern or any other federally listed species at any location surveyed along the Mill River corridor between 2016 and 2019 (Seatuck 2019). Additionally, to date, no sightings of federally protected avian species within the project area have been documented on eBird, an online database of bird observations, or the Breeding Bird Atlas, a statewide survey designed to map the distribution of breeding birds in New York (eBird n.d.; NYSDEC 2008).

IPaC also indicates that the project components could affect 31 species of migratory birds protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act, including bald eagles (*Haliaeetus leucocephalus*). Bald eagle may occur as occasional transients, foraging within waters adjacent to the project area, but no breeding eagles have been documented nearby. Golden eagles are not likely to occur near the project area. Migratory birds that may use undeveloped areas in the project area include sparrows, warblers, blackbirds, finches, robins, and wrens. Migratory wading birds (herons/egrets), waterfowl, and shorebird species may use the Mill River as foraging habitat, and forested areas provide breeding habitat for migratory songbirds.

GOSR sent a request to NHP for species records within the project area. NHP's response, received on March 18, 2020 (included in **Appendix E**), indicated no records of state or federally listed species in the vicinity of the components. NHP reported that two rare dragonflies have been documented near the ball fields along the Mill River in Lister Park: seaside dragonlet (*Erythrodiplax berenice*) and Rambur's forktail (*Ischnura ramburii*). The seaside dragonlet is the only American species of dragonfly that can breed in saltwater. Although this species is typically found in salt marshes, mangrove swamps, and saline lakes, it can also be found in inland freshwater ponds. In contrast to the seaside dragonlet, Rambur's forktail prefer freshwater habitats, and its larvae have been observed in most types of wetland communities.

The likelihood that threatened and endangered species or their habitat occurs within each component site is discussed below.

Smith Pond Rehabilitation Component

The site does not provide suitable habitat for state or federally listed species, although northern long-eared bat may occur as occasional transients in forested areas of the site.

According to the NYSDEC Environmental Resource Mapper, rare dragonflies and damselflies occur near Smith Pond. This site provides suitable habitat for seaside dragonlet and Rambur's forktail.

The site includes the waters of Smith Pond and the drainage basin that discharges to the downstream tidal portion of the Mill River. During permitting for this component, GOSR requested information from the NMFS regarding the presence of Endangered Species Act-listed threatened or endangered species under NMFS's jurisdiction within the site to NMFS. A response from NMFS on November 8, 2019 (included in **Appendix G**) indicated that no federally listed or proposed threatened or endangered species under its jurisdiction are known to exist in the site. GOSR has determined that the project would have no effect on ESA-listed species under the jurisdiction of NOAA's NMFS.

Lister Park Improvements Component

The site does not provide suitable habitat for state or federally listed species. According to the NYSDEC Environmental Resource Mapper and NHP, rare dragonflies and damselflies occur near this site. As stated above, NHP reported that seaside dragonlet and Rambur's forktail have been documented near the ball fields along the Mill River.

This site includes intertidal waters of the Mill River. Based the NOAA Endangered Species Act section 7 mapper, this component is within 1 mile of waters used by Atlantic sturgeon (*Acipenser oxyrinchus*), green sea turtles (*Chelonia mydas*), Kemp’s Ridley sea turtles (*Lepidochelys kempii*), leatherback sea turtles (*Dermochelys coriacea*) and loggerhead sea turtles (*Caretta caretta*). The Mill River within the vicinity of the site does not provide suitable breeding, overwintering, and foraging habitat for Atlantic sturgeon or sea turtles, and they are not expected to occur in nearby waters.

East Rockaway High School Component

This site does not provide suitable habitat for state or federally listed species. According to the NYSDEC Environmental Resource Mapper, rare dragonflies and damselflies occur near the site. This site also provides suitable habitat for seaside dragonlet and Rambur’s forktail.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

This site does not provide suitable habitat for state or federally listed species.

Mill River Greenway Component

Forested areas along the proposed greenway alignment may provide potential summer habitat for northern long-eared bats. This summer habitat consists of a wide variety of forested habitats where northern long-eared bats roost, forage, and travel. If present, these bats would likely use forested area adjacent to the middle northern section of the alignment, between Smith Pond and Hempstead Lake.

According to the NYSDEC Environmental Resource Mapper, dragonflies and damselflies occur near this site.

FUNDING

The total project cost is estimated at \$28.49 million. The project is expected to be funded partially through U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant-Disaster Recovery (CDBG-DR) program as authorized by the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013). The NYS Housing Trust Fund Corporation (HTFC), which administers the CDBG-DR program funds on behalf of GOSR, intends to approve funding for the proposed project. Project component capital costs are estimated as shown in **Table 3**.

Table 3: Project Component Capital Costs

LWTB Stormwater Project Component	Capital Cost (in \$millions)
Smith Pond Rehabilitation	\$9.08
Lister Park Improvements	\$2.39
East Rockaway High School	\$2.14
East, West, and North Boulevards Stormwater Drainage Improvements	\$3.84
Mill River Greenway	\$11.04
Total	\$28.49

ENVIRONMENTAL CONSIDERATIONS

New York State's Environmental Quality Review Act (SEQRA) Full Environmental Assessment Forms (FEAF) were prepared for each project component (**Attachment 3**). The SEQRA FEAF Part 2 identified potential impacts from the proposed action on land; surface water; flooding; air; plants and animals; historic and archaeological resources; energy; noise; and human health. The following analysis for each of these resource areas finds that the proposed action will not result in a significant adverse impact on these resources.

Land

The proposed action would involve construction on, or physical alteration of, the land surface of the project area through ground-disturbing activities. The project components would be constructed in areas with negligible slope. Slopes would be designed to conform to engineering standards.

At Smith Pond, installing the fish ladder and moving sediment from below the weir would require the excavation of approximately 3,790 cubic yards of soil and placement of approximately 25 cubic yards of soil. At ERHS, approximately 125 cubic yards of fill would be placed landward of the bulkhead. This excavation and fill would adhere to design requirements for slope safety, and areas with steeper slopes would be shored as necessary. All project components would entail asphalt replacement and grading. The excavated material would be tested in a sampling and handling plan, and it would be disposed off-site by the contractor to a licensed facility.

Increased erosion could occur during the construction of project components. However, the potential for impacts from construction would be minimized through adherence to BMPs. Sediment control fences, inlet protectors, and inlet filters would be used throughout the components to reduce sediment runoff into nearby waterways. The project components would entail minimal construction of new structures, and instead would predominantly comprise flood protection and stormwater improvements.

There would be no change to designated land uses or use of the existing LWTB Stormwater Project component sites. All project components would be consistent with existing plans and zoning ordinances. The components would be consistent with Nassau County Master Plan and local zoning, ordinances, and plans that have been implemented by the Town of Hempstead and the Villages of Hempstead, Rockville Centre, Lynbrook, and East Rockaway. The project would improve pedestrian access to existing parks, such as Lister Park and Smith Pond (see **Appendix P**).

Overall, small beneficial impacts on land are expected to occur as a result of the project.

Surface Water

The proposed action may affect one or more wetlands or other surface waterbodies. Specific activities resulting in impacts on these resources are described below.

Water Quality

Increased erosion could occur during the construction of project components. However, the potential for impacts from construction would be minimized through adherence to BMPs. Sediment control fences, inlet protectors, and inlet filters would be used throughout the components to reduce sediment runoff into nearby waterways. The project components would entail minimal construction of new structures, and instead would predominantly comprise flood protection and stormwater improvements.

The LWTB Stormwater Project would benefit Smith Pond, Mill River, and downstream locations of the Mill River. As a benefit, overall flows to the Mill River would be slowed and reduced, and flows would include less sediment and other pollutants, which would decrease erosion and improve water quality in the Mill River and Hewlett Bay.

The project would not affect the Nassau-Suffolk Sole Source Aquifer (see **Figure 24** and **Appendix O**).

Smith Pond Rehabilitation Component

Installing the fish ladder and moving sediment from below the weir would require the excavation of approximately 3,790 cubic yards of soil. This excavation would adhere to design requirements for slope safety, and areas with steeper slopes would be shored as necessary during the fish ladder installation. The excavated material would be tested in a sampling and handling plan, and it would be disposed off-site by the contractor to a licensed facility.

Vegetation removal and excavation activities could increase erosion at Smith Pond; however, native species would be planted to help combat erosion. The total area of impervious surfaces would decrease because impervious paths and parking lots would be replaced with a pervious pavement. The proposed rehabilitation activities would disturb more than 1 acre of land and as such must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The SPDES General Permit requires the use of New York State Standards and Specifications for Erosion and Sediment Control, dated November 2016, and preparation of a Stormwater Pollution Prevention Plan to incorporate appropriate BMPs during construction activities.

Work locations were selected to avoid, to the extent practicable, water edges. Dewatering would occur, and water would be filtered before being discharged into the pond. Additionally, a 15-foot-wide compacted dense-graded aggregate would be placed with a 2 percent cross slope for drainage along the access road from Merrick Road to the weir. The component would result in a net decrease of impervious surfaces of 1.19 acres; this decrease would allow for increased stormwater infiltration and an associated reduction in stormwater runoff.

The proposed floodwalls would be installed to prevent off-site flooding, and the 35-foot-wide floodgate would be incorporated into the wall at the southern parking lot. The gate would remain open under lower storm events to allow overland stormwater to drain into the pond. Under larger flood events (i.e., the 25-year event when waters would begin flooding the area), stormwater from the pond would flood into the gate structure, causing the gate to rise (and close) and preventing off-site flooding to neighboring infrastructure and properties.

The Smith Pond component would not influence floodplain functions outside the component site because the site is not located in the floodplain.

Lister Park Improvements Component

The three fields that make up Lister Park consist of approximately 19.7 acres. The total disturbance for the component area is 6.84 acres; however, no more than 5 acres would be disturbed at one time. Approximately 3 acres of the proposed disturbance (e.g., creating the bioretention basins or the berm at Bligh Field) would involve excavation-related earthmoving activities. The maximum depth of excavation would be approximately 5 feet.

At Centennial Field, runoff from the parking lot would sheet flow to a grass swale in the center of the parking lot and convey stormwater runoff to the bioretention basin. The runoff would be treated prior to discharging into an existing 18-inch storm drainpipe, through which it would flow to the Mill River.

At Bligh Field, an earthen berm constructed to 9.75 feet in elevation, or approximately 2.65 to 3.65 feet above the ground surface, would be built along the western side of the field. The berm would intercept runoff to avoid sheet flow over the field, divert runoff towards the Mill River, stop runoff from flowing over the adjacent roadway and housing, and limit where runoff begins to concentrate. The sidewalk on the southern side of South Park Avenue, between Oceanview Road and Riverside Road, would be removed to provide a higher elevation to the west and a lower elevation to the east to assist with the directional flow of water to the drainage system. A self-closing flood barrier, pipe-to-manhole connector for the existing

drain, and drainage outlet would be installed to help protect the housing to the west from flood events. Three drainage relief pipes would be installed at low points along the proposed greenway. A knee wall would be installed on the western side of the parking lot to redirect stormwater runoff. Construction of the elevated berm and knee wall would result in impacts on 0.120 acre and 0.032 acre of the floodplain, respectively.

Living shorelines would be installed along the Mill River shoreline to stabilize shorelines and reduce erosion. Trees and shrubs would be planted to decrease erosion. The proposed improvements would result in a net decrease of impervious surfaces, totaling 0.32 acre; this reduction would increase stormwater infiltration and reduce stormwater runoff. Additionally, bioretention basins would be created and parking lots repaved with porous materials to decrease and filter stormwater runoff.

East Rockaway High School Component

Creation of the green infrastructure and installation of the drainpipe in the athletic field would require excavation; however, the installation of the drainpipe would improve site drainage. The entire parking lot would be graded to direct stormwater runoff to the proposed green infrastructure to the east. Impervious surfaces would decrease by 0.18 acre; this decrease would reduce the amount of stormwater runoff. The installation of the bulkhead would result in 0.009 acre of impact in the floodplain and is not expected to result in permanent adverse impacts on floodplains.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

A 0.37-acre area would be excavated to create bioretention basins and install storm drainpipes. The maximum disturbed area at any point in time would be no larger than 0.5 acre, and the maximum depth of the excavation would be 8.8 feet. No material would be removed from the site. Topsoil would be stripped and stockpiled in areas as directed by the owner's representative. The contractor would not process excavated materials. The material would be reused on site.

The proposed improvements would benefit stormwater runoff by installing porous asphalt with new stone reservoirs under the roadway pavement, replacing catch basins at each stormwater outfall to capture debris and sediment prior to stormwater release to the bay, and installing two bioretention basins to increase stormwater quality prior to runoff release to the bay. These changes would result in a net decrease of impervious surfaces, totaling 0.11 acre; this decrease would allow for increased stormwater infiltration and an associated reduction in stormwater runoff.

Mill River Greenway Component

A net increase of impervious surfaces, totaling 0.13 acre would occur; this increase would not contribute to substantial new stormwater runoff.

Wetlands

NWI mapped waterbodies and wetlands in the project area are depicted on **Figure 21**. Areas below the high tide line and permanently flooded marine and estuarine habitats are considered jurisdictional waters of the United States and are subject to the U.S. Army Corps of Engineers (USACE) regulatory program under section 404 of the Clean Water Act of 1972, as amended. Areas subject to jurisdiction under section 10 of the Rivers and Harbors Act of 1899, as amended, include navigable waters, which begin at the mean high tide line and extend to permanently flooded marine and estuarine habitats.

NYSDEC freshwater and tidal wetlands are depicted on **Figure 22**. NYSDEC regulates tidal wetlands under Environmental Conservation Law, Article 25, "Tidal Wetlands" and freshwater wetlands under Environmental Conservation Law, Article 24, "Freshwater Wetlands." NYSDEC also regulates the upland adjacent area up to 300 feet in width to the landward edge of tidal wetlands, and within 100 feet of the upland boundary of freshwater wetlands.

Smith Pond Rehabilitation Component

Implementation of this component would result in 5.878 acres of temporary impacts and 0.009 acre of permanent impacts on regulated wetlands and waters. Activities within wetlands and adjacent areas for this component would be authorized by the USACE under a Nationwide Permit (NWP) 27 (Aquatic Habitat Restoration, Enhancement, and Establishment Activities) and by the NYSDEC under an Article 24 Freshwater Wetland Permit. Permanent wetland impacts would be limited to the placement of 25.4 cubic yards of fill in 0.009 acre of forested wetland for construction of the fish ladder. Temporary impacts would consist of disturbance to 5.729 acres of open water during the mechanical removal of aquatic plants from Smith Pond; disturbance to 0.003 acre of forested wetland and 0.001 acre of open water for construction access to Smith Pond; disturbance to 0.009 acre of forested wetland during overlook improvements; disturbance to 0.128 acre of open water during structural enhancements of the existing weir and resurfacing the receiving pad below the weir; and disturbance to 0.008 acre of forested wetland during construction access for the repair of the weir and bulkheads. In addition, there would be 0.377 acre of permanent impacts and 0.075 acre of temporary impacts on the NYSDEC-regulated adjacent area required for the construction of the maintenance access road for the weir, fish ladder installation, construction of portions of the greenway path, and removal of invasive plants and planting of native plants. No compensatory mitigation is required as the wetland loss is limited to 0.009 acre and the project would result in enhancements to existing wetland habitat and water quality benefits within downstream portions of Mill Creek and associated tidal wetlands.

Lister Park Improvements Component

Implementation of this component would result in 0.361 acre of permanent impacts and 0.509 acre of temporary impacts on regulated wetlands and water. Permit coordination is ongoing, but activities within tidal wetlands and adjacent areas for this component would be authorized by the NYSDEC under an Article 25 Tidal Wetland Permit and for just wetlands by the USACE under either an Individual Permit or a NWP 13 – Bank Stabilization. Installation of the living shoreline and replacement of the overlooks at Lister Park would result in 0.141 acre of temporary impacts on open water during installation of the coir logs and turbidity barriers. Converting the open water to intertidal wetland (living shoreline) would permanently impact 0.310 acre of open waters. Installation of the living shoreline, which would include wetland enhancement (native plantings), would also result in 0.369 acre of temporary impacts to tidal wetlands. There would be 0.051 acre of permanently impacted intertidal wetland from placement of rock sills and lining for the living shoreline. Approximately 0.529 acre of adjacent area would be permanently impacted. Overall, proposed activities would result in a net increase of 0.310 acre of wetland habitat. Silt fencing would be installed to prevent sediment and debris from discharging off-site in stormwater runoff, and inlet filters would be installed in existing catch basins to prevent construction sediment and debris from entering the existing stormwater system and discharging into waterbodies during construction.

East Rockaway High School Component

This component would result in permanent impacts on 382 square feet of regulated adjacent area from the installation of the bulkhead. Approximately 16 cubic yards of fill would be placed landward of the bulkhead, below the mean higher high-water line. Permit coordination is ongoing, but activities within wetlands and adjacent areas for this component would be authorized by the NYSDEC under an Article 25 Tidal Wetland Permit and by the USACE under either an Individual Permit or a NWP 13. Silt fencing would be installed to prevent sediment and debris from discharging off-site in stormwater runoff during land-based construction, and inlet filters would be installed in existing catch basins to prevent construction sediment and debris from entering the existing stormwater system and discharging into waterbodies during construction.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

This component would not affect regulated waters, wetlands, or adjacent areas. Although NYSDEC mapped the adjacent canal as littoral zone wetland, the regulated adjacent area extends seaward from existing fabricated structures such as paved streets and bulkheads.

Mill River Greenway Component

This component would not affect regulated waters, wetlands, or adjacent areas. Impacts to wetland-adjacent area resulting from construction of the greenway adjacent to Smith Pond are discussed above under the Smith Pond Rehabilitation Component.

Overall, beneficial impacts on surface water, water quality, and wetlands are expected to occur as a result of the project.

Flooding

Work associated with the components would occur in areas classified as Zone A, Zone AE with a BFE of 9 feet, and Zone AE with a BFE of 10 feet (see **Figure 17**).

A Floodplain and Wetlands 8-Step Process in accordance with Executive Order 11988: Floodplain Management, and Executive Order 11990: Wetlands, was completed for the proposed LWTB Stormwater Project pursuant to 24 CFR 55.12(a)(4) and is provided in **Appendix K**. The 8-step process includes both an Early and Final Notice to notify the public and agencies about the LWTB Stormwater Project and its potential impacts on wetlands and floodplains.

The project components would permanently impact an estimated 7,606 square feet (0.175 acre) of land located in the 100-year floodplain. Construction of the floodwall at Smith Pond would result in a permanent impact to approximately 568 square feet (0.013 acre) of the floodplain. At Lister Park, construction of the elevated berm and knee wall would result in impacts on 5,250 square feet (0.120 acre) and 1,406 square feet (0.032 acre) of the floodplain, respectively. At ERHS, installation of the bulkhead would result in approximately 382 square foot (0.009 acre) of impact in the floodplain. Approximately 125 cubic yards of fill would be behind the proposed bulkhead. Existing soil would be left in place, and 7 feet of fill would be added along the backside of the bulkhead, which would transition down to the existing grade on a 3 to 1 percent slope.

Detailed hydrologic and hydraulic evaluations were conducted to determine recommended flood mitigation improvements at Smith Pond showed changes in flooding as a result of project implementation are not expected to be more than 0.03 feet and would be completely contained within the limits of Morgan Days Park. The modeling concluded no adverse impact. Hydraulic model simulations of the 100-year flood under both pre- and post-construction conditions were conducted to evaluate the potential changes in BFEs resulting from the implementation of the Lister Park and ERHS components (**Appendix L**). A two-dimensional numerical model of the Mill River floodplain (encompassing both sides of the Mill River) was used to simulate flood conditions under the FEMA base flood condition that has a mean recurrence interval of 100 years before and after the implementation of the proposed improvements. The hydraulic model study demonstrated that construction of the bulkhead at ERHS and the berm and knee wall at Lister Park, along with the raising of the ERHS athletic field by 2 feet as proposed by the East Rockaway School District, would have very small and localized effects on the flood water elevations in the project area. Comparison of the pre- and post-water surface profile showed no discernable changes in flood levels. Detailed examination of water surface elevations in the vicinity of the proposed improvements showed very small changes in flood levels. Water surface elevation changes in the vicinity of the ERHS athletic field showed a maximum change of 0.01 foot. Water surface elevation in the vicinity of the flood protection berm and knee wall showed a maximum change of 0.05 foot. As such, the proposed project components are not expected to result in permanent adverse impacts on floodplains, and

mitigation to address such impacts is not necessary. Additionally, the flood protection berm and knee wall at Lister Park would reduce the flood risk to approximately 16 homes.

Permits would be required from the Villages of East Rockaway and Rockville Centre for construction in the special flood hazard area in accordance with East Rockaway Village Code section 151-11 and Village of Rockville Centre Code section 188-12. Adherence to BMPs during construction would serve to avoid or minimize potential temporary impacts on floodplains. Such measures could include the use of silt fences to reduce the potential for erosion and sedimentation and the use of turbidity curtains around in-water work areas.

Overall, beneficial impacts on flooding are expected to occur as a result of the project.

Air Quality

Criteria air pollutants are analyzed at a regional scale. Nassau County is a serious nonattainment area for the 2008 8-hour ozone standard, moderate nonattainment for the 2015 8-hour ozone standard, and a maintenance area for the 1971 maximum carbon monoxide and 2006 24-hour average PM_{2.5} standards (USEPA 2017).

Construction air quality impacts for each project component would be short term and localized. Peak-year construction emissions (during 2021) would be less than the de minimis thresholds for all pollutants for which Nassau County is designated as a non-attainment or maintenance area. See **Appendix H** for detailed calculations. The LWTB Stormwater Project would not substantively affect the New York State Implementation Plan because standard best management practices (BMPs) that control dust and other emissions during construction would be implemented.

The 350-kilowatt generator operating only for testing or during emergency situations (as part of the ERHS component) would not result in combined emissions of hazardous air pollutants in excess of 25 tons per year. As such, the proposed generator would be exempt from prevention and control of air contamination and air pollution permitting requirements pursuant to New York Codes, Rules and Regulations (NYCRR) 201-3.2(c)(6). Regardless, generator emissions would be well below de minimis thresholds and would not qualify as a major source. Therefore, the National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines would not apply. See **Appendix H**.

The project components would not result in substantial new vehicle trips or result in changes to traffic patterns. Therefore, a mobile source air quality impact analysis for the direct impacts of the project components is not necessary.

Overall, the project would have small impacts on air quality.

Plants and Animals

The components of LWTB Stormwater Project would occur in highly developed urban areas, and any adverse impacts on vegetation and wildlife are anticipated to be no more than minimal and temporary. Vegetation clearing would be kept to the minimum area required to meet the design objectives. All temporarily disturbed vegetated areas would be reseeded or replanted with appropriate native vegetation. Wildlife disturbed by construction noise and activity are expected to avoid the area and use similar nearby habitat until either they become accustomed to the construction activity or until the activity is complete.

BMPs, such as silt fencing, turbidity curtains, and cofferdams, would be employed to minimize the potential construction impacts. Additionally, specific mitigation measures may be implemented as identified during the permitting process by federal and state agencies. All vegetation planted or seeded as part of the project components would consist of native species.

Following completion of construction and associated habitat enhancements, there would be no adverse operational impacts on vegetation and wildlife. The LWTB Stormwater Project would improve water quality and existing wetland and aquatic habitat. Fish, benthic invertebrates, and waterfowl and waterbirds that use the project area and downstream habitat would benefit from invasive species removal and stormwater management intended to improve water quality and help restore aquatic habitats.

Specific impacts on vegetation and wildlife habitat associated with the individual components are discussed below.

Smith Pond Rehabilitation

Proposed invasive vegetation clearing would decrease cover of invasive species at the site and encourage the establishment of native wetland vegetation. Removal of upland and wetland invasive vegetation would occur along the north, east, and west shorelines of Smith Pond. Approximately 75 trees would be removed during construction of the weir access road, and invasive species would be removed annually. All work in these land areas would be performed by hand and would include additional herbicide treatment and cutting to deter future growth. Native vegetation would be replanted following completion of construction and invasive species removal. A total of 798 trees and shrubs would be planted as part of the forest enhancement and restoration and greenway plantings. Planting areas, species, and quantities are listed in **Appendix B**.

Within Smith Pond, 30 percent of lily pads would be removed by mechanical methods; no herbicide treatment would occur in the pond. Routine maintenance by the Village of Rockville Centre would be implemented to manage regrowth following construction. Approximately 5.73 acres of open water habitat for fish and waterfowl in the pond would be temporarily disturbed during mechanical removal. Removal of invasive plants species would improve the ecological health of the pond and its buffers and allow existing native plantings to thrive.

Weir enhancements and fish ladder installation at Smith Pond would result in temporary impacts on approximately 0.128 acre of open water habitat in the nontidal, concrete lined channel/basin, south of the existing weir. Construction of the weir enhancements and fish ladder installation would begin in November 2020 and be completed in January 2021, prior to spring fish migration. Temporary cofferdams would be installed downstream and upstream of the weir to prevent fish from entering the basin, avoiding fish exposure to stressors during construction. The installation of a fish ladder would provide a route for migrating fish to swim upstream and downstream of the existing weir, supporting historical fish migration in the upper section of the Mill River.

BMPs to protect wetlands and wildlife include the use of a turbidity curtain around the overlook improvement work area in the pond, temporary coffer dams for weir improvement work, and installation of silt fencing to prevent sediment and debris from discharging into waters during land-based activities. The proposed flood protection measures would not impede wildlife movements.

Lister Park Improvements

Ninety-one trees would be removed during construction of the living shoreline, and 56 trees would be stabilized. Following construction, 103 trees and shrubs, plus herbs/grasses, landscape plugs, and seed mix would be planted throughout the living shoreline and adjacent area. Planting species and quantities depicted on the design plans for Lister Park are included in **Appendix B**.

Installation of the living shoreline and replacement of the overlooks at Lister Park would result in approximately 0.141 acre of temporary disturbance on open water habitat during installation of the coir logs and turbidity barriers. Approximately 0.310 acre of open waters would be converted to intertidal wetland as a result of living shoreline installation. Installation of the living shoreline would also result in approximately 0.369 acre of temporary impacts on intertidal wetland habitat, including wetland enhancement activities (native plantings). Approximately 0.051 acre of unvegetated intertidal habitat

would be permanently affected by the placement of rock sills and lining for the living shoreline. The rock sill would introduce stable hard bottom habitat that provides substrate for colonization of macroalgae and epibiota. Overall, the installation of the living shoreline would result in a net increase of 0.310 acre of vegetated intertidal habitat.

Turbidity increases during construction would be temporary and localized, and activity would be conducted at low tide to minimize disturbance to open water habitat. Impacts from disturbance to sediments and benthic infauna prey organisms from installation and removal of the turbidity barriers would be temporary and considered negligible. The activity would not result in substantial adverse effect on EFH-designated species or habitat, or forage species. Installation of the living shoreline would mitigate shoreline erosion and enhance habitat quality along the Mill River, providing numerous benefits, including nutrient pollution remediation, EFH structure, and buffering of shorelines from waves and storms.

East Rockaway High School Component

Approximately 68 trees would be removed for bulkhead and shoreline improvements. Vegetated areas temporarily disturbed during construction would be restored with topsoil and native grass seed.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

Construction would occur within existing street rights-of-way, and two trees would be removed to implement stormwater drainage improvements. Vegetated areas temporarily disturbed during construction would be restored with topsoil and native grass seed.

Mill River Greenway

Four trees would be removed along the greenway to prevent further sidewalk damage. Overhanging vegetation would be trimmed back from the improved sidewalks where necessary. Vegetated areas temporarily disturbed during construction would be restored with topsoil and native grass seed.

Threatened and Endangered Species and Critical Habitat

Terrestrial Species

There are no critical habitats for any species in the project area.

The USFWS IPaC Official Species List (see **Appendix F**) indicates that the following species protected under the Endangered Species Act may occur in the project area: northern long-eared bat (threatened), piping plover (threatened), red knot (threatened), roseate tern (endangered), sandplain gerardia (endangered), and seabeach amaranth (threatened). Only northern long-eared bats potentially occur in forested habitats of the project area during the summer. Summer habitat for northern long-eared bats consists of a wide variety of forested habitats where they roost, forage, and travel, although they tend to avoid woodlands with significant edge habitat. The project area is not located near any known or assumed northern long-eared bat hibernacula or maternity roosts.

Potential impacts to threatened and endangered species, including federally protected migratory birds, are discussed below for each component. Overall, the project components would have no effect on piping plover, red knot, roseate tern, sandplain gerardia, or seabeach amaranth and may affect, but are not likely to adversely affect, northern long-eared bat. The project components are not likely to jeopardize the continued existence of vulnerable migratory birds or birds of conservation concern or cause destruction or adverse modification to their designated critical habitat. The components would not result in the “taking,” injury, decrease in productivity, or nest abandonment of bald or golden eagles. In March 2020, GOSR initiated consultation with USFWS under section 7(a)(2) regarding potential impacts on species protected under the Endangered Species Act, Migratory Bird Treaty Act, and Bald and Golden Eagle Protection

Act. GOSR's consultation letter requested acknowledgement from USFWS that it did not object to the determination that the project components would have "no effect" on piping plover, red knot, roseate tern, sandplain gerardia, or seabeach amaranth and "may affect, but not adversely affect" northern long-eared bat.

Smith Pond Rehabilitation Component

Northern long-eared bats may occur in forested areas around Smith Pond; however, they are only expected to occur as occasional transients because of the lack of mature, interior forest habitat. Tree removal associated with this component was documented on the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* submitted as part of the USFWS consultation package. Tree removal would occur between November 1 and March 31 while bats are hibernating to avoid affecting them. If tree removal during the active season (April 1–October 31) were unavoidable, a qualified biologist would survey the area to note the presence or absence of the northern long-eared bat prior to clearing.

Migratory birds are expected to temporarily leave the area during construction because of noise and disturbance. Because of the November 1 to March 31 tree-clearing window proposed to protect northern long-eared bats, trees would not be removed during the migratory bird breeding season, which occurs between April 1 and August 31. No significant adverse impacts on threatened and endangered species or federally protected migratory birds are anticipated.

Lister Park Improvements Component

Although no interior forest habitat is associated with this component, tree removal activities were documented on the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* submitted as part of the USFWS consultation package. Potential impacts would be minimized by avoiding tree removal activities during the pup season (June 1 through July 31). If tree removal during the pup season were unavoidable, a qualified biologist would survey the area to note the presence or absence of the northern long-eared bat prior to clearing.

NHP recommends that work in Lister Park and near the Mill River be conducted so as not to degrade or impair the riverside habitat for seaside dragonlet and Rambur's forktail or water quality of the Mill River (**Appendix E**). This component would not degrade or impair riverside habitat and would improve water quality in the Mill River. Proposed activities at Lister Park include shoreline improvements that may benefit dragonfly species. These species are very skilled fliers and if temporarily displaced during construction, seaside dragonlet and Rambur's forktail are expected to return to the site following completion of construction.

Migratory birds are expected to temporarily leave the area during construction because of noise and disturbance. While the site is within 1 mile of the range of occurrence for Atlantic sturgeon and sea turtles, in-water work for living shoreline installation would have no effect on these listed species. The site is approximately 0.8-mile upstream of these species' range, and the Mill River within the vicinity of the site does not provide suitable breeding, overwintering, or foraging habitat. No significant adverse impacts on threatened and endangered species or federally protected migratory birds are anticipated.

East Rockaway High School Component

Although no interior forest habitat is associated with this component, tree removal activities were documented on the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* submitted as part of the USFWS consultation package. Potential impacts would be minimized by avoiding all tree removal activities during the pup season (June 1 through July 31). If tree removal during the pup season were unavoidable, a qualified biologist would survey the area to note the presence or absence of the northern long-eared bat prior to clearing.

Migratory birds are expected to temporarily leave the area during construction because of noise and disturbance. As discussed above for Lister Park Improvements, this component would not degrade or impair riverside habitat for seaside dragonlet and Rambur's fork-tail. If present, these species could easily avoid the area during construction and are expected to return to the site once construction is completed. No significant adverse impacts on threatened and endangered species or federally protected migratory birds are anticipated.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

Although no interior forest habitat is associated with this component, tree removal activities were documented on the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* submitted as part of the USFWS consultation package. Potential impacts would be minimized by avoiding tree removal activities during the pup season (June 1 through July 31). If tree removal during the pup season were unavoidable, a qualified biologist would survey the area to note the presence or absence of the northern long-eared bat prior to clearing.

Migratory birds are expected to temporarily leave the area during construction because of noise and disturbance. No significant adverse impacts on threatened and endangered species or federally protected migratory birds are anticipated.

Mill River Greenway Component

Although no interior forest habitat is associated with this component, tree removal activities were documented on the *Northern Long-Eared Bat 4(d) Rule Streamlined Consultation Form* submitted as part of the USFWS consultation package. Potential impacts would be minimized by avoiding tree removal activities during the pup season (June 1 through July 31). If tree removal during the pup season were unavoidable, a qualified biologist would survey the area to note the presence or absence of the northern long-eared bat prior to clearing.

Migratory birds are expected to temporarily leave the area during construction because of noise and disturbance. No significant adverse impacts on threatened and endangered species or federally protected migratory birds are anticipated.

Essential Fish Habitat

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all federal agencies to assess the potential impacts that proposed actions and alternatives may have on EFH. EFH is defined as waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

Only the Smith Pond Rehabilitation and Lister Park Improvements components involve in-water work. Smith Pond is not designated as EFH. Weir improvements would occur in diadromous fish habitat, but temporary cofferdams would prevent fish from entering the affected area, avoiding fish exposure to stressors during construction. The installation of the fish ladder would result in beneficial effects on diadromous fish migration.

Impacts to EFH-designated species or habitat, or forage species during construction of the Lister Park component would be temporary and localized. While the installation of the living shoreline would result in the conversion of open water to intertidal shoreline and minor loss of wetland, there would be no net loss of EFH as a result of the project. The project would result in enhancement of existing intertidal EFH.

An EFH Assessment for the LWTB Stormwater Project was submitted to NMFS; correspondence from NMFS dated June 18, 2020 (included in **Appendix G**), stated that NMFS agrees with the finding of the EFH assessment that the adverse effects of the project on EFH would not be substantial. The letter also

stated that NMFS has no objections to the project and that additional EFH conservation recommendations were not warranted.

Implementation of the components would not result in the modification to waters, such as impoundment, diversion, channel deepening, or any other control or modification to natural streams or bodies of water. Fish and wildlife habitat that may be temporarily disturbed during component construction would be enhanced or restored to pre-existing conditions. The components would enhance ecosystems functions that support wildlife habitat in the area by addressing flooding caused by storm surge and rainfall and improving coastal habitat and water quality.

Historic and Archeological Resources

The project components require limited aboveground interventions. No historic architectural resources would be affected.

Portions of Smith Pond, ERSR, and Lister Park are located in an archaeologically sensitive area. Therefore, GOSR prepared Phase IA Archaeological Sensitivity Assessments and undertook a Phase IB archaeological survey (GOSR 2020a) for these project components. The Phase IB archaeological survey entailed a systematic subsurface survey consisting of shovel-pit excavations and analysis of the areas of disturbance for each component (GOSR 2020b). Excavations did not reveal any intact, significant archaeological features or deposits. GOSR has determined that the proposed project would not adversely affect any significant archaeological resources. The New York State Office of Parks, Recreation, and Historic Preservation concurred with this determination in July 2020. See **Appendix M**.

Energy

The ERHS component would be constructed with an emergency generator in an existing alcove area on the rear property of the school. The proposed 350-kilowatt generator would be equipped with a 1,024-gallon diesel fuel tank capable of providing power to the school building for 24 to 36 hours during emergencies.

Both the Smith Pond and Lister Park components would include low-level bollard lighting and pole-mounted lighting, which would not require substantial power to operate. No other project components would require energy consumption as part of their operations.

Overall, the project would have small impacts on energy consumption.

Noise

The noise evaluation is included in **Appendix N**. Excavation would require heavy construction equipment such as excavators and/or backhoes, cranes, delivery trucks, and other equipment. For most project components, jackhammers (88 a-weighted decibels [dBA]) and concrete trucks (85 dBA) would provide the loudest noise from equipment. For Smith Pond, pile driving would be the loudest activity (95 dBA). The elevated noise levels would be present in areas of active construction activity, and no one area would experience these noise levels for the duration of the total construction period.

The temporary increases in noise levels during construction would be mitigated by complying with local noise ordinances. Town of Hempstead prohibitions limit most construction activities to between 7:00 AM and 6:00 PM on weekdays and require use of mufflers on generators and motor vehicles (Town of Hempstead Code 144-3). The Village of Rockville Centre and Village of East Rockaway limit construction activities to between 8:00 AM and 7:00 PM (Village of Rockville Centre Code 232-7; Village of East Rockaway Code 194-2). The Village of East Rockaway also limits the continuous sound sound-in-air level at or across a real property boundary; the L_{10} may not exceed 80 dBA during

construction hours.¹ Contractors would be required to demonstrate compliance with these noise ordinances.

The project components would not result in increased operational noise.

Therefore, small noise impacts are expected to occur as a result of the proposed LWTB Stormwater Project.

Human Health

The proposed project may affect human health.

Emergency Services

Police, fire, and emergency medical provision would not be affected by the proposed project. The location of service providers is shown in **Figure 26**.

Construction Impacts

Construction of the proposed project would result in minor, short-term, adverse impacts on public health and safety. Construction activities would generate dust, and construction equipment would produce emissions and generate noise, resulting in minor, short-term impacts on air quality and noise in the vicinity of construction activity. To mitigate potential effects during construction, all construction activities would be performed using qualified personnel and in accordance with the standards specified in Occupational Safety and Health Administration regulations. Contractors would adhere to federal, state, and local regulations, including those dealing with air quality and noise. Appropriate signage and barriers would be in place prior to construction activities to alert pedestrians and motorists of project activities.

Explosive and Flammable Hazards Technical Analysis

Appendix J includes the analysis of proximity and blast of fuel storage tanks. The project would not result in exposure of humans or habitable structures to these hazards.

Hazardous Materials

Because the project components would require limited excavation of soils and future uses would continue existing recreational and outdoor educational uses, the project would not intensify use at any site and would not result in operational pathways to exposure to hazardous materials. Therefore, an analysis of contamination and toxic substances was conducted by analyzing NYSDEC database records of contaminated sites.

Any excavated soil generated by the construction of project components would be screened as necessary to remove materials unsuitable for reuse. Unsuitable excavated materials would be disposed off-site in accordance with disposal requirements. Accidental discovery of contaminated soils cannot be entirely ruled out. To ensure that humans and wildlife would not be exposed to contaminated soil and sediments during upland excavation, mitigation to address accidental discovery of contaminants would be addressed through the required NYSDEC permitting processes.

Smith Pond Rehabilitation Component

This component would require an NYSDEC permit. The locations of ground disturbance are shown in **Figure 20**. No sites listed on the NYSDEC Environmental Site Remediation Database are located in the

¹ L₁₀ is the noise level exceeded for 10 percent of the time of the measurement duration.

component site (see **Figure 23**). However, during design development for this project component, the pond sediments were found to contain low levels of accumulated contaminants that likely flowed into the pond from the upstream watershed during rain events. Therefore, GOSR determined Smith Pond would not be dredged.

As shown in **Figure 23**, the nearest site in the NYSDEC database, 130181 (Lynbrook - Hortonsphere Site), is approximately 0.06-mile southwest of the component along Ocean Avenue and Merrick Road. This site is part of the State Superfund Program. Historical use of the site included a 75,000 cubic foot capacity gas holder tank. There was a release of benzo[a]pyrene into the soil, with concentrations present above the NYSDEC Restricted Use Industrial Soil Cleanup Objectives. NYSDEC determined that there was no apparent threat to the ecology of the site or the immediate area.

The next-nearest sites listed on the NYSDEC database are C130140 (Former Darby Drugs Distribution Center) and C130140A (Former Darby Drugs Distribution Center Off-site). This combined Brownfield project site is approximately 0.08-mile east of the component, along Banks Avenue and Nassau Street. The site has an environmental easement placed on the property under institution and engineering controls. In 2004, a remedial investigation identified a groundwater plume and soil contamination of tetrachloroethylene (PCE) at the property line, emanating from the source in a southerly direction. Historical records indicated a dry-cleaning still unit was present at the site. The depth to groundwater varies from 5 to 9 feet below grade surface and flows in a southerly direction. The maximum concentration of PCE at the property line of Darby site was 5,800 parts per billion, which exceeds the New York State Water Quality Guidance Value of 5 parts per billion (NYSDEC 2020a). As such, it is likely that concentrations would have migrated to the component area. However, a Certificate of Completion was signed in 2011.

Lister Park Improvements Component

This component would require an NYSDEC permit. The locations of ground disturbance are shown in **Figure 20**. The component contains one spill listed on the NYSDEC Environmental Site Remediation Database (see **Figure 23**). The spill (Spill Number 1812558) occurred on March 22, 2019, on private property along Oceanview Road. Three gallons of fuel oil caused by equipment failure were spilled and affected only impervious surfaces. The spill case was closed on March 11, 2020.

The nearest remediation sites are the same as those described for the Smith Pond component. The C130140 (Former Darby Drugs Distribution Center) and C130140A (Former Darby Drugs Distribution Center Off-site) Brownfield site is approximately 0.24 mile north of the Lister Park component, and 130181 (Lynbrook - Hortonsphere Site) is located approximately 0.23 mile north.

East Rockaway High School Component

This component would require an NYSDEC permit. The locations of ground disturbance are shown in **Figure 20**. The NYSDEC Environmental Site Remediation Database lists three spills within the ERHS component area (see **Figure 23**). The first spill (Spill Number 0411488) occurred on January 25, 2005, on ERHS property. Twenty-five gallons of fuel oil were spilled as a result of a tank overflow and affected the soil. The spill case was closed on February 3, 2005. The second spill (Spill Number 0225327) occurred on November 12, 2002, also on ERHS property. An unknown amount of fuel oil was spilled and affected the soil. The spill case was closed on March 7, 2013. The third spill (Spill Number 0503696) on ERHS property occurred on June 28, 2005, when an unknown amount of fuel oil was spilled and affected groundwater. The spill case was closed on April 12, 2007.

As shown in **Figure 23**, the nearest site listed on the NYSDEC database is C130157 (Minute Man Cleaners), located 0.36-mile south of the component site. According to the proprietor of Minute Man Cleaners, approximately half a dozen leaks of PCE occurred between 1983 and 1987 as a result of broken gaskets in one of the facility's dry-cleaning machines. Based on investigations conducted to date, the

primary contaminant of concern at the site is PCE, which is a compound used in dry-cleaning operations that is still used at the facility. PCE was detected in on-site soils and in on- and off-site groundwater. Elevated levels of PCE were detected in the sediments of the adjacent river and in soil vapor. Residual contamination in the soil, soil vapor and groundwater is managed under a Site Management Plan. A soil vapor extraction system operating at the site will remain active. An environmental easement has been placed on this property under institution and engineering controls (NYSDEC 2020b).

The next-nearest sites are those discussed for the Smith Pond and Lister Park components, above. Both are more than 0.36 mile from the ERHS component.

East, West, and North Boulevards – Stormwater Drainage Improvements Component

This component would require excavation within each of the streets, as shown in **Figure 14**. The component contains one spill listed on the NYSDEC Environmental Site Remediation Database (see **Figure 23**). The spill (Spill Number 1209211) occurred on November 5, 2012, on private property along Fulton Street East. The spill, caused by a storm, involved raw sewage and affected soil, air, and sewer. The spill case was closed on May 10, 2013.

The nearest site listed on the NYSDEC database is C130157 (Minute Man Cleaners), discussed in the ERHS component section above. This site is located 0.5 mile north of the component site. The next nearest sites are located more than 0.61 mile from the component and would not affect the soil at the component site.

Mill River Greenway Component

This component would not require excavation, except for limited surface grading. The NYSDEC Environmental Site Remediation Database lists four spills on roadways adjacent to this component (see **Figure 23**). The first spill (Spill Number 1908869) occurred on December 10, 2019, at the intersection of Peninsula Boulevard and Lakeview Avenue was caused by a traffic accident and included 20 gallons of gasoline. The spill case has not been closed. The remaining three spills (Spill Numbers 8800995, 9008160, and 0400988) occurred on Henry Street in West Hempstead. The three spills ranged in size from 1 gallon to 200 gallons of fuel oil and were caused by equipment failure or human error. All three spill cases have been closed.

The nearest site listed on the NYSDEC database to the Mill River Greenway is the Brownfield site containing the C130140 (Former Darby Drugs Distribution Center) and C130140A (Former Darby Drugs Distribution Center Off-site). This Brownfield site is located in the building adjacent to the sidewalks along Banks Avenue and Nassau Street. This site is discussed under the Smith Pond Rehabilitation component above. Because excavation is not anticipated for the Mill River Greenway component, contaminated soils would not be disturbed or removed from the site.

The next nearest site is C130157 (Minute Man Cleaners), also discussed above. The contamination associated with this site would not affect the Mill River Greenway component.

With implementation of mitigation measures, the project would have no impact on human health.

Evaluation of Alternatives

A No Action Alternative was evaluated. Under the No Action Alternative, no changes would occur to the existing conditions, and impacts would continue to occur. At Smith Pond, the lake and park paths would continue to be inaccessible as a result of overgrown aquatic and upland vegetation; erosion of the riverbank and flooding of park parking lots would continue to occur at Lister Park; the athletic field and faculty parking lot at the ERHS would remain unusable during heavy rain events due to flooding; and storm surge and flood events would continue to affect the residential area in the Boulevards component. Additionally, no consideration of community connectivity would occur, and the greenway would remain

disconnected through the communities of Nassau County. The water quality, resiliency, and long-term ecological benefits associated with the LWTB Stormwater Project would not be realized under the No Action Alternative. The Mill River water quality would continue to be deteriorated by pollutants from parking lots, the shoreline habitat would remain degraded and susceptible to erosion, flood risks would not be reduced, and shoreline and recreational access during and after storm events would remain impeded.

Cumulative Projects

The location of cumulative projects is shown in **Figure 27**. The LWTB Project and Resiliency Strategy are configured such that projects can advance independently. Although, the LWTB Stormwater Project is the subject of this analysis, the Hempstead Lake State Park Project (**Figure 28**) and the Long Beach Water Pollution Control Plant Consolidation Project (**Figure 29**) are considered in the cumulative analysis. In addition, the Bay Park Conveyance Project, which is related to the Long Beach Water Pollution Control Plant Project, is considered (**Figure 30**), as are future building and site improvements at East Rockaway Junior-Senior High School.

Land

The LWTB Stormwater Project, in combination with cumulative projects, would not result in inconsistencies with the Nassau County Master Plan or other local plans and policies. The cumulative projects predominantly involve flood protection, water quality enhancement, and stormwater management improvements. As part of the Long Beach WPCP Consolidation Project, for example, the new diversion pump station would be consistent with existing zoning and land use controls, and improvements would be designed to be compatible with the existing topography and built character of the Mill River and Hewlett Bay system.

Surface Water, Wetlands, and Flooding

The LWTB Stormwater Project, in combination with cumulative projects, could increase erosion during construction. However, the potential for cumulative impacts would be minimized through adherence to construction BMPs. As noted above, the LWTB Stormwater Project and cumulative projects would entail minimal construction of new structures. Hempstead Lake State Park is not within the 100-year floodplain, and the Long Beach WPCP project would only result in negligible impacts from new aboveground vents within the floodplain.

The LWTB Stormwater Project would result in a net gain of approximately 0.3 acre of wetland. The Long Beach WPCP would result in a minimal net loss of approximately 0.005 acre of intertidal wetland and the Hempstead Lake State Park Project would result in 2.76 acres of net wetland loss, including 1.00 acre of open water, 0.76 acre of emergent wetland, and 1.00 acre of scrub shrub wetland. Therefore, the LWTB Stormwater Project, in combination with cumulative projects, would result in the net loss of approximately 2.4 acres of wetland in the Mill River Watershed and Western Bays. Proposed compensatory mitigation would offset this net loss. Mitigation at Long WPCP would result in enhancement to 3.27 acre of intertidal marsh. Mitigation for the Hempstead Lake State Park Project would result in a gain in acreage of higher functioning emergent wetlands, and the enhancement of 31.0 acres of existing wetlands and 23.7 acres of open waters.

The LWTB Stormwater Project, in combination with cumulative projects, would improve water quality in the Mill River Watershed and the Western Bays. As a net cumulative benefit, overall flows to the Mill River would be slowed and reduced, and flows would have less sediment and other pollutants, resulting in improved water quality. In addition, the Bay Park STP Conveyance Project and Long Beach WPCP Consolidation Project would combine to eliminate nitrogen deposition in the Western Bays. The only cumulative projects that would result in floodplain encroachment are the site improvements at Smith Pond, Lister Park, and ERHS. These projects would permanently impact an estimated 7,606 square feet

(0.175 acre) of land located in the 100-year floodplain. Detailed hydrologic and hydraulic evaluations of proposed improvements at Smith Pond showed changes in flooding as a result of project implementation are not expected to be more than 0.03 feet and would be completely contained within the limits of Morgan Days Park. A hydraulic model study (see **Appendix L**) demonstrated that construction of the Lister Park and ERHS components, in combination with the raising of the ERHS athletic field by 2 feet as proposed by the East Rockaway School District, would have very small and localized effects on the flood water elevations in the project area. Comparison of the pre- and post-water surface profile shows no discernable changes in the flood levels, and detailed examination of water surface elevations in the vicinity of the proposed improvements show very small changes in flood levels. As such, cumulative impacts on the floodplain would not be adverse.

The cumulative projects are predominantly focused on stormwater or sewer management improvements, recreation enhancement, and water quality improvements. No new buildings would be constructed in areas with steep slopes. Slopes would be designed to conform to engineering standards.

The Hempstead Lake State Park Project would benefit downstream locations of the Mill River. This benefit would complement the benefits from stormwater retention and treatment features in the Lister Park, ERHS, and Boulevards components of the LWTB Stormwater Project. As a net cumulative benefit, overall flows to the Mill River would be slowed and reduced, and flows would have less sediment and other pollutants, resulting in decreased erosion and improved water quality in the Mill River and Hewlett Bay. Further, the reduction in nitrogen loadings resulting from the Long Beach WPCP Consolidation Project and ultimately from the Bay Park STP Conveyance Project would substantially reduce nitrogen loadings in the Western Bays, further improving water quality

Air Quality

The LWTB Stormwater Project, in combination with cumulative projects, would result in criteria air pollutant emissions during construction and operation. Construction contractors would be required to implement BMPs, as identified in this document and the respective environmental analyses of cumulative projects. Cumulative impacts would not be major.

Plants and Animals, Threatened and Endangered Species

The LWTB Stormwater Project, in combination with cumulative projects, would result in beneficial cumulative impacts on vegetation and wildlife in the Mill River Watershed. Freshwater wetlands and coastal marshes would be rehabilitated, and the associated habitat values would be improved. Water quality would be improved through the wetland and marsh enhancements and from reductions in nitrogen loadings through improved wastewater treatment, which would further improve habitat. Wetland enhancement would also remove invasive species and increase biological connectivity along the river, which would benefit native vegetation and wildlife populations. Construction of the LWTB Stormwater Project, as well as the cumulative projects would result in temporary adverse effects, which would be mitigated through implementation of BMPs.

Energy

Construction of the LWTB Stormwater Project components, in combination with cumulative projects, would result in typical consumption of fuels and electrical energy. Operation of the generator at ERHS and the new light fixtures would require fuel or electrical energy. The cumulative increase in energy consumption would be negligible in the context of the energy demands of the communities surrounding the project area.

Noise

Construction the LWTB Stormwater Project, in combination with cumulative projects, would not result in

major impacts to noise. Each construction location and contractor would be required to adhere to local noise ordinance requirements.

Human Health

No population changes would be associated with the LWTB Stormwater Project or the cumulative projects discussed in this EA; therefore, there would not be a significant increase in demand for health care and social services.

STANDARD REQUIREMENTS:

Any change to the proposed project as described will require reevaluation by GOSR's Certifying Officer for compliance with SEQRA and other law, regulations, and policies.

This review does not address all federal, state, and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state, and local laws. Failure to obtain all appropriate federal, state, and local environmental permits and clearances may jeopardize federal funding.

ADDITIONAL MITIGATION MEASURES:

The grant recipient would adhere to the following conditions during project implementation and consider the conservation recommendations outlined below. Failure to comply with grant conditions may jeopardize federal funds.

Air Quality

All project activities would comply with applicable federal, state, and local laws and regulations regarding construction emissions, including but not limited to NYCRR, NYSDEC Air Quality Management Plan, and the New York State Implementation Plan. All necessary measures would be used to minimize fugitive dust emissions. The preferred method for dust suppression is water sprinkling. To demonstrate compliance, the following specifications would be incorporated into the contract documents:

Idling Restriction. On-site vehicle idle time would be restricted to 5 minutes for all equipment and vehicles that are not using their engines to operate a loading, unloading, or processing device (e.g., concrete mixing trucks) or otherwise required for the proper operation of the engine.

Utilization of Newer Equipment. The U.S. Environmental Protection Agency's Tier 1 through 4 standards for nonroad engines regulate the emission of criteria pollutants from new engines, including particulate matter, carbon monoxide, nitrogen oxides and hydrocarbons. All nonroad construction equipment with a power rating of 50 horsepower or greater would meet at least the Tier 2 emissions standard to the extent practicable.

Best Available Tailpipe Reduction Technologies. Nonroad diesel engines with a power rating of 50 horsepower or greater and controlled truck fleets (i.e., truck fleets under long-term contract with the project) including but not limited to concrete mixing and pumping trucks would use the best available tailpipe technology for reducing diesel particulate matter emissions. Diesel particulate filters have been identified as being the tailpipe technology currently proven to have the highest reduction capability. Construction contracts would specify that all diesel nonroad engines rated at 50 horsepower or greater would use these filters, either installed by the original equipment manufacturer or retrofitted. The U.S. Environmental Protection Agency must verify retrofitted diesel particulate filters. Active diesel particulate filters or other technologies proven to achieve an equivalent reduction may also be used.

Hazardous Materials

To ensure no adverse effects on human health and the environment from excavation activities occur for the Smith Pond, Lister Park, and ERHS components, GOSR would request a permit from NYSDEC in

accordance with a NYSDEC Use and Protection of Waters Permit (6 NYCRR Part 608.2(a)); Freshwater Wetlands Permit (6 NYCRR Part 663); SPDES Permit (6 NYCRR Part 751.3(a)(6)); and Clean Water Act § 401 Water Quality Certification.

Under the permitting process, NYSDEC would review and approve all excavation activities, and all activities would be conducted in accordance with the NYSDEC Technical & Operational Guidance Series. BMPs to be employed would focus on the construction method for removal of sediments and soils, the handling and movement of sediments and soils to a temporary dewatering location in the project area to be determined during the permitting process, and methods to minimize transport of sediments and soils during excavation beyond the excavation area (i.e., turbidity curtains). Should temporary dewatering be necessary to conduct the excavation, the dewatered area would be minimized to the extent practicable and would not be expected to substantially interrupt streamflow. Excavation will also consider potential seasonal restrictions on in-water work to avoid or minimize impacts on life cycle periods of aquatic organisms. The use of BMPs would minimize the potential for contaminants in the sediments to migrate during dredging and once the dredge materials are stored on-site in an appropriate containment location prior to transport to an off-site permitted disposal facility.

The East-West Boulevard Component would occur entirely within existing roadways, and the Greenway component would entail only grading. Any excavated soil generated by the construction of project components would be screened as necessary to remove materials unsuitable for reuse. Unsuitable excavated materials would be disposed off-site in accordance with disposal requirements.

Water Quality

A Stormwater Pollution Prevention Plan and notice of intent would be prepared for components larger than 1 acre. Activities would adhere to the conditions in the Stormwater Pollution Prevention Plan. BMPs such as silt fences and erosion prevention would be implemented as required by permits or agency direction.

For the Smith Pond component, GOSR or the local jurisdiction would obtain an Article 24 Freshwater Wetlands Permit, Article 15 Protection of Waters Permit, and Water Quality Certificate from NYSDEC and a section 404 Nationwide Permit from USACE for the placement of fill and other construction activities affecting wetland and open waters.

For the Lister Park component, GOSR or the local jurisdiction would obtain an Article 25 Tidal Wetlands Permit, Article 15 Protection of Waters Permit, and Water Quality Certificate from NYSDEC and a section 404 Individual Permit from USACE for the placement of fill and other construction activities affecting wetland and open waters.

For the ERHS component, an Article 25 Tidal Wetlands Permit would be obtained from NYSDEC for permanent impacts on the tidal wetland adjacent area and a section 404 Nationwide Permit from USACE for the placement of fill and other construction activities affecting wetland and open waters.

BMPs to protect wetlands include the use of a turbidity curtains for in-water work and installation of silt fencing to prevent sediment and debris from discharging into waters and wetlands during land-based activities. Adherence to the permit conditions would limit construction impacts.

Sediment control fences, inlet protectors, and inlet filters would be used as the construction activities associated with the components are implemented. Silt fencing would be installed to prevent sediment and debris from discharging off-site in stormwater runoff. Inlet filters and protectors would be installed in existing catch basins to prevent construction sediment and debris from entering the existing stormwater system and discharging into waterbodies during construction. Additionally, specific mitigation measures identified during the permitting process by federal and state agencies would be implemented. Activities would adhere to the conditions of applicable Stormwater Pollution Prevention Plans.

Plants and Animals, Threatened and Endangered Species

To avoid impacts on northern long-eared bat, tree removal activities for the Smith Pond component would occur during November 1 to March 31, outside the active season, to avoid accidental take. The November 1 to March 31 tree-clearing window would also avoid the migratory bird breeding season, which occurs between April 1 and August 31. Although the other four components do not provide suitable northern long-eared bat habitat, tree removal would not occur during the pup season (June 1–July 31). If tree removal were required at Smith Pond during the active season or during the pup season at the other four components, a qualified biologist would survey trees for northern long-eared bats and migratory bird nests prior to tree removal activities. Additionally, tree removal would be minimized to the greatest extent practicable, and trees to be protected from cutting would be clearly marked to prevent unnecessary clearing.

Adverse impacts on vegetation and wildlife would be mitigated during the final design. Construction fencing or flagging would be used to demarcate the limit of disturbance to avoid unnecessary clearing. Opportunistic non-native invasive plant species could spread or become established following ground disturbances associated with construction. To prevent the spread of such species, construction equipment would be thoroughly cleaned prior to leaving a work location where disturbance to vegetation has occurred. The area would be re-landscaped with native species following construction. Conducting in-water work in tidal waters during low tide would avoid disturbance to aquatic life and minimize impact to EFH.

Noise

Construction noise mitigation measures would be implemented, including outfitting equipment with mufflers and complying with Town of Hempstead, Village of East Rockaway, and Village of Rockville Centre noise ordinances (e.g., time-of-day work limitations, continuous noise level limitations).

COORDINATED REVIEW:

GOSR circulated a SEQRA lead agency coordination letter and FEAF Part 1 to involved and interested agencies on May 20, 2020, including the Town of Hempstead, Village of East Rockaway, Village of Rockville Centre, Nassau County, NYSDEC, NYS Division of Home Security & Emergency Services, and the NYS Office of Parks, Recreation and Historic Preservation. No substantive comments were provided in the responses received.

DETERMINATION OF SIGNIFICANCE:

In addition to the factors considered above, GOSR considered the following guidance from SEQRA and its implementing regulations and determined that the proposed action would:

- (i) Not result in “a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;” (§617.7(c)(1)(i))
- (ii) Not result in “the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;” (§617.7(c)(1)(ii))
- (iii) Not result in the impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g);” (§617.7(c)(1)(iii))
- (iv) Not result in “the creation of a material conflict with a community’s current plans or goals as officially approved or adopted;” (§617.7(c)(1)(iv))

- (v) Not result in “the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;” (§617.7(c)(1)(v))
- (vi) Not result in “a major change in the use of either the quantity or type of energy;” (§617.7(c)(1)(vi))
- (vii) Not result in “the creation of a hazard to human health;” (§617.7(c)(1)(vii))
- (viii) Not result in “a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;” (§617.7(c)(1)(viii))
- (ix) Not result in “the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;” (§617.7(c)(1)(ix))
- (x) Not result in “the creation of a material demand for other actions that would result in one of the above consequences;” (§617.7(c)(1)(x))
- (xi) Not result in “changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment (§617.7(c)(1)(xi)); or
- (xii) Not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision (§617.7(c)(1)(xii)).

Therefore, GOSR, acting as Lead Agency, and having prepared a FEAF, has determined that the proposed action will not have a significant effect on the environment and an environmental impact statement will not need to be prepared. The distribution list for this Determination of Non-Significance (Negative Declaration) can be found in **Attachment 4**.

Matt Accardi
 Assistant General Counsel
 Bureau of Environmental Review and Assessment Governor’s Office of Storm Recovery
 55 Beaver Street, 5th Floor, New York 10004
 Office: (212) 480-6265

Date: September 15, 2020

Attachments:

- Attachment 1. Figures
- Attachment 2. References and Sources
- Attachment 3. Environmental Assessment Forms (Parts 1, 2, and 3)
- Attachment 4. Negative Declaration Distribution List

A copy of this Determination of Non-Significance (Negative Declaration)—including Appendices A through P for the Living with the Bay Stormwater Project Environmental Assessment—is available at the following web address: <http://www.stormrecovery.ny.gov/environmental-docs>

ATTACHMENT 1
FIGURES



Figure 1: Regional Project Location

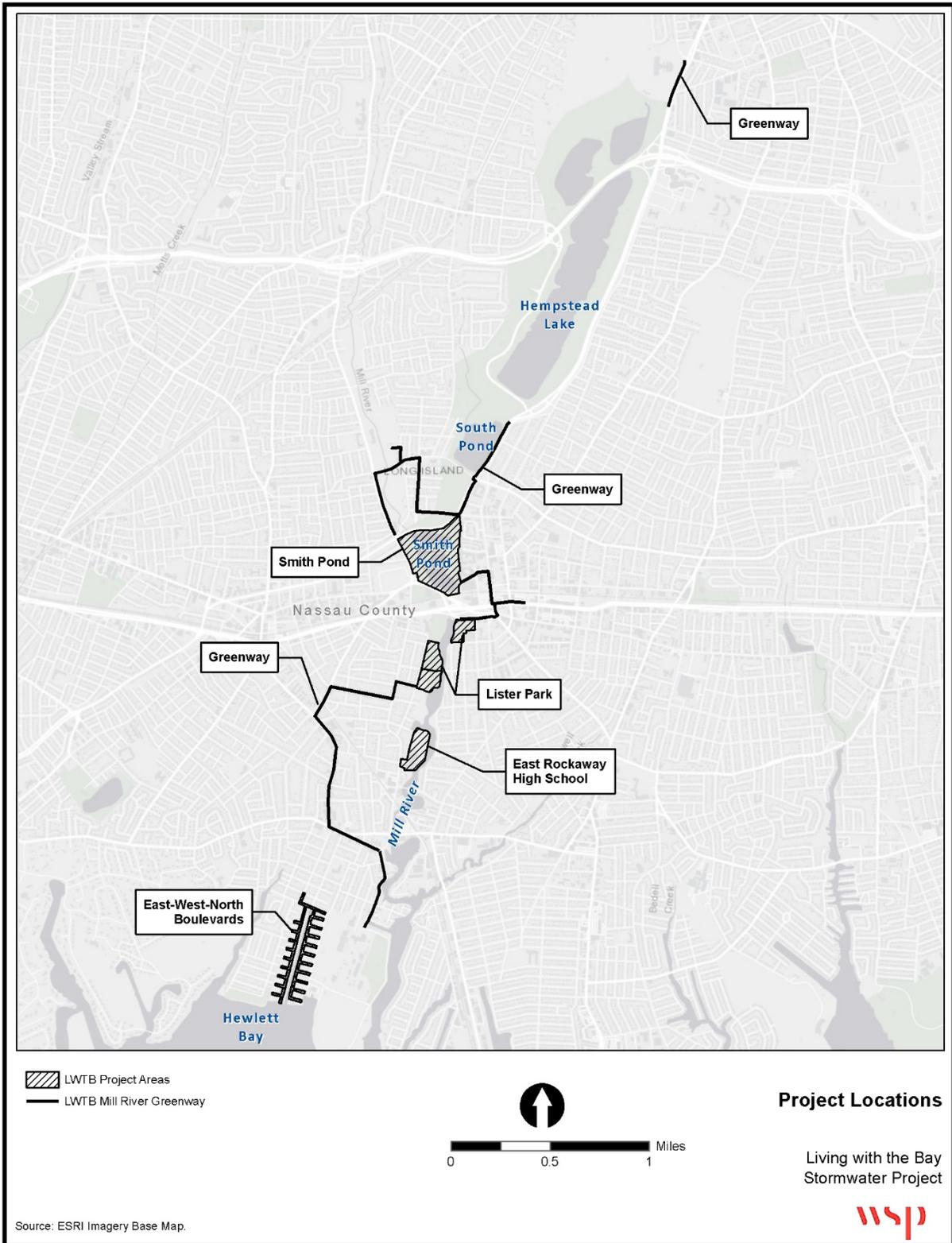


Figure 2: LWTB Stormwater Project Locations

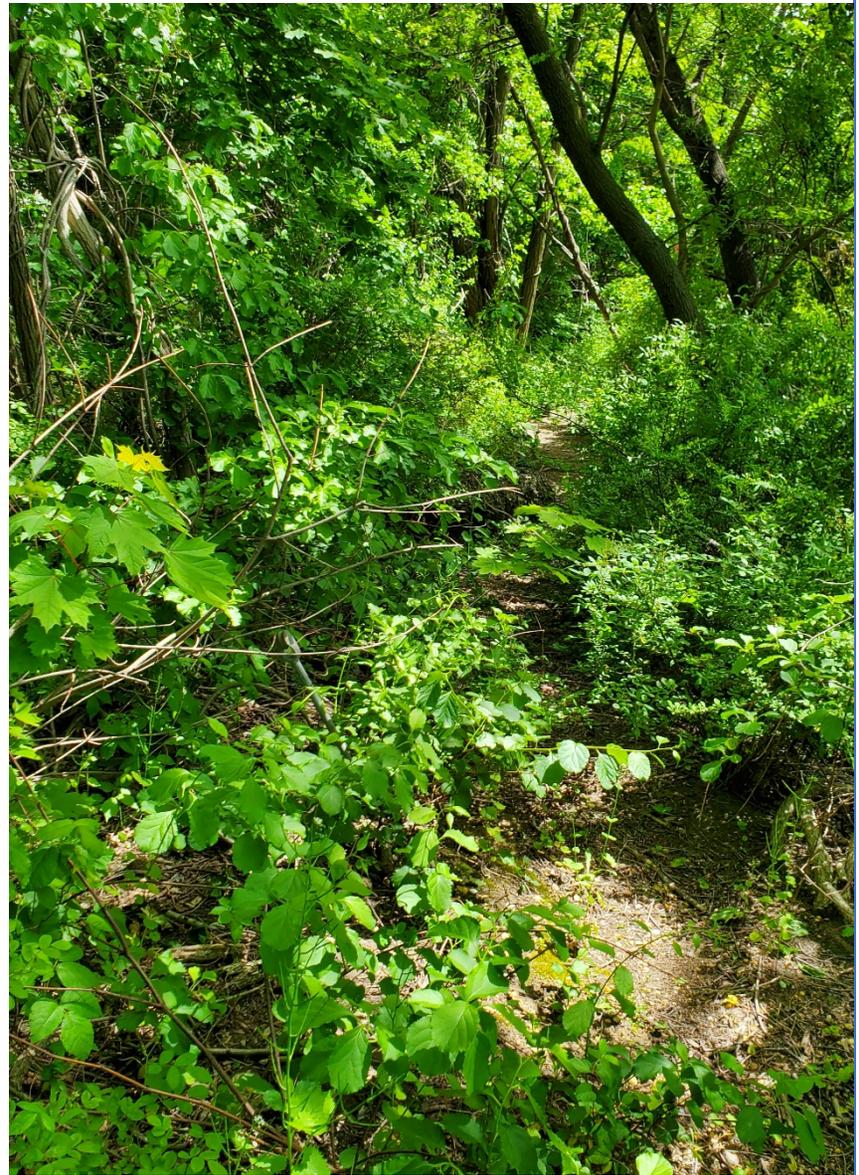
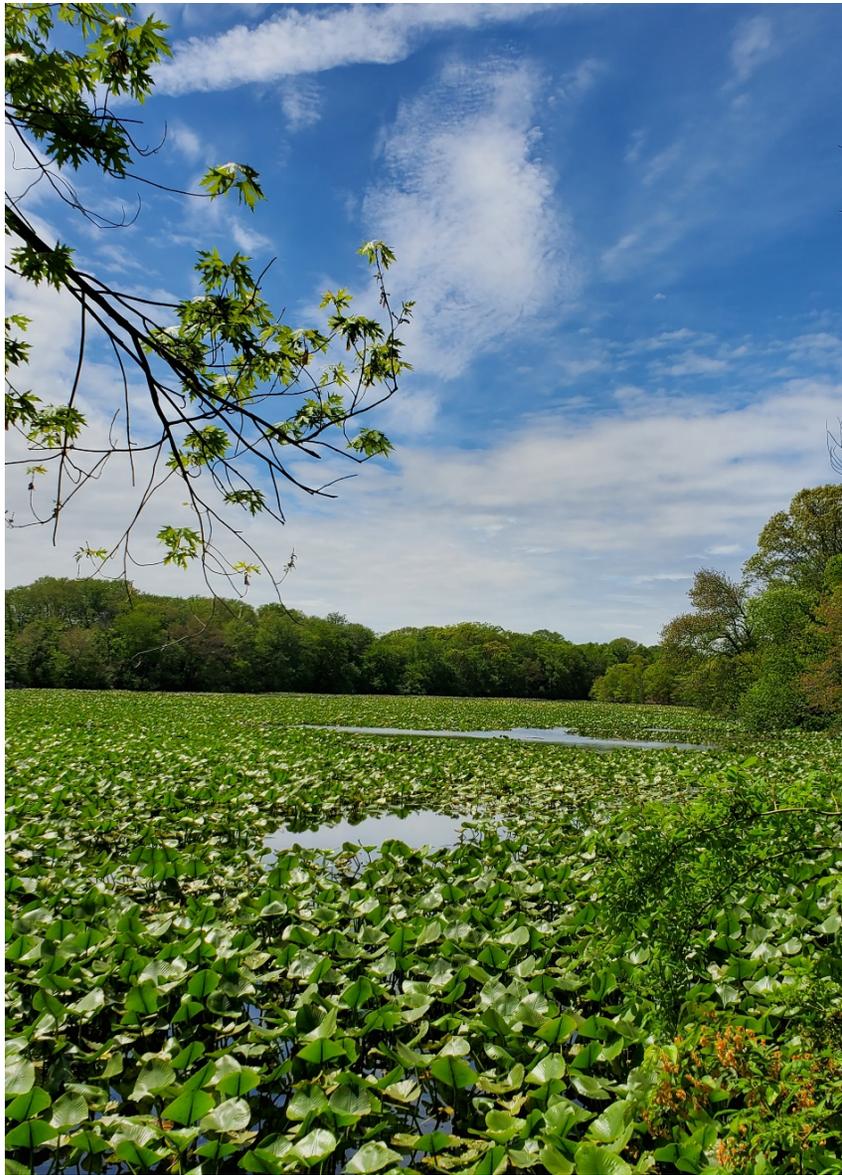


Figure 3a: Smith Pond Examples of Overgrown Aquatic Vegetation (Left) and Overgrown Path (Right)

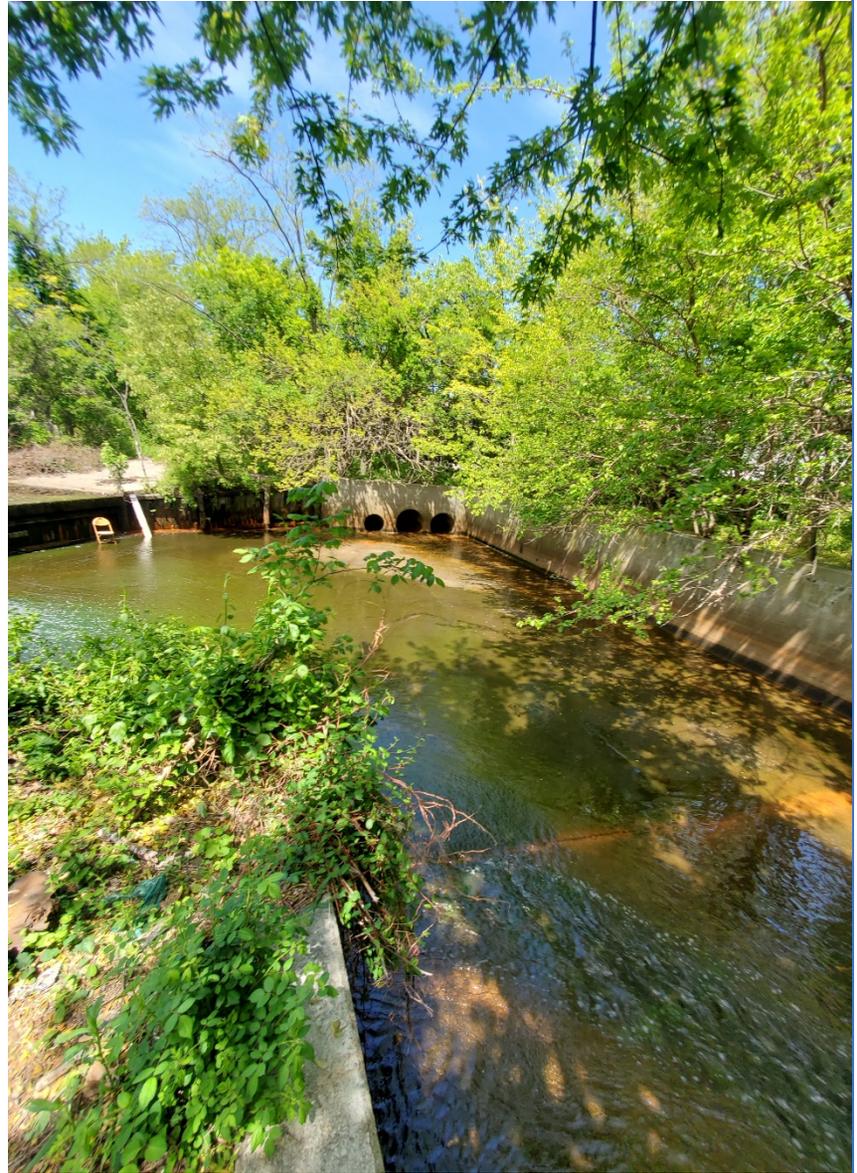
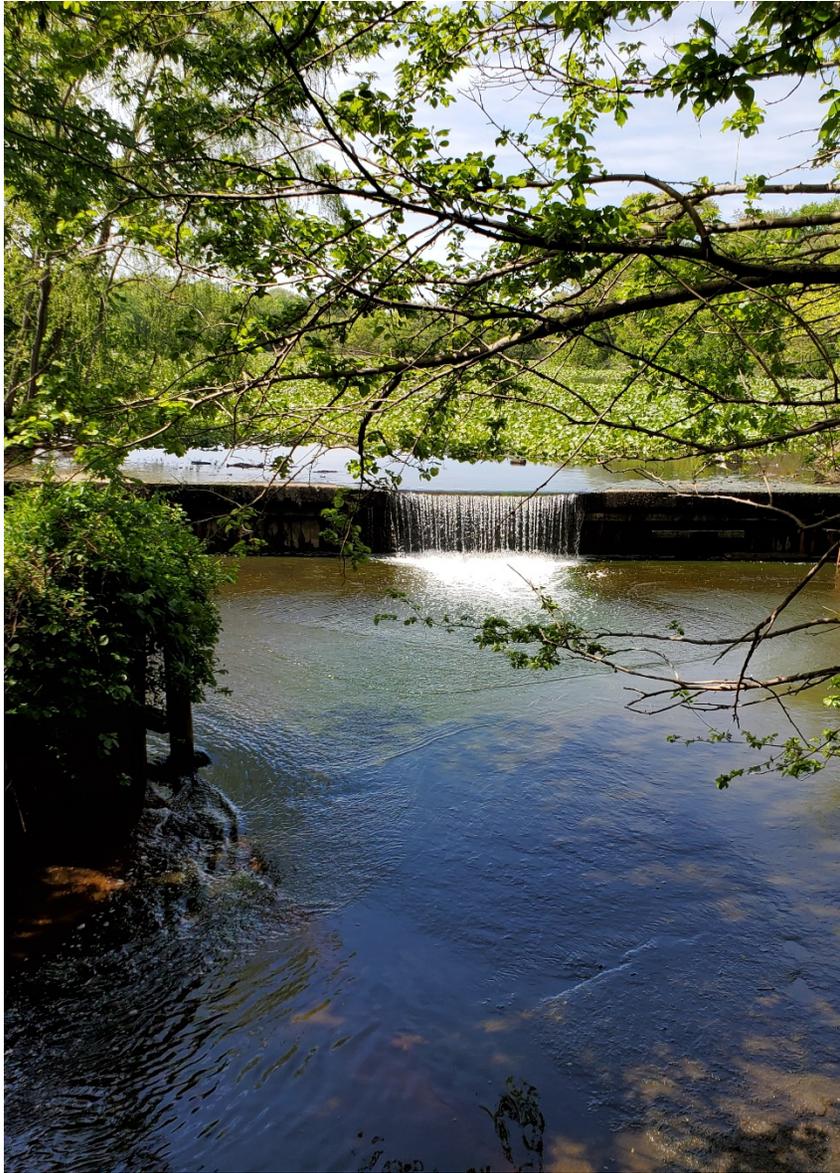


Figure 3b: Smith Pond Weir (Left) and Receiving Channel (Right)

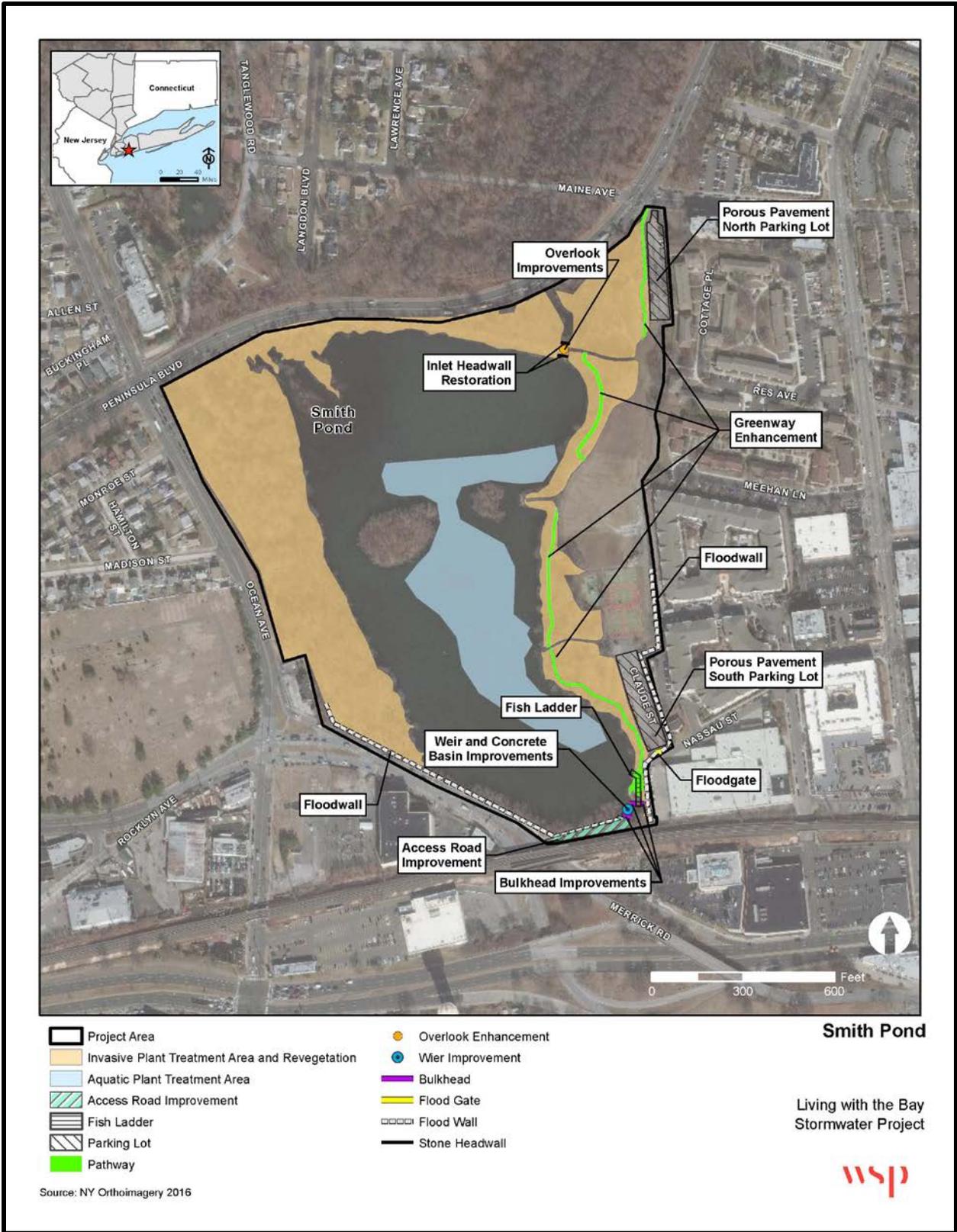


Figure 4: Smith Pond Proposed Improvements



Figure 5a: Tighe Field (Left) and Centennial Field Parking Lots (Right)

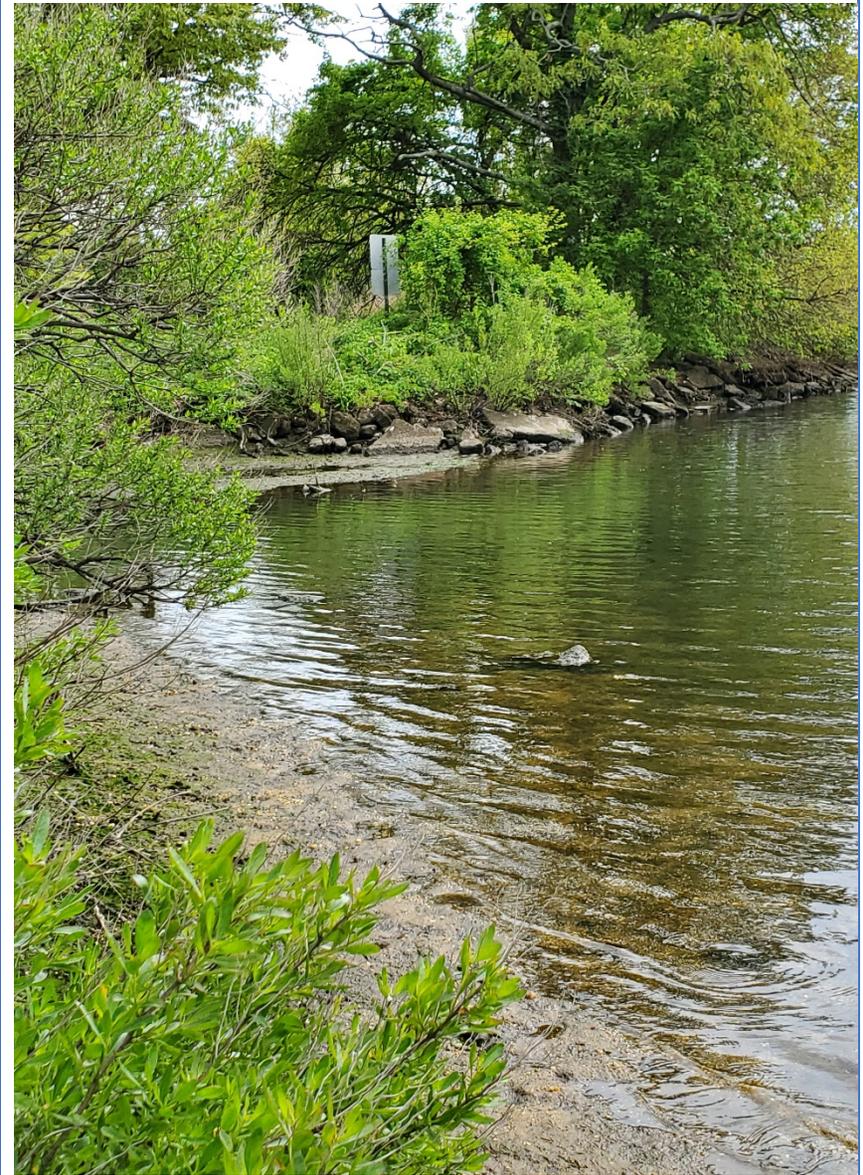


Figure 5b: Bligh Field (Left) and Shoreline Erosion at Lister Park (Right)

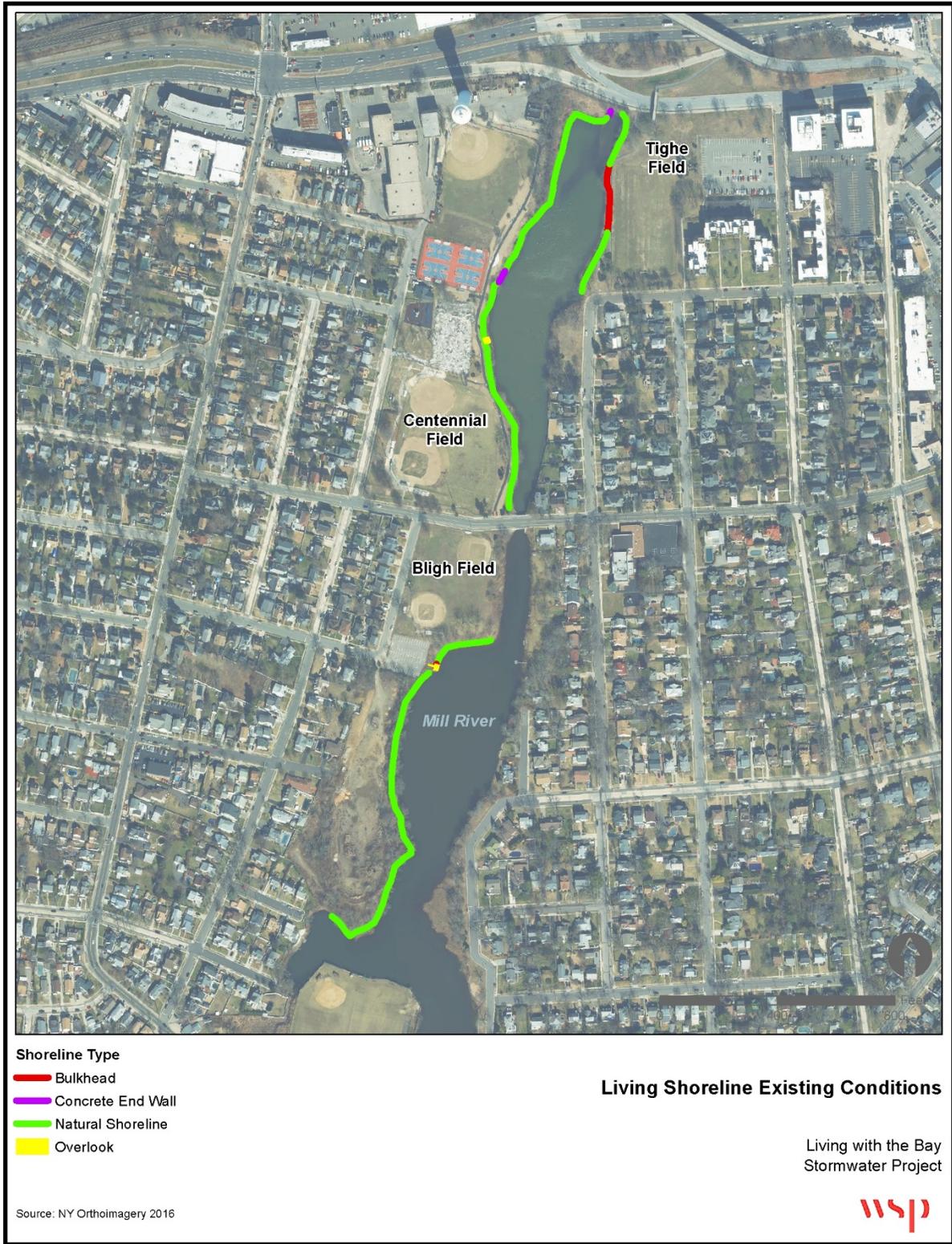


Figure 6: Living Shoreline Existing Conditions

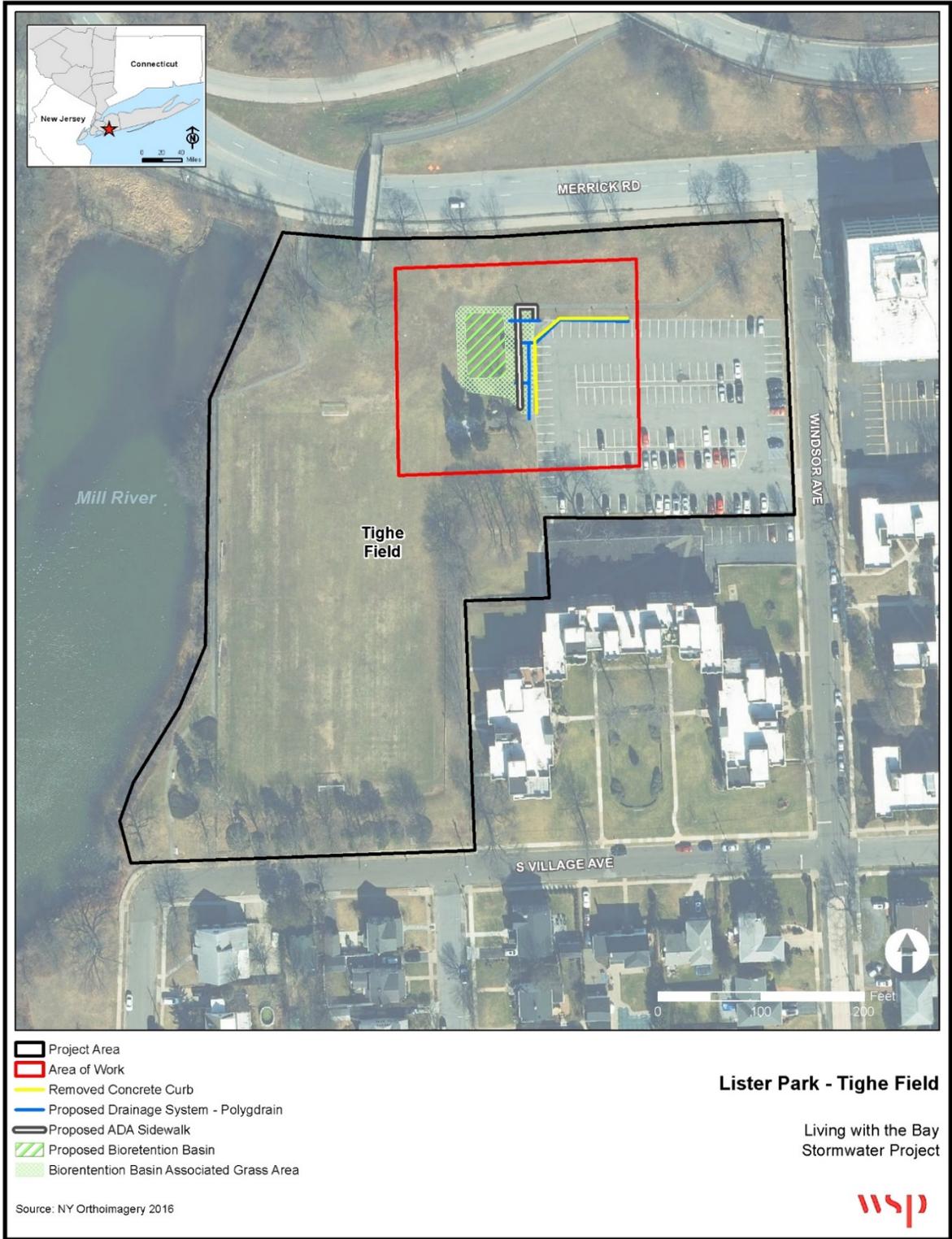


Figure 7: Lister Park (Tighe Field) Proposed Improvements



Figure 8: Lister Park (Centennial Field) Proposed Improvements



Figure 9: Lister Park (Bligh Field) Proposed Improvements

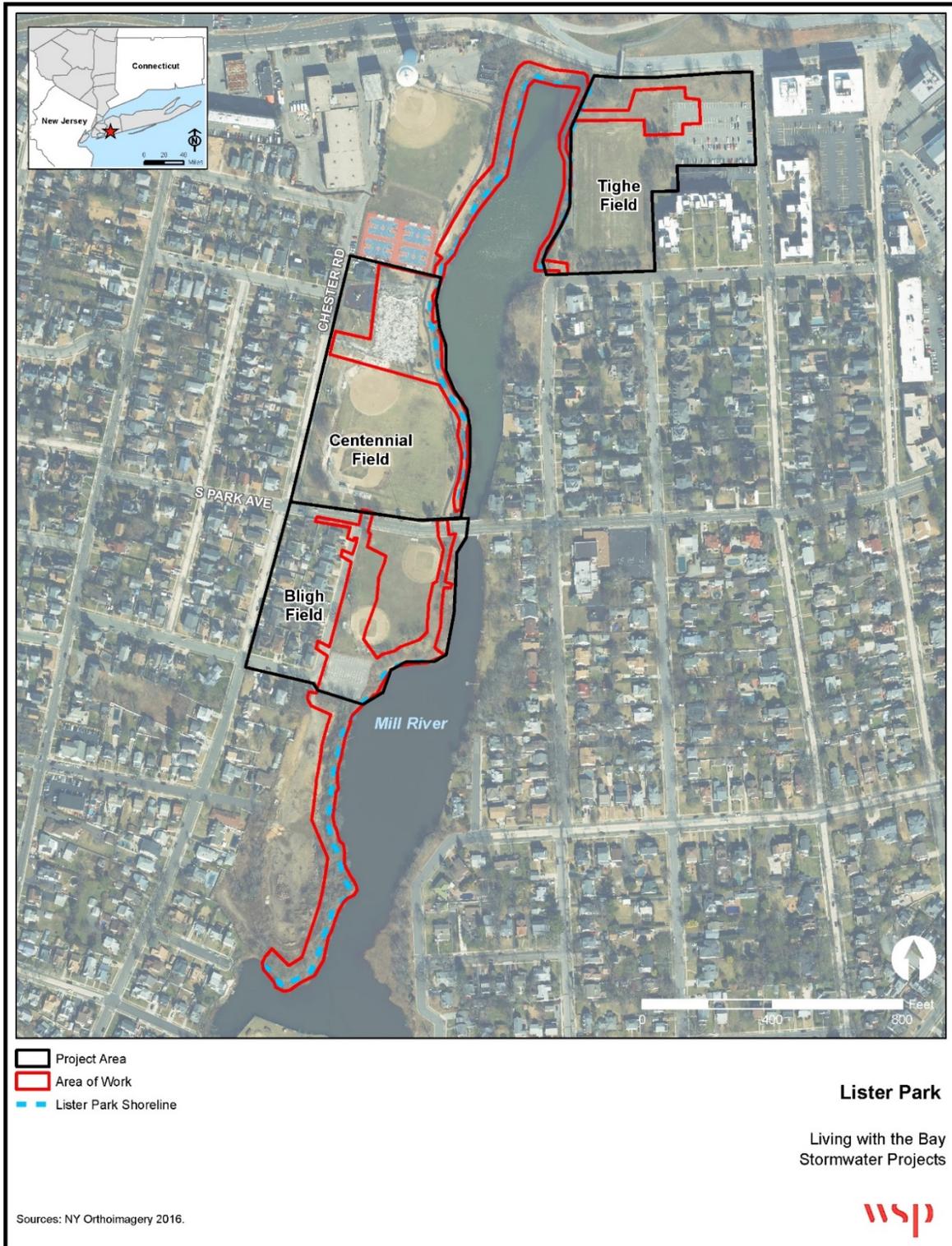


Figure 10: Lister Park (Living Shoreline and Fields) Proposed Area of Work



Figure 11a: East Rockaway High School Athletic Field (Left) and Shoreline Vegetation (Right)



Figure 11b: East Rockaway High School Bulkhead (Left) and Faculty Parking Lot (Right)

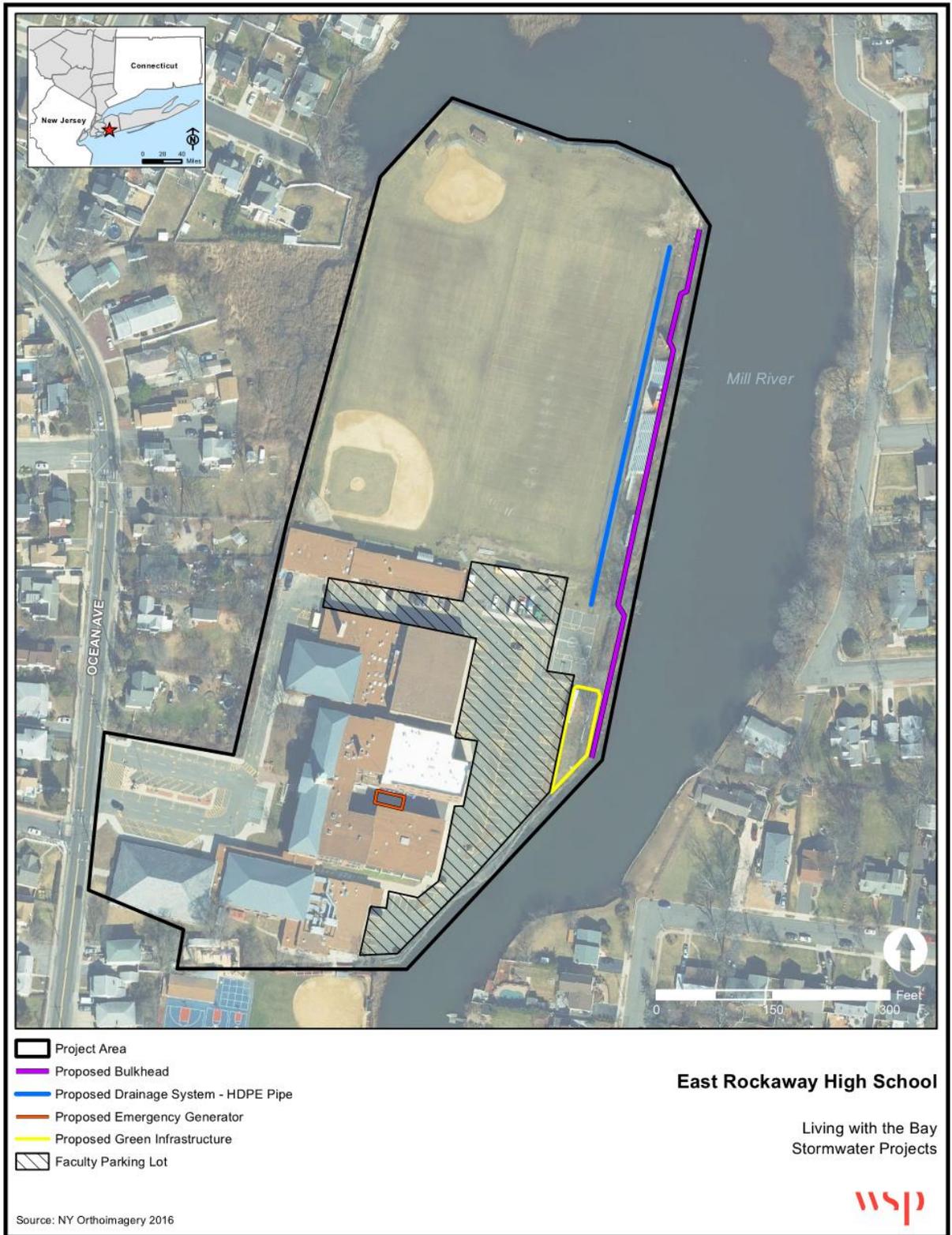


Figure 12: East Rockaway High School Proposed Improvements



Figure 13a: East, West, and North Boulevards Deteriorated Bulkhead (Left) and Deteriorated Storm Drain (Right)



Figure 13b: East, West, and North Boulevards Ponding on Sidewalk (Left) and Sediment Accumulation at Drain (Right)



Figure 14: East, West, and North Boulevards Proposed Improvements

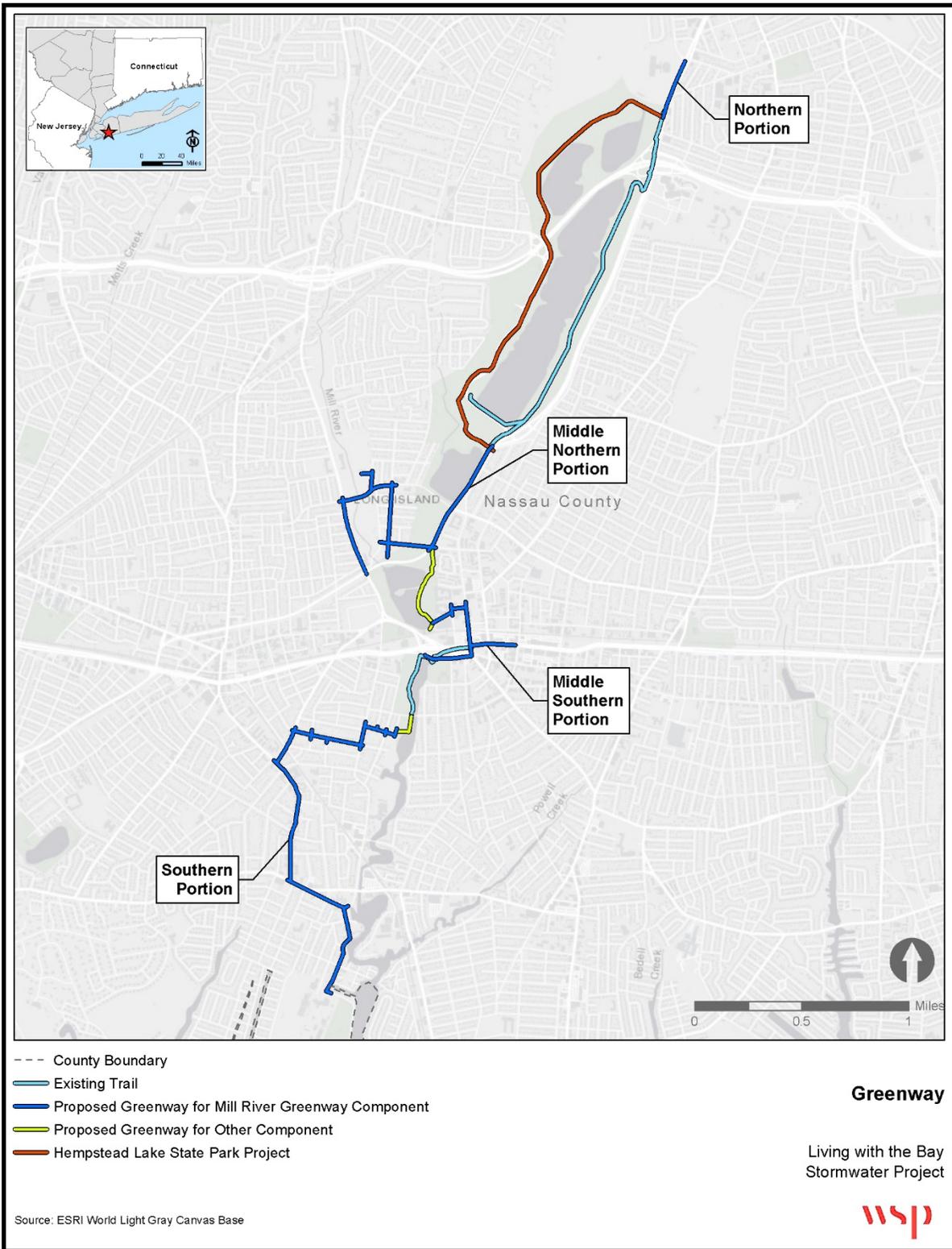


Figure 15: Existing Trails and Proposed Greenway



Figure 16: Mill River Greenway Example of Overgrown Vegetation (Top-Left), Non-Existent Vegetation (Top-Right) and Obstructed Sidewalks (Bottom)

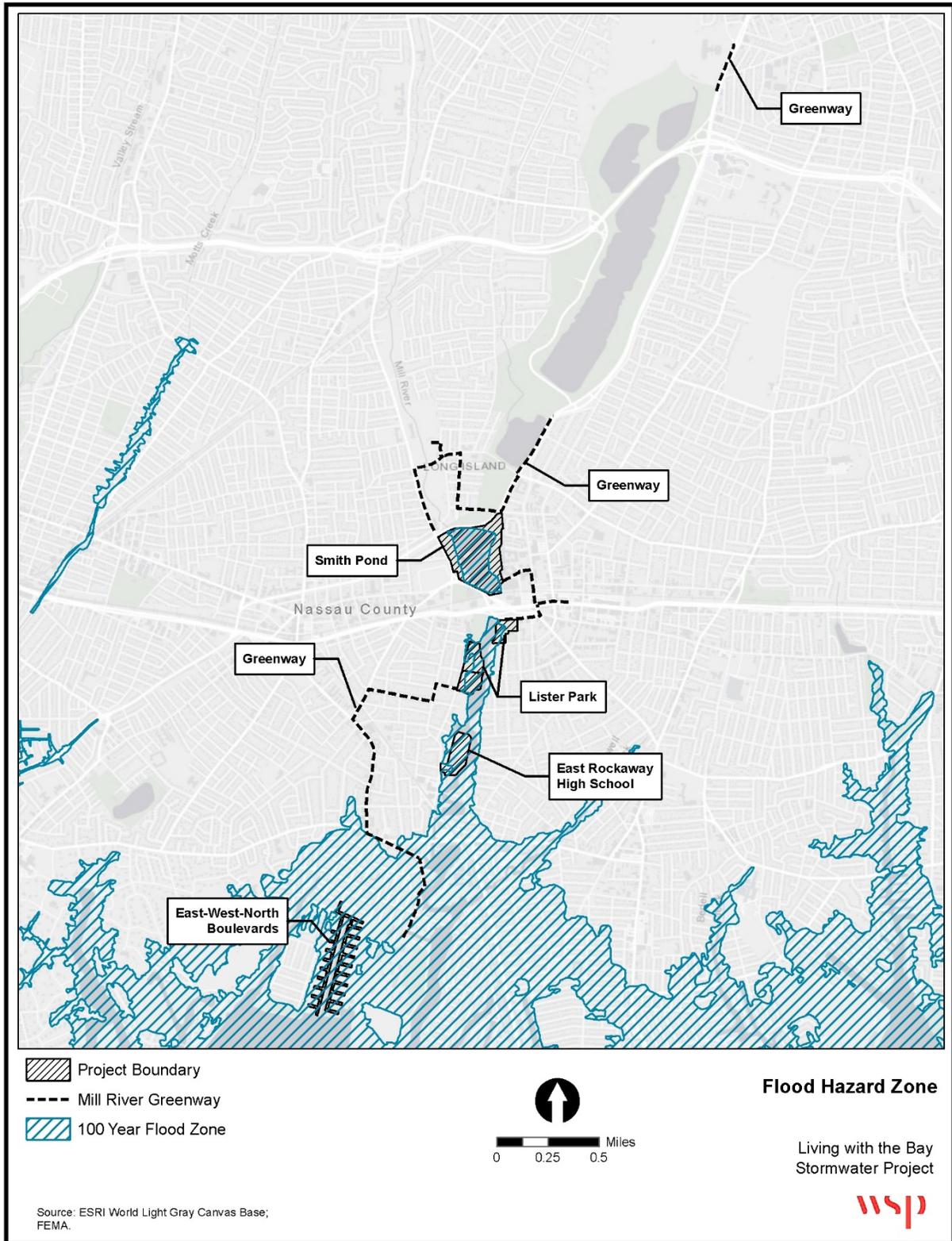


Figure 17: Flood Hazard Map

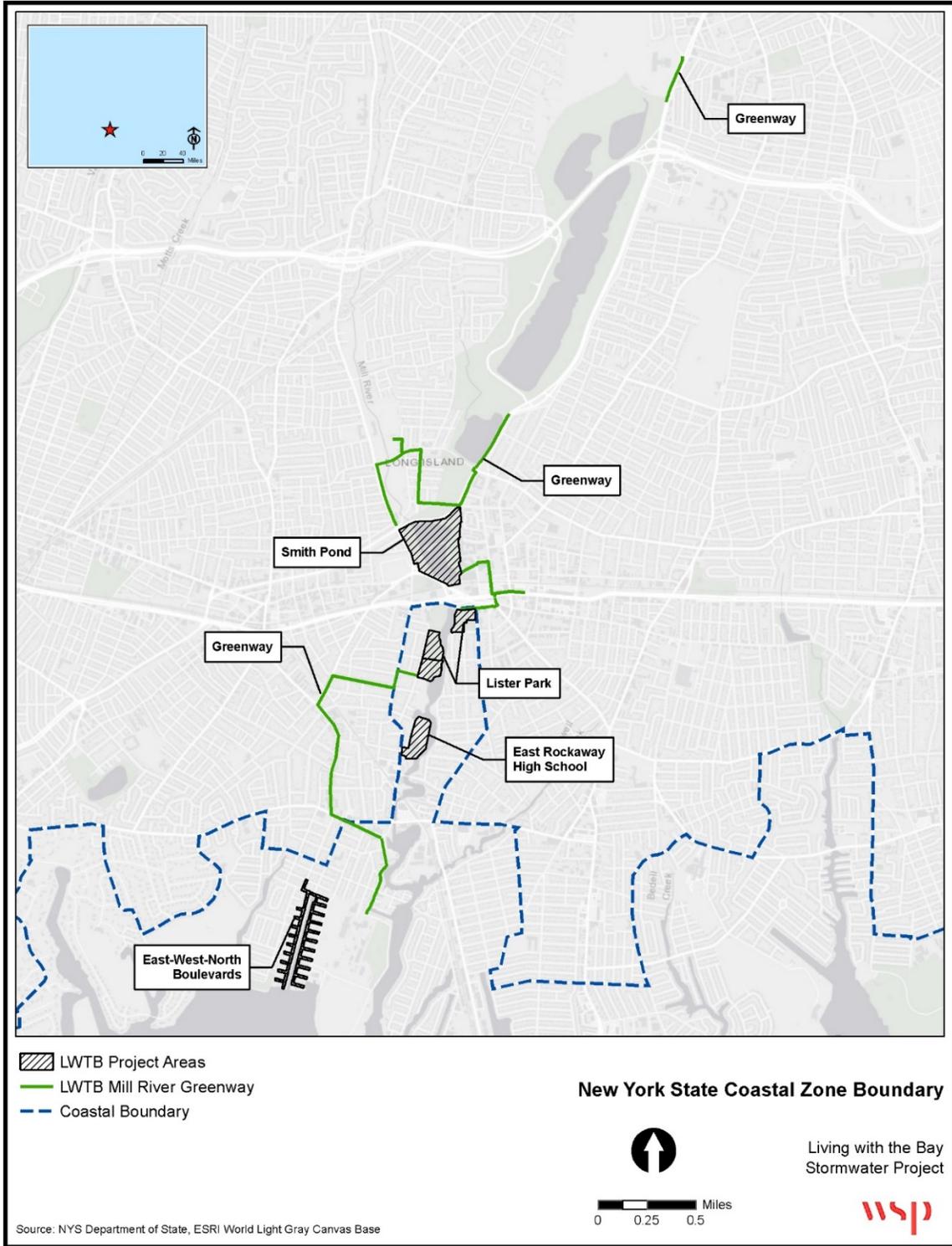


Figure 18: Coastal Zone Boundary

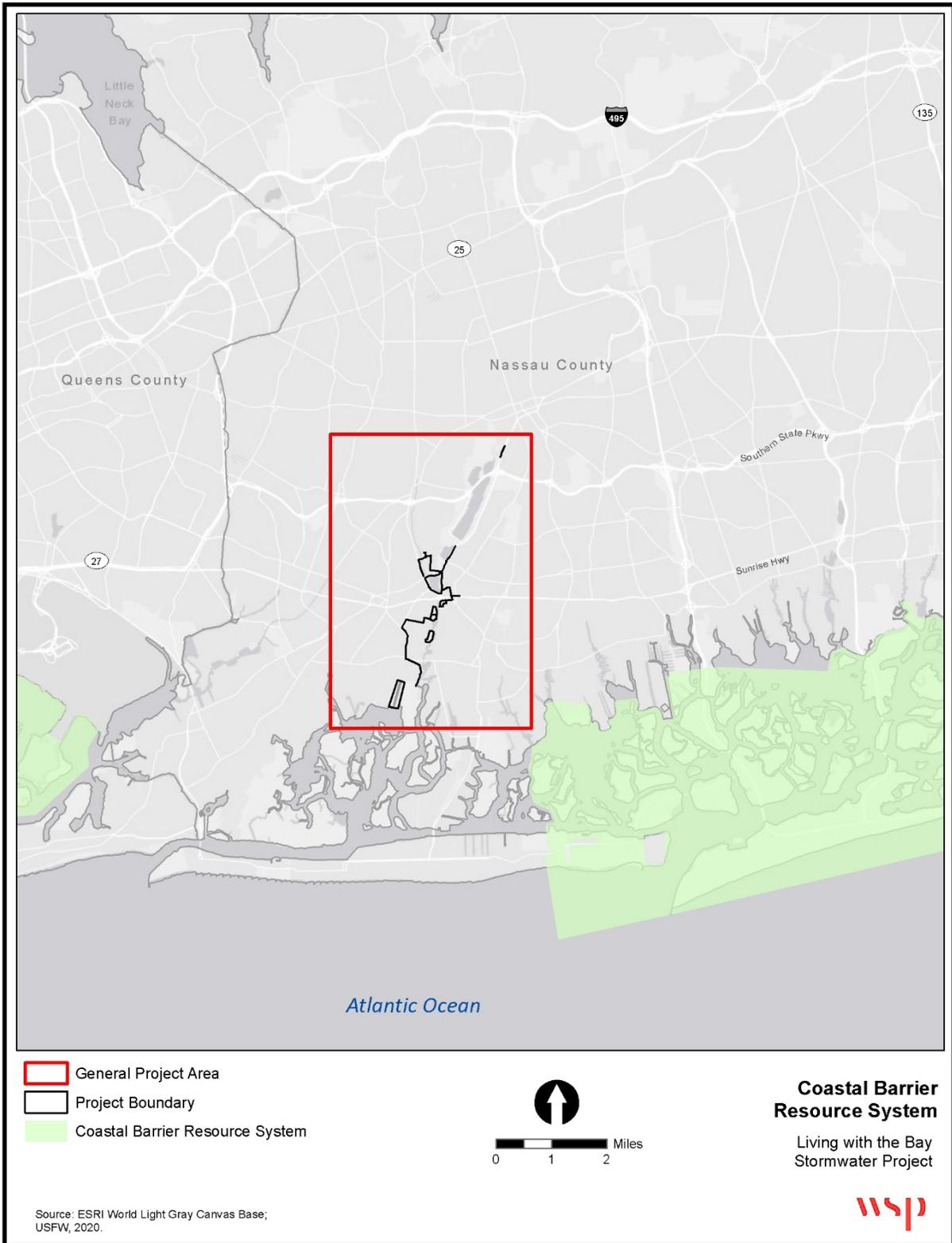


Figure 19: Coastal Barrier Resource System

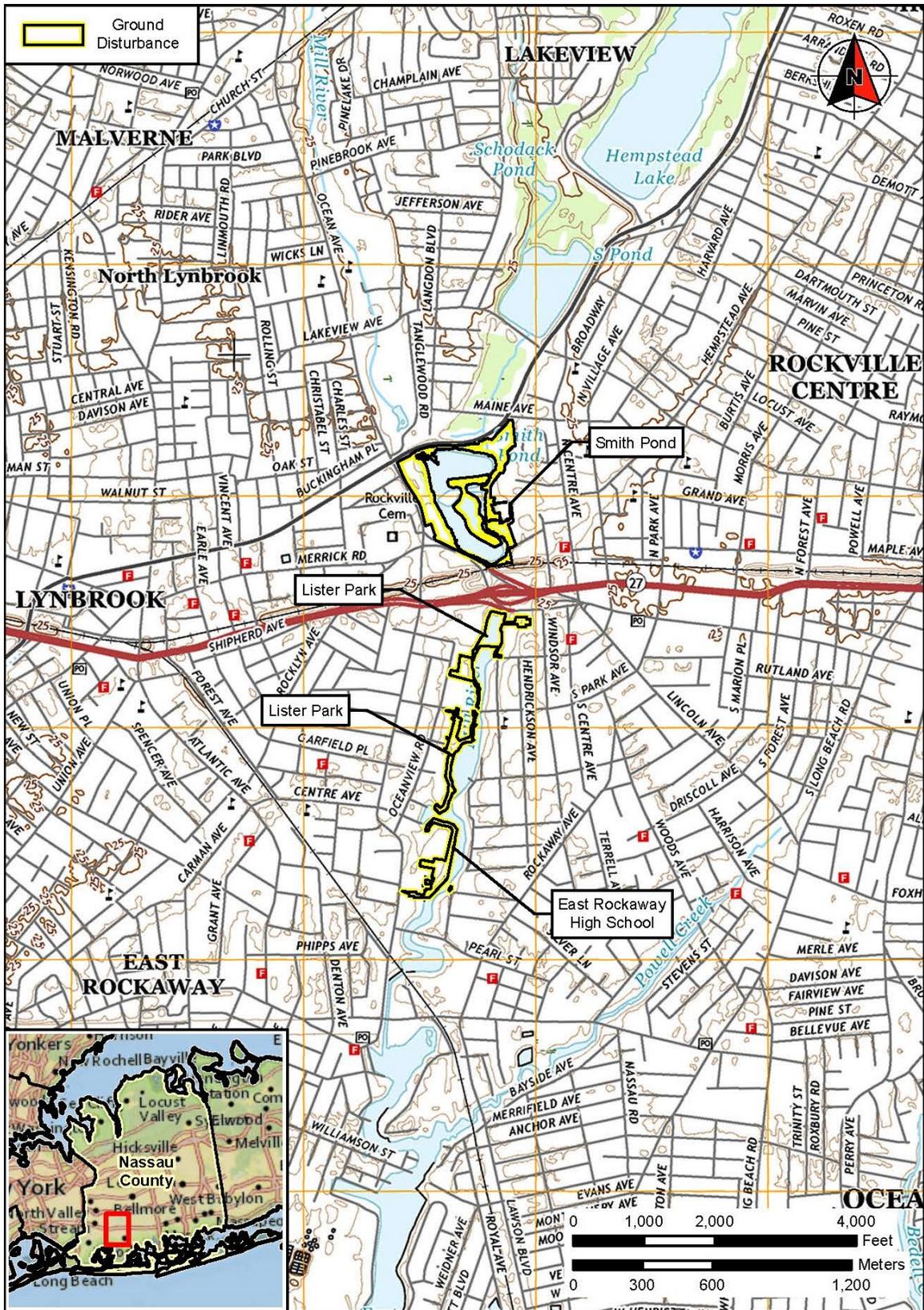


Figure 20: New Ground Disturbance in Project Area

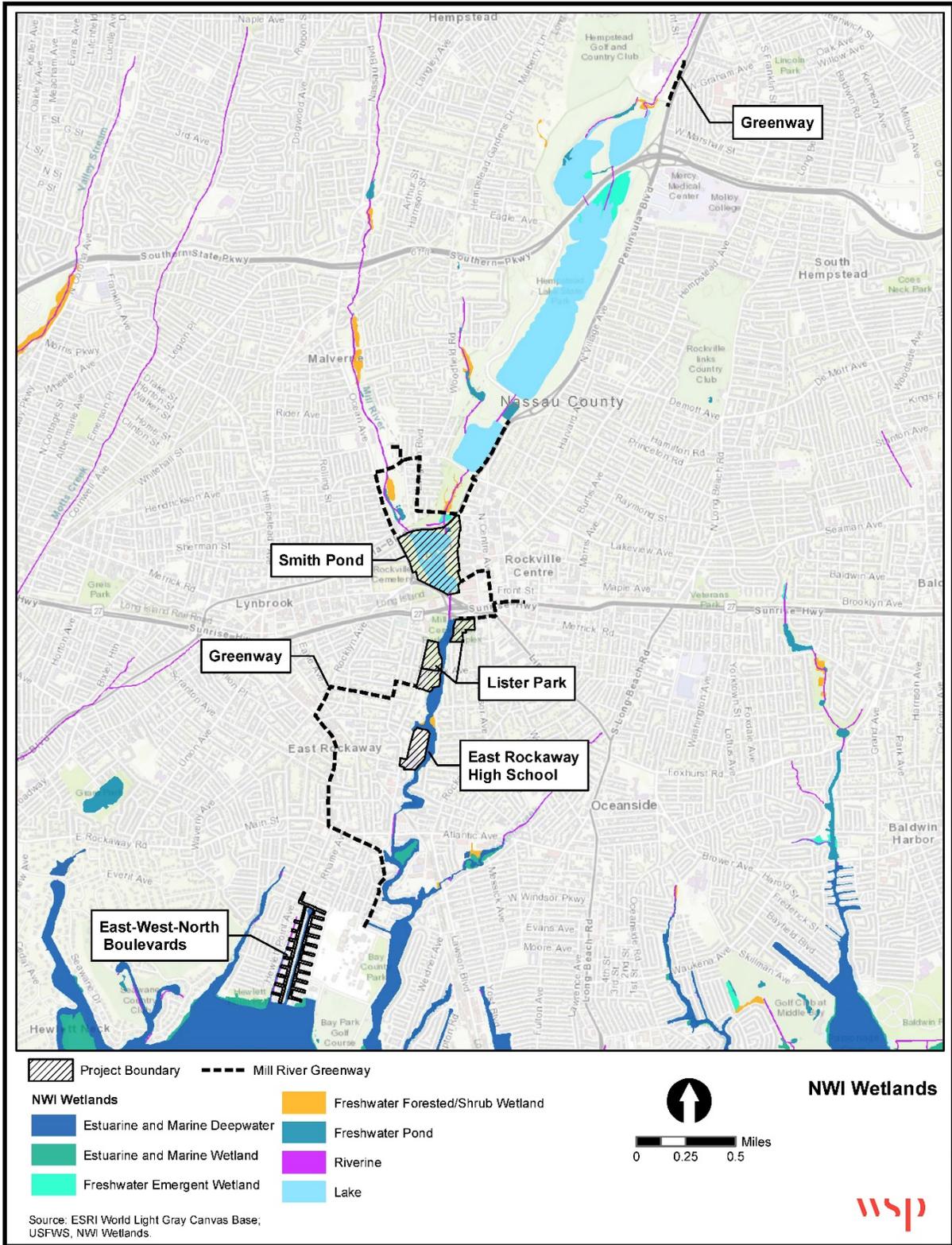


Figure 21. National Wetland Inventory Map

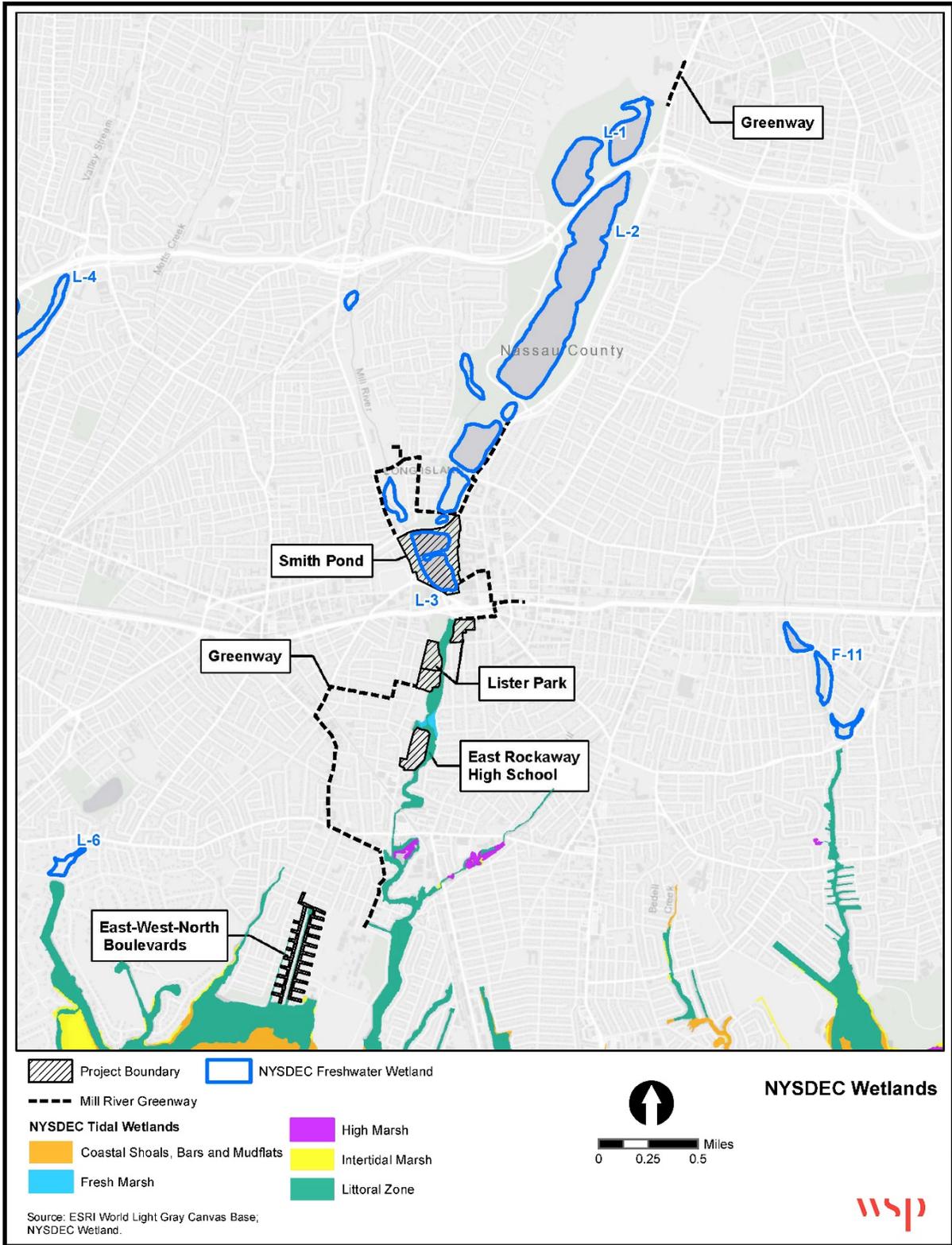


Figure 22: NYSDEC Wetlands Map

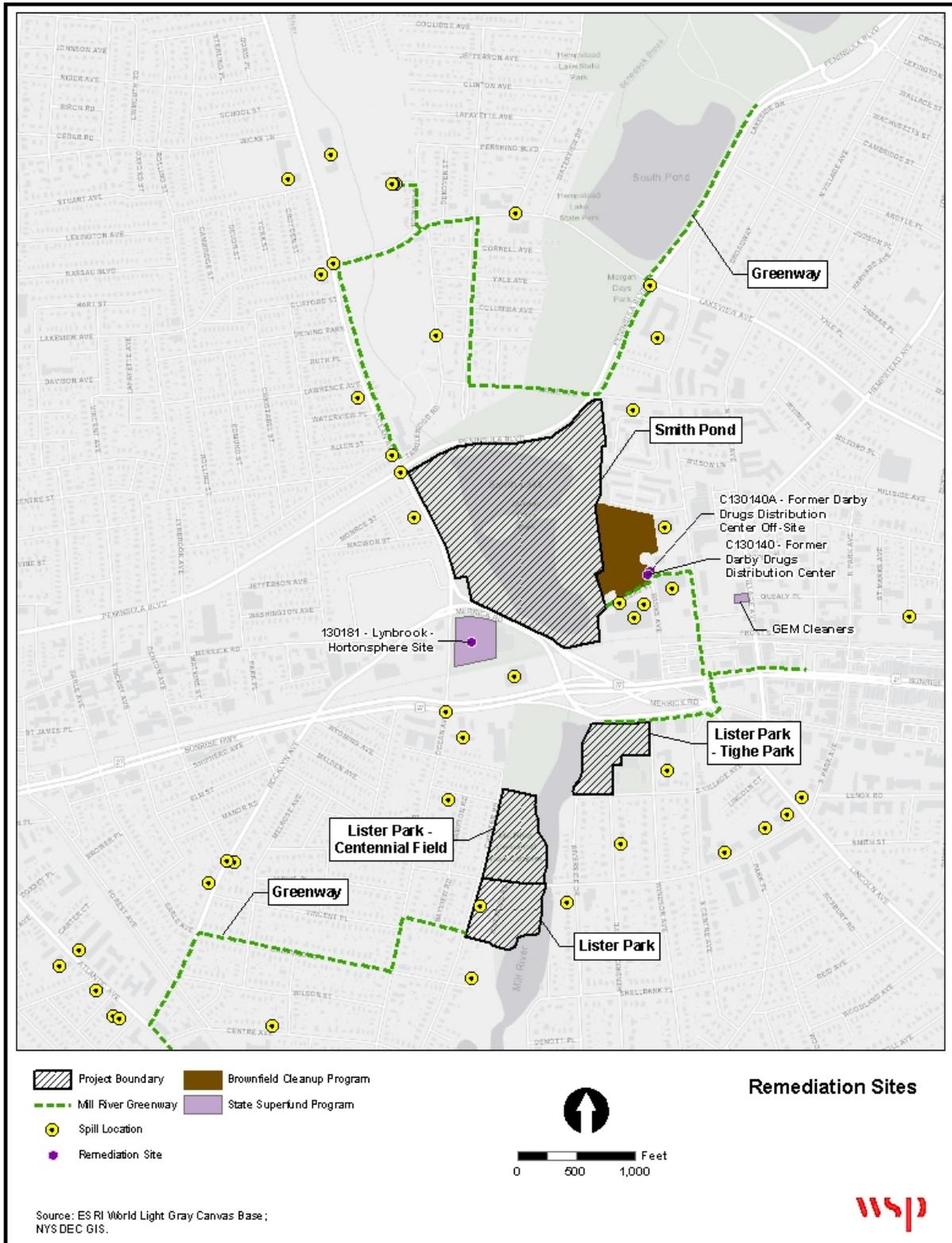


Figure 23a: Remediation Sites

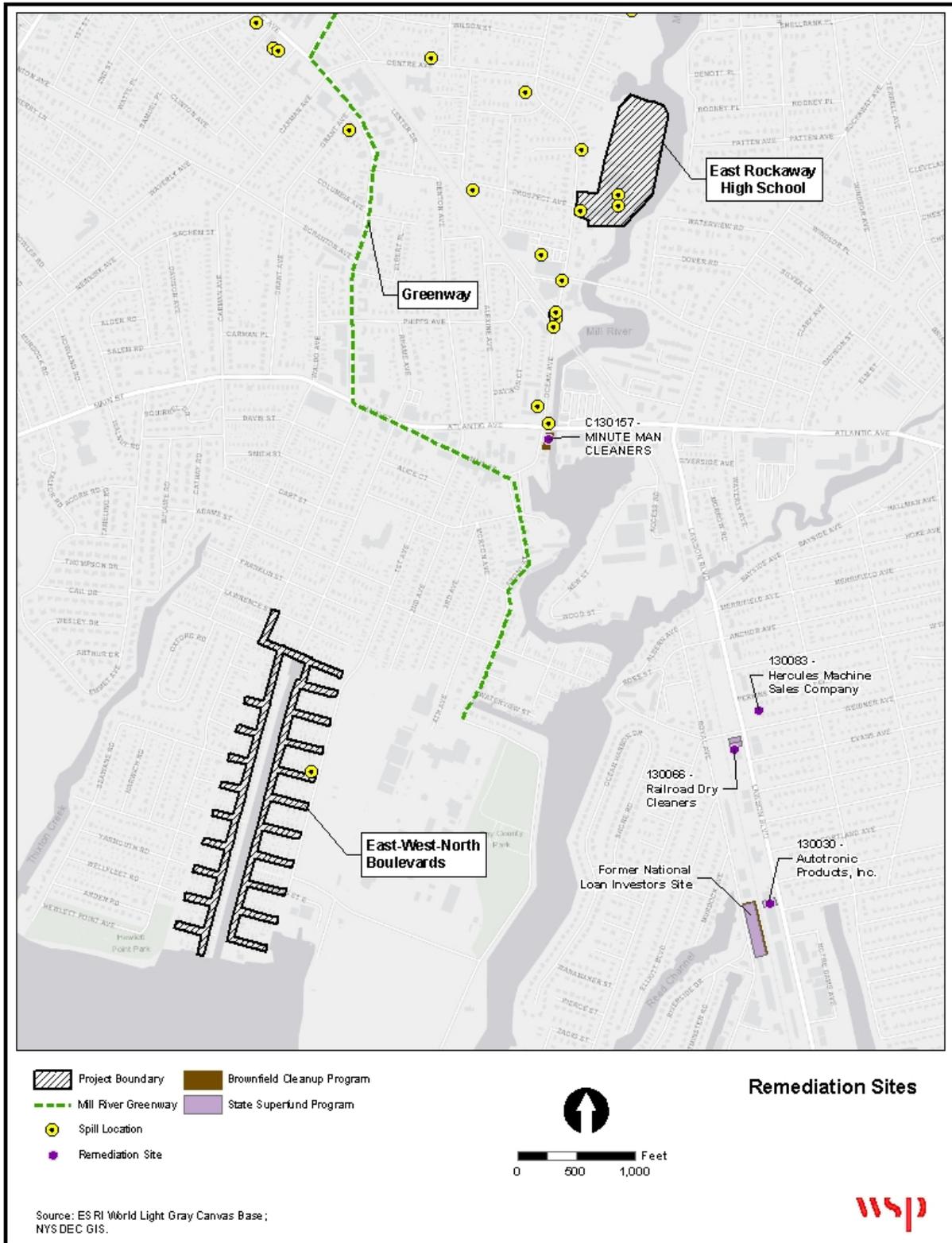


Figure 23b: Remediation Sites

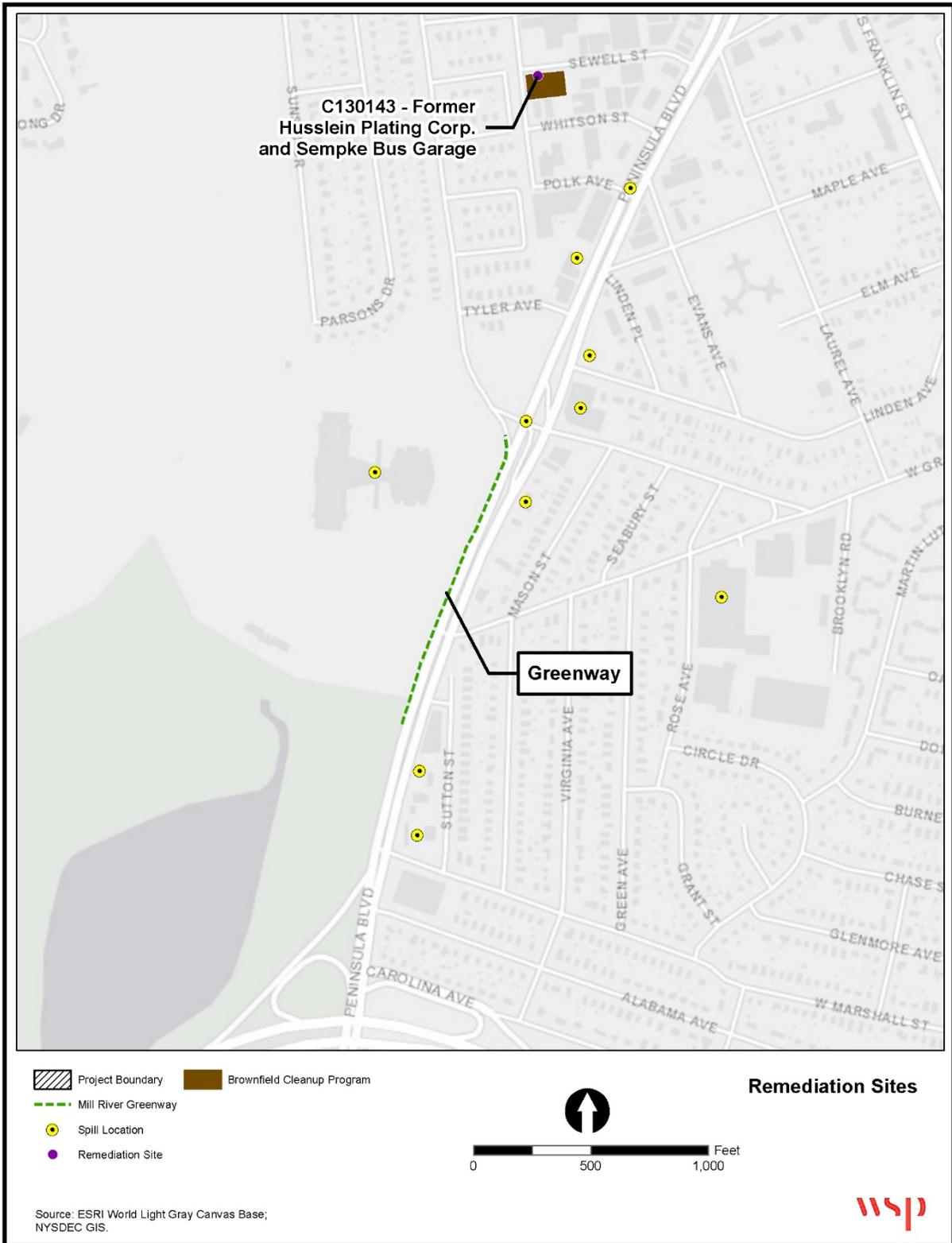


Figure 23c: Remediation Sites

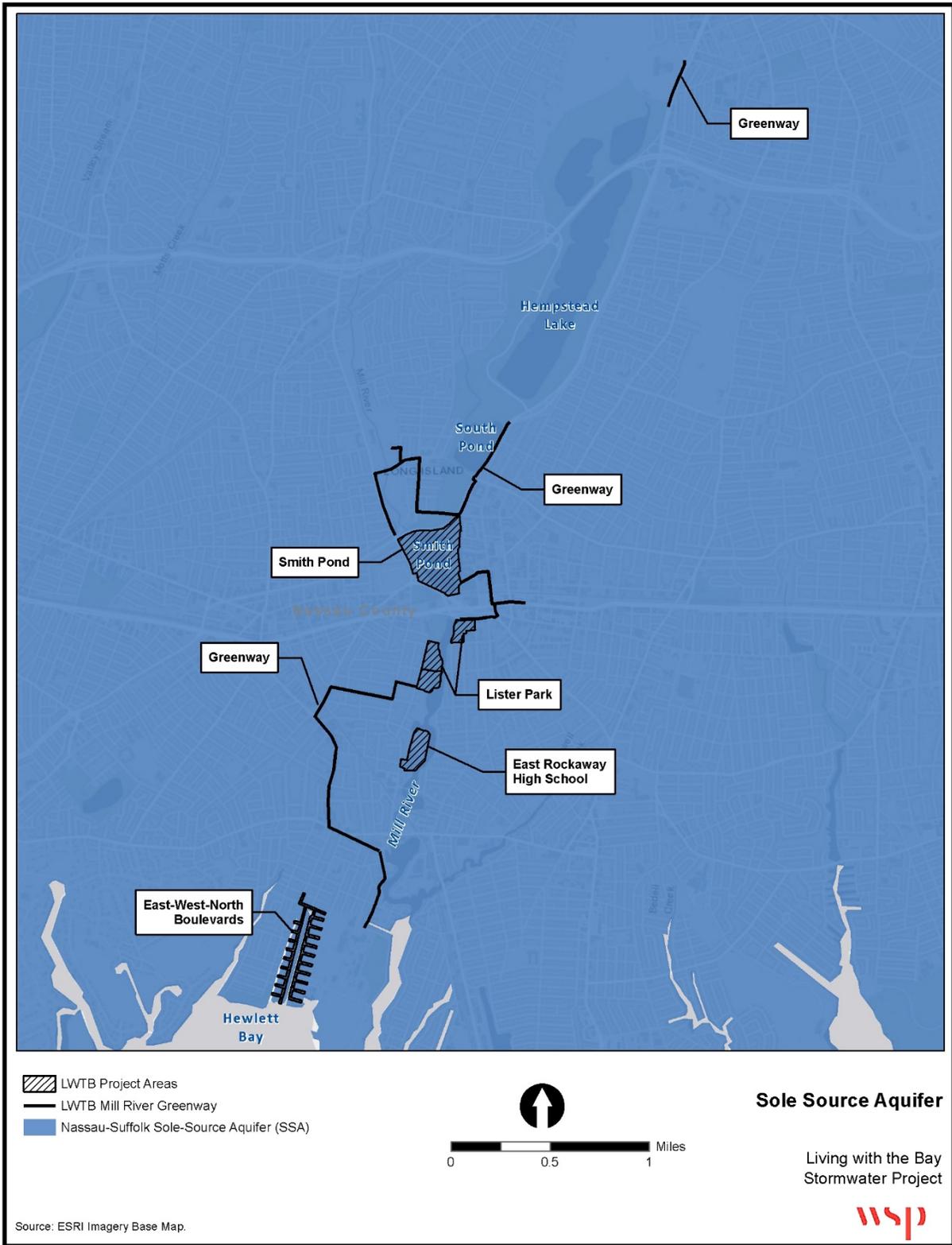


Figure 24: Sole Source Aquifer

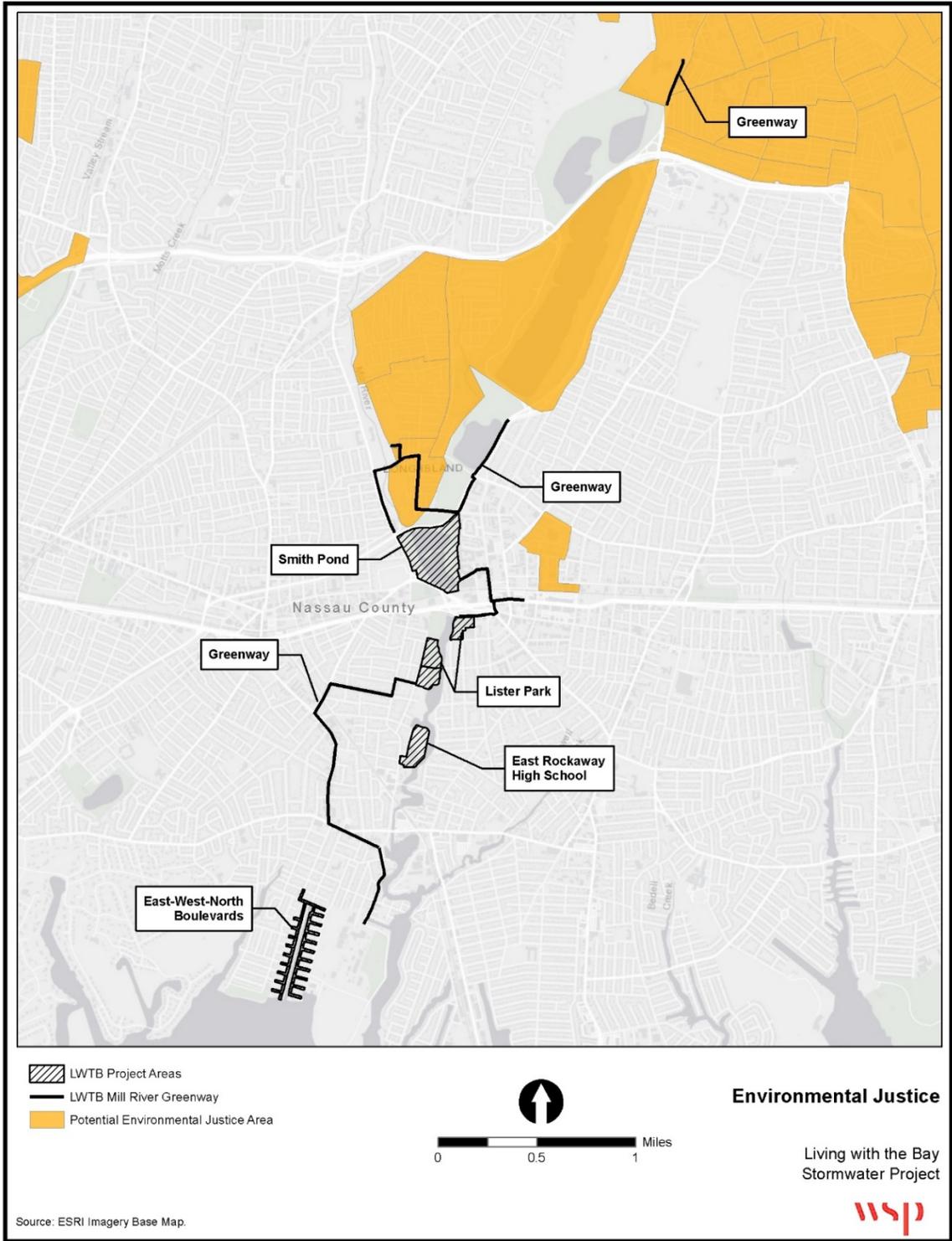


Figure 25: Environmental Justice Areas

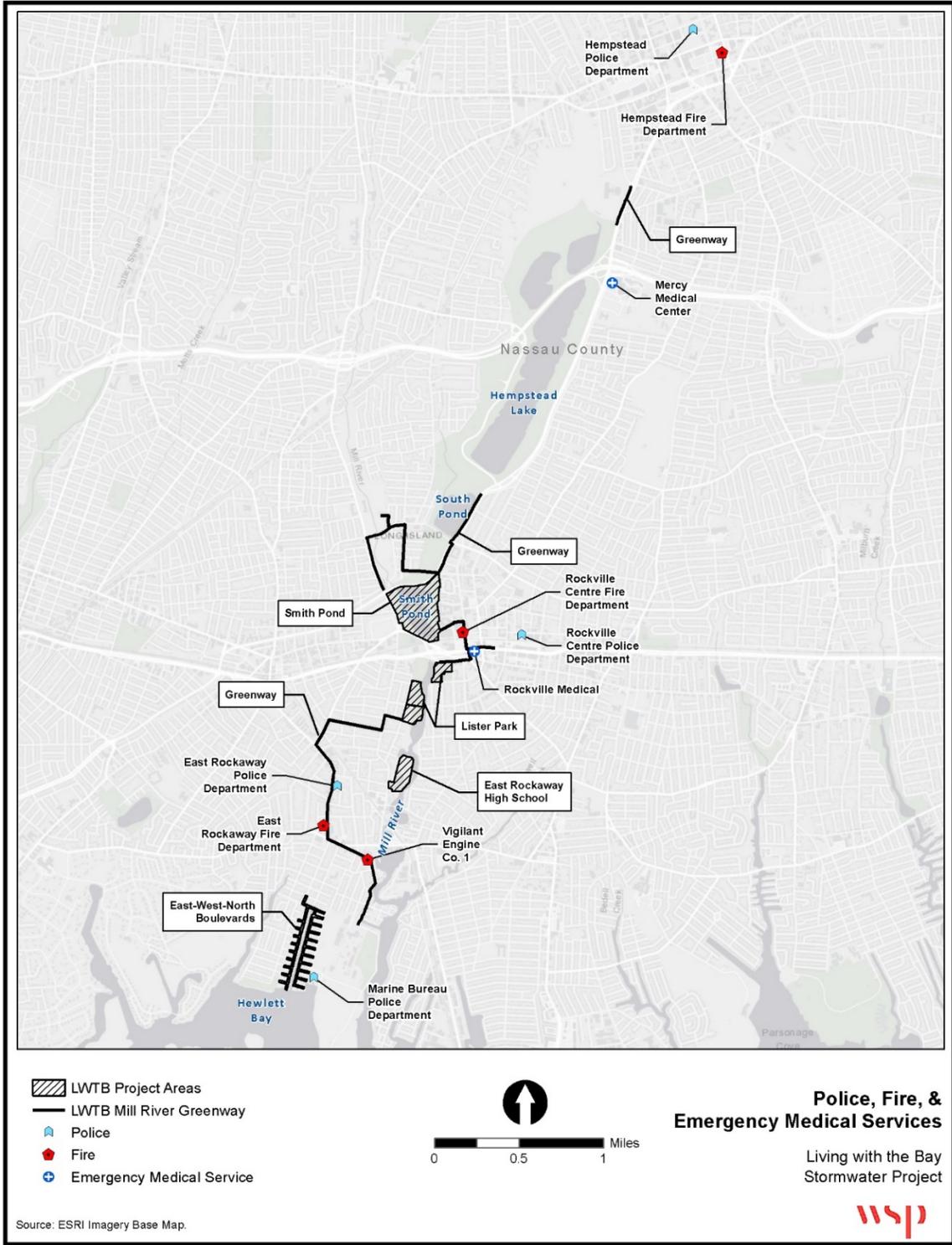


Figure 26: Police, Fire, and Emergency Medical Services

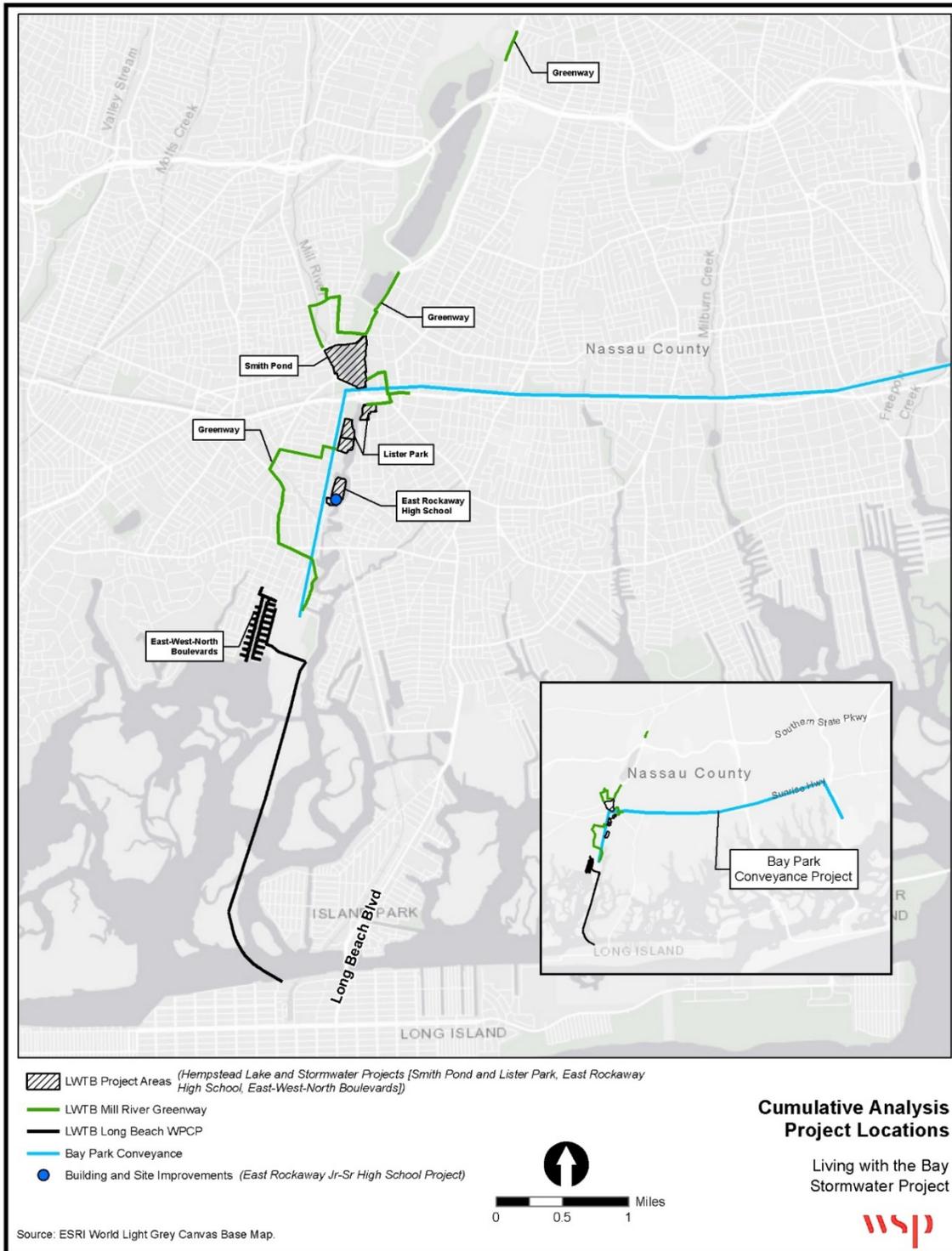


Figure 27: Living with the Bay Projects Considered in the Cumulative Analysis

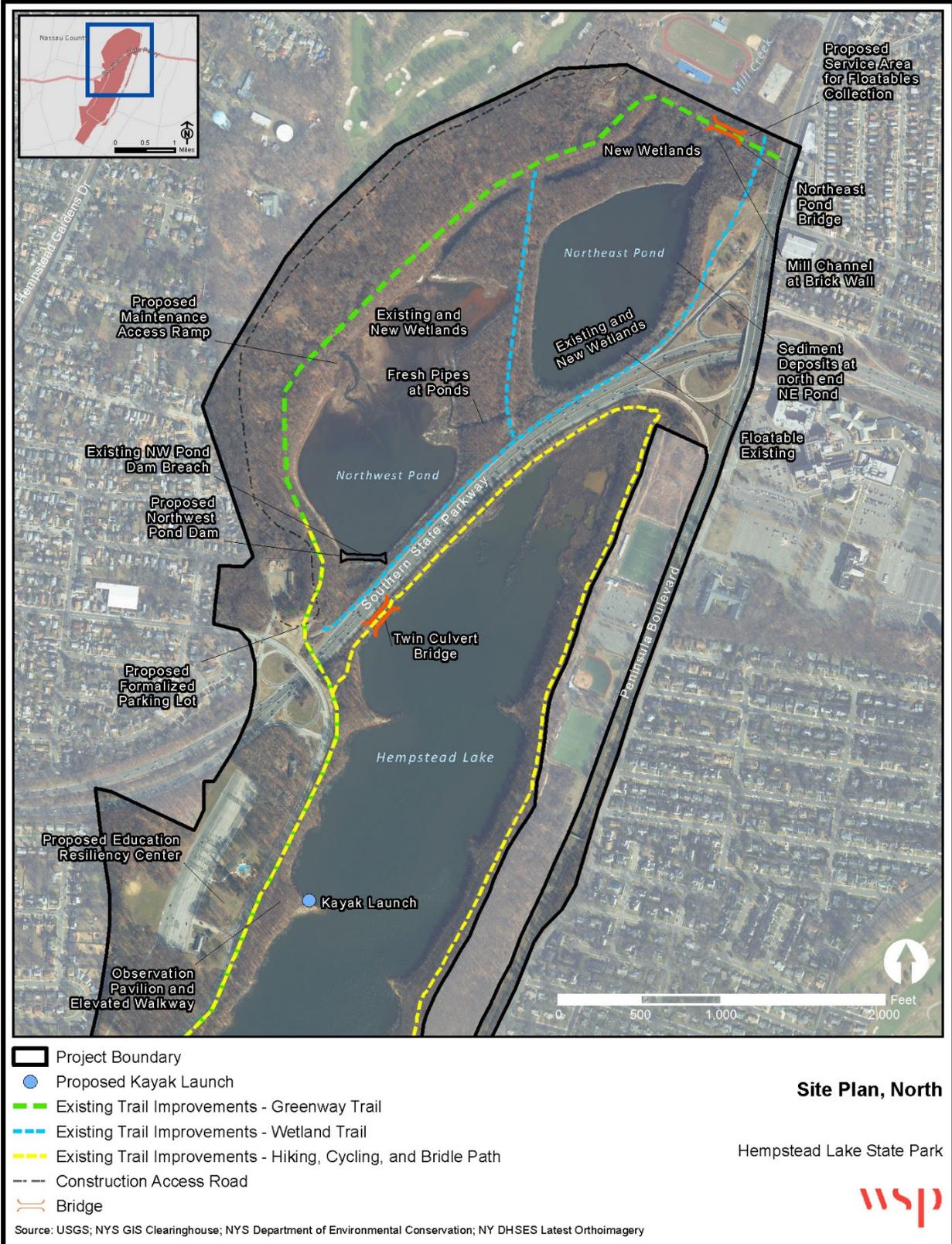


Figure 28a: Hempstead Lake State Park Project - Site Plan, North

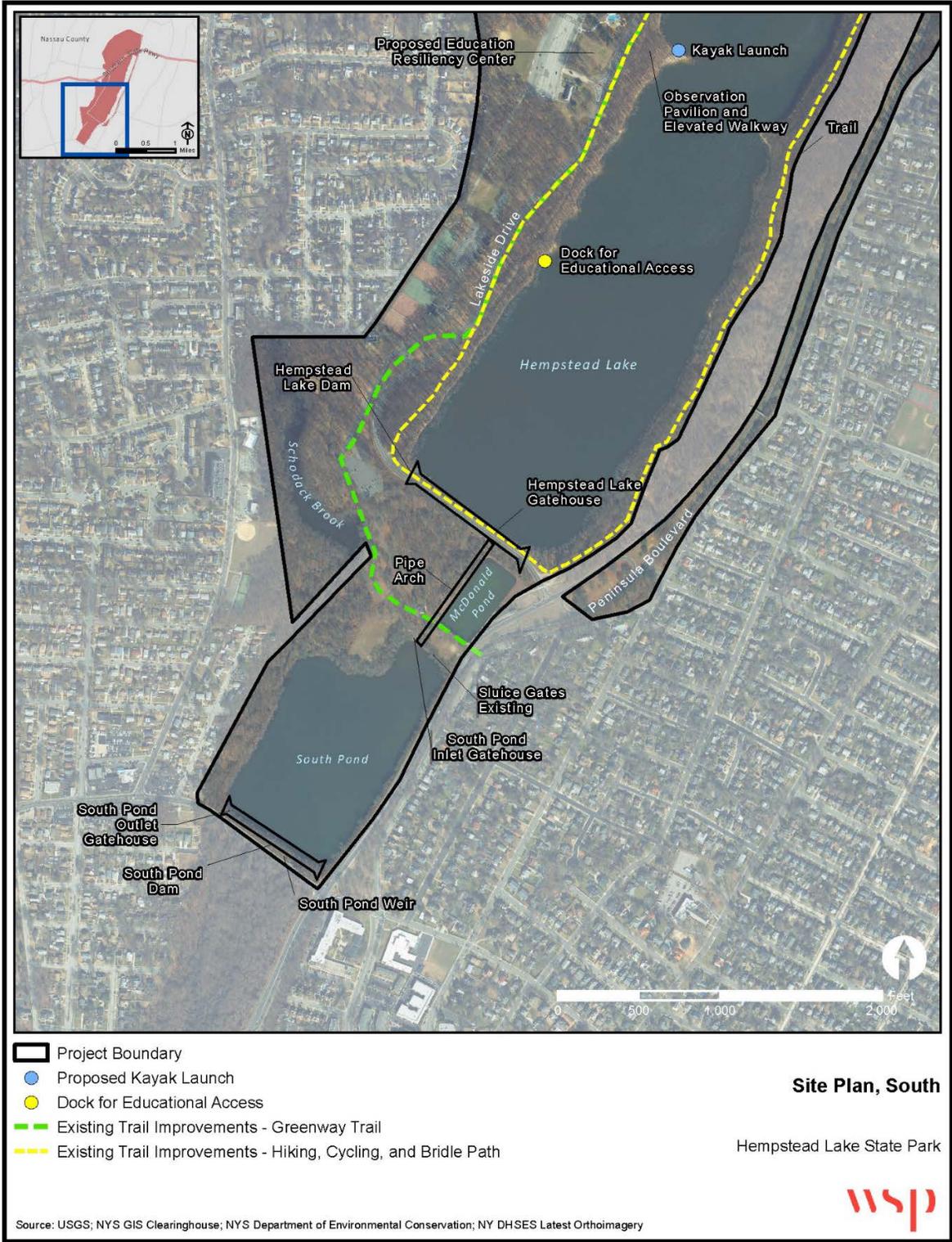


Figure 28b: Hempstead Lake State Park Project - Site Plan, South

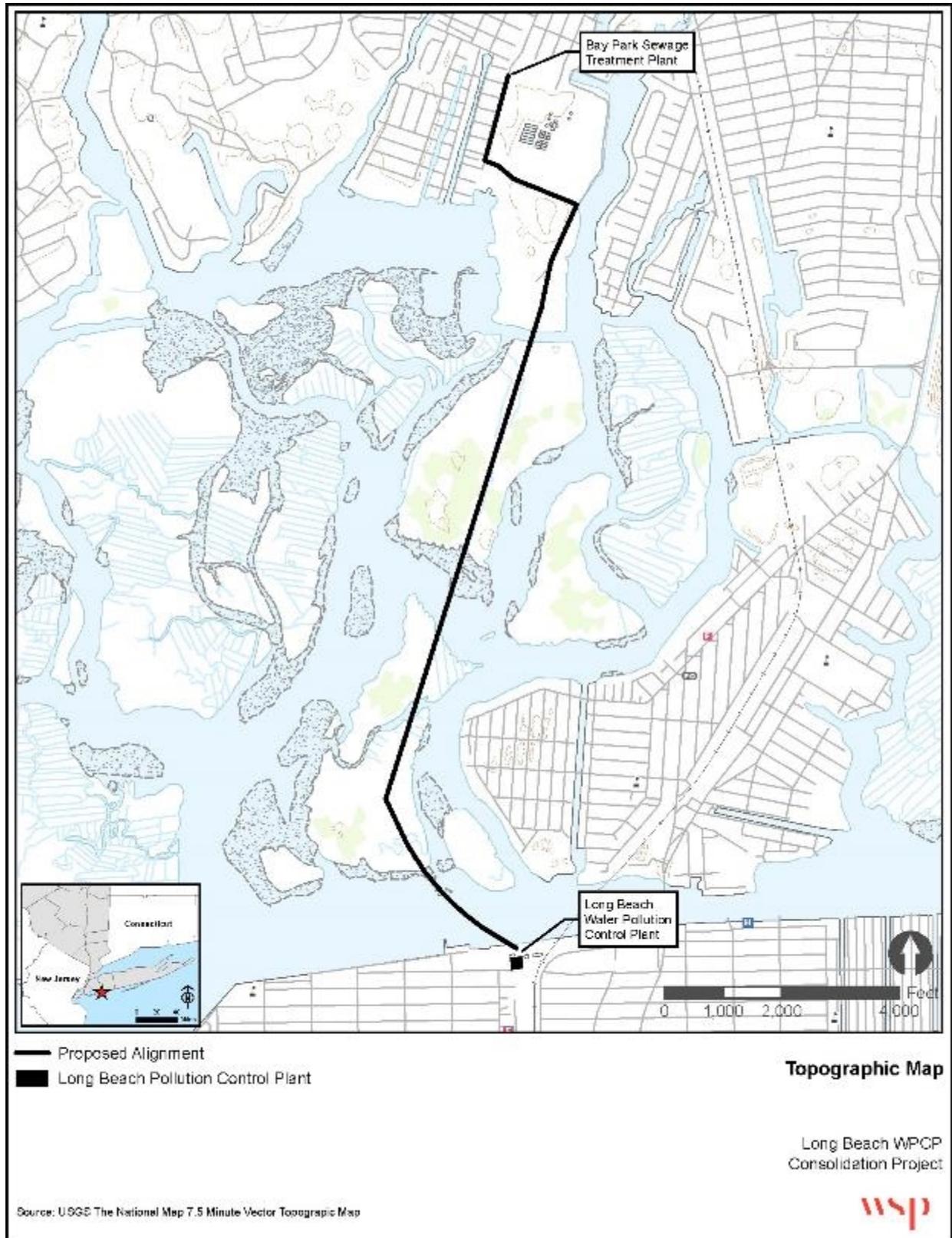


Figure 29: Long Beach Water Pollution Control Plant Consolidation Project Alignment

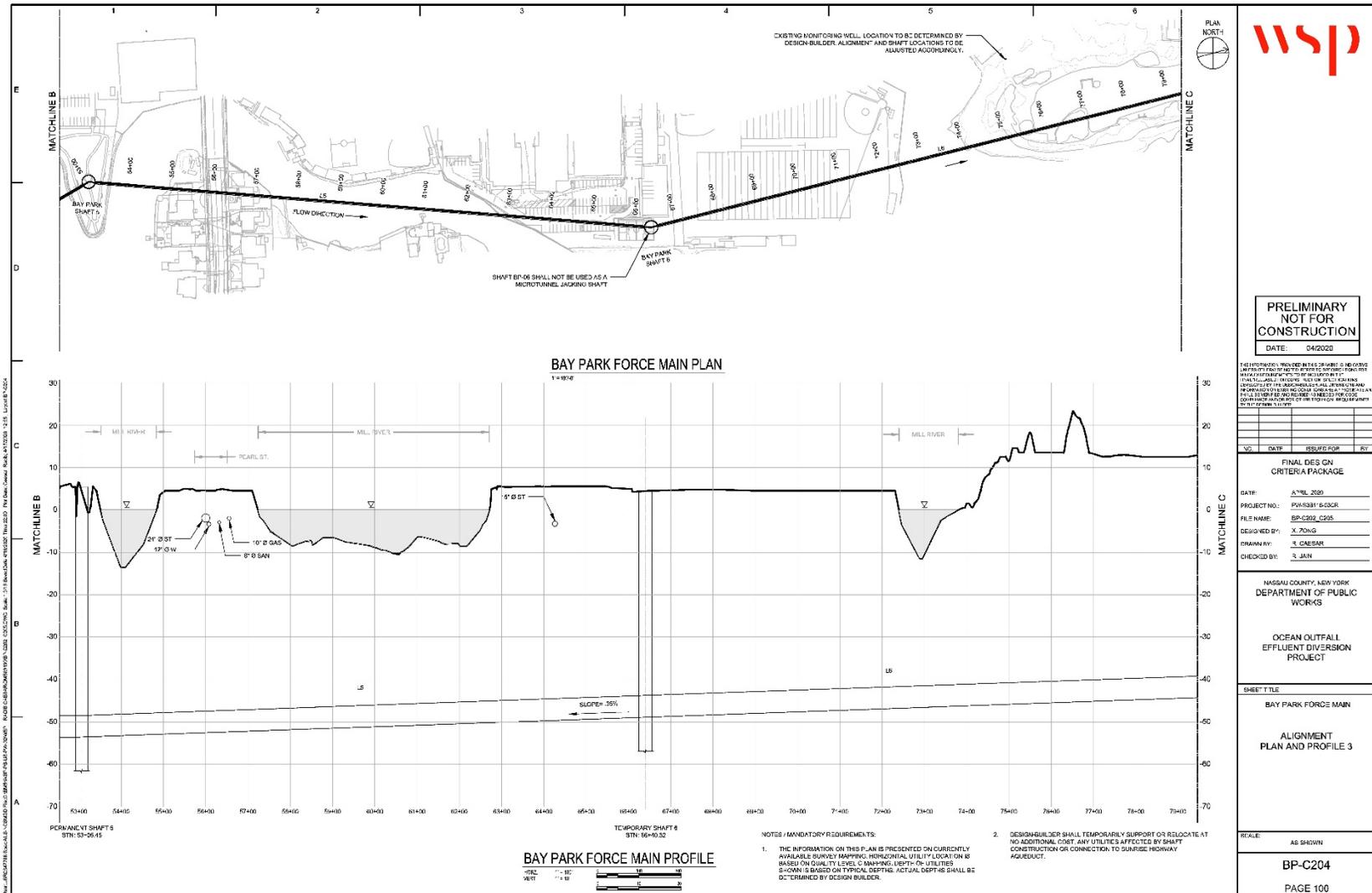


Figure 30a: Bay Park STP Conveyance Project Force Main Under the Lister Park Component

ATTACHMENT 2
REFERENCES AND SOURCES

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- 2019b Living with the Bay – Mill River Greenway, Town of Hempstead, NY. 75% Plans – Not for Construction. Prepared by MJ Engineering and Land Surveying, P.C. November. 67 pp.
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- 2020c Phase IB Archaeological Survey. Living with the Bay: Rebuild by Design. July 14, 2020.

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- 2018b Living with the Bay, East Rockaway High School/Lister Park. 60% Design Report. December 28, 2018. 33 pp.
- 2019 Lister Park Improvements. 60% Design. February 14, 2020. 57 pp.

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- 2020 Contract Drawings for Stormwater Drainage Improvements. East Boulevard and West Boulevards Bay Park, New York. January. Draft 90% Submission. 34 pp.

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- 2018a ACS Economic Characteristics (Table DP03) 2018 ACS 5-year Estimate.
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Village of Rockaway Centre

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ATTACHMENT 3
ENVIRONMENTAL ASSESSMENT FORMS

Project : Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The SEQRA Part 2 forms identified potential impacts from the proposed action on land; surface water; flooding; air; plants and animals; historic and archaeological resources; transportation; energy; noise; and human health. Below indicates that the proposed action would not result in a significant adverse impact on these resources.

1. Land. Project would involve construction in wetlands and uplands. Beneficial impacts to ecological values and functions upon project completion.
2. Surface Water. Wetland impacts, but overall improved wetlands.
3. Flooding. Project would be built in the 100-year flood zone; would not result in increased flooding.
4. Air. Project would include a generator, which would increase criteria air pollutant emissions well below regulatory thresholds.
5. Plants and animals. Project would involve tree removal and wetlands disturbance. Mitigation is identified to reduce impacts.
6. Historic and archaeological resources. SHPO has determined the project would have no effect on historic or archaeological resources.
7. Energy. Project would include a generator, which could slightly increase energy demand.
8. Noise. Short-term and minor noise impacts during construction that would be mitigated through adherence to the local noise ordinance.
9. Human Health. Short-term impacts during construction related to potential exposure to contaminated sediments. Mitigation is identified to reduce impacts.

The project is a component of the Living with the Bay Project and Resiliency Strategy, and it would result in cumulative beneficial impacts to wetlands, vegetation and wildlife, water quality, and flood risk and safety.

Short-term impacts during construction are anticipated related to contaminated sediments, surface water, air quality, and noise. In cases where short-term potential impacts have been identified, impacts would be mitigated through design, regulatory compliance, and/or implementation of BMPs.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: Type 1 Unlisted

Identify portions of EAF completed for this Project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

See Negative Declaration

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the Governor's Office of Storm Recovery _____ as lead agency that:

A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

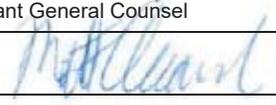
Name of Action: Living with the Bay Stormwater Project

Name of Lead Agency: Governor's Office of Storm Recovery

Name of Responsible Officer in Lead Agency: Matt Accardi

Title of Responsible Officer: Certifying Officer, Assistant General Counsel

Signature of Responsible Officer in Lead Agency:



Date: 09/16/2020

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person: Matt Accardi

Address: Governor's Office of Storm Recovery, 25 Beaver Street, 5th Floor, New York, NY 10004

Telephone Number: 212.480.6265

E-mail: matt.accardi@stormrecovery.ny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

ATTACHMENT 4
DISTRIBUTION LIST

**Distribution List for Lead Agency
Involved/Interested Agencies
Living with the Bay Stormwater Project**

<p>Mr. Mike Poetzsch Chief of the Environmental Review Section U.S. Environmental Protection Agency Region 2 Main Regional Office 290 Broadway New York, NY 10007-1866 poetzsch.michael@epa.gov</p>	<p>Lisa A. Grudzinski Project Manager, Eastern Permits Section U.S. Army Corps of Engineers, New York District Jacob K. Javits Federal Building 26 Federal Plaza New York, New York 10278-0090 Lisa.A.Grudzinski@usace.army.mil</p>
<p>Mr. Steven T. Papa U.S. Fish and Wildlife Service Long Island Field Office 340 Smith Rd Shirley, NY 11967 Steve_Papa@fws.gov</p>	<p>Susan Ackerman, Regional Permit Administrator, Region 1 New York State Department of Environmental Conservation SUNY @ Stony Brook 50 Circle Road Stony Brook, NY 11790-3409 sue.ackerman@dec.ny.gov</p>
<p>New York State Department of Environmental Conservation (NYS DEC) Natural Heritage Program 625 Broadway, 5th Floor Albany, NY 12233-4757 NaturalHeritage@dec.ny.gov</p>	<p>Mr. Ron Rausch, Director Environmental Management Bureau Office of Parks, Recreation and Historic Preservation 625 Broadway, 2nd Floor Albany, New York 12238 ron.rausch@parks.ny.gov</p>
<p>Mr. Matt Maraglio Supervisor, Consistency Review Unit Division of Coastal Resources New York State Department of State One Commerce Plaza, 99 Washington Avenue, Suite 1010 Albany, New York 12231-0001 Matthew.Maraglio@dos.ny.gov</p>	<p>Marlene White Supervisor, Mitigation Projects NYS Division of Homeland Security & Emergency Services 1220 Washington Avenue Bldg 7A, Floor 4 Albany, NY 12242 marlene.white@dhses.ny.gov</p>
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