



ANDREW M. CUOMO
Governor

PUBLIC NOTICE

COMBINED FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN, NOTICE OF FINDING OF NO SIGNIFICANT IMPACT, AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

OLD FORT JOHNSON CONDITIONS ASSESSMENT AND FLOOD MITIGATION

September 25, 2019

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755.

Pursuant to 24 CFR Section 58.43, this combined Final Notice and Public Review of a Proposed Activity in a 100-year Floodplain and Wetland, Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) satisfies three separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to the Dormitory Authority of the State of New York (DASNY), acting in close partnership with the Town of Amsterdam and the Montgomery County Historical Society, to harden Old Fort Johnson in the village of Fort Johnson, Montgomery County, New York (the "Proposed Project"). The proposed project will provide flood protection measures for the Old Fort Johnson property and to reduce the impacts of future flood events on the Kayaderosseras Creek.

Fort Johnson is listed in the National Register of Historic Places and was designated a National Historic Landmark, in 1972. Constructed in 1749, the site was fortified during the French and Indian Wars. The main house is currently used as a museum by the Montgomery County Historical Society. Other than the main house, currently used as a museum, only two of the outbuildings survive today – a privy and a barn, with the barn now used as a visitor center and staff housing.

Fort Johnson is located near the confluence of Kayaderosseras Creek and the Mohawk River. The site is within the 100-year floodplain. In 2011, Hurricane Irene caused serious damage to Fort Johnson. Extensive flooding across the site resulted in over eight feet of water poured across the grounds and through the buildings. Significant damage was done to the historic home as well as some of the items inside. The visitor center building had two feet of water on the first floor. The historic privy tipped over and floated into the footbridge across the Kayaderosseras Creek and connecting the parking lot to the Fort Johnson grounds.

The proposed project includes the removal of the existing concrete retaining walls along the banks of the Kayaderosseras Creek through the site; regrading both banks of Kayaderosseras Creek; regrading of the site and adding a berm on the western bank of Kayaderosseras Creek with a 2-foot high concrete retaining wall at the top, installing new sidewalks; regrading of the area around the catch basin in the southwestern corner of the site; constructing a new stone path between the buildings; and improving the gravel parking lot with asphalt to meet the Americans with Disabilities Act (ADA) requirements regarding parking spaces. The existing pedestrian bridge over Kayaderosseras Creek will be removed, the existing access steps demolished, new bridge abutments/footings constructed, the bridge reinstalled, new embankment,

handicap access, and stairs constructed on the west side, and the access path to the parking area on the east side will be paved with asphalt. Approximately 1.5 acres will be disturbed. The estimated project cost is \$802,000.

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

This work will be located in 100-year floodplain (SHFA Zone AE). Since the action will include new construction in a floodplain, Executive Order 11988 requires that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands.

The disturbance of this area would occur during project construction and would cease once construction is completed. The Proposed Activity will result in permanent impacts to approximately 1.5 acres of 100-Year Floodplain. These impacts will result from the removal of the concrete retaining walls along the banks of the Kayaderosseras Creek through the site, regrading the banks, regrading the site and adding a berm on the western side of Kayaderosseras Creek, new sidewalks, regrading the area around the catch basin in the southwestern corner of the site, and the construction of a new parking area. The impacts to the stream banks will be beneficial as the Creek will be returned to a more natural profile. Though there will be minor impacts to floodplain permeability from the proposed sidewalks, the project as fully proposed will provide flood protection measures to the site as described previously. No changes in land use would occur as a result of the Project. The Project would reduce future damage to the historic buildings and directly increase the resiliency of the Old Fort Johnson National Historic Landmark.

Because historic nature of the buildings they cannot be moved and retain their historic context. The Project design would result in a more natural profile for Kayaderosseras Creek through the project area and increase the resiliency of the Old Fort Johnson National Historic Landmark to future flooding. No changes in land use would occur as a result of the Project.

Applicable permits from the New York State Department of Environmental Conservation and the United States Army Corps of Engineers will be acquired before work is commenced. The Applicant will be bound by any permit stipulations or mitigation measures listed in permits acquired for this project.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment have an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains/ wetlands can facilitate and enhance federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains/ wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA and Floodplain Management & Protection of Wetlands Determination Documents is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Contact: Lori A. Shirley (518) 474-0755.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshcr.org or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within a Floodplain and/or NOIRROF: Any individual, group or agency may submit written comments on the Proposed Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before October 10, 2019 at NYSCDBG_DR_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before October 10, 2019: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. All comments must be received on or before 5pm on October 10, 2019 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about October 11, 2019, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR’s certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity’s non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR’s Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley
Certifying Officer
September 25, 2019