

24 CFR Part 55
8-Step Determination: Floodplain Management &
Wetlands Protection Determination

Point Lookout Shoreline Stabilization and Revetment Project
Floodplain Management & Wetlands Protection Determination

March 3, 2020

Introduction & Overview

The purpose of Executive Order (EO) 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The purpose of EO 11990 Protection of Wetlands is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This report contains the analysis prescribed by 24 CFR Part 55.

This project involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for repairing an existing revetment that is located in the hamlet of Point Lookout, Town of Hempstead, New York. The analysis that follows focuses on the wetland and floodplain impacts associated with this project. Based on the type of land use, facility, and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain and wetland.

Description of Proposed Action & Land Use

The Point Lookout Shoreline Stabilization & Revetment Project (Project) will involve repairing an existing revetment located at the tip of Point Lookout along Reynolds Channel and Jones Inlet. The Project will include the removal of two existing groins, re-use of the stone from the groins to construct a new revetment located between the two groins (designated Zone C), and the construction of a perched revetment to strengthen the existing revetment (designated Zones A and B). The Project will take place wholly within the Town-owned parcels designated as Point Lookout Beach District Park, Hamlet of Point Lookout, Town of Hempstead, New York (Tax ID: 61-A-51).

A site investigation was completed in October 2016 by COWI that documented and classified the existing structures located in the Project area. The Project area was divided into the following three zones, based on the existing condition of the shoreline:

Zone A – existing revetment in fair condition; this area has a length of approximately 550 feet and extends (from south to north) from the southern limit of Mineola Avenue to the shoreline adjacent to the intersection of Beech Street and Mineola Avenue.

Zone B – existing revetment in serious condition; the area has a length of approximately 1,800 feet and extends (from south to north) from the shoreline adjacent to the intersection of Beech Street and Mineola Avenue to the northern limit of the existing revetment/ the southern groin.

Zone C – a sand beach with two (2) groins (defined as the northern and southern groins), which is located on the northeastern corner of Point Lookout and extends (from south to north) from the northern limit of the existing revetment/ the southern groin to the shoreline adjacent to the eastern limit of Bayside Drive.

In Zones A and B, a perched revetment will be constructed with additional lee side granular fill overtopping protection. This design is intended to protect the existing shoreline landward of the existing revetment without any modifications made to the submerged part of it. All material is proposed to be placed landward of the existing mean high water spring (MHWS) contour. Therefore, all construction activities for these Zones will be confined to the area above the MHWS. In Zone C, two existing groins will be removed and a new revetment will be constructed to prevent shoreline erosion due to wave and current action. Additional

lee side erosion and scour protection was designed due to large volumes of overtopping expected during storm events. Geotextile filter fabric will be utilized as a filter and a separation layer between existing soil and the revetment underlayer in Zone C. The separation layer will prevent filtering of fine soil into the underlayer while allowing for sufficient water flow through it in order to reduce hydrodynamic loads. Groin removal in conjunction with new revetment construction will also eliminate a stagnation area between the groins and allow for free seaweed and sediment movement along the shoreline.

Materials will be delivered to the area by trucks. Excavation (groin and derelict revetment removal) and grading within Zone C will be performed during low tide using a land based excavator. Excavated materials (sand and stone) will be stockpiled locally and reused in the reconstruction. Geotextile will be delivered to the area in rolls and then manually placed on top of the post-excavation grade. It will be held down by underlayer stones during the construction period. Smaller stones (underlayer and granular fill) will be placed using a front bucket loader or a bobcat. The excavator with a hydraulic rock placing arm will then be used to individually place large armor stones. Best management practices (BMPs) will be implemented to prevent any equipment, material, or debris from entering the waterway. The contractor will prepare and submit a spill response plan, which will document measures and activities to be performed should any oil or fluid spillage occur during the construction.

The Project is intended to repair and extend an existing revetment located around the tip of Point Lookout along Reynolds Channel and Jones Inlet in order to prevent scour and replicate the dunes washed away by Superstorm Sandy. The Project will minimize the loss of human life by stabilizing the shoreline along the community of Point Lookout. If no action is taken, a subsequent storm event could result in catastrophic flooding and destruction of the existing residences and businesses, potentially resulting in the loss of life. Federal financial assistance will support activities representing a long-term public investment in a critical piece of infrastructure that is necessary to protect the community of Point Lookout and the well-being of its residents and local economy, as well as eliminate the need for constant dredge and fill activities. The Project will also minimize the damage to fish and wildlife by stabilizing the shoreline, creating and enhancing wildlife habitats along the coast.

The existing revetment along Jones Inlet functions as a barrier that absorbs wave energy, reflects waves, and reduces wave run-up during storm events. Portions of the landward dune were destroyed by Superstorm Sandy, rendering the area landward of the revetment vulnerable to scour. Until the revetment is repaired, houses along Mineola Avenue adjacent to the Point Lookout Beach District Park will be vulnerable to damage from waves and surge generated by coastal storms.

The sand beach that is situated from the north end of Jones Inlet west around the tip of Point Lookout along Reynolds Channel is subject to an ongoing process of coastal erosion along Jones Inlet. This has resulted in shoreline retreat, which has reduced the distance between the water and structures on Bayside Drive and increased the vulnerability of residences and businesses to coastal erosion. If nothing is done to halt the process of erosion, the foundations of residences and businesses could be undermined, leading to structural collapse and threatening the life and safety of the occupants. The process of erosion occurring at the northeast end of Point Lookout also causes loss of open space in the Point Lookout Beach District Park. Eventually, if left unprotected, erosion along Jones Inlet in the area of the Park will encroach upon additional residences on Mineola Drive. The Project would result in the protection of this Town-owned facility, residential and commercial structures, and the lives of the occupants on Bayside Drive, Mineola Avenue, and the existing open space at the Point Lookout Beach District Park.

Additionally, large masses of sea lettuce (*Ulva lactuca*) accumulate between the groins due to flow stagnation and sediment flow is disrupted by the groins. Tolerant of nutrient loading that would suffocate many other aquatic plants, sea lettuce can actually thrive in moderate levels of nutrient pollution. Excess growth and accumulation of sea lettuce can cause loss of aquatic habitat, thick mats on shorelines that result

in odors and disruption of recreation activities, depletion of dissolved oxygen in the water as the sea lettuce decomposes, anoxic events, and the death of aquatic life. Groin removal in conjunction with the construction of the new revetment will eliminate the stagnation area between the groins and allows for free seaweed and sediment movement along the shoreline.

Point Lookout is located along the eastern end of Long Beach Barrier Island in the Town of Hempstead, Nassau County, New York. The Project extends from the bulkhead at 177 Bayside Drive to a residential building at 128 Mineola Avenue. Landward of the revetment there is a weakly established sand dune with vegetation. The U.S. Army Corps of Engineers (USACE) has an ongoing Project to rehabilitate Lido Beach and shoreline structures south of the Project (Jones Inlet to East Rockaway Inlet). An upland and underwater field inspection, consisting of a beach inspection, groins inspection, and a revetment inspection, was conducted on October 26 and October 27, 2016 to recognize the destructive processes at work and to ensure the new section of revetment aligns with the existing system. The beach inspection revealed no buried rock within the depth of 2 feet except for rock lying on the surface, and an increase in soil density was observed at a depth of 1 foot. Two groins were inspected during the groins inspection (North Groin and South Groin), and were given a structural condition assessment rating of “Satisfactory”. Groins consist of solid quarry rock ranging in size from 2 to 5 feet. The North Groin is approximately 78 feet long and the South Groin is approximately 160 feet long. The revetment inspection was conducted using survey stations spaced at 100 foot intervals from north to south along the Project Area and surveying a cross-section at each station. The revetment survey revealed that the majority of the northern section of the revetment was assigned a structural condition assessment of “Serious”, indicating unevenly spaced and irregular sized concrete rubble that will not prevent erosion, as well as currently present erosion areas. Remaining intermittent revetment sections were categorized as “Fair”, indicating quarry stone and irregularly sized concrete rubble which may cause instability. Varying crest elevations were also noted. These revetment sections will be examined either for modification in order to comply with design storm condition requirements or complete replacement to ensure stability.

Applicable Regulatory Procedure Per EO 11988 and 11990

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the use in the floodplain and wetlands if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the Project may proceed.

The shoreline stabilization project occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. Substantial Improvement/ Substantial Damage calculations do not apply to this Project. In accordance with definitions set forth in §55.2, the Project involves new construction in wetlands and modification of the 100-year floodplain; therefore, the decision making steps in §5.20 (b), (c), and (g) apply to the Project. As such, the full eight-step floodplain determination process in §55.20 is required and the following analysis examines each step in the floodplain management and wetlands protection determination process.

Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.

According to the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (**Appendix I**), the Project is located in the 100-year floodplain. The activity planned occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. Substantial Improvement/ Substantial Damage calculations do not apply to the Project.

According to the U.S. Fish & Wildlife Service (USFWS) National Wetlands Inventory Map and New York Department of Environmental Conservation (NYSDEC) Wetlands and Waterways Map and Tidal Wetlands Map, (**Appendix II**), there are wetlands located in the Project area and there are wetlands located adjacent

to the Project area. A joint application for permit was sent to the United States Army Corps of Engineers in August 2018. The NYSDEC issued a permit for the Project with the following permit authorizations on January 21, 2020: Tidal Wetlands – Under Article 25, Excavation & Fill in Navigable Waters – Under Article 15, Title 5, Water Quality Certification – Under Section 401 – Clean Water Act, and Coastal Erosion Management – Under Article 34. All applicable permits from the USACE, and Town of Hempstead will be obtained prior to the commencement of Project activities, and all permit conditions will be followed.

The proposed Project will result in approximately 0.50 acres of temporary impacts and 2.85 acres of permanent impacts in the 100-year floodplain; and approximately zero temporary impacts in wetlands and approximately 0.32 acres of permanent impacts in wetlands. However, the approximately 0.32 acres of permanent loss in wetlands will be offset by the creation of an additional 0.32 acres of wetlands. The proposed Project involves shoreline modifications to protect land within the existing floodplain. Construction activities that occur within the floodplain and wetlands include excavation and fill within the intertidal and subtidal zones. The proposed MHWS contour was designed to balance the removed and created areas below MHWS. Construction activities that occur within the floodplain will include the construction of a perched revetment, which is intended to protect the existing shoreline landward of the existing revetment without any modifications made to the submerged part of it.

Step 2. Initiate Public Notice for Early Review of Proposal.

Because the proposed Project is located in floodplain, the Governor’s Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding for reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

An “Early Notice of a Proposed Project in a 100-Year Floodplain and Wetlands” for the Project was published on August 8, 2019 in the Long Beach Herald. The 15-day comment period expired on August 26, 2019. The notice targeted local residents, including those in the floodplain. The notice was also sent to the relevant state and federal agencies: Federal Emergency Management Agency (FEMA); U.S. Dep. of Housing and Urban Development; NYSDEC; NYS Historic Preservation Office; USFWS; USACE; USEPA; NYSDOS; and New York State Office of Emergency Management. The notice was also sent to the Town of Hempstead. See **Appendixes III and IV** of this Wetlands Protection and Floodplain Management Determination for the letter distributed to these agencies and the associated newspaper notice affidavit.

Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain or Wetland.

The New York State Rising Community Reconstruction Program is structured to provide eligible communities resources and expertise to build communities resilient to future flooding events. This community was impacted by Superstorm Sandy, which brought rain, wind, and record-high storm surge that flooded much of the community. In addition to flooding, trees were downed, power was lost, and homes were damaged.

One alternative that was considered during the design process was constructing a continuous revetment across all zones (similar to Zone C of the proposed design) with existing revetment removal. This alternative involved complete removal of the existing revetment within Zones A and B, and the removal of groins and derelict revetment within Zone C. After removal, a new revetment, with a MHWS contour similar to the proposed, would be constructed across all zones. The revetment construction would involve granular fill, geotextile placement, underlayer and armor stone placement, land backfill and lee side slope reinforcement. This alternative was discarded due to budget limitation associated with excessive costs of existing revetment removal and construction of new revetment within Zones A and B, which would result in an additional 3,350 linear feet of revetment compared to the proposed design.

Another alternative that was considered was the installation of either a vinyl or steel sheet pile bulkhead with seaward stone scour protection. This alternative involved removal of the existing groins and derelict revetment within Zone C and partial removal of the existing revetment stone along the proposed MHWS contour, forming a trench, with vinyl or steel sheet pile bulkhead being subsequently driven along the centerline of the trench. Stone removed from the groins, derelict revetment, and the trench would be placed along the toe of the bulkhead, providing scour protection. It was discovered during schematic design that cantilevered bulkhead of any feasible and available material/section would not have enough strength to sustain design loads. Therefore, the bulkhead would need to be supported by structures such as soil anchors or soldier piles. This alternative was discarded due to budget limitation, associated with excessive costs of soldier piles and soil anchor installation, and potential construction issues (driving sheet piles along or adjacent to the existing revetment might result in sheet piles running into existing stones, which could significantly increase construction time and cost).

Under the no action alternative, the existing shoreline deterioration would be expected to continue due to overtopping and tidal currents. The Zone C shoreline would be particularly vulnerable due to it being an unprotected sand beach and because it was determined during a morphology study that this area is historically unstable. Additionally, sea lettuce would continue to get accumulated between the groins due to flow stagnation and sediment flow would continue to be disrupted by the groins. The “no action” alternative would provide no protection to the Project area and adjacent residential neighborhoods from future flood events, as mitigation would be compromised due to lack of financial support. Thus, the “no action” alternative is not feasible in relation to the desired objective of creating area resiliency to future flooding events.

Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain and Wetland Development that Could Result from Proposed Action.

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - *A Unified National Program for Floodplain Management*, two definitions commonly used in evaluating actions in a floodplain are “structural” and “non-structural” activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

Natural moderation of floods

The Project is intended to repair an existing revetment located around the tip of Point Lookout along Reynolds Channel and Jones Inlet in order to prevent scour and replicate the dunes washed away by Superstorm Sandy. The Project will minimize the loss of human life by stabilizing the shoreline along the community of Point Lookout. If no action is taken, a subsequent storm event could result in catastrophic flooding and destruction of the existing residences and businesses, potentially resulting in the loss of life. Federal financial assistance will support activities representing a long-term public investment in a critical piece of infrastructure that is necessary to protect the community of Point Lookout and the well-being of its residents and local economy, as well as eliminate the need for constant dredge and fill activities. The Project will stabilize the shoreline of a public area that currently provides recreational fields and an

undeveloped area that acts as a buffer between the ocean and a residential community. The intent of the Project is not to develop the shoreline to serve a new purpose, but rather to stabilize and protect the shoreline against erosional forces.

Living resources such as flora and fauna

A potential impact that may arise is that during construction there could be disturbance in the waterbody and the associated wetlands. However, a qualitative evaluation suggests the potential would be relatively minor, and if such releases do occur, it would likely be part of an area wide impact. Given the nature of the Project, the potential for an acute or chronic level of water quality impact from the proposed Project is low. BMPs will be implemented to protect flora and fauna adjacent to the Project area, and a Water Quality Certification issued by the New York State Department of Environmental Conservation (NYSDEC) pursuant to Section 401 of the Clean Water Act will be required prior to initiating construction.

The U.S. Fish and Wildlife Service (USFWS) lists the northern long-eared bat (threatened), piping plover (threatened), red knot (threatened), roseate tern (endangered), sandplain gerardia (endangered) and seabeach amaranth (threatened) as the only threatened, endangered, proposed, or candidate species that may occur within the boundaries of the proposed Project. The Project will involve the addition of stone to create a perched revetment in Zones A and B and will not involve excavation or removal of material in Zones A and B. Project activities in Zone C will be performed in the intertidal zone at low tide. The Project will not involve the disturbance of any vegetated dune areas or vegetated tidal wetland areas. There will be a balance between reclaimed and removed intertidal areas. Additionally, there will not be any changes in the beach material type. It is not anticipated that the northern long-eared bat, piping plover, red knot, roseate tern, sandplain gerardia, and seabeach amaranth occur at the proposed Project location. Therefore, GOSR has determined that the proposed Project would have “No Effect” on any federally endangered, threatened, proposed, or candidate species regulated by the USFWS.

National Marine Fisheries Service (NMFS) Maps for the Atlantic Coast indicate that the Project is located within the range of sea turtles, and within the estimated range of Atlantic sturgeon distinct population segments (DPSs). Since Best Management Practices (BMPs) will be implemented to ensure there are no adverse impacts to species under NMFS jurisdiction, including the use of a turbidity curtain, sediment filter bags, and permit specified BMPs, it has been concluded that there would be “No Effect” on the listed marine species as a result of the proposed Project activities.

BMPs will be implemented to ensure there are no adverse impacts to species under NMFS jurisdiction, including the use of a turbidity curtain, sediment filter bags, and permit specified BMPs, it has been concluded that there would be “No Effect” on listed marine species as a result of the project activities. Since BMPs will be implemented to ensure there are no adverse impacts to EFH, including the use of a turbidity curtain, sediment filter bags, and permit specified BMPs, GOSR determined that the proposed Project would have “No Effect” on EFH, and that the Project is in compliance with the requirements of 50 CFR §660.920 implementing the Magnuson-Stevens Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267).

Impacts to Property & Lives

The highest priority of this review is to prevent the loss of life. The proposed Project is intended to repair and extend an existing revetment located around the tip of Point Lookout along Reynolds Channel and Jones Inlet in order to prevent scour and replicate the dunes washed away by Superstorm Sandy. The proposed Project will minimize the loss of human life by stabilizing the shoreline along the community of Point Lookout. If no action is taken, a subsequent storm event could result in catastrophic flooding and destruction of the existing residences and businesses, potentially resulting in the loss of life. Federal financial assistance will support activities representing a long-term public investment in a critical piece of infrastructure that is necessary to protect the community of Point Lookout and the well-being of its residents

and local economy, as well as eliminate the need for constant dredge and fill activities.

Cultural resources such as archaeological, historic & recreational aspects

The New York State Historic Preservation Office confirmed on September 20, 2018 that there will be “no historic properties, including archaeological and /or historic resources, affected” by the Project, as documented in **Attachment 12** of the Point Lookout Shoreline Stabilization and Revetment Project Environmental Review Record Report.

Agricultural, aquacultural, & forestry resources

There is substantial agriculture and fishing industry on Long Island including aquaculture. The 2012 State Comptrollers Report, [Agriculture in Long Island](#)¹, indicates that aquaculture brought in approximately \$7.6 Million in sales revenue, representing 2.9% of the total economic share. It is anticipated that during the short-term construction activities the disturbance would be localized and mitigated and would not impact local water quality and this economic sector. These mitigation measures include, but are not limited to, installing temporary silt fencing on land to prevent soil and/or debris from being washed off-site and installing turbidity curtains in the water to minimize sediment transportation from the area of disturbance to the larger body of water per the soil erosion control plan. Project activities will be completed in accordance with all applicable federal, state and local permit requirements and conditions. Therefore, no or minor temporary impacts from the proposed project activities are anticipated.

Wetland Evaluation

The purpose of wetland evaluation is to consider factors relevant to a proposal’s effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.

The proposed action is located in wetlands that are designated by the USFWS and NYSDEC. These are not directly used for water supply. The Project is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards, as the Project solely involves repair to existing shoreline stabilization and revetment repairs. The proposed action will not decrease the area of wetlands.

Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.

The approximately 0.32 acres of permanent impacts in wetlands will be offset by the creation of an additional 0.32 acres of wetlands. The proposed Project involves shoreline modifications to protect land within the existing floodplain. Construction activities that occur within wetlands include excavation and fill within the intertidal and subtidal zones. The proposed MHWS contour was designed to balance the removed and created areas below MHWS. The proposed Project will not adversely impact the natural and beneficial functions and values of wetlands. The proposed Project will stabilize the shoreline of a public area that currently provides recreational fields and an undeveloped area that acts as a buffer between the ocean and a residential community. The intent of the proposed Project is not to develop the shoreline to serve a new purpose, but rather to stabilize and protect the shoreline against erosional forces.

¹ https://osc.state.ny.us/reports/li_ag_rpt_10_2013.pdf

Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.

The approximately 0.32 acres of permanent impacts in wetlands will be offset by the creation of an additional 0.32 acres of wetlands. The proposed MHWS contour was designed to balance the removed and created areas below MHWS. The proposed Project will stabilize the shoreline of a public area that currently provides recreational fields and an undeveloped area that acts as a buffer between the ocean and a residential community.

The Project is a water dependent and functionally dependent use. Mitigation measures will be implemented to minimize harm to wetlands during construction. BMPs will be implemented to ensure there are no adverse impacts to wetlands, including the use of a turbidity curtain, sediment filter bags. All applicable permits from the NYSDEC, USACE, and Town of Hempstead will be obtained prior to the commencement of Project activities, and all permit conditions will be followed. There are not anticipated to be any additional cost increases attributed to necessary mitigation measures to minimize harm to wetlands that may result from such use.

Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.

According to the Outdoor Industry Association's two page fact sheet New York the Outdoor Recreation Economy, outdoor recreation generates \$338 billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional and local economy. As such, the proposed activities will stabilize the shoreline at the Point Lookout Beach District Park, which utilized by the public as a recreational park and for enjoyment of the waterfront. The Project will stabilize the shoreline of a public area that currently provides recreational fields and an undeveloped area that acts as a buffer between the ocean and a residential community.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.

The proposed Project will stabilize the shoreline of a public area that currently provides recreational fields and an undeveloped area that acts as a buffer between the ocean and a residential community. The intent of the proposed Project is not to develop the shoreline to serve a new purpose, but rather to stabilize and protect the shoreline against erosional forces. The Project would mitigate future flood risk and minimize potential impacts to the surrounding community located within the 100-year floodplain. Applicable permits from the NYSDEC, USACE, and Town of Hempstead will be obtained prior to the commencement of Project activities, and all permit conditions will be followed. BMPs will be employed to preserve natural values, lives, and living resources. Utilizing BMPs will confine impacts to the floodplain and wetlands to the proposed Project location. However, it is still reasonable to promote awareness of future risks of natural hazards, including flooding, plus the physical, social and economic impacts that potential storm events could convey, including the potential for future physical damage to the surrounding property.

Step 6. Reevaluate the Alternatives and Proposed Action.

The proposed Project is a water-dependent and functionally dependent use that is intended to stabilize and protect the shoreline against erosional forces. The potential alternatives not practicable or feasible. The "no action" alternative for not funding the Project would not address the purpose and need of the proposed action. Without the proposed action, the impacted community would be left more susceptible to future flooding events in this area than it would after the implementation of the proposed action. Therefore, the "no action" alternative examined is not considered desirable and the proposed action is still practicable in light of exposure to flood hazards in floodplain, possible adverse impacts on floodplain and wetlands, the extent to which it may aggravate current hazards to other floodplains, and the potential to disrupt natural and beneficial functions and values of floodplains and wetlands. Additionally, implementation of the

proposed action will abide by all applicable state and local codes for floodplain development. As such, the impact of the proposed action on a floodplain would be less the “no action” alternative.

Step 7. Issue Findings and Public Explanation.

A final notice, formally known as “Final Notice and Public Review of a Proposed Activity in a 100-Year Floodplain and Wetland”, was published in accordance with 24 CFR 55. This public notice was combined with the “Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI-NOIRROF)” on March 12, 2020. The final notice requires a 7-day comment period after publication; however, the FONSI-NOIRROF requires a 15-day comment period. As such, a 15-day comment period was used for this Final Notice. The 15-day comment period expires at 5pm March 27, 2020. The combined notice describes the reasons why the Project must be located in the floodplain and wetlands, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain and wetland values. Project activities will be completed in accordance with all applicable federal, state and local regulations.

Step 8. The Proposed Action Can Be Implemented After the Above Steps Have Been Completed.

GOSR, operating under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation as the responsible entity, will ensure that the Proposed Action, as described above, is executed and necessary language will be included in all agreements with participating parties. Implementation of the proposed Project may require additional local and state permits, which could place additional design modifications or mitigation requirements on the Project. It is acknowledged there is a continuing responsibility by the responsible entity to ensure, to the extent feasible and necessary, compliance with the steps herein.