



Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

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

TOWN OF ROSENDALE – JAMES STREET FLOOD CONTROL

DATE: October 20, 2017

NAME OF ACTION: Town of Rosendale – James Street Flood Control
(Proposed Project)

LOCATION: James Street between John Street and Route 32 and along and within Rondout Creek, Town of Rosendale, Ulster County, New York 12472

SEQRA CLASSIFICATION: ☐ Type I (*ENB Required*); ☒ Unlisted

REVIEW TYPE: ☒ Coordinated; ☐ Uncoordinated

DETERMINATION OF SIGNIFICANCE: ☒ Negative Declaration; ☐ Positive Declaration

The Governor's Office of Storm Recovery ("GOSR"), an office of New York State Homes and Community Renewal's ("NYSHCR") Housing Trust Fund Corporation ("HTFC"), has established Lead Agency status pursuant to the State Environmental Quality Review Act ("SEQRA") (ECL Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617) for the environmental review of the proposed Town of Rosendale – James Street Flood Control Project ("Proposed Project") located on James Street between John Street and Route 32 and along and within Rondout Creek, Town of Rosendale, Ulster County, New York 12472. In accordance with SEQRA and its implementing regulations found at 6 NYCRR Part 617, GOSR has established itself as SEQRA lead agency and has classified the proposed action an Unlisted Action. A short Environmental Assessment Form (EAF) Part 1 regarding the proposed action has been circulated for review and comment to interested and involved agencies. GOSR has evaluated the criteria found under 6 NYCRR 617.7(c), completed Parts 2 and 3 of the EAF, and determined that the proposed action would not result in significant environmental impacts. This memo is incorporated by reference into Part 3 of the EAF and serves as the rationale for GOSR's determination of significance.

The Proposed Project:

The Proposed Project involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program funding proposed for stormwater management improvements located on James Street between John Street and Route 32 and along and within Rondout Creek in the Town of Rosendale, Ulster County, New York. The total project cost is \$600,000.00

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(public facilities and improvements Phase I \$48,330.00 and Phase II \$551,670.00) to be paid for with CDBG-DR funds toward implementing the Proposed Project.

The Town of Rosendale proposes to replace the existing small-bore stone-built culvert that passes beneath James Street near the intersection of Parkcrest Drive. This existing 48-inch pipe is to be replaced with a 60-inch HDPE pipe culvert that will run under James Street, with a retaining wall built on the north side of James Street at the outfall location into Rondout Creek. A proposed catch basin and storm manhole are to be installed on the western side of the Parkcrest Drive and James Street intersection, with a new 36-inch HDPE pipe to replace the existing 36-inch pipe running under Parkcrest Drive. This 36-inch HDPE pipe connects to the 60-inch HDPE pipe and storm manhole located on the eastern side of the Parkcrest Drive and James Street intersection.

Four additional catch basins are proposed to be built along James Street, west of Parkcrest Drive. The catch basins will be located on the north and south side of James Street, with two catch basins located approximately 170 feet west of Parkcrest Drive on James Street and two catch basins located 520 feet west of Parkcrest Drive on James Street. The proposed construction includes flattening the south bank slope with a buttress toe for slope stability on the sound bank of the Rondout Creek. Additionally, the proposed construction includes armoring Rondout Creek's south bank with riprap. This riprap will begin at the western edge of the existing riprap and extend 600 feet upstream. A point bar along the northern bank of Rondout Creek will be removed, which will restore the original Rondout Creek flood control creek bottom to 39.5 feet, which is the original Rondout Creek flood control creek bottom elevation. The Town also proposes to construct guide rails along James Street, as well as a 5-foot asphalt pedestrian walkway that will run parallel to the north side of James Street, extending approximately 330 feet west of Parkcrest Drive to the intersection of James Street and Route 32.

Purpose and Need:

This funding assistance will provide for culvert and HDPE replacements; retaining wall, manhole and catch basins installations; constructing guide rails along James Street and a 5-foot asphalt pedestrian walkway; flattening the southern bank slope, and constructing a buttress toe at the slope on the south bank of Rondout Creek; armoring Rondout Creek's southern bank with riprap; and removing a point bar along the northern bank of Roundout Creek in in the Town of Rosendale to address flooding during heavy rainfall events.

The purpose of the Proposed Project is to ensure that James Street, a critical connector road, will be accessible during and after future storm events. On August 28, 2011, Hurricane Irene dropped approximately 6 inches of rain during a 24-hour period. A few weeks later in early September 2011, Tropical Storm Lee dropped several more inches of rain on already saturated soils and overloaded Rondout Creek leading to record high water levels and severe flash flooding. As a result of the high water during these storm events, the lower portion of James Street washed out and collapsed causing a substantial safety risk for vehicles and residences located on James Street and in the surrounding area. During these storm events, residents were unable to access necessary health and social service facilities. James Street serves as a critical alternate vehicular and pedestrian route, providing an ingress/ egress thoroughfare that connects NY Route 32/213 and an emergency route for Rosendale's Downtown District.

Existing Conditions:

Project activities will occur along James Street between John Street and Route 32 and along and within Rondout Creek, which has been washed out during historic high water events and collapsed during Hurricane Irene and Tropical Storm Lee. As a result of the high waters, the washout created substantial risk for vehicles and residences located on James Street and in the surrounding area. During these storm events, residents were unable to access necessary health and social service facilities.

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According to the *Multi-Jurisdictional Natural Hazard Mitigation Plan for Ulster County*, New York, approximately 9.8% of the properties (Page 3a-46), and approximately 12.7 % of the improved land value (Page 3a-47) in the Town of Rosendale are located in a High Flood Risk area. This Plan highlights past actions that have been taken in the Town to mitigate damages from natural disasters. Still, flooding is identified as a hazard vulnerability for the Town. The Proposed Project, described herein, is specifically identified in the Hazard Mitigation Plan as a mitigation initiative that has a high estimated benefit to the community.

According to the New York Rising Community Reconstruction (NYRCR) Plan for Ulster Communities, this Proposed Project will allow the installed infrastructure to withstand future storm events without damage, likely improve the Town's emergency response and recovery efforts, and provide continued access for Emergency Medical Services (EMS) providers and to health and social service facilities.

Funding:

The total Proposed Project cost is estimated at \$600,000.00. GOSR proposes to allocate funding pursuant to the HUD 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 as described in this notice.

Environmental Considerations:

The SEQRA EAF Parts I and II assessed multiple resource topics, and no potential impacts were identified. The SEQRA analysis finds that the Proposed Project will not result in a significant adverse environmental impact. Additional explanation is provided for those sections of the SEQRA EAF Parts I and II where additional explanation may be helpful in understanding the environmental considerations. The SEQRA EAF section number is followed by the explanation.

Section 2.

The Proposed Project might require a U.S. Army Corps of Engineers (USACE) Section 404 Permit and the New York State Department of Environmental Conservation (NYSDEC) permits: Article 15 - Protection of Waters, Article 15 - Stream Disturbance, Article 15 Excavation and Fill in Navigable Waters, Article 16 - 6 NYCRR Part 501 - Permit for Flood Control Land Use, and CWA Section 401 Water Quality Certification. The Proposed Project requires NYSHCR CDBG-DR funding.

Section 3.

The Proposed Project anticipates less than one acre of ground disturbance. Proposed site plans are included in the Environmental Assessment.

Section 12.

According to the EAF mapper, the Proposed Project site contains a structure that is located within an archeological sensitive area. However, on April 15, 2016 and March 3, 2017, the New York State Historic Preservation Office (SHPO) reviewed the Proposed Project and determined that there will be *No Effect* on historic properties listed or eligible for listing on the National Register of Historic Places, which is included in the Environmental Assessment. Also, on April 1, 2016 and February 24, 2017, GOSR sent consultations letters to the applicable Tribal Historic Preservation Offices (THPOs). The THPO of the Delaware Tribe of Indians, Delaware Nation, St. Regis Mohawk Tribe, and Stockbridge-Munsee Community Band of Mohicans responded that they have no objection to the Proposed Project activities. No response was received from the Mohawk Nation to the 2016 Consultation Letter. The Delaware Tribe of Indians and Stockbridge-Munsee

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Community Band of Mohicans responded that they have no objection to the Proposed Project activities in the updated 2017 Consultation Letter. No response was received from the Delaware Nation and St. Regis Mohawk Tribe to the updated 2017 Consultation Letter. In the event any unanticipated discoveries of human remains and/ or cultural resources including, but not limited to, funerary objects, sacred objects, and objects of cultural patrimony are made during execution of the Proposed Project, work shall be halted immediately and the SHPO and the THPOs of the Delaware Tribe of Indians, Delaware Nation, Mohawk Nation, St. Regis Mohawk Tribe, and Stockbridge-Munsee Community Band of Mohicans shall be consulted before work resumes.

Section 13.

Based on the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) map and NYSDEC Environmental Resource Mapper, there is a federally designated riverine (R5UBH) and the NYSDEC classifies Rondout Creek as a Class B waterway, while the tributary running under James Street is classified as a Class C waterway. Therefore, a formal wetland management review process is required for compliance with Executive Order 11990 Protection of Wetlands, which is included in the Environmental Assessment. The Proposed Project will not interfere with the restoration of a vital ecosystem and preservation of its natural heritage. The Proposed Project will be implemented in accordance with all applicable federal, state and local laws, regulations, and permit requirements and conditions in order to ensure the preservation of water quality. Thus, no potential impacts from the Proposed Project are anticipated.

Section 15.

On May 24, 2017, a response was received from the NYSDEC Natural Heritage Program (NHP) indicating their database contained records of rare or state-listed animals or plants, or significant natural communities within the vicinity of the Proposed Project site. These records indicated the endangered Indiana Bat and threatened Northern Long-eared Bat have been documented within one mile from the Proposed Project site. Also, the NHP response indicated that a high-quality occurrence of the rare community type of Limestone Woodland and uncommon community type of Calcareous Talus Slope Woodland are present in the greater Rosendale woods, located west of the Proposed Project site. However, Limestone Woodland and Calcareous Talus Slope Woodland are not present at the Proposed Project site. In addition, NHP indicated that the endangered Cut-leaved Evening-primrose may be present in the vicinity of the proposed project site, however, that is based upon documentation from 1979 or earlier and there is uncertainty regarding its continued presence in the area. According to the *NHP Website*, the Cut-leaved Evening-primrose is found primarily in New York City and Long Island, but may have found its way north to Ulster County within the Hudson River Valley. However, the habitat of this species includes dry, sandy, successional old fields, sandy embankments, and disturbed areas of maritime grasslands. The project locations do not include these types of habitats. Also, the project locations are primarily located within previously disturbed areas. The point bar removal is not seen as an area of concern considering it is often inundated with water, therefore, would be habitat for aquatic plants and the Cut-leaved Evening-primrose is not defined as aquatic. Furthermore, conservation measures include the need of disturbance to reduce competition from woody plants. However, it is recommended that this disturbance be conducted when the Cut-leaved Evening-primrose is dormant (not flowering or fruiting), which is from late-September/early-October to mid-May. Therefore, it is not anticipated that the proposed project activities will have an effect on the Cut-leaved Evening-primrose and no further review is necessary.

Note: The Rondout Creek is classified under Article 15 as “B.” In perennial warm-water fisheries (Class “A, B or C”), in-water work is prohibited beginning March 1st and ending July 15th.

The USFWS lists the threatened Northern Long-eared Bat (NLEB) (*Myotis septentrionalis*), the endangered Indiana Bat (*Myotis sodalis*), the threatened Bog Turtle (*Clemmys muhlenbergii*), and migratory birds of concern as species with the potential to occur within the vicinity of the Proposed Project site. The IPaC Resource List indicates that there are 19 species of migratory birds protected by the Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act (BGEPA) that could potentially be affected by the

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Proposed Project, including the Bald Eagle (*Haliaeetus leucocephalus*). However, there are no known breeding Bald Eagles within the vicinity of the Proposed Project site; therefore, no adverse impacts to breeding Bald Eagles are expected to occur as a result of the Proposed Project. There is no habitat for the Bog Turtle in the Proposed Project area and migratory birds are expected to temporarily leave the area during construction due to noise and disturbance. Therefore, the Proposed Project is likely to have no effect on the Bog Turtle and migratory birds of concern.

GOSR performed a Phase I Summer Habitat Assessment in April 2017 to evaluate the trees that need to be removed for project construction. During the Summer Habitat field inspection, it was confirmed that the trees proposed to be removed are part of a small strip of forested habitat located immediately adjacent to residential development and residential yard habitat. Any bats living in the vicinity of the Proposed Project area would still be able to breed, feed, and find shelter. Similar habitat (forested creek corridor surrounded by residential development) is located immediately west of the Proposed Project area. Since 1) tree clearing will be conducted between November 1 and March 31 when bats are hibernating, 2) the Proposed Project will not impact a large area of suitable habitat relative to the surrounding landscape, and 3) the Proposed Project will not impact high-quality habitat, a “may affect, not likely to adversely affect” determination was made for the Indiana Bat and Northern Long-eared Bat and submitted to USFWS.

The USFWS concurred with this determination on June 20, 2017. The USFWS stated that “[g]iven the project location, small amount of tree removal (0.86 acres), and conservation measure to **conduct all tree removal between November 1 and March 31**, we concur with your determination.” The USFWS had no further comment on GOSR’s no effect determination for the Bog Turtle. The response stated that “No further coordination or consultation under Endangered Species Act (ESA) is required with the Service at this time. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered...Until the Proposed Project is complete, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the Proposed Project is current.” The USFWS also recommended that if Bald Eagles are found within the Proposed Project area, then GOSR and the Town of Rosendale should follow the Bald Eagle Management Guidelines on the USFWS website.

GOSR will promptly report any departures from the described Proposed Project activities that would change the effect determination to the New York Field Office. GOSR will provide the New York Field Office with the results of any surveys conducted for the IB and NLEB. Involved parties will promptly notify the New York Field Office upon finding a dead, injured, or sick IB or NLEB.

Documentation is provided in the Environmental Assessment.

Section 16.

Based on the Federal Emergency Management Agency (FEMA) Firmette 36111C0605E, the Proposed Project is located within a FEMA designated flood zone (100-year floodplain, Special Flood Hazard Area - AE Zone) and floodway. The Floodplain Management Determination (Executive Order 11988) for the Proposed Project is included in the Environmental Assessment.

Section 17.

The pedestrian walkway construction will potentially involve the removal of a Town-owned guard rail and grading of a walkway running parallel with James Street with James Street. The pedestrian walkway may be constructed using impervious surfaces. If surfaces are impervious, runoff will flow off the impervious surface to adjacent undeveloped land and/or stream banks. The Proposed Project will not introduce new demand for groundwater or surface water, nor would the Proposed Project introduce septic flows that may affect groundwater.

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Section 20.

Based on a review of available environmental records for the Proposed Project site and surrounding area, two (2) Superfund sites and three (3) open spills with known petroleum contamination located directly up-gradient of the Proposed Project site were identified as potential sources of contamination. As such, the Proposed Project site is likely to contain hazardous materials and contamination and it is recommended any soil be tested for petroleum and chlorinated VOCs prior to disposal or reuse on site. The Proposed Project does not involve the construction of buildings or enclosed structures that would contain occupants. Rather, the Proposed Project involves the construction of stormwater management improvements. Therefore, the Proposed Project site is unlikely to contain toxic chemicals and gases, or radioactive substances which would constitute a hazard that could conflict with the intended utilization of the Subject Property. A Phase I Environmental Site Assessment (ESA) or Phase II Investigation is not warranted. The full environmental standards review is included in the Environmental Assessment.

Sources:

- *Multi-Jurisdictional Natural Hazard Mitigation Plan for Ulster County:*
<http://ulstercountyny.gov/emergency-services/hazard-mitigation>
- *NHP Website:*
<http://www.acris.nynhp.org/guide.php?id=9207&part=3>

Standard Requirements:

Any change to the Proposed Project as described will require re-evaluation by GOSR's Certifying Officer for compliance with SEQRA and other law, regulations and policies.

This review will 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.

If there is any unanticipated discovery of endangered or threatened species, cultural resources, soils contamination, or any other conditions affecting the factors, executive orders, stipulations, and/ or regulations discussed within this assessment, work shall be halted immediately and the appropriate agency will be consulted before work can be resumed.

Additional Mitigation Measures:

To the extent required and/or practicable, any approval of the Proposed Project is subject to following mitigation measures being adhered to by the grant recipient to minimize environmental impacts and create a more sustainable project:

- Construction and demolition – to the maximum extent possible, utilize local and recycled materials in construction process and recycle materials generated onsite.
- Clean diesel – implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:
 - Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
 - Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

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- Stormwater – utilize low impact development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the Proposed Project site for stormwater management purposes. Other LID practices can include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements;
- Cost-efficient, environmentally friendly landscaping – EPA’s GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping;
- Energy efficiency – energy-efficient technologies should be incorporated, when possible; and
- Water conservation and efficiency – promote water conservation and efficiency through the use of water efficient products (toilets, faucets, showerheads) and practices. Consider use of products with the WaterSense label, where appropriate.

In addition to the factors considered above, GOSR considered the following guidance from the State Environmental Quality Review Act and its implementing regulations and determined that the Proposed Project 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)(iii))
- (iii) Not result in “the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;” (§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, archaeological, 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))

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(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; or (§617.7(c)(1)(xi))

Therefore, GOSR, acting as Lead Agency, and having prepared a short EAF, has determined that the Proposed Project will not have a significant effect on the environment and a Draft Environmental Impact Statement will not need to be prepared.



Lori A. Shirley
Director

Date: October 20, 2017

Bureau of Environmental Review and Assessment
Governor’s Office of Storm Recovery
New York State Homes & Community Renewal
38-40 State Street, Hampton Plaza, Albany, NY 12207
(518) 474-0755

Attachments:

Environmental Assessment Form (Parts 1, 2 and 3)
Lead Agency Letter Sent
Negative Declaration Distribution List

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
New York Rising Community Reconstruction (NYRCR) Program			
Name of Action or Project:			
Town of Rosendale - Flood Control Along James Street			
Project Location (describe, and attach a location map):			
South side of Rondout Creek, Town of Rosendale, Ulster County, New York (see attached maps)			
Brief Description of Proposed Action:			
<p>The proposed project involves NYRCR Program funding for the Town of Rosendale to replace the existing small-bore stone-built culvert beneath James Street near the intersection of Parkcrest Drive. The existing 48-inch pipe will be replaced with a 60-inch HDPE pipe culvert that will run under James Street, with a retaining wall built on the north side of James Street at the outfall location into Rondout Creek. A catch basin and storm manhole will be installed on the western side of the Parkcrest Drive and James Street intersection, with a new 36-inch HDPE pipe to replace the existing 36-inch pipe running under Parkcrest Drive. Six catch basins, storm sewer piping, and one manhole are to be built along James Street. The project includes flattening the south bank slope, and creating a low flow channel and new toe at the base of the slope along the southern bank which will be armored with riprap. Maintenance dredging will occur, removing the point bar along the northern bank. Guide rails along James Street and a pedestrian walkway with seating parallel to the north side of James Street will also be constructed.</p>			
Name of Applicant or Sponsor:		Telephone: 845-658-3159 ext. 3	
Town of Rosendale (Jeanne L. Walsh - Town Supervisor)		E-Mail: supervisor@townofrosendale.com	
Address:			
1915 Lucas Avenue			
City/PO:		State:	Zip Code:
Cottkill		New York	12419
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
			<input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
NYS Department of Environmental Conservation; US Army Corps of Engineers; Town of Rosendale			<input type="checkbox"/>
NYSHCR CDBG-DR funding			<input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.40 acres	
b. Total acreage to be physically disturbed?		0.63 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.40 acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input checked="" type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: n/a- the project involves culverts, catch basins, storm sewer piping, dredging, slope flattening, a pedestrian walkway, guide rails, and rip rap.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ The project will not require connections to a water supply.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ The project will not produce wastewater and will not require connection to a wastewater utility.	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: <u>6.780 cy ft</u> Project activities will occur within NYSDEC classified streams and federal jurisdictional wetlands within the established Rondout Creek (6,870 sq. ft. of fill below OHWM). Construction will include flattening the south bank slope, a new toe at the base of the slope, and armoring the south bank with riprap. Maintenance dredging will occur to remove pointbar on north bank	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input checked="" type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ The pedestrian walkway may be constructed using impervious surfaces. If surfaces are impervious, runoff will flow off the impervious surface to adjacent undeveloped land and/ or stream banks.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
Two State superfund sites are near the project location (356031 - 1083 Route 32 and 356050 - Rosendale Cleaners). Down-gradient wells that were installed during the Remedial Investigation showed no impacts in the vicinity of the proposed work.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Jeanne L. Walsh, Town Supervisor</u>		Date: <u>2/8/17</u>
Signature: <u>Jeanne L Walsh</u>		

Project: Rosendale - James St

Date: 10/20/2017

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: **Rosendale - James St**Date: **10/20/2017**

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Please see expanded Part 3 Determination of Significance found on the following pages.

- ☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- ☒ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Governor's Office of Storm Recovery (acting for NYS HTFC)

10/20/2017

Name of Lead Agency

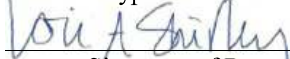
Date

Lori A. Shirley

Director, Bureau of Env. Review and Assessment

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer



Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)



ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

February 10, 2017

Re: Lead Agency Designation for Environmental Review of Town of Rosendale Flood Control Along James Street Project (Ulster County, New York)

Dear Involved/Interested Agency:

The Governor's Office of Storm Recovery ("GOSR") proposes to serve as lead agency under the National Environmental Policy Act ("NEPA") and State Environmental Quality Review Act ("SEQRA") and related laws for the environmental review of the proposed work regarding the Town of Rosendale Flood Control Along James Street Project (the "Proposed Action"). GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the recipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g).¹

The Proposed Action involves New York Rising Community Reconstruction (NYRCR) Program funding for the Town of Rosendale Flood Control Along James Street Project. On August 28, 2011, Hurricane Irene dropped approximately 6 inches of rain during a 24-hour period. A few weeks later in early September 2011, Tropical Storm Lee dropped several more inches of rain on already saturated soils and overloaded Rondout Creek leading to record high water levels and severe flash flooding. This project will protect James Street and the community during future storm events, making it more resilient against future flooding events.

The Proposed Action would be located along James Street, Town of Rosendale, Ulster County, New York. The proposed project involves NYRCR Program funding for the Town of Rosendale proposes to replace an existing small-bore stone-built culvert that passes beneath James Street near the intersection of Parkcrest Drive. This existing 48-inch pipe is to be replaced with a 60-inch high-density polyethylene (HDPE) pipe culvert that will run under James Street, with a retaining wall built on the north side of James Street at the outfall location into Rondout Creek. A proposed catch basin and storm manhole are to be installed on the western side of the Parkcrest Drive and James Street intersection, and a new 36-inch HDPE pipe will replace the existing 36-inch pipe running under Parkcrest Drive. This 36-inch HDPE pipe connects to the 60-inch HDPE pipe and storm manhole located on the eastern side of the Parkcrest Drive and James Street intersection.

Four additional catch basins are proposed to be built along James Street, west of Parkcrest Drive. The catch basins will be located on the north and south side of James Street, with two catch basins located approximately 170 feet west of Parkcrest Drive on James Street and two catch basins located 520 feet west of Parkcrest Drive on James Street. The proposed construction includes flattening the south bank

¹ The Governor's Office of Storm Recovery, operating under the auspices of New York State Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for the administration of the CDBG-DR grants to the State of New York.

slope, creating a low flow channel, and constructing a new toe at the base of the slope on the south bank of Rondout Creek. Additionally, the proposed construction includes armoring Rondout Creek's south bank with riprap. This riprap will begin at the western edge of the existing riprap and extend 600 feet upstream. Maintenance dredging will also occur, removing the point bar along the northern bank to elevation 39.5 feet, which is the original Rondout Creek flood control creek bottom elevation. The Town also proposes to construct guide rails along James Street, as well as a 5-foot asphalt pedestrian walkway that will run parallel to the north side of James Street, beginning approximately 330 feet west of Parkcrest Drive on James Street and extending to the intersection of James Street and New York State Route 32. Approximately 0.22 acres of trees will be removed in order to install new culverts and approximately 0.64 acres of trees will be removed in order to flatten the slope and armor the bank with riprap.

This action has been preliminarily classified as an UNLISTED action pursuant to SEQRA. Additional information regarding the Proposed Action and its location are provided in the enclosed short Environmental Assessment Form. The review of the Proposed Action under NEPA and SEQRA would satisfy the requirements of 24 CFR Part 58 and 6 NYCRR Part 617.

Your agency or organization has been identified as a potential cooperating, involved, or interested agency for the review and approval of the Proposed Action. If your agency consents to GOSR's serving as the lead agency for review under NEPA and SEQRA, please so indicate by signing this letter and returning it at your earliest convenience to Lori A. Shirley at 38-40 State Street, Hampton Plaza, Albany, NY 12207, or simply email a signed copy to Lori.Shirley@nyshcr.org. If we have not heard from you by March 13, 2017, your consent will be assumed.

If you have any questions, please feel free to contact me at (518) 474-0755. Thank you for your consideration and cooperation.

Sincerely,



Lori A. Shirley

Director, Bureau of Environmental Review and Assessment
Governor's Office of Storm Recovery

The undersigned hereby consents to the Governor's Office of Storm Recovery serving as lead agency for the Proposed Action described above.

Agency/Organization: _____

By: _____

Name: _____

Title: _____

Date: _____

Permits/Approvals/Comments: _____

Enclosure: Short Environmental Assessment Form Part 1
 Site Map
 Site Plans
 List of Involved and Interested Agencies

Involved/Interested Agencies - Flood Control along James Street Project

Involved

Martin Brand, Regional Director
NYSDEC Region 3
21 South Putt Corners Road
New Paltz, NY 12561-1696

Todd Westhuis, PE, Regional Director
NYSDOT Region 8
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

Jeanne Walsh
Supervisor
Town of Rosendale
1915 Lucas Avenue
Cottekill, NY 12419

Bob Gallagher
Highway Superintendent
Town of Rosendale
1915 Lucas Avenue
Cottekill, NY 12419

Billy Liggan, Chair
Town of Rosendale Planning Board
1915 Lucas Avenue
Cottekill, NY 12419

Interested

Mr. Richard Lord
Chief of Mitigation Programs & Agency Preservation Officer
NYS Division of Homeland Security & Emergency Services
1220 Washington Avenue
Bldg 7A, Floor 4
Albany NY 12242

Nina Postupack
Ulster County Clerk
Ulster County Office Building
244 Fair Street
Kingston, NY 12401

Mr. Ron Rausch, Director
Environmental Management Bureau
Office of Parks, Recreation and Historic Preservation
625 Broadway, 2nd Floor
Albany, New York 12238

Larry Moss, Technical Specialist
Division for Historic Preservation
New York State Historic Preservation Office
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189

Brian A. Orzel
USACE, NY District
Regulatory Branch
29 Federal Plaza
Room 1937
New York, NY 10278-0090