

Silver Lake Drainage Improvements Project
Floodplain Management and Wetlands Protection Determination
Commercial & Economic Development Initiative within
NY State Community Development Block Grant Disaster Recovery Program
December 2, 2019

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.

The Silver Lake Drainage Improvements Project (Project) involves U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding. The analysis that follows focuses on the direct 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. The HUD CDBG-DR funding is administered through the New York State Rising Community Reconstruction (NYRCR) Program which is using bottom-up community participation and State-provided technical expertise to develop resilient and sustainable communities. Thus, alternatives preventing or impeding the development of resilient and sustainable communities are not considered reasonable alternatives.

Description of Proposed Action & Land Use

The Project will involve the construction of improvements to reduce flood risk to Silver Lake Park, the surrounding neighborhood and the Silver Lake watershed during major storm events (such as heavy rainfall and extreme tides/storm surge). The Project will involve construction activity at Silver Lake Park, Hamlet of Baldwin, Town of Hempstead, Nassau County, New York. The Project will include the following components:

Component 1 – Elevate Perimeter Walkway of Silver Lake to Elevation 5.0’.

- Elevate perimeter walkway of Silver Lake to an elevation of 5.0’ (NAVD88); the perimeter walkway involves a 5’ wide asphalt and concrete pathway with salt tolerant topsoil and sod. This walkway will be off-set approximately 10’ from the edge of the lake as needed to allow for grading and safety concerns. The existing concrete bridges will remain in place.
- Concrete and brick paver imprinted concrete overlooks with railings will be provided at three (3) locations around the lake, for safe access to the edge of the lake. Benches or 1’ sitting walls will be located on the outlook areas.
- The parts of the existing lake shoreline will be reinforced with natural boulders and bulkheads, with an addition of a proposed living shoreline with salt tolerant perennials.
- Approximately 1,772 square feet (SF) of *Phragmites*, and other invasive species, will be removed along the eastern side of the lake. The area will be regraded to re-establish an appropriate water depth.

Component 2 – Install Tide Gates on the Silver Lake Outfalls.

- Self-regulating tidal gate vault, or equivalent thereof, will be installed at the northern section of the existing 6’x6’ box culverts traveling to Parsonage Canal, at the intersection of Foxhurst

Avenue and Foxhurst Road. A tidal flap gate, or equivalent thereof, will be installed at the south side of the existing 10'x 7'3" box culvert, at the entrance of Parsonage Canal.

- These tide gates utilize a system of floats to close the gate, or flap, at a desired elevation, allowing the gates to stay open during the normal tide cycle. This allows fish passage and the normal tidal flushing of the lake to be maintained.

Component 3 – Install a Stormwater Treatment Device between Lofts Pond and Parsonage Creek.

- A 10' hydrodynamic separation unit, or equivalent thereof, will be installed to protect water quality downstream by capturing floatables, oils, and sediment coming from Lofts Pond and the positive drainage system collecting runoff from the roadways in the vicinity of Coventry Road, Coventry Drive, and Surrey Lane.

Component 4 – Fish Passage to Caroline's Pond.

- A low flow channel will be created within the invert of the existing trapezoidal channel located north of Wateredge Avenue, to allow for fish passage during normal flow conditions. This passage would be sized to handle the measured base flow under dry weather conditions and would require a depth of approximately 12" for fish passage.
- In order to increase the minimum depth of base flow during dry weather conditions, a small weir would be constructed across Parsonage Creek, just south of the Wateredge Avenue culvert.

Applicable Regulatory Procedure Per EO 11988

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 if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the Project may proceed.

Based on data provided in **Appendix I**, including online data managed and updated by the U.S. Fish & Wildlife Service (USFWS) and New York Department of Environmental Conservation (NYSDEC), there are mapped wetlands in the Project area. Based on data provided in **Appendix II**, including online data managed and updated by the Federal Emergency Management Agency (FEMA), the Project is located in the 100-year floodplain. According to 24 CFR §55, the activity planned to 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. The Project involves modification of the 100-year floodplain and new construction in wetlands; 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 a floodplain management 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.

The proposed Project, per the applicable Federal Emergency Management Agency (FEMA) flood map Flood Insurance Rate Map (FIRM), is located in the 100-year floodplain (SFHA - AE Zone), as shown in **Appendix II**. Per data obtained from the USFWS and NYSDEC, there are mapped wetlands located in the Project area and the Project involves new construction in wetlands. This action does not require an individual Section 404 permit under the Clean Water Act (see 55.20(a)(1)).

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

Because the proposed Project is located in the floodplain and wetlands, 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.

The early notice and corresponding 15-day public comment period started on June 20, 2019 with the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" being published in the Long Island Herald – Baldwin edition newspaper, with the 15-day period expiring on July 8, 2019. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on June 20, 2019: FEMA; USFWS; U.S. Environmental Protection Agency (EPA); U.S. Department of Housing and Urban Development; NYSDEC; New York State Office of Parks, Recreation, and Historic Preservation; New York State Department of State; and New York State Office of Homeland Security & Emergency Services. The notice was also sent to Nassau County and the Town of Hempstead. (See **Appendixes III and IV** of this EO 11990 Wetlands Protection and EO 11988 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 500-year Floodplain if a Critical Action) or Wetland.

The primary alternative for the proposed Project is the “no action” alternative. This alternative means that there would be no work undertaken to alleviate the flood problem, rehabilitate the Project area, or mitigate the future flooding. This would leave the surrounding community vulnerable to future flood damage. The “no action” alternative would provide no protection to the residential neighborhoods and greater community 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.

Under the no action alternative, the area will continue to flood during rain events, creating issues on the surrounding roadways and adjoining properties. Continued flooding will lead to a deterioration of infrastructure at Silver Lake Park and in the surrounding area. The Project represents the optimal opportunity to improve infrastructure, which will allow for the continued use of Silver Lake Park and the surrounding residential area.

The Silver Lake Drainage Improvements Study (Study) was performed to identify the most beneficial project components. A variety of design scenarios were evaluated in order to consider the various combinations of design rainfalls and tailwater elevations at Parsonage Creek Canal that can affect the hydraulic results. The Study did not have a specific design criteria that was required to be met. The recommended feasible high priority alternatives included in the report are a combination of proposed improvements aimed to most efficiently utilize the construction budget with a goal of also addressing the public’s concerns.

The drainage analysis performed during the design phase indicated that developing alternative improvements that will mitigate flooding for all potential storm scenarios that can occur is not possible within the Project’s available construction budget. Due to cost estimates that were greater than available funding for the Project, the replacement of the outfall culverts and weir was not evaluated as a feasible alternative.

One improvement that was evaluated involves using control gates to lower Silver Lake prior to a storm event. In an attempt to reduce surface water elevations in Silver Lake during rainfall events, a design scenario was analyzed that would use the existing control gate located on the east side of the weir to lower the Silver Lake surface water elevations by two (2) feet prior to the storm event. The purpose of this design component would be to provide additional impoundment capacity in an effort to alleviate flooding. The drainage model analysis indicated that this design component would have no significant benefit for any rainfall event equal to or greater than a 1-year rainfall. It also indicated that the additional storage attained from lowering the lake is quickly filled in the initial hours of the 24-hour design rainfall

events prior to the peak intensities of the rainfall. It was determined that this component would not have a cost-effective, significant benefit to the area.

A second design component considered, but determined to have no significant benefit is increasing the capacity of the Silver Lake Weir. Since an existing conditions model indicates that a 10-year rainfall will result in the surface waters of Silver Lake rising to elevation 5.0' (NAVD88) even when the peak rainfall coincides with a normal low tide, a design alternative was considered to increase the length of the weir in an attempt to lower the surface water elevation in Silver Lake during a 10-year rainfall. The results of the analysis indicated that even if the length of the weir was increased from 52 feet to 75 feet, the improvement in the maximum surface water elevation of Silver Lake would only result in a surface water elevation of 4.75' (NAVD) and would still overtop the existing perimeter bulkhead elevation by 1.75 feet (a 3" improvement). For this reason, it is clear that increasing the length of the outfall weir does not have a significant benefit. In order to create a significant hydraulic improvement at the outfall, the existing culverts would need to be replaced with higher capacity culverts that could pass the 100-year rainfall event. The cost of replacing the culverts is not feasible within the existing project budget.

A third design component considered, but determined to have no significant benefit is using existing control gates at Lofts Pond Weir to lower Loft Pond prior to storms. Similar to the idea of lowering the water elevation prior to a storm at Silver Lake, the possible benefit of lowering the elevation of Lofts Pond prior to a storm was evaluated in an attempt to identify a solution to reduce peak flows released downstream from the pond under design storm conditions. The drainage model analysis indicates that this alternative would also have no significant benefit for any rainfall event equal to or greater than a 1-year rainfall. The drainage model indicates that the additional storage attained from lowering the pond is quickly filled in the initial hours of the 24-hour design rainfall events prior to the peak intensities of the rainfall. This component would have no significant benefit for reducing the downstream surface water elevations.

A fourth design component considered is utilizing an existing recharge basin north of Lofts Pond to detain additional stormwater. North of Lofts Pond and immediately north of NYS Route 27 and the LIRR exists Nassau County Recharge Basin 500. In its existing condition, stormwater from the large upland urban watershed discharges into this basin and flows southerly to the outlet on the south side. Currently, there is no weir control structure at the outlet and the stormwater is permitted to flow into the outlet without any impoundment. The potential of installing a new weir structure 4 feet higher than the basin invert to provide impoundment and detain the stormwater for a longer period of time was evaluated with the drainage model. The model indicates that there is no significant downstream benefit to the additional impoundment; the additional storage is filled in the early stages of the 24-hour storm event prior to the peak intensities of the rainfall.

A fifth design component considered, but determined to have no significant benefit, is installing trash racks at the Lofts Pond Weir. This component was considered for the purposes of preventing floatables from Lofts Pond from overflowing the weir and entering the Caroline's Pond / Silver Lake waterbodies. This component was not recommended because of the potential negative aesthetic impact at Lofts Pond and the potential difficulty maintenance crews would have when trying to remove the debris from the trash rack at that location.

Due to the nature of the proposed action, prohibition of this work within floodplain is not practicable. The above identified alternatives will be re-evaluated in response to public comments received.

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 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 the Project.

Natural moderation of floods

The proposed project has been designed to minimize flooding of Silver Lake Park and the surrounding community. Raising the perimeter walkway elevation above elevation 5.0’ (NAVD88) and the installation of tidal gates will significantly reduce the occurrence of flooding as a result of regularly occurring tide surges that occur during the full moon, new moon and coastal storms. The Project will reduce walkway flooding compared to existing conditions by a depth of 2 feet. The installation of tide gates will significantly reduce the potential of flooding for Silver Lake and Caroline’s Pond from a tidal surge up to a 10-year stillwater elevation during dry weather or low intensity rainfalls.

Living resources such as flora and fauna

The Project has been designed to preserve and improve the beneficial functions and values of the floodplain and wetlands at Silver Lake Park. The Project will remove existing invasive plants at the existing natural shoreline areas and create sections of living shoreline with native plant species. This will improve the natural habitat of Silver Lake. The SRT Tidal Gate will maintain fish passage at Silver Lake by allowing the normal tide cycle range to continue to backflow over the outfall weir and into the lake. Additionally, the proposed fish passage design at Caroline’s Pond will provide new fish passage to the Caroline’s Pond habitat. The proposed fish passage south of Caroline’s Pond will increase the natural habitat for ecologically important fish species such as river herring (alewife).

Impacts to Property & Lives

Occupancy of this floodplain in this developed area has taken place since World War II. Considering the context of the area, this action represents an activity at one area that is located within contiguous floodplain. Thus, funding this project/ activity does constitute indirect continued support of floodplain occupancy and development.

Elevating the perimeter walkway around Silver Lake to elevation 5.0’ (NAVD) from its existing elevation of 3.0’ will help alleviate future issues that may occur as a result of potential sea-level rise. The NYSDEC has estimated that the Long Island Region can expect to be impacted by a rise in sea-level of approximately 8 inches to 30 inches by the 2050s.

The Project will involve the construction of improvements to reduce flood risk to Silver Lake Park and surrounding neighborhoods during major storm events and regular non-catastrophic rain or tidal events. A reduced flood risk in these areas also translates to a reduced public safety risk following future disasters. By reducing flooding on roads, emergency responders and community members will maintain better access to these areas during tidal or extreme flooding events.

Cultural resources such as archaeological, historic & recreational aspects

The impacted property appears to be older than 50 years of age. There are no recorded historic properties listed on or deemed eligible for the State and National Register of Historic Places adjacent to the Subject Property. The New York State Historic Preservation Office confirmed on April 24, 2019 that this project has had no affect effect on historic or tribal resources. Without support, building resources could degrade and there could be loss of development character and identity for the building and the area.

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. Raising the perimeter walkway elevation above elevation 5.0' (NAVD88) and the installation of tidal gates will significantly reduce the occurrence of flooding as a result of regularly occurring tide surges that occur during the full moon, new moon and coastal storms. The new walkways will replace the existing deteriorated asphalt walkways and address Americans with Disabilities Act (ADA) / Public Right-of-Way Accessibility Guidelines (PROWAG) compliance. The overall aesthetics of Silver Lake Park will be significantly improved as a result of the new landscaped lake perimeter, overlooks and reconstructed walkway.

Reduced flood risk will also increase the overall attractiveness of the park as both a passive and active recreational asset in the community. This will encourage more social interaction as well as community understanding of the value of parks and open spaces. By reducing the amount of standing water on adjacent roadways, the Project will also improve traffic safety and minimize road congestion, which in turn affects travel times and vehicle operating costs.

Agricultural, aquacultural, & forestry resources

The Nassau County area has several agricultural sites located in the flood zone, as well as undeveloped woodlands. There is substantial agriculture and fishing industry in Nassau and Suffolk Counties on Long Island, including aquaculture in the form of oyster farming. While there appears to be a higher concentration of aquaculture on Eastern Long Island, per the 2012 State Comptrollers Report Agriculture in Long Island and Agricultural Production by Commodity Group in Long Island (2007), aquaculture represents 2.9% of the economy at a \$7.5 million sales revenue. It is possible that if there is a materials release from this property, it could potentially affect natural resources including agricultural and forestry. However, while it is conceivable that flooding of a business like this could be part of a cumulative influence on such resources, the impact attributable to this use could not have been quantitatively derived, and the potential impact, with planning for and practice of non-structural management practices, is considered minor.

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 wetlands, and other uses of wetlands 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 project location is in wetlands that are designated tidal wetlands (NYSDEC) and estuarine/ marine deep-water (USFWS). These wetlands are not directly used for water supply. However, these tidal wetlands and deep-water estuarine wetlands along the coast can serve to absorb the force of storm waters and tidal erosion. These areas help protect upland soil and freshwater resources.

The Project was designed to improve public health, safety, and welfare at Silver Lake Park and in the immediate vicinity of Silver Lake Park. The Project will mitigate flooding at Silver Lake for a design

scenario that includes a 1-year rainfall (2.8" 24-hour storm) peak intensity occurring simultaneously with a 1-year tailwater elevation (Elevation 4.42' NAVD88). The proposed stormwater treatment device will reduce the amount of floatables, oils and sediment entering the Parsonage Creek natural channel south of Merrick Road. Raising the perimeter walkway elevation above elevation 5.0' (NAVD88) and the installation of tidal gates will significantly reduce the occurrence of flooding as a result of regularly occurring tide surges that occur during the full moon, new moon and coastal storms. The installation of tide gates will significantly reduce the potential of flooding for Silver Lake and Caroline's Pond from a tidal surge up to a 10-year stillwater elevation during dry weather or low intensity rainfalls. The proposed Project will improve the quality of existing wetlands and will not decrease the area of the wetlands.

The Project will involve the construction of improvements to reduce flood risk to Silver Lake Park and surrounding neighborhoods during major storm events and regular non-catastrophic rain or tidal events. A reduced flood risk in these areas also translates to a reduced public safety risk following future disasters. By reducing flooding on roads, emergency responders and community members will maintain better access to these areas during tidal or extreme flooding events.

Improved flood management and resilience at Silver Lake Park will improve the protection of community assets, including public infrastructure, open spaces, houses, and businesses. By reducing the risk of flooding to these assets, future costs of reconstruction and recovery can be reduced. The proposed resilient design standards will enable Nassau County and community homeowners and businesses to reduce maintenance and flood repair costs.

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 proposed Project was designed to improve natural systems at Silver Lake Park. The Project will remove existing invasive plants at the existing natural shoreline areas and create sections of living shoreline with native plant species. This will improve the natural habitat of Silver Lake. The proposed stormwater treatment device will reduce the amount of floatables, oils and sediment entering the Parsonage Creek natural channel south of Merrick Road. The SRT Tidal Gate will maintain fish passage at Silver Lake by allowing the normal tide cycle range to continue to backflow over the outfall weir and into the lake. Additionally, the proposed fish passage design at Caroline's Pond will provide new fish passage to the Caroline's Pond habitat. The proposed fish passage south of Caroline's Pond will increase the natural habitat for ecologically important fish species such as river herring (alewife).

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

The proposed Project has been designed to improve and minimized impact to wetlands. The proposed stormwater treatment device will reduce the amount of floatables, oils and sediment entering the Parsonage Creek natural channel south of Merrick Road. Mitigation measures in the form of sediment and erosion control have been put into place to prevent wetlands damage downstream from the work area. The project activities will be completed in conformance with all applicable, local, state and federal permits and their requirements and conditions.

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

Silver Lake Park is a nine acre park located in a residential area on Foxhurst Road, just south of Merrick Road in Baldwin. It was acquired by Nassau County in 1946 and is one of several County properties that were originally designed for drainage purposes and later turned into public parks. It is now a key community recreational asset and environmental open space, while retaining its original role as a drainage facility. Silver Lake Park was part of a three pond capital improvement restoration project completed in

2007, which included cleaning and dredging of the pond; planting of trees, shrubs, and aquatic plants; and restoration of walkways.

Silver Lake is the confluence of two urban watersheds and stream corridors and is linked with a series of stormwater basins that includes Caroline's Lake, Lofts Pond, and Parsonage Creek. The area around Silver Lake Park on Foxhurst Road flooded during Hurricane Irene and Superstorm Sandy and it has a history of flooding during regular rainfall events.

The Project will involve the construction of improvements to reduce flood risk to Silver Lake Park and surrounding neighborhoods during major storm events and regular non-catastrophic rain or tidal events. A reduced flood risk in these areas also translates to a reduced public safety risk following future disasters. By reducing flooding on roads, emergency responders and community members will maintain better access to these areas during tidal or extreme flooding events.

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 purpose of the proposed Project is to restore and preserve the natural and beneficial functions and values of the floodplain and wetlands at Silver Lake Park. During the inventory phase of the Project and prior to the development of alternatives, public meetings were held to identify known flooding locations and to address concerns of residents. Improved flood management and resilience at Silver Lake Park will improve the protection of community assets, including public infrastructure, open spaces, houses, and businesses. By reducing the risk of flooding to these assets, future costs of reconstruction and recovery can be reduced. The proposed resilient design standards will enable Nassau County and community homeowners and businesses to reduce maintenance and flood repair costs.

Reduced flood risk will also increase the overall attractiveness of the park as both a passive and active recreational asset in the community. This will encourage more social interaction as well as community understanding of the value of parks and open spaces. By reducing the amount of standing water on adjacent roadways, the Project will also improve traffic safety and minimize road congestion, which in turn affects travel times and vehicle operating costs.

Step 6. Reevaluate the Alternatives and Proposed Action.

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, 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. 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.

The Study was performed to identify feasible project design components that could be implemented within the available project budget. It was determined that the Project components currently proposed are the most feasible design components that would significantly improve the Silver Lake Park conditions with respect to flooding, aesthetics, water quality, and ecology.

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 December 5, 2019. 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 started with the Final Notice publishing in the Long Island Herald – Baldwin edition newspaper on December 5, 2019 and the 15-day comment period expires at 5pm on December 20, 2019. The combined notice describes the reasons why the Project must be located in the floodplain, alternatives considered, and all mitigation measures to be taken to minimize adverse impacts and preserve natural and beneficial floodplain values.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal's (NYSHCR) Housing Trust Fund Corporation, is the responsible entity. The responsible entity will make available educational materials regarding best practices for businesses located in floodplains. It will also require the business to demonstrate proof of current flood insurance, when applicable. 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.