



## PUBLIC NOTICE

### **COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF), AND FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND**

### **PROJECT UPLIFT PROGRAM**

**July 8, 2016**

**Name of Responsible Entity and Recipient:** New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Thomas J. King (518) 473-0015.

Per 24 CFR Section 58.33, this combined Notice of Finding of No Significant Impact, Notice of Intent to Request Release of Funds (FONSI/NOIRROF) and Final Notice and Public Explanation of a Proposed Activity in a 100-Year Floodplain/Wetland satisfies three separate procedural requirements for program activities proposed to be undertaken. The comment periods for the FONSI/NOIRROF and Final Notice of Public Review of activity in a 100-year floodplain and wetland have been combined.

**Project Description:** The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to carry out the Project Uplift Program (the Program), in the communities of Staten Island and Gerritsen Beach and Sheepshead Bay, Brooklyn, New York.

On October 29, 2012, Hurricane Sandy made landfall over the New York coastline. Flooding along the coast, other overland flooding, and wind damaged communities throughout New York adding to damage suffered the year before from Hurricane Irene and Tropical Storm Lee. Both the Southern Staten Island and Gerritsen Beach/Sheepshead Bay and communities were heavily damaged by the storm. Peak storm tides during Superstorm Sandy reached 16 feet in height on Staten Island. Data indicated that waves up to 6 feet high crashed along the borough's shoreline, causing massive flooding and extensive damage along Staten Island's coastal areas. Gerritsen Beach was almost entirely engulfed in storm surge flooding. More than half the housing in Gerritsen Beach, a predominantly residential community, suffered significant damage from the 8 to 10 feet of tidal surge. Flooding was widespread in Sheepshead Bay, with the southern third of the community under water.

The Program's geographic scope is limited to properties within the 100-year floodplain in either: 1) the Southeast and South Shore of Staten Island from Fort Wadsworth and the

Verrazano Narrows Bridge in the northeast to the neighborhoods of Tottenville and Charleston in the south; or 2) The Gerritsen Beach and Sheepshead Bay communities in Brooklyn.

The Program would assist those low/moderate income homeowners in the 100-year floodplain whose homes were not substantially damaged by previous floods but still need to elevate their homes to minimize damage from future flooding. The homes would be elevated within the existing building footprint to minimize ground disturbance beyond the base of the foundation. Equipment would be operated within existing driveways and within the perimeter of the property, and as site conditions allow, within the perimeter of the structure.

The Program's aim is to provide home elevation assistance for those properties that meet the following conditions: Homeowner resides in a single-family home or a two-family duplex (no tenants); homeowners are low-to moderate income (Low: < 50% of the area median income [AMI], Moderate: <80 % AMI); property is located in the 100-year floodplain in the Program areas; property was flooded and damaged by Superstorm Sandy; homeowner is ineligible for an elevation grant through the NYC Build-It-Back Program or other program because the home was not substantially damaged.

This is the first review of a 2-tiered review process. The specific locations of homes that will participate in this program are not known at this time. This Tier 1 Programmatic Environmental Assessment (PEA) assesses the environmental effects of the multiple actions and their impacts within the Program area to determine the additive, synergistic, and cumulative effects of the discrete activities. With the PEA in place, the environmental review process required by the National Environmental Policy Act (NEPA) and its associated environmental laws will be streamlined. This Tier 1 programmatic level environmental review provides guidelines for the Tier 2 environmental reviews of specific properties to ensure that there are no extraordinary circumstances that are beyond the issues identified and evaluated in this document. The Tier 2 reviews will document the environmental impacts on a site-specific level.

The estimated total Program cost is \$8,062,234.66, funded with up to \$8,062,234.66 from the CDBG-DR program.

**Final Notification of Activities in a Floodplain and Wetland:** This is to give notice that the GOSR has conducted an evaluation as required by Executive Order 11988 and executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations under 24 CFR 55.20 Subpart C - Procedures for Making Determinations on Floodplain Management, to determine the potential effects that its activity in the floodplain and wetland would have on the human environment.

The Program only includes the elevation of homes that are within the 100-year floodplain as determined from the most recent FEMA Preliminary Flood Insurance Rate Map (FIRM) Data for the Program Areas. Each project site under this Program would result in minimal short-term impacts to the 100-year floodplain resulting from elevating residential structures and associated driveways, sidewalks, and landscaping. If Program work on a specific site would impact a wetland, the site would be ineligible for funding under this Program. There are

approximately 3,438 acres of 100-year floodplains and approximately 1,529 acres of wetlands in the Program Area in Staten Island; and approximately 625 acres of 100-year floodplains and approximately 14 acres of wetlands in the Program Area in Brooklyn. Each potential elevation project site would be reviewed to determine if the site is in a wetland. If project work on a specific site would impact a wetland, the site would be ineligible for funding under this Program. Alternatives and mitigation requirements for the Program can be found in the draft Floodplain Management Plan.

Floodplain maps based on the most recent FEMA Preliminary FIRM Data for the Program Areas, wetlands maps based on the National Wetland Inventory, and a draft Floodplain Management Plan (8-step process) documenting compliance with Executive Order 11988 and Executive Order 11990 can be viewed online at:

<http://www.stormrecovery.ny.gov/environmental-docs>

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

### **FINDING OF NO SIGNIFICANT IMPACT**

A Tier 1 PEA for the Program has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Program is anticipated. Additional Tier 2 environmental reviews will be conducted for each specific project site under this Program. HCR has determined that the PEA for the program identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Program would have no significant impact on the natural or human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

**Public Review:** Public viewing of the EA, maps, and draft Floodplain Management Plan is available online at <http://stormrecovery.ny.gov/environmental-docs> and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Contact: Thomas J. King (518) 473-0015.

Further information may be requested by writing to the above address, emailing NYSCDBG\_DR\_ER@nyshcr.org or by calling (518) 473-0015. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and the HUD Field Office and is being published in “*The*

*Staten Island Advance*” and “*The Bay News,*” newspapers of general circulation in the affected communities.

**Public Comments on FONSI, NOIRROF, and/or Actions in Floodplain/Wetland:** Any individual, group or agency may submit written comments on the Program. The public is hereby advised to specify their comments with “notice” and their address. Comments should be submitted via email, in the proper format, on or before July 25, 2016 at NYSCDBG\_DR\_ER@nyshr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before July 25, 2016: Governor’s Office of Storm Recovery, 99 Washington Avenue, Suite 1224, Albany, New York 12260. Comments may be received by telephone by contacting Thomas J. King at (518) 473-0015. All comments must be received on or before 5pm on July 25, 2016 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

### **REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION**

On or about July 26, 2016, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

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

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

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

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

Thomas J. King, Esq.  
Certifying Officer  
July 8, 2016