



## PUBLIC NOTICE

### **COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI), NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS and FINAL NOTICE AND PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 500- and 100-YEAR FLOODPLAIN and WETLAND**

#### **SOUTH END DRAINAGE IMPROVEMENTS VILLAGE OF SCHOHARIE, NY**

**July 22, 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.

Pursuant to 24 CFR Section 58.43 and 24 CFR part 55, 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 500- and 100-year floodplain and wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by HCR.

**Project Description:** The Governor's Office of Storm Recovery (GOSR), an office of HCR's HTFC, is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide \$1,015,000 in CDBG-DR funding to the South End Drainage Improvements project ("Proposed Project"), which involves the design, engineering and construction of improvements to the Village of Schoharie, South End drainage system in Schoharie County, New York. The Proposed Project includes relocating existing utilities, lowering culverts, providing a detention pond to attenuate peak runoff, constructing an outfall to Schoharie Creek, re-establishing swales, providing additional drainage along and across State Route 30/Main Street and Bridge Street, providing backflow gates to prevent Schoharie Creek flood waters from feeding back into the Proposed Project location, and providing streambank stabilization at the Schoharie Creek outfall. The overall goal of the project is to alleviate flooding and stormwater ponding so that buildings and roadways are less vulnerable.

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

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined

that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the human environment and therefore does not require the preparation of an environmental impact statement under NEPA.

**Public Review:** Public viewing of the EA 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 to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

**Public Comments on FONSI and/or NOIRROF:** Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before August 8, 2016 at NYSCDBG\_DR\_ER@nyshcr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before August 8, 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 August 8, 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 August 9, 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 or 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.

### **FINAL NOTIFICATION OF ACTIVITY IN A FLOODPLAIN AND WETLAND**

This is to give notice that the Governor's Office of Storm Recovery (GOSR) is conducting 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 and Protection of Wetlands, to determine the potential effects that its activity in the floodplain would have on the human and natural environment. The Proposed Project is anticipated to result in approximately 5 acres of disturbed land, which includes approximately 4.5 acres in the 100 year floodplain and approximately 0.1 acres in the 500 year floodplain. The Proposed Project site is adjacent to Schoharie Creek (western edge of project site) and a tributary to Schoharie Creek (eastern edge of project site), which have recently been mapped by NWI as riverine wetlands. The Proposed Project would disturb up to 150 square feet within Schoharie Creek through placement of the streambank stabilization at the outfall. The Proposed Project site does not contain any state listed freshwater wetlands. A wetlands delineation study reported 3 wetlands making up approximately 2 acres of the Proposed Project site; however, no disturbance will occur in these wetlands.

A draft Floodplain Management & Wetland Protection Plan (8-step process) documenting compliance with Executive Order 11988 and Executive Order 11990, as well as a floodplains map based on the FEMA Base Flood Elevation Maps and a wetlands map based on the National Wetland Inventory and NYSDEC data, have been prepared for this project and are available for review 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 or wetlands and those who have an interest in the protection of the natural environment should be given 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 about floodplains and wetlands facilitates and enhances 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 or wetlands, it must inform those who may be put at greater or continued risk.

Prior to finalization on August 9, 2016, any individual, group, or agency may submit written comments on the Draft Floodplain Management & Wetland Protection Plan to Thomas King, Assistant General Counsel and Certifying Officer, Governor's Office of Storm Recovery, 99

Washington Avenue, Suite 1224, Albany, NY 12260, 9:00 AM- 5:00 PM; email: [NYSCDBG\\_DR\\_ER@nyshcr.org](mailto:NYSCDBG_DR_ER@nyshcr.org); phone: (518) 473-0015. All comments must be received no later than August 8, 2016.

Thomas J. King, Esq.  
Certifying Officer  
July 22, 2016