



## PUBLIC NOTICE

### COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI) AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

#### Salt Storage and Facility Cover

April 11, 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, this combined Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) satisfies two 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 CDBG-DR funding to carry out the Salt Storage and Facility Cover project (the "Proposed Project"), located at 8 Dry Brook Road, Town of Barton, Tioga County, New York.

The project site serves as a highway salt storage and distribution center for the Town of Tioga. The salt is currently mixed with sand and piled in an open cleared lot on the parcel. The salt/sand pile is covered with a secured tarp when not in use. The site is approximately 1.4 acres with two small buildings on the north end of the site used for office space and equipment storage and maintenance. Approximately 1.2 acres of open lot is used to store, mix, and load salt for road de-icing. The facility does not have access to public water and does not have a well. No wastewater or sewage is generated at the facility.

Hurricane Irene and Tropical Storm Lee brought torrential rains to Tioga County. Sheetwash from these heavy rains eroded the salt and sand mixture pile and caused the Town's unprotected salt supply to wash away, causing salt contamination to nearby surface water and agricultural lands.

The Project would include grading the site and the construction of a premanufactured metal framed structure with a cover approximately 60 feet by 100 feet and approximately 20 feet tall designed to prevent run-off of materials. The building would be set on a concrete slab floor with concrete walls. The grading would result in diversion of water from the salt storage structure into a retention basin. The basin would be sized to retain stormwater onsite.

The salt storage building and grading would increase the facility's ability to resist loss of the Town's deicing material supplies and prevent salt contamination of downstream surface water and agricultural land. The estimated total Project cost is \$460,000.00, funded with up to \$460,000.00 from the CDBG-DR program.

### **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@nyshr.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 the *Binghamton Press & Sun Bulletin*, 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 with "notice" their comments address. Comments should be submitted via email, in the proper format, on or before Tuesday April 26, 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 Tuesday April 26, 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 Tuesday April 26, 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 Wednesday, April 27, 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 the RROF and/or FONSI certification for a period of fifteen 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.

Thomas J. King, Esq.  
Certifying Officer  
April 11, 2016