

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

**ROBERTO CLEMENTE STATE PARK SHORELINE STABILIZATION
AND PARK IMPROVEMENTS PROJECT**

July 21, 2014

*New York State Housing Trust Fund Corporation (HTFC)
38-40 State Street
Albany, NY 12207
(518) 486-3379*

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.

This combined notice satisfies four separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. GOSR proposes to provide funding to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for the Roberto Clemente State Park Shoreline Stabilization and Park Improvements Project (the Proposed Project) located in Bronx County, New York, on the eastern shore of the Harlem River.

The Proposed Project would involve improvements to an approximately 16-acre portion of the 25-acre Roberto Clemente State Park (Park). Improvements to be funded with up to \$46.5 million in Community Development Block Grant – Disaster Recovery program funding include replacement of the existing sheet pile bulkhead that is in critical condition, reconstruction of the adjacent esplanade, creation of an intertidal habitat from uplands as part of the bulkhead replacement, enhancements to the Park's Lower Plaza area that will reduce hardscape and improve it as a public gathering space, repair of the south stair entrance, and regrading and replanting with native plant species on portions of the remaining shoreline that is not stabilized with sheet pile. Improvements to be funded with other funding sources include refurbishment of the existing natural turf baseball field, construction of a new artificial turf baseball field, construction of an artificial turf athletic field, construction of a natural turf soccer field, rehabilitation of the maintenance building and adjacent plaza, and upland placement of clean soil suitable for landscaping to improve the southern pedestrian entrance to the Park from the existing riverfront trail. Proposed CDBG-DR-funded bulkhead work would require the placement of backfill material in approximately 3,288 square feet of tidal wetlands. Creation of the intertidal

habitat would add approximately 9,000 square feet of wetlands, for a net increase in aquatic habitat of approximately 6,657 square feet.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

This notice serves to give notice that GOSR has conducted evaluations of the Proposed Project as required by Executive Orders 11988 and 11990, in accordance with HUD regulations at 24 CFR § 55.20 Subpart C Procedures for Making Determinations on Floodplain Management and Wetlands Protection.

Most of the 16 acres of Roberto Clemente State Park to be restored or upgraded through the Proposed Project are located within the 100-year floodplain, and approximately .06 acres of the area upon which the new bulkhead would be installed is mapped by New York State Department of Environmental Conservation as littoral zone tidal wetlands and by the NWI as estuarine wetlands.

The purposes of the Proposed Project are to improve the Park's resiliency to future storm events, ensure the stabilization of the shoreline, allow the re-opening of the closed esplanade following bulkhead repairs, improve recreational facilities offered within the Park, enhance the visitor experience along the shoreline of the Harlem River, enhance the habitats present within the Park, and create environmental education opportunities. These purposes cannot be achieved in an alternative location, and thus there is no practicable alternative to conducting the Proposed Project in the 100-year floodplain and in wetlands. The no action alternative was considered but would not achieve the project purposes and would ultimately have negative effects on the floodplain. Without replacement, the steel elements of the bulkhead would continue to deteriorate and lead to eventual failure and the esplanade would remain closed to the public. If the bulkhead fails other sections of the Park would become more vulnerable to the impacts of flooding, as would adjacent properties and structures, including the over 1600 units of housing at the adjacent River Park Towers.

In contrast to the no action alternative, the Proposed Project would enhance the natural and beneficial functions and values of the existing floodplain and wetlands. Repairs to the bulkhead would stabilize the shoreline protecting not only the Park, but also the adjacent developed areas. The Project incorporates measures that minimize adverse impacts and restores and preserves the natural and beneficial functions and values of the floodplain. Specifically, construction of the intertidal habitat, the planned reduction in paved surfaces within the Park, and the planned elevation or waterproofing of existing electrical infrastructure would improve the flood plain's resiliency to future storm events. Similarly, the Proposed Project would enhance wetlands because it would result in a net increase in the amount of wetlands in the area by over 6000 square feet. Finally, the Proposed Project does not involve the construction of any buildings that could worsen flood conditions and the impacts of floods. The Project will affect nearly 16 acres in the 100-year floodplain, and approximately .26 acres of wetlands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplains 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 about floodplains 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, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Review Record (ERR) has been prepared and is maintained on file. The ERR is incorporated by reference into this FONSI. The ERR constitutes the complete environmental assessment of the Proposed Project. Subject to public comments, no further review of the Proposed Project is anticipated. A full copy of the ERR, including a completed National Environmental Policy Act of 1969 (NEPA) Environmental Assessment Checklist and an area map, is available for public inspection during normal business hours in accordance with 24 CFR Part 58 at the office listed below or online at

<http://www.nyshcr.org/Programs/NYS-CDBG-DR/EnvironmentalReview.htm>.

HCR has determined that the ERR for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58, et al.

HCR has also determined that the Project, as proposed, will have no significant adverse environmental or socioeconomic impacts, direct, indirect, or cumulative. There will be no significant impact on the human environment, and the Project will not negatively impact the quality of the environment. Therefore, HCR has determined that the Project does not require the preparation of an environmental impact statement under NEPA. Pursuant to Section 106 of the National Historic Preservation Act, the Project would also have no effect on historic properties or cultural resources.

Public Review: Public viewing of the ERR is available online at the website listed above and is also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address:

*Housing Trust Fund Office
25 Beaver Street, Fifth Floor
New York, NY 10004
Contact: Jay C. Juergensen (212) 480-2370*

Further information may be requested at NYSCDBG_DR_ER@nyshcr.org or by calling HTFC at (518) 486-7512. 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.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Written notice of environmental clearance will be required prior to the removal of any limitation on commitment of federal funds in accordance with regulations at 24 CFR Part 58.70.

On Wednesday, August 6, 2014, 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, decision-making, and action, and that these responsibilities have been satisfied. Moreover, HCR certifies that an environmental review of the Proposed Project described herein has been completed. 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 (15) days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD 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 the responsible entity'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) 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
Acting Director/Assistant Director, Disaster Recovery and Special Issues Division
Office of Block Grant Assistance
U.S. Department of Housing & Urban Development
451 7th Street SW
Washington, DC 20410
Phone: (202) 402-4649

Public Comments on FONSI/Findings, NOIRROF & Actions in Floodplain/Wetland

Any individual, group, or agency may submit comments on the Project. Those wishing to comment should specify in their comments which distinct part(s) of this Combined Notice they intend to address. Comments should be submitted via email, in the proper format, on or before August 5, 2014 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 5, 2014:

*Mr. Thomas J. King, Certifying Officer
New York State Homes & Community Renewal
99 Washington Avenue, Suite 1010
Albany, NY 12231*

Comments may be received by telephone at (518) 486-7512. All comments must be received on or before 5pm on August 5, 2014 or they will not be considered. Information regarding the Project will be available weekdays, except holidays, between 9:00 a.m. and 5:00 p.m. at the Housing Trust Fund Office at 25 Beaver Street, Fifth Floor, New York, NY 10004, attention Jay C. Juergensen (212-480-2370).

If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

Thomas J. King, Certifying Officer
New York State Homes & Community Renewal