

***PUBLIC NOTICE***  
**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  
ROBERT MOSES STATE PARK BOAT CHANNEL DREDGING &  
BEACH STABILIZATION PROJECT**

**January 13, 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: Heather Spitzberg.

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

Per 24 C.F.R. Part 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 will be published simultaneously with the submission of a Request for Release of Funds (RROF) to the U.S. Department of Housing and Urban Development (HUD). The funds are needed immediately to stabilize public park infrastructure and to restore the adjoining beach, natural habitat and boat channel to their conditions prior to Superstorm Sandy. As a result, the comment periods for the FONSI/NOIRROF and RROF have been combined.

**Project Description:** HCR, acting by and through HTFC, a public benefit corporation of the State of New York, proposes to provide funding to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for the Robert Moses State Park Boat Channel Dredging & Beach Stabilization Project (the "Project"), to restore sections of the beach at Robert Moses State Park and the nearby Captree Boat Channel, located in the Towns of Babylon and Islip, Suffolk County, New York, to their pre-Superstorm Sandy conditions.

The Project involves dredging in the Captree Boat Channel approximately 400,000 cubic yards of material and pumping the material onto the beach at Robert Moses State Park in the area adjacent to Parking Fields 3, 4 and 5. The Project also involves grading of the beach to required beach profiles. The Project is necessary to stabilize and restore the Robert Moses Beach to its pre-Superstorm Sandy condition and to prevent continued beach erosion that can negatively impact the natural environment of Robert Moses State Park. Approximately \$40 million of Community Development Block Grant Disaster Recovery (CDBG-DR) funds from HUD through Grant Number B-12-DT-36-0001 would support the Project.

This is the first tier of review in a 2-tiered process. Under the Project, OPRHP may also seek to use CDBG-DR funds to acquire additional stockpile sand (up to 200,000 cubic yards) should it become available from other sources. OPRHP has stated that it would not undertake any dredging to obtain this

additional sand. All stockpile sand would be tested for contaminants and grain size in accordance with state and federal permits, and then placed in previously approved stockpile areas in a manner that avoids impacts to natural resources. Because it is not yet known from what source the additional sand would be obtained, the amount of sand, or whether the sand can be obtained at all within the Project schedule, a Tier 2 review will be completed under 24 CFR Part 58.15 (Tiering) and 24 CFR Part 58.32 (Project Aggregation) and any required permits would be obtained before any stockpiling of this additional sand could begin.

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

This notice also serves to give notice that HCR has conducted evaluations of the 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.

Significant portions of the beach to be restored at Robert Moses State Park are tidal wetlands or adjacent buffer areas, located in the 100 year floodplain. HCR has determined that the Project would not: (a) adversely affect the floodplain's ability to contain flood waters, (b) exacerbate flooding conditions on the Project Site or its immediate vicinity, or (c) adversely affect tidal wetlands. Rather the Project is expected to improve the site's resiliency to storm and flood events and prevent the further deterioration of tidal wetlands.

Because the purpose of the Project is to stabilize and restore the Robert Moses Beach to its pre-Superstorm Sandy condition, there is no practicable alternative to conducting this activity in a tidal wetland or a 100-year floodplain. The no action alternative is expected to result in the destruction of natural habitat (including tidal wetlands) and park infrastructure and to severely impact public enjoyment of the Robert Moses State Park, which hosts approximately 3.5 million visitors each year. Under the no action alternative, the beach would no longer function as part of the coastal barrier system that helps minimize the impacts of storm events on the park and shore communities. The Project would affect approximately 72 acres of wetlands and adjacent buffer areas, all of which are also in the 100-year floodplain.

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 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 400,000 cubic yard dredging and placement of sand in the Robert Moses State Park: Subject to public comments, no further review of that portion of the 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 adverse effect on historic properties.

**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) 486-3379. 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/Findings, NOIRROF & Actions in Floodplain/Wetland**

Any individual, group, or agency may submit written 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 Tuesday, January 28, 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 Tuesday, January 28, 2014:

*Ms. Heather Spitzberg, Certifying Officer  
Office of Community Renewal  
New York State Homes & Community Renewal  
38-40 State Street  
Hampton Plaza  
Albany, NY 12207*

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

#### **REQUEST FOR 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 Monday, January 13, 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 Heather Spitzberg, in her 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 a Tier 1 environmental review of the Project described herein has been completed and that additional Tier 2 site-specific review may occur before the sponsor is authorized to acquire amounts of sand in addition to the 400,000 cubic yards specified above. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows HTFC/HCR 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. The last day of the objection period is Wednesday, January 29, 2014. 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 7<sup>th</sup> Street SW*  
*Washington, DC 20410*  
*Phone: (202) 402-4649*

Heather Spitzberg  
HCR Certifying Officer  
January 13, 2014