

Prattsville Fire District
Facility Relocation Project

Appendix D
EO 11988 & 11990 Eight-Step
Review Documentation

EO 11988/11990 Eight-Step Review Decision Making Process - Summary
Prattsville Fire District Facility Replacement Project
Prattsville, New York
FEMA-4020-DR-NY PW 08086
March 10, 2014

Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands) require Federal agencies “to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of the floodplains/wetlands and to avoid direct or indirect support of the floodplains/wetland development wherever there is a practicable alternative.” FEMA’s implementing regulations are contained in 44 CFR Part 9, which includes an Eight-Step Decision Making Process for compliance with this part.

This Eight-Step Review Decision Making Process is applied to the proposed replacement of the Prattsville Fire House. Prattsville, Greene County, New York, experienced storm damages and flooding from Hurricane Irene that occurred August 26 to September 5, 2011. President Barack Obama declared the incident a major disaster on August 31, 2011, which was subsequently amended. The project purpose is to restore a critical facility to the community, returning emergency services as well as providing a community shelter for future disasters. In accordance with NFIP Regulations, the local floodplain manager determined the facility was substantially damaged (*See Attachment I*), and therefore additional floodproofing is required during the repair. In accordance with FEMA policy, the repair cost does not exceed 50% of the replacement cost; therefore the facility is eligible for the cost to repair and floodproof the building.

The Prattsville Fire House meets the definition of a critical action (facility). According to 44 CFR 9.4, the minimum floodplain of concern for critical actions is the 500-year floodplain. The existing fire house is located at 14562 Main Street in Prattsville within the 100-year floodplain. The proposed project would build a new facility on a currently vacant lot east off of Main Street, with access to both Main Street and Washington Street (to the south of the site), and vacating the existing building, leaving it safe and secure. The Grantee for the proposed public assistance project is the New York State Division of Homeland Security and Emergency Services (DHSES). The Subgrantee is the Prattsville Fire District.

The Subgrantee seeks FEMA funding to replace and relocate the damaged facility to a new site outside the 100-year floodplain and predominantly outside the 500-year floodplain in an effort to reduce future flooding risk and have reliable fire services in ordinary and extraordinary circumstances, as described in FEMA-4020-DR-NY PW 08086 (heron, the Project). As the cost of repairs is more than \$100,000 and the facility is considered critical (fire house), a full 8-step review is required. The steps in this decision making process are steps 1, 2, 3, 4, 5, 6, 7 and 8 as per 44 CFR Part 9.5 (d) as follows:

Step 1 Determine if the proposed action is located in or affects or may be affected by the Floodplain or Wetland.

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The existing fire house is located at 42.31507, -74.43339 and is within the 100-year floodplain, Greene County, in Zone AE, which is within the Special Flood Hazard Area (SFHA) as illustrated on the National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM), Community Panel Number 36039C0158F, effective May 16, 2008. The proposed relocation site for the new facility is located at 42.31738, -74.432055 and is partially within the 500-year floodplain, as illustrated on the FIRM, Community Panel Number 36039C0158F, effective May 16, 2008. The portion of the lot proposed for the building site, parking for first responders and the Washington Street access driveway is outside of the 100-year and 500-year floodplains. Neither the existing or proposed site is located within a wetland; therefore, no further wetland analysis is required.

Step 2 Early public notice (Preliminary Notice)

On October 10, 2011, FEMA published a cumulative public notice for the Hurricane Irene disaster in the *New York Press Service* newspapers. As indicated in the public notice, “projects and activities may adversely affect historic property, floodplains or wetlands, or may result in continuing vulnerability to damage by flooding...however, certain measures to mitigate the effects of future flooding or other hazards may be included in the work.” The public notice also stated that “mitigation measures will be incorporated on an action by action basis and this (the October 10, 2011 notice) may be the only public notice concerning these actions. In addition, a project specific notice integrated with the Notice of Availability of the National Environmental Policy Act (NEPA) Environmental Assessment will be published in the local newspaper, either the *Windham Journal* and/or *Mountain Eagle*. The public notice will invite comments within 30 days of the publication date of the notice.

Step 3 Identify and evaluate alternatives to locating in the base floodplain.

44 CFR 9.9 (b) requires that FEMA “identify and evaluate practicable alternatives to carrying out a proposed action in floodplains,” including:

1. Alternative sites outside the floodplain;
2. Alternative actions that serve essentially the same purpose as the proposed action, but which have less potential to affect or be affected by the floodplain; and
3. No Action. The floodplain site itself must be a practicable location in light of the factors set out in the section” (below).

Factors to consider in determining practicable alternatives include:

1. The natural environment (topography, habitat, hazards, etc.);
2. Social concerns (aesthetics, historical and cultural values, land patterns, etc.);
3. Economic aspects (cost of space, construction, services and relocation);
4. Legal constraints (deeds, leases, etc.); and
5. Engineering feasibility.

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According to 44 CFR Part 9.9 (b), alternatives considered include:

The No Action Alternative would not provide Federal financial assistance, therefore it is anticipated that the Subgrantee would not have the necessary funds to rebuild or retrofit the existing firehouse. The Prattsville Fire District would continue to operate out of a building located within the floodplain, which could negatively impact their ability to provide emergency services to the community in future flood events. Unless the community funded the rebuild or repair of the substantially damaged facility without federal financial assistance to incorporate floodproofing/elevation requirements, the existing facility would be noncompliant with NFIP and the noncompliant structure could have implications for the communities Community Rating System and overall NFIP compliance. The No Action Alternative would not fulfill achieve project purpose and need.

The Preferred Action Site #1 would construct a new facility on a currently vacant lot east of Main Street with secondary access to Washington Street. The site is partially within the 500-year floodplain, although the building site and one of the access roads would be outside of both the 100-year and 500-year floodplains. The former building would be vacated and left safe and secure. This alternative meets the project purpose and need and further reduces future flood damage by relocating the facility outside of the 100-year and 500-year floodplains.

The Alternative Site #2 would construct a new facility on the lot to the east of Site #1. The site is currently vacant and located outside of both the 100 and 500-year floodplains. However, as the property is predominantly wooded and the access point on Washington Street has limited sight visibility distance, development would entail additional costs for tree removal and emergency street lighting. While this alternative meets the project purpose and need, the alternative site was not selected due to the higher construction costs than Site #1.

Step 4 Identify impacts of the proposed action associated with occupancy or modification of the floodplain.

The proposed facility replacement project (Preferred Action Site #1) would not adversely impact natural habitat values or other functions of the floodplain. The proposed project would relocate the fire house outside of the 100-year and 500-year floodplains; thereby reducing risk of flood damage from future storm events. While some parking and stormwater facilities are proposed within the 500-year floodplain and a driveway traverses the 100-year and 500-year floodplains, site development will not redirect flood flows and the proposed project would not be anticipated to induce flooding on any other downstream or

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upstream property because it incorporates stormwater management techniques to offset increased impermeable cover. Relocation of the facility outside the 500-year floodplain would reduce risk of interruption to emergency service operations during future flooding events.

Step 5 Design or modify the proposed action to minimize threats to life and property and preserve its natural and beneficial floodplain values

In order to minimize the risk of future floodplain damage to the existing facility and to comply with EO 11988 and the NFIP, FEMA must minimize potential harm to lives and the investment at risk from the base flood. The Subgrantee is requesting funding to help relocate the flood-damaged facility (i.e., construct new facility) so that the building, parking for first-responder personnel, and an access driveway would be located outside the 100-year and 500-year floodplains. Moving the facility outside the floodplain would help to minimize future flood threats to life and property. The proposed project incorporates stormwater management in the form of vegetated basins, thereby minimizing the effects of increased impermeability that results from the construction. The facility replacement project would also follow “Good Construction Practices” and “Codes and Standards” to minimize the risk of future flood damage at the proposed site.

Step 6 Re-evaluate the proposed action

Two practicable alternatives were identified for locating the project outside of the 100-year and 500-year floodplains. The No Action alternative would promote continued floodplain occupancy and would not fully realize project purpose and need. As Sites #1 and #2 both include the relocation of the fire house above the 100-year and 500-year floodplains, both alternative sites are practicable; however, Site #1 is more cost effective than Site #2. Although Site 1 is partially located within the 500-year floodplain, the building, a driveway, and first-responder parking spaces would be located above the 500-year floodplain, thereby meeting the project purpose and meeting the requirements of 44 CFR Part 9 to locate critical actions outside the 500-year floodplain.

Step 7 Findings and Public Explanation (Final Notification)

After evaluating alternatives, including impacts and minimization opportunities, FEMA has determined that the Preferred Action Site #1 is the practicable alternative as set forth by factors described in 44 CFR Part 9.9(c) and documented in Step 3 of this Eight-Step Review. The Preferred Action would relocate the facility primarily outside of the 100-year and 500-year floodplains and reduce flooding risks from future storm events. FEMA’s determination is documented in this summary and this Eight-Step Review will become part of the Prattsville Fire District Facility Relocation Project Environmental Assessment that will be made available for public review and comment with a project specific public notice.

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Step 8 Implement the action

The project will be constructed in accordance with the proposed scope of work including “Good Construction Practices” and “Codes and Standards” and adherence to the floodplain impact minimization measures herein described in Step 5 that will be conditions of the Federal grant. The Subgrantee is responsible for the review of the final project plans and will assure compliance with all applicable local, state and Federal laws. The Subgrantee will need to obtain all required building and site development permits, such as a State Pollutant Discharge Elimination System (SPDES) permit, as a condition of the Federal grant, to protect the environment and to minimize risk and harm to life and property. The new facility must be sited, elevated or floodproofed to at/above the 500-Year Floodplain utilizing the Best Available Data for 500-year floodplain determination (*Flood Insurance Rate Map Community-Panel* Number 36039C0158F, effective May 16, 2008) in accordance with the National Flood Insurance Program and 44 CFR Part 9.

Kenneth Nolte, Building Inspector/Floodplain Manager
Town of Prattsville
PO Box 418
Prattsville, NY 12468
(607)588 – 9853

September 24, 2012

Dennis Hull, Fire Commissioner, Chairman
Prattsville Fire District
PO Box 397
Prattsville, NY 12468

Dear Mr. Hull;

After evaluating the substantial damage sustained from Hurricane Irene on August 28, 2011 to the Prattsville Fire District buildings I have determined the following needs for the fire district regarding repairs to your buildings.

According to the Existing Building Code of New York State latest version 2010, the buildings will need to be brought into compliance with the Building Code of New York State and the American Society of Civil Engineers (ASCE 24-5) for Flood Resistant Design and Construction because the damage sustained to the fire district's buildings exceeds 50% of the market value of the structure before the damage occurred.

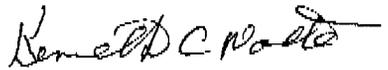
Some of the major requirements that are of concern to repair of the buildings in their current location are as follows:

1. The firehouse would need to be raised 2 feet above the base flood elevation. This is approximately 3 feet up from its current location. A Flood Elevation Certificate will be required to determine the exact height.
2. All structural elements of the facility would need to meet the current Building Code of New York State including Seismic requirements.
3. Special geotechnical considerations will be required for the new foundation design.
4. ADA requirements will need to be addressed to meet all current codes.
5. All mechanical, electrical and plumbing will also need to meet all current code standards.

Therefore, it is my opinion that the building should be razed and a new building built on higher ground out of the flood hazard area.

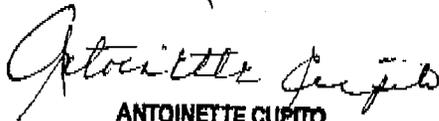
If I could be of further assistance, please do not hesitate to contact me.

Sincerely,



Kenneth Nolte
Building Inspector/Floodplain Manager
Town of Prattsville

Re-signed and
Sworn to before me
this 1st day of November, 2012



ANTOINETTE CUPTO
Notary Public, State of New York
No. 52-5884226
Qualified in Suffolk County
Commission Expires February 28, 2015