

Environmental Assessment Neversink Ball Fields Replacement Project

Appendix F

EO 11988/11990 – Eight Step Decision
Making Process

EO 11988/11990 Eight-Step Review Decision Making Process - Summary
Neversink Ballfields and Park Project, Town of Neversink, Sullivan County, NY
Facility Relocation
FEMA-4020-DR-NY PW 06871
July 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 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.

The Eight-Step Review Decision Making Process is applied to the Town of Neversink ballfields and park project. The Town of Neversink, Sullivan County, New York, experienced storm damage 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, and subsequently amended (FEMA 4020-DR-NY). The project purpose is to provide a facility for the Town of Neversink Ballfields and Town Park, and to restore the functionality of the flood damaged facility that had been located on Sundown Road (also known as County Route 153), in the Town of Neversink, while reducing future flood damage and floodplain impacts. The facility, which consisted of four baseball fields and other park elements, was determined by FEMA to be eligible for improved project status. The proposed project would vacate the damaged site, which is owned by New York City Department of Environmental Protection (NYCDEP), and would build a new facility at a new site that is approximately 3-1/2 miles from the original site. The new facility would be sited on land that has been purchased by the Town of Neversink at 7752 NYS Route 44. The Town of Neversink would discontinue use of the former site; however, NYCDEP would maintain ownership of the property. Ballfields at the Fairgrounds and one remaining ballfield at the former site are being used temporarily; however, these locations do not meet the Town’s long-term recreation needs. The Grantee for the proposed project is the New York State Division of Homeland Security and Emergency Services (NYSDHSES), and the Subgrantee is the Town of Neversink.

The Subgrantee is pursuing an improved project to relocate the facility outside of the 100-year floodplain and reduce the risk of future flood-related damage. An improved project allows the Subgrantee to make improvements to a facility while still restoring its pre-disaster function and capacity. Using funding from FEMA and other sources, the Subgrantee would replace and relocate the damaged facility to a new site outside the floodplain in an effort to reduce future flooding risk and restore recreational facilities, as described in FEMA-4020-DR-NY PW 06871 and associated PWs (hereon, the Project). The decision making process consists of the subsequent eight steps (i.e., 1, 2, 3, 4, 5, 6, 7, 8) 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.

The Town of Neversink ballfields and park original location (Sundown Road, 41.86553, -74.50159) is in Zone A within the 100-year floodplain, which is in the Special Flood Hazard Area (SFHA), as noted on the National Flood Insurance Program's (NFIP) Flood Insurance Rate Map (FIRM), Community Panel Number 36105C0335F, dated February 18, 2011. The proposed relocation site for the new facility is a 16.7-acre piece of land adjacent to 7752 State Route 44 in the Town of Neversink (41.83676 -74.54056). The proposed site is located outside the 100-year floodplain, as noted on the FIRM, Community Panel Number 36105C033F, effective February 18, 2011.

Based on a wetlands review of both the Park and Ballfields' original site (NYCDEP Property) and the proposed project site (NYS Rt. 42) for the presence of NYS regulated freshwater wetlands conducted at the NYSDEC's "Environmental Resource Mapper" website; no state-regulated wetlands are mapped at either site. Based on a review of the U.S. Fish and Wildlife Service's (USFWS) National Wetlands Inventory (NWI) website; no Federally-mapped wetlands are present at either site. A site visit performed by the Subgrantee's consultant confirmed that there are no Federally-regulated wetlands at the proposed project site. No further wetland analysis is necessary.

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, *Tri-Valley Townsman*. 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 or wetland.

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

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

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

1) No Action Alternative - No federal funding. It is anticipated that absent Federal financial assistance, the Subgrantee would not construct the new facility. The Subgrantee would not be able to continue use the temporary facility at the fairgrounds because of scheduling conflicts with other organizations. The status of original City Field site would remain unchanged – the current lease between the Subgrantee and NYCDEP would expire, and the Subgrantee would not be able to continue use of the single baseball field that remains relatively undamaged. This alternative would not address the project's purpose and need.

2) Proposed Action Alternative - Relocate the facility permanently outside the 100-year floodplain.

The No Action alternative would not provide federal funding to rebuild the park and ballfields at the new site. The Subgrantee would continue to make use of fields at the fairground; however, this would not meet the purpose or need of the community for long-term recreational uses. The No Action alternative would have a beneficial effect on the floodplain, because it would remove investment and occupation of the floodplain and would allow natural floodplain functions and processes to be restored at the ballfields' former location.

The Proposed Action Alternative would use eligible Federal funding to relocate the park and ballfields to a site that is outside the 100-year floodplain and any federally regulated wetland. The proposed project would have a beneficial effect on the floodplain, because it would remove investment and occupation of the floodplain, and would allow natural floodplain functions and processes to be restored at the ballfields' former location.

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

The proposed project would not adversely affect the natural habitat values or other functions of the floodplain. The proposed project would relocate the ballfields and park outside of the 100-year floodplain; thereby reducing risk of flood damage from future storm events. The proposed project would have a beneficial impact on the floodplain. The Subgrantee would abandon the damaged site, and the NYCDEP has no plans to further develop the floodplain. It will maintain the site as watershed protection land, with minimal passive recreation uses allowed.

Step 5 Design or modify the proposed action to minimize threats to life and property and preserve its natural and beneficial floodplain and wetland 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) outside the 100-year floodplain. Moving the facility

outside the floodplain would minimize future flood threats to life and property and improve natural and beneficial floodplain values by removing the damaged facility and its users from the floodplain.

Step 6 Re-evaluate the proposed action.

The No Action Alternative would have no direct or indirect effects on floodplain occupancy, but it would not meet the project need and purpose.

The Proposed Action Alternative would relocate the damaged facility outside of the 100-year floodplain and help minimize future flood threats to life and property and improve natural and beneficial floodplain values by removing the damaged facility from the floodplain. There would be no impact to wetlands at the facility's new site. FEMA's consideration of the Proposed Action Alternative as the practicable alternative has the greatest potential for public good, and it meets the project's need and purpose.

Step 7 Findings and Public Explanation (Final Notification).

After evaluating alternatives, including impacts and minimization opportunities, FEMA has determined that the Proposed Action Alternative 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 Proposed Action Alternative would relocate the facility outside the 100-year floodplain and reduce flooding risks from future storm events.

FEMA's determination is documented in this summary and the associated Record of Environmental Consideration Report for the proposed project. This Eight-Step Review will become part of the Neversink Ballfields and Town Park Environmental Assessment that will be made available for public review and comment with a project specific public notice. The Final Notice will be integrated with the Finding of No Significant Impact (FONSI) statement that is anticipated for the proposed action.

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 here in described in Step 5, and will be conditions of the federal grant. The Sub-grantee is responsible for the review of the final project plans and will assure compliance with all applicable local, state and federal laws. The Sub-grantee will obtain all required building and site development permits as a condition of the federal grant in order to preserve the floodplain environment and minimize risk to life and property.