

FEMA
FINDING OF NO SIGNIFICANT IMPACT
NEVERSINK BALL FIELDS REPLACEMENT PROJECT
TOWN OF NEVERSINK, SULLIVAN COUNTY, NEW YORK
4020-DR-NY

BACKGROUND

The Town of Neversink (i.e., Subgrantee) has requested Federal financial assistance from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) to replace its Town park and ball fields facility, formerly located on Sundown Road in the Town of Neversink, Sullivan County, New York, on land owned by and leased from the New York City Department of Environmental Protection (NYCDEP), with a new facility proposed to be located on a currently undeveloped lot at 7752 NYS Route 42, Grahamsville (Town of Neversink). As a result of damages from high winds, rains, and flooding associated with Hurricane Irene during the incident period from August 26 to September 5, 2011, the President issued a major disaster declaration 4020-DR-NY that enabled FEMA to provide Public Assistance grant funds to assist the Grantee (New York State Division of Homeland Security and Emergency Services (NYS DHSES)) and eligible Subgrantees in their recovery from the disaster. The Subgrantee's proposed project has been determined to be an eligible grant project in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Public Law 93-288, as amended, 42 U.S.C. 5121 et seq.). The FEMA project reference numbers for the proposed action include six Public Assistance Subgrant Applications: PW-6866, PW-6871, PW-7139, PW-7154, PW-7525 and PW-9156.

The Subgrantee's facility sustained damage during the disaster. The Subgrantee has been using baseball fields at the Grahamsville Fairgrounds and one remaining field at the original (NYCDEP) location temporarily. The Subgrantee has requested an improved project to relocate the facility outside of the 100-year floodplain to reduce the risk of future flood-related damage.

The Subgrantee considered two alternatives to restoration of a permanent facility to provide necessary recreational areas for the affected community, which are evaluated in the Environmental Assessment (EA): 1) No Action: no federal funding provided and continued operation out of temporary facilities, and 2) Proposed Action: federal funding provided to construct a new facility on land outside the 100-year floodplain. The No Action alternative was dismissed because of scheduling conflicts with other organizations at the Fairgrounds facility and because the lease for the NYCDEP property will expire. The Proposed Action would restore full recreational function for community residents, while incorporating flood damage risk reduction through relocation of the facility outside the 100-year floodplain in a cost-effective manner.

An Environmental Assessment (EA) was prepared with the Subgrantee's participation to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (40 CFR Parts 1500-1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance at 44 CFR Part 10. An Eight-Step Decision-Making Process in accordance with Executive Order (EO) 11988 Floodplain Management and 44 CFR Part 9 was incorporated into the EA to inform alternative analysis and determination of the practicable alternative to relocate the facility.

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A public notice was issued in *Tri-Valley Townsman* newspaper on July 31, 2014 to notify the public of the thirty-day public review and comment period. The EA was posted to the FEMA website and a hard copy of the EA was made available for public review at the Town of Neversink Town Hall at 273 Main Street, Grahamsville, NY 12740. FEMA received comments from the Stockbridge-Munsee Tribal Historic Preservation Office during the public review and comment period. The Tribe indicated that they did not have cultural resource concerns regarding the proposed project, as the site is located on previously disturbed soils. Furthermore, the Tribe requested that if any cultural materials were inadvertently discovered during the course of the project that the project be halted immediately and they be notified immediately. A Final Environmental Assessment was prepared to incorporate the comments from the Tribe and will be posted to the FEMA website with this Finding of No Significant Impact as a final project notice.

PROJECT DESCRIPTION & IMPACT SUMMARY

The Subgrantee proposes to construct a new facility on a 16.7-acre site that it has purchased at 7752 State Route 42 within the Town of Neversink. The property consists of approximately 15 acres of hayfield and a single-family residential lot on approximately 1 acre of land and is approximately 0.6 miles south of the Hamlet of Grahamsville. The new facility would include four new little league baseball fields, fencing around the fields, associated parking with 102 spaces, a concession stand, restrooms and maintenance and storage buildings. Proposed buildings on site total 4,136 square feet (SF) and include: 28' x 74' Picnic Pavilion (with restrooms), 24' x 36' Maintenance Garage, 20' x 20' Storage Building and a 20' x 40' Pole Barn. A 480 SF garage located on the one-acre house lot purchased by the Town would remain and be used as storage for the proposed project. Proposed project elements also involve site grading, installation of a stormwater management system, installation of water and improvements to an onsite drinking water well and sewer service connections, paving of driveways and parking areas, and landscaping.

FEMA has obtained concurrence from the New York State Historic Preservation Office (NYSHPO) that the project will not affect historic properties and has concluded consultation under Section 106 of the National Historic Preservation Act. During construction of the proposed facility, short-term impacts to soils, surface water, transportation, air quality, and noise are anticipated. Short-term impacts would be mitigated utilizing best management practices, such as silt fences, proper equipment maintenance and appropriate signage. Environmental impacts of construction would also be minimized per adherence to the required Stormwater Pollution Prevention Plan (SWPPP), adherence to invasive insect quarantine protocols, and compliance with building permit requirements.

CONDITIONS

The Subgrantee must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. The Subgrantee shall be responsible to complete the State Environmental Quality Review process and local land-use reviews in accordance with state and local regulations.

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2. Excavated soil and waste materials will be managed and disposed of in accordance with applicable federal, state and local regulations.
3. The Subgrantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with New York State Environmental Conservation Law. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the Subgrantee shall provide NYSDHSES/FEMA a copy of the Stormwater Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out or other time identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the Subgrantee shall provide a copy of the obtained permit, as well as supporting SWPPP to NYSDHSES/FEMA at grant project close-out or other times identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements. For more information regarding SPDES, visit the following website: <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation, and erosion during construction.
4. In the event that unmarked graves, burials, human remains or archaeological deposits are uncovered, the Subgrantee and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee will inform the NYSDHSES, SHPO and FEMA immediately. FEMA would then notify the Delaware Tribe of Indians, the St. Regis Mohawk Tribe and the Stockbridge Munsee Band of Mohicans. The Subgrantee must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery. Work may not resume at or around the delineated archaeological deposit until the Subgrantee is notified by NYSDHSES.
5. The construction, installation or development of any water supply shall be coordinated with the Sullivan County Health Department and/or the New York State Department of Health.
6. The construction and installation of the sanitary sewer connection will need to be coordinated with the NYCDEP and Town of Neversink.
7. The project area serves as potential summer roosting habitat for the listed endangered Indiana bat (*Myotis sodalis*) and the proposed to be listed Northern long-eared bat (*Myotis septentrionalis*). As a required conservation measure, the Subgrantee shall schedule the removal of trees that are greater than 3" diameter-at-breast-height during the following construction window: October 1st – March 31st.
8. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
9. Sullivan County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). Since this is an EAB quarantine county, any woody tree and shrub material to be removed for the proposed action is required to be chipped on site to chips of less than one inch in two dimensions or must not be transported whole outside the

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community in order to adhere with EO 13112 Invasive Species, Federal regulations at 7 CFR Parts 301.53-1 through 301.53-9 and state regulations at 1 NYCRR Part 141. Invasive insects can devastate the forests of the northeast and it is recommended that communities in the northeast treat or handle wood materials in place to minimize the spread of these non-native insects. For more information concerning this environmental stewardship requirement, visit USDA-APHIS, New York State Department of Agriculture and Markets, and other websites concerning EAB:

- www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/
- www.agriculture.ny.gov/PI/eab.html
- www.nyis.info/?action=news_detail&event_id=306

10. It is recommended that the Subgrantee restore disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil areas be planted with native plant material, as soon as practicable after exposure, to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the proposed project site:

- <http://plants.usda.gov/java/>
- www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
- www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml

FINDINGS

In accordance with NEPA and 44 CFR Part 10, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared, and the proposed project as described in the EA and Final EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED BY:

Megan Jadrosich, PMP, CFM
Regional Environmental Officer
Federal Emergency Management Agency, Region II

September 3, 2014