

**FINDING OF NO SIGNIFICANT IMPACT
OWEGO APALACHIN ADMINISTRATION BUILDING
FACILITY CONSTRUCTION PROJECT
VILLAGE OF OWEGO, TIOGA COUNTY, NEW YORK
FEMA-4031-DR-NY**

BACKGROUND

The Owego Apalachin Central School District (i.e., Subgrantee) requested Federal financial assistance from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) to construct a new Owego Apalachin Administration Building along Sheldon Guile Boulevard in the Village of Owego, Tioga County, New York to fully restore its administrative operations that were impacted by Tropical Storm Lee. As a result of damages from high winds, rains, and flooding associated with Tropical Storm Lee during the incident period from September 7, 2011 to September 11, 2011, FEMA was authorized under Presidential disaster declaration 4031-DR-NY to provide public assistance to affected communities in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.S. 5172) as amended; the Sandy Recovery Improvement Act (SRIA) of 2013 and the accompanying Disaster Relief Appropriations Act, 2013. The Grantee for the proposed action is the New York State Division of Homeland Security and Emergency Services. The FEMA project worksheet reference number is 4031-DR-NY PW#02000.

The existing 10,514 square foot Owego Apalachin Administration Building, located at 36 Talcott Street in the Village of Owego, experienced substantial flood damage during the declared incident. Floodwaters damaged the facility's ground level where administrative offices and mechanical equipment are located. The Subgrantee temporarily relocated staff and administrative services from this location to other facilities within the school district. The Subgrantee seeks to reunify staff and services back into one facility and reduce flood risks from future storm events. The Subgrantee's preferred alternative, evaluated as the proposed action in this document, is to construct a new administration building on a different property outside the 100-year floodplain. The proposed action would restore administrative staff and services into one facility outside the floodplain within the Village of Owego. The Subgrantee would demolish the existing building.

FEMA and the Subgrantee considered three alternatives to restore the facility's function, two of which were evaluated in detail in the Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA): 1) No Action, i.e., no funding provided to either relocate the facility to a new site outside of the 100-year floodplain or to repair the damaged facility within the 100-year floodplain; and, 2) Proposed Action, i.e., funding provided to relocate and reconstruct the facility to a new site outside the 100-year floodplain. The No Action Alternative was eliminated in the EA as it would not restore the facility's function and would limit the Subgrantee's ability to offer administrative services at the same level experienced at the facility prior to receiving flood damage. The Proposed Action would provide costs associated with demolition and stabilization of the damaged facility and towards the construction of a new facility at a new location outside the 100-year floodplain. New construction includes planning, engineering and design, and construction costs for the new building with site utilities and amenities. A third alternative to repair the existing facility and to construct a floodwall around the existing facility at 36 Talcott Street in order to bring the structure into compliance with the National Flood Insurance Program was initially considered but screened from further

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consideration during the plan formulation process. The Subgrantee preferred to apply the available Federal funding from FEMA's Public Assistance 428 Program towards construction of a new facility outside the floodplain of concern rather than implement costly repairs, upgrades and floodwall construction at the existing facility.

PROJECT DESCRIPTION

The Subgrantee elected to construct a new 15,118 square foot administration building on an undeveloped yet lawn manicured 1.2 acre parcel along Sheldon Guile Boulevard (Village of Owego). This parcel is part of a larger 100+ acre property owned by the Subgrantee which includes the Owego Apalachin Middle School, Owego Free Academy, Owego Elementary School, a maintenance building, and the associated road network, parking lots, and athletic fields. The proposed action would relocate the facility and its function to outside the 100-year floodplain of concern. The proposed project site is partially located within the 500-year floodplain; however, the proposed building structure would be located outside of the 500-year floodplain. Proposed project elements would involve grading the new site, facility construction, installation of a storm water management system, water and sewer service connections and landscaping. The original 100+ year old facility would be demolished (or would be rendered safe and secure) and its site would be stabilized.

NEPA COORDINATION

An 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 (44 CFR § 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR § 10). FEMA undertook review under Section 106 of the National Historic Preservation Act to clarify the location of the project site and identify potential adverse effects resulting from excavation in an archeologically sensitive area and demolition of structures that are 50 years old or older. FEMA obtained concurrence from the New York State Office of Historic Preservation that no historic properties are affected by the proposed action. FEMA consulted with the Tribal Historic Preservation Officers (THPO) of the Seneca Nation of Indians, the Cayuga Nation, and the Onondaga Nation. Through correspondence the Seneca Nation of Indians and the Onondaga Nation responded to FEMA that they have no further interest in the project. No response was received by the Cayuga Nation.

A public notice was issued in the *Binghamton Press & Sun Bulletin* newspaper on February 13, 2015. The public comment period for the Federal agency's EA was from February 14, 2015 to February 28, 2015. FEMA received one phone inquiry from a public party concerning the disposition of the existing building at 36 Talcott Street; however, no written public comments were received during the public comment period. The EA is adopted as final with issuance of this Finding of No Significant Impact statement and construction implementation may proceed in conformance with grant conditions presented herein.

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CONDITIONS

The Subgrantee is responsible to obtain all applicable Federal, state, and local permits for project implementation prior to construction, and to adhere to all permit conditions. The Subgrantee has already completed a State Environmental Quality Review Act (SEQRA) documentation process with forms provided in *Appendix B*. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The Subgrantee must also adhere to the following conditions during project implementation:

1. The new facility must be located, elevated or floodproofed to at/above the 100-Year Floodplain plus any required state/local freeboard utilizing the Best Available Data for 100-year floodplain determination (*Flood Insurance Rate Map Community-Panel Number 36107C0382E dated April 17, 2012*) in accordance with the National Flood Insurance Program (NFIP) and 44 CFR Part 9. At the time this document was drafted, the Subgrantee identified that the new facility structure would be physically located outside the 100-Year floodplain, satisfying this condition.
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 ensure the original facility at 36 Talcott Street is safe and secure. It is anticipated that the Subgrantee will demolish the existing structure; however, if the existing structure is not demolished, the Subgrantee will be responsible to bring the structure into code compliance in accordance with the NFIP and local floodplain management code.
4. The Subgrantee shall be responsible to coordinate, as applicable, with the local floodplain administrator or code enforcement official prior to taking actions within regulated floodplain areas and must comply with Federal, state, and local floodplain laws, regulations and codes/ordinances.
5. The Subgrantee must comply with the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) permit for Stormwater Discharge from Construction Activity or other applicable SPDES permit, in accordance with NYS Environmental Conservation Law. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the Subgrantee shall provide New York State Department of Homeland Security and Emergency Services (NYSDHSES)/DHS-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/DHS-FEMA Grant Programs Directorate 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/DHS-FEMA at grant project close-out or other time identified by NYSDHSES/DHS-FEMA Grant Program per grant administrative documentation guidance requirements. For more information, visit <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the grantee and its

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construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction.

6. The construction and installation of any sanitary sewer and/or septic tank and leach field would need to be coordinated with the Tioga County Health Department.
7. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the Subgrantee will immediately halt construction activities in the vicinity of the discovery, secure the site and restrict access to the area, and take reasonable measures to avoid or minimize harm to the finds. As soon as possible, the Subgrantee will contact: local law enforcement and the county coroner/medical examiner (for human remains), NYSDHSES, SHPO and FEMA. FEMA will immediately coordinate with the SHPO, notify Participating Tribe(s)/Nation(s) and any other consulting parties that may have an interest in the discovery, and consult to evaluate the discovery for National Register eligibility. Work in sensitive areas may not resume until consultations are completed
8. Tioga County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). Since the proposed project is located in an EAB quarantine county, it is required that any woody tree and shrub material to be removed for the proposed action be chipped on site to chips of less than one inch in two dimensions or not be transported whole outside the community in order to adhere with EO 13112 Invasive Species, Federal regulations at 7 CFR Part 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
9. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
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/

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• www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml

11. If the Grantee and Subgrantee obtain site fill for construction, the fill must be from a permitted commercial supplier or locally municipally owned soil/gravel borrow area permitted for mining/excavation as fill material. If the Grantee and/or Subgrantee plan to obtain soil or gravel from a non-commercial source or site that is not permitted, the details of the proposed source location must be submitted to FEMA for approval as a scope of work change prior to construction implementation. FEMA would need to conduct a federal agency environmental and historic preservation compliance review of non-permitted/non-commercial sources prior to construction implementation. The environmental concerns would be potential impacts to cultural resources or habitat areas at an excavation site not previously reviewed, permitted and otherwise cleared for use as a borrow area.
12. The Subgrantee shall submit copies of all obtained environmental, including floodplain management, permits to the Grantee/FEMA at or prior to final closeout of the public assistance grant.
13. The proposed project area serves as potential summer roosting habitat for the Northern long-eared bat (*Myotis septentrionalis*), a proposed species for the federal threatened and endangered species list. Pursuant to section 7(a)(4) of the Endangered Species Act (ESA) and implementing regulations at 50 CFR §402.02 and 50 CFR §402.10, FEMA determined that the proposed action would not be likely to jeopardize the proposed species, or destroy or adversely modify proposed critical habitat. The Subgrantee is requested, as a voluntary conservation recommendation, to avoid cutting or destroying known, occupied maternity roost trees during the pup season (June 1-July 31) for the Northern long-eared bat. If the Northern long-eared bat is listed, and if project activities are expected to continue afterwards, this concurrence will serve to satisfy consultation requirements pursuant to Section 7 of the ESA, provided that: (1) the project scope and activities remain unchanged; (2) any proposed conservation recommendations are implemented as conservation measures; and (3) there are no other changes (e.g., to the landscape, habitat, etc.) that may affect the newly-listed species and that have not already been analyzed in this consultation. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of federally-listed and proposed endangered and threatened species in New York is available for your information. Until the proposed project is complete, the Grantee and Subgrantee are recommended to check the USFWS website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. The U.S. Fish & Wildlife Service (USFWS) New York Field Office website provides general information about species. The Information, Planning and Conservation System (IPaC) website can be utilized for site specific information. The proposed species could be listed as endangered as early as April 2, 2015, although it is to-be-determined. If the proposed construction action has not been initiated by April 2, 2015 and the species is listed at that time, the Grantee/Subgrantee must contact FEMA to re-open project federal agency environmental compliance review and ESA consultation if the Grantee/Subgrantee

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cannot adhere to the tree removal window for known roost trees. If the tree window can be adhered to, the Grantee/Subgrantee will be in compliance with ESA. If the Grantee/Subgrantee has any questions concerning this conservation recommendation that is voluntary at this time, please feel free to contact FEMA Region 2 at 212.680.3600. Additional general information about the Northern long-eared bat is available at: www.fws.gov/Midwest/endangered/mammals/nlba/index.html.

FINDINGS

In accordance with NEPA and 44 CFR § 10, FEMA 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 may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED

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

March 2, 2015