

Binghamton-Johnson City
Joint Sewage Treatment Plant
Comprehensive Flood Risk Reduction Project

Appendix D
Environmental Evaluations
and Consultations



Certified NYS WBE/DBE & Federal EDWOSB

18 DIVISION STREET
STUDIO 304
SARATOGA SPRINGS
NEW YORK 12866
PHONE 518-306-3702
FAX 518-226-0469

February 4, 2014

NYSDEC-DFWMMR
NY Natural Heritage Program-Information Services
625 Broadway, 5th Floor
Albany, NY 12233-4757

RE: Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
Request for Review of Rare Species or Significant Natural Communities

Dear Sir / Madam:

The Binghamton Johnson City Sewage Treatment Plant (BJCSTP) has developed a project to protect the facility from repeated flooding by constructing flood barrier walls around the BJCSTP and implementing dewatering measures within the flood barrier wall. As part of the design & construction process we are seeking to obtain information on threatened or endangered plant or animal life on our project site.

We respectfully request that you review the New York Heritage Program files with respect to know occurrences of endangered or special concern wildlife species, rare plant, animal or natural community occurrences or other significant habitats in the vicinity of the above referenced project site.

The flood barrier wall will be elevated to a minimum of 1 foot above the fold of record and constructed of sheet pile with two flood gates. The treatment plant will use an effluent pump system consisting of 3 22,500 GM Pumps to allow water to be pumped from within the walls.

Attached please find:

- Project Summary
- Maps
- Site Photographs
- Aerial Photographs



18 DIVISION STREET
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PHONE 518-306-3702
FAX 518-226-0469

We are requesting a review of the project in accordance with NEPA and SEQRA and would appreciate your timely response.

If you have any questions or need additional information, please contact me at 518-306-3702, ext. 13

Sincerely,

A handwritten signature in black ink that reads 'Susan Rivers'. The signature is fluid and cursive, with a long horizontal stroke extending from the 'S'.

Susan Rivers, Senior Planner

Enc.

Introduction

The Binghamton-Johnson City Joint Sewage Treatment Plant (BJCJSTP) has repeatedly suffered severe damage during major storm events. Several mitigation options have been evaluated which would protect the BJCJSTP from future storm damage. After much consideration, the BJCJSTP has developed a project to construct flood barrier walls around the BJCJSTP and dewatering measures within the flood barrier wall.

The flood barrier wall will be elevated to a minimum of 1 foot above the fold of record and constructed of sheet pile with two flood gates. The treatment plant will use an effluent pump system consisting of 3 22,500 GM Pumps to allow water to be pumped from within the walls.

Flood Wall Project Details

The majority of the flood wall design utilizes a reinforced concrete inverted T-type flood wall. A partial depth steel sheet piling cut-off wall will be installed behind the base foundation heel to help control groundwater seepage rates and to provide scour protection. Some areas of the site will be integrally protected by existing reinforced concrete structures modified as required to withstand the hydraulic forces sustained during a flood event. Where required, openings will be provided in the flood wall to minimize impact on vehicular and pedestrian traffic flow during normal operation of the facility. These openings will be protected with automatic passive closing gates and redundant aluminum lagging during a flood event. Storm and sanitary sewers will also be protected with redundant manual closure devices. All groundwater seepage and interior stormwater will be diverted to pumping stations during flood events.

The flood wall will be designed in accordance with United States Army Corps of Engineers (USACE) *EM 1110-2-2502 Retaining and Flood Walls* and other applicable engineering and design guidelines from USACE. The parameters used in the design will be based on findings and recommendations from results obtained by hydraulic analysis of the Susquehanna River performed by Woidt Engineering and geotechnical engineering considerations provided by Haley & Aldrich. The sliding and overturning stability analysis for the typical T-type flood wall sections will be verified by a USACE computer based analysis program called CTWALL (X0153) and was developed in accordance with *EM 1110-2-2502*. The reinforced concrete requirements will be based on *ACI 350-06 Code Requirements for Environmental Engineering Concrete Structures*.

The flood wall will be designed as per FEMA requirements to the greater height of either three (3) feet of freeboard over the FEMA base flood (100-year recurrence interval storm) or the 500-year recurrence interval storm flood elevation. The resulting top of flood wall elevation is currently set at 845.00' (NAVD 1988) pending final acceptance by the City of Binghamton. The flood wall will be designed to avoid impacts to the 100-year floodway and to avoid any increases in water surface elevations or hazardous increases in channel velocities along the study reach of the Susquehanna River. If necessary, on-site flood plain mitigation measures will be implemented to avoid any increase in water surface elevations from the construction of the flood wall.

The flood wall will be designed and reviewed by New York State Licensed and Registered Professional Engineers and is subject to review and approval by Officials at City of Binghamton, Village of Johnson City, Town of Vestal, New York State Emergency Management Office (SEMO), Federal Emergency Management Agency (FEMA), New York State Department of Environmental Conservation (NYSDEC), and United States Army Corps of Engineers (USACE).

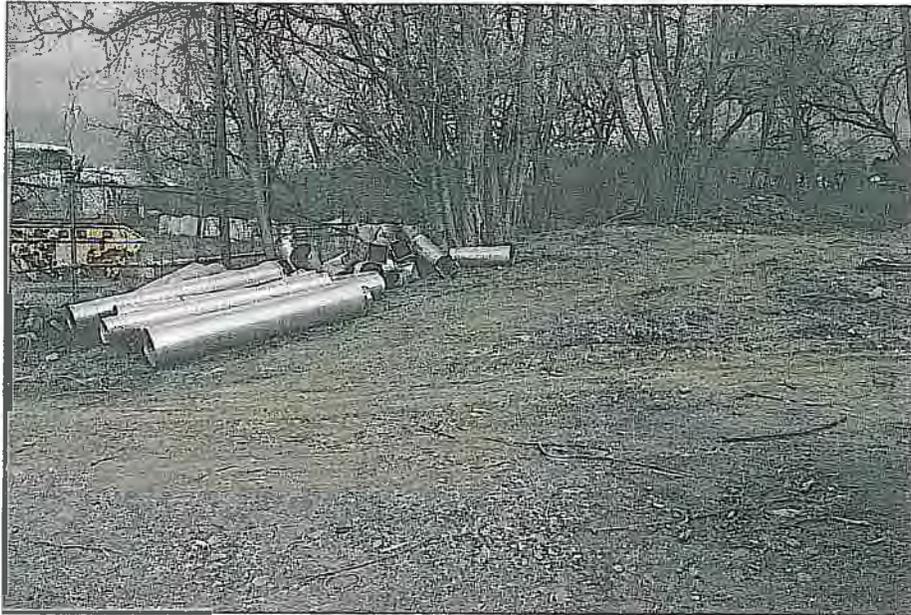
Easements and Right of Way

Development of the flood mitigation project will require the preparation of a construction and permanent easement for impact on an adjacent privately owned parcel and work within the Broome County Highway Department Right of Way. Encroachment into the Old Vestal Road wide right of way will be needed for the construction and permanent maintenance of the floodwall road gate and the wall itself. In cases of flooding, runoff from Old Vestal Road will be captured in existing County catch basins and then redirected offline into a stormwater pumping station. Captured stormwater will then be pumped through the floodwall to the existing outfall through a series of manhole connections. During normal conditions this runoff will flow by gravity to the Fuller Hollow Creek outfall. During flooding, backflow prevention will be in place to assure creek/river floodwater will not back up into the right of way through the outfall and piping network.

An easement will be required providing access and alterations during the construction phase and a permanent easement for the siting of the floodwall on private lands and its long term maintenance. Improvements to the private lands will include the rerouting of an existing sanitary line, the floodwall, and guiderail. The City of Binghamton Engineer's office is coordinating a meeting with the landowner to bring these discussions.

Work and improvements in the County Old Vestal Road right of way will require inter-municipal agreements be in place to document that the BJCJSTP agrees to maintain the floodgate and other improvements in working order.

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination



Project Area, looking south onto potential mitigation area at east side of facility.



Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination



Project Area, looking west along Old Vestal Road.



Project Area, looking north along Fuller Hollow Creek.

**Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination**



Project Area, looking west along north perimeter.



Project Area, looking west along north perimeter..

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination

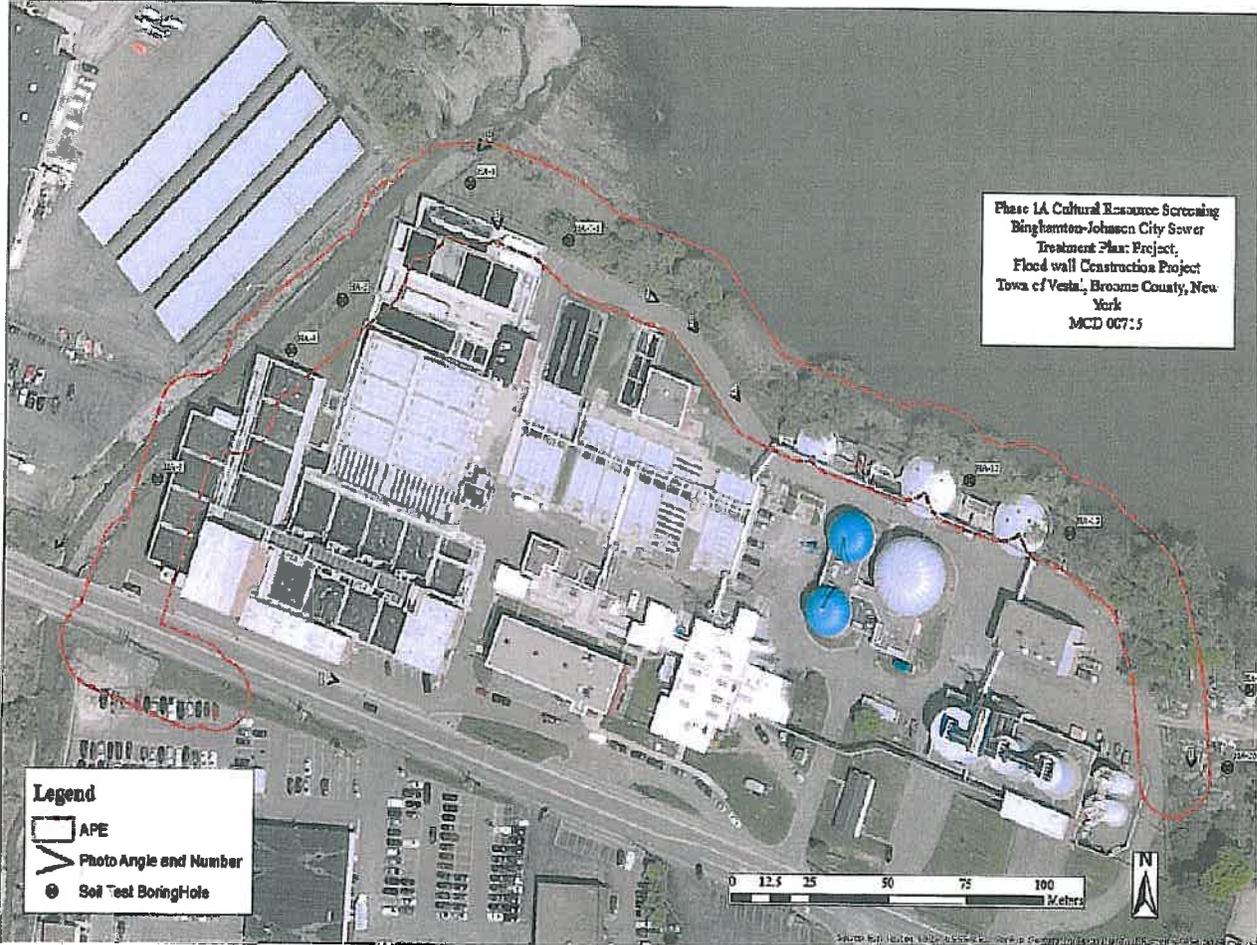


Project Area, facing northwest along north perimeter.



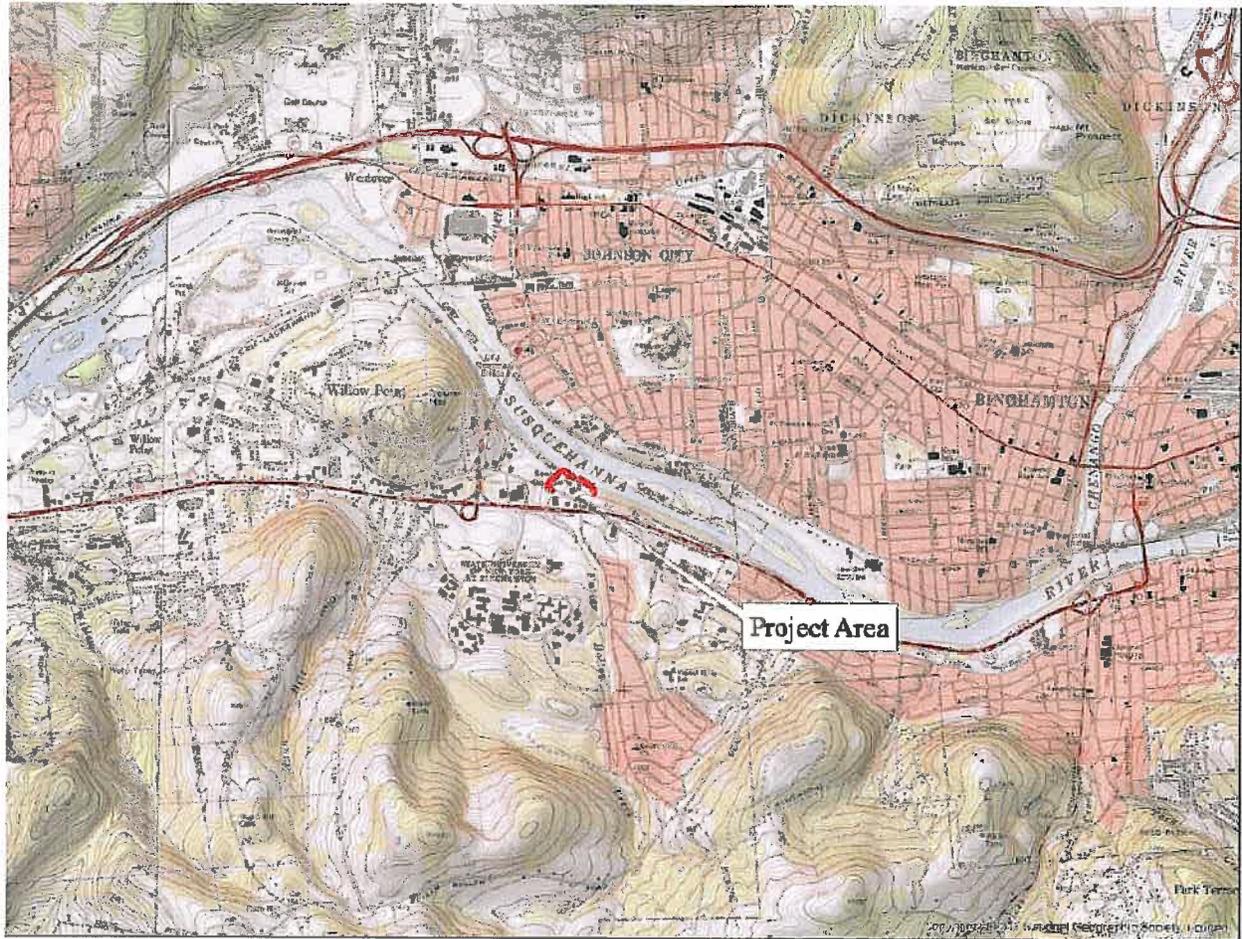
Project Area, facing north from Fuller Hollow Creek.

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination



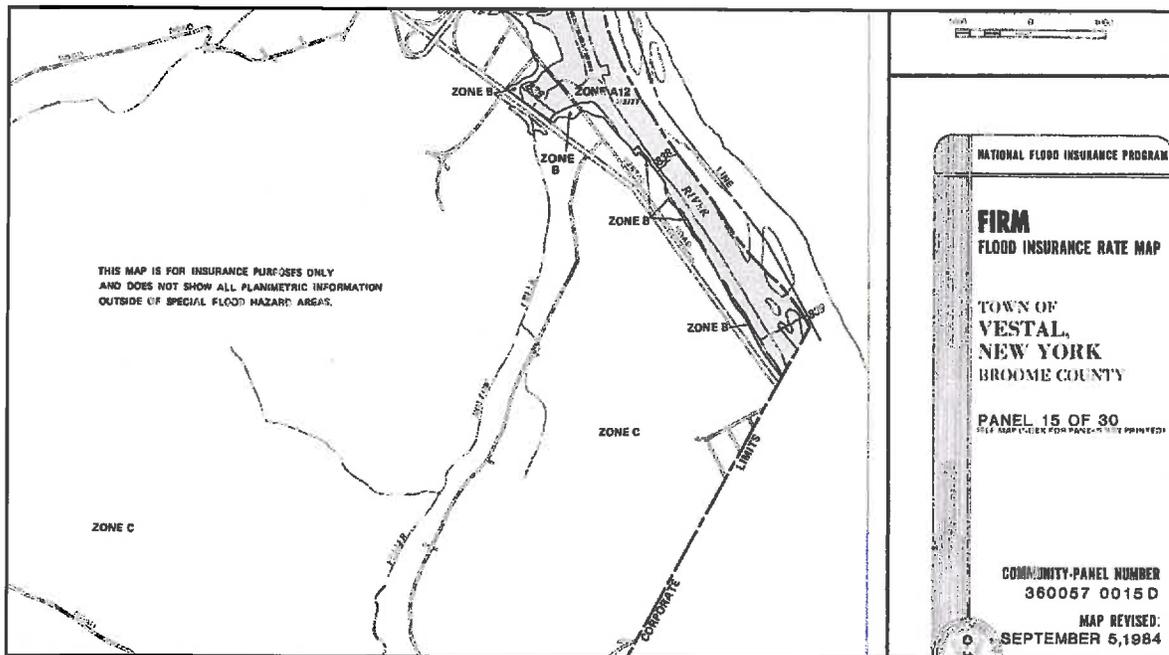
Aerial Photo with Project Location Outline

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination

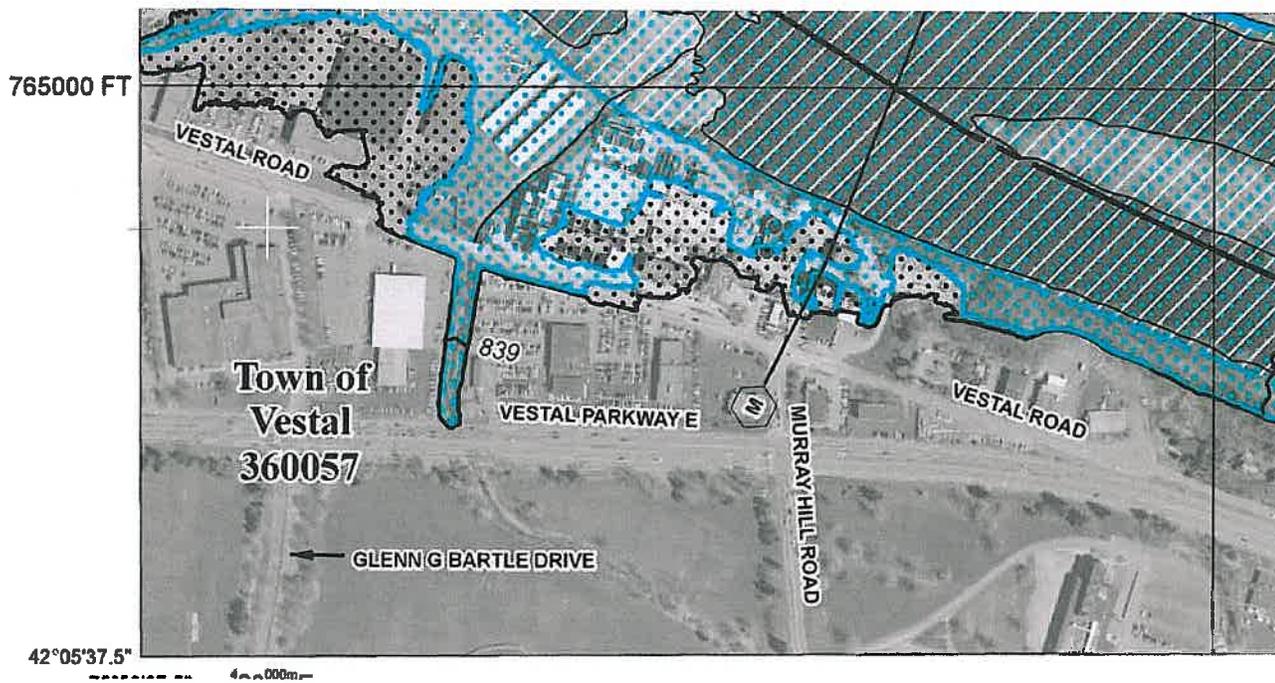


Topographic Map with Project Location

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
 NYSDEC-DFWMR
 Endangered Species Coordination

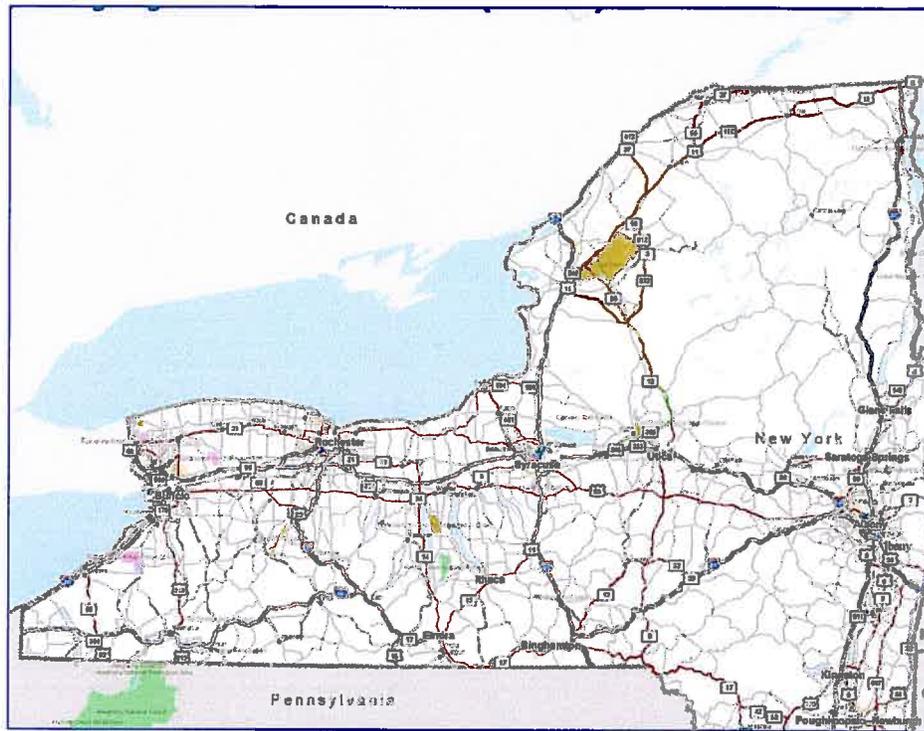


FEMA FIRM Map



Preliminary Floodway Map

Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
NYSDEC-DFWMR
Endangered Species Coordination

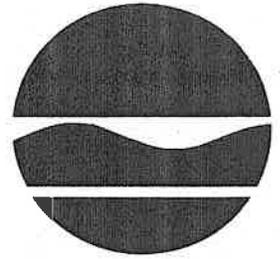


New York State Regional Map



Location Map

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

February 19, 2014

Susan Rivers, Senior Planner
Elan.3 Consulting
18 Division Street, Studio 304
Saratoga Springs, NY 12866

RECEIVED

FEB 25 2014

ELAN PLANNING & DESIGN INC

Re: Binghamton-Johnson City Sewage Treatment Plant Floodwall Project
Town/City: Vestal. County: Broome.

Dear Susan Rivers, Senior Planner :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities, at your site or in its immediate vicinity.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Nancy Davis-Ricci
Environmental Review Specialist
New York Natural Heritage Program



U.S. Fish and Wildlife Service National Wetlands Inventory

USFWS-NWI
PW02504

Mar 6, 2014



Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other

Riparian

- Herbaceous
- Forested/Shrub

Riparian Status

- Digital Data

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

User Remarks:

BJCJSTP

NATURAL RESOURCE CONSULTATIONS
RAYMOND J. NOLAN
240 OLIVER ROAD
LISLE, NEW YORK 13797
TELEPHONE 607.849.4649
E-MAIL RAGN@CITLINK.NET

.....
December 12, 2013

Mr. James M. Tofte, CPESC
Griffiths Engineering
13 S. Washington Street
Binghamton, N.Y. 13903

Re: BJCJSTP

Dear Mr. Tofte:

This letter responds to your request for a determination of State and Federal regulatory status at the above referenced facility.

I have reviewed the relevant New York State and Federal regulatory maps. There are no wetlands depicted on the New York State Freshwater Wetlands Regulatory Maps as applied to the project site. However, the Susquehanna River is a protected watercourse subject to the regulations implementing the provisions of the New York State Clean Water Act (Article 15 of the Environmental Conservation law). There is a protected wetland on the project site depicted on the National Wetland Inventory maps. Additionally, the Susquehanna River is protected by the Federal Clean Water Act.

I also find that the site is located on an area with potential for the presence of significant archeological resources as well as the potential for the presence of rare and endangered floral and faunal elements.

The site visit you and I conducted revealed that the federally protected wetland had been filled during previous construction of the facility. I observed no additional wetland resources at that time. You indicated to me that you have been addressing the potential for significant archeological elements. The potential for the presence of rare and endangered elements will need to be addressed with the NYS Department of Environmental Conservation (NYSDEC).

Disturbance of the bed and/or banks of the Susquehanna River will require permits from NYSDEC and the U.S. Army Corps of Engineers.

Thank you for the opportunity to be of assistance in this matter.

Very Truly Yours:

Raymond J. Nolan.



FEMA

To: U.S. Fish and Wildlife Service, New York Field Office

FAX: (607) 753-9699 Email: sandra_doran@fws.gov MaryEllen_VanDonsel@fws.gov and Megan_Patch@fws.gov

Request for review pursuant to Section 7(a)(2) of the Endangered Species Act of 1973

Declaration #: FEMA 4020 -DR-NY

Date: 12/23/2014 Program PA Project/PW # PW #2504

Project name: Binghamton- Johnson City Joint Sewage Treatment Plant Floodproofing

Applicant: Binghamton-Johnson City Joint Sewage Treatment Plant

Location: 4480 Old Vestal Road, Town of Vestal, NY

County: Broome Latitude: 42.09635 Longitude: -75.96215

FEMA Representative: Christine Piwonka-Bernstein

Email: christine.piwonkabernstein@fema.dhs.gov Desk phone: 518-396-3842 Cell: 518-414-0146

Project description:

See attached Project Description for additional information.

Threatened (T), Endangered (E), Proposed (P), or Candidate (C) species under USFWS jurisdiction with potential to occur in proposed project area:

- | | |
|---|--|
| <input type="checkbox"/> Bog turtle - T | <input type="checkbox"/> Northern wild monkshood – T |
| <input type="checkbox"/> Dwarf wedgemussel - E | <input type="checkbox"/> Piping plover – T |
| <input type="checkbox"/> Indiana bat – E | <input type="checkbox"/> Sandplain gerardia - E |
| <input type="checkbox"/> Karner blue butterfly - E | <input type="checkbox"/> Seabeach amaranth - T |
| <input type="checkbox"/> New England cottontail - C | <input type="checkbox"/> Red knot - P |
| <input type="checkbox"/> Small whorled pogonia - E | |
| <input checked="" type="checkbox"/> Northern long-eared bat – P | |

FEMA has determined the proposed project:

- may affect _____
- may affect, but is not likely to adversely affect Northern Long-eared Bat (see note at bottom of page and attachments).
- is likely to adversely affect _____
- See attachment for the rationale for the above-listed determination(s) and project description.

FEMA requests:

- USFWS review and/or concurrence with our Section 7 consultation determination
- Additional assistance to make our Section 7 consultation determination

The U.S. Fish and Wildlife Service:

- concurs with your NLTAAs determination(s), no further ESA consultation/coordination required
- requests additional information

USFWS Contact: _____

Date: _____

Supervisor Approval: _____

Date: _____

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, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.

PROJECT DESCRIPTION

Subgrantee: Binghamton Johnson City Joint Sewage Board
PW/SGA: PA-02-NY-4031- PW-02504
Purpose: Binghamton-Johnson City Joint Sewage Treatment Plant Floodproofing
Location: 4480 Old Vestal Road, Vestal, New York 13850 (Broome County)
Lat/Long: 42.09635 -75.96215

The Federal Emergency Management Agency (FEMA) proposes to provide Public Assistance (PA) Federal grant funding to the Binghamton Johnson City Joint Sewage Treatment Board (Sub-grantee) for comprehensive floodproofing measures at the Binghamton-Johnson City Joint Sewage Treatment Plant that would include construction of flood barrier walls around the facility, and installation of dewatering measures within the flood barrier walls to prevent flooding from the adjacent Susquehanna River and interior flooding from influent flow overwhelming the Plant. FEMA has determined that the proposed project requires an Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA) and 44 Code of Federal Regulations (CFR) Part 10.8. The PA grant reference number is PA-02-NY-4031-PW-02504(0). Relevant documentation has been attached.

Flooding and heavy rains from Tropical Storm Lee (September 7 – 11, 2011) severely damaged the plant and decreased its capacity significantly for several months. The facility had been damaged previously by floods occurring in 2006, 2005 and 1996.

The site is located at the confluence of Fuller Hollow Creek and the Susquehanna River. The proposed floodwall would be located along the perimeter of the facility, and would include three sections: a 1059' length along the Susquehanna River, a 79' length along the Fuller Hollow Creek and a 289' length along Old Vestal Road. The project area has relatively flat topography. The attached Conceptual Site Plan, Attachment 2, includes the approximate extent of grading and soil disturbance anticipated.

The site is approximately 11.25 acres, of which, approximately 8.5 acres is developed with buildings, paved areas and lawn (Attachment 1, Figure 1). According to the Subgrantee's consultant, approximately 30 mature trees (defined as 4" in diameter) and other vegetation, including vines, brush and groundcover, will likely need to be removed in order to build a floodwall. The trees found along the river bank include sycamore, box elder, and ash trees along the river bank. Site plans indicate the presence of locust and maple trees (no species noted) along the river bank as well (see Attachment 2). The National Wetland Inventory shows a small pond at the eastern end of the site (Attachment 1, Figure 2), but a site visit conducted by the Subgrantee's consultant revealed that the federally protected wetland had been filled during previous construction of the facility, and no wetland resources were observed at that time.

Tree removal will mainly take place in the permanent right-of-way, although some tree removal may be necessary within the temporary construction easement (see Attachment 2, "Land

Acquisition Exhibit”). A construction schedule has not been set, but the project will be conditioned such that tree-clearing takes place between October 1 and March 31.

The project will be conditioned with the following language:

The proposed project area serves as potential summer roosting habitat for the Northern long-eared bat (*Myotis septentrionalis*). The Northern long-eared bat is proposed to be listed as endangered on 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 50CFR §402.10, FEMA has 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 conservation recommendation, to schedule the removal of trees that are greater than 3” diameter-at-breast-height during the following construction window: October 1st – March 31st. 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 Subgrantee is 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 for general information about species status is: www.fws.gov/northeast/nyfo/. The website to utilize for site specific information is the USFWS Information, Planning and Conservation System (IPaC): <http://ecos.fws.gov/ipac/>. The proposed species could be listed as endangered as early as March 2015, although listing date is to-be-determined. If the proposed construction action has not been completed by March 2015 and the species is listed at that time, the Subgrantee must contact FEMA to re-open project federal agency environmental compliance review and ESA consultation if the Grantee/Subgrantee cannot adhere to the tree removal window. 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 could become a conservation measure requirement, please feel free to contact FEMA Region 2 Environmental Planning & Historic Preservation at 212.680.3600. Additional general information about the Northern long-eared bat is available at: www.fws.gov/northeast/virginiafield/pdf/NLEBinterimGuidance6Jan2014.pdf and <http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A0JE>.

Attachments:

Attachment 1 – Figures

Attachment 2 – Conceptual Site Plan (Provided by Sub-grantee’s consultant)



Figure 1 - Aerial Photo, Binghamton-Johnson City Joint Sewage Treatment Plant. Source: Google Maps, accessed 12/23/2014.



Figure 2 - NWI Map. Source: <http://www.fws.gov/wetlands/data/mapper.HTML>, accessed 12/23/2014.

FOR REVIEW PURPOSES ONLY



41 Cheango Street, Suite 200
Binghamton, NY 13901
(607) 733-6814



GRIFFITHS ENGINEERING
18 South Washington Street, Suite 1
Binghamton, New York 13905
Telephone: (607) 734-6400
Fax: (607) 734-6416

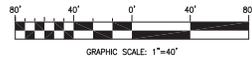
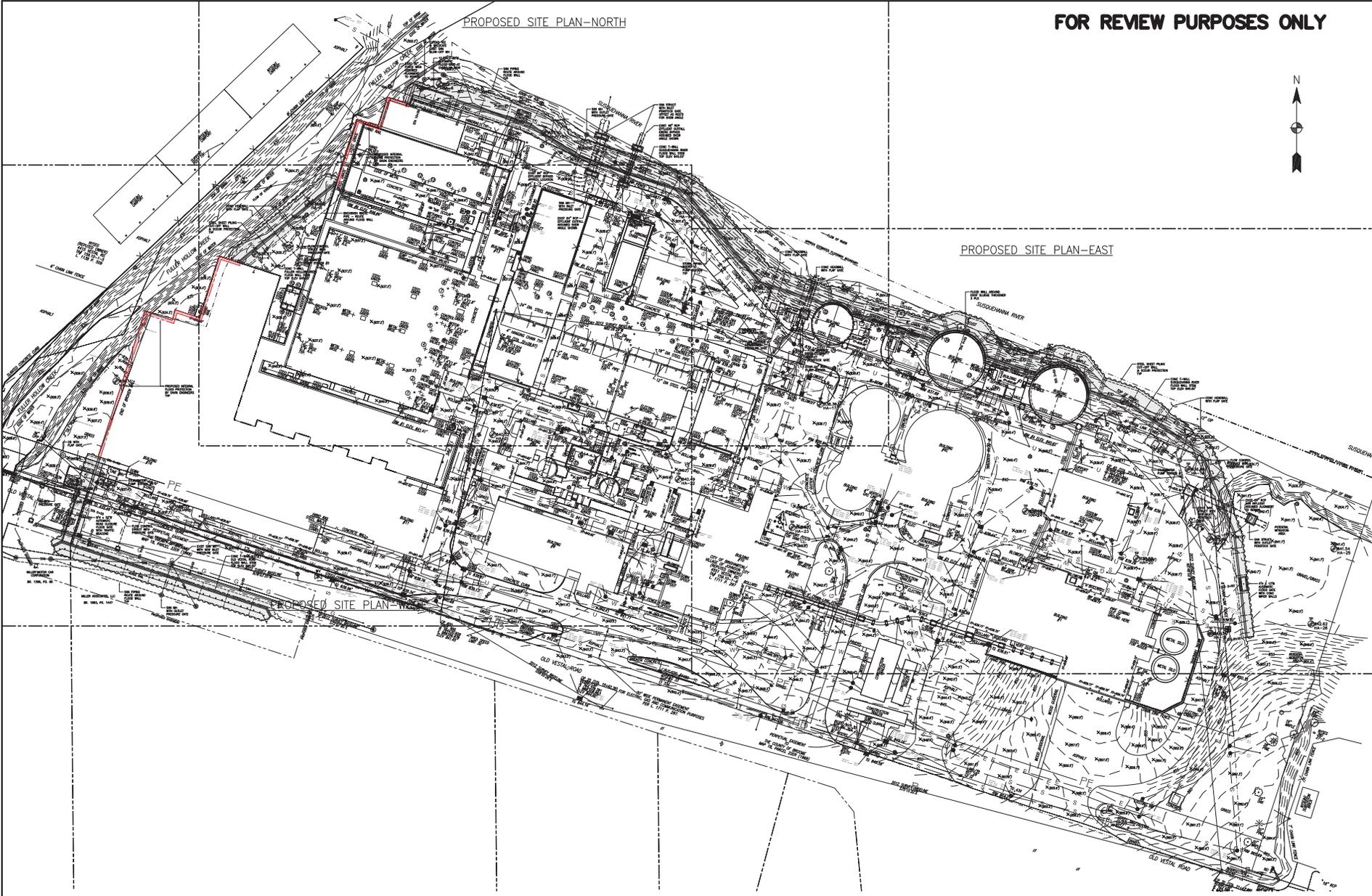


Designed by:	GA	Rev#	
Drawn by:	GA	Project No.:	2012-116
Checked by:	GA	Scale:	AS NOTED
Reviewed by:	GA	Project Name:	BCS/STP FLOOD WALL

**OVERALL
SITE PLAN**

Project Location: OLD VESTAL ROAD
TOWN OF VESTAL
BROOME COUNTY, NY
Project Name: BCS/STP
FLOOD WALL

Drawing
Reference
Number:
C-1
X OF X





To: U.S. Fish and Wildlife Service, New York Field Office

FAX: (607) 753-9699 Email: sandra_doran@fws.gov MaryEllen_VanDonsel@fws.gov and Megan_Patch@fws.gov

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| <input type="checkbox"/> Karner blue butterfly - E | <input type="checkbox"/> Seabeach amaranth - T |
| <input type="checkbox"/> New England cottontail - C | <input type="checkbox"/> Red knot - P |
| <input type="checkbox"/> Small whorled pogonia - E | |
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FEMA requests:

- USFWS review and/or concurrence with our Section 7 consultation determination
- Additional assistance to make our Section 7 consultation determination

The U.S. Fish and Wildlife Service:

- concurs with your NLTAA determination(s), no further ESA consultation/coordination required
- requests additional information

USFWS Contact: Sandra Doran

Date: 02-12-2015

Supervisor Approval: Tatiana Cab

Date: 2/17/15

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, we recommend that you check our website every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current.