

**Environmental Assessment
Owego Apalachin Maintenance and Storage Facility
Building Replacement Project**

**Town of Owego, Tioga County, New York
FEMA-4031-DR-NY**

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LIST OF ACRONYMS

amsl	Above Mean Sea Level
ACHP	Advisory Council on Historic Preservation
AD	Area of Disturbance
ADA	Americans with Disabilities Act
APE	Area of Potential Effect
ASTM	American Society for Testing and Materials
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
CY	Cubic Yards
DRP	Data Recovery Plan
EA	Environmental Assessment
EAB	Emerald Ash Borer
ECL	Environmental Conservation Law
EIS	Environmental Impact Statement
EJ	Environmental Justice
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
EO	Executive Order
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act
NAAQS	National Ambient Air Quality Standards
NAVD	North Atlantic Vertical Datum
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHP	Natural Heritage Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NYS	New York State
NYSDEC	New York State Department of Environmental Conservation
NYS DHSES	New York State Division of Homeland Security and Emergency Services
NYSEC	New York State Energy Code
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
NYSUFPBC	New York State Uniform Fire Prevention and Building Code
OSHA	Occupational Safety and Health Administration

LIST OF ACRONYMS continued

PA	Public Assistance
SEQRA	State Environmental Quality Review Act
SFHA	Special Flood Hazard Area
SHPO	New York State Historic Preservation Office
SPDES	State Pollutant Discharge Elimination System
SPL	Sound Pressure Level
SWPPP	Stormwater Pollution Prevention Plan
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

1.0 Introduction

The Owego Apalachin Central School District, herein referred to as the “Subgrantee,” has requested funding from the U.S. Department of Homeland Security - Federal Emergency Management Agency (FEMA) Public Assistance (PA) Grant Program to construct a new 25,195-square-foot maintenance and storage facility to replace the damaged 26,635 square-foot facility, and replace the function of the existing flood-damaged maintenance and storage buildings. The new facility would be constructed north of the new Owego Elementary School and proposed new Administration Building in an area of the complex referred to as the Monkey Run Site, which is 49.88 acres in size and located in the Town of Owego, Tioga County, New York. The Town and Village of Owego experienced storm damages and flooding from Tropical Storm Lee that occurred September 7, 2011 to September 11, 2011. The storm incident period was declared a major disaster by President Barack H. Obama on September 13, 2011 (amended September 23, 2011). Federal public assistance was made available to affected communities and certain nonprofit organizations per FEMA 4031-DR-NY and in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (Stafford Act; 42 U.S.C. 5172), as amended. The Grantee for the proposed action is the New York State Division of Homeland Security and Emergency Services (NYS DHSES). The FEMA project worksheet reference numbers are 4031-DR-NY PW#1999 and 2001.

The existing maintenance and storage facility, located at 75 Elm Street in the Village of Owego, Tioga County, New York 13827, experienced flooding as a result of the declared incident. The damages rendered the facility “*substantially damaged*” as defined by the National Flood Insurance Program (NFIP; 44CFR§59.1). This determination indicates that significant alterations to the damaged building are required to either 1) elevate the building above the floodplain or 2) protect the building from a future flood through flood-proofing methods. The proposal is to construct a new maintenance and storage facility on a different site, outside of the floodplain. The proposed site is a 49.88-acre parcel known as Monkey Run that is currently being used as athletic fields associated with the Owego Apalachin Middle School and the Owego Free Academy and are part of the larger Owego School Complex in the vicinity of the site. The majority of this property is located within the special flood hazard area (SFHA), the 100-year floodplain, the regulatory floodway or the 500-year floodplain. However, the proposed project site, which encompasses the approximately 3.72-acre area of disturbance (AD), is located outside the 100-year floodplain and predominantly outside of the 500-year floodplain. Only a small portion of the proposed parking area would be located within the 500-year floodplain.

The Sandy Recovery Improvement Act of 2013 amended the Stafford Act to authorize alternative procedures for FEMA’s PA Program (Section 428). A pilot program using these procedures is being implemented in New York. Applicants may request funding for permanent work based on an estimate for repair, restoration, reconstruction or replacement of a public facility damaged in a disaster. The purpose of the pilot program is to increase flexibility for grant applicants, reduce costs for the PA Program, expedite assistance to eligible applicants and provide financial incentives for timely, cost-effective completion of recovery projects. This project would take advantage of this pilot program and funding would be provided through the Section 428 program and applied to the Subgrantee’s proposed action.

As a Federal agency, FEMA is required to evaluate the potential environmental impacts of its proposed actions, and alternatives to proposed actions, in order to make an informed decision in defining a proposed project for implementation. FEMA must consider and incorporate to the extent practicable, measures to avoid, minimize or mitigate adverse impacts to the human environment. This Environmental Assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality regulations to implement NEPA (40 CFR Parts 1500-1508), and FEMA's regulations implementing NEPA (44 CFR Part 10). FEMA is required to consider potential environmental impacts before funding or approving actions and projects. This Environmental Assessment (EA) serves as documentation of FEMA's analysis of the potential environmental impacts of the proposed relocation, including analysis of project alternatives, and identification of impact minimization measures.

The purpose of this EA is to analyze the potential environmental impacts of the proposed relocation of the Owego Apalachin Maintenance and Storage Facility, including analysis of the project alternatives and identification of impact minimization measures. The EA also serves as written communication of the environmental evaluation for public and interested party comment. Public involvement is a component of NEPA to inform FEMA's determination of whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

2.0 Purpose and Need

The objective of the Public Assistance Grant Program is to provide assistance to State, Tribal and local governments, and certain types of Private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies. The purpose of the proposed project is to fully restore the maintenance and storage facility functions for the school district's use. The need for the project is to return the maintenance and storage services to the affected school district and community due to the storm damage of the existing maintenance and storage buildings during Tropical Storm Lee. The existing facility resides within the 100-year floodplain and received flood damage to the ground floor level from the declared event. A safe and resilient facility is sought to facilitate maintenance and storage services for the entire school district.

3.0 Background Information

The previously existing maintenance and storage facility for the Owego Apalachin Central School District consisted of two separate facilities that shared a lot at 75 Elm Street in the Village of Owego. The existing buildings total 25,670 square feet. The storage building was constructed in 1947 and the maintenance building was built in 1977. In September of 2011, Tropical Storm Lee caused widespread flooding in the area and caused substantial damage to the Subgrantee's maintenance and storage facilities. The Subgrantee proposes to relocate the maintenance and storage facilities to the larger School Complex located off of Sheldon Guile Boulevard.

The School Complex is comprised of 100+ acres of land in the Village and Town of Owego east of Owego Creek and west of New York State (NYS) Route 96. The School Complex consists of

the Owego Elementary School, Owego Apalachin Middle School, the Owego Free Academy, as well as athletic fields, a bus barn, parking, roads and circulation systems. The Owego Apalachin Administration Building is being relocated to the complex and the maintenance and storage facilities are also proposed to be relocated to the complex in order to consolidate facilities (see Figure 1 in Appendix A). Development of the complex began in the 1960s with the construction of the Owego Apalachin Elementary School, and continued into recent years. The 49.88-acre Monkey Run Site, which is the northernmost lot of the School Complex, was added to the complex and partially developed for athletic fields in 2006. This property is the proposed location of the Owego Apalachin Maintenance and Storage Facility due to its proximity to the other school facilities and because a portion of the property is located outside of the floodplain. Much of the School Complex is within the 100-year floodplain, the 500-year floodplain, and the floodway.

4.0 Description of Alternatives Considered

4.1 Site Alternatives Considered in this EA

The Subgrantee completed a preliminary evaluation of the No Action Alternative, the alternative to repair the original facility with construction of a floodwall to meet NFIP and floodplain code requirements and the proposed alternative to construct a new facility at a relocation site outside of the 100-year floodplain. The original facility has been in the same location since 1977 within the developed school campus in a mixed-use neighborhood. The facility site is located within the 100-year floodplain. The building was determined substantially damaged by the local code enforcement official in accordance with the NFIP. Project criteria were identified and used as a comparison evaluation tool for the Subgrantee's preferred alternative selection. The Subgrantee followed the eight-step criteria process within the floodplain regulations to determine if alternatives to rebuilding at the current site existed. The criteria used to evaluate potential properties are from the federal requirements identified in step 3. The Subgrantee concluded that a practicable alternative to funding the repair of the existing facilities exist in the form of relocation. This alternative has become the Subgrantee's preferred alternative.

4.1.1 No Action Alternative

NEPA requires the analysis of practicable alternatives as part of the environmental review process for the proposed project. Inclusion of a No Action Alternative in the environmental analysis and documentation is required under NEPA. The No Action Alternative is used to evaluate the effects of not providing Federal financial assistance for the project, thus providing a "without project" benchmark against which "action alternatives" may be evaluated.

The No Action Alternative would not provide any Federal funding to relocate the Owego Apalachin Maintenance and Storage Facility outside of the 100-year floodplain or repair the existing facility (75 Elm Street) in the 100-year floodplain. It is anticipated that absent Federal financial assistance, the Subgrantee would likely not construct the new facility outside the 100-year floodplain, as described in Section 4.1.2, Proposed Action. Thus, as the No Action Alternative, the original facility would remain abandoned/rendered safe and secure. The staff who previously worked at this location would necessarily continue to work from alternative

locations within the school district in a fragmented status. The No Action Alternative would not address the proposed project's purpose and need.

4.1.2 Proposed Action Alternative

As the Proposed Action, the Subgrantee would construct a new 25,196 square foot maintenance and storage building to replace the existing facility. The proposed project would site the new building on the northernmost parcel of the Owego School Complex, known as the Monkey Run Site. The parcel is 49.88 acres and accommodates athletic fields used by the Owego Apalachin Middle School and the Owego Free Academy. The majority of this property is located within the SFHA, the 100-year floodplain, the regulatory floodway or the 500-year floodplain. However, the proposed project site is located outside the 100-year floodplain; the AD would be 3.72 acres. Only a small portion of the proposed parking area would be located within the 500-year floodplain. The site has access to existing infrastructure, including roads, water, gas utilities; however, municipal sanitary sewer does not serve this site. This alternative would comply with the Town of Owego floodplain ordinance and NFIP requirements. Refer to *Appendix A* for a site location map. At this time, the Subgrantee has decided to render the existing building at 75 Elm Street safe and secure. This alternative would address the proposed project's purpose and need.

4.2 Alternatives Considered and Dismissed from Further Analysis in this EA

The Subgrantee considered and evaluated eight alternative sites for their feasibility to construct a new, consolidated maintenance and storage facility that would combine the use and function of the two older buildings. The Subgrantee identified site selection criteria to evaluate potential project locations. This criteria included: availability for purchase or already owned by the Subgrantee; minimum three-acre parcel size; outside any floodplains, appropriate zoning and located within a two-mile radius of the Village of Owego. Of the eight sites considered, two alternatives met these minimum criteria and were considered suitable for construction of a new facility:

- Site #1 – Monkey Run Site: Northernmost parcel of the Owego School Complex (athletic and open fields)
- Site #2 – 63 New York State (NYS) Route 96 Site: Commercial (former driving range)

Through this evaluation process, the Subgrantee dismissed Site #2 from further analysis for two primary reasons: 1) the higher site development costs and 2) the uncertainty of property acquisition in a timely manner associated with public-property-acquisition compliance. Refer to *Appendix D, Subgrantee's Environmental Evaluation Documentation*, for details pertaining to the Subgrantee's evaluation of proposed project site locations. These alternatives will not be subject to any further analysis in this EA. The No Action Alternative and Proposed Action Alternative are considered further in this EA and are summarized below.

The Subgrantee initially considered repairing the flood-damaged maintenance and storage buildings at 75 Elm Street to their pre-disaster designs and functions. The repairs included upgrading the facilities to be compliant with existing safety codes and standards set forth by the New York State Uniform Fire Prevention and Building Code (NYSUFPBC) and to meet current

Americans with Disabilities Act (ADA) standards in the damaged areas and connecting travel paths. The facilities would also be modified to meet NFIP compliance requirements. The initial flood proofing mitigation measures that FEMA proposed to protect the facility from flooding included small-scale dry flood proofing measures, such as adding a concrete footing around the building with door and window dams. However, the Subgrantee provided letter documentation from a licensed architect that stated that the existing building was believed to be substantially damaged and that the existing walls could not sustain the lateral load of 5.4' of floodwaters, such that dry flood proofing of the existing structure was not feasible from an engineering perspective. The letter identified that the only practical means to meet NFIP requirements and the local floodplain code requirements for the existing facility structure was to install a floodwall around the perimeter of the structure and add backflow preventers on all service piping to provide flood damage risk reduction to the base floodplain elevation plus two feet as required by state and local regulations. The local code enforcement official/floodplain manager concurred with the findings that the building was substantially damaged and that a floodwall alternative was the only practical flood proofing alternative and recommended demolition and relocation via letter correspondence dated August 29, 2012. Refer to *Appendix C* for referenced letters.

A floodwall alternative was explored for cost estimation and initial feasibility analysis to a concept level of design. The conceptual floodwall alternative would be to construct a reinforced concrete T-wall system with sheet piling cut off walls and flood gates around the perimeter of the property. The flood wall would be approximately 1,342 feet long, and extend 4 feet below grade and 7 feet above grade when finished.

The Village of Owego Floodplain Code dated September 4, 2012 requires that the volume of space occupied by new development below the base flood elevation be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the BFE. Further, all such excavations shall be constructed to drain freely to the watercourse. The Subgrantee identified the school district-owned lot adjacent and to the west of the existing facility for compensatory floodplain mitigation excavation to satisfy local floodplain code. Based on the estimate of 21,000 CY of required floodplain compensation, a conceptual grading plan was developed for the vacant site. This amount of compensation would require extensive grading of the site reaching approximately 5 feet deep. The location of the site in a depressed area did not allow for the water to freely drain, therefore the mitigation plan as proposed would not comply with the local floodplain ordinance. It was also noted that because the existing site was in the 100-year backwater elevation of the Susquehanna River, access to the site would not be possible during a major event, such as was seen during Tropical Storm Lee.

Due to these factors, and due to the considerably high costs for the flood proofing alternative, the Subgrantee identified that it was preferable and prudent to apply available FEMA funding from the 428 PA Program towards a relocation alternative - the Proposed Action, instead of repairing the existing structure with code compliance. The Subgrantee determined that relocating outside the floodplain was practicable for the community and a preferred alternative to continued occupancy of the 100-year floodplain. The repair of the existing facilities with incorporation of flood damage risk reduction measures to flood proof the facility to at or above the BFE for the SHFA was not furthered in this EA due to Subgrantee's preference to relocate the facility; however, it is an alternative maintained for cost comparison and cost-share arrangement considerations that is not addressed in this EA.

5.0 Affected Environment and Environmental Consequences

Table 1 on Page 7 summarizes the potential environmental impacts and proposed mitigation measures associated with the No Action Alternative and the Proposed Action Alternative. The following sections provide a more detailed description of the affected environment and the potential environmental impacts of the No Action and Proposed Action alternatives.

5.1 Topography, Soils, and Geology

5.1.1 Existing Conditions

Topography

Both the existing facility site and the proposed project site are located in the Owego Creek river valley. The existing facility is located in a highly developed mixed-use neighborhood. Ground surface elevation is approximately 815 feet to 817 feet (or less) above mean sea level (amsl). The proposed project site can be found on Owego, NY, United States Geological Survey (USGS) Quadrangle Map, 2013, Latitude (North): 42.121173 (42° 07' 16.53''), Longitude (West): 76.272885 (-76° 16' 22.18). Within the AD, the ground slopes at a gradient of approximately 2%, dropping three to five feet in elevation from east to west. According to the USGS Owego 7.5 minute quadrangle map, the ground surface elevation at the proposed project site is approximately 820 feet amsl at the low end. To the east of the project site, East Beecher Hill rises to approximately 1,600 feet amsl, and across the Owego Creek, West Beecher Hill rises to approximately 1,350 feet amsl. Owego Creek's flat river bottom gently increases in elevation as it continues upriver to the north of the project site. Approximately 1.9 miles south of the project site, Owego Creek widens and joins the larger Susquehanna River.

Soils

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) operates the Web Soil Survey, which includes the soils of Tioga County. The existing site is primarily composed of Tioga silt loam, high bottom (Tsb), which is a well-drained soil that is considered prime farmland. The proposed project site is composed of primarily Unadilla silt loam (Unn), with minor components of Chenango gravelly loam (Cga) and Howard gravelly silt loam (HrB). All three are deep, well-drained soils that are considered prime farmland. The existing facility at 75 Elm Street sits on Tioga Silt Loam (Tsb), which is also a deep, well-drained, prime-farmland soil.

Geology

Many centuries ago, Tioga County was a primeval forest; the dense carpet of decaying leaves and other vegetation formed a sponge that soaked up rain and melting snows. This water was released from the hillsides in small trickles, which sustained luxuriant forest growth, kept streams filled and limited erosion. The deforestation of the County began with the colonial immigration from Europe. The removal of the vegetation allowed the rainwater and snowmelt to produce property damage by erosion. Glaciers during the Ice Age etched the topography of the County. Tioga County has wide valleys for the main streams to meander, but the steep valleys through which the tributaries flow create major flooding problems (Tetra Tech 2012).

Table 1: Summary of Potential Environmental Impacts and Mitigation

Resource	Potential Impacts		Agency Coordination/Permit	Mitigation Measures
	No Action Alternative	Proposed Action		
Topography, Geology and Soils	No impact.	Impacts to soil and topography for construction.	NYSDEC SPDES General Permit	Compliance with SPDES general permit requirements and best management practices for erosion and sediment control.
Land Use and Zoning	No impact	No significant impact.	USDA NRCS	
Water Resources and Water Quality	No impact	No impact.	NYSDEC SPDES General Permit	Compliance with SWPPP and SPDES.
Wetlands	No impact	No impact	N/A	
Floodplains	Negative impact	Positive impacts.	Local Floodplain Administrator	Subgrantee’s preferred alternative to relocate outside the 100-year Floodplain addresses flood risk management.
Vegetation	No impact	Minor impacts due to loss of lawn area.	N/A	Native plant species will be selected for site landscape plantings to the extent practicable
Wildlife and Fisheries Habitat	No impact.	No impact.	N/A	
Threatened and Endangered Species and Critical Habitat	No impact.	No impact.	USFWS, NYSDEC NHP	
Cultural Resources	No impact.	Adverse impact.	SHPO, Federally recognized Indian Nations	Must follow stipulations of Memorandum of Agreement executed June 9, 2015.
Aesthetic and Visual Resources	Negative impact.	Minor impact.	N/A	
Socioeconomic Resources	Potential negative impact.	Short-term positive impact with construction, long-term net-return to pre-disaster conditions.	N/A	
Environmental Justice	No impact.	No impact.	N/A	
Air Quality	No impact.	Short-term, temporary impacts.	N/A	Best management practices.
Contaminated Materials	No impact.	No impact.	NYSDEC	Best management practices.
Noise	No impact.	Short-term impact.	N/A	Compliance with local codes and best management practices.
Traffic	No impact.	Minor short- and long-term impacts.	N/A	Compliance with local codes related to operations on construction site.
Infrastructure	No impact.	No impact.	Town of Owego, Tioga Co. Health Dept	
Public Health and Safety	Potential negative impact.	Positive impact.	N/A	Compliance with local, state, and federal safety standards and codes.
Climate Change	No impact.	No impact.	N/A	
Cumulative Impacts	No cumulative adverse impact concerns.	No cumulative adverse impact concerns.	N/A	

Tioga County occupies a heavily eroded portion of the Appalachian Plateau characterized by rounded hillsides and flat, relatively narrow (under a mile wide) valleys, many of which are of glacial origin. The Pocono Mountains lie to the south, and the Catskill Mountains lie to the east. The county is situated between about 750 and just under 1,900 feet above sea level, and this elevation contributes to the cooler average temperatures. The lowest elevation in the county is located at the point where the Susquehanna River leaves the county east of Waverly near the southwest edge of the county. The highest elevation is located on a ridge top northeast of the hamlet of Richford near the Tioga-Cortland County boundary in the northeastern part of the county (Tetra Tech 2012).

Executive Order 12699 requires Federal agencies assisting in the financing, through Federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed building to initiate measures to assure appropriate consideration of seismic safety (WBDG, 1990). The USGS Percent Peak Ground Acceleration Seismic Hazard Maps (USGS, 2008) adopted by the NYSUFPBC indicate that the project site is located within a moderate seismic hazard area, as is most of NYS. The only area in NYS that has a higher hazard is located in the Central Adirondacks and further toward the Canadian border. Since seismic activity is so low within an area categorized as a moderate seismic hazard area, the construction of buildings would not have to meet any higher standards. The bedrock under the proposed site is at a depth greater than five feet deep and may be as deep as 20 feet below the surface.

5.1.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would have no impact on topography, geology, or soils.

Proposed Action

The AD for the undeveloped parcel is 3.72-acres of the 49.88-acre parcel. This acreage includes disturbances for adding fill materials, grading the site and for facility construction, including site development inclusive of parking areas, driveways and walkways. No impact to the bedrock or geology would be expected as excavation is not proposed to reach the depth of bedrock. Disturbance of site soils and topography during construction would be expected for the proposed project.

The duration of construction would be approximately 12 to 24 months. The Subgrantee is responsible for obtaining and adhering to requirements in all applicable Federal, state, and local permits. Erosion and sedimentation impacts would be minimized through the implementation of an approved erosion and sediment control plan for construction activities. This stormwater plan would be developed as part of the State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001) for the proposed project, and submitted to the New York State Department of Environmental Conservation (NYSDEC) prior to project construction. Best management practices (BMP) for soil erosion and sediment control would be established, such as the installation of perimeter silt fences to control the migration of silt from the site. All construction activities would be subject to the requirements of the stormwater SPDES General Permit.

5.2 Land Use and Zoning

5.2.1 Existing Conditions

The existing school complex borders the proposed project site to the south. This school complex received flood damage from Owego Creek flooding as a result of Tropical Storm Lee. To the east of the project site are NYS Routes 38/96 and a railroad right-of-way. The School District's bus barn is across the railroad right-of-way to the east. The property is bordered to the north and west by Owego Creek, with sparse residential and industrial development in the hilly land beyond the creek.

The proposed project site is 3.72 acres of ball fields and maintained lawn in the Town of Owego, directly north of the Village of Owego. It is located in the southeast corner of a 49.88 acres parcel owned by the Subgrantee (part of the larger 100+ acre School Complex). This particular parcel (Tioga County Tax Map No. 493089-117.11-1-2) includes the ball fields associated with the Owego Apalachin Middle School and Owego Free Academy, as well as undeveloped land. Access to the proposed project site is from Sheldon Guile Boulevard at the south and from Route 96 to the east.

The Farmland Protection Policy Act (FPPA) requires Federal agencies to minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural use and to assess potential conversion of farmland to developed property. The project site has no zoning classification but is bordered by R1 residential to the south and a business zone to the east. See *Appendix B, SEQRA Documents* for additional site details.

5.2.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would have no impact on land use or zoning.

Proposed Action

The Proposed Action would not have an impact on zoning and would have no significant impact on land use. While the use of the land will change from athletic fields to a maintenance and storage building, the use is compatible with local zoning and nearby land uses. As the project area includes soils classified as Prime Farmland, FEMA consulted with USDA NRCS under FPPA. Based on completion of a Farmland Conversion Impact Rating form (NRCS AD-1006), and in accordance with a letter from USDA NRCS to FEMA dated June 11, 2015, the project site is not subject to the FPPA (see *Appendix C*).

5.3 Water Resources and Water Quality

Congress enacted the Federal Water Pollution Control Act in 1948 which was reorganized and expanded in 1972 and became known as the Clean Water Act (CWA) in 1977, as amended. The CWA regulates discharge of pollutants into water with sections falling under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA). Section 404 of the CWA establishes the USACE permit requirements for discharging

dredged or fill materials into Waters of the United States and traditional navigable waterways as authorized under the 1899 Rivers and Harbors Act. Under National Pollutant Discharge Elimination System (NPDES), the EPA regulates both point and non-point pollutant sources, including stormwater. The EPA has arranged for the NYSDEC to oversee and enforce the NPDES within NYS. Activities that disturb one (1) acre of ground or more are required to apply for an SPDES permit administered in NYS through the NYSDEC.

5.3.1 Existing Conditions

The existing facility site and the proposed project site are located on the floor of the narrow river valley of the Owego Creek, approximately 1.5 miles upstream from the broader of the Susquehanna River valley. The existing facility is located approximately 1,500 feet to the east from Owego Creek and approximately 2,300 feet to the north of the Susquehanna River.

The proposed property is located along Owego Creek; however, the project site is located approximately 1,300 feet from Owego Creek and approximately 1.9 miles upstream from the border of the Susquehanna River Valley. Owego Creek has a drainage basin above the site of over 800 km². The project site is located in a generally flat to gently sloping floodplain approximately 850 feet wide. Owego Creek is classified as a Class C (T) stream. The “T” standard means that this stream’s highest and best use is for the potential to support trout. In accordance with NYS Environmental Conservation Law (ECL), any disturbance to the bed or banks of a stream with trout standards would be prohibited without a permit from the NYSDEC. The Proposed Action does not include any disturbance to this stream. The project site is also bordered on the north by Catatonk Creek and bordered by Monkey Run (Huntington Creek) to the south. Both streams are class “C” streams with no trout standards. These streams would not require a permit from NYS for them to be disturbed.

The depth to the high water table in the AD is at least six feet below the surface level on the project site. There would be no treated sanitary wastes discharged into the groundwater; the facility would include the construction of an on-site Sanitary Sewer disposal System (SSDS).

5.3.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact water resources and water quality.

Proposed Action

The Proposed Action would not impact water resources and water quality. No impact to surface water quality of Owego Creek and Susquehanna River would be anticipated; stormwater would be controlled to prevent pollutants from entering water sources. No impacts to Owego Creek bed and banks would be expected. The Subgrantee is responsible for obtaining and adhering to requirements in all applicable Federal, state, and local required permits and use of best management practices. A Stormwater Pollution Prevention Plan (SWPPP) is required and must be approved prior to construction, in accordance with the NYS stormwater SPDES General Permit for Construction Activities (GP-0-10-001). No impacts to groundwater quality are

anticipated as excavation in the mitigation area would not reach high water table depths and there would be no discharge of sanitary wastes into groundwater. Except for some site grading, excavation within the AD is not proposed to reach the highest known water table.

5.4 Wetlands

Executive Order (EO) 11990 “Wetlands Protection” requires that Federal agencies take actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the beneficial effects of wetlands. Compliance with this EO is insured through the process of identifying whether the action will be located within or will potentially affect wetlands. Federal actions within wetlands require the Federal agency to conduct an Eight-Step Review Process. This process, like NEPA, requires the evaluation of alternatives to avoid, minimize or mitigate impacts to wetlands prior to funding the action. FEMA’s regulations for conducting the Eight-Step Review process are contained in 44 CFR Part 9. The wetland definition at 44 CFR 9.4 is broader than the three-parameter USACE approach to wetland delineation. Only one of the three parameters (wetland soils, wetland plants or wetland hydrology) is required for an area to be defined as a wetland per FEMA’s regulation consistent with the United States Fish and Wildlife Service (USFWS) Cowardin Classification System. Federal regulation of wetlands under Section 404 of the CWA is in the permit jurisdiction of USACE. EPA also has a policy and guidance role for wetland protection under Section 404. NYSDEC regulates and protects freshwater wetlands at the state-level as defined by NYS’ Environmental Conservation Law (ECL) Article 24.

5.4.1 Existing Conditions

Based on a wetlands review the existing facility site (75 Elm Street) has one USFWS wetland identified located approximately 50 feet from its southern boundary (PUBHx: Palustrine, Unconsolidated Bottom, Permanently Flooded, Excavated). There are another six USFWS identified wetlands located 2,300 feet or less to the west and southwest (PFO1A: Palustrine, Forested, Broad-Leaved Deciduous, Temporarily Flooded; and PFO1C: Palustrine, Forested, Broad-Leaved Deciduous, Seasonally Flooded), and sections of Owego Creek to the west and Susquehanna River to the south (R2UBH: Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded).

Based on a review of the proposed project site for the presence of NYS regulated freshwater wetlands by the use of the NYSDEC’s “Environmental Resource Mapper” website, there are no state regulated wetlands within the AD no wetlands on site. Based on a review of the USFWS National Wetlands Inventory website, there are no USFWS identified wetlands within the AD. There are five USFWS identified wetlands located 1,400 feet or less to the northwest and southwest (PFO1A: Palustrine, Forested, Broad-Leaved Deciduous, Temporarily Flooded) and to the southeast (PF01E: Palustrine, Forested, Broad-Leaved Deciduous, Seasonally Flooded /Saturated), and sections of Owego Creek to the west and Catatonk Creek to the north (R2UBH: Riverine, Lower Perennial, Unconsolidated Bottom, Permanently Flooded) of the project site.

5.4.2 Potential Impacts and Proposed Mitigation

Neither the **No Action Alternative** nor the **Proposed Action** would have an impact on wetlands or to Owego Creek.

5.5 Floodplains

EO 11988 Floodplain Management requires that Federal agencies avoid funding activities that directly or indirectly support occupancy, modification, or development of the 100-year floodplain whenever there are practicable alternatives. FEMA uses Flood Insurance Rate Maps (FIRM) to identify floodplains for the NFIP. Federal actions within the 100-year floodplain, or 500-year floodplain for critical actions, require the Federal agency to conduct an Eight-Step Decision-Making Process. This process, like NEPA, requires the evaluation of alternatives prior to funding the action. FEMA's regulations for conducting Eight-Step Review processes are contained in 44 CFR Part 9.5. Refer to *Appendix G EO 11988 & 11990 Eight-Step Review Documentation*.

5.5.1 Existing Conditions

The existing facility is located in Zone AE, a SFHA also referred to as the 100-year floodplain with a BFE of approximately 812 feet NAVD 1988. The elevation of the 100-year base flood elevation plus two feet at the existing facility location is equivalent to the approximate 500-year floodplain elevation. The existing building was determined substantially damaged in accordance with the NFIP per the local code enforcement official/floodplain manager (see letter dated August 29, 2012 in *Appendix C*).

According to the FIRM (Community Panel Number 36107C0382E, effective April 17, 2012), the proposed project site is located outside the 100-Year floodplain and partially located within Shaded Zone X or the 500-year floodplain. Therefore, the 3.72 acres proposed project site (i.e., Monkey Run Site) is located outside the 100-year floodplain. Only a small portion of the parking area would be located in the 500-year floodplain. Refer to the FIRM in *Appendix D Subgrantee's Environmental Evaluation Documentation* showing the location of the proposed site location.

5.5.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative may have a negative impact on the floodplain if the existing buildings were not properly secured such that remaining materials could become floating debris or pollutant releases during future floods or over time in the floodplain.

Proposed Action

The proposed action would have a positive impact on flood damage risk reduction and would not adversely affect the natural habitat values or other functions of the floodplain. The Owego Apalachin Maintenance and Storage Building would be relocated outside of the 100-year floodplain and predominantly outside of the 500-year floodplain, thereby reducing risk of flood damage to the facility and reducing future disruption of the operations of the facility due to flood events. The new building would be sited in the upland portion of the property outside the 500-year floodplain. Impacts to the 500-year floodplain could involve adding fill materials, site grading and placement of walkways and driveways for accessing the proposed parking lot. The

500-year floodplain site development would not induce flooding on downstream or upstream properties. The Subgrantee's engineer documented that the proposed action would not encroach into or displace base flood storage volume (see letter dated January 28, 2013 in *Appendix D*). The Subgrantee is responsible for obtaining all applicable Federal, state, and local floodplain permits.

5.6 Vegetation

5.6.1 Existing Conditions

The existing facility is located on property that has mostly impervious, paved surfaces with sparse vegetation of small grassy areas and rows of trees that border the parking area to the east, south, and west. A small wetland exists to the south of the property. The proposed project site is an undeveloped parcel consisting of athletic fields and manicured lawn. There is a thick stand of mature hardwood trees along the eastern property line of the project site, outside of the AD. The project site is part of a larger 100+ acre property that has school buildings, maintenance facilities, parking areas, driveways, walkways, mowed athletic fields, and ornamental plantings with few trees scattered along walkways and at various locations. On the west side of the property, trees line the Owego Creek bank; these trees are located outside the AD.

Tioga County had been identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB), but as of May 11, 2015, the EAB quarantine has been restricted to a smaller section of the county that does not include the project site. Quarantine zone maps will be revised each winter.

5.6.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact vegetation.

Proposed Action

The proposed action would convert existing pervious lawn cover to impervious cover. The entire 3.72-acre AD would be disturbed. However, once construction activities are completed, undeveloped disturbed ground would be re-vegetated as part of a landscaping plan. Wherever possible, native plant species would be selected for site landscape plantings, in accordance with EO 13112 Invasive Species (NEPA, 1999).

It is not anticipated that tree removal would be required for the proposed action; however, the quarantine protocol for Emerald Ash Borer is included as a condition of the grant and must be adhered to if tree removal is to be undertaken during construction. In order to adhere with EO 13112 Invasive Species, Federal regulations at 7 CFR Part 301 and state regulations at 1 NYCRR Part 141, FEMA recommends 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. 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.

5.7 Wildlife and Fisheries Habitat

5.7.1 Existing Conditions

The existing facility site, a developed, urban parcel, and the proposed project site, an undeveloped parcel, do not support any sensitive landscape features such as wetlands, streams or water bodies. The sites are previously disturbed and provide little or no suitable habitat for wildlife and birds, such as raccoons, skunks, chipmunks, squirrels, sparrows, wild turkey, whitetail deer, rabbits and passerine birds. There is no sensitive migratory bird habitat at the proposed project sites. Nearby to both the existing and proposed sites is Owego Creek, a Class C (T) stream. A Class C (T) means that for this stream, the highest and best use is its potential to support trout. The “T” standard indicates the potential to support trout (but not trout spawning) and is also an indication of the high quality of the freshwater in that stream. The proposed project site is also located near Catatonk Creek, which is also Class C (T) stream. However, the streams are of sufficient distance away from the boundary of the project location and would not be impacted by the Proposed Action.

5.7.2 Potential Impacts and Proposed Mitigation

Neither the **No Action Alternative** nor the **Proposed Action** would impact wildlife, birds and fisheries habitat. The proposed project site is currently manicured lawns surrounded by an active school complex to the east and south and open lawn and mature hardwoods to the north and west. There is no habitat for wildlife located on the project site except for the possibility that wildlife may occasionally traverse the lawns to get to other suitable habitat. In accordance with Migratory Bird Treaty Act, FEMA has determined that there would be no significant adverse impact to migratory bird habitat and no take of migratory bird species associated with either of the project alternatives.

5.8 Threatened and Endangered Species and Critical Habitat

The Endangered Species Act (ESA) of 1973 provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead Federal agencies for implementing the ESA are the USFWS and National Oceanic and Atmospheric Administration (NOAA) - National Marine Fisheries Service (NMFS). The law requires Federal agencies to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a “taking” of any listed species of endangered fish or wildlife.

5.8.1 Existing Conditions

The USFWS’s Endangered Species Program webpage was reviewed to determine whether any federally-threatened or endangered species were known to be located at or near the existing facility site or the proposed project site (USFWS-Species, 2014). The USFWS website indicated no federally-listed endangered species located at or near the sites (USFWS-Endangered, 2014). The Northern long-eared bat (*Myotis septentrionalis*) is a newly listed threatened Federal species identified by IPaC to be potentially found in the project area. The Bald eagle (*Haliaeetus*

leucocephalus) may occasionally be found in Tioga County and receives protection under the Bald and Golden Eagle Protection Act amendment of 1972 (16 USC Part 668), the Migratory Bird Treaty Act of 1918 and the Migratory Bird Treaty Reform Act of 1998, which were enacted to prohibit the taking or attempt to take migratory game birds for the protection of the species.

The New York Natural Heritage Program (NHP) was reviewed for potential NYS threatened and endangered species or their habitat within the project site. Correspondence dated December 14, 2012 was received from the NYSDEC-NHP, indicated that the site was near (but did not contain) the habitat of: Green Floater (*Lasmigona subviridis*), Blackchin Shiner (*Notropis heterodon*) and Brook Floater (*Alasmidonta varicosa*).

All three species reside within the nearby Owego Creek and tributaries, which are approximately 1,500 feet from the existing facility site and approximately 1,300 feet away from the proposed project site. Additionally, the NYSDEC had previously indicated the sighting of a Spatterdock Darner (*Rhionaeschna mutata*), an imperiled dragonfly/damselfly, in a small pond to the southwest of the project site, on the opposite side of Owego Creek. The Subgrantee does not own property in that location. The construction and/or repair activities would not impact the creek or the pond on its opposite side. Correspondence regarding ESA can be found in *Appendix D*.

5.8.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact threatened or endangered species or critical habitat.

Proposed Action

FEMA determined that the Proposed Action would not affect federally-listed or state-listed threatened, endangered, proposed species or critical habitat. The proposed project is not expected to include the removal of mature trees that would provide habitat for the Northern long-eared bat or Bald Eagle. The site is also more than 4 miles from the closest identified Bald Eagle nest. Pursuant to section 7(a)(4) of the ESA and implementing regulations at 50 CFR §402.02 and 50 CFR §402.10, FEMA determined that the Proposed Action would have no effect on the threatened Northern long-eared bat species, or destroy or adversely modify proposed critical habitat for the species. If it becomes necessary to remove trees for the project, the Subgrantee will need to notify FEMA, who will consult with USFWS regarding potential impacts to the Northern long-eared bat.

5.9 Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 CFR Part 800 requires Federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on Federal undertakings that would have an effect on historic properties. These actions must take place prior to the expenditure of Federal funds. Historic properties include districts, buildings, structures, objects, and sites (including landscapes, archaeological sites and traditional

cultural properties) that are listed in or eligible for listing in the National Register of Historic Places (NRHP).

5.9.1 Existing Conditions

FEMA consulted with the NYS Office of Parks, Recreation and Historic Preservation (NYSOPRHP; SHPO) and determined that the existing building is not eligible for the National Register of Historic Places (correspondence dated June 1, 2012 and June 4, 2012). However the building is within the boundaries of a recorded archaeological site.

The proposed project site is the current location of ball fields associated with the Owego Central School District complex. The area of potential effects (APE) of the Proposed Action includes the approximately 3.72-acre AD associated with the building footprint, access, parking, utilities, retention pond and outfall pipe. There are no existing buildings within the APE. Archeological surveys were conducted within the APE in 2000 and 2002, associated with a separate project, and resulted in the identification of the Owego Free Academy Prehistoric Site (SUBi-2089), which was determined eligible for listing in the NRHP on August 7, 2002 (13PR03584). The site was recommended as eligible for the NRHP based on the diverse collection of artifacts present, the time period of prehistoric site use (Late Archaic, 3,000-2,500 B.C.; Transitional period, 1,500-200 B.C.; and Early Woodland, 1,000-500 B.C.) and the potential for cooking hearth and storage features (Miroff 2001, 2002). The surveys recommended that the site be avoided if possible, but if impacts could not be avoided, a Phase II/III data recovery would be necessary. The site was avoided at that time, but has since been determined to be the preferred location of the new maintenance and storage facility. See *Appendix F* for all correspondence and documentation for cultural resources associated with the project.

5.9.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact cultural resources.

Proposed Action

The Subgrantee has determined to render the existing facilities safe and secure. SHPO consultation dated June 1, 2012 and June 4, 2012 determined that No Historic Properties would be affected as a result of those actions.

As the Proposed Action requires excavation and construction within a NRHP-eligible archeological site, FEMA consulted with the NYS Department of Parks, Recreation and Historic Preservation (NYSDPRHP; SHPO) and determined that the project would have adverse effects on the Owego Free Academy Prehistoric Site (correspondence dated January 21, 2015 and March 30, 2015). The Subgrantee analyzed alternate locations to the Monkey Run site and also alternate methods of construction that would avoid or minimize impacts to the Owego Free Academy Prehistoric Site and it was determined that the site cannot be avoided and preserved in place in its entirety. Following 36 CFR Part 800.6, FEMA negotiated and executed a Memorandum of Agreement (MOA) to resolve adverse effects.

FEMA notified the Cayuga Nation, the Onondaga Nation and the Seneca Nation of Indians of the project and provided information regarding the project, identified potential effects of the project on historic properties, and afforded the Tribal Nations an opportunity to participate in consultation. The Cayuga Nation wished only to be updated on the status of the project and did not wish to be a party to further consultation. The Onondaga requested a Tribal field monitor be present during archeological field work. The Seneca Nation of Indians expressed interest in the project and requested to be a party to the MOA.

FEMA also notified potential interested parties of the project and the potential effects of the project on cultural resources in letters dated February 2, 2015 sent to the Tioga County Historical Society, Owego Historical Preservation Commission (OHPC), Tioga County Historian, Town of Owego, and the Big Horn Lenape Nation. The Tioga County Historical Society responded with no additional comment. The Chairman of the OHPC inquired about multiple components of the project and following discussion with FEMA staff felt that the project was acceptable and requested no further participation. The Tioga County Historian had specific questions about the project, which FEMA provided response to, and has not requested any further participation. The Big Horn Lenape Nation found the project approach acceptable and requested to be notified of any significant finds. No further comment was received.

In consultation with the Grantee, Subgrantee, NYSHPO, Onondaga Nation and Seneca Nation of Indians, a MOA was prepared to address the adverse effects to the Owego Free Academy Prehistoric Site as a result of the Proposed Action (executed on June 9, 2015). The MOA stipulates that the Phase III Data Recovery Plan (DRP) prepared for the Owego Free Academy Prehistoric Site (dated June 4, 2015) be implemented by the Subgrantee. The MOA also includes stipulations for monitoring and reporting, including involvement of the Tribal Nations in educational components of the DRP, and for the Subgrantee to contribute funds towards the preservation of archeological sites at alternate locations, also referred to as archeological mitigation banking. The ACHP has received the executed MOA and implementation of the terms of the MOA will complete the Section 106 process. See *Appendix F* for the MOA, DRP and associated correspondence and documentation.

5.10 Aesthetics and Visual Resources

5.10.1 Existing Conditions

The existing facility has been in the same location since 1977 in a highly developed mixed-use neighborhood. The proposed project site is located at the northern end of a larger property owned by the Subgrantee. The 100+ acres parcel includes the 3.72-acre proposed project site and the existing Owego Apalachin Middle School, Owego Free Academy, Owego Elementary School, portions of the associated parking areas, road network and athletic fields. The site was farmland until 2006 when it was converted to athletic fields to accommodate the existing school complex. Refer to *Appendix E* for details pertaining to the historical land uses of this site. The larger property is bordered on the east by NYS Routes 38/96 and a railroad right-of-way and on the west by the Owego Creek. To the north, it is bordered by open, grassy fields and farm fields in the Owego Creek floodplain, and on the south, it is bordered by dense residential housing in the Village of Owego. There are no forested areas within the AD.

5.10.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative may have a negative impact on aesthetic or visual resources. If the existing facility is abandoned, deteriorated structures could adversely impact the aesthetic and/or visual resources.

Proposed Action

Minor impacts on aesthetic and/or visual resources would be expected due to the conversion of open space. However, the maintenance and storage building would be consistent with planned land use at the 100+ acre school complex property.

5.11 Socioeconomic Resources

5.11.1 Existing Conditions

According to the U.S. Census Bureau 2010 Population, the population for the Village of Owego was 3,896 persons and Tioga County had a population of 51,125 persons (US Census Bureau, 2013). The total number of households located in the Village is approximately 1,678, whereas the County consists of approximately 20,350 households (US Census Bureau, 2010). The 2013 American Community Survey estimates median household income in the Village as \$51,667, and in the County as \$55,726.

5.11.2 Potential Impacts and Proposed Mitigation

No Action Alternative

This alternative may have adverse impact on the socioeconomic resources of the School District. Maintenance services would be conducted from different locations which may lead to increased travel by staff and may also increase redundancy of actions, which wastes tax revenue.

Proposed Action

Short-term (12 to 24 months) positive impact to socioeconomic resources would be anticipated as a result of construction jobs and activity in the area that may support shopping, restaurants, gasoline/hardware and supplies/other retail. The long-term impact would restore pre-storm socioeconomic resources condition within the School District. Long-term, having the staff in one central location would be a net-return to the pre-disaster socioeconomic conditions.

5.12 Environmental Justice

EO 12898, entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”, guides Federal agencies to “make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” (EPA-EO, 2013).

5.12.1 Existing Conditions

The EPA Environmental Justice (EJ) Mapper indicated that there is a low-income area to the east of the project area, within the School District. NYSDEC identified a potential environmental justice area in Owego less than 1,000 feet from the site.

5.12.2 Potential Impacts and Proposed Mitigation

Neither the **No Action Alternative** nor the **Proposed Action** would have a disproportionately high or adverse impact on human health and human environment of minority or low-income populations.

5.13 Air Quality

The Federal Clean Air Act (CAA) requires each state to attain and maintain specified air quality standards. National Ambient Air Quality Standards (NAAQS) have been promulgated by the Federal government and by NYS for carbon monoxide (CO), nitrogen dioxide (NO₂), total suspended particulate (TSP), sulfur dioxide (SO₂) and lead (Pb). The New York standards are generally the same as the Federal standards for these pollutants. Primary air quality standards are set to protect human health and secondary standards are set to protect human welfare. The EPA is implementing 2008 ozone standards as required by the CAA and meeting these standards would provide important public and environmental health benefits.

5.13.1 Existing Conditions

Tioga County is located in NYSDEC Region 7. As identified on the EPA EJ Mapper, the proposed project is not located in a non-attainment area for Ozone 8-Hour, Lead 2008 Standard, Particulate Matter (PM) 2.5 Annual or PM 2.5 24-Hour Standard.

5.13.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact air quality.

Proposed Action

Temporary impact (12 to 24 months) to air quality would be anticipated during construction activities. Construction activities on the project site may have a potential impact on the local air quality through the generation of fugitive dust or airborne dust. Fugitive dust is generated during ground-breaking and excavation activities. Emissions from diesel construction vehicles are also a potential source of air pollution. The use of BMP would help minimize dust and vehicle emissions. Occupational Safety and Health Administration (OSHA) standards would be followed to preserve public health of construction workers and future occupants of the facility. Long-term, the facility would contribute minor increased air quality emissions due to standard operational and utility system usage; however, the emissions would be de minimis and the area is not in a non-attainment area for criteria pollutants. The emissions associated with transportation to/from the site would expect to be similar to levels and ambient air quality prior to the disaster incident.

5.14 Contaminated Materials

5.14.1 Existing Conditions

A Phase I Environmental Site Assessment was conducted by Ecological Analysis, LLC on the proposed project site in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Standard Practice E 1527-05 (See *Appendix E*). Ecological Analysis did not identify potential recognized environmental conditions of concern at the project site. Ecological Analysis did not observe any indication of generation, storage, disposal, transfer, or historical use of hazardous waste or hazardous material at the project site; and there was no obvious sign of significant chemical release to the project site or to the local environment. Ecological Analysts did not observe any evidence of aboveground or underground chemical or petroleum storage tanks or chemical storage drums, or containers of toxic/hazardous substances, or strong/pungent/noxious odors or pesticides or PCB-containing equipment or pits or ponds or pools of liquid or chemical lagoons or dumps or signs of land filling or discolored soil/pavement or stressed vegetation on the property.

The Phase I Environmental Site Assessment identified only one recognized environmental condition within the vicinity of the project site. A southern adjacent property (1 Sheldon Guile Boulevard, Owego Free Academy School) contains a double-walled Above Ground Storage Tank. Based on tank construction, topography and location, it is unlikely that this tank would have any impacts on the project site. The Phase I Environmental Site Assessment conducted by Ecological Analysis, LLC on the proposed project concluded that there are no occurrences within the ASTM search radius that are of environmental concern to the Subject Site.

5.14.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact or be impacted by contaminated materials.

Proposed Action

The Proposed Action would not impact or be impacted by contaminated materials. However, during construction activities, hazardous materials may be present on-site. BMPs would be used in the event of petroleum or other hazardous material leak. Any spills are required to be reported to NYSDEC. Contractors are responsible for ensuring responsible action on the part of construction personnel. As described in Section 4.15.2, OSHA standards would be adhered to during construction to avoid impacts to public health. The Subgrantee would be responsible to ensure that the existing facility site is secure for both alternatives.

5.15 Noise

Sound pressure level (SPL) is used to measure the magnitude of sound and is expressed in decibels (dB or dBA), with the threshold of human hearing defined as 0 dBA. The SPL increases logarithmically, so that when the intensity of a sound is increased by a factor of 10, its SPL rises by 10 dB, while a 100-fold increase in the intensity of a sound increases the SPL by 20 dB. Equivalent noise level (Leq) is the average of sound energy over time, so that one sound

occurring for 2 minutes would have the same Leq of a sound twice as loud occurring for 1 minute. The day night noise level (Ldn) is based on the Leq, and is used to measure the average sound impacts for the purpose of guidance for compatible land use. It weights the impact of sound as it is perceived at night against the impact of the same sound heard during the day. This is done by adding 10 dBA to all noise levels measured between 10:00 pm and 7:00 am. For instance, the sound of a car on a rural highway may have an SPL of 50 dBA when *measured* from the front porch of a house. If the measurement were taken at night, a value of 60 dBA would be recorded and incorporated into the 24-hour Ldn.

Leq and Ldn are useful measures when used to determine levels of constant or regular sounds (such as road traffic or noise from a ventilation system). However, neither represents the sound level as it is perceived during discrete events, such as fire sirens and other impulse noises. They are averages that express the equivalent SPL over a given period of time. Because the decibel scale is logarithmic, louder sounds (higher SPL) are weighted more heavily; however, loud infrequent noises (such as fire sirens) with short durations would not significantly increase Leq or Ldn over the course of a day.

The Noise Control Act of 1972 required the EPA to create a set of noise criteria. In response, the EPA published *Information On Levels Of Environmental Noise Requisite To Protect Public Health and Welfare With An Adequate Margin Of Safety* in 1974 which explains the impact of noise on humans. The EPA report found that keeping the maximum 24-hour Ldn value below 70 dBA will protect the majority of people from hearing loss. The EPA recommends an outdoor Ldn of 55 dBA. According to published lists of noise sources, sound levels, and their effects, sound causes pain starting at approximately 120 to 125 dBA (depending on the individual) and can cause immediate irreparable damage at 140 dBA. OSHA has adopted a standard of 140 dBA for maximum impulse noise exposure.

5.15.1 Existing Conditions

The ambient noise in the vicinity of the existing facility site is consistent with a developed mixed use neighborhood. The ambient noise level in the vicinity of the proposed project site is typical for a rural area. The proposed site is an existing school complex located on the northern edge of the Village of Owego and crossing into the Town of Owego in Tioga County. Outside the Village, most of land is farmland or forested areas with pockets of residential development. Additional vehicle noise emanates from the nearby NYS Route 38/96 roadway. The ambient noise level in the vicinity of the proposed project site is typical for a rural/residential area. The Ldn is typically about 45 dBA for rural agricultural areas and 55 dBA for small-town and suburban residential areas. (Reference: NYSDEC program policy memorandum “Assessing and Mitigating Noise Impacts,” www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf and “Environmental Noise: The Invisible Pollutant,” www.nonoise.org/library/envarticle/).

5.15.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact ambient noise levels.

Proposed Action

This alternative would have a short-term, minor impact to ambient noise levels during the construction phase; no long-term impacts are expected. Any Town noise ordinances would be adhered to during construction. Avoidance of construction related noise impacts can be mitigated by implementing a typical work-day schedule, such as limiting heavy machinery use to between the hours of 7:00 a.m. and 5:00 p.m.

5.16 Traffic

5.16.1 Existing Conditions

The traffic patterns in the vicinity of the existing facility site are consistent with a developed mixed use neighborhood. The proposed project site, located north of Sheldon Guile Boulevard in the Town of Owego, is currently used as athletic fields with only a few small parking areas and a road along the perimeter to accommodate direct access to the fields. Since the 1960s, sections of the larger 100+ acres property owned by the sub-grantee have been used as a multi-school complex. The site is bordered on the east and northeast by NYS Routes 38/96 and a railroad right-of-way. NYS Route 38/96 is an active roadway that supports automobile, truck and agricultural traffic. Traffic has increased along Christa McAuliffe Drive, at the southern end of the property, since Owego Elementary School received significant flood damage in September 2011 and was subsequently demolished. That area is now an active construction site with the building of a new replacement school and the new administrative building.

5.16.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact traffic volume.

Proposed Action

Short-term (12 to 24 months) minor impact to traffic would be anticipated during construction phase. Long-term minor impact on traffic volume would be expected. The presence of construction and delivery vehicles is unavoidable; however, this impact would be short lived and all site construction activities would comply with Town ordinances that relate to operations on a construction site. Access to the newly constructed maintenance and storage facility is proposed via 1) the Owego School Complex; or 2) the existing Bus Garage Facility located across the railroad tracks on NYS Route 96. Post-construction, the traffic volume would increase on roadways leading to the new building due to the new use of the property.

5.17 Infrastructure

5.17.1 Existing Conditions

The existing facility site is located in a highly developed mixed-use neighborhood with existing utility infrastructure. The proposed project site is located on a larger 100+ acre property owned by the Subgrantee that also houses the elementary, middle and high schools and soon

the new administrative building. All of the major utilities are available to this site. The new maintenance and storage building would be expected to use existing infrastructure located on, to, and from the project site.

5.17.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact existing infrastructure.

Proposed Action

The Proposed Action Alternative would involve a slight increase in use of existing utilities at the site. The development of the site would also require an on-site subsurface Sanitary Sewer Disposal System constructed to manage sanitary wastes generated on the site. 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.

5.18 Public Health and Safety

5.18.1 Existing Conditions

The Town and Village of Owego's public health and safety was negatively impacted by Tropical Storm Lee. The existing facility experienced flood damage that temporarily rendered the facility unsuitable for its intended purpose. The staff was relocated to temporary accommodations until the damaged facility is repaired or replaced.

5.18.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative could potentially have a negative impact on public health and safety. If the existing facility is abandoned and left to deteriorate, public safety may be at risk from harm by trespassers, arsonists and facility instability. The facility may cause additional problems in future flood events, for example if it collapses, caught fire, or loosened and displaced from its foundation.

Proposed Action

The impact on the overall public health and safety would be positive. The new facility would be constructed with code, safety and ADA upgrades and the former facility would be rendered safe and secure.

5.19 Climate Change

EO 13514 "Federal Leadership in Environmental, Energy and Economic Performance" sets sustainability goals for Federal agencies and focuses on making improvements in their environmental, energy and economic performance. EO 13653 "Preparing the United States for

the Impacts of Climate Change” sets standards to prepare the United States for the impacts on climate change by undertaking actions to enhance climate preparedness and resilience. FEMA is required, under these EOs, to implement climate change adaptability and green infrastructure in FEMA funded projects when feasible.

According to the EPA, “climate change refers to any significant change in the measures of climate lasting for an extended period of time” (EPA, 2014). This includes major variations in precipitation, sea surface temperatures and levels, atmospheric temperature, wind patterns, and other variables resulting over several decades or longer. However, the EPA identifies and regulates anthropogenic or human actions that may affect climate change. This is dubbed, “abrupt climate change” which occurs over decades and distinguishes it from natural variability that occurs gradually over centuries or millennia. Embodied energy measures sustainability to account for the energy used by structures or to create materials. Another measure of sustainability is life-cycle or cradle-to-grave analysis, which accounts for the extraction, manufacture, distribution, use, and disposal of materials. While resources exist to quantify embodied energy and life cycle analysis, the calculations were not prepared by the Subgrantee for the options presented in this EA.

5.19.1 Existing Conditions

Climate change could potentially increase temperatures in the northeast United States; could potentially cause more severe weather incidents to occur; and could potentially cause sea levels to rise.

5.19.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would have no effect on climate change.

Proposed Action

The Proposed Action Alternative would not impact climate change. The new facility would be constructed in accordance with the New York State Energy Code (NYSEC). The code specifies basic mandatory requirements for newly constructed buildings. Requirements apply to heating and cooling systems, hot water systems, electrical systems, construction materials, equipment specifications and building sealing and insulation. The NYS Energy Research and Development Authority and the Public Service Commission promote compliance with Energy Star® and New York Energy Smartsm programs by construction firms, building management firms and homeowners that encourage the use of energy conserving appliances, materials, technologies and building techniques. The Subgrantee could consider design and material options to reduce future energy demand, as well as reduce use of non-renewable resources in accordance with the principles of Leadership in Energy and Environmental Design. As noted in Section 5.13, the project is not located in a nonattainment area for air quality; therefore, construction emissions and future operational use emissions would not exacerbate air quality attainment concerns. The proposed project would not be located in a coastal area with sea-level rise concerns, and as noted in Section 5.5 Floodplains, flood damage risk reduction is incorporated into the proposed project

with relocation of the facility outside the 100-year at a site predominately outside the 500-year floodplain.

5.20 Cumulative Impacts

Cumulative effects are defined by the Council on Environmental Quality (CEQ) as the impact on the environment resulting from the incremental impacts of the evaluated actions when combined with other past, present and reasonably foreseeable future actions, regardless of the source, such as Federal or non-Federal. Cumulative impacts can result from individually minor but collectively significant actions taken over time. Reasonably foreseeable future actions within the community include construction of a new, replacement Owego Elementary School Building and a new, replacement Administration Building. The school facilities were also flood-damaged during Tropical Storm Lee. The potential impacts from the proposed project (Proposed Action), Owego Elementary School Building and Administration Building would not cumulatively have a significant adverse impact on the human environment. The area is now and would continue to be an active construction site for the three respective projects over the next few years. Minor impacts will result from additional traffic to the area and conversion of lawn area to developed sites; however, the projects are also removing facilities from the floodplain, thereby reducing floodplain occupancy and future damages. The restoration of public services and consolidation of school district resources would be a positive cumulative benefit to the community with the Proposed Action and the anticipated reconstruction of the Owego Elementary School Building and Administration Building.

6.0 Permits and Project 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 flood proofed 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 and 44 CFR Part 9. At the time this document was drafted, the Subgrantee identified that the new facility structure would be located outside the 100-year floodplain, satisfying this condition.
2. 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.
3. Excavated soil and waste materials will be managed and disposed of in accordance with applicable Federal, state and local regulations.
4. The Subgrantee shall ensure the original facilities at 75 Elm Street are rendered safe and secure.

5. The Subgrantee must 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 NYS Environmental Conservation Law. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the Subgrantee shall provide NYSDHSES and FEMA a copy of the Stormwater Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out. 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 and FEMA at grant project close-out. For more information, visit <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the grantee and its 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. This Undertaking is subject to a Memorandum of Agreement (MOA) executed on June 9, 2015, which can be found in *Appendix F*. To the extent of their legal authority, FEMA and SHPO as signatories, the Grantee and Subgrantee as invited signatories and the Seneca Nation of Indians as concurring party will ensure that the stipulations as detailed in the MOA are carried out. These stipulations include archeological testing and monitoring, monitoring and reporting requirements and a contribution toward archeological preservation funding or archeological mitigation banking. The Subgrantee will notify the Grantee and FEMA when the Undertaking is completed, and FEMA will notify the signatories, invited signatories and concurring party by e-mail when it determines that the measures in Stipulations I, II and III are completed and opportunities for discoveries or unexpected events described in Stipulation IV are unlikely, thereby fulfilling the terms of this MOA.
8. In the event that a previously unidentified archeological site is discovered or if there are unanticipated effects during implementation of the project, all parties will adhere to the protocol outlined in Stipulation IV of the MOA executed on June 9, 2015. Should unmarked graves, burials, human remains or archaeological deposits be 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 Tribal Nations and any other consulting parties that may have an interest in the discovery, and consult to evaluate the discovery and determine how to proceed in accordance with 36 CFR 800.13, Post-review Discoveries. Work in sensitive areas may not resume until consultations are completed.
9. The proposed project area serves as potential summer roosting habitat for the Northern long-eared bat (*Myotis septentrionalis*), a newly listed threatened species 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 50 CFR §402.10, FEMA has determined that the proposed action would have no effect

on listed species, or destroy or adversely modify proposed critical habitat. The Subgrantee is required, if tree removal is later determined to be necessary, to notify FEMA, who will consult with USFWS regarding potential impacts to threatened and endangered species.

10. Tioga County had been identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB), but as of May 11, 2015, the EAB quarantine has been restricted to a smaller section of the county that does not include the project site. Quarantine zone maps will be revised each winter. In order to adhere with EO 13112 Invasive Species, the Subgrantee is referred to the NYSDEC website for updated quarantine maps and information (<http://www.dec.ny.gov/animals/47761.html>), and to federal regulations at 7 CFR Part 301 (<http://www.gpo.gov/fdsys/granule/CFR-2011-title7-vol5/CFR-2011-title7-vol5-part301>), and state regulations at 1 NYCRR Part 141 (http://www.agriculture.ny.gov/PI/eab/Part_141.pdf) for guidance and updates to the regulations and quarantine areas. It is not anticipated that tree removal would be required for the proposed action; however, the quarantine protocol for Emerald Ash Borer is included as a condition of the grant and must be adhered to if the quarantine zone is extended into the project area and tree removal is undertaken during construction.
11. To the extent practicable, FEMA recommends 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
12. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety. It is also expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and other worker hazards.
13. If the Subgrantee obtains 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 Subgrantee plans 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.

14. The Subgrantee shall submit copies of all obtained environmental and floodplain management permits to the Grantee and FEMA at or prior to final closeout of the PA grant.

7.0 Public Involvement

The Subgrantee notified the public in advance of this EA and individual public notice by referencing it in the public notice for the Owego Administration Building which was published in the *Binghamton Press & Sun Bulletin* newspapers on February 13, 2015.

In accordance with NEPA, this EA will be released for a 15-day public review and comment period. Availability of the document for comment will be advertised in the *Binghamton Press & Sun-Bulletin* newspaper. A hard copy of the EA will be available for review at the Village of Owego's Village Clerk's Office at 178 Main Street, Owego, New York 13827. An electronic copy of the EA is available for download from the FEMA website at <https://www.fema.gov/resource-document-library>. This EA reflects the evaluation and assessment of the Federal government, the decision-maker for the Federal action; however, FEMA will take into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public is invited to submit written comments by mail to FEMA, Office of Environmental Planning & Historic Preservation, Leo O'Brien Federal Building, 11A Clinton Avenue, Suite 742, Albany, New York 12207, or E-mail to: FEMA4020-4031Comment@fema.dhs.gov.

The EA evaluation resulted in the identification of no significant impacts to the human environment. Obtaining and implementing permit requirements along with appropriate BMPs will avoid or minimize potential adverse effects associated with the two alternatives considered in this EA to below the level of a significant impact. If substantive comments are received from the public during the public review and comment period, comments will be evaluated and addressed as part of Final Environmental Assessment documentation prior to the anticipated issuance of a FONSI by FEMA. If no substantive comments are received, this EA will be adopted as final with issuance of a FONSI.

Copies of the EA will be sent to:

NYSDHSES
1220 Washington Avenue,
Suite 101, Building 22
Albany, NY 12226-2251

NYSDEC Region 7
Cortland Sub-office
1285 Fisher Avenue
Cortland, NY 13045

The following will receive notice of the EA's availability:

NYSHPO, John Bonafide, Director, Bureau of Technical Preservation Services

Onondaga Nation, Mr. Anthony Gonyea, Faithkeeper

Onondaga Nation, Irving Powless, Chief

Seneca Nation of Indians, Jay Toth, Tribal Archaeologist

Seneca Nation of Indians, Maurice John, President

Cayuga Nation, Tim Twoguns, Nation Representative

Cayuga Nation, Clint Halldown, Chief

NYSDEC, Bill Nechamen, Chief, Floodplain Management

EPA Region 2, John Filippelli

8.0 Conclusion

FEMA, through NEPA, and the Subgrantee through the SEQRA process, have found that the Proposed Action to construct the Owego Maintenance and Storage Facility at the Monkey Run Site off of Sheldon Guile Boulevard, which is the Subgrantee's preferred alternative, would not have an adverse impact on the human environment. The Subgrantee's preferred alternative would apply 428 PA funding towards relocation of the facility and its operations outside of the 100-year floodplain, which would be beneficial for flood damage risk reduction and resiliency of the community. During the construction period, short-term impacts to soils, surface water, transportation, air quality and noise are anticipated. Short-term impacts would be mitigated utilizing BMPs, such as silt fences, proper equipment maintenance and appropriate signage. Environmental impacts of construction would also be minimized per adherence to any required SWPPP, adherence to invasive insect quarantine protocols and compliance with building and floodplain development permit requirements. The negative impacts resulting from the removal of a National Register-eligible archeological site are being mitigated through the measures stipulated in the MOA executed on June 9, 2015. The long-term environmental impacts associated with site development and the occupancy of the 500-year floodplain for a small portion of site development are outweighed by the positive impact of the project to restore fully the school administration services within the community.

9.0 List of Preparers

Ecological Analysis, LLC., 633 Route 211 East, Suite 4, Middletown, New York 10941

FEMA Region II, 26 Federal Plaza, New York, New York 10278

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