

**FEMA
FINDING OF NO SIGNIFICANT IMPACT
OWEGO APALACHIN MAINTENANCE AND STORAGE FACILITY
BUILDING REPLACEMENT PROJECT
TOWN OF OWEGO, TIOGA COUNTY, NEW YORK
4031-DR-NY**

BACKGROUND

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 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.

FEMA evaluated two alternatives in the Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA): 1) No Action: no federal funding would be provided and the Subgrantee would likely not construct the new facility outside of the 100-year floodplain. 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. 2) Proposed Action: federal funding would be provided to replace the existing facilities on a different site, located outside the 100-year floodplain and predominantly outside the 500-year floodplain. The No Action alternative has been rejected because it would not address the proposed project’s purpose and need to fully restore the maintenance and storage facility functions for the school district. The Proposed Action would provide a consolidated facility in a location convenient to the School District’s other facilities that would remain accessible during future flood events. Other alternatives such as constructing a new facility at alternate locations in the area and repair of the existing facilities were considered but dismissed from full analysis due to cost, engineering feasibility and other constraints.

PROJECT DESCRIPTION

The Subgrantee proposes to construct a new 25,196 square foot maintenance and storage building to replace the existing damaged facilities. 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 currently accommodates athletic fields used by the Owego Apalachin Middle School and the Owego Free Academy. The majority of this property is located

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within the Special Flood Hazard Area (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 area of disturbance 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 and 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. At this time, the Subgrantee has decided to render the existing buildings at 75 Elm Street safe and secure.

NEPA COORDINATION

An EA was prepared with the Subgrantee's participation to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (40 CFR Parts 1500-1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance at 44 CFR Part 10. An Eight-Step Decision-Making Process in accordance with Executive Order (EO) 11988 Floodplain Management and 11990 Wetlands Protection and 44 CFR Part 9 was incorporated into the EA to inform alternative analysis and determination of the practicable alternative to relocate the facility outside of the 100-year floodplain.

The relocation of the facility and its operations outside of the 100-year floodplain 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 best management practices, such as silt fences, proper equipment maintenance and appropriate signage. Environmental impacts of construction would also be minimized per adherence to any required Stormwater Pollution Prevention Plan (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 Memorandum of Agreement (MOA) executed on June 9, 2015.

A public notice was issued in the *Binghamton Press & Sun Bulletin* newspaper on June 24, 2015 to notify the public of the 15-day public review and comment period. The EA was posted to the FEMA website and a hard copy of the EA were made available for public review at the at the Village of Owego's Village Clerk's Office at 178 Main Street, Owego, New York 13827. No substantive comments were received during the public review & comment period. The EA is adopted as final with issuance of this Finding of No Significant Impact statement and construction implementation may proceed in conformance with grant conditions presented herein.

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CONDITIONS

The Subgrantee is responsible to obtain all applicable Federal, state and local permits for project implementation prior to construction, and to adhere to all permit conditions. The Subgrantee has already completed a New York State Environmental Quality Review Act (SEQRA) documentation process, which includes the forms provided in *Appendix B* of the EA. 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. Failure to comply with these conditions may jeopardize Federal funds:

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.

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7. This Undertaking is subject to a MOA executed on June 9, 2015, which can be found in *Appendix F* of the EA. 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 (

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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.

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FINDINGS

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

APPROVED

Approved and Signed on July 10, 2015

By

Katherine Zeringue

Acting Regional Environmental Officer

Federal Emergency Management Agency, Region II