

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Public Housing Resiliency
New York City Housing Authority (NYCHA)
FEMA-4085-DR-NY

BACKGROUND

On October 29, 2012, heavy rain, wind, and storm surge from Hurricane Sandy caused damage throughout the New York City (NYC) area including numerous public housing developments owned and operated by the New York City Housing Authority (NYCHA). President Barack Obama declared a major disaster for selected counties in New York on October 30, 2012 (FEMA-4085-DR-NY). In accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) of 1974 (Public Law [P.L.] 93-288) (42 U.S.C. 5121-5206) as amended, implementing regulations in 44 Code of Federal Regulations [CFR] 206.31-206.48, the Sandy Recovery Improvement Act (SRIA) of 2013 (P.L. 113-2), and the accompanying Disaster Relief Appropriations Act, 2013. The SRIA amended Title IV of the Stafford Act, adding Section 428, which authorizes alternative procedures for permanent work funding under the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Program. NYCHA (Subgrantee), which operates affordable housing in NYC, has applied to FEMA for financial assistance under both the Public Assistance Alternative Procedures Program and the Hazard Mitigation Grant Program (HMGP) for a comprehensive utilities flood mitigation project at public housing complexes and community centers in New York, Queens, and Kings Counties. NYCHA proposes to construct new boiler plant buildings and electrical annex buildings, install backup power generators, and enhance associated utility corridors. The New York State Division of Homeland Security and Emergency Services (NYS DHSES) is the Grantee partner for the proposed action.

FEMA is required, as part of its decision-making process, to evaluate the environmental consequences of proposed actions it funds or undertakes. This Programmatic Environmental Assessment (PEA) is prepared in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended, the President's Council on Environmental Quality (CEQ) regulations for Implementation of NEPA (40 CFR Parts 1500 to 1508), and FEMA's implementing regulations (44 CFR Part 10). The purpose of this PEA is to evaluate and document the potential impacts of the proposed action and its alternatives (including a No Action Alternative) on the human and natural environment and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

In accordance with regulations 40 CFR Parts 1500.4(i), 1502.4, and 1502.20 the development of program-level NEPA environmental documents and the use of tiering is encouraged in order to eliminate repetitive discussions and to focus on the issues specific to the proposed action. The analysis contained in this PEA is programmatic in nature. Prior to individual project approval, FEMA will evaluate the scope and the nature of site-specific impacts to determine if an individual project is consistent with the scope, impacts, conditions, and mitigation measures described in this PEA. If so, FEMA would document the project review and analysis in a Record of Environmental Consideration (REC) that would be tiered off of this PEA and FONSI. The REC would reference this PEA and FONSI and address specific conditions unique to each site.

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Public Housing Resiliency
New York City Housing Authority (NYCHA)
FEMA-4085-DR-NY

If a project is found to be consistent with the scope, impacts, conditions, and mitigation described in this PEA, then only a REC will be developed. If an individual project is expected to create impacts not described in this PEA; create impacts greater in magnitude, extent, or duration than those described here; or require best management practices (BMPs) or mitigation measures that cannot minimize impacts below significant levels, then a tiered Site-Specific Environmental Assessment (SEA) and corresponding FONSI, would be prepared to address the specific action. The SEA would be tiered from this PEA, in accordance with 40 CFR Part 1508.28.

PROJECT DESCRIPTION

NYCHA proposed to mitigate heat, hot water, and electric utilities at developments and community centers against future flood and storm damage. Work proposed includes construction of new elevated boiler plant buildings to house boiler systems and associated fuel oil tanks, equip residential buildings and community centers with new emergency power generators, and construction of new electrical annex structures and utility corridors.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

No effect to minor impact on geology, topography and soils. Impact on land use would be temporary and negligible and will continue to be in conformance with NYC zoning regulations. Construction activity would be temporary and, by implementing BMPs, impacts on air quality would be negligible. Potential impacts on air quality post construction would be beneficial due to lower emission levels from upgraded utility equipment.

Construction could result in the removal or disturbance of some vegetation and would be restored or replaced to the extent practicable. Negligible effect on the potential expansion of Asian Longhorn Beetle would occur as long as New York State Department of Environmental conservation and US Department of Agriculture regulations and guidelines are followed in quarantine zones. There will be no to minor temporary impacts to migratory birds and no long term impacts. There is no potential habitat for any threatened or endangered species within the proposed project areas; therefore, there would be no effect on these species.

Project sites are not located on waters of the US and any construction-related stormwater runoff would be localized and would result in negligible impacts to water quality. There is negligible impact on groundwater resources on or in the vicinity of the project sites, and would be compliant with Section 1424(e) of the Safe Drinking Water Act. Project sites are not located in wetlands nor would location of staging areas or heavy equipment in wetlands occur. There is no practicable alternative that would relocated action of floodplain but would not encourage further development in floodplains and would mitigate against future flood damage to the 100-year base floodplain plus 2 feet. FEMA, with concurrence from NY Department of State, determined that the proposed actives are consistent with the state's Coastal Zone Management Plan.

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Public Housing Resiliency
New York City Housing Authority (NYCHA)
FEMA-4085-DR-NY

Construction of new buildings has the potential to adversely affect historic-defining features or components or diminish viewsheds to and from historic properties. Physical changes within the project area could also affect the unique cultural values or existing religious or sacred uses of a site or area. New standalone buildings have a greater potential to result in adverse effects on archaeological resources due to their greater scale and likelihood to impact undisturbed soils. New buildings that are attached to existing buildings are less likely to result in potential adverse effects to archaeological resources because there is a greater likelihood that there has been prior ground disturbance from the construction of the existing building and utilities. If new construction is limited to areas that have been previously disturbed, potential archaeological impacts would be minimized. For each proposed NYCHA project, FEMA is initiating Section 106 consultation as needed.

There would be minor, short-term adverse effect and a moderate, long-term, beneficial effect on Environmental Justice populations. Infrastructure would have a minor effect on it during construction and a beneficial effect over the long-term. No potential impacts on public health and safety would occur post construction and there would be temporary minor impacts during construction. Waste production would be minor and hazardous waste production would be negligible, but compliance with federal, state, and local regulations would reduce any potential adverse effects. Projects will have a temporary minor impact during construction and a permanent negligible impact on noise levels and will follow NYC noise control code.

PUBLIC INVOLVEMENT

An electronic copy of the PEA was made available by email request and for download from <http://www1.nyc.gov/site/nycha/about/recovery-resiliency.page>. The public was invited to submit written comments by mail to: FEMA NY Sandy Recovery Office, Attn: EHP-NYCHA EA Comments, 118-35 Queens Blvd., Forest Hills, NY 11375, or: FEMA-4085-Comment@fema.dhs.gov. This PEA reflects the evaluation and assessment of the federal government, the decision-maker for the federal action; however, FEMA has taken into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation.

PERMITS & PROJECT CONDITIONS

NYCHA is responsible for obtaining and adhering to all applicable federal, state, and local permits, permit conditions, regulatory compliance, and authorizations for project implementation. Any substantive change to the approved scope of work would require re-evaluation by FEMA for compliance with NEPA and other environmental and historic preservation laws and EOs. NYCHA must also adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funds.

1. The best available data must be used to determine the 100-year floodplain elevation for final engineering design in accordance with 44 CFR Part 9.

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Public Housing Resiliency
New York City Housing Authority (NYCHA)
FEMA-4085-DR-NY

2. Any proposed construction in the floodplain must be coordinated with the local floodplain administrator and must comply with federal, state and local floodplain laws and regulations.
3. Excavated soil and waste materials shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Solid waste haulers will be required to have a NYSDEC waste hauler permit and all waste will need to be disposed of or processed at a permitted facility.
4. Threatened or endangered species are not likely to be found in the area of the proposed project sites. As a result, pursuant to Section 7(a)(4) of the ESA and implementing regulations at 50 CFR §402.02 and 50CFR §402.10, FEMA has determined that the proposed actions would have no effect to endangered or threatened species, or destroy or adversely modify critical habitat. If any threatened or endangered species are to be found in project area, work will cease and consultation with USFWS and other appropriate agencies will be conducted.
5. Projects are unlikely to affect migratory birds, however, if any action is found to negatively affect migratory birds, work will cease and consultation with USFWS and other appropriate agencies will be conducted.
6. Any work within Asian Longhorn Beetle quarantine zone that requires removal of vegetation must follow NYSDEC and USDA ALB regulations and guidelines.
7. Preparation of a Stormwater Pollution Prevention Plan (SWPPP) and adherence to the conditions of State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges Permit No. GP-0-15-002, is required if the soil disturbance would be greater than or equal to one acre.
8. Any work over a sole source aquifer will require review by US EPA.
9. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the Subgrantee and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site, and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee will inform the Grantee, NYSHPO and FEMA immediately. The Subgrantee must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery. Work may not resume at or around the delineated archaeological deposit until the Subgrantee is notified by the Grantee to proceed.
10. All construction and demolition and potential hazardous waste will need to be handled by NYSDEC permitted haulers and facilities.
11. The Subgrantee and its contractors are required to use all appropriate BMPs for construction not limited to sedimentation and erosion control measures, dust control, noise abatement and restriction of work areas to limit vegetation removal and habitat impacts.
12. OSHA standards shall be followed during construction to avoid adverse impacts to worker health and safety.
13. BMPs will be used to limit NAAQS emissions during and after construction under EPA guidelines.

FEMA
FINDING OF NO SIGNIFICANT IMPACT
Public Housing Resiliency
New York City Housing Authority (NYCHA)
FEMA-4085-DR-NY

14. The Subgrantee shall submit copies of all obtained permits to the Grantee/FEMA at or prior to final closeout of the public assistance grant.
15. Subgrantee shall not initiate construction activities until fifteen (15) days after the date that the Finding of No Significant Impact (FONSI) has been signed as "APPROVED."

FINDINGS

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

APPROVED:

John Dawson

XXX, 2015

FEMA Region II Regional Environmental Officer Representative