

FEMA
FINDING OF NO SIGNIFICANT IMPACT
BRIDGE 80 OVER BUSH KILL
VILLAGE OF FLEISCHMANN'S,
DELAWARE COUNTY, NEW YORK
4020-DR-NY

BACKGROUND

The Delaware County Department of Public Works, herein referred to as the "Subgrantee," has requested financial assistance from the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) to replace Bridge 80 (Bridge Street over the Bush Kill) located in the Village of Fleischmann's, Town of Middletown, Delaware County, New York. The new bridge would replace the previous vehicular bridge that was washed out in the heavy rains and flooding experienced during Hurricane Irene. The storm incident that occurred August 26 to September 5, 2011, was declared a major disaster by President Barack H. Obama on August 31, 2011 (FEMA 4020-DR-NY) and subsequently amended. Federal public assistance was made available to affected communities and non-profit organizations in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5172 et seq.), as amended. The New York State Division of Homeland Security and Emergency Services (NYSDHSES) is the Grantee partner for the proposed action. The Public Assistance Subgrant Application reference number is PW-07990 in DR-4020-NY.

FEMA evaluated four alternatives in the Environmental Assessment (EA) in accordance with the National Environmental Policy Act (NEPA): Two initial alternatives that were initially considered and dismissed included: 1) a vehicular bridge; and 2) a pedestrian bridge with a shorter (70 ft.) span.

The remaining alternatives included: 1) No Action: absent Federal financial assistance, the Subgrantee would leave the waterway as-is and not pursue replacement of the bridge or re-grading of the floodplain. This would leave the existing bridge substructure (consisting of sheet pile and/or plate/rail walls) in place, which restrict the waterway opening. Under this alternative, there is a strong likelihood that future flooding and erosion would damage the surrounding properties during subsequent major storm events. Furthermore, not replacing the bridge would leave Village residents without convenient access to important services and facilities within their community; and 2) Proposed Action: federal funding would be provided to construct a pedestrian-only bridge with a span length of 86 ft. and a clear deck width (between truss chords) of 10 ft. In order to satisfy Delaware County DPW hydraulic requirements, the floodplain would be re-graded to remove the manmade encroachments to the stream and floodplains that have resulted in a pinch point at the bridge structure. This work would extend approximately 200 ft. upstream and 80 ft. downstream of the existing centerline roadway. In order to complete this action, it would be necessary to acquire property from five land parcels along the north and south stream banks, with a total acquisition of approximately 0.30 acres of stream bank.

PROJECT DESCRIPTION

The Subgrantee's proposed action alternative, would be to construct a pedestrian-only bridge with a span length of 86 ft. and a clear deck width (between truss chords) of 10 ft. The proposed superstructure would consist of a pre-fabricated steel half-through (pony) truss constructed of a 500 galvanized structural steel tubing with a treated timber deck. The proposed substructure would consist of concrete cantilever abutments supported on steel H-piles. The approach ramps would be constructed to match the deck elevation of the proposed bridge, and would consist of embankment fill with a 10 ft. wide asphalt paved trail having a maximum slope of 5% to comply with Americans with Disabilities Act (ADA) standards. The approach ramps would be approximately 30 ft. long on the north side and 60 ft. long on the south side. Miscellaneous approach work would be performed to restrict access along Bridge Street to pedestrian use only.

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 incorporate flood damage risk reduction measures at the bridge crossing of the Bush Kill at Bridge Street.

The new, longer bridge and floodplain grading would alleviate the existing hydraulic bottleneck at the Bridge Street crossing. Re-grading of the project site would alleviate flooding of the adjacent properties during extreme events, and help to diminish the damage to the new bridge under an event similar to Hurricane Irene. Post the September 2011 flooding events, the Village of Fleischmann's sponsored a number of National Resource Conservation Service (NRCS) Emergency Watershed Protection (EWP) projects. The Village continues to work with the New York City Department of Environmental Protection (DEP) and the Delaware County Soil and Water Conservation district and the East Branch Flood Commission to identify cost effective projects to mitigate flooding.

Replacing the bridge would restore a much needed link for the local community. Restoring pedestrian access is especially important to the local community given the proximity of the Congregation B'nai Israel Synagogue (on Wagner Ave., adjacent to the intersection with Bridge St.). This facility is also an important local and national historic landmark (it is listed on the National Register and on the New York State Register of Historic Places).

Public notice was issued in the Catskill Mountain News, Deposit Courier, and Walton Reporter newspapers on December 23, 2015, to notify the public of the thirty-day public review and comment period. The EA was posted to the FEMA website and hard copies of the EA were made available for public review at the Fleischmanns Village Hall – Skene Memorial Library public building located at 1017 Main Street, Fleischmanns, NY and at the Delaware County Office

Building – Office of the Clerk of the Board public building located at 111 Main Street, Delhi, NY. No substantive comments were received during the public review and 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.

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 is responsible to comply with the State Environmental Quality Review Act (SEQRA) and that it appears no Environmental Assessment Form (EAF) would be required for the project as a “Type II” action as defined in accordance with Environmental Conservation Law Article 8 and regulation at 6 NYCRR Part 617.5(c)(2). 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 and consider identified conservation recommendations:

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable Federal, state, and local regulations.
2. The Subgrantee shall be responsible to comply with the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with NYS Environmental Conservation Law. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the Subgrantee shall provide NYSDHSES/FEMA a copy of the Stormwater Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out or other time identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the Subgrantee shall provide a copy of the obtained permit, as well as supporting SWPPP to NYSDHSES/FEMA at grant project closeout or other times identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements. For more information regarding SPDES, visit the following website: <http://www.dec.ny.gov/chemical/43133.html>. It is expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit sedimentation and erosion during construction. Turbidity barriers will be used for sedimentation control for construction work.
3. The United States Army Corps of Engineers (USACE) will require a permit for the proposed project. The work may be authorized by a general permit (i.e., nationwide permit). The Subgrantee shall be responsible for obtaining all necessary permits and complying with all conditions of the permit including but not limited to notification and signature requirements to insure validation of permits. The project will require an Article 15 permit from NYSDEC for stream disturbance, excavation and fill in navigable waters and freshwater wetlands. The Subgrantee shall submit copies of all obtained permits and/or notifications to the Grantee/FEMA at or prior to final closeout of the public assistance grant. A Joint Permit Application will be submitted to both agencies. The Subgrantee shall include a brief narrative with close-out submission to explain the permits obtained and/or complied with for the proposed project.

4. 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 NYSDHSES, SHPO 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 NYSDHSES.
5. Occupational Safety and Health Administration (OSHA) standards must 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.
6. The project area serves as potential summer roosting habitat for the threatened Northern long-eared bat (*Myotis septentrionalis*). 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 the proposed action may affect, but is not likely to adversely affect the Northern Long-Eared Bat (NLEB), with the following conditions: 1) In order to lessen the effect of tree removal on the Northern long-eared bat, trees may only be removed between November 1 and March 31. This is necessary to avoid the roosting period of the Northern long-eared bat; and 2) In addition, the removal of standing trees (live or dead) greater than or equal to 4-inches diameter at breast height (DBH) with loose bark should be avoided as much as possible and bright colored flagging or fencing should designate the trees to be removed prior to construction activities to differentiate them from protected trees. These conservation measures will be reflected in the final grant condition documents.
7. It is recommended that the Subgrantee restore disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil areas be planted with native plant material as soon as practicable after exposure to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the proposed project site:
 - <http://plants.usda.gov/java/>
 - www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
 - www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml
8. The Subgrantee (and its contractors) must not conduct construction actions within 660 feet of a known Bald Eagle nest from late October through late August.
9. If the Grantee and Subgrantee obtain site fill for construction, the fill must be from a permitted commercial supplier or locally municipally owned soil/gravel borrow area permitted for mining/excavation as fill material. If the Grantee and/or Subgrantee plan to obtain soil or gravel from a non-commercial source or site that is not permitted, the details of the proposed source location must be submitted to FEMA for approval as a scope of

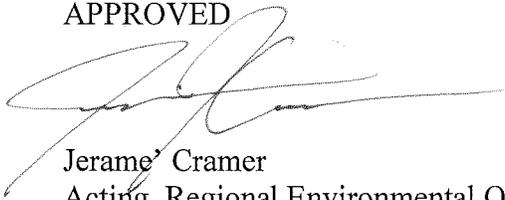
work change prior to construction implementation. FEMA would need to conduct a federal agency environmental and historic preservation compliance review of non-permitted/non-commercial sources prior to construction implementation. The environmental concerns would be potential impacts to cultural resources or habitat areas at an excavation site not previously reviewed, permitted and otherwise cleared for use as a borrow area.

10. Equipment and materials staging must be sited on impervious cover (i.e., parking lot) or previously disturbed areas. If the Subgrantee proposes to stage equipment and materials off-property, the staging location should be coordinated with NYSDHSES/FEMA to ensure that the staging would not adversely impact natural and cultural resources. The Subgrantee should also develop a contingency plan for construction implementation to move equipment and materials, as practicable, in the event of a flood during phases of construction.
11. 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."
12. The applicant is required to coordinate with the local floodplain administrator regarding floodplain permit(s) prior to the start of any activities. All coordination pertaining to these activities and applicant compliance with any conditions should be documented and copies forwarded to the state and FEMA for inclusion in the permanent project files. As per 44 CFR 9.11(d)(9), mitigation or minimization standards must be applied, where possible. In particular to this bridge project, 44 CFR 9.11(d)(4), There shall be no encroachments, including fill, new construction, substantial improvements of structures or facilities, or other development within a designated regulatory floodway that would result in any increase in flood levels within the community during the occurrence of the base flood discharge. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the base floodplain unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

FINDINGS

In accordance with NEPA and 44 CFR Part I 0, 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



01/25/2016

Jerame Cramer
Acting, Regional Environmental Officer
Federal Emergency Management Agency, Region II