

FINDING OF NO SIGNIFICANT IMPACT

Community Development Block Grant-Disaster Recovery / Mitigation Grant Program

FEMA-4020-DR-NY

Global Match Acquisition & Elevation

Town and Village of Sidney, Delaware County, New York

BACKGROUND

The New York Governor's Office of Storm Recovery (GOSR), in cooperation with the United States Department of Homeland Security-Federal Emergency Management Agency (FEMA), proposes to provide federal funding to Delaware County, as Subgrantee, to mitigate flood risk to structures with the purpose of reducing the risk of flooding and flood damage in the Village of Sidney and Sidney Center, New York. GOSR, an office of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), is responsible for the direct administration of the United States Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program in New York State. GOSR proposes to provide CDBG-DR funding to mitigation flood hazards in the Village of Sidney, New York. As part of the proposed project, individual properties in the Village of Sidney and Sidney Center would be acquired and demolished or elevated in place. The program is voluntary and each property owner must elect to be acquired and demolished, or in certain circumstances have their structures elevated at least 2 feet above the Base Flood Elevation.

An Environmental Assessment (EA) has been prepared to assess the potential impacts of the proposed action on the human and natural environment. The EA describes the purpose and need, project alternatives, the affected environment, potential environmental consequences and proposed mitigation measures. The alternatives to the proposed action considered are: 1) No Action; 2) Elevation or Reconstruction; 3) Flood Control Infrastructure; 4) Home Relocation; and 5) Acquisition and Demolition. The EA evaluates alternatives against applicable environmental laws, regulations and Executive Orders, including but not limited to the Clean Water Act, the National Historic Preservation Act and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands).

PROJECT DESCRIPTION

Under the Proposed Action, individual property owners in the Village of Sidney would either be given assistance to elevate their homes or their homes would be acquired and demolished. Participation in the elevation and acquisition and demolition programs would be voluntary. Delaware County would not use its power of eminent domain to force any homeowner to sell their property. Only the Individual property owners in the Village's Historic North End Neighborhood would receive assistance to elevate their homes in their original locations or have them acquired and demolished. This assistance would include financial support and requirements for resiliency upgrades to the individual properties that would reduce the potential damage from future storms. It is estimated based on community input and preliminary interest that at least 35 homes and as many as 74 homes would be elevated as part of the Proposed Action. The Proposed Action would fund also the acquisition and demolition only of identified properties in the Camp Street Neighborhood west of approximately 70 River Street in the Village of Sidney (see Appendix A, Figure A-4) and two properties in Sidney Center by Delaware County. It is estimated that

approximately 60 homes would be acquired and demolished as part of the Proposed Action. The Village of Sidney properties proposed for acquisition and demolition are located in the areas most susceptible to flooding. After acquisition, the County would demolish all structures (including walkways, paved driveways, and patios), foundations would be removed, and clean suitable fill would be brought in to fill the basements, and sites would be stabilized. The acquired property on which homes were demolished would remain in Village of Sidney or Town of Sidney (for the Sidney Center properties) ownership, and may be used for passive recreation or other uses that require minimal site improvement and investment. The Sidney Reconstruction Plan recommends the development of a 140-acre “GreenPlain” to transform vacated neighborhoods into a high-capacity, green infrastructure floodplain that would handle millions of gallons of floodwater and use natural areas to improve water quality. While this use would conform to the land use restrictions prescribed for the Camp Street Neighborhood acquisition and demolition properties, the review of this potential future project would be evaluated under NEPA at such time that the scope of the project has been more fully formulated.

IMPACTS SUMMARY

The proposed action would have no adverse impacts, and may have beneficial impacts, on the majority of the natural and human environment of the affected area, including natural resources, socioeconomic resources; however, FEMA and GOSR have identified adverse impacts to historic properties from demolition within the Village of Sidney Historic District.

CUMULATIVE EFFECTS

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. The Sidney Reconstruction Plan identifies several future projects that the Village would like to undertake to mitigate loss of life and property during future storm events, as well as create a more stable and resilient community. Specifically identified potential projects include the Riverlea Housing project, the Sidney GreenPlain, and a regional drinking water project. These projects will be evaluated for their potential cumulative impact as they are developed, however are sufficiently separate in function, time, and space from the proposed action that they are not anticipated to change the determination of impacts for this project. The potential for cumulative impacts on these possible future projects will be evaluated if and when they are further developed.

NEPA COORDINATION

An Environmental Assessment (EA) was prepared jointly by GOSR and FEMA, with participation by the Subgrantee, 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 and 11990 Wetlands Protection analysis and 44 CFR Part 9 was incorporated into the EA to inform alternative analysis and determination of the practicable alternative to relocate the facility.

COORDINATION, PUBLIC REVIEW AND COMMENTS

In preparation of the EA, FEMA and GOSR coordinated with federal, state and local agencies such as United States Environmental Protection Agency, Delaware County Planning Department, New York State Department of Environmental Conservation, New York State Historic Preservation Office, and United States Fish and Wildlife Service. Public notice was issued in the *Tri-Town News* newspaper on February 11, 2016, to notify the public of the fifteen-day public review and comment period. No adverse public comments or concerns were received either in person or in writing.

CONDITIONS

The Subgrantee must also adhere to the following conditions during project implementation. Failure to comply with these conditions may jeopardize federal funds:

1. Buildings must be elevated in accordance with state/local building code and be in compliance with the flood damage prevention local law; generally, at a minimum, buildings should have their lowest floor elevated above the base flood elevation, as identified under the community's Flood Insurance Rate Maps incorporating best available data with appropriate freeboard.
2. Any proposed construction in the floodplain will need to be coordinated with the local floodplain administrator and must comply with Federal, state, and local floodplain laws and regulations.
3. The Subgrantee shall be responsible to complete the State Environmental Quality Review Act process and local land-use reviews in accordance with state and local regulations.
4. Excavated soil and waste materials will be managed and disposed of in accordance with applicable federal, state and local regulations.
5. The Subgrantee shall be responsible to 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 NYSECL. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the Proposed Action, the Subgrantee shall provide DHSES/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 DHSES/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 DHSES/FEMA at grant project close-out or other times identified by DHSES/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 noise, dust and sedimentation, and erosion during construction.
6. The Subgrantee shall be responsible to comply with all applicable state and local noise regulations, including all hours of operation, and the use of muffling equipment where feasible

to reduce noise associated with construction and demolition activities.

7. 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 DHSES, SHPO and FEMA immediately. FEMA would then notify the Delaware Tribe of Indians, the St. Regis Mohawk Tribe, Oneida Indian Nation, and the Stockbridge Munsee Band of Mohicans. 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 DHSES.
8. The disconnection of any water supply or sanitary sewer connection shall be coordinated with the Delaware County Health Department, the New York State Department of Health, and/or the Village of Sidney.
9. The project area serves as potential summer roosting habitat for the threatened Northern long-eared bat (*Myotis septentrionalis*). The following conditions shall apply:
 - a. Avoid cutting or destroying trees within 150' of known, occupied maternity roost trees during the pup season (June 1-July 31) for the Northern long-eared bat;
 - b. Any bat colonies observed in structures to be demolished shall be reported to FEMA, HUD & USFWS. If bats (of any species) are using a structure (e.g., residences, barns or other outbuildings) as a roost, demolition of the structure will be performed outside of the June 1-July 31 bat pup season, unless there are human health or safety concerns associated with the structure; and
 - c. Limit removal of existing vegetation, such as woody shrubs and trees, to conserve habitat for bats, migratory birds and other wildlife.
10. To minimize impact to bird nests, woody vegetation removal shall be scheduled outside of March 15 to July 31, if practicable.
11. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
12. Any woody tree and shrub material to be removed for the Proposed Action is required to be chipped on site to chips of less than one inch in two dimensions or must not be transported whole outside the community. In order to comply with EO 13112 Invasive Species, the Subgrantee is referred to the NYSDEC website (<http://www.dec.ny.gov/animals/47761.html>), 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.
13. 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 Action 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

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 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 BY:

Katherine Zeringue
Environmental Officer
Federal Emergency Management Agency
Office of Environmental Planning and Historic Preservation

Date: 03/28/2016