

**FINDING OF NO SIGNIFICANT IMPACT**  
**Department of Homeland Security-Federal Emergency Management Agency**  
**Chemung County Tower & Antenna System, Elmira, Chemung County, NY**  
**2010-SS-T0-0091 (14306)**

**BACKGROUND**

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding to Chemung County Emergency Management Office as subgrantee, through the grantee, New York State Department of Homeland Security and Emergency Services, for the construction of a one 60-foot self-supporting tower capable of supporting Ultra-High Frequency (UHF), Very High Frequency (VHF) and solid radome dish antennas in Elmira, Chemung County, New York adjacent to the Elmira Regional Public Safety Training Facility. The proposed project would be funded through the Homeland Security Grant Program. The primary EOC is located in the floodplain, approximately 100 yards from the Chemung River. A back-up location has been identified as a project need, as flooding is the greatest threat to the community. Presently the backup facility has no radio communication capability. The proposed tower would integrate the back-up location into the countywide police/fire/EMS radio system and will allow full operability of the radio system from that location. The communications system will be used for emergency communications and will improve the ability to respond to natural disasters, terrorist threats, and other emergency needs. The project site is located approximately 7,100 feet north of the Chemung River, and 5,800 feet west of Newtown Creek. The project site does not contain wetlands. According to the National Flood Insurance Program's Flood Insurance Rate Map (FIRM) Panel Number 3601500005C, dated 04/02/1997 the project site is located outside of the 100-year floodplain and is designated as Zone X.

Pursuant to the National Environmental Policy Act and 44 CFR Part 10, DHS-FEMA and the sub-grantee evaluated alternatives to construct a communications tower and antenna system for the back-up location of the Chemung County EOC to be used for emergency communications. The No Action alternative would not achieve the communications system needed in an emergency if the primary EOC communications tower, which is located within a floodplain, fails. The purpose of the Homeland Security Grant Program is to provide for activities which enhance the ability of communities to prevent, protect against, respond to, and recover from potential terrorist attacks and other hazards. DHS-FEMA and the sub-grantee concluded the need for the project is to address safety and security vulnerabilities caused by lack of backup emergency communications capabilities in Chemung County.

**PROJECT DESCRIPTION**

The scope of work for the proposed project would consist of constructing one new radio tower next to the Regional Public Safety Training Center, 311 West Center St., Elmira, NY. The GPS coordinates for this site are 42.10442, -76.82065. The tower would be sixty feet tall, would be self-supporting with no guy wires, and would be capable of supporting UHF, VHF and solid radome dish antennas.

An Environmental Assessment (EA) was prepared by FEMA and the grantee, 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 (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). The described

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action will not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife and fisheries habitat, vegetation, socioeconomics, public safety or transportation. The proposed alternative has been reviewed, and to the best of our knowledge, does not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area. The benefit of the new facility to the public outweighs the risks associated with its floodplain location. Risk of future flood damage will be minimized to the extent practicable.

The public comment period for the federal agency's EA was from August 2, 2013-September 1, 2013. A public notice was issued in the Elmira Star-Gazette newspaper on August 1, 2013 as the notice of availability. No public comments were received during the public comment period.

**CONDITIONS**

Chemung County is responsible for obtaining all applicable local, state, and federal permits for project implementation prior to construction, and for adhering to permit conditions. 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 fulfilled its state requirement in accordance with the State Environmental Quality Review Act with completion of a Short Environmental Assessment Form in April 2013 and a related Chemung County Legislature Resolution in May 2013. The subgrantee must also adhere to the following grant conditions during project implementation:

1. Excavated soil and waste materials will be managed and disposed of in accordance with applicable local, state and federal regulations. The subgrantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) General 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 applicant shall provide DHS-FEMA a copy of the Stormwater Pollution Prevention Plan and a copy of the Notice of Intent Form at grant project close-out or other time identified by DHS-FEMA Grant Programs Directorate per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the applicant shall provide a copy of the obtained permit, as well as supporting Stormwater Pollution Prevention Plan to DHS-FEMA at grant project close-out or other time identified by DHS-FEMA Grant Programs Directorate per grant administrative documentation guidance requirements. For more information regarding SPDES, visit <http://www.dec.ny.gov/chemical/43133.html>.
2. In the event that unmarked graves, burials, human remains, or archeological deposits are uncovered, the subgrantee and subgrantee 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. All archeological findings will inform FEMA immediately and FEMA will consult with the State Historic Preservation Office (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. Construction work

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cannot resume until FEMA completes consultation and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State regulations.

3. It is expected that the subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation & erosion during construction.
4. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
5. Chemung County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). It is required that 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 transported whole outside the tribal lands in order to adhere with EO13112 Invasive Species, federal regulations at 7 CFR Part 301.53-1 through 301.53-9 and state regulations at 1 NYCRR Part 141. 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. For more information concerning this environmental stewardship requirement, visit USDA-APHIS, New York State Department of Agriculture and Markets, and other websites concerning EAB:
  - [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/emerald\\_ash\\_b/](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/)
  - <http://www.agriculture.ny.gov/PI/eab.html>
  - [http://www.nyis.info/?action=news\\_detail&event\\_id=306](http://www.nyis.info/?action=news_detail&event_id=306)
6. It is recommended that the grant applicant 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/>
  - <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/>
  - <http://www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml>

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**FINDINGS**

In accordance with NEPA and 44 CFR Part10, based upon the findings of the EA and adherence to project conditions, 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:**

Megan Jadrosich, PMP, CFM  
Regional Environmental Officer  
Federal Emergency Management Agency, Region II

September 11, 2013