

FEMA
FINDING OF NO SIGNIFICANT IMPACT
HAZARD MITIGATION GRANT PROGRAM
SIDNEY GREENPLAIN PROJECT
DELWARE COUNTY, NEW YORK
FEMA-4085-DR-NY

BACKGROUND

On October 29, 2012, Hurricane Sandy caused storm damage to several areas across the State of New York. On October 30, 2012, President Barack Obama declared Hurricane Sandy a major disaster. The declaration authorized the United States Department of Homeland Security’s Federal Emergency Management Agency (FEMA) to provide assistance to the State of New York per federal disaster declaration DR-4085-NY. The Village of Sidney (Subrecipient) has applied to the FEMA Hazard Mitigation Grant Program (HMGP) for funding of the Sidney GreenPlain Project in accordance with Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. §§ 5121-5207), as amended; the Sandy Recovery Improvement Act of 2013; and the accompanying Disaster Relief Appropriations Act of 2013. The New York State Division of Homeland Security and Emergency Services (NYS DHSES) is the recipient partner.

FEMA prepared an Environmental Assessment (EA) in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and the Regulations for Implementation of the National Environmental Policy Act (40 Code of Federal Regulations [CFR] Parts 1500 to 1508). The purpose of the EA is to analyze the potential environmental impacts of the Proposed Action and alternatives, including a No Action alternative, and to determine whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact (FONSI). In accordance with the above referenced regulations and FEMA Directive 108-1 and FEMA Instruction 108-1-1, NEPA implementing procedures, FEMA is required, during decision making, to fully evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

Changes to the President’s Council on Environmental Quality (CEQ) regulations implementing NEPA became effective on September 14, 2020 (85 Fed. R. 43304-76 [July 16, 2020]). As stated in 40 CFR § 1506.13, the new regulations apply to any NEPA process begun after September 14, 2020. This EA substantively commenced prior to that date; therefore, this EA conforms to the CEQ NEPA implementing regulations that were in place prior to September 14, 2020, and procedures adopted pursuant to Department of Homeland Security Directive 023-01, Rev. 01, and FEMA Directive 108-1.

ALTERNATIVES

FEMA evaluated multiple alternatives in the EA in accordance with NEPA based upon the purpose and need for the project, incorporation of natural/nature-based features, engineering constraints, environmental impacts, and consistency with the New York Rising Community Reconstruction Program and the Village's Long-Term Community Recovery Plan. As detailed in the EA, the Subrecipient initially considered, but

ultimately dismissed five alternatives, including alternatives that did not meet the purpose and need of flood risk mitigation because they were costly and/or had technical and feasibility issues.

The remaining alternatives evaluated in the EA include: 1) the No Action alternative wherein FEMA would not provide federal funding and no hazard mitigation or flood risk management activities would occur; and 2) the Proposed Action that would implement a green infrastructure system (GreenPlain) that provides additional flood storage and mitigation for storm events that influence the Susquehanna and Weir Creek.

PROJECT DESCRIPTION

The primary components of the Proposed Action consist of the following:

- (1) Restoring an approximately 17-acre riparian and wetland area and 15-acre open herbaceous meadow within an existing agricultural field. The subrecipient would grade the area to create meandering wetlands and channels and plant a variety of native shrubs, trees, and seed mixes throughout the site based on different habitat zones, such as emergent wetland, riparian, and upland.
- (2) Constructing five precast flood relief culverts underneath New York State Route 8 to direct flows during flooding events to an open space area west of the highway.
- (3) Removing Railroad Avenue and portions of Camp Street and regrading these areas to open space within the Camp Street Neighborhood. The Proposed Action would not include the acquisition and demolition of homes in the Camp Street Neighborhood. The Subrecipient would coordinate final designs for this project component with the Sidney Buyout Program.

The Subrecipient will implement a maintenance plan that includes maintenance of the plantings in the wetland restoration area and herbaceous meadow. After the first year, maintenance might include replacing vegetation, preventing erosion, and maintaining proper functions of the floodplain.

SUMMARY OF POTENTIAL IMPACTS AND MITIGATION

The Proposed Action as described in the EA would have no impacts on threatened and endangered species or cultural resources after avoidance measures are implemented. There would be no disproportionately high and adverse impacts on environmental justice populations.

The Proposed Action may have short-term negligible to minor adverse impacts on geology, topography, soils, air quality, climate, water quality, wetlands, floodplains, vegetation, wildlife and fish, environmental justice populations, noise, transportation, public health and safety, and hazardous materials during the construction period. These impacts will only occur during construction and will be minimized through the implementation of best management practices (BMPs), such as preparation of a spill prevention plan and implementation of dust control and noise abatement measures, described below.

The Proposed Action will result in long-term beneficial impacts on soils, water quality, wetlands, floodplains, vegetation, wildlife and fish, environmental justice populations, land use and planning, transportation, public services and utilities, public health and safety, and hazardous materials. These beneficial impacts will be achieved through the flood risk management and wetland and floodplain restoration provided by the Proposed Action.

PUBLIC INVOLVEMENT

FEMA issued a public notice in the weekly newspaper, *The Reporter*, on December 15, 2021, to notify the public of the thirty-day public review and comment period. Accordingly, FEMA posted an electronic version of the EA to the FEMA website at <https://www.fema.gov/emergency-managers/practitioners/environmental-historic/region/2> and the Subrecipient posted an electronic version of the EA to the Village of Sidney website at www.villageofsidney.org. The Subrecipient made hard copies of the EA available for public review at the Sidney Village Town Hall, 21 Liberty Street, Sidney, NY.

This EA reflects the evaluation and assessment of the federal government, the decision maker for the federal action; however, FEMA has taken into consideration comments received during the public review period to inform the final decision regarding grant approval and project implementation.

PERMITS AND PROJECT CONDITIONS

The Subrecipient is responsible for obtaining all applicable federal, state, and local permits for project implementation prior to construction and to adhere to all permit conditions. Applicable permits may include, but are not limited to, a U.S. Army Corps of Engineers' Section 404 Clean Water Act Permit, a Local Floodplain Development Permit, a New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity, and a New York State Department of Transportation (NYSDOT) Highway Work Permit. 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 Subrecipient must also adhere to the following conditions during project implementation:

1. Place silt fence or other erosion control barriers around all areas of exposed slopes to control soil erosion during and after construction.
2. Prior to grading, install sediment or other erosion control barriers in key areas. Erosion blankets may be installed, if needed.
3. Install erosion control bio-nets in any area graded steeper than a three to one slope.
4. Monitor and inspect vehicular access points at the same frequency as erosion control features to ensure that sand, silt, or other materials are not being deposited on public roadways. Immediately clean up significant deposits and replace tracking pads.
5. Implement a stormwater pollution prevention plan prior to construction in accordance with the SPDES General Permit for Stormwater Discharges from Construction Activity.
6. Keep vehicles and equipment running as little as possible and cover or wet areas of exposed soils to reduce fugitive dust.

7. Remove trees greater than 3 inches diameter breast height between November 1 and March 31. FEMA will reinitiate consultation with U.S. Fish and Wildlife Service should tree removal be planned from April 1 to October 31.
8. Conduct vegetation removal outside of the migratory bird nesting season.
9. Implement a 660-foot buffer around any bald eagle nest, if a nest is built in or near the project area.
10. Avoid the archaeologically sensitive area during construction. Plant the sensitive area with grasses. Conduct yearly maintenance to avoid the establishment of woody plants.
11. An archaeological monitor with stop-work authority will be present during construction. The monitor will oversee all ground disturbing activities within 100 feet of the archaeologically sensitive area. An archaeological monitoring plan and final archaeological monitoring report will be prepared. All project correspondence and reporting will come through FEMA and be submitted to New York State Historic Preservation Office (NYSHPO) and tribal nations for concurrence. No construction will occur prior to FEMA and NYSHPO concurrence on the archaeological monitoring plan.
12. Limit construction noise to daytime hours in conformance with local noise ordinances and operate construction equipment with noise suppressing mufflers.
13. Develop and implement NYSDOT-approved work zone traffic control plans during construction.
14. A licensed applicator will apply herbicides required for maintenance activities in accordance with strict standards for wetland resource areas.
15. Submit copies of all permits obtained to NYSDHSES/FEMA at or prior to final closeout of the HMGP grant.
16. Do not initiate construction activities until fifteen (15) days after the date that the FONSI has been signed as “APPROVED.”

PUBLIC COMMENTS

FEMA received comments on the EA during the 30-day public comment period that ended January 14, 2022. The table below summarizes the Commenter, the Comments made, and FEMA’s response. Any comment regarding formatting and grammar that may have been made is not addressed in the table. The only comments received were from the United States Environmental Protection Agency (USEPA) and FEMA Regional Counsel (Legal). No other comments were received from other agencies, organizations, or the general public during the public comment period.

Commenter	Comment	FEMA's Response
USEPA	We appreciate the assessment of cumulative impacts in the dEA. Is there additional analysis or information to further clarify how it was determined that the Sidney Peckham Dam Project would not affect the function of the proposed action?	The Sidney Peckham Dam Project is a FEMA funded project to demolish and decommission the Peckham Reservoir Dam, install new water mains under the Susquehanna and Unadilla Rivers via directional drilling, and develop a new ground water source to replace the Sidney Peckham Reservoir as a water supply. The original purpose of the Peckham Dam was for backup municipal water supply and not for flood control. Peckham Reservoir Dam was damaged during severe storms and flooding in 2006 and 2011. It was subsequently declared a Class C – High Hazard dam. In 2018 the Sidney Reservoir on Peckham Brook was dewatered, and a controlled partial breach of Peckham dam was completed as part of this project. Work is currently taking place to restore the streambed and adjacent flood plain to previous natural conditions. Peckham Brook is a minor tributary to the Unadilla River which in turn joins the Susquehanna River just east, and upstream, of Route 8 and west, and downstream, of the center of the Village of Sidney. Since natural streamflow both upstream and downstream of the Peckham Dam site is being restored and since the flow and volume is of minor contribution to that of the Unadilla River, the removal of Sidney Peckham Dam is not anticipated to significantly change volume or flow characteristics at the merging of the Unadilla River to the Susquehanna River. The other project elements, new water mains installed by directional drilling, and the development of a new groundwater source, are also not expected to have any impact on the proposed Sidney GreenPlain project.
USEPA/FEMA Legal	It is noted that the Delaware Nation, Delaware Tribe of Indians, Stockbridge-Munsee Community, and Oneida Indian Nations were consulted. The Oneida Indian Nation and the Stockbridge-Munsee Community concurred with the findings. Is additional outreach expected or planned for the additional Nations?	Consultation with the Tribal Nations began in June 2015; Consultations included submission of the Phase IA/IB archaeological work plan, geophysical survey, Phase II archaeological investigation plan and all the applicable reports. In addition, an archaeological “field day” coordinated with the SHPO, Tribal Nations and local parties was held Monday, April 16, 2018. Additional consultation will also be conducted with all the Tribal Nations for the required Archaeological Monitoring Plan which will include Tribal Nation policies on Unexpected Discoveries and Treatment of Human Remains. All consultation was conducted in accordance with 36 CFR Section 800 and FEMA's Statewide Programmatic Agreement 2019-2023.

Commenter	Comment	FEMA's Response
USEPA	Regarding the assessment of climate impacts, we believe that temporary increases in greenhouse gas emissions would not be significant in advancing climate change. We also recognize that the implementation of this project will increase resiliency of the project area.	FEMA appreciates the USEPA's comment and concurs.
USEPA	We appreciate that consultation efforts with USFWS [were made] and that mitigation measures will be implemented as a result.	FEMA appreciates the USEPA's comment. These mitigation measures have been incorporated as project conditions within this FONSI.

FINDINGS

In accordance with NEPA and its implementing regulations at 40 CFR Parts 1500-1508, FEMA Directive 108-1 and FEMA Instruction 108-1-1, 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 EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:

JOHN P DAWSON Digitally signed by JOHN P DAWSON
 Date: 2022.02.10 12:50:33 -05'00'

JOHN DAWSON
 Regional Unified Federal Review Coordinator
 Federal Emergency Management Agency, Region 2 Date:

MICHAEL F MORIARTY Digitally signed by MICHAEL F MORIARTY
 Date: 2022.02.10 21:04:35 -05'00'

MIKE MORIARTY
 Federal Insurance & Mitigation Director, Mitigation Division
 Federal Emergency Management Agency, Region 2 Date: