

Attachment 4

Floodplain Management (EO 11988) and
Wetlands Protection (EO 11990) Plan

Robert Street Stormwater Pump Station Upgrade - Town of Vestal
Floodplain Management EO 11988 and Wetlands Protection EO 11990 Determination
*Community Reconstruction Program within NY State Community Development Block Grant Disaster
Recovery Program
December 30, 2016*

Introduction & Overview - The purpose of Executive Order 11988, Floodplain Management, is “to avoid to the extent possible the long- and short-term adverse impacts associated with occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.” The purpose of Executive Order 11990, Protection of Wetlands, is “to avoid to the extent possible the long- and short-term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative.” This plan contains the analysis prescribed by 24 CFR Part 55.

This project involves Community Development Block Grant Program – Disaster Recovery (CDBG-DR) funding for the conversion of a defunct sanitary pump station to a stormwater pump station. The existing sanitary pump station is out of service and the project proposes to convert the pump station into a serviceable stormwater pump station. This project will prevent flooding of the surrounding neighborhood that had occurred during large storms such as Tropical Storm Lee. The analysis that follows focuses on floodplain and wetland impacts, as there are direct wetland impacts associated with this project. Based on the type of land use and facility and other case characteristics described herein, it is concluded that there is a reasonable basis to proceed with funding for this project/ activity within floodplain and wetland. The CDBG-DR funding is administered through the New York State Rising Community Reconstruction Program which is using bottom-up community participation and State-provided technical expertise to develop resilient and sustainable communities. Thus, alternatives preventing or impeding the development of resilient and sustainable communities are not considered reasonable alternatives.

Description of Proposed Action & Land Use

The existing, out of service pump station is located at 549 Vestal Parkway, Town of Vestal, Broome County, New York. County tax records identify the property as Section 173.21 Block 1 Lot 5. The zoning for the parcel is “Public Services, 821”, which is designated as land used for the accumulation, storage, or diversion of water for flood control purposes only. The county data shows the parcel to be 0.13 acres.

The proposed support involves a limited grant award of approximately \$1.2 million dollars for the conversion of the sanitary pump station into a stormwater pump station. The proposed work comprises the combined use of the converted pump station and its two new outfall pipes in order to drain stormwater into the Choconut Creek. The project will also involve the construction of a 36-inch diameter gravity flow influent pipe that will run adjacent to NYS Route 434. This pipe will run from a proposed concrete influent structure that will be built near the northwestern limit of Elizabeth Street. Included in this structure will be a sharp-crested rectangular weir gate to control the flow diverted to the pump station. Electrical service is also proposed to be installed underground from a nearby 3-phase utility pole located adjacent to NYS Route 434. The electric service is proposed to run along the area of the concrete influent structure and follow underground within the vicinity of the 36-inch diameter gravity flow influent pipe to the existing Robert Street Pump Station.

The current above-grade pump station structure will be removed and replaced with a pavilion-type structure. Stormwater is proposed to flow over an operator adjustable weir level to enter a concrete influent structure located adjacent to the existing stormwater drainage ditch. Water will travel from the influent weir structure through a 36” smooth interior corrugated polyethylene pipe to the pump station. The below-grade pump station infrastructure will be repurposed in-place and will include the installation of two 100-HP submersible pumps with interior station piping and valves. Dual 24-inch effluent force mains will be

installed from the existing pump station location and will end with duckbill check valves at the discharge points in the adjacent Choconut Creek. The pipes will be positioned from the southern side of the pump station and will turn west to be approximately perpendicular to the adjacent swale and levee. The effluent force main pipes will be approximately 225 feet in length. Two air release valve manholes will also be constructed along these force main lines. The project will involve excavation and grading in order to install the washed gravel piping bed and for fill placement over the piping after the piping is installed. Minor excavation will be necessary to install supports in the swale between the levee and the pump station. Piping will be mounted on the supports so that it rests at an above-ground level over the swale location. The piping will be supported so that the section running across the swale is above ground, and the pipe sections installed on the levee will be installed on washed gravel bedding. The sections of pipe on the levee will be filled over and seeded. The two pipes, which will be installed adjacent to each other, will be approximately 225 feet in length and the diameter of the pipes are proposed to be 24-inches in diameter, but could be up to 36 inches.

The pipe section on the levee will be overlain with topsoil and seeded. Native vegetation will be used to reseed the disturbed area and all topsoil and gravel used will be clean so as not to introduce contaminants into the area. The proposed pipe outfall locations will be placed over the levee and down the side of the Choconut Creek streambank. The outfall locations of the pipes on the bank of Choconut Creek will require the installation of a concrete headwall, and rip rap will be placed below the outfall to prevent erosion. The pipes will be installed in a concrete headwall, with rip rap a minimum of two feet deep and keyed in to the existing slope for a minimum of two feet to prevent movement and erosion during high flow events in the Choconut Creek. Additionally, a paved access road will be extended off Robert Street, to the northwestern side of the pump station. This access road will include compacted granular backfill, a geogrid fabric placed on prepared subgrade, 12 inches of a crushed stone subbase per NYSDOT 304.12, and new asphalt cover with a 2-foot shoulder. The pipes will be installed using concrete anchors to prevent movement and damage during high flow events in the Choconut Creek.

Applicable Regulatory Procedure Per EO 11988

The proposed action corresponds with a noncritical action not excluded under 24 CFR §55.12(b) or (c). Funding is permissible for the use in the floodplain and wetland if the proposed action is processed under §55.20 and the findings of the determination are affirmative to suggest that the project may proceed.

This work will be located in 100-year floodplain (SHFA Zone AE) and within federal riverine wetlands. Approximately 0.18 acres of wetlands will be temporarily disturbed and approximately 0.63 acres of floodplain will be temporarily disturbed during construction. Thus, in accordance with the decision-making process set forth in 24 CFR Part 55, this analysis focuses on floodplains and wetlands.

According to 24 CFR §55, the activity planned to rehabilitate an out of service sanitary pump station into a stormwater management pump station occurs in a community that is in the regular program of the National Flood Insurance Program (NFIP) and the community is currently in good standing. This project involves converting a defunct sanitary pump station to transport storm water runoff into Choconut Creek, and the full eight-step floodplain/wetland determination process in §55.20 is being followed. The following analysis examines each step in a floodplain management determination process.

Step 1. Determine Whether the Proposed Action is Located in the 100-year Floodplain (500-year for Critical Actions) or results in New Construction in Wetlands.

The location of the proposed action, per the applicable FEMA flood map Firmette, is within 100-year floodplain (SFHA - AE Zone). There is an established Base Flood Elevation (BFE) of 830 feet at the approximate location of the outfall pipes. The project has the potential for minor temporary impacts into freshwater wetlands.

Step 2. Initiate Public Notice for Early Review of Proposal.

Because the proposed project is located in floodplain and wetland, the Governor's Office of Storm Recovery (GOSR) published an early notice that allowed for public and public agency input on the decision to provide funding assistance for certain reconstruction and development activities. The early public notice and 15-day comment period is complete. No public comments were received.

The early notice and corresponding 15-day public comment period started on December 12, 2016 with the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" being published in the Press & Sun Bulletin

The early notice and corresponding 15-day public comment period started on December 12, 2016 with the "Notice of Early Public Review of a Proposed Activity in Wetlands and 100-Year Floodplain" being published in the Press & Sun Bulletin newspaper, with the 15-day period expiring on December 27, 2016. The notice targeted local residents, including those in the floodplain. The notice was also sent to the following state and federal agencies on December 12, 2016: Federal Emergency Management Agency (FEMA); USFWS; U.S. Environmental Protection Agency (EPA); NYSDEC; and New York State Office of Emergency Management. The notice was also sent to Broome County and the Town of Vestal. (See **Attachments 1** and **2** of this Floodplain Management EO 11988 and Wetlands Protection EO 11990 Determination for the letter distributed to these agencies and the associated newspaper notice affidavit).

Step 3. Identify and Evaluate Practicable Alternatives to Locating the Proposed Action in a 100-year Floodplain (or 500-year Floodplain if a Critical Action) or Wetland.

The residential area adjacent to the pump station suffered flooding damage during Tropical Storm Lee from ponding water in the neighborhood. Potential alternatives must be considered in order to try and mitigate the amount of damage to the pump station and the residential neighborhood from future flood events.

Alternative 1: Pump Station Rehabilitation.

Alternative 1 is the current proposal for the Project reviewed within this environmental review record. Three alternative pumps were examined as noted in the *Basis of Design Report* dated December 2015 and prepared by Barton & Loguidice, D.P.C. The pumps evaluated during the design of the Project plan included conventional submersible pumps, dry pit submersible pumps, and vertical turbine pumps. For each type of pump considered, the pump station would need to be sized accordingly to include two pumps that would be capable of alternating lead/lag pump operation. Both pumps would need to be able to run at the same time during times when the wet well reaches a set high level. This alternative is the preferred alternative because it limits new construction work and repurposes existing infrastructure, thus, limiting the amount of new construction required. This Project involves new construction to install stormwater conveyance piping, a weir, and outflow piping over the levee. The existing pump station structure will be re-purposed for floodwater conveyance. The detailed construction plans contained in the *Basis of Design Report (dated 12/2015)* are based upon a hydrologic analysis of the area.

Alternative 2: Expand Stormwater Retention Capacity.

Alternative 2 involves expanding the capacity of the stormwater retention basin located north of the existing pump station and north of NYS Route 434. This alternative would prevent flood waters from reaching an elevation of 815 feet in the NYSDEC stormwater retention basin and, therefore, prevent the flow of water from the stormwater retention basin to the south under NYS Route 434 and into the Robert Street Neighborhood. This alternative could entail deepening the existing NYSDEC stormwater retention basin and/ or potentially expanding its area. However, this Project is not considered feasible because the existing basin is bound on the south by NYS Route 434, to the West by Choconut Creek, to the north by NYS Route 17 and to the east by private property. These existing boundaries limit the area available for the potential expansion of the stormwater retention basin. As the entire Robert Street Neighborhood is located within the 100-year floodplain per preliminary FIRM data, it might not be effective to alleviate flooding in this

neighborhood through increased water retention only. Additionally, any expansion of the NYSDEC stormwater retention basin could potentially affect habitat for plant and animal species or other resources (historic, cultural, etc.). Thus, it not likely that this is a viable alternative.

Alternative 3: Buyout - Relocate Local Residents and Convert the Neighborhood to Open Space.

Alternative 3 would involve buying out homes that are affected by flooding in the Robert Street Neighborhood. Although this alternative would alleviate damages caused by ponding and flooding in this neighborhood, it is not financially feasible to buyout all of the affected properties in this neighborhood. In addition, it could have an adverse impact on these affected residents and the character of the area. Thus, it not likely that this is a viable alternative.

Alternative 4: Elevate and/ or Floodproof Structures Prone to Flooding-related Damage.

Alternative 4 involves elevating structures and/ or floodproofing them in place. Elevating the structures in the neighborhood is not feasible due to cost constraints. In addition, many of the residential structures also have basements. Floodproofing areas below the base flood elevation in residential buildings is not permitted under the National Flood Insurance Program except in communities that have been granted an exception that permits floodproofed basements. The Town of Vestal has determined that floodproofing of the homes and businesses is not feasible option due to the cost of floodproofing the affected homes and business. Thus, it not likely that this is a viable alternative.

Alternative 5: No Action Alternative

The “no action” alternative means that there would be no rehabilitation and mitigation to the existing Robert Street Pump Station in the Town of Vestal and no work would be undertaken to alleviate the flood problem. This would leave the Robert Street Neighborhood and several commercial properties vulnerable to future flood damage from waters. The “no action” alternative would provide no protection to this residential neighborhood and greater community from future flood events, as mitigation would be compromised due to lack of financial support. Thus, the “no action” alternative is not feasible in relation to the desired objective of creating area resiliency to future flooding events.

The above identified alternatives will be re-evaluated in response to public comments received.

Step 4. Identify & Evaluate Potential Direct & Indirect Impacts Associated with Occupancy or Modification of 100-year Floodplain and Potential Direct & Indirect Support of Floodplain Development that Could Result from Proposed Action.

The focus of floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values. Natural and beneficial values include consideration of potential for adverse impacts on water resources such as natural moderation of floods, water quality maintenance, and groundwater recharge.

According to the FEMA Report - A Unified National Program for Floodplain Management, two definitions commonly used in evaluating actions in floodplain are “structural” and “non-structural” activities. Per the report, structural activity is usually intended to mean adjustments that modify the behavior of floodwaters through the use of measures such as public works dams, levees and channel work. Non-structural is usually intended to include all other adjustments (e.g., regulations, insurance, etc.) in the way society acts when occupying or modifying a floodplain. These definitions are used in describing impacts that may arise in association with potential advancement of this case.

Natural moderation of floods

As the applicant’s site is one of many developed parcels situated within 100-year floodplain, the continued occupancy may potentially result in future direct impacts to Town-owned property during certain severe floods and related natural disasters. However, the direct effects to this property would be no greater than

those expected to the other adjacent occupied properties within this floodplain. Moreover, this property would be designed to mitigate flood damages and to withstand flood conditions.

Living resources such as flora and fauna

This surrounding land use may constitute a type of area where, after flooding, materials used by residents could potentially be released as floatable debris and contribute to litter and if there were minor amounts of chemicals used on site, floodwaters may induce rapid dilution. Given the nature of the project, which is the conversion of infrastructure to a stormwater pump station for flood control measures, the potential for an acute or chronic level of water quality impact from this project is low.

Impacts to Property & Lives

The action does not present potential to impact occupancy of floodplain as it does not involve a structure that is inhabited by people. The project will improve the resiliency of the surrounding residential properties to flood events. The functionally dependent project will occur within floodplain and floodway and will mitigate future flooding. The project is not expected to change land use of the project area and does not alter base flood elevations.

Occupancy of this floodplain in this developed area has taken place over an extended period. According to Broome County's All-Hazard Mitigation Plan, January 2013, the Town of Vestal has a "medium" hazard ranking for floods, with a history of frequent severe storms and flooding. Considering the context of the area - this action represents an activity at only one parcel among many that are located within contiguous floodplain and it will improve resiliency of the neighboring properties to floods. Thus, funding this project/activity does constitute continued support of floodplain development. In the event of severe flooding and associated natural hazards in the future, there is potential for damage to this property and impacts to this flood control property.

The conversion of a defunct sanitary pump station to a stormwater pump station to alleviate flooding in the area sustains area property values and community character within a developed district and neighborhood. It enables flood control measures to be implemented in order to reduce and/ or eliminate flooding from ponding water in the adjacent neighborhood. Similarly, the proposed investment supports the Town by improving flood resiliency and by allowing Town emergency and support services to focus resources elsewhere during flooding events. If this project were not funded, there probably would be other undefined, undesirable indirect impacts to lives in the area, on a short- and long-term basis, such as declining property value and subsequently a decrease in the Town's tax base.

Cultural resources such as archaeological, historic & recreational aspects

The property impacted houses a pump station adjacent to Choconut Creek in the Town of Vestal, New York. Based on a Section 106 project review, in accordance with a determination by the State Historic Preservation Office (SHPO) received on January 21, 2016, this project will have no effect on historic properties or cultural resources. Without support, existing infrastructure would degrade and there would remain a need to alleviate flooding during storm events for the surrounding neighborhood.

Agricultural, aquacultural, & forestry resources

The Town of Vestal is located south of the Susquehanna River and north of the Pennsylvania border. Historically, lumbering was the leading industry in this town. The area of the proposed project is a suburban area, and the Town of Vestal also encompasses woodland and agricultural lands. It is possible that if there is a materials release from this property such as damage to the new structure in a severe storm, it could potentially affect natural resources including the forestry and agricultural resources. However, while it is conceivable that flooding of the pump station could be part of a cumulative influence on such resources, the impact attributable to this use could have not been quantitatively derived and the potential impact, with planning for and practice of management practices and engineering design, is considered minor.

Wetland Evaluation

The purpose of wetland evaluation is to consider factors relevant to a proposal's effect on the survival and quality of the wetland. These factors should include public health (including water supply and water quality), maintenance of natural systems, cost increases attributed to construction in wetland, and other uses of wetland in the public interest.

Public health, safety, and welfare, including water supply, quality, recharge, and discharge; pollution; flood and storm hazards and hazard protection; and sediment and erosion.

The project location is adjacent to a Standard C and Class C stream (NYSDEC) and riverine wetland (USFWS). These wetlands are freshwater wetlands and, therefore, are not directly used for water supply. Additionally, the construction of the outfall pipe location is not suspected to pose a threat to public health and safety, or to increase flood and storm hazards. This is because the proposed action does not include reshaping, dredging, or filling of the wetland. The proposed action will not decrease the area of the wetland as all proposed work performed is located above the mean high water mark.

Maintenance of natural systems, including conservation and long-term productivity of existing flora and fauna; species and habitat diversity and stability; natural hydrologic function; wetland type; fish; wildlife; timber; and food and fiber resources.

The proposed action will not further affect the natural systems/ wetlands at this existing waterway, which is located in an area that is primarily developed with residential and commercial properties. The proposed work is for the conversion of an existing sanitary pump station and the outfall pipe at Choconut Creek. The Applicant shall comply with all best management practices and permit conditions that are set forth in the applicable federal, state, and local environmental permits, when and as they are acquired. As the work will not increase the area of the existing pump station, it is presumed that there will not be new adverse impacts on the existing flora/fauna, habitat, natural hydrologic function, or natural resources at the location.

Cost increases attributed to wetland-required new construction and mitigation measures to minimize harm to wetlands that may result from such use.

The proposed scope of work does not involve changing the area of the wetland by dredging, diking, filling, or by other means. Consequently, there are no cost increases attributed to necessary mitigation measures to minimize harm to wetlands that may result from such use.

Other uses of wetland in the public interest, including recreational, scientific, and cultural uses.

This pump station is proposed to decrease the future flooding impacts on the surrounding community, allowing for future resiliency and recovery. According to the Outdoor Industry Association's two-page fact sheet [New York The Outdoor Recreation Economy](#), outdoor recreation generates \$338 Billion in consumer spending and 305,000 direct jobs within the State. This is an important sector of the regional and local economy and the proposed project will protect the constituent part of this aspect of the economic base from future flood events.

Step 5. Where Practicable, Design or Modify the Proposed Action to Minimize the Potential Adverse Impacts To and From the 100-Year Floodplain and to Restore and Preserve its Natural and Beneficial Functions and Values.

Given the scope of work and the proposed funding support, it is a direct policy requirement to specify standards that mitigate flood risk. Due to the location of the pump station in floodplain and the substantial improvement the pump station will undergo, the upgrade of the pump station is considered a mitigation measure to reduce flooding to other structures in the floodplain. The project is not anticipated to increase impervious surface area, and pumps within the pump station will be designed and constructed so that water will not damage electrical and mechanical components.

Step 6. Reevaluate the Alternatives and Proposed Action.

The relocation alternatives would cost more money than the proposed project. The buyout of the adjacent residential properties for conversion into open space would eliminate the need for a project to mitigate flooding, but this alternative would displace multiple residents and cost more than the projected cost of the proposed project. The Town of Vestal has determined that the future use of this out of service pump station is appropriate because the project will alleviate flooding to residents of the Town of Vestal, and it will make use of a Town-owned flood control property. Alternative options are not considered feasible due to cost constraints or because of the potential displacement of residents.

The “no action” alternative would not address the need for the Town of Vestal to reduce flooding in the area of the proposed action. Without funding this grant, the Town would not be able to implement flood these control measures and residents would continue to face unmitigated flood conditions during future storm events.

The impacts of these alternatives will be re-evaluated in response to any public comments received.

Step 7. Issue Findings and Public Explanation.

It is the finding of this report that there is no better alternative than to provide funding for the conversion of the defunct sanitary pump station to a stormwater pump station. The location within floodplain and wetlands cannot be avoided due the functionally dependent use of the structure, which is to pump stormwater runoff into an adjacent creek to alleviate flooding in an adjacent neighborhood. However, not funding any actions would mean that the Town of Vestal would struggle to recover from future storm events.

A final notice, formally known as “Notice of Policy Determination” was published in accordance with 24 CFR 55, for a 15-day comment period. (See **Attachment 3** of this Floodplain Management EO 11988 and Wetlands Protection EO 11990 Determination for the letter distributed to the associated agencies). The 7-day comment period started with the Final Notice publishing in the Press & Sun Bulletin newspaper on December 30, 2016 and the 15-day period expires January 17, 2017.

Step 8. Continuing Responsibility of Responsible Entity & Recipient.

The Governor’s Office of Storm Recovery (GOSR), operating under the auspices of the New York State Homes and Community Renewal’s (NYSHCR) Housing Trust Fund Corporation, is the responsible entity. The responsible entity will make available educational materials regarding best practices for structures located in floodplains. It is acknowledged there is a continuing responsibility by the responsible entity, New York State Housing Trust Fund/ Division of Homes and Community Renewal, to ensure, to the extent feasible and necessary, compliance with Steps 5 through 7.

Attachment 1
Notice of Early Public Review
Floodplain Management & Wetlands Protection
Executive Order 11988 & Executive Order 11990



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

**EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND
WETLAND**

**ROBERT STREET STORMWATER PUMP STATION UPGRADE
549 VESTAL PARKWAY, TOWN OF VESTAL
BROOME COUNTY, NEW YORK
DECEMBER 12, 2016**

To: All interested Agencies, Groups, and Individuals

This is to give notice that the Governor's Office of Storm Recovery (GOSR), an office of the New York State Housing Trust Fund Corporation (HTFC), has received an application from Town of Vestal to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funding from the NY Rising Community Reconstruction Program to implement the Robert Street Stormwater Pump Station Upgrade (hereinafter, the "Proposed Activity") and is conducting an evaluation as required by Executive Order 11988 and Executive Order 11990 in accordance with U.S. Department of Housing and Urban Renewal (HUD) regulations (24 CFR Part 55). There are three primary purposes for this notice. First, to provide the public an opportunity to express their concerns and share information about the Proposed Activity, including alternative locations outside of the floodplain and wetland. Second, adequate public notice is an important public education tool. The dissemination of information about floodplain and wetland facilitates and enhances governmental efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the government determines it will participate in actions taking place in floodplain and wetland it must inform those who may be put at greater or continued risk. Funding for the Proposed Activity will be provided by the HUD CDBG-DR program for storm recovery activities in New York State.

The Proposed Activity is needed to reduce flood risk to the surrounding neighborhood. Upon conversion of the existing defunct sanitary pump station, the stormwater pump station will drain a stormwater retention swale directly adjacent to the pump station when stormwater begins to pond within the adjacent neighborhood, thereby preventing or limiting flooding of the homes during future storm events.

The Proposed Activity entails converting the existing sanitary pump station. The proposed construction will occur within the existing pump station and will include two pipes installed in a westerly direction from the pump station over a levee adjacent to Choconut Creek, where two new outfall pipes will allow water to drain into Choconut Creek. Additionally, gravity flow piping will be placed in the drainage swale leading to the pump house in order to feed the ponding water into the pump house.

The Proposed Activity will result in impacts to 0.42 acres of 100-Year Floodplain and 0.01 acres of NWI-mapped wetlands. These impacts will consist of water runoff transportation from the retention swale located behind the levee to two outfall pipe locations on Choconut Creek.

Floodplain maps based on the FEMA Flood Insurance Rate Maps and wetlands maps based on the National Wetland Inventory and New York State Department of Environmental Conservation (NYSDEC) data have been prepared and are available for review with additional information at <http://www.stormrecovery.ny.gov/environmental-docs>.

Any individual, group, or agency may submit written comments on the Proposed Activity or request further information by contacting Lori A. Shirley, Certifying Officer, Governor's Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207; email: NYSCDBG_DR_ER@nyshcr.org. Standard office hours are 9:00 AM to 5:00 PM Monday through Friday. For more information, call 518-474-0755. All comments received by December 27, 2016 will be considered.

Attachment 2
Notice of Early Public Review Affidavit
Floodplain Management & Wetlands Protection
Executive Order 11988 & Executive Order 11990

PRESS & SUN-BULLETIN

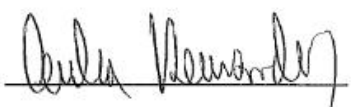
State of New York
City of Binghamton
County of Broome, SS:

CECILIA HERNANDEZ being duly sworn, deposes and says she is the Principal Clerk of the Binghamton Press Company Inc., publisher of the following newspaper printed in Johnson City published in the City of Binghamton, New York and of general circulation in the Counties of Broome, Chenango, Delaware, Tioga, State of New York and Susquehanna County, State of Pennsylvania PRESS & SUN BULLETIN

A notice of which the annexed is a printed copy, was published on the following dates:

12/12/16

Subscribed and sworn to before me this 13th day of December, 2016


Notary Public

Vilma Avelar
Notary Public State of New York
NO. 01AV6318411
Qualified in Westchester County
Commission Expires January 26, 2019

EARLY NOTICE OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

ROBERT STREET STORMWATER PUMP STATION UPGRADE
549 VESTAL PARKWAY, TOWN OF VESTAL,
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12/12/2016

10/16/16-11

Attachment 3
Final Notice
Floodplain Management & Wetlands Protection
Executive Order 11988 & Executive Order 11990



**Governor's Office of
Storm Recovery**

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

PUBLIC NOTICE
COMBINED FINAL NOTICE AND PUBLIC REVIEW OF A PROPOSED
ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND,
NOTICE OF FINDING OF NO SIGNIFICANT IMPACT (FONSI),
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS (NOI-RROF)

ROBERT STREET STORMWATER PUMP STATION UPGRADE

DECEMBER 30, 2016

Name of Responsible Entity and Recipient: New York State Homes and Community Renewal (HCR), 38-40 State Street, Hampton Plaza, Albany, NY 12207, in cooperation with the New York State Housing Trust Fund Corporation (HTFC), of the same address. Contact: Lori A. Shirley (518) 474-0755.

Pursuant to 24 CFR Section 58.43, this combined Notice of Finding of No Significant Impact (FONSI), Notice of Intent to Request Release of Funds (NOI-RROF), and Final Notice and Public Explanation of a Proposed Activity in a Floodplain and Wetland satisfies three separate procedural requirements for project activities proposed to be undertaken by HCR.

Project Description: The Governor's Office of Storm Recovery (GOSR), an office of HCR's 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 the Town of Vestal for the Robert Street Stormwater Pump Station Upgrade. The proposed construction entails converting the existing sanitary pump station into a stormwater pump station at a neighborhood located adjacent to 549 Vestal Parkway, Town of Vestal, Broome County, New York (the "Proposed Project").

The proposed construction will occur within the existing pump station and will include two pipes installed in a westerly direction from the pump station over a levee adjacent to Choconut Creek, where two new outfall pipes will allow water to drain into Choconut Creek. Additionally, gravity flow piping will be placed in the drainage swale leading to the pump house in order to feed the ponding water into the pump house. This proposed project is estimated to have a total cost of \$1,200,000.00 being provided by CDBG-DR.

PUBLIC EXPLANATION OF A PROPOSED ACTIVITY IN A 100-YEAR FLOODPLAIN AND WETLAND

This work will be located in 100-year floodplain (SHFA Zone AE) and federal riverine wetlands. Approximately 0.42 acres of floodplain will be disturbed and approximately 0.01 acres of wetlands will be disturbed during construction. Since the action will include new construction in wetland and floodplain, Executive Orders 11990 and 11988 require that the project not be supported if there are practicable alternatives to development in floodplain and new construction in wetlands.

There are three primary purposes for this notice. First, people who may be affected by activities in floodplain and wetlands and those who have an interest in the protection of the natural environment have

an opportunity to express their concerns and provide information about these areas. Second, adequate public notice is an important public education tool. The dissemination of information and request for public comment about floodplains/ wetlands can facilitate and enhance federal efforts to reduce the risks associated with the occupancy and modification of these special areas. Third, as a matter of fairness, when the federal government determines it will participate in actions taking place in floodplains/ wetlands, it must inform those who may be put at greater or continued risk.

FINDING OF NO SIGNIFICANT IMPACT

An Environmental Assessment (EA) for the Proposed Project has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and HUD environmental review regulations at 24 CFR Part 58. The EA is incorporated by reference into this FONSI. Subject to public comments, no further review of the Proposed Project is anticipated. HCR has determined that the EA for the project identified herein complies with the requirements of HUD environmental review regulations at 24 CFR Part 58. HCR has determined that the Proposed Project will have no significant impact on the human environment and, therefore, does not require the preparation of an environmental impact statement under NEPA.

Public Review: Public viewing of the EA and Floodplain Management Documents are available online at <http://stormrecovery.ny.gov/environmental-docs> and are also available in person Monday – Friday, 9:00 AM – 5:00 PM at the following address: Governor’s Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Contact: Lori A. Shirley (518) 474-0755.

Further information may be requested by writing to the above address, emailing NYSCDBG_DR_ER@nyshr.org or by calling (518) 474-0755. This combined notice is being sent to individuals and groups known to be interested in these activities, local news media, appropriate local, state and federal agencies, the regional office of the U.S. Environmental Protection Agency having jurisdiction, and to the HUD Field Office, and is being published in a newspaper of general circulation in the affected community.

Public Comments on the Proposed Activity within Floodplain and Wetland, FONSI and/or NOIRROF: Any individual, group or agency may submit written comments on the Project. The public is hereby advised to specify in their comments which “notice” their comments address. Comments should be submitted via email, in the proper format, on or before January 17, 2017 at NYSCDBG_DR_ER@nyshr.org. Written comments may also be submitted at the following address, or by mail, in the proper format, to be received on or before January 17, 2017: Governor’s Office of Storm Recovery, 38-40 State Street, Hampton Plaza, Albany, NY 12207. Comments may be received by telephone by contacting Lori A. Shirley at (518) 474-0755. All comments must be received on or before 5:00 pm on January 17, 2017 or they will not be considered. If modifications result from public comment, these will be made prior to proceeding with the expenditure of funds.

REQUEST FOR RELEASE OF FUNDS AND CERTIFICATION

On or about January 18, 2017, the HCR certifying officer will submit a request and certification to HUD for the release of CDBG-DR funds as authorized by related laws and policies for the purpose of implementing this part of the New York CDBG-DR program.

HCR certifies to HUD that Lori A. Shirley, in her capacity as Certifying Officer, consents to accept the jurisdiction of the U.S. federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD’s approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows GOSR to use CDBG-DR program funds.

Objection to Release of Funds: HUD will accept objections to its release of funds and GOSR's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later). Potential objectors may contact HUD or the GOSR Certifying Officer to verify the actual last day of the objection period.

The only permissible grounds for objections claiming a responsible entity's non-compliance with 24 CFR Part 58 are: (a) Certification was not executed by HCR's Certifying Officer; (b) the responsible entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the responsible entity has committed funds or incurred costs not authorized by 24 CFR Part 58 before release of funds and approval of environmental certification; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality.

Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to Tennille Smith Parker, Director, Disaster Recovery and Special Issues Division, Office of Block Grant Assistance, U.S. Department of Housing & Urban Development, 451 7th Street SW, Washington, DC 20410, Phone: (202) 402-4649.

Lori A. Shirley
Certifying Officer
December 30, 2016