Windham Drainage Improvements Route 56 Culverts
Hamlet of Maplecrest, Greene County, New York
Environmental Assessment
Environmental Review Record

Prepared by New York State Homes and Community Renewal
Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207

August 3, 2017

Windham Drainage Improvements Route 56 Culverts
Environmental Review Record

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Project Name:	Windham Drainage Improvements - Route 56 Culverts
Project Location:	Hamlet of Maplecrest, Greene County, New York
Federal Agency:	US Department of Housing and Urban Development
Responsible Entity:	New York State Homes and Community Renewal
Responsible Agency's Certifying Officer:	Lori A. Shirley, Governor's Office of Storm Recovery, Certifying Officer
Project Sponsor:	Town of Windham
Primary Contact:	Robert Pelham Supervisor (518) 734-4170 supervisor@townofwindhamny.com
Project NEPA Classification:	24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	**X** Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	☐Finding of Significant Impact - The project may significantly affect the quality of the human environment.
Certification	The undersigned hereby certifies that New York State Homes and Community Renewal has conducted an environmental review of the project identified above and prepared the attached environmental review record in compliance with all applicable provisions of the National Environmental Policy Act of 1969, as amended (42 USC Sec. 4321 et seq.) and its implementing regulations at 24 CFR Part 58.
Signature	Lori A. Shirley

Environmental Assessment Prepared By:	Alicia Shultz Senior Environmental Scientist New York State Homes & Community Renewal Governor's Office of Storm Recover 38-40 State St., 408N, Hampton Plaza, Albany, NY 12207

CERTIFICATION OF NEPA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2015 NYS CDBG-DR project, Windham Drainage Improvements Route 56 Culverts project are:

Check the applicable classification.

☐ Exempt as defined in 24 CFR 58.34 (a).

☐ Categorically Excluded as defined in 24 CFR 58.35(b).

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statues and executive orders [i.e., exempt under 58.34(a)(12)].

☐ Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.

☒ "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).

☐ Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

For activities excluding those classified as "Other", attached is the appropriate Classification Checklist (Exhibit 2-4) that identifies each activity and the corresponding citation.

Lori A Shirley

_____ August 3, 2017_____

Signature of Certifying Officer Date

Lori A. Shirley

CERTIFICATION OF SEQRA CLASSIFICATION

It is the finding of the New York State Housing Trust Fund Corporation that the activity(ies) proposed in its 2105 NYS CDBG-DR project, Windham Drainage Improvements Route 56 project constitute a:

Check the applicable classification:

- ☐ Type I Action (6NYCRR Section 617.4)
- ☐ Type II Action (6NYCRR Section 617.5)
- ☒ Unlisted Action (not Type I or Type II Action)

Check if applicable:

- ☐ Environmental Impact Statement (EIS) Prepared
  - ☐ Draft EIS
  - ☐ Final EIS

Lori A Shirley

Signature of Certifying Officer
Lori A. Shirley

August 3, 2017
Date

Windham Drainage Improvements Route 56
Hamlet of Maplecrest, Greene County, New York

Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]**:**

The Town of Windham, Greene County, New York proposes to conduct a series of drainage improvements along Greene County Route 56 (C.R. 56), in the Hamlet of Maplecrest. C.R. 56 is an important transportation route serving dozens of homes in the Hamlet of Maplecrest and provides access to the flood control dam at C. D. Lane Park. Improvements will be located near the intersection of C.R. 56 and Charbonneau Way. Improvements will include replacement of three existing culverts with larger culverts, extension of a drainage channel to serve the culverts, and the installation of stone rip-rap armoring. Additionally, the path of an unnamed intermittent tributary will be altered to more efficiently convey flow downstream. **Appendix A** provides complete plan set for the proposed project which includes:

- Removal and Replacement of Existing Culvert Infrastructure: Three undersized culverts providing drainage from the southeast side of C.R. 56 to the northeast side of C.R. 56 will be removed and replaced with larger culverts with the capacity to contain 100-year stormwater to prevent flooding of the surrounding area. The first culvert directs water under C.R. 56 to northwest side of C.R. 56. The second culvert directs water from drainage ditches along C.R. 56 and Charbonneau Way under Charbonneau Way, north to a drainage ditch running north and parallel to C.R. 56. This ditch flows to the third culvert. The third culvert directs water under C.R. 56 to a drainage ditch on the northwest side of C.R. 56. All water from the culverts eventually flow to the unnamed tributary on the northwest side of C.R. 56.

  The first culvert is 48” diameter corrugated metal pipe and will be replaced with a 10-foot by 5-foot concrete culvert box. The second culvert is a dilapidated and collapsed 18” corrugated metal pipe and will be replaced with a 5 foot by 2-foot culvert. The third culvert is a 20” corrugated metal pipe and will be replaced with a 5 foot by 2-foot culvert.

- Relocation of Intermittent Tributary: Following the removal culvert infrastructure and concurrent with the installation of new culverts, the Town will relocate portions of an unnamed intermittent tributary to more efficiently convey normal and high-water stormwater event flows. The tributary edging on the southeast (upstream) side of C.R. 56 will be realigned approximately 155 linear feet. The tributary edging on the southwest (downstream) side of C.R. 56 will be realigned approximately 80 linear feet. Rock ramps 15 foot in length, with a 10-degree slope will be placed at intervals along the tributary to regulate stormwater flow during high-water events. These realignments will improve the tributary’s approach to the culvert, add a more natural sinuosity, create a more consistent slope of the length of the tributary, and greatly improve the tributary’s stability. The reshaped tributary on the northwest side of C.R. 56 will receive all the stormwater conveyed from replaced culverts.

- Tributary ad Drainage Ditch Reshaping and Armoring: Stone rip-rap armoring will be placed on a slope of 2:1, at a 30” depth along the new tributary channel to aid in erosion control. Additionally, the drainage ditch that services the Charbonneau Way and lower C.R. 56 culverts will be enhanced to include a channel approximately 200’ in length and 5’ in depth. This channel improvement will ensure proper drainage of stormwater to the tributary.

- Guide Rail: Approximately 300’ of steel box-beam guide rail will be placed along the northwest side of C.R. 56. Approximately 150’ of the same type guide rail will be placed along the northeast side of C.R. 56.

- Construction Staging Area: The construction staging area of this project will be located adjacent to C.R. 56, directly across from Charbonneau Way. This area will be utilized for staging construction equipment and materials needed to complete the project. A second construction access pad will be located adjacent to C.R. 56 and the upstream side of the intermittent unnamed tributary and will be used as a platform from which to conduct channel improvements. A temporary sediment stockpile area (with sediment fencing) will be established on the downstream side of the unnamed tributary. This sediment will be used to backfill the 63'culvert.

The proposed project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert sites and the construction of a sequence for temporary flow diversion during construction as necessary. For the Route 56 crossings plans will be developed to identify alternating one-way traffic to be maintained during construction.

This project will upgrade the culvert capacity associated with C.R. 56, improve mobility, and ensure access to the nearby flood control structure providing a longer period of time to support evacuations. By enlarging culverts to a size sufficient to accommodate a 100-year storm event and improving the design to reduce debris jams, this infrastructure improvement and flood mitigation project will increase flood protection for Maplewood residents, prevent road washout, and preserve access to the C. D. Lane Park flood control structure.

Statement of Purpose and Need for the Proposal [40 CFR 1508.9(b)]:

During Hurricane Irene, stormwater overwhelmed town-owned retaining walls, bridges, and culvert infrastructure after 18 inches of rain fell on the town and in the mountains surrounding the town. Windham is bordered on three sides by the Catskills. Stormwater runoff flowed down the slopes of these mountains and resulted in the overtopping of Batavia Kill and its tributaries. Flood waters then inundated the Hamlet of Maplecrest, where the densest concentration of the town's residences and commercial buildings is located. Many of these structures were severely damaged and rendered uninhabitable for weeks and months following the storm. Stormwater also overwhelmed culvert infrastructure crossing C.R. 56. The resulting flooding destroyed residences and businesses, impeded the town's emergency response services, and stranded residents of the town and forced them to shelter in-place during and after the storm event.

Following Hurricane Irene, through the NYRCR process, the Town of Windham resolved to address flooding and drainage problems that occurred during the storm. The town has embarked on a program of infrastructure improvements that to mitigate future stormwater events, of which the proposed Project is an element.

Existing Conditions and Trends [24 CFR 58.40(a)]:

New York State has experienced several storms (e.g., Hurricane Irene, Tropical Storm Lee, Hurricane Sandy) that have caused substantial damage over the last decade. This trend increased the need for improved flood protection infrastructure.

The C.R. 56 culvert replacement project is intended to protect commercial buildings in the Hamlet of Maplecrest from flooding, but its limitations were evident during Hurricane Irene, when the water overflowed the C.R. 56 culverts and flooding nearby buildings and residents, jeopardizing its ability to protect properties and reduce flooding on Main Street in the future. The culvert enlargements will prevent flood waters from

flooding area roads, increasing the mobility of residents who may need to evacuate and of emergency personnel. A key strategy for the Town of Windham is to improve its resilience to extreme flooding.

Standard Conditions for All Projects

Any change to the approved scope of work will require re-evaluation by the Certifying Officer for compliance with NEPA and other laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires the recipient to comply with all federal state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

Funding Information

Estimated Total HUD Funded Amount:
$532,500

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]**:**
$532,500

Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes ☐ No ☒	Based on HUD guidance in Fact Sheet #D1, the National Plan of Integrated Airport Systems (NPIAS) was reviewed for civilian, commercial service airports near the Project site, as projects within 2,500 feet of a civil airport require consultation with the appropriate civil airport operator. There are no civilian public-use airports within 2,500 feet of the Project site (See **Appendix B**, Figures). No military airports are within 15,000 feet of the Project site (See **Appendix B**, Figures).
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes ☐ No ☒	Not applicable. The Project site is not in a Coastal Barrier Resources Area as defined by the state's Coastal Zone Management Program (See **Appendix B**, Figures).
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes ☐ No ☒	The Project site is not located in the Special Flood Hazard Area (SFHA) (See **Appendix B**, Figures).
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes ☐ No ☒	The Project site is not included in the most recent listing of nonattainment or maintenance areas for inhalable particulate matter (PM2.5) or the 2008 8-hour ozone

		standard, as defined by the US Environmental Protection Agency (EPA) Green Book Nonattainment Areas for Criteria Pollutants. The Project would not require an NYS Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit. The Project activities would not substantively affect air quality. Implementation of standard best management practices (BMP) would control dust and other emissions during Project activities. Air quality impacts would be short term and localized during construction, so no significant adverse impacts to air quality are anticipated (See **Appendix B**, Figures).
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes ☐ No ☒	The Project site is not in a coastal zone as defined by the state's Coastal Zone Management Program or a Local Waterfront Revitalization Program (See **Appendix B**, Figures).
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes ☐ No ☒	The project area includes existing culverts and unnamed intermittent tributary. No hazardous or solid waste storage is evident on the site, and the project would not expose new populations to hazards or nuisances because no new populations would reside on the Project site. A search of the NYSDEC Bulk Storage Program Database identified one petroleum bulk storage facility within one mile of the project site (See **Appendix B**, Figures). There are no tanks on the project site. The project would not involve the installation of any new tanks. A search of the NYSDEC Remedial Site Database, containing records of the sites being addressed under one of DER's remedial programs (State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup, the Registry of Inactive Hazardous Waste

		Disposal Sites, and Institutional and Engineering Controls), identified no sites within one mile of the project site. The US EPA NEPA Assist database did not identify any hazardous waste sites within one mile of the project location (See **Appendix B**, Figures). The project site was not identified in NYSDEC Remedial Site Database. The project would not result in the exposure of people or sensitive environmental resources to the facilities identified in these databases.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes ☐ No ☒	The US Fish and Wildlife Service (USFWS) online review process, completed on July 18, 2017, found one threatened species potentially associated with the project locations – the threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*). Several migratory birds of concern that could be affected by the proposed Project were identified in the online review process. On July 18, 2017 GOSR provided notice to the USFWS of the determination that the project includes no removal of trees and therefore a determination of no effect determination for the NLEB. The primary impacts to NLEB is habitat removal and tree removal. Additionally, the project locations are not within 0.25 miles of known or assumed hibernacula for the NLEB, nor are there documented or assumed maternity roosts within 150 feet. GORS requested acknowledgement of the no effect determination. The acknowledgment was received on August 1, 2017. In response to the July 18, 2017, New York Natural Heritage Program (NYNHP) inquiry regarding potential rare or state-listed animals or plants near the Project site, the NHP stated on July 24, 2017, that it has no records of rare or state-listed animals or plants, or significant natural communities directly on the project site. About 0.6 mile

		from the project site is a documented bald eagle nest, a state-listed threatened species. The response suggested that the regional office be contacted formation about potential impacts of the project on the bald eagle and how to avoid, minimize, or mitigation any impacts. GOSR reviewed the National Bald Eagle Management Guidelines and made the determination that the project would have no impact on the bald eagle nest or bald eagle habitat based on the distance to the bald eagle nest, proposed construction activities, no changes in the land use, and the presence of visibility barriers (trees) between the nest and the project locations. GOSR documented the determination in a letter on July 25, 2017 to the NYSDEC regional office and requested concurrence. NYSDEC regional office responded on July 28, 2017 with a concurrence and requested that project activities occur in the fall and if construction is delayed, NYSDEC be consulted to ensure that no new bald eagle nests are located near the proposed project (See **Appendix C**, USFWS, NYSDEC, and NYNHP Correspondence).
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes ☐ No ☒	The project would not introduce housing or sensitive public uses at the site that could be exposed to explosive or flammable hazards. The project would not include the storage of flammable or explosive materials. HUD-assisted projects must be located at an Acceptable Separation Distance (ASD) from stationary hazardous operations that store, handle or process chemicals or petrochemicals of an explosive or flammable nature. These tanks include: • ASTs that store flammable or explosive gasses (such as propane) within a 1,000-foot radius of the Project site; • ASTs exceeding 100 gallons that store flammable or explosive liquids

		within a 1,000-foot radius of the Project site; or • ASTs that exceed 20,000 gallons and are within 1 mile of the site. No new tanks will be installed. No new explosive or thermal hazards from would result from the Project.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes ☐ No ☒	The soils at the project site are identified as Prime Farmland soils and of Statewide Importance. The project site is not in a New York State agricultural district (See **Appendix B**, Figures). It is anticipated that the project activities will all take place within or immediately adjacent to the streambed and would not disturb areas that could be used for farming. Based on the level of disturbance, the Project would fall under the small acreage exemption of 3 acres or less, per Part 523.11 E of the Farmland Protection Policy Act (FPPA) Manual, so it would not require an AD 1006 and is exempt.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes ☒ No ☐	The project locations are not in the Special Flood Hazard Area (SFHA) or wetland (See **Appendix B**, Figures).
Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	Yes ☐ No ☒	Consultation with the New York State Historic Preservation Office (SHPO) and the Division for Historic Preservation (DHP) in the Office of Parks, Recreation and Historic Preservation (OPRHP) in accordance with Section 106 of the National Historic Preservation Act of 1966 was initiated through a letter sent on July 25, 2017. The SHPO stated in a July 25 2017 letter that there would be "No Historic Properties Affected" by the Project. (See **Appendix D**, SHPO Correspondence) The Delaware Nation, Delaware Tribe, Mohawk Nation, Saint Regis Mohawk Tribe, and the Stockbridge-Munsee Community, Band of the Mohicans were contacted as possible consulting parties. Each was sent a

		letter on July 20 2017, with the site description and site plan. Responses requested that in event a concentration of artifacts and/or in the unlikely event any human remains are accidentally unearthed during the project that all work is halted until the above are informed of the inadvertent discovery and a qualified archaeologist can evaluate the find and the Delaware Nation and Band of Mohicans consulted (See **Appendix E**, Tribal Correspondence for responses).
Noise Abatement and Control Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes ☐ No ☒	The proposed project is not a noise-sensitive use, and the policies of 24 CFR 51.101(a)(3) do not apply to any action or emergency assistance under disaster assistance provisions or appropriations that are provided to save lives and protect public health and safety. The project activities would not introduce any new or rehabilitate any existing noise-sensitive uses, so no significant noise impacts would occur as a result of the proposed project.
Sole Source Aquifers Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes ☐ No ☒	The project area is not within the bounds of a Sole Source Aquifer Designated Area (See **Appendix B**, Figures).
Wetlands Protection Executive Order 11990, particularly sections 2 and 5	Yes ☐ No ☒	The proposed project area is not located in wetlands, as identified by NYSDEC and NWI (See **Appendix B**, Figures). Construction of the proposed project relocated a portion of an unnamed intermittent tributary to Batavia Kill. The unnamed tributary conveys flows through the main cross culvert under Route 56 and is designated as Class C. The smaller drainage ways associated with the smaller culverts are unclassified. A Protection of Waters permit is not required to disturb the bed or banks of non-navigable streams classified as C. However, even though a permit is not required, work will be completed as not to pollute the stream.

		If improvements encompass more than one or more acres of disturbance, A State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity will be required through NYSDEC. In a letter dated September 9, 2016, the NYSDEC stated that an Article 15, Protection of Waters Permit, pursuant to 6NYCRR Part 608 is not required (See **Appendix F**)
Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes ☐ No ☒	There are no state or federally designated wild and scenic rivers at or near the Project. (http://www.dec.ny.gov/permits/32739.html and https://www.nps.gov/orgs/1912/plan-your-visit.htm)
ENVIRONMENTAL JUSTICE		
Environmental Justice Executive Order 12898	Yes ☐ No ☒	Because the proposed project is a culvert replacement and intermittent tributary realignment, with no potential adverse impacts, there are no disproportionate adverse impacts anticipated. The proposed project would follow local ordinances, so no adverse impacts are anticipated on the surrounding community. The proposed project sites are not within a potential Environmental Justice (EJ) area, as defined by NYSDEC based on data from the 2010 U.S. Census (See **Appendix B**, Figures).

Environmental Assessment Factors [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

Impact Codes: Use an impact code from the following list to make the determination of impact for each factor.
(1) Minor beneficial impact
(2) No impact anticipated
(3) Minor Adverse Impact – May require mitigation
(4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	The proposed project will not require the acquisition of new land, change the existing land use or zoning, or alter the residential character of the community. A small area of easements will be required. The proposed project is part of the Town of Windham Rising Community Reconstruction Plan and is specifically identified to address flooding in the area of C.R. 56, erosion around the unnamed tributary and access to the flood control dam at C. D. Lane Park from C.R. 56 (the access road to the dam).
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	3	A stream bed stability study was completed to ensure soil suitability. The soils at the culverts consists alternate between layers of gravelly sand, silt, clay, and organic material. The watershed for Culvert 1, the most northern culvert under C.R. 56, is approximately 0.33 square miles in size. The watershed is primarily forested, with sparse residential development and open fields close to C.R. 56. Topography within the contributing watershed is steeply sloping and ranges in elevation from approximately 1,850 feet at Culvert 1 to over 3,200 feet at its headwaters on Thomas Cole Mountain. The watershed for other two culverts, Culverts 2 and 3, south of Culvert 1, is approximately 0.15 square miles in size. The watershed is primarily forest with residential development and open areas along C.R. 56 and Charbonneau Way. The average slope of the intermittent tributary is approximately 5.1 percent as it flows through the project area. The tributary flows across the yard of the residence located upstream of the Culvert 1 at a slope of 3.6 percent, but steepens to 8.0 percent as

		it approaches the culvert. Culvert 1 has a slope of 4.8 percent. Downstream of the culvert, the stream has a slope of 4.7 percent, flattening to 3.2 percent approximately 75 feet downstream of the culvert. Continuing downstream, the channel continues to flatten as it approaches and flows across the floodplain of the Batavia Kill. The attached engineering design provide erosion control structures and realignment of the stream will decrease erosion as well as slow down and contain the flow within the tributary.
Hazards and Nuisances including Site Safety and Noise	2	No hazards have been identified.
Energy Consumption	2	The proposed project will not result in additional energy consumption because no changes in land use, population, or energy infrastructure would occur. No impacts will occur to existing nearby suppliers.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	There will be a temporary, minor increase in employment during construction and no increase in long-term employment.
Demographic Character Changes, Displacement	2	No direct or indirect population changes will result from the Project, and there will be no demographic, character, or displacement impacts.

Environmental Assessment Factor	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
Educational and Cultural Facilities	2	Because the proposed project involves no changes in population, there will be no impact on demand for educational or cultural facilities.
Commercial Facilities	2	Because the proposed project involves no changes in population, there will be no impact on demand for commercial facilities.
Health Care and Social Services	2	Because the proposed project involves no changes in population, there will be no impact on demand for these services.
Solid Waste Disposal / Recycling	2	Construction may result in a temporary increase in solid waste. Construction debris would be collected on-site and disposed of or recycled as appropriate. There will be no increase in solid waste disposal or recycling from operation of the Proposed project because it will not result in any changes in population or land use. The proposed improvements will reduce disruption of public services that could result from flooding.

Waste Water / Sanitary Sewers	2	The proposed project will not generate wastewater and sewage. Because the proposed project involves no changes in population, there will be no impact on wastewater and sewage generated in the Project area.
Water Supply	2	This project will not change the residences' use of water or wastewater. No changes to the water supply system are anticipated.
Public Safety - Police, Fire and Emergency Medical	2	Because the project involves no changes in population, there will be no impact on demand for police, fire, or emergency medical services. The proposed improvements to the drainage system will allow better fire protection, rescue, and police responses in times of storms.
Parks, Open Space and Recreation	2	Because the project involves no changes in population, there will be no impact on demand for parks, open space, or other recreational facilities.
Transportation and Accessibility	2	Because the project involves no changes in population, there will be no impact on use of transportation infrastructure.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	2	None.
Vegetation, Wildlife	2	Bald Eagles are known to occur in Greene County, New York. The proposed project will have no effect on the Bald Eagle as documented in previous sections.
Other Factors	2	No additional factors would be impacted by the project, and no additional impacts would occur.

Additional Studies Performed

Milone&MacBroom. Hydrologic, Hydraulic, and Engineering Design Report. County Route 56, Culvert Replacements. Windham, Greene County, New York. July 27, 2017.

List of Sources, Agencies and Persons Consulted [40 CFR 1508.9(b)]:

1. New York State Department of Environmental Conservation Bulk Storage Database Search. Internet Website: http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=4.

2. New York State Department of Environmental Conservation Environmental Site Remediation Database Search. Internet Website: http://www.dec.ny.gov/cfmx/extapps/derexternal/index.cfm?pageid=3.

3. United States Environmental Protection Agency. 2015. NEPAssist Internet Mapping Tool. http://nepassisttool.epa.gov/nepassist/nepamap.aspx?wherestr=195+east+merrick+road%2C+freeport%2C+ny.

4. United States Department of Agriculture. Natural Resources Conservation Service. Internet Website: http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.

5. NY Rising Community Reconstruction Plan. NYRCR Town of Windham. December 2014.

List of Appendices

Appendix A Plan Site

Appendix B Figures

Appendix C USFWS, NYSDEC, and NYNHP Correspondence

Appendix D SHPO Correspondence

Appendix E Tribal Correspondence

Appendix F NYDEC Jurisdictional Permit Review

List of Permits Obtained or Required:

- SPDES permit if one or more acres is disturbed
- Greene County Highway Department permit

List of Other Approvals Required:

- SEQR Unlisted Action review

Public Outreach [24 CFR 50.23 & 58.43]**:**

On August 11, 2017, a combined Notice of Finding of No Significant Impact and Intent to Request Release of Funds would be published in the *Catskill Daily*. Any individual, group, or agency may submit written comments on the Environmental Review Record to:

Lori A. Shirley, GOSR, HCR
38-40 State Street
Albany, NY 12207
(518) 474-0755
NYSCDBG_DR_ER@nyshcr.org

Cumulative Impact Analysis [24 CFR 58.32]**:**

The proposed project is not expected to trigger cumulative impacts, including the degradation of important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The proposed project is not of a scale large enough to contribute significantly to cumulative impacts. It will create positive impacts, as the proposed improvements to the drainage system would reduce flooding. The proposed project will directly contribute to the rebuilding and recovery of the area with a focus on resiliency and mitigation.

Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]

Proposed Project. The Town of Windham, Greene County, New York proposes to conduct a series of drainage improvements along Greene County Route 56 (C.R. 56), in the Hamlet of Maplecrest. Improvements will include replacement of three existing culverts with larger culverts, extension of a drainage channel to serve the culverts, and the installation of stone rip-rap armoring. Additionally, the path of an unnamed intermittent tributary will be altered to more efficiently convey flow downstream. A design engineer assessed current condition of the infrastructure, conducted hydrological studies and hydraulic modeling to ascertain necessary culvert sizing, and completed design to prevent flooding of C. R. 56. The proposed project design is based on data collected during these studies and each component, such as culvert material and size, were selected based on engineering structural alternatives evaluation provided in the hydrological studies and hydraulic modeling report. To meet the GOSR design guideline of installing replacement culverts perpendicular to the direction of flow of the tributary, the unnamed tributary channel must be realigned and restored. This channel realignment will improve the approach to the culvert, add a more natural channel sinuosity, create a more consistent slope over the length of the stream, and improve channel stability.

Alternative Options. Several options for the types of improvements were considered as alternatives to the proposed project. The number of alternatives are limited because of the physical and engineering requirements to meet the final goal of containing the 100-year flood in the area of C.R. 56. Each of these alternatives will be cost-prohibitive, as compared to the Proposed Project. These options included the following:

Option 1: Directing the drainage ditches to a smaller drainage ditch that emptied into the un-named tributary which was determined to be not feasible due to the necessity of purchasing large tracts of land and the larger culverts would still be required to convey stormwater.

Option 2: Excavating a new drainage ditch directly to Batavia Kill which was determined to be not feasible due to the necessity of purchasing large tracts of land and the larger culverts would still be required to convey stormwater.

No Action Alternative [24 CFR 58.40(e)]: Not undertaking the proposed project would not be consistent with the goals and objectives of the Town of Windham NYRCR Plan and other local and state plans because the Town would not be able to mitigate flooding in the area of C.R. 56 and flooding of C.R. 56 during the 100-year flood event would prevent critical access to the flood control dam on C. D. Lane. Additionally, erosion along the banks of the unnamed tributary would continue resulting in clogged culverts and flooding.

Summary of Findings and Conclusions:
The proposed project would mitigate future flooding along C. R. 56 ensuring a safe and healthy environment for the local residents, businesses, and visitors. C.R. 56 serves several small residential developments and roadside properties, and is also the only access road to a critical flood control structure located at C.D. Lane Park. As a result of the flooding caused by Hurricane Irene, residents, as well as the flood control structure, were isolated by the flooding, which affected the town's ability to provide effective emergency response measures. In addition, the site of the road's termination at the foot of Burnt Knob, there is a NYDEC parking area that accommodates a large number of hikers who utilize the parking area to access several NYDEC hiking trails in the Windham area. During Hurricane Irene, the three culverts were overwhelmed by storm water;

subsequently, C. R. 56 was flooded and rendered impassable. This resulted in residents north and east of the culverts' infrastructure to be stranded and isolated for days following the storm, and inaccessible to the town's emergency responders. The proposed project will prevent the extensive bank erosion, flooding, and flood-related damages to building and properties that have occurred along C.R. through the Hamlet of Maplecrest during 100-year flood events.

The proposed project will not result in a significant impact on the quality of the human environment or result in other direct, indirect, or cumulative impacts. The proposed project will comply with all relevant regulations listed in 24 CFR subparts 58.5 and 58.6.

Mitigation Measures and Conditions [40 CFR 1505.2(c)]

GOSR has summarized below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures or conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

Law, Authority, or Factor	Mitigation Measure
Article 17 Title 8, Environmental Conservation Law	SPDES permit
Vegetation, Wildlife	Vegetated areas that are disturbed will be restored, with topsoil, soil amenities, and turf establishment.

Determination:

☒ **Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]
The project will not result in a significant impact on the quality of the human environment.

☐ **Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]
The project may significantly affect the quality of the human environment.

Preparer Signature: _____Date: August 3, 2017

Name/Title/Organization: Alicia Shultz, Senior Environmental Scientist, GOSR

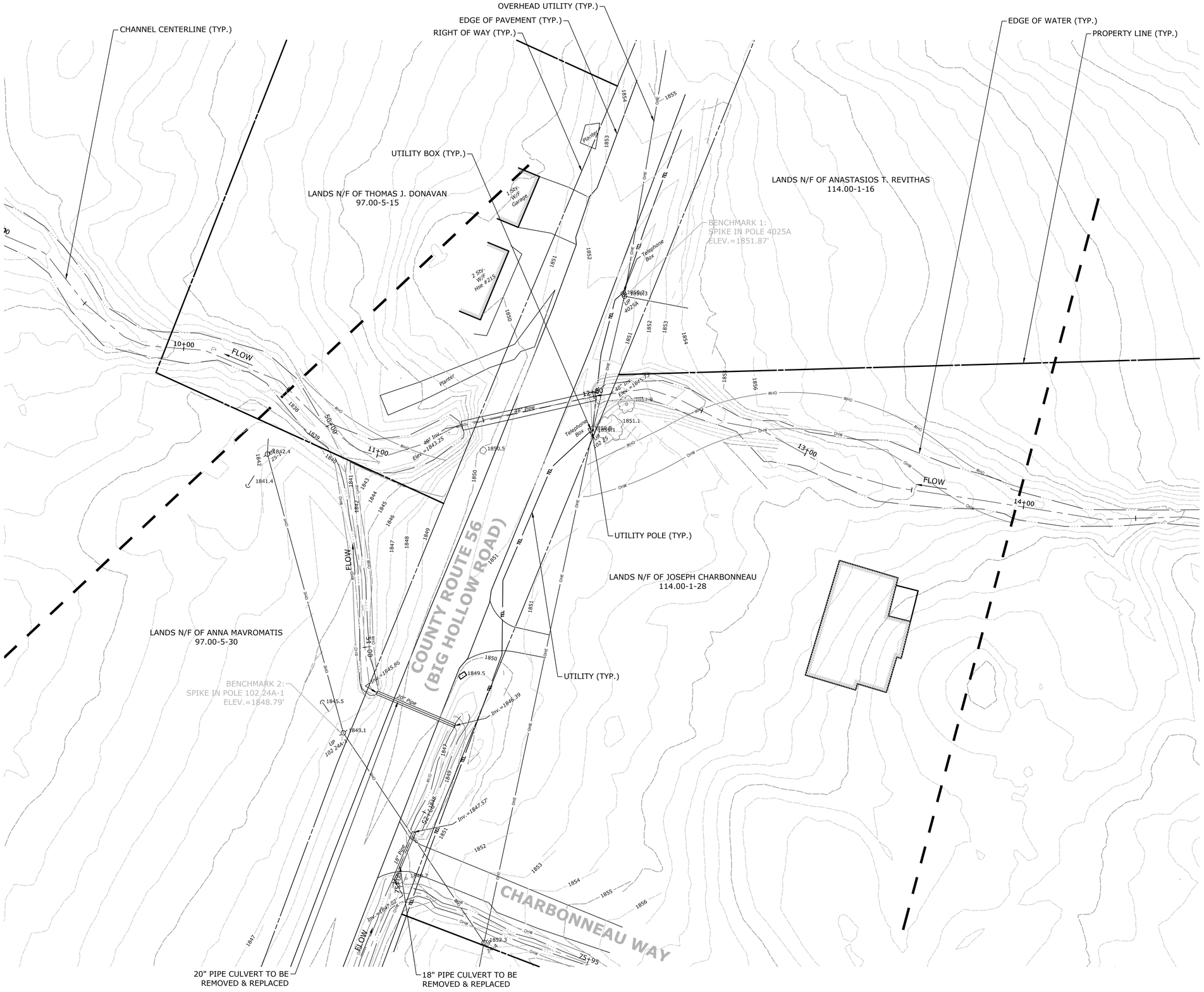
_____

Certifying Officer Signature: _____ Date: August 3, 2017

Name/Title: Lori A. Shirley, Director, Bureau of Environmental Review and Assessment, Governor's Office of Storm Recovery

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

Appendix A Plan Site



EXISTING PLAN

SCALE: 1"=20'-0"

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EXISTING CONDITIONS PLAN

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

---	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: 1"=20'

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 01 OF XX

SHEET NAME: **EX-01**

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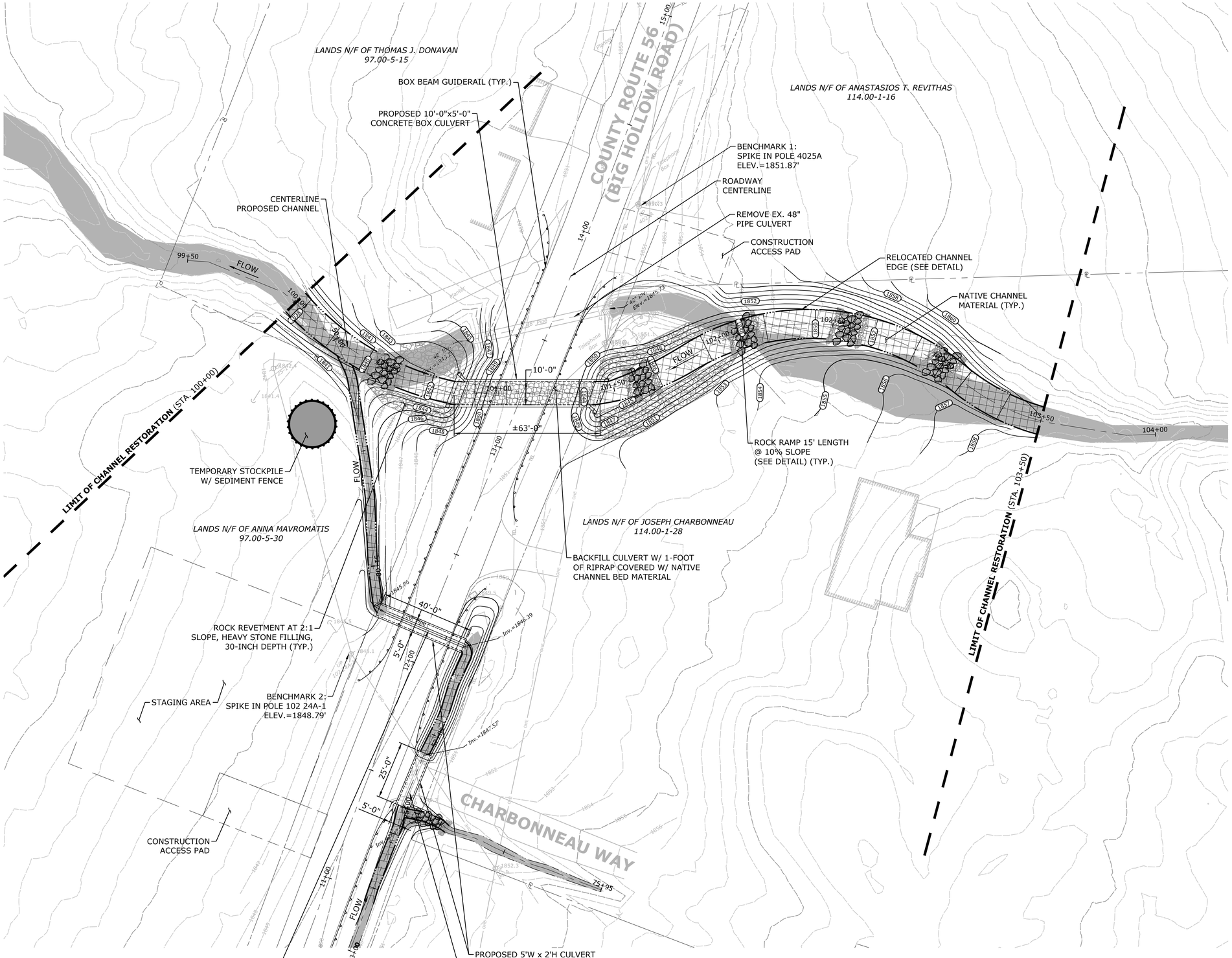

PROPOSED CHANNEL PLAN

SCALE: 1"=20'-0"

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PROPOSED PLAN

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

JM	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: 1"=20'

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 02 OF XX

SHEET NAME: **PL-01**

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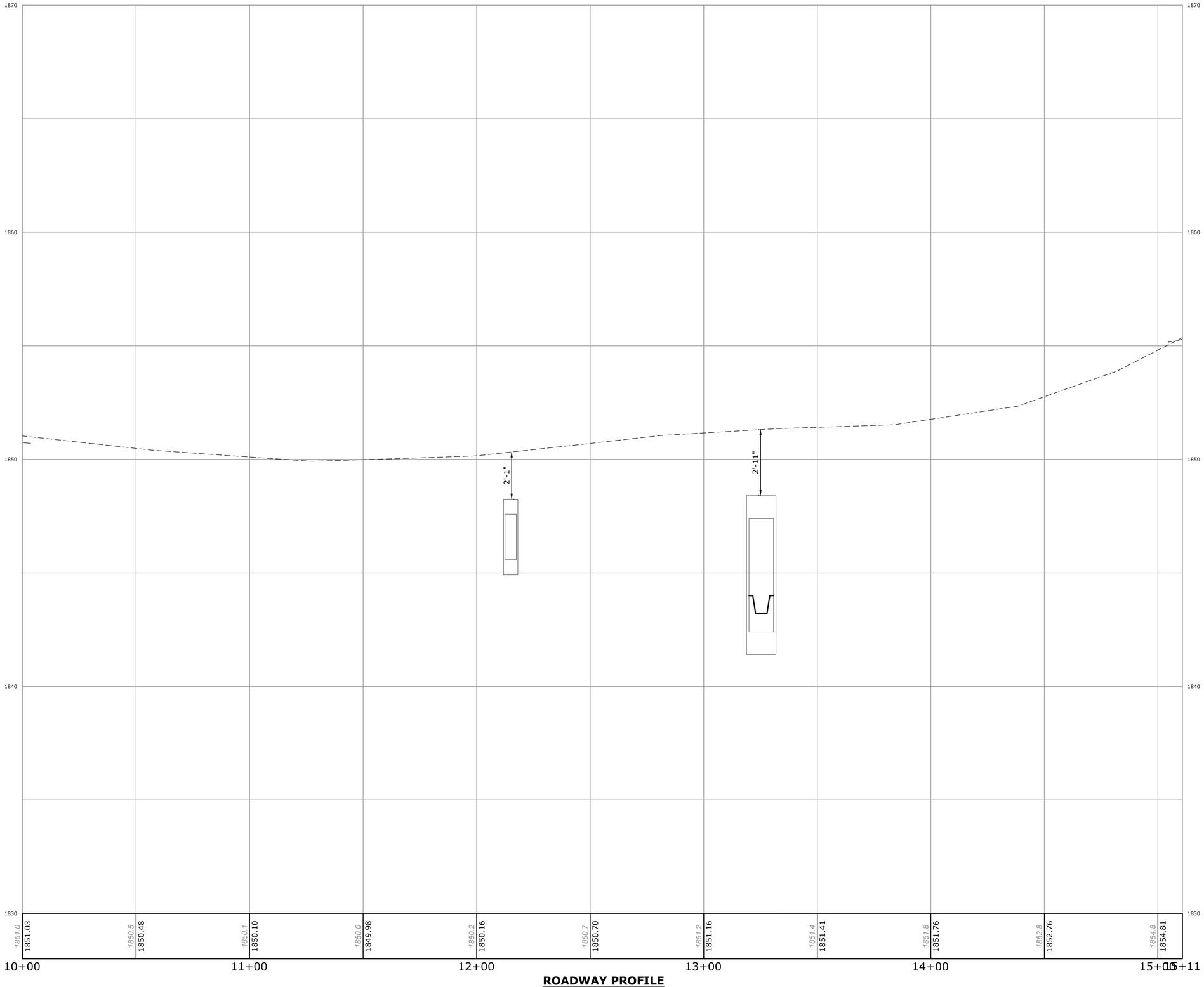

ROADWAY PROFILE

SCALE: 1"=20'-0" HORIZ.
1"=2'-0" VERT.

0' 10' 20'
0 1/2" 1"
SCALE 1" = 20'H
1" = 2'V

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ROADWAY PROFILE

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

JM	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: AS NOTED

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 03 OF XX

SHEET NAME: **PRO-01**

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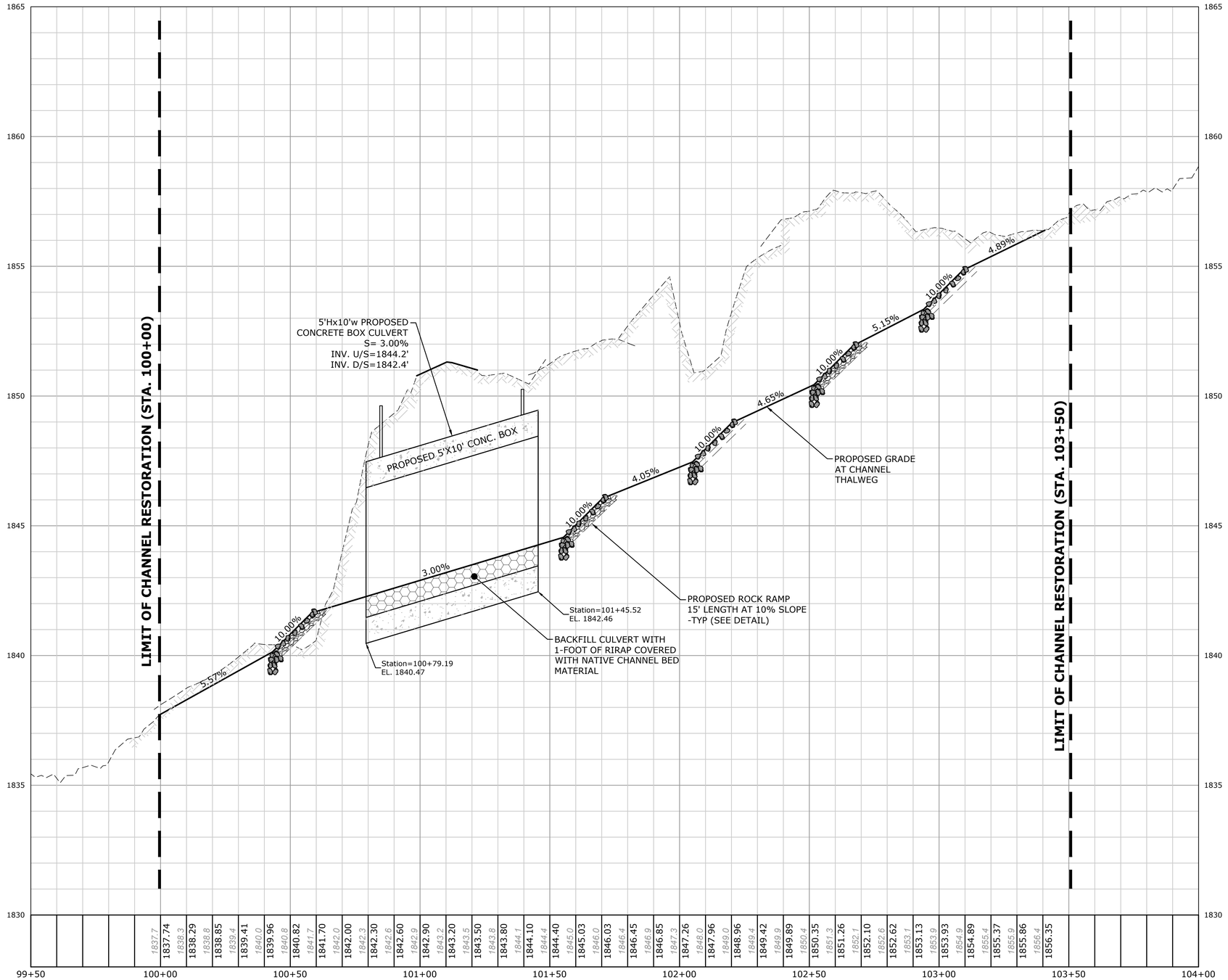

CHANNEL PROFILE

SCALE: 1"=20'-0" HORIZ.
1"=2'-0" VERT.

SCALE 1" = 20'H
1" = 2'V

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CHANNEL PROFILE

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

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DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 04 OF XX

SHEET NAME: PRO-02

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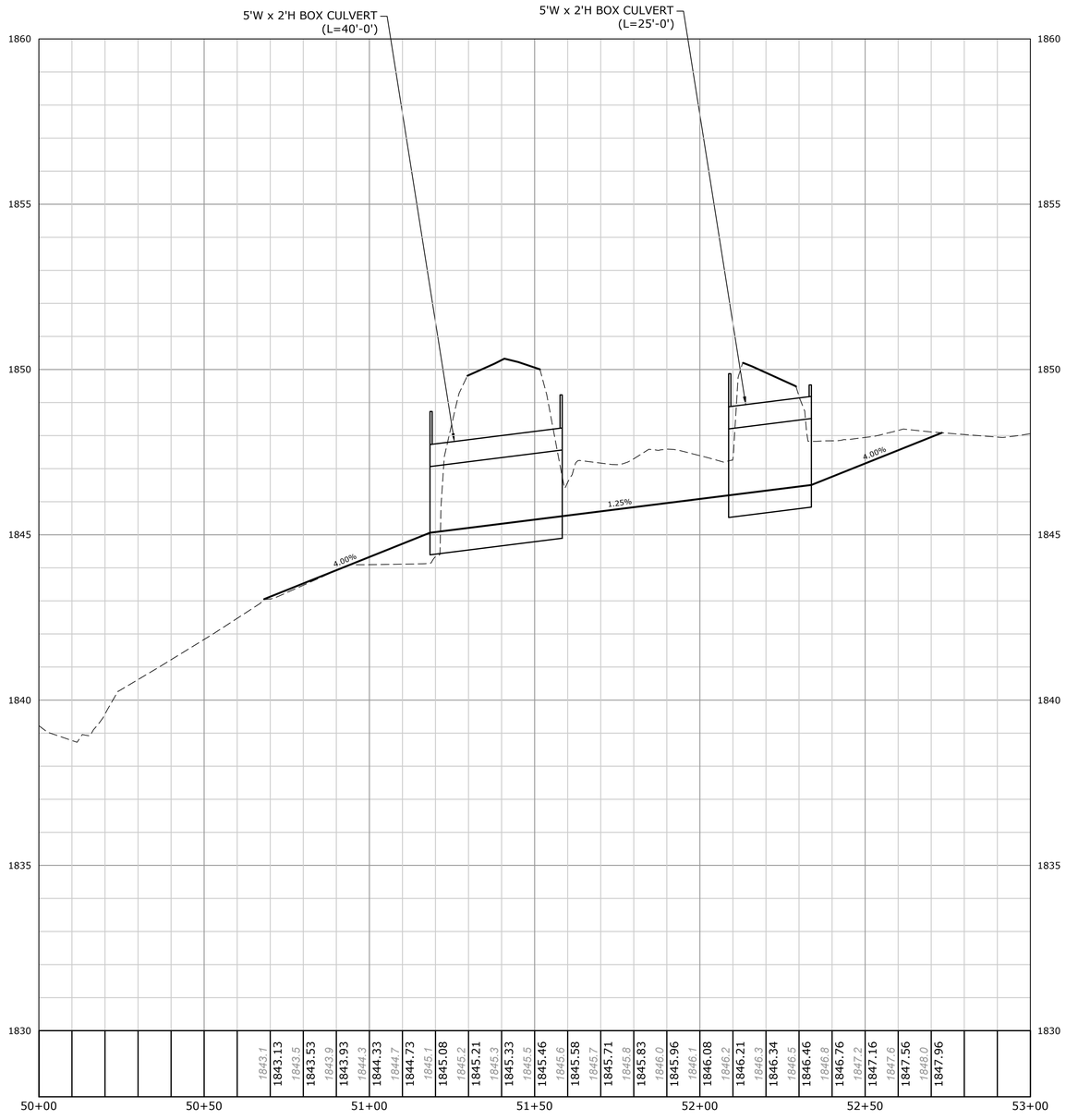

CHANNEL PROFILE

SCALE: 1"=20'-0" HORIZ.
1"=2'-0" VERT.

0' 10' 20'
0 1/2" 1"
SCALE 1" = 20'H
1" = 2'V

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CHANNEL PROFILE

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PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

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SCALE: AS NOTED

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 05 OF XX

SHEET NAME: **PRO-03**

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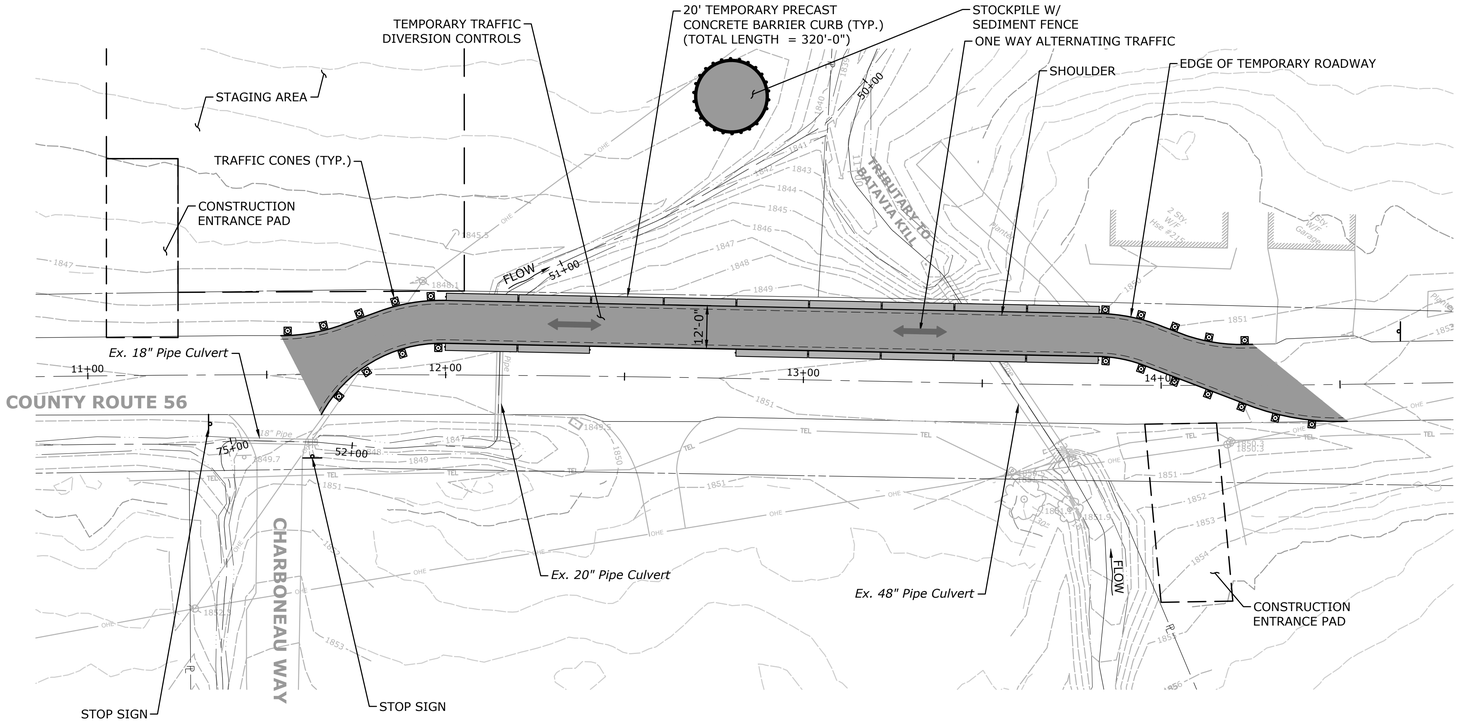
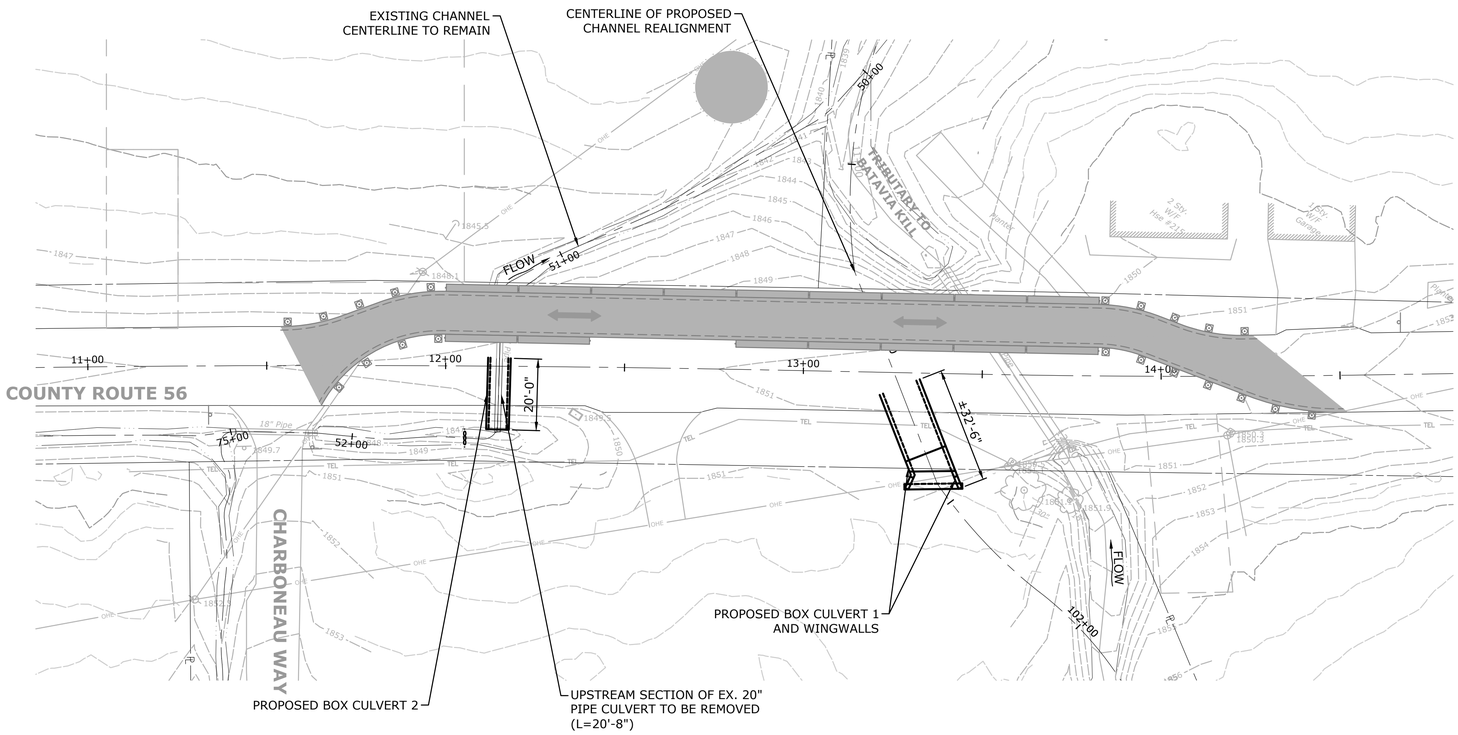


STAGE I-A



STAGE I-B

CONSTRUCTION SEQUENCE

STAGE I-A

1. INSTALL SEDIMENT & EROSION CONTROLS.
2. INSTALL TRAFFIC DIVERSION CONTROLS AS SHOWN.

STAGE I-B

1. INSTALL COFFERDAM AT UPSTREAM OF EXISTING 20" PIPE CULVERT AS SHOWN.
2. REMOVE ROADWAY & EXCAVATE AS NECESSARY FOR PROPOSED BOX CULVERT 1 AND PROPOSED CULVERT 2.
3. REMOVE UPSTREAM SECTION OF EXISTING 20" PIPE CULVERT.
4. INSTALL BOX CULVERT 1, AND WINGWALLS AS SHOWN ON THIS PLAN.
5. INSTALL BOX CULVERT 2 (20'-0" SECTION) AS SHOWN ON THIS PLAN.
6. BACKFILL AND INSTALL ROADWAY BASE.

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STAGED CONSTRUCTION PLAN

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

KP	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: 1"=20'

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 06 OF XX

SHEET NAME: MPT-01

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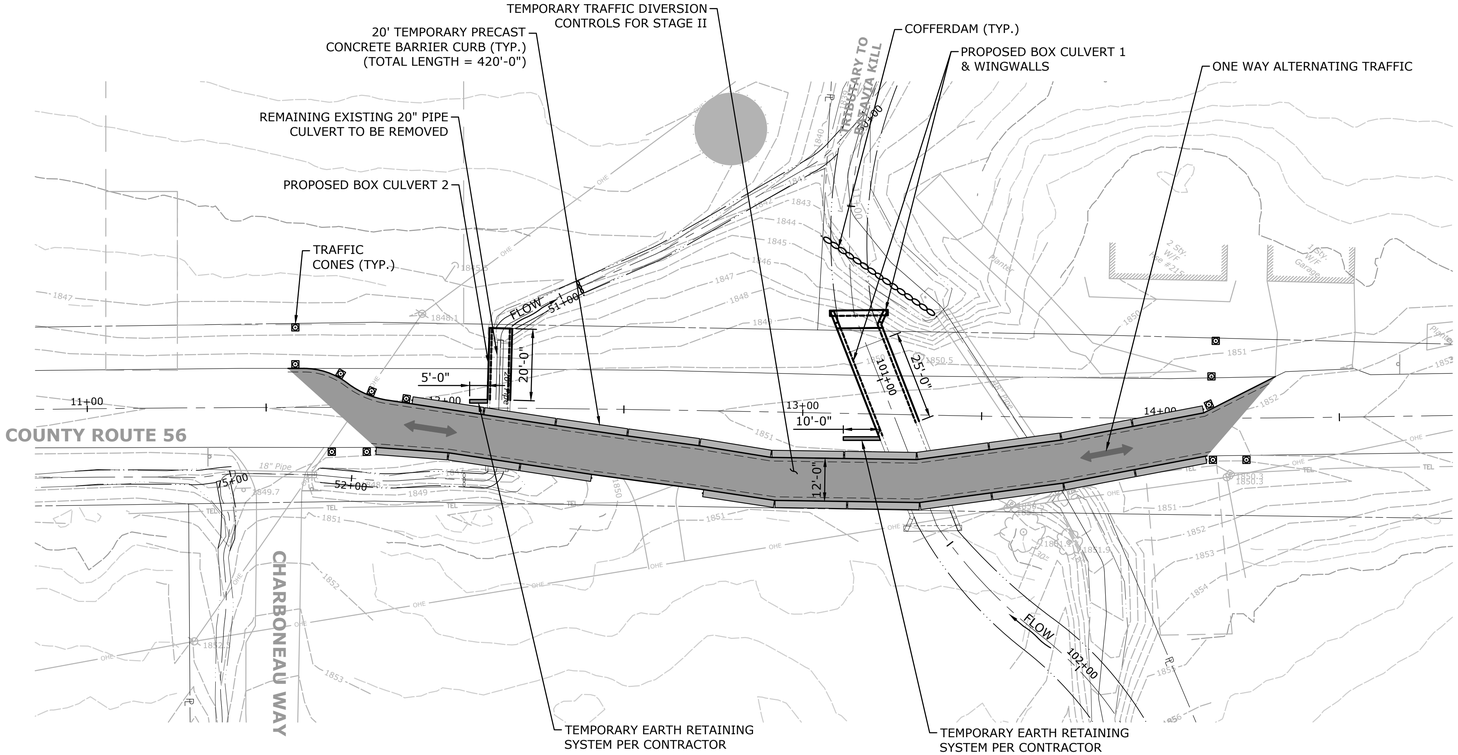
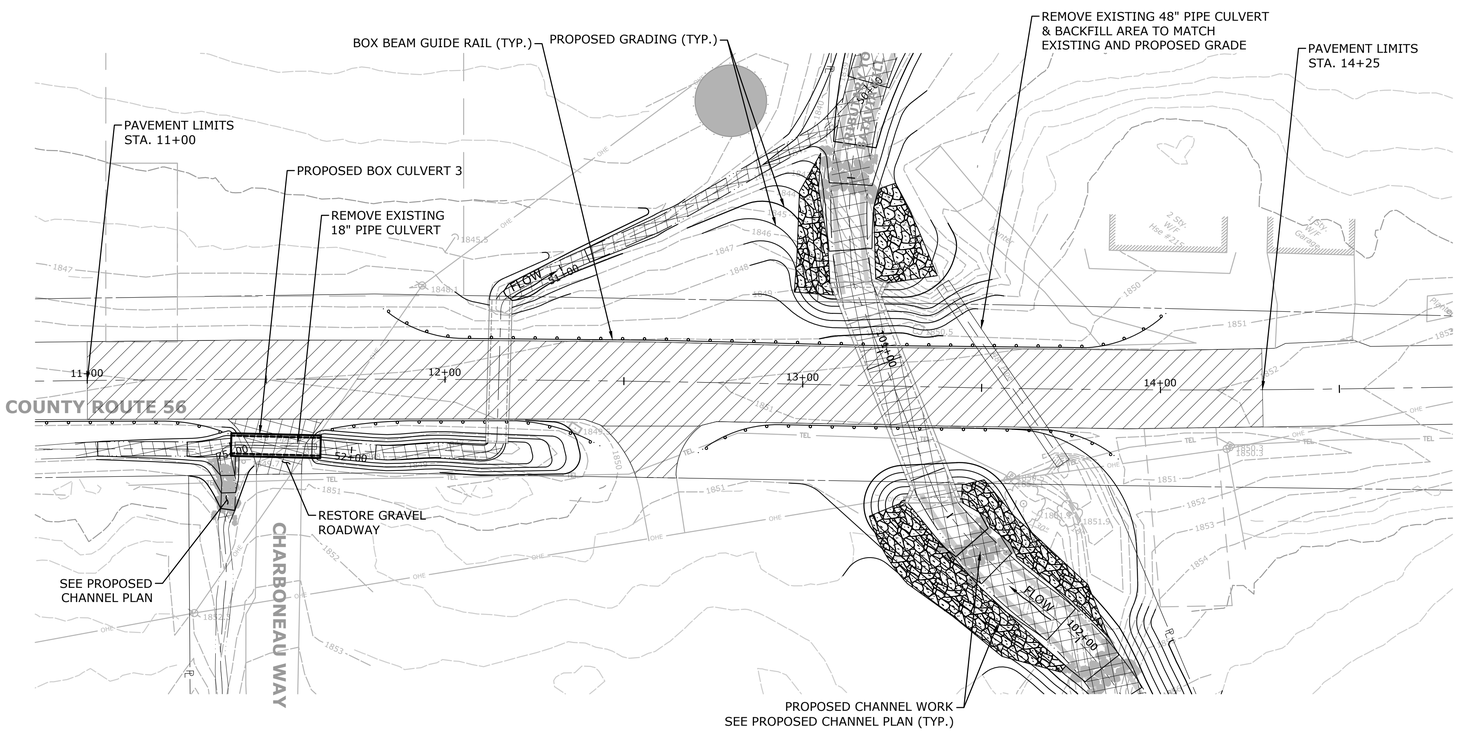


STAGE II

CONSTRUCTION SEQUENCE

STAGE II

1. REMOVE AND RELOCATE STAGE I TRAFFIC DIVERSION CONTROLS.
2. INSTALL TEMPORARY EARTH RETAINING SYSTEM AS NECESSARY AT LOCATIONS SHOWN ON THIS PLAN.
3. INSTALL TRAFFIC DIVERSION CONTROLS AS SHOWN.
4. INSTALL COFFERDAM AS SHOWN.
5. REMOVE ROADWAY & EXCAVATE AS NECESSARY TO INSTALL THE REMAINING PROPOSED BOX CULVERT 1 AND BOX CULVERT 2.
6. REMOVE REMAINING EXISTING 20" PIPE CULVERT.
7. INSTALL REMAINING BOX CULVERT 1 & BOX CULVERT 2 .
8. REMOVE COFFERDAM.
9. REMOVE TEMPORARY EARTH RETAINING SYSTEM.
10. BACKFILL & INSTALL ROADWAY BASE.
11. REMOVE TRAFFIC DIVERSION CONTROLS.



STAGE III

CONSTRUCTION SEQUENCE

STAGE III

1. REMOVE 48" PIPE CULVERT AND BACKFILL TO MATCH EXISTING & PROPOSED GRADING.
2. FINALIZE GRADING AND TURF ESTABLISHMENT FOR BOX CULVERT 1 & BOX CULVERT 2.
3. INSTALL PROPOSED CHANNEL WORK AS SHOWN ON THE PROPOSED CHANNEL PLAN.
4. REMOVE 18" PIPE CULVERT AT CHARBONEAU WAY.
5. INSTALL PROPOSED BOX CULVERT 3 AT CHARBONEAU WAY.
6. PAVE COUNTY ROUTE 56 TO THE LIMITS SHOWN.
7. INSTALL GRAVEL ROADWAY OVER BOX CULVERT 3.
8. FINALIZE GRADING AND TURF ESTABLISHMENT FOR TRIBUTARY BROOKS AND PROPOSED BOX CULVERT 3.
9. INSTALL BOX BEAM GUIDE RAIL.
10. REMOVE SEDIMENT & EROSION CONTROLS.

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STAGED CONSTRUCTION PLAN

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

KP	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: 1"=20'

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 07 OF XX

SHEET NAME: MPT-02

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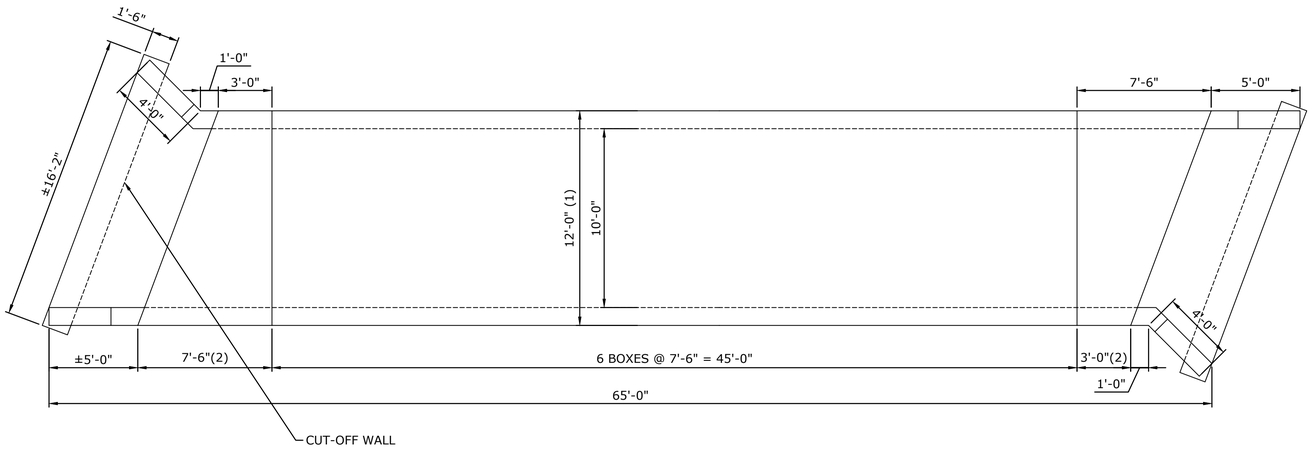
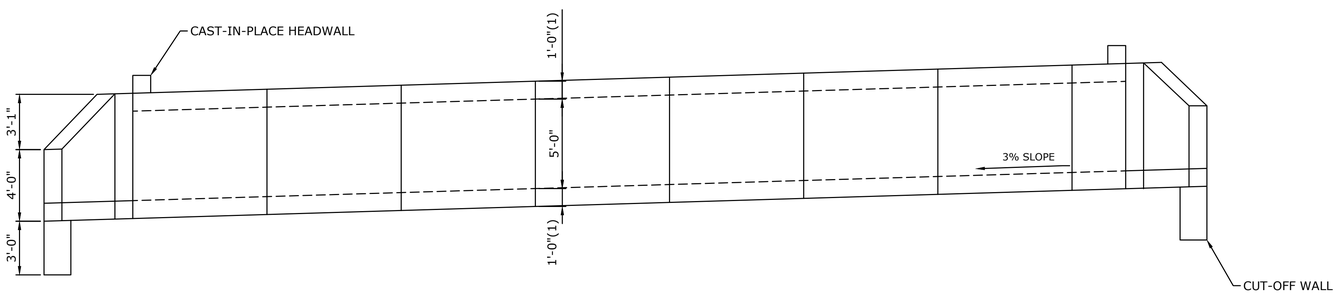


BOX CULVERT LAYOUT PLAN

SCALE: ¼"=1'-0"

NOTE:
(1) - DIMENSION TO BE DETERMINED BY PRECAST MANUFACTURER
(2) - SKEWED SECTION



BOX CULVERT ELEVATION

SCALE: ¼"=1'-0"

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FRAMING PLAN

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

KP	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: 1"=20'

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 08 OF XX

SHEET NAME: STR-01

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PROJECT DESCRIPTION

THE PROJECT INVOLVES THE REPLACEMENT OF AN EXISTING CORRUGATED METAL PIPE CULVERT WHICH CONVEYS AN UNNAMED CREEK FLOWING BENEATH SOUTH GILBOA ROAD (COUNTY ROUTE 14) WITH A PRECAST CONCRETE BOX CULVERT.

THE PROJECT SITE IS LOCATED IN THE TOWN OF GILBOA, NY, IN THE SOUTHWESTERN CORNER OF SCHOHARIE COUNTY, NEW YORK. THE PROJECT SITE IS LOCATED PRIMARILY WITHIN AGRICULTURAL FIELD.

THE PLAN INVOLVES REPLACEMENT OF THE CULVERT WITH A PRECAST CONCRETE BOX, AND RECONSTRUCTION OF THE ADJACENT ROADWAY AND CREEK CHANNEL.

SOILS

THE SCHOHARIE SERIES CONSISTS OF VERY DEEP, MODERATELY WELL DRAINED SOILS FORMED IN CLAYEY LACUSTRINE SEDIMENTS. THEY ARE ON GLACIAL LAKE PLAINS AND UPLANDS MANTLED WITH LAKE SEDIMENTS. SATURATED HYDRAULIC CONDUCTIVITY IS MODERATELY HIGH OR HIGH IN THE MINERAL SURFACE AND SUBSURFACE AND LOW THROUGH MODERATELY HIGH IN THE SUBSOIL AND SUBSTRATUM.

DRAINAGE CLASSES CAN RANGE FROM SOMEWHAT POORLY DRAINED TO EXCESSIVELY DRAINED. SOILS CAN BE EXPECTED TO BE SILTY WITH TRACE AMOUNTS OF CLAY. FINE GRAINED SEDIMENT WILL MAKE TURBIDITY MANAGEMENT DIFFICULT.

THE SOIL RESOURCE MAPPING DOES NOT SHOW ANY WETLAND SOIL UNITS WITHIN THE PROJECT LIMITS.

WORK AREA DEWATERING NOTES

SUCH PREFERABLE PRACTICES FOR WORK AREA DEWATERING OPERATIONS INCLUDE:

1. OUTLET-CONTROLLED DISCHARGE TO A STABLE, WELL-VEGETATED LOCATION AS FAR FROM THE RECEIVING CHANNEL AS POSSIBLE TO ALLOW FOR FULL INFILTRATION AND TO AVOID SHORT-CIRCUITING, IDENTIFYING AND PRIORITIZING THE USE OF EXISTING LOW AREAS OR NATURAL DEPRESSIONS ADJACENT TO THE WORK AREA;
2. WHERE NATURAL DEPRESSIONS OR LOW AREAS ARE NOT AVAILABLE, USE OF VEGETATED FILTER STRIP AREAS THAT CAN RECEIVE MODERATE DISCHARGE VOLUMES IS ENCOURAGED, PROVIDED SUFFICIENT OUTLET PROTECTION IS MAINTAINED (E.G. PERFORATED PIPE AT END-OF-HOSE, LEVEL SPREADER, STONE OUTLET) TO PREVENT RE-CONCENTRATED FLOWS OR SCOUR;
3. INFILTRATION PITS OR TRENCHES SITUATED IN SOIL WITH GOOD INFILTRATION CAPACITY, AND/OR CONSTUCTED TEMPORARY BERMS AND IMPOUNDMENTS IN AREAS OF INFILTRATIVE SOILS;
4. TEMPORARY SEDIMENT TRAPS SITUATED SINGULARLY OR IN SERIES AS NECESSARY TO PROVIDE SUFFICIENT SETTLING;
5. STRAW-BALE IMPOUNDMENTS OR DIKES ONLY WHERE NO OTHER PRACTICE IS FEASIBLE, AND IN AREAS WHERE RUNOFF WOULD NORMALLY BE IN THE FORM OF SHEET-FLOW ONLY (I.E. WHERE SLOPES ARE GENTLE AND NO CONCENTRATED FLOWS WOULD ARISE).

CONSTRUCTION SEQUENCE

(SEE SHEETS MPT-01 & MPT-02)

PLANNED EROSION AND SEDIMENT CONTROL PRACTICES

1. STABILIZED CONSTRUCTION ENTRANCE WILL BE CONSTRUCTED OFF STATE ROUTE 990V.
2. CONSTRUCTION ROAD STABILIZATION: THE CONSTRUCTION ACCESS ROAD WILL BE CONSTRUCTED AFTER THE REMOVAL OF TOPSOIL AND WILL BE SLOPED TOWARDS THE RIVER AND THE ROW OF SILT FENCE.
3. SILT FENCE WILL BE INSTALLED ALONG THE CONSTRUCTION ACCESS ROAD AND AROUND ANY STOCKPILE AREAS.
4. BANK REPAIR: THE RESTORED SECTION OF BANK INCLUDES A COMBINATION OF ROCK FILL AND BOULDER REVETMENT.
5. SUMP PIT: A SUMP PIT WILL BE UTILIZED TO DEWATER THE WORK AREA IF GROUNDWATER IS ENCOUNTERED.
6. SURFACE STABILIZATION: STABILIZATION OF THE SURFACE WILL BE ACCOMPLISHED WITH VEGETATION AS SPECIFIED ON THE SITE PLAN.

EROSION CONTROL NOTES

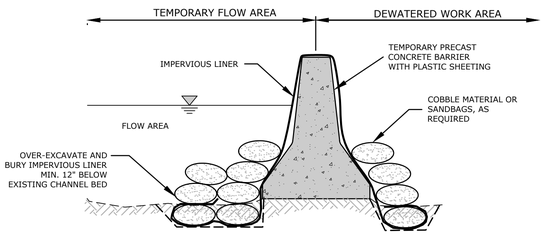
1. ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED IN ACCORDANCE WITH THE "NEW YORK STATE STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL."
2. A COPY OF THE APPROVED EROSION AND SEDIMENT CONTROL PLAN SHALL BE MAINTAINED ON THE SITE AT ALL TIMES.
3. CLEARING OF NATIVE VEGETATION FOR CONSTRUCTION ACCESS SHOULD BE MINIMIZED.
4. AN EROSION CONTROL BLANKET SHALL BE PLACED OVER ANY DISTURBED AREAS WITH A SLOPE GREATER THAN OR EQUAL TO 3:1 TO PREVENT EROSION. SEE PLANS AND DETAILS.
5. THE CONTRACTOR IS RESPONSIBLE FOR THE MAINTENANCE OF ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES. THE CONSTRUCTION INSPECTOR WILL VERIFY THE MAINTENANCE WEEKLY AND AFTER RAIN EVENTS.
6. THE FINAL LOCATION OF THE TEMPORARY HAUL ROADS SHALL BE DETERMINED PRIOR TO CONSTRUCTION. THE HAUL ROAD SHALL BE CONSTRUCTED WITH PROPER EROSION CONTROLS, INCLUDING SILT FENCE WHERE NECESSARY, AND A STABILIZED CONSTRUCTION ENTRANCE. RESTORATION OF THE DISTURBED AREA SHALL BE COORDINATED WITH THE PROPERTY OWNER.
7. TEMPORARY SEED SHALL BE NEW ENGLAND EROSION CONTROL/RESTORATION MIX FOR DRY SITES, APPLIED AT THE RATE OF 35LBS PER ACRE.

STOCKPILING NOTES

1. TEMPORARY STOCKPILE AND STAGING AREAS TO BE FLAGGED BY CONTRACTOR PRIOR TO CONSTRUCTION AND APPROVED BY SCHOHARIE COUNTY SOIL AND WATER CONSERVATION DISTRICT, AFFECTED LANDOWNERS, AND THE PROJECT ENGINEER.
2. NO CONSTRUCTION VEHICLES SHALL BE STORED, SERVICED, WASHED OR FLUSHED IN A LOCATION WHERE LEAKS, SPILLAGE, WASTE MATERIALS, CLEANERS, OR WATERS WILL BE INTRODUCED OR FLOW INTO WETLANDS OR WATERCOURSES. AN EMERGENCY MANAGEMENT PLAN AND SPILL KIT WILL BE MAINTAINED ON SITE AT ALL TIMES. IN THE EVENT OF AN ACCIDENTAL RELEASE, IMMEDIATELY STOP CONSTRUCTION WORK, CONTAIN THE SPILL, AND NOTIFY THE TOWN, APPROPRIATE AUTHORITIES AND PROJECT ENGINEER.
3. THE CONTRACTOR SHALL MAINTAIN ALL STREETS, SIDEWALKS, AND WALKWAYS IN THE AREA FREE OF SOIL, MUD AND CONSTRUCTION DEBRIS. CONSTRUCTION ENTRANCES MUST BE MAINTAINED. SEE PLANS AND DETAILS.
4. THE PROJECT SITE IS SUBJECT TO FLOODING. THE CONTRACTOR SHALL MONITOR WEATHER FORECASTS AND STABILIZE THE CONSTRUCTION SITE AND REMOVE EQUIPMENT FROM FLOOD PRONE AREAS IN THE EVENT OF FLOOD WARNINGS. WORK SHOULD BE PERFORMED DURING LOW WATER.
5. ALL STORAGE AND ACCESS ROUTES, PEDESTRIAN FENCES/BARRIERS, WORKING HOURS, AND LIMITS OF CLEARING SHALL BE APPROVED BY SCHOHARIE COUNTY SOIL AND WATER CONSERVATION DISTRICT, AFFECTED LANDOWNERS AND THE PROJECT ENGINEER.

EROSION CONTROL MAINTENANCE INTERVALS

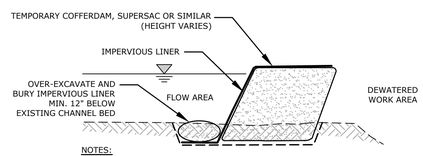
EROSION CONTROL MEASURE	CONTROL OBJECTIVE	INSPECTION/MAINTENANCE	FAILURE INDICATORS	REMOVAL
SILT FENCE	- INTERCEPT, AND REDIRECT/DETAIN SMALL AMOUNTS OF SEDIMENT FROM SMALL DISTURBED AREAS. - DECREASE VELOCITY OF SHEET FLOW. - PROTECT SENSITIVE SLOPES OR SOILS FROM EXCESSIVE WATER FLOW.	INSPECT AT LEAST ONCE A WEEK AND WITHIN 24 HOURS OF THE END OF A STORM WITH A RAINFALL OF 0.5 INCHES OR MORE. ACCUMULATED SEDIMENT MUST BE REMOVED ONCE ITS DEPTH IS EQUAL TO ½ THE TRENCH HEIGHT. INSPECT FREQUENTLY DURING PUMPING OPERATIONS IF USED FOR DEWATERING OPERATIONS.	- PHYSICAL DAMAGE OR DECOMPOSITION - EVIDENCE OF OVERTOPPED OR UNDERCUT FENCE - EVIDENCE OF SIGNIFICANT FLOWS EVADING CAPTURE - REPETITIVE FAILURE	SILT FENCE MAY BE REMOVED AFTER UPHILL AND SENSITIVE AREAS HAVE BEEN PERMANENTLY STABILIZED.
STABILIZED CONSTRUCTION ENTRANCE	- REDUCE THE TRACKING OF SEDIMENT OFF-SITE ONTO PAVED SURFACES.	INSPECT AT THE END OF EACH WORK DAY AND IMMEDIATELY REPAIR DAMAGES. PERIODIC ADDITION OF STONE, OR LENGTHENING OF ENTRANCE MAY BE REQUIRED AS CONDITIONS DEMAND. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO PAVED SURFACES AS A RESULT OF INEFFICIENCY OF CONSTRUCTION ENTRANCE SHALL BE IMMEDIATELY REMOVED.	- SEDIMENT IN ROADWAY ADJACENT TO SITE	CONSTRUCTION ENTRANCE MAY BE REMOVED ONCE THE SITE HAS BEEN PERMANENTLY STABILIZED, AND ALL OTHER SECTIONS OF ROADWAY HAVE BEEN PERMANENTLY PAVED.



TEMPORARY COFFERDAM DETAIL - ALT. A

TEMPORARY PRECAST CONCRETE BARRIER WITH PLASTIC SHEETING (OR APPROVED EQUAL)

N.T.S.



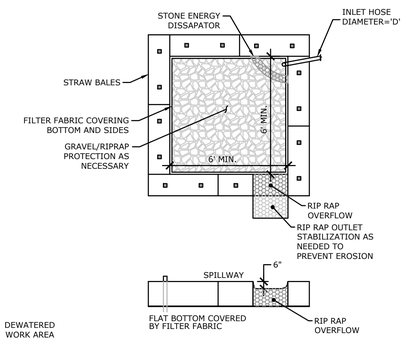
NOTES:

1. COFFERDAM AND TO BE SIZED FOR NORMAL FLOW CONDITIONS. TOP ELEVATION OF COFFERDAM TO ISOLATE LAGOON FROM TIDAL INFLUENCE AND STREAM FLOWS.
2. COFFERDAM TO BE CONSTRUCTED OF SUPERSAC OR SIMILAR PRODUCT.

TEMPORARY COFFERDAM DETAIL - ALT. B

TEMPORARY COBBLE BARRIER WITH PLASTIC SHEETING (OR APPROVED EQUAL)

N.T.S.

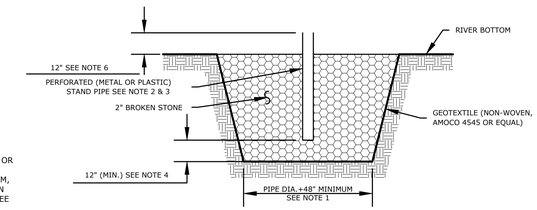


EXTEND BASIN LENGTH FOR ADDITIONAL SETTLING TIME, IF NECESSARY

NOTES:
1. IF PUMPING VOLUME EXCEEDS BASIN CAPACITY, BASIN MAY BE USED IN TANDEM OR TIERS.
2. INCREASE RIPRAP SIZE ON BASIN BOTTOM, OR SIZE/LENGTH OF OUTLET STABILIZATION AS NECESSARY TO MAINTAIN SEDIMENT-FREE DISCHARGE WATERS.
3. ALTERNATIVE OPTIONS MAY BE REVIEWED AND APPROVED BY THE ENGINEER.
4. IF NATURAL, STABLE DEPRESSION(S) OF SUFFICIENT CAPACITY, CONTAINING INFILTRATION-PRONE SOILS, BEING RELATIVELY FLAT WITH NO OUTLET WHERE CHANNELIZED FLOW (AND THE POTENTIAL FOR EROSION) CAN DEVELOP, ARE PRESENT IN THE AREA(S) OF DISCHARGE, THESE AREAS SHOULD BE UTILIZED IN FAVOR OVER THE STRAW BALE IMPOUNDMENTS WHERE POSSIBLE. IN SUCH CASES, HOSE ENDS SHOULD DISCHARGE ONTO STABLE RIP-RAP STONE OUTLET APRONS.

DEWATERING DISCHARGE BASIN

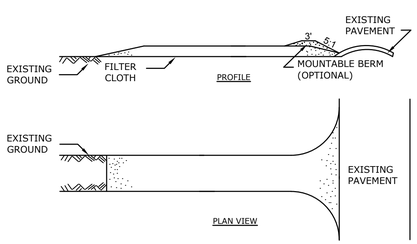
N.T.S.



NOTES:
1. OVERALL SUMP PIT DIMENSIONS TO BE COMPATIBLE WITH ANTICIPATED SEEPAGE RATES AND PUMP TO BE USED.
2. THE STAND PIPE DIAMETER AND NUMBER OF PERFORATIONS TO BE COMPATIBLE WITH THE PUMP SIZE BEING USED.
3. PERFORATIONS IN THE STANDPIPE TO BE EITHER CIRCULAR OR SLOTS, PERFORATION SIZE SHALL NOT EXCEED 1/2" DIAMETER.
4. 2" BROKEN STONE SHALL EXTEND A MINIMUM OF 12" BELOW THE BOTTOM OF THE STANDPIPE.
5. A PROPERLY DESIGNED GEOTEXTILE TO BE PLACED BETWEEN THE EXISTING SOILS AND THE CRUSHED STONE BACKFILL.
6. THE STANDPIPE SHALL EXTEND A MINIMUM OF 12" ABOVE THE SURROUNDING GROUND.

TEMPORARY DEWATERING SUMP

N.T.S.

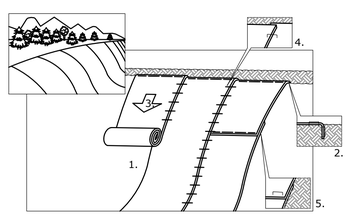


CONSTRUCTION SPECIFICATIONS

1. STONE SIZE - USE 2" STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
2. LENGTH - NOT LESS THAN 50 FEET (EXCEPT ON A SINGLE RESIDENCE LOT WHERE A 30 FOOT MINIMUM LENGTH WOULD APPLY).
3. THICKNESS - NOT LESS THAN SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH AT POINTS WHERE INGRESS OR EGRESS OCCURS. TWENTY-FOUR (24) FOOT IF SINGLE ENTRANCE TO SITE.
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACTED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
8. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON A AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
9. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

CONSTRUCTION ENTRANCE ANTI-TRACKING PAD

NOT TO SCALE

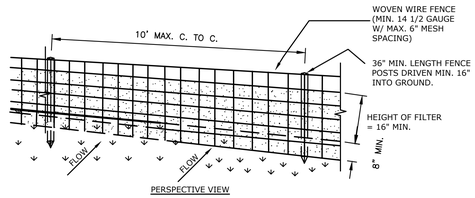


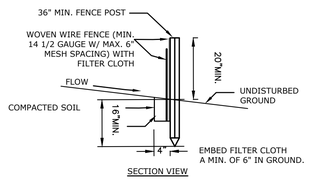
1. PREPARE SOIL BEFORE INSTALLING BLANKETS, INCLUDING APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING S150, DO NOT SEED PREPARED AREA. S150 MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE BLANKET IN A 6" DEEP BY 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
3. ROLL THE BLANKETS DOWN THE SLOPE IN THE DIRECTION OF THE WATER FLOW.
4. THE EDGES OF PARALLEL BLANKETS MUST BE STAPLED WITH APPROXIMATELY 2" OVERLAP.
5. WHEN BLANKETS MUST BE SPLICED DOWN THE SLOPE, PLACE BLANKETS END OVER END (SHINGLE STYLE) WITH APPROXIMATELY 6" OVERLAP. STAPLE THROUGH OVERLAP AREA, APPROXIMATELY 12" APART.

REFER TO GENERAL STAPLE PATTERN GUIDE IN NORTH AMERICAN GREEN CATALOG FOR CORRECT STAPLE PATTERN RECOMMENDATIONS FOR SLOPE INSTALLATIONS.

APPLICATION OF EROSION CONTROL BLANKET ON SLOPES

NOT TO SCALE





CONSTRUCTION SPECIFICATIONS

1. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES. POSTS SHALL BE STEEL EITHER "T" OR "U" TYPE OR HARDWOOD.
2. FILTER CLOTH TO BE TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION. FENCE SHALL BE WOVEN WIRE, 12 1/2 GAUGE, 6" MAXIMUM MESH OPENING.
3. WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVER-LAPPED BY SIX INCHES AND FOLDED. FILTER CLOTH SHALL BE EITHER FILTER X, MIRAFI 100X, STABILINKA T140N, OR APPROVED EQUIVALENT.
4. PREFABRICATED UNITS SHALL BE GEOFAB, ENVIROFENCE, OR APPROVED EQUIVALENT.
5. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN "BULGES" DEVELOP IN THE SILT FENCE.

SILT FENCE

NOT TO SCALE

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DESCRIPTION	DATE	BY

SEDIMENT & EROSION CONTROLS

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD) WINDHAM, GREEN COUNTY, NEW YORK

KP	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: AS NOTED

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 09 OF XX

SHEET NAME: **SE-01**

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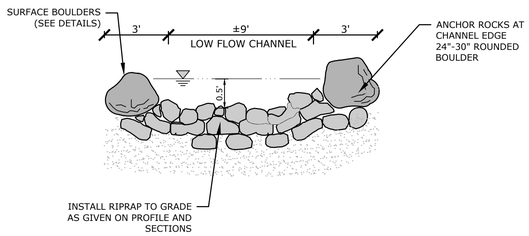
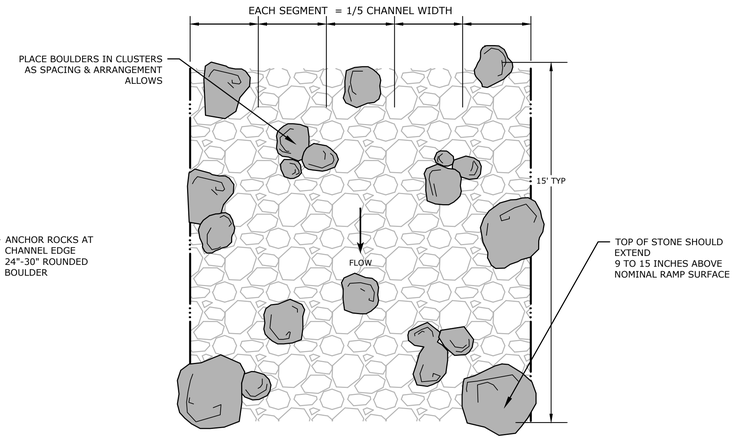
TYPICAL PHOTO - ROCK RAMP



ROCK RAMP - SECTION

(SCALE: N.T.S.)

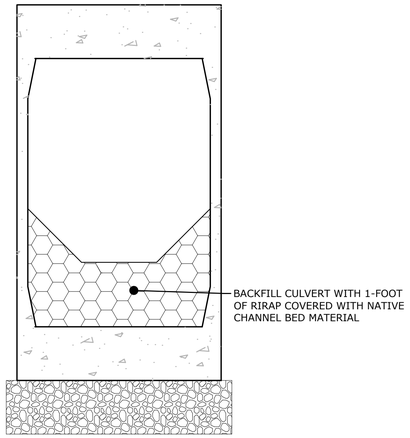


ROCK RAMP - PLAN

(SCALE: N.T.S.)

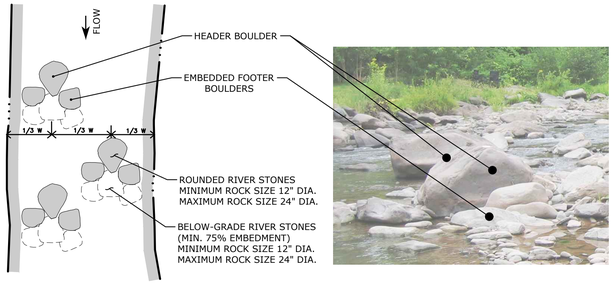
NOTES:

1 USE 18" TO 30" INCH DIAMETER ROUNDED BOULDERS.
2. BURY BOULDERS IN THE CHANNEL BED MATERIAL ⅓ TO ½ THEIR TOTAL HEIGHT.
3. PLACE BOULDERS IN EACH OF THE FIVE SECTIONS OF THE RAMP. POSITION BOULDERS WITH THE LONG AXIS OF EACH BOULDER PARALLEL TO THE CHANNEL FLOW DIRECTION. THE FINISHED ELEVATION OF THE BOULDERS SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER.
4. PLACE BOULDERS APPROXIMATELY THREE TO FIVE FEET APART IN THE DOWNSTREAM DIRECTION.
5. PLACE 24"-36" ROUNDED BOULDERS ALONG CHANNEL EDGE EVERy 15' TO 25'.



CONCRETE BOX CULVERT - TYPICAL SECTION

(SCALE: N.T.S.)



PLAN VIEW

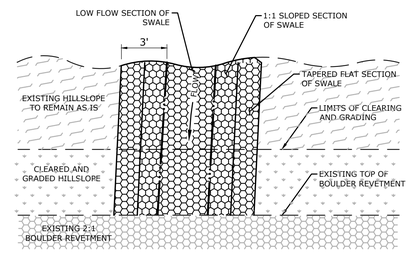
TYPICAL PHOTO

BOULDER CLUSTER NOTES:

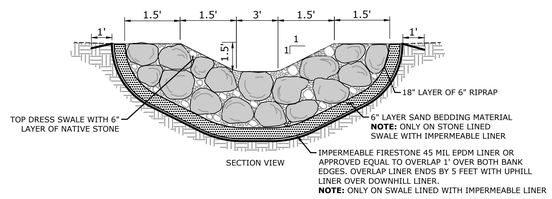
1. 3 BOULDERS PER RANDOM BOULDER CLUSTER, PLUS 3 SCOUR PROTECTION FOOTER BOULDERS.
2. PLACE BOULDERS IN THE MIDDLE THIRD OF THE STREAM WITHIN DEEPEST PORTION OF CHANNEL.
3. POSITION BOULDER GROUPS IN A UPSTREAM "V" FORMATION.
4. INDIVIDUAL BOULDERS PLACED IN THE STREAM SHOULD BE 18" TO 30" IN DIAMETER.
5. POSITION BOULDERS WITH THEIR LONG AXIS PARALLEL TO THE STREAM FLOW.
6. INSTALL FOOTER BOULDER TO WEDGE HEADER BOULDER IN PLACE FROM DOWNSTREAM.
7. INSTALL HEADER BOULDERS AT A LOW PROFILE SUCH THAT THEY ARE PARTIALLY SUBMERGED DURING NORMAL LOW FLOW. INSTALL SUCH THAT ⅓ OF ROCK DIAMETER IS BURIED IN STREAM CHANNEL.
8. FINISHED ELEVATION OF THE BOULDERS WILL BE DETERMINED IN THE FIELD.

RANDOM BOULDER CLUSTER

NOT TO SCALE



PLAN VIEW



6' WIDE STONE LINED SWALE

NOT TO SCALE

EXAMPLE MATERIAL SPECIFICATIONS

1. NATIVE CHANNEL MATERIAL:

MATERIAL FOR "NATIVE CHANNEL MATERIAL" SHALL BE AN EVEN MIXTURE OF SAND, GRAVEL, AND COBBLE, WITH 5% SILT CONTENT, AND SHALL BE FREE OF CLAYS, ORGANIC MATERIALS, AND OTHER TRASH, RUBBLE, OR DEBRIS. BROKEN CONCRETE, OR PARTIALLY DECOMPOSED, DAMAGED, OR CRACKED STONES SHALL NOT BE ACCEPTABLE. SHALE, SANDSTONE, OR FRIABLE ROCK SHALL NOT BE ACCEPTABLE.

NATIVE CHANNEL MATERIAL SHALL BE EXCAVATED FROM TOP 12-INCHES OF EXISTING DEWATERED CHANNEL AND REUSED FROM ON-SITE. IF THE SITE CONTAINS INSUFFICIENT MATERIAL TO DEVELOP THE 12-INCHES OF DEPTH ON THE FINAL CHANNEL, MATERIAL SHALL BE IMPORTED FROM OFF SITE. SUCH MATERIAL SHALL CONFORM TO THE FOLLOWING GRADATION:

Sieve No.	Diameter (inches)	Percent Passing
	3.50	90
	2.00	70
	1.20	50
	0.50	30
	0.20	15
10	0.06	5
50	0.01	0

2. WEATHERED/ROUNDED BOULDERS:

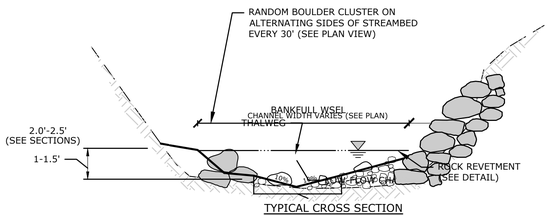
BOULDERS SHALL CONSIST OF SOUND, TOUGH, DURABLE AND SEMI-ANGULAR STONES OF THE SIZE SPECIFIED. STONES SHALL BE FREE OF ORGANIC MATERIALS, OR OTHER DEFECTS IMPAIRING ITS DURABILITY, AND SHALL BE OF A SIMILAR SHAPE, COLOR, AND TYPE TO THE NATIVE STONE FOUND AT THE SITE. BROKEN CONCRETE, OR PARTIALLY DECOMPOSED, DAMAGED, OR CRACKED STONES SHALL NOT BE ACCEPTABLE. SHALE, SANDSTONE, OR FRIABLE ROCK SHALL NOT BE ACCEPTABLE. BOULDERS SHALL BE SIMILAR IN COLOR AND APPEARANCE WITH EXISTING ROCK IN THE STREAM CHANNEL.

MATERIAL SHALL CONFORM TO THE FOLLOWING GRADATION:

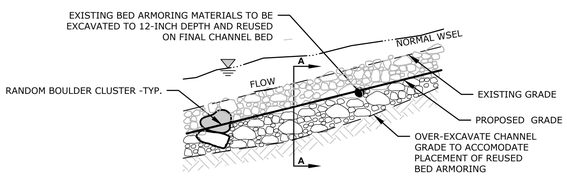
Diameter (inches)	Percent Passing
36	100
30	75
24	50
20	25
18	0

3. STONE FILLING (LIGHT, HEAVY):

SEE STATE OF NEW YORK DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS, SECTION 620-2.



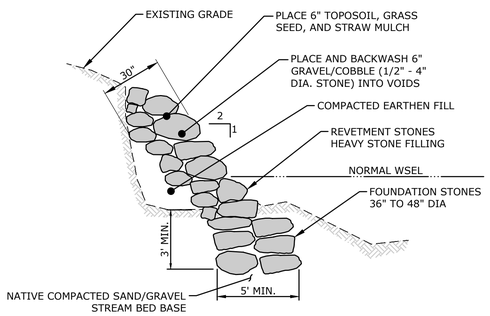
TYPICAL CROSS SECTION



TYPICAL PROFILE VIEW

CHANNEL ARMORING

NOT TO SCALE



ROCK REVETMENT

ROCK REVETMENT NOTES:

1. EMBED STONE A MINIMUM OF 3 FEET INTO THE STREAM BANK TO KEY INTO THE BANK.
2. FINISHED ELEVATION OF THE STONES AS SHOWN ON CROSS SECTIONS AND GRADING PLAN.
3. IF BEDROCK IS ENCOUNTERED THE FIRST COURSE OF ROCK SHALL BE PINNED A MINIMUM OF 2 TIMES PER ROCK UNLESS OTHERWISE DIRECTED BY THE ENGINEER. THE DRILLED HOLES SHALL BE A MINIMUM OF 1 ½ INCHES IN DIAMETER AND EXTEND A MINIMUM OF 12 INCHES INTO THE ROCK BELOW. A #8 REBAR SHALL BE USED AS THE PIN IN EACH HOLE. THE REBAR SHALL BE CUT SO THAT IT IS RECESSED 2 TO 6 INCHES DOWN INTO THE ROCK.
4. RIPRAP SHALL BE BACKFILLED WITH GRAVEL/COBBLE, AS SPECIFIED, AND BACKWASHED WITH WATER TO FILL THE VOIDS PRIOR TO PLACEMENT OF TOPSOIL, SEED, AND MULCH.

0' 10' 20'
0 1/2" 1"
SCALE 1" = 20'H
1" = 2'V

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DESCRIPTION	DATE	BY

SITE DETAILS

TOWN OF WINDHAM DRAINAGE IMPROVEMENTS
PROJECT NAME 2

COUNTY ROUTE 56 (BIG HOLLOW ROAD)
WINDHAM, GREEN COUNTY, NEW YORK

JM	NP	KP
DESIGNED	DRAWN	CHECKED

SCALE: AS NOTED

DATE: MAY 05, 2017

PROJECT NO.: 5781-01

SHEET NO.: 10 OF XX

SHEET NAME: DET-01

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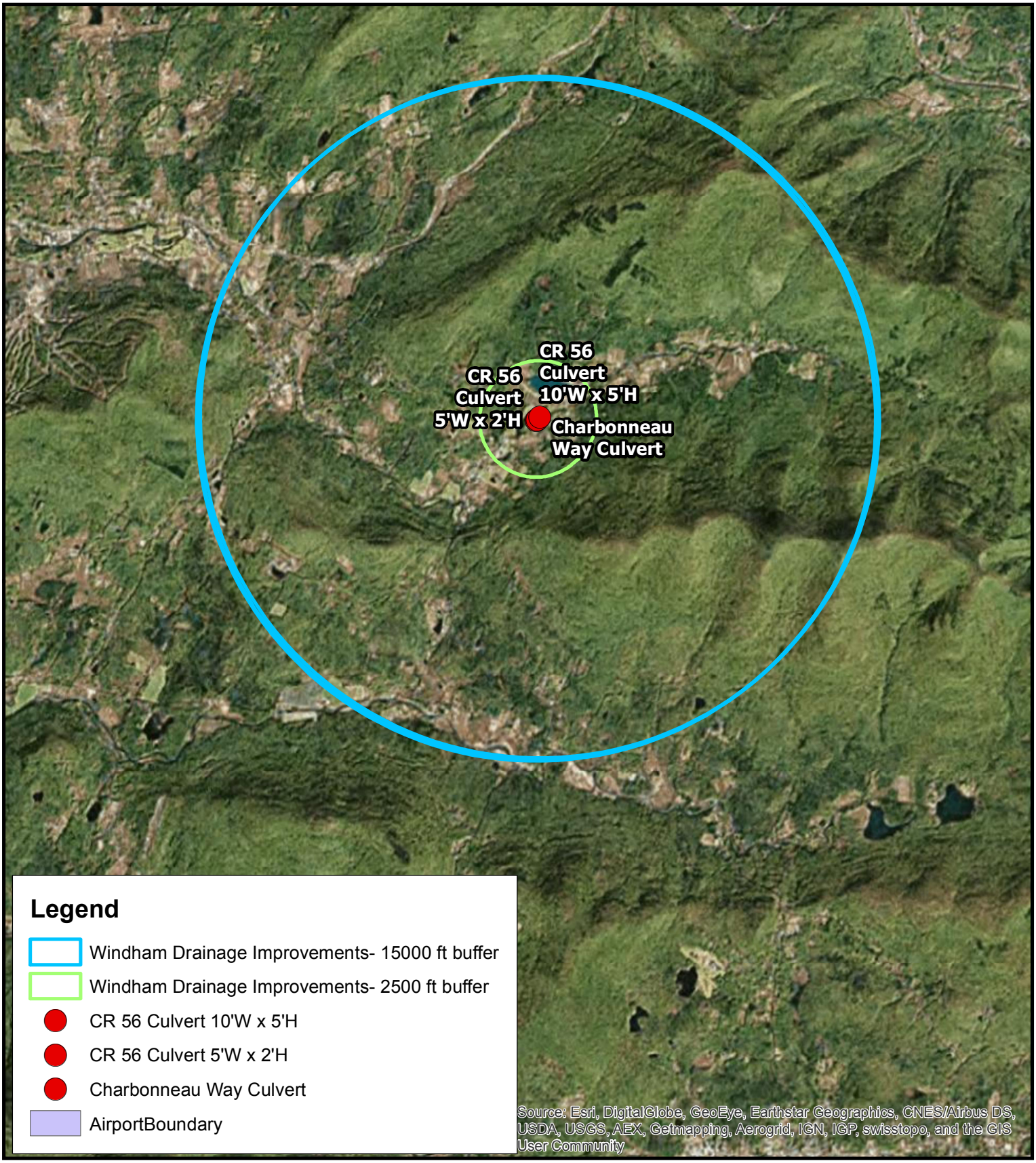
Appendix B Figures



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Windham Drainage Improvements Project

Airports

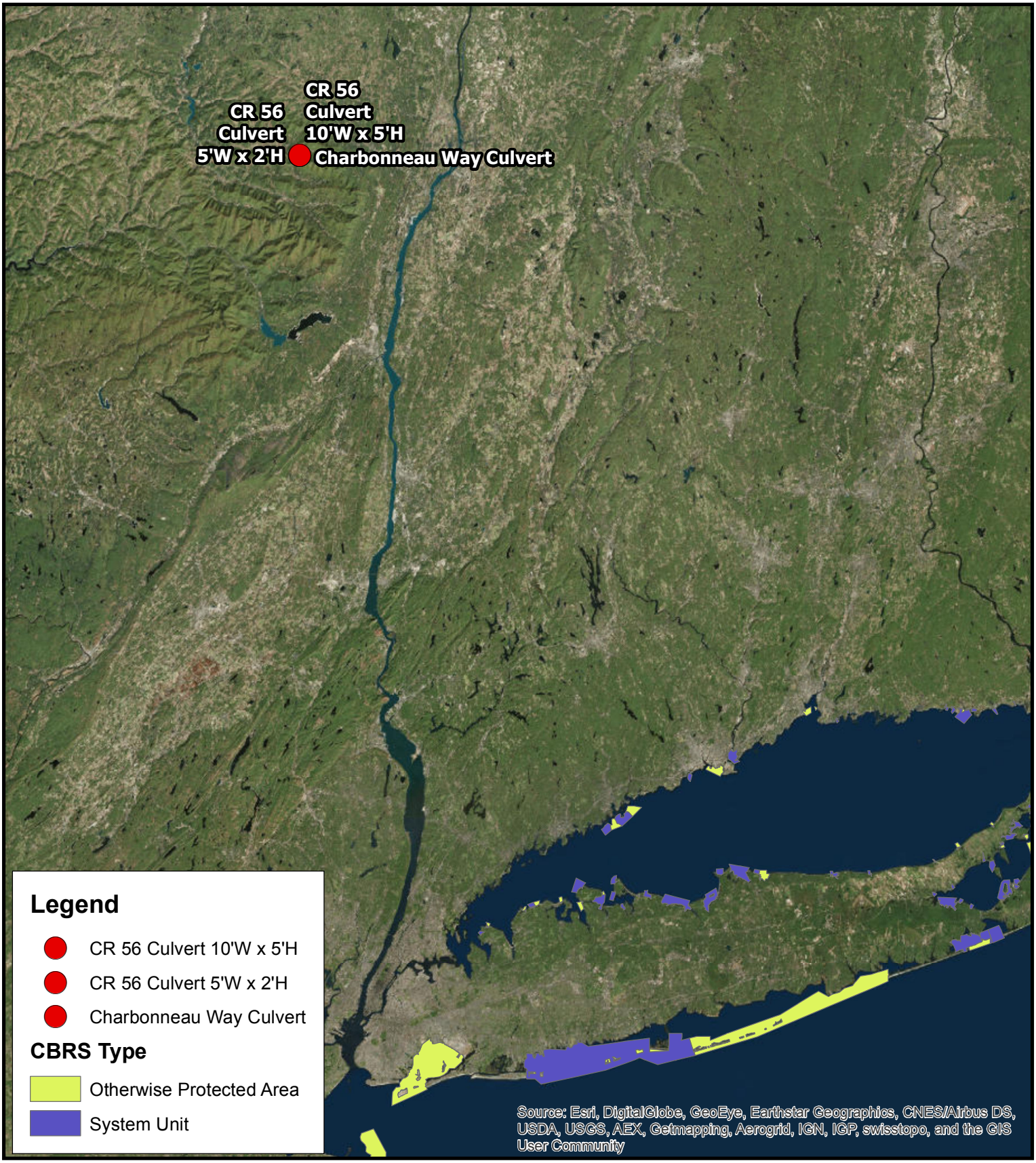
N

0 0.5 1 2 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/25/2017



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Windham Drainage Improvements Project

CBRS

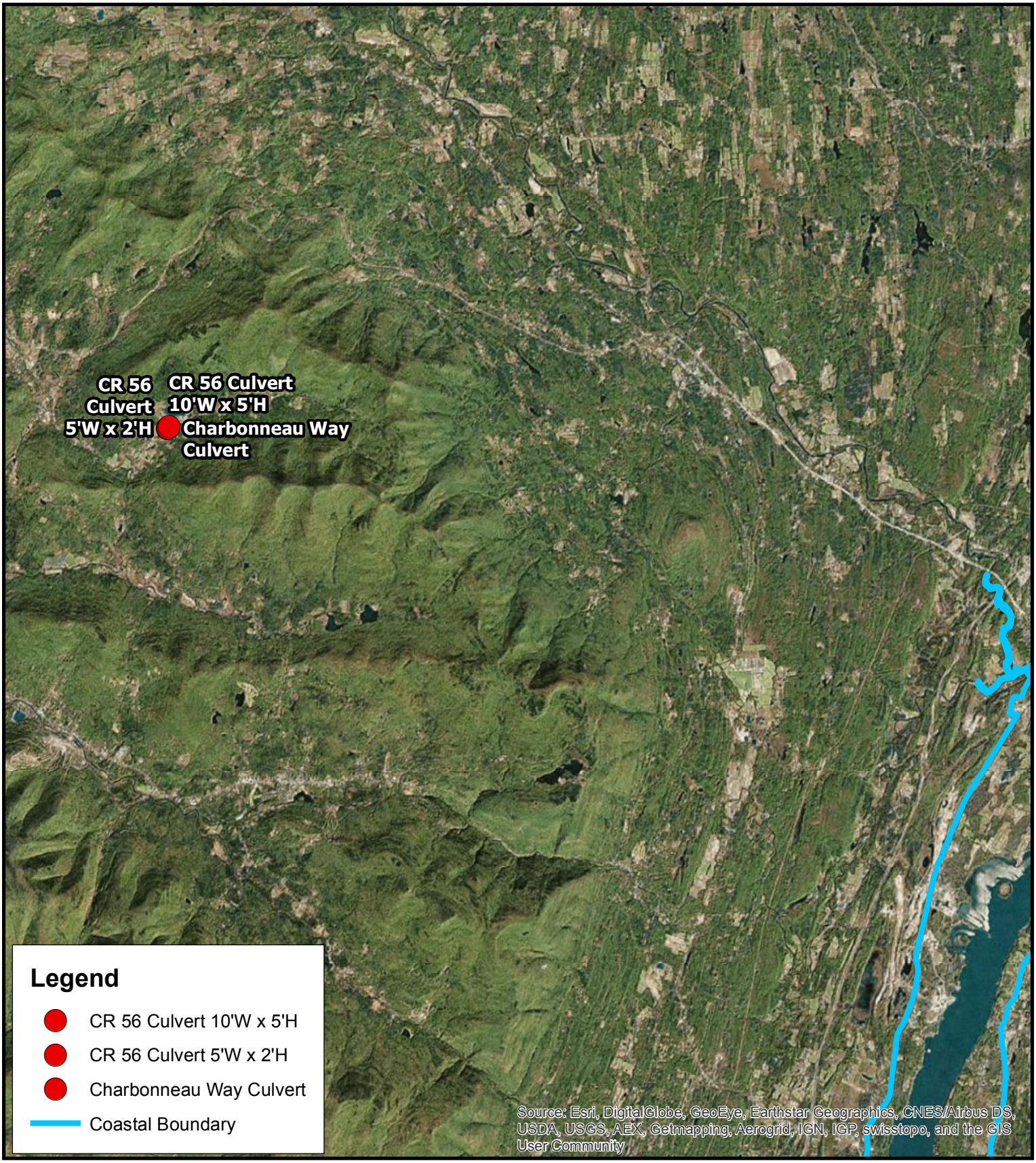
N

0 5 10 20 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/25/2017



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Windham Drainage Improvements Project

Coastal Boundary

N

0 1.25 2.5 5 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/25/2017

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Windham Drainage Improvements Project

Floodplain

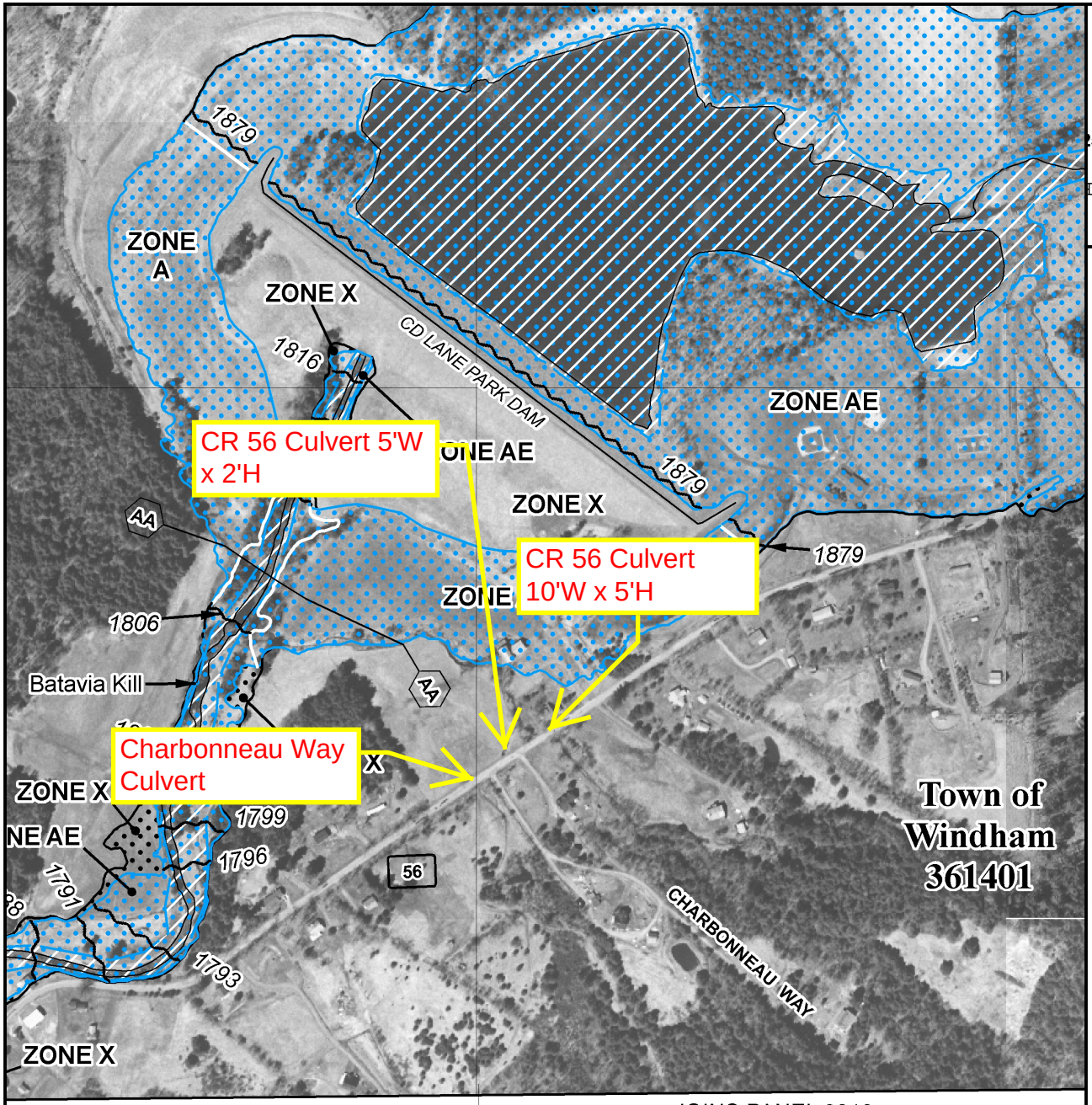
N

0 0.02 0.04 0.08 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/25/2017



$^{5}68^{000m}$E

JOINS PANEL 0218

MAP SCALE 1" = 500'

250 0 500 1000 FEET

METER

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0216F

FIRM

FLOOD INSURANCE RATE MAP

for GREENE COUNTY, NEW YORK
ALL JURISDICTIONS

CONTAINS:

COMMUNITY	NUMBER
WINDHAM, TOWN OF	361401

PANEL 216 OF 531
MAP SUFFIX: F

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

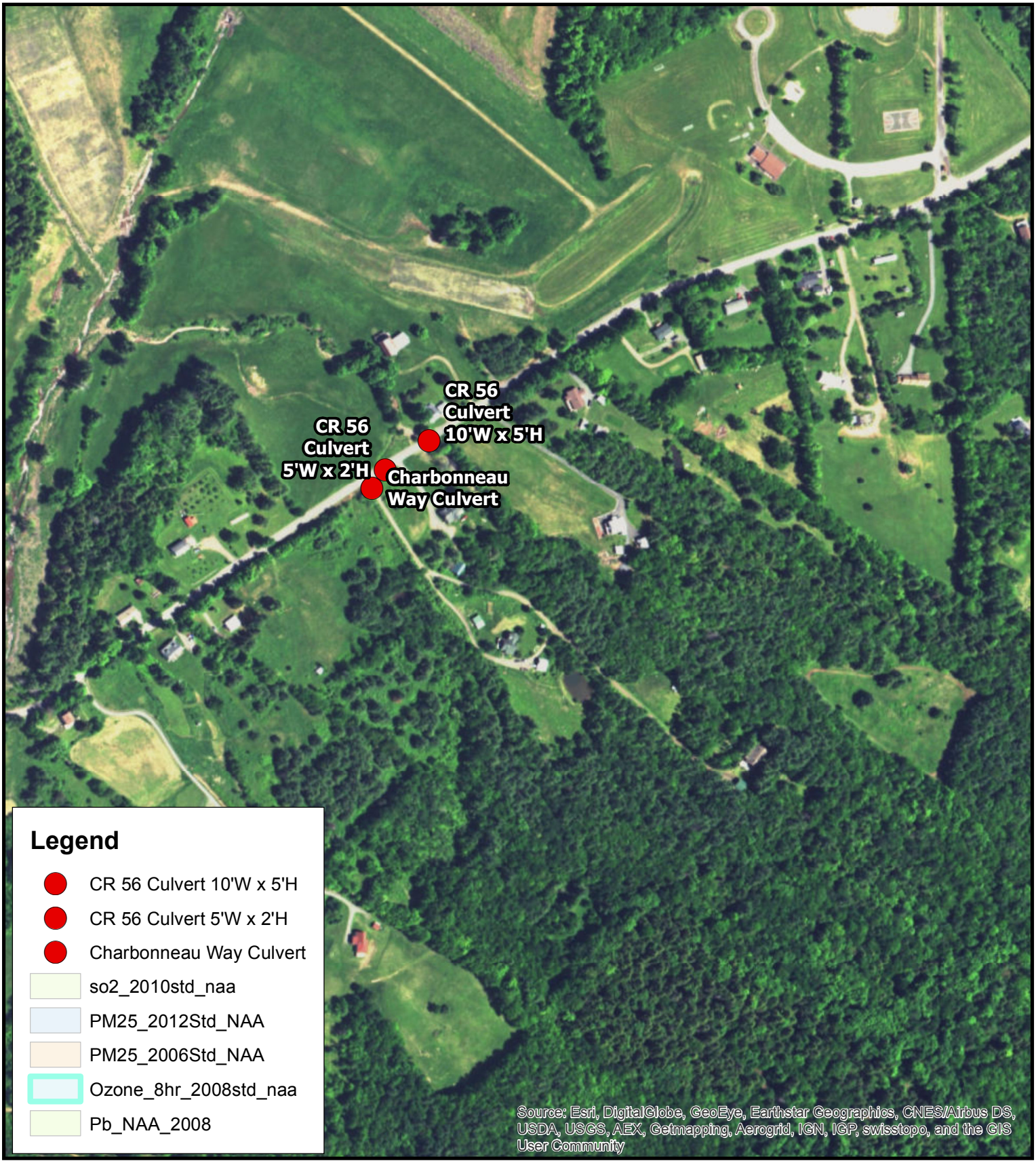
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
36039C0216F

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



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Windham Drainage Improvements Project

Non-Attainment Areas

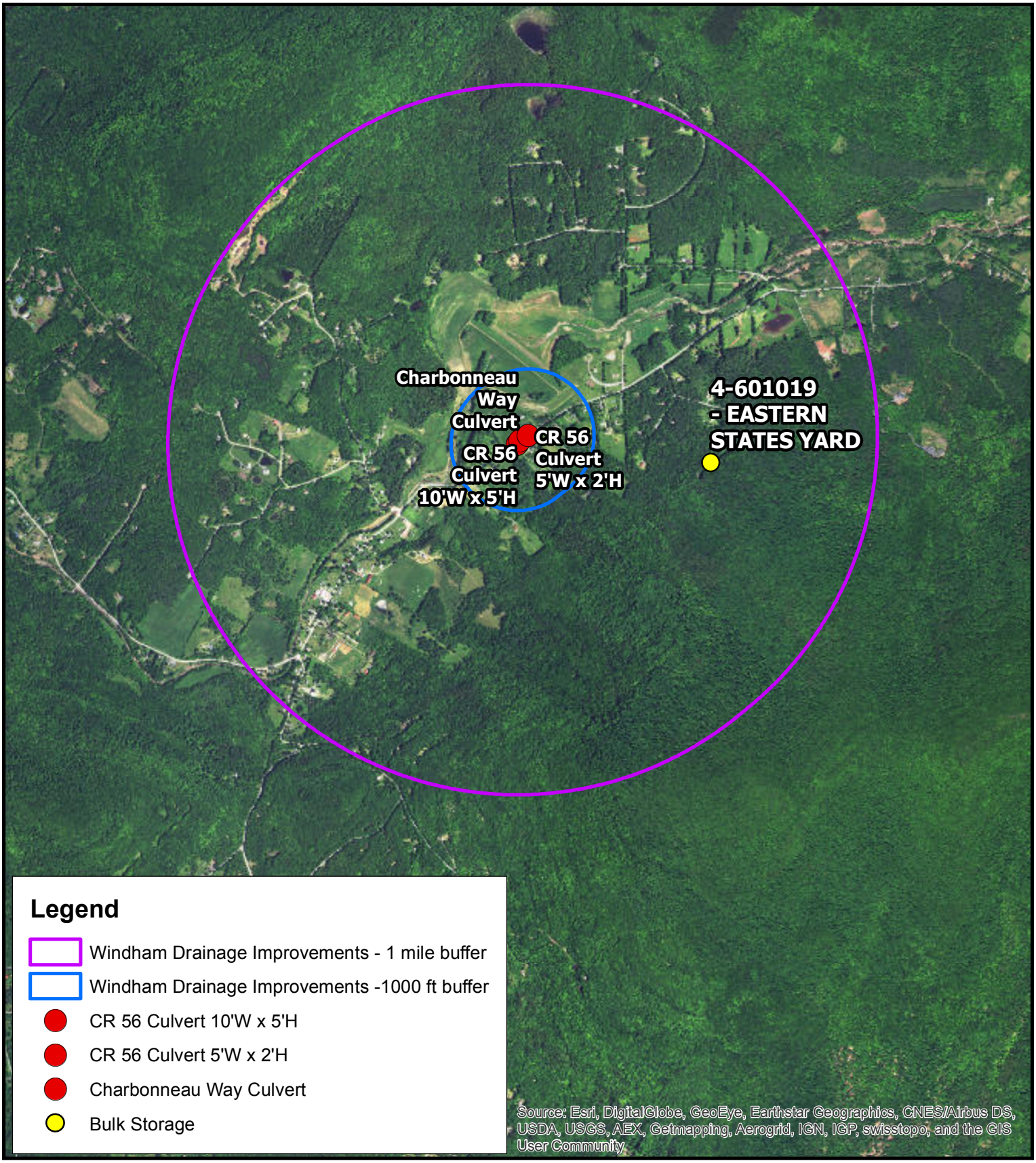
N

0 0.04 0.08 0.16 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/25/2017



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Windham Drainage Improvements Project

Bulk Storage

N

0 0.2 0.4 0.8 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/26/2017

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

Bulk Storage Database Search Details

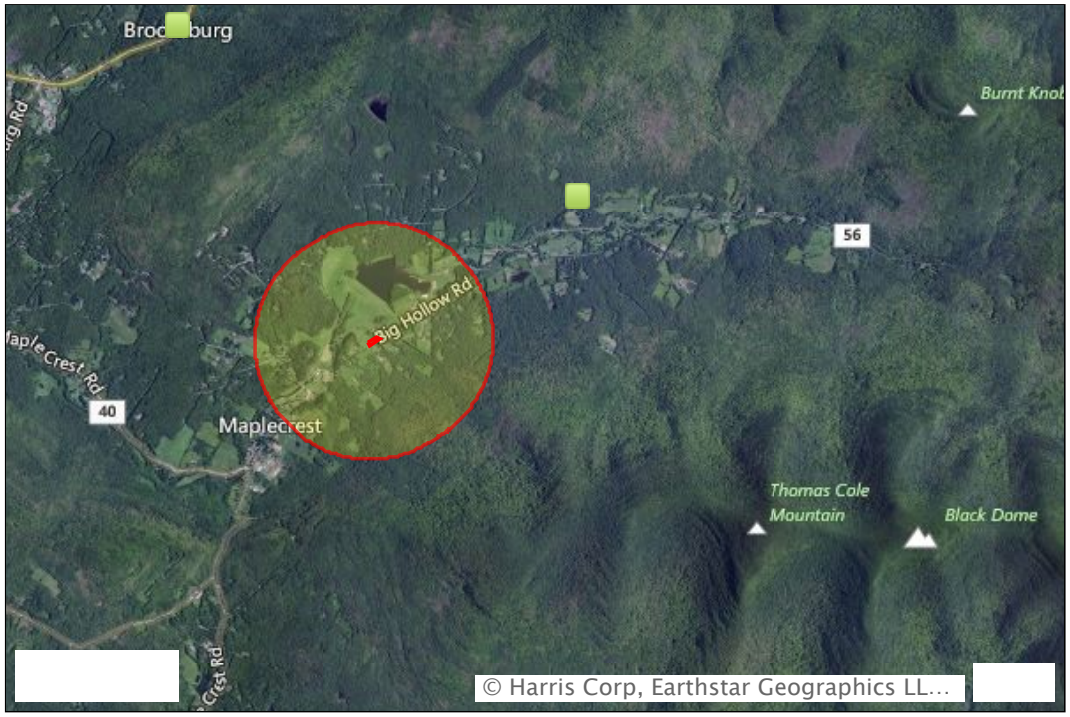
Tank Information

Site No: 4-601019
Site Name: EASTERN STATES YARD
Tank No: 001
Tank Location: Aboveground on saddles, legs, stilts, rack or cradle
Tank Status: Closed - Removed
Tank Install Date:
Tank Closed Date: 03/11/2005
Tank Capacity: 275 gal.
Product Stored: waste oil/used oil
Percentage: 100%
Tank Type: 01 - Steel/Carbon Steel/Iron
Tank Internal Protection: None
Tank External Protection: Painted/Asphalt Coating
Tank Secondary Containment: None
Tank Leak Detection: None
Overfill: Product Level Gauge (A/G)
Spill Prevention: None
Dispenser: Suction Dispenser
Pipe Location: Aboveground
Pipe Type: Steel/Carbon Steel/Iron
Pipe External Protection: None
Piping Secondary Containment: None
Piping Leak Detection: None
Tank Next Test Due:
Tank Last Test:
Tank Test Method: Testing Not Required

Refine This Search

Return To Facility

Map



Hazardous Waste (RCRAInfo)
Superfund (NPL)

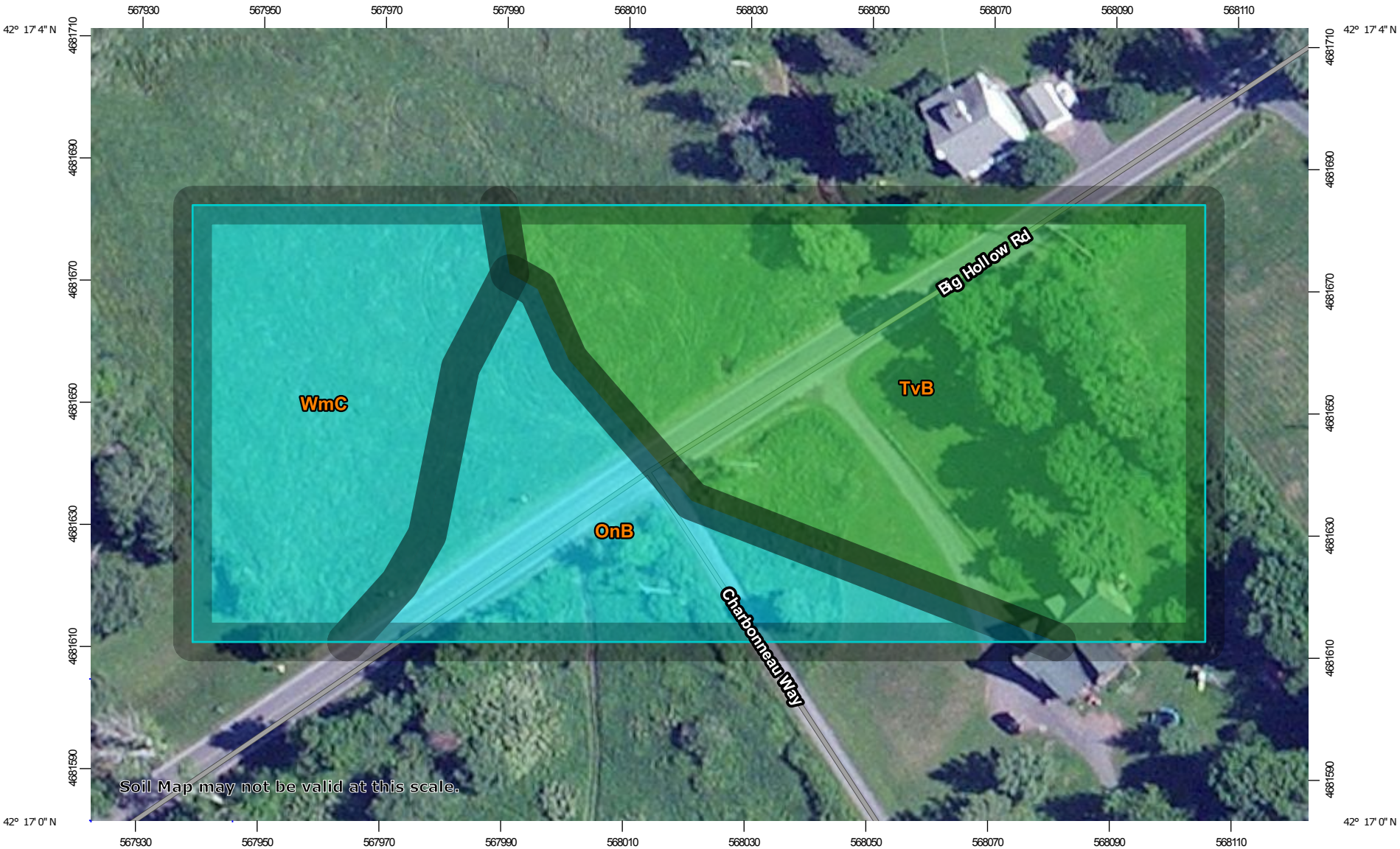
Geographic coordinates:

POLYGON
(42.284020,-74.175230,42.284024,-74.175233,42.284433,-74.174380,42.284266,-74.174176,42.283845,-74.175094,42.284020,-74.175230)
with buffer 3000 feet

Note: The information in the following reports is based on publicly available databases and web services. The National Report uses nationally available datasets and the State Reports use datasets available through the EPA Regions. Click on the hyperlinked question to view the data source and associated metadata.

Error occurred when calling analysis web service.

Farmland Classification—Greene County, New York
(Windham Drainage Project - Protected Soils)



Map Scale: 1:915 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 10 20 40 60

Feet: 0 40 80 160 240

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 18N WGS84

MAP LEGEND

Area of Interest (AOI)

- Area of Interest (AOI)

Soils

Soil Rating Polygons

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

Soil Rating Lines

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

Soil Rating Points

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season
- Prime farmland if subsoiled, completely removing the root inhibiting soil layer
- Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
- Prime farmland if irrigated and reclaimed of excess salts and sodium
- Farmland of statewide importance
- Farmland of local importance
- Farmland of unique importance
- Not rated or not available

Water Features

MAP INFORMATION

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Greene County, New York
Survey Area Data: Version 15, Sep 23, 2016

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2010—Oct 9, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Greene County, New York (NY039)				
Map unit symbol	**Map unit name**	**Rating**	**Acres in AOI**	**Percent of AOI**
OnB	Onteora silt loam, 3 to 8 percent slopes	Farmland of statewide importance	0.7	22.1%
TvB	Tunkhannock gravelly loam, fan, 3 to 8 percent slopes	All areas are prime farmland	1.6	52.5%
WmC	Willowemoc channery silt loam, 8 to 15 percent slopes	Farmland of statewide importance	0.7	25.3%
Totals for Area of Interest			**3.0**	**100.0%**

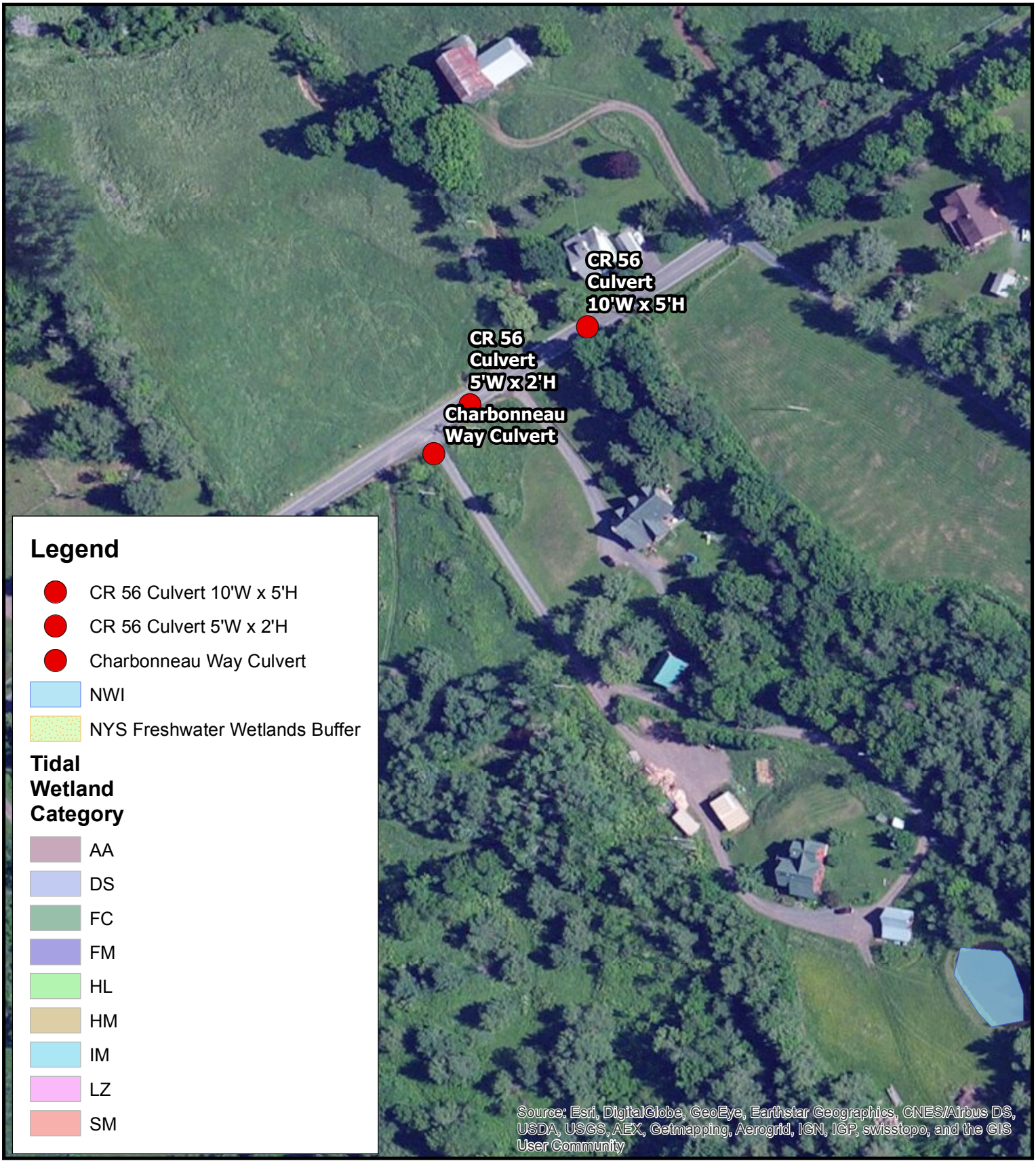
Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



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Windham Drainage Improvements Project

Wetlands

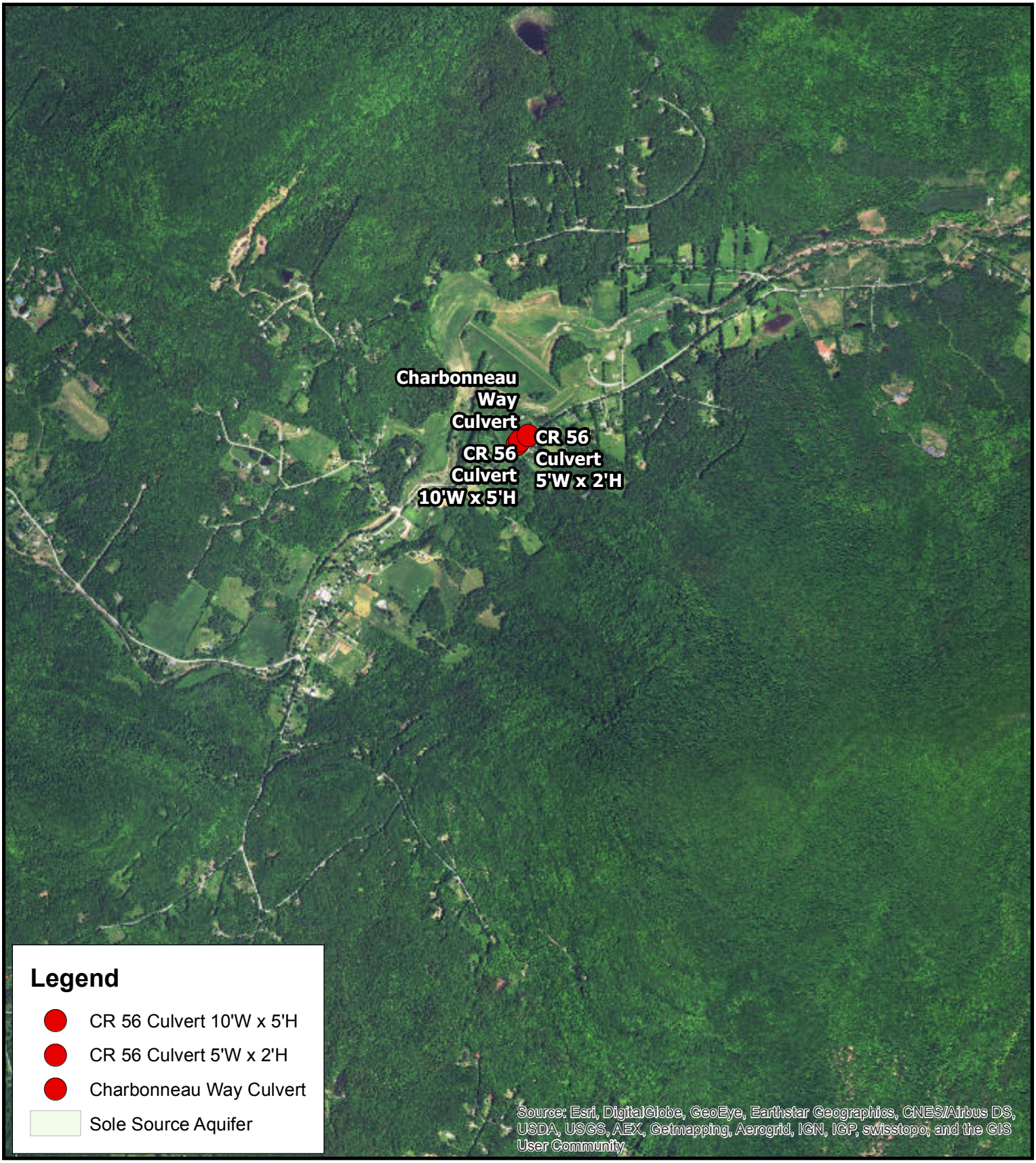
N

0 0.015 0.03 0.06 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/26/2017



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Windham Drainage Improvements Project

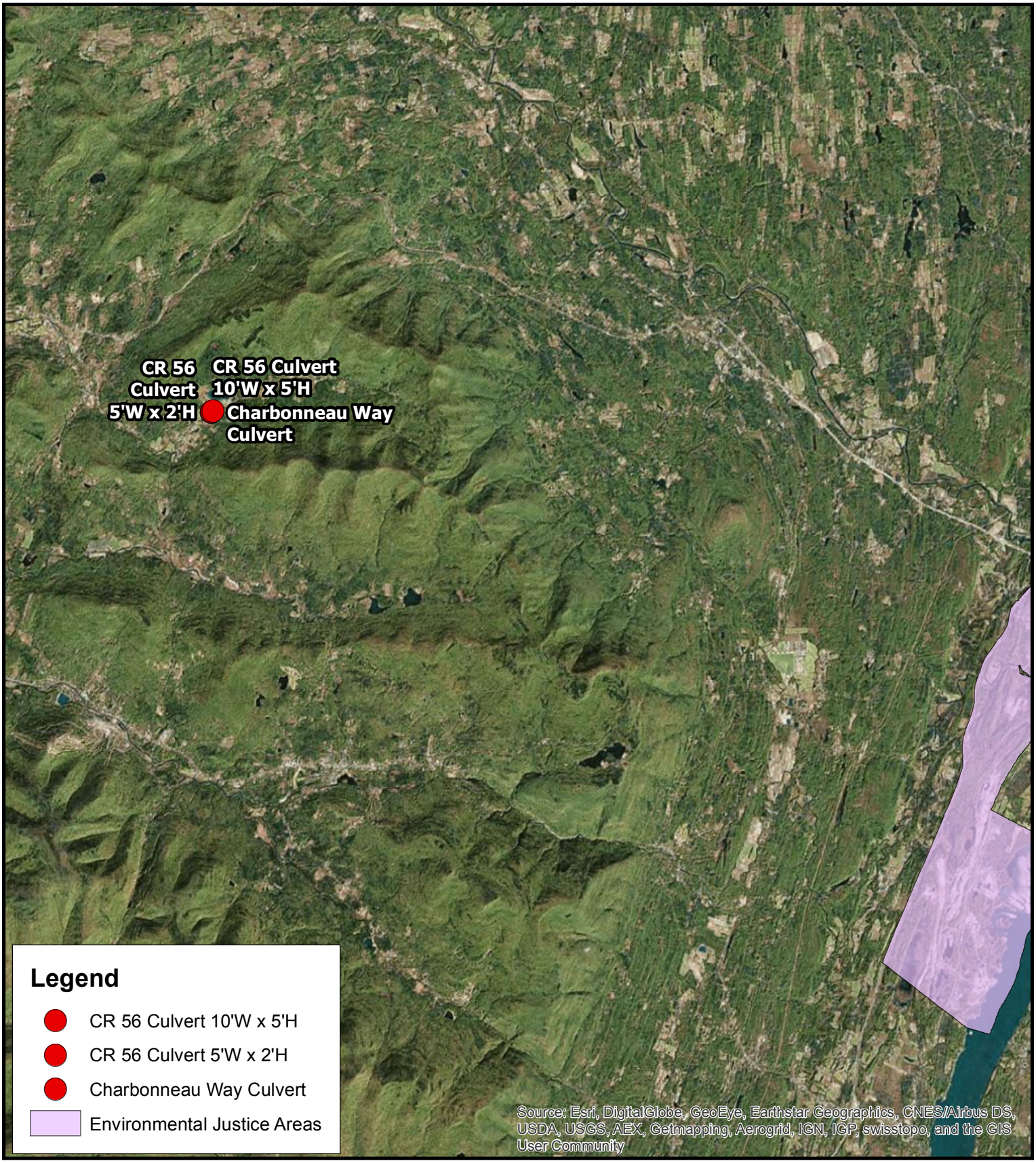
Sole Source Aquifer

N

0 0.2 0.4 0.8 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery
Drawn By: R.Ferres
Version: 1.1
Date: 07/26/2017



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Windham Drainage Improvements Project

Environmental Justice Areas

N

0 1.25 2.5 5 Miles

Sources of Data: USFWS, FEMA, ESRI, State of NY

Governor's Office of Storm Recovery

Drawn By: R.Ferres
Version: 1.1
Date: 07/26/2017

Appendix C USFWS, NYSDEC, and NYNHP Correspondence

NHP Consultation

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

Via Electronic Mail

July 18, 2017

Nicholas Conrad
New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program – Information Services
625 Broadway, 5th Floor
Albany, New York 12233-4757

Re: Natural Heritage Compliance Process for the Windham Drainage Improvements Route 56 Project, Town of Windham, Greene County, New York

Dear Mr. Conrad:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is conducting an environmental review under HUD's environmental review regulations (24 CFR Part 58) and New York State's Environmental Quality Review Act (SEQRA) for the Windham Drainage Improvements Route 56 Project, located in the Hamlet of Maplecrest, Town of Windham, Greene County, New York (see **Figure 1**).

The purpose of this letter is to request a search of the files of the New York Natural Heritage Program for records of the occurrence of any rare animals, plants, and natural communities and/or significant wildlife habitats in the vicinity of this project. The information we receive will be used in NEPA and SEQRA documentation and/or any permit applications. We will retain the confidentiality, as needed, of any information received.

Program Overview: During Hurricane Irene, stormwater overwhelmed town-owned retaining walls, bridges, and culvert infrastructure after 18 inches of rain fell on the town and in the mountains surrounding the town. Windham is bordered on three sides by the Catskills. Stormwater runoff flowed down the slopes of these mountains and resulted in the overtopping of Batavia Kill and its tributaries. Flood waters then inundated the Hamlet of Windham, where the densest concentration of the town's residences and commercial buildings is located. Many of these structures were severely damaged and rendered uninhabitable for weeks and months following the storm. Stormwater also overwhelmed culvert infrastructure crossing County Route 56. The resulting flooding destroyed residences and businesses, impeded the town's emergency response services, and stranded residents of the town and forced them to shelter in-place during and after the storm event. Following Hurricane Irene, through the NYRCR process, the Town of Windham resolved to address flooding and drainage problems that occurred during the storm. The town has embarked on a program of infrastructure improvements that to mitigate future stormwater events, of which the proposed Project is an element.

Area of Potential Effect: The Project site includes the removal and replacement of three culverts beneath C.R. 56 or Big Hollow Road, near the intersection of Charbonneau Way, within the Hamlet of Maplecrest, Greene County, New York (Figure 1). Portions of an unnamed intermittent tributary to Batavia Kill will be relocated. The tributary flows to one of the culverts (Culvert 2). The attached proposed plan illustrates the areas of disturbance. The latitude and longitude for the culvert locations are:

CR Culvert 5'W x 2'H (culvert 1)
Lat: 42°17'2.73"N
Long: 74°10'29.63"W

CR 56 Culvert 10'W x 5'H (culvert 2)
Lat: 42°17'3.53"N
Long: 74°10'27.99"W

Charbonneau Way Culvert
Lat: 42°17'2.22"N
Long: 74°10'30.14"W

Proposed Project Description: This project includes: the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the alteration of an existing, unnamed intermittent tributary of Batavia Kill; extension of a drainage channel to serve the culverts; and the installation of stone rip-rap armoring. Additionally, the path of an unnamed intermittent tributary will be altered to more efficiently convey flow downstream. Construction details are illustrated on the attached plans.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

Compliance: According to information reviewed from the New York State Environmental Resource Mapper (ERM), the project area is not within a half mile of significant natural communities, and no rare plants or animals exist within the project area (see attached). The proposed project would involve ground and drainage ditch and intermittent stream disturbance. As such, GOSR respectfully requests that the New York Natural Heritage Program review its records of concern for any rare or state-listed animals or plants, or significant natural communities, at this site or in its immediate vicinity. In addition, information regarding the presence of any other species or habitats of special concern in the vicinity of the proposed projects is also requested.

If you have questions or require additional information regarding this request, please contact Alicia Shultz at (518) 474-0647 or alicia.shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,

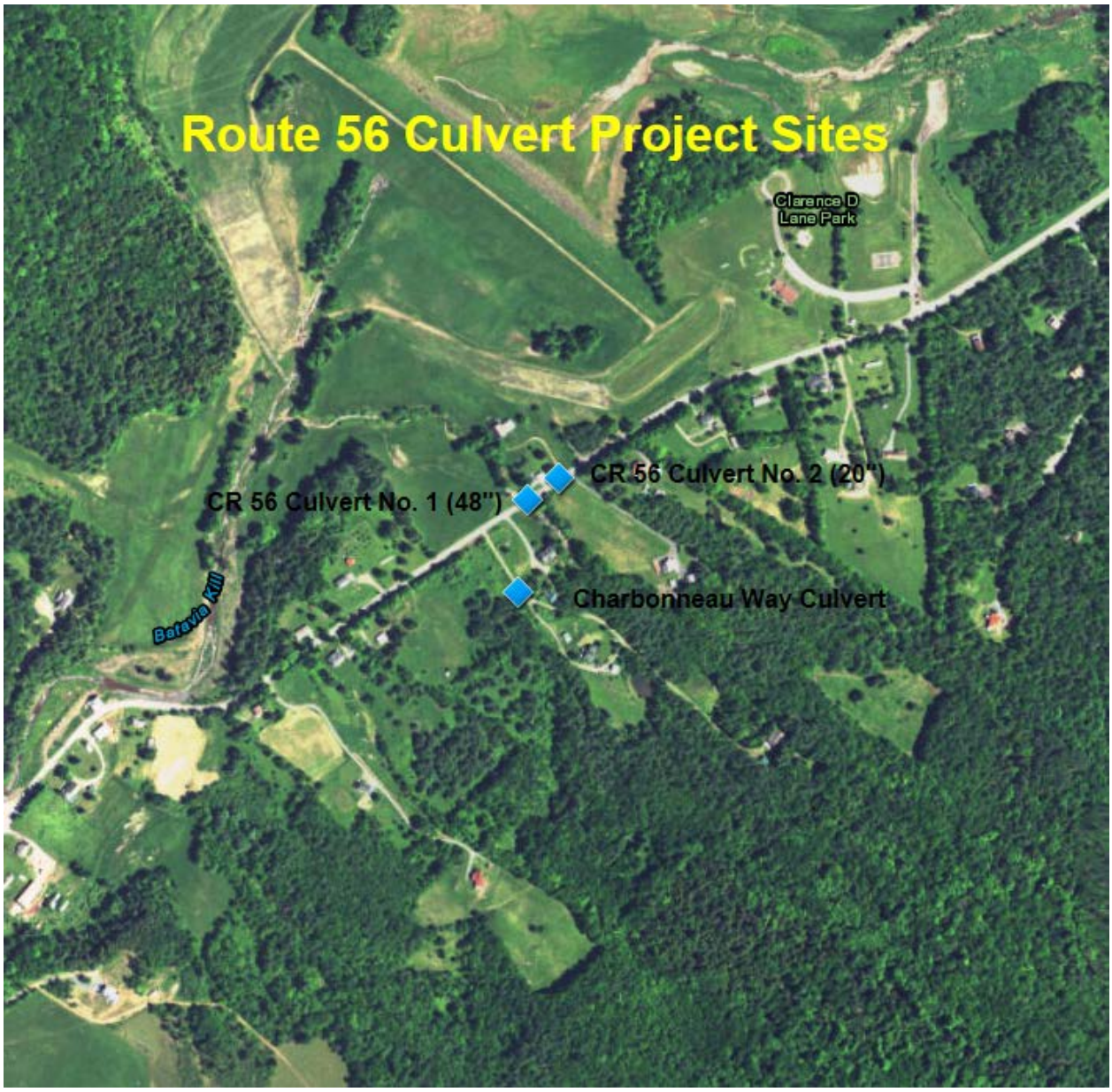
Alicia Shultz
Senior Environmental Scientist
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany NY 12207

Attachments:
Figure 1
Environmental Resource Mapper Findings

Figure 1

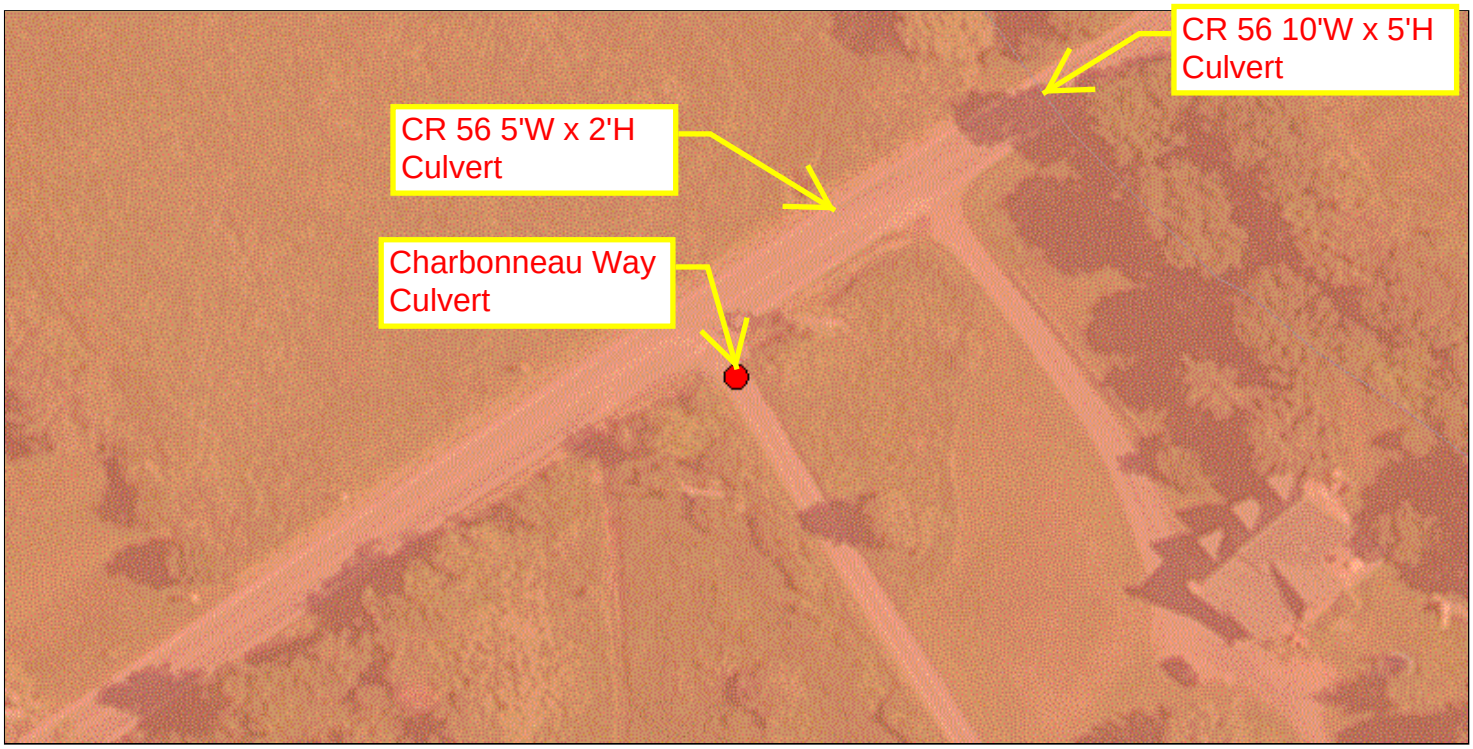
PROJECT SITE MAPS

ROUTE 56 CULVERT IMPROVEMENTS



Environmental Resource Mapper Findings

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	**Easting:**	568020.257	**Northing:**	4681637.746
Longitude/Latitude	**Longitude:**	-74.175	**Latitude:**	42.284

The approximate address of the point you clicked on is:
2-198 Charbonneau Way, Maplecrest, New York, 12454

County: Greene
USGS Quad: HENSONVILLE

DEC Region

Region 4:
(Capital Region/Northern Catskills) Albany, Columbia, Delaware, Greene, Montgomery, Otsego, Rensselaer, Schenectady and Schoharie counties. For more information visit **http://www.dec.ny.gov/about/611.html**.

Natural Communities in the Vicinity

Natural Community Name: Hemlock-northern hardwood forest
Location: Blackhead Mountains
Ecological System: Uplands

Rare Plants and Rare Animals

This location is in the vicinity of one or more Rare Animals

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

NHP Response

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

July 24, 2017

Alicia Shultz
Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207

Re: Windham Drainage Improvements Route 56 Project, Maplecrest
County: Greene Town/City: Windham

Dear Ms. Shultz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities directly on the project site.

About .6 mile from the project site is a documented **bald eagle** nest (*Haliaeetus leucocephalus*, state-listed as Threatened). For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of your project on this species and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the Permits staff at the NYSDEC Region 3 Office as described above.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

880

NHP Eagle Consultation

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

Via Electronic Mail

July 25, 2017

New York State Department of Environmental Conservation
Stamford Wildlife Office
65561 State Highway 10,
Suite 1
Stamford, NY 12167

Re: Potential Impacts to Bald Eagle Nest, Windham Drainage Improvements Route 56 Project, Town of Windham, Greene County, New York

To Whom it May Concern:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is conducting an environmental review under HUD's environmental review regulations (24 CFR Part 58) and New York State's Environmental Quality Review Act (SEQRA) for the Windham Drainage Improvements Route 56 Project, located in the Hamlet of Maplecrest, Town of Windham, Greene County, New York (see **Figure 1**).

The purpose of this letter is to request consultation on potential impacts of the project on the bald eagle (Haliaeetus leucocephalus) having a nest 0.6 mile from the project locations (see attached New York Natural Heritage Program database response) and how to avoid, minimize, or mitigate any impacts. We will retain the confidentiality, as needed, of any information received.

Program Overview: During Hurricane Irene, stormwater overwhelmed town-owned retaining walls, bridges, and culvert infrastructure after 18 inches of rain fell on the town and in the mountains surrounding the town. Windham is bordered on three sides by the Catskills. Stormwater runoff flowed down the slopes of these mountains and resulted in the overtopping of Batavia Kill and its tributaries. Flood waters then inundated the Hamlet of Windham, where the densest concentration of the town's residences and commercial buildings is located. Many of these structures were severely damaged and rendered uninhabitable for weeks and months following the storm. Stormwater also overwhelmed culvert infrastructure crossing County Route 56. The resulting flooding destroyed residences and businesses, impeded the town's emergency response services, and stranded residents of the town and forced them to shelter in-place during and after the storm event.

Following Hurricane Irene, through the NYRCR process, the Town of Windham resolved to address flooding and drainage problems that occurred during the storm. The town has embarked on a program of infrastructure improvements that to mitigate future stormwater events, of which the proposed Project is an element.

Area of Potential Effect: The Project site includes the removal and replacement of three culverts beneath C.R. 56 or Big Hollow Road, near the intersection of Charbonneau Way, within the Hamlet of Maplecrest, Greene County, New York (Figure 1). Portions of an unnamed intermittent tributary to Batavia Kill will be relocated. The tributary flows to one of the culverts (Culvert 2). The attached proposed plan illustrates the areas of disturbance. The latitude and longitude for the culvert locations are:

CR Culvert 5'W x 2'H (culvert 1)
Lat: 42°17'2.73"N
Long: 74°10'29.63"W

CR 56 Culvert 10'W x 5'H (culvert 2)
Lat: 42°17'3.53"N
Long: 74°10'27.99"W

Charbonneau Way Culvert
Lat: 42°17'2.22"N
Long: 74°10'30.14"W

Proposed Project Description: This project includes: the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the alteration of an existing, unnamed intermittent tributary of Batavia Kill; extension of a drainage channel to serve the culverts; and the installation of stone rip-rap armoring. Additionally, the path of an unnamed intermittent tributary will be altered to more efficiently convey flow downstream. Construction details are illustrated on the attached plans.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

Bald Eagle Impacts: Per the National Bald Eagle Management Guidelines: *Bald eagles generally nest near coastlines, rivers, large lakes or streams that support an adequate food supply. They often nest in mature or old-growth trees; snags (dead trees); cliffs; rock promontories; rarely on the ground; and with increasing frequency on human-made structures such as power poles and communication towers. In forested areas, bald eagles often select the tallest trees with limbs strong enough to support a nest that can weigh more than 1,000 pounds. Nest sites typically include at least one perch with a clear view of the water where the eagles usually forage. Shoreline trees or snags located in reservoirs provide the visibility and accessibility needed to locate aquatic prey. Eagle nests are constructed with large sticks, and may be lined with moss, grass, plant stalks, lichens, seaweed, or sod. Nests are usually about 4-6 feet in diameter and 3 feet deep, although larger nests exist*.

As shown in the attached figures, the project locations are not within 660 feet of bald eagle nesting habitat. No large water bodies are located nearby. The culvert locations are located along a County Route, near residential homes and farming area. The land north and south of the project locations is forested providing alternative locations better suited for nesting, outside the influence of human activity.

Potential impacts to the bald eagle from project activities would be during the nesting season. Nesting activity in New York begins in late November, several months before egg-laying. This is the period most sensitive to human activity. Egg-laying in New York is late April or even early May. Bald eagles are very sensitive to human activity during this period. Incubation typically lasts 33-35 days, but can be as long as 40 days and is also a period where bald eagles are very sensitive to human activity. The nesting period is 4 to 8 weeks and a moderately sensitive period for bald eagles. Eaglets make their first unsteady flights about 10 to 12 weeks after hatching, and fledge (leave their nests) within a few days after that first flight. However, young birds usually remain in the vicinity of the nest for several weeks after fledging because they are almost completely dependent on their parents for food until they disperse from the nesting territory approximately 6 weeks later. This is another very sensitive period for the bald eagle (source: National Bald Eagle Management Guidelines).

Impacts from loud noises or the use of cranes could be of concern during the bald eagle nesting sensitive periods. If loud noises are anticipated, they will take place outside of the nesting season which is January 1st to September 30th. The level of noise is not anticipated to be more than the current noise levels generated from traffic, human activity and farming. If cranes are used, bird perch deterrents will be located at the apex. The presence of large trees and rolling topography between the location of the project sites and the eagle nest provide a visibility barrier between the project activities and the bald eagle nest. No land use changes or significant landscape alterations will result from the implementation of the project. Only temporary impacts will occur during construction: noise from machinery and human activity. Physical barriers, such as trees, rolling topography and structures, between the nest located 0.6 mile from the project locations will limit noise impacts. All project activities such as machinery operation and human activity will be greater than 660 feet from the eagle nest. Construction activities are anticipated to occur in the fall, outside the bald eagle nesting sensitive time frame.

Summary: According to information in the New York Natural Heritage Program database, the project area is not within 660 feet of a bald eagle nest. The proposed project would involve temporary ground and drainage ditch and intermittent stream disturbance which would not permanently change the current land use or significantly change the landscape. Topography and trees between the eagle nest and the project locations provide a visibility barrier. Additionally, project activities are anticipated to occur in the fall, outside the bald eagle nesting sensitive time frame. Therefore, the project activities will have no impacts to existing bald eagle nest. Further, due to the human activity in the area surrounding the project locations and the presence of nearby habitat, it is unlikely that bald eagles would choose nesting sites within 660 feet of the project locations in the future. This conclusion is based on guidance provided in the National Bald Eagle Management Guidelines.

Confirmation: GOSR requests that the NYSDEC Region 4 Wildlife staff review and concur with GOSR's conclusion the project activities will have no impact on the bald eagle and therefore, meets the requirements under the Bald and Golden Eagle Project Act and the Migration Bird Treaty Act. The project activities will not interfere with bald eagles, affecting their ability to forage, nest, roost, breed, or raise young.

If you have questions or require additional information regarding this request, please contact Alicia Shultz at (518) 474-0647 or alicia.shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,

Alicia Shultz
Senior Environmental Scientist
New York State Homes and Community Renewal
Governor's Office of Storm Recovery
Community Reconstruction
38-40 State Street, Hampton Plaza
Albany NY 12207

Attachments:
Figures
Project Plans
New York Natural Heritage Program database response

Figures

PROJECT SITE MAPS

ROUTE 56 CULVERT IMPROVEMENTS

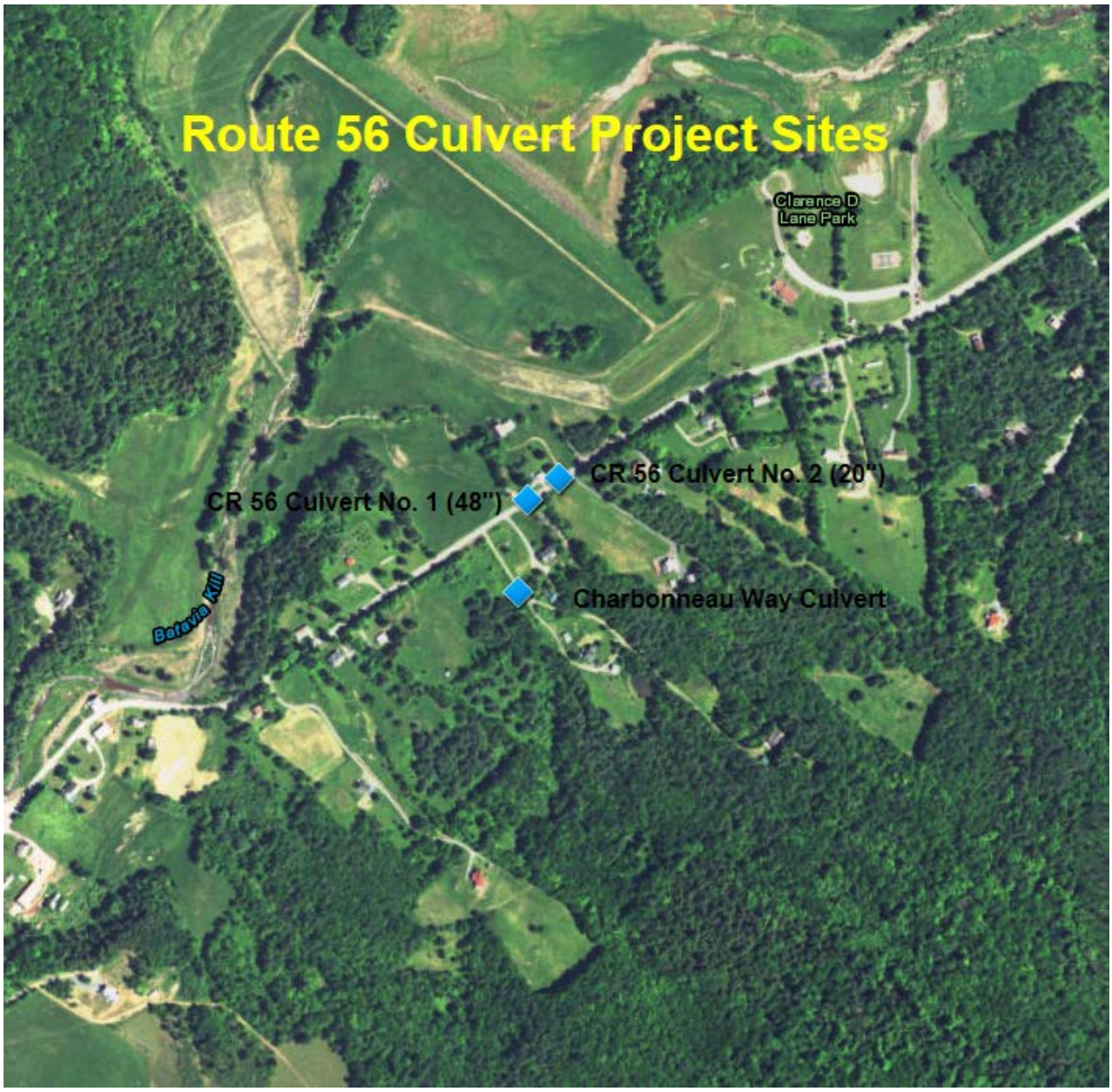


Figure 1 - Route 59 Culverts

Proposed Plan

See Appendix C of this EA

New York Natural Heritage Program database response

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Natural Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
P: (518) 402-8935 | F: (518) 402-8925
www.dec.ny.gov

July 24, 2017

Alicia Shultz
Governor's Office of Storm Recovery
38-40 State Street
Albany, NY 12207

Re: Windham Drainage Improvements Route 56 Project, Maplecrest
County: Greene Town/City: Windham

Dear Ms. Shultz:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

We have no records of rare or state-listed animals or plants, or significant natural communities directly on the project site.

About .6 mile from the project site is a documented **bald eagle** nest (*Haliaeetus leucocephalus*, state-listed as Threatened). For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of your project on this species and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other resources may be required to fully assess impacts on biological resources.

For information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the Permits staff at the NYSDEC Region 3 Office as described above.

Sincerely,

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program

880

NHP Eagle Concurrence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Region 4 Main Office
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2068 | F: (518) 357-2087
www.dec.ny.gov

July 28, 2017

Alicia Shultz
Senior Environmental Scientist
New York State Homes & Community Renewal
38-40 State St. 408N, Hampton Plaza
Albany, NY 12207

Alicia,

I have reviewed the Route 56 Drainage Improvements Project, Town of Windham in Greene County with respect to potential impacts on a bald eagle nest in proximity of the work anticipated for this project. I concur with your findings that the eagle nest in question is located approximately 0.6 miles from the project work site, which is well beyond the 660' primary distance of concern in the National Bald eagle Management Guidelines. Further, our information on this bald eagle nest is that the birds continue to nest successfully despite being in an area with a number of residences in fairly close proximity.

In addition, it is stated that project activities "will occur in the fall, outside the bald eagle nesting sensitive time frame".

Given the above considerations, I concur with your findings that the Route 56 Drainage Improvements Project will not likely have an impact on the nesting bald eagles.

That said, you should be aware that we continue to receive and confirm new bald eagle nest locations, some of which are movements of a pair to a new nest location. If this project is delayed to a subsequent year or a later seasonal time period, or if any disturbance to the eagles is noted during the course of project activities, our Wildlife Office in either Schenectady or Stamford should be contacted.

Sincerely,

Paul Novak
Wildlife Diversity Biologist

USFWS Concurrence

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Field Office
3817 Luker Road
Cortland, NY 13045
Phone: (607) 753-9334 Fax: (607) 753-9699
http://www.fws.gov/northeast/nyfo

To: Alicia Shultz Date: Aug 1, 2017

USFWS File No: 17I1019

Regarding your: ___Letter ___Fax _x_Email Dated: July 18, 2017

For project: Windham drainage improvements

Located: Route 56

In Town/County: Town of Windham / Greene County

Pursuant to the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*), the U.S. Fish and Wildlife Service:

_x_ Acknowledges receipt of your "no effect" and/or no impact determination. No further ESA coordination or consultation is required.

___ Acknowledges receipt of your determination. Please provide a copy of your determination and supporting materials to any involved Federal agency for their final ESA determination.

___ Is taking no action pursuant to ESA or any legislation at this time, but would like to be kept informed of project developments.

As a reminder, until the proposed project is complete, we recommend that you check our website (http://www.fws.gov/northeast/nyfo/es/section7.htm) every 90 days from the date of this letter to ensure that listed species presence/absence information for the proposed project is current. Should project plans change or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered.

USFWS Contact(s): Robyn Niver

Supervisor: Date: 8/1/17

USFWS Consultation Letter

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

By Electronic Mail

July 18, 2017

Robyn A. Niver
Endangered Species Biologist
U.S. Fish & Wildlife Service
New York Field Office (Region 5)
3817 Luker Rd.
Cortland, NY 13045

Re: Section 7 Project Review - ESA/MBTA/BGEPA Consultation for the Windham Drainage Improvements Route 59 Culverts Project, Town of Windham, Greene County, New York

Dear Ms. Niver:

The Governor's Office of Storm Recovery (GOSR), acting under the auspices of New York State Homes and Community Renewal's (HCR) Housing Trust Fund Corporation (HTFC), on behalf of the Department of Housing & Urban Development (HUD), is conducting an environmental review under HUD's environmental review regulations (24 CFR Part 58) and New York State's Environmental Quality Review Act (SEQRA) for the Windham Drainage Improvements Route 56 Culverts Project, located in the Town of Windham, Greene County, New York (see Figure 1). GOSR is acting as HUD's non-federal representative for the purposes of conducting consultation pursuant to Section 7 of the Endangered Species Act.

The purpose of this letter is to provide the U.S. Fish and Wildlife Service – New York Field Office (USFWS) notice of the proposed project and to document compliance with Section 7 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), as well as the Migratory Bird Treaty Act of 1918 (MBTA) (40 Stat. 755, as amended; 16 U.S.C. 703-712), and the Bald and Golden Eagle Protection Act of 1940 (BGEPA) (54 Stat. 240, as amended; 16 U.S.C. 668-668c).

Program Overview

During Hurricane Irene, stormwater overwhelmed town-owned retaining walls, bridges, and culvert infrastructure after 18 inches of rain fell on the town and in the mountains surrounding the town. Windham is bordered on three sides by the Catskills. Stormwater runoff flowed down the slopes of these mountains and resulted in the overtopping of Batavia Kill and its tributaries. Flood waters then inundated the Hamlet of Windham, where the densest concentration of the town's residences and commercial buildings is located. Many of these structures were severely damaged and rendered uninhabitable for weeks and months following the storm. Stormwater also overwhelmed culvert infrastructure crossing County Route 56. The resulting flooding destroyed residences and businesses, impeded the town's emergency response services, and stranded residents of the town and forced them to shelter in-place during and after the storm event.

Following Hurricane Irene, the Town of Windham resolved to address flooding and drainage problems that occurred during the storm. The town has embarked on a program of infrastructure improvements that to mitigate future stormwater events, of which the proposed Project is an element.

Area of Potential Effect: The Project site includes the removal and replacement of three culverts beneath C.R. 56 or Big Hollow Road, near the intersection of Charbonneau Way, within the Hamlet of Maplecrest, Greene County, New York (Figure 1). Portions of an unnamed intermittent tributary to Batavia Kill will be relocated. The tributary flows to one of the culverts (Culvert 2). The attached proposed plan illustrates the areas of disturbance. The latitude and longitude for the culvert locations are:

CR Culvert 5'W x 2'H (culvert 1)
Lat: 42°17'2.73"N
Long: 74°10'29.63"W

CR 56 Culvert 10'W x 5'H (culvert 2)
Lat: 42°17'3.53"N
Long: 74°10'27.99"W

Charbonneau Way Culvert
Lat: 42°17'2.22"N
Long: 74°10'30.14"W

Proposed Project Description: This project includes: the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the alteration of an existing, unnamed intermittent tributary of Batavia Kill; extension of a drainage channel to serve the culverts; and the installation of stone rip-rap armoring. Additionally, the path of an unnamed intermittent tributary will be altered to more efficiently convey flow downstream. Construction details are illustrated on the attached plans.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

ESA, Migratory Bird Treaty Act, And Bald and Golden Eagle Protection Act Species: The USFWS, New York Ecological Services Field Office was contacted through the Information, Planning, and Conservation System (IPaC) regarding the potential presence of species under the jurisdiction of the USFWS within the project area. The IPaC Resource List identified one threatened endangered species that is potentially associated with the project site, the threatened northern long-eared bat (NLEB) (*Myotis septentrionalis*) (see attached **Resource Species List**). The Resource List indicated that no critical habitats are within the Project area. The IPaC review also indicated that there are several migratory birds of concern that could potentially be affected by the proposed project. NYSDEC reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. This project is in close proximity to known occurrences of the Haliaeetus leucocephalus (bald eagle) (see attached **NYSDEC correspondence**).

An evaluation of potential impacts from the project to both state and federal threatened and endangered species is provided below.

ESA -Analysis and Determination of Effects:

Northern Long-eared bat (NLEB) (*Myotis septentrionalis*): NYSDEC reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. The NLEB was not identified (**see attached NYSDEC correspondence**). According to the attached NYS Resource map for Bat Occurrences no NLEB hibernaculum has been documented within 0.25 mile from the project site. There are currently no known maternity roost trees or hibernacula known to be occupied by NLEB within the vicinity of the project location according to geospatial information provided by the USFWS. The main impact of concern for bats is the removal of potential roost trees. **No trees will be removed. Therefore, GOSR has made a No Effect determination for the NLEB.**

ESA and Migratory Bird Treaty Act and the Bald And Golden Eagle Protection Act Species: The IPaC Resource Species List states that there are migratory birds that are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act that could potentially be affected by the proposed projects, including Haliaeetus leucocephalus (bald eagle). Bald eagle is identified as occurring year round and nesting eagles were identified in the resource report.

NYSDEC reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed animals and plants, significant communities and other significant habitats. This project is in close proximity to known occurrences of the Haliaeetus leucocephalus (bald eagle) (see attached NYSDEC correspondence). The NYSDEC Conservation Plan for Bald Eagles in New York State provides a map of bald eagle breeding territories in New York. There are no known bald eagle nests within five miles of any of the project areas, therefore the proposed project activities should have no effect on breeding bald eagle. Impacts from loud noises or the use of cranes could be of concern. NYSDEC suggested that if cranes are used, bird perch deterrents should be located at the apex. If loud noises are anticipated, they should take place outside of the nesting season which is January 1st to September 30th.

GOSR has determined that the project would have no significant adverse impact on migratory birds or their habitat. It is anticipated that passerine birds would temporarily leave the area during construction due to noise and disturbance. Extensive areas of high quality woodland habitat are available.

Compliance

The proposed projects involve no tree removal and would not affect migratory birds or listed bat species. As illustrated on the NYS Resource Map, there are no NLEB hibernacula or maternity colonies within the vicinity of the project areas. Migratory birds may avoid the project areas during construction; however, similar habitat within the vicinity of the project areas would be available to these species until construction-related disturbance has ceased. There are no known bald eagle nests within five miles of any of the project areas, therefore the proposed project activities would have no effect on breeding bald eagle.

Project implementation would be conditioned upon issuance of applicable federal and state permits and would be constructed in accordance with federal and state permit conditions. The proposed project would not jeopardize the continued existence of ESA species or destroy or adversely modify their critical habitat. GOSR is submitting the above information as notice of its **No Effect** determination and requests acknowledgement from USFWS that they have received this determination that the proposed project would have No Effect on migratory birds, endangered/threatened species, or critical habitat for species under USFWS jurisdiction.

If you have questions or require additional information regarding this request, please contact Alicia Shultz at (518) 474-0647 or alicia.shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,

Alicia Shultz
Senior Environmental Scientist
New York State Homes and Community Renewal
38-40 State Street, Hampton Plaza
Albany NY 12207

Attachments:

Figure 1
Proposed Plan
IPaC Resource List
NYSDEC Correspondence
NYS Resource Map for Bat Occurrences

Figure 1

PROJECT SITE MAPS

ROUTE 56 CULVERT IMPROVEMENTS

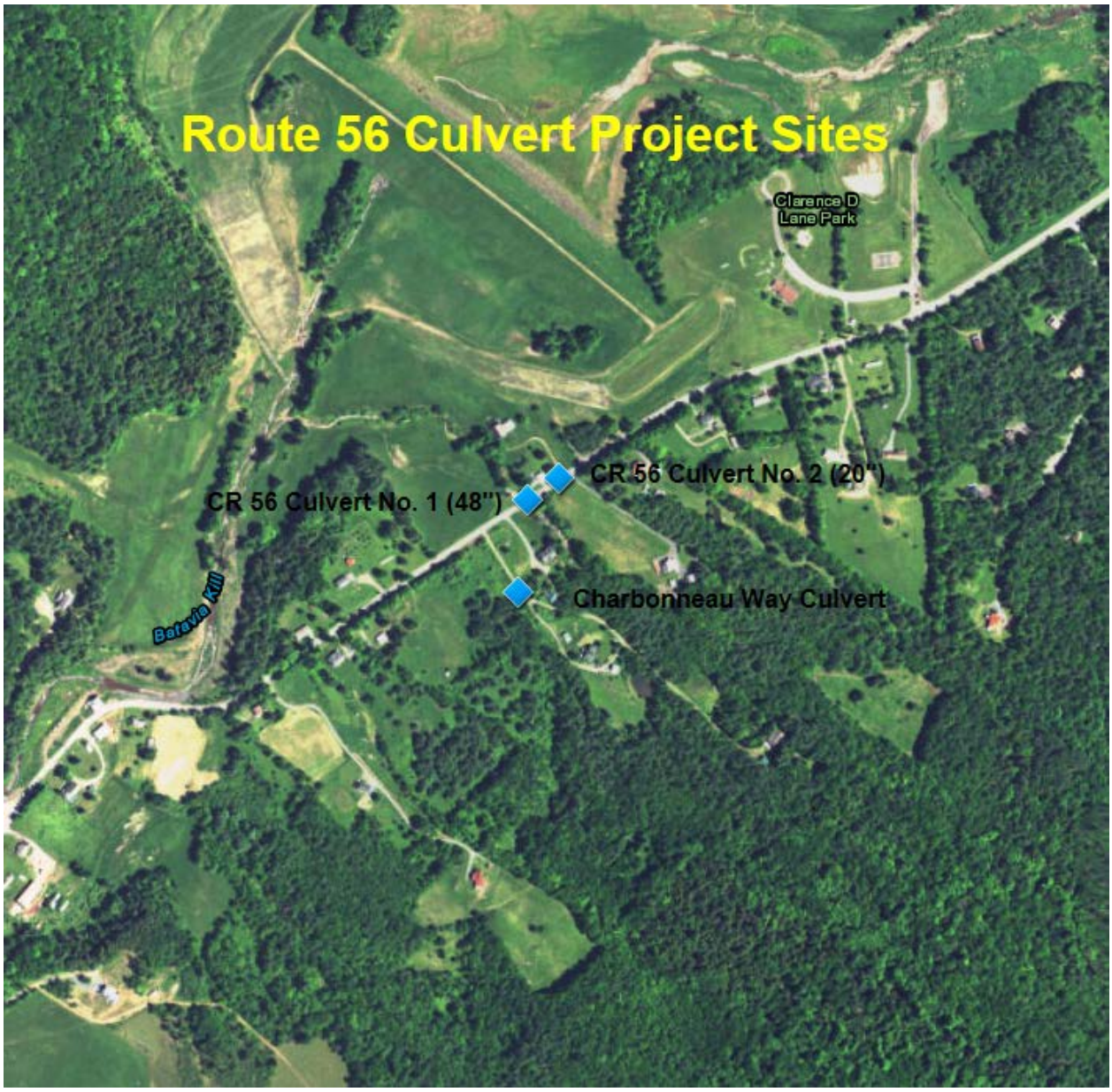


Figure 1 - Route 59 Culverts

Proposed Plan

See Appendix A for the proposed plan, excluded to decrease size to this document.

IPaC Resource List

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Greene County, New York

Not for consultation

Local office

New York Ecological Services Field Office

(607) 753-9334
(607) 753-9699

3817 Luker Road
Cortland, NY 13045-9349

http://www.fws.gov/northeast/nyfo/es/section7.htm

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.

5. Click REQUEST SPECIES LIST.

Listed species[1] are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat Myotis septentrionalis No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any activity that results in the take (to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct) of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service[3]. There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The migratory birds species listed below are species of particular conservation concern (e.g. Birds of Conservation Concern) that may be potentially affected by activities in this location. It is not a list of every bird species you may find in this location, nor a guarantee that all of the bird species on this list will be found on or near this location. Although it is important to try to avoid and minimize impacts to all birds, special attention should be made to avoid and minimize impacts to birds of priority concern. To view available data on other bird species that may occur in your project area, please visit the AKN Histogram Tools and Other Bird Data Resources. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

NAME	SEASON(S)
American Bittern Botaurus lentiginosus https://ecos.fws.gov/ecp/species/6582	Breeding
Bald Eagle Haliaeetus leucocephalus https://ecos.fws.gov/ecp/species/1626	Year-round
Black-billed Cuckoo Coccyzus erythropthalmus https://ecos.fws.gov/ecp/species/9399	Breeding
Blue-winged Warbler Vermivora pinus	Breeding
Canada Warbler Wilsonia canadensis	Breeding

Golden-winged Warbler Vermivora chrysoptera https://ecos.fws.gov/ecp/species/8745	Breeding
Least Bittern Ixobrychus exilis https://ecos.fws.gov/ecp/species/6175	Breeding
Louisiana Waterthrush Parkesia motacilla	Breeding
Olive-sided Flycatcher Contopus cooperi https://ecos.fws.gov/ecp/species/3914	Breeding
Peregrine Falcon Falco peregrinus https://ecos.fws.gov/ecp/species/8831	Breeding
Pied-billed Grebe Podilymbus podiceps	Breeding
Prairie Warbler Dendroica discolor	Breeding
Red-headed Woodpecker Melanerpes erythrocephalus	Breeding
Short-eared Owl Asio flammeus https://ecos.fws.gov/ecp/species/9295	Wintering
Willow Flycatcher Empidonax traillii https://ecos.fws.gov/ecp/species/3482	Breeding
Wood Thrush Hylocichla mustelina	Breeding
Worm Eating Warbler Helmitheros vermivorum	Breeding

What does IPaC use to generate the list of migratory bird species potentially occurring in my specified location?

Landbirds:

Migratory birds that are displayed on the IPaC species list are based on ranges in the latest edition of the National Geographic Guide, Birds of North America (6th Edition, 2011 by Jon L. Dunn, and Jonathan Alderfer). Although these ranges are coarse in nature, a number of U.S. Fish and Wildlife Service migratory bird biologists agree that these maps are some of the best range maps to date. These ranges were clipped to a specific Bird Conservation Region (BCR) or USFWS Region/Regions, if it was indicated in the 2008 list of Birds of Conservation Concern (BCC) that a species was a BCC species only in a particular Region/Regions. Additional modifications have been made to some ranges based on more local or refined range information and/or information provided by U.S. Fish and Wildlife Service biologists with species expertise. All migratory birds that show in areas on land in IPaC are those that appear in the 2008 Birds of Conservation Concern report.

Atlantic Seabirds:

Ranges in IPaC for birds off the Atlantic coast are derived from species distribution models developed by the National Oceanic and Atmospheric Association (NOAA) National Centers for Coastal Ocean Science (NCCOS) using the best available seabird survey data for the offshore Atlantic Coastal region to date. NOAANCCOS assisted USFWS in developing seasonal species ranges from their models for specific use in IPaC. Some of these birds are not BCC species but were of interest for inclusion because they may occur in high abundance off the coast at different times throughout the year, which potentially makes them more susceptible to certain types of development and activities taking place in that area. For more refined details about the abundance and richness of bird species within your project area off the Atlantic Coast, see the Northeast Ocean Data Portal. The Portal also offers data and information about other types of taxa that may be helpful in your project review.

About the NOAANCCOS models: the models were developed as part of the NOAANCCOS project: Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf. The models resulting from this project are being used in a number of decision-support/mapping products in order to help guide decision-making on activities off the Atlantic Coast with the goal of reducing impacts to migratory birds. One such product is the Northeast Ocean Data Portal, which can be used to explore details about the relative occurrence and abundance of bird species in a particular area off the Atlantic Coast.

All migratory bird range maps within IPaC are continuously being updated as new and better information becomes available.

Can I get additional information about the levels of occurrence in my project area of specific birds or groups of birds listed in IPaC?

Landbirds:

The Avian Knowledge Network (AKN) provides a tool currently called the "Histogram Tool", which draws from the data within the AKN (latest,survey, point count, citizen science datasets) to create a view of relative abundance of species within a particular location over the course of the year. The results of the tool depict the frequency of detection of a species in survey events, averaged between multiple datasets within AKN in a particular week of the year. You may access the histogram tools through the Migratory Bird Programs AKN Histogram Tools webpage.

The tool is currently available for 4 regions (California, Northeast U.S., Southeast U.S. and Midwest), which encompasses the following 32 states: Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North, Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia,

and Wisconsin.

In the near future, there are plans to expand this tool nationwide within the AKN, and allow the graphs produced to appear with the list of trust resources generated by IPaC, providing you with an additional level of detail about the level of occurrence of the species of particular concern potentially occurring in your project area throughout the course of the year.

Atlantic Seabirds:

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAANCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Facilities

Wildlife refuges

Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGES AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NYSDEC Correspondence

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention
625 Broadway, 4th Floor, Albany, New York 12233-1750
P: (518) 402-9167 | F: (518) 402-9168 | deppermitting@dec.ny.gov
www.dec.ny.gov

September 9, 2016

Mr. Thomas J. King
Governor's Office of Storm Recovery
99 Washington Avenue
Suite 1224
Albany, NY 12260

RE: Windham Drainage Improvements--Route 56 culvert upgrade
Town of Windam, Greene County

Dear Mr. King:

We received your jurisdictional inquiry request for Route 56 Culvert Upgrade located at Route 56 East of Spruce Drive in the Town of Windham, Greene County. It is our understanding that the project is to replace an undersized culvert under Route 56 where it crosses the Batavia Kill in the hamlet of Maplecrest. The project will upgrade a four foot corrugated metal pipe culvert with a larger six foot by six box culvert. Based on our understanding of the project and review of the NY Rising Pre-Application dated September 2015, we have the following comments on the project:

WATER

Protection of Waters: A *stream/pond* is located within your project/site. The following provides a summary of the *stream(s)/pond(s)* within the project/site:

Name	Class	Waters Index Number
Tributary of Batavia Kill	C	H-240-82-117-22A

An Article 15, Protection of Waters Permit is not required to physically disturb the bed or banks of *this/these stream(s)/pond(s)* or to dredge or fill within the waterway.

Even if an Article 15 Permit is not required, please note that **any project undertaken shall not result in the degradation or contravening of water quality standards of the stream**. Activities resulting in sedimentation and/or turbid waters may constitute a violation of water quality standards and the Environmental Conservation Law (ECL). Care needs to be taken to stabilize the disturbed areas promptly after construction, and all necessary precautions be taken to prevent contamination of the stream by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

Due to the proximity of your project to the stream located downstream of the project classified as a A(TS) please refer to DEC region for guidance for in stream work time periods, generally work should not be done between October 1 and ending May 31st. The region may have different dates due to weather related conditions.

Stormwater Permit: If your project will disturb more than one acre of land, you must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the Department's website at: http://www.dec.ny.gov/chemical/8468.html.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. This site is in close proximity to known occurrences of the following state-protected species:

Name Status

Common Name	Scientific Name	State Status	Federal Status
Bald Eagle	Haliaeetus leucocephalus	Threatened	

All threatened or endangered species are subject to regulation under Article 11, Title 5 of the Environmental Conservation Law and a permit is required for a taking of that species pursuant to 6 NYCRR Part 182. Besides death of individuals, taking includes harassment, interference with essential behaviors, and adverse modification of habitat. Additional information on the proposal will be required for a determination on the need for a permit. If work is proposed to disturb the bed of either waters, concerns would arise for this species.

Bald Eagle:
Impacts from loud noises or the use of cranes could be of concern. If cranes will be used, bird perch deterrents should be located at the apex. If loud noises are anticipated, they should take place outside of the nesting season which is January 1st to September 30th. Please refer to the National Bald Eagle Management Guidelines document, available at https://www.fws.gov/southdakotafieldoffice/NationalBaldEagleManagementGuidelines.pdf.

The absence of data does not necessarily mean that any other rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and

the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

OTHER

Water Quality Certification: Work in certain wetlands and other waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACOE). If a USACOE permit is required, the Department may need to make a determination that discharges from the proposed activities will comply with the applicable effluent limitations, water quality standards, and any other applicable conditions of the State Law. A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from this Department for impacts to federally regulated wetlands. Please contact the Department for further details. It is recommended that you contact the Corps at (518) 266-6350 to discuss their permitting requirements.

NYC Watershed: This project is located in the New York City Watershed area. You are advised to contact the New York City DEP at the Kingston office at 845-340-7700 for a determination of what approvals or permits may be required from that agency.

Please note that this letter only addresses the requirements for the following permits from the Department:

State-listed Species

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under “Programs” then “Division of Environmental Permits.”

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,

May O'Malley

May O’Malley
Division of Environmental Permits
may.omalley@dec.ny.gov
518-402-9154

Cc: NYSDEC Region 4 Environmental Permits

NYS Resource Map for Bat Occurrences

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife
625 Broadway, 5th Floor, Albany, NY 12233-4750
P: (518) 402-8924 | F: (518) 402-8925
www.dec.ny.gov

July 18, 2017

Ms. Lori Shirley
Governor's Office of Storm Recovery
99 Washington Avenue
Suite 1224
Albany NY 12260

RE: Windham Drainage Improvements – Route 56 Culvert Project
Town of Windham, Greene County, NY

Dear Ms. Shirley,

We received your jurisdictional inquiry request for the Windham Drainage Improvement – Rt. 56 culvert project in the Town of Windham, Greene County. It is our understanding that three culverts will be replaced during this project. Based on our understanding of the project and the NYS Resources map created by Amanda Bailey on 7/18/2017 (attached), we have the following comments on the project:

STATE-LISTED SPECIES

All threatened or endangered species are subject to regulation under Article 11, Title 5 of the Environmental Conservation Law and a permit is required for a taking of that species pursuant to 6 NYCRR Part 182. Besides death of individuals, taking includes harassment, interference with essential behaviors, and adverse modification of habitat. **If the site is in close proximity to known occurrences of state-protected species, additional information on the proposal will be required by the appropriate regional office for a determination on the need for an incidental take permit.**

We have reviewed the available information in the New York Natural Heritage Program database on known occurrences of rare or state-listed bat species. This project area does not occur in the immediate vicinity of known occurrences of rare or state-listed bat species (see NYS Resources map, attached). The major concern for bat species in relation to this project would be the destruction of potential roosts and roosting habitat that may occur if tree clearing is required. Because this project does not take place within known occupied habitat, there are no restrictions on cutting.

The absence of data does not necessarily mean that any rare or state-listed bat species do not exist on or adjacent to the proposed site. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence of all rare or state-listed bat species. To avoid potential take, DEC *recommends* that any tree clearing be conducted between November 1 and March 31, when bats are inactive in hibernation sites. DEC also recommends that all snag and cavity trees remain uncut, unless their removal is necessary for protection of human life and property. For more information, please refer to the DEC Northern long-eared bat protective measures guidance, available at: http://www.dec.ny.gov/animals/106090.html.

This document is only intended to address state-listed bat species. Other rare or state-listed species, natural communities or other significant habitats may exist within the project area and would require additional review. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

OTHER

USFWS Cortland Field Office

If a federal agency is involved in the project, or if federal funding is used, there are additional considerations for federally listed species. Section 7(a)(1) of the Endangered Species Act requires federal agencies to use their authorities to conserve listed species. Section 7(a)(2) requires federal agencies to consult on any action that may affect a listed species.

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

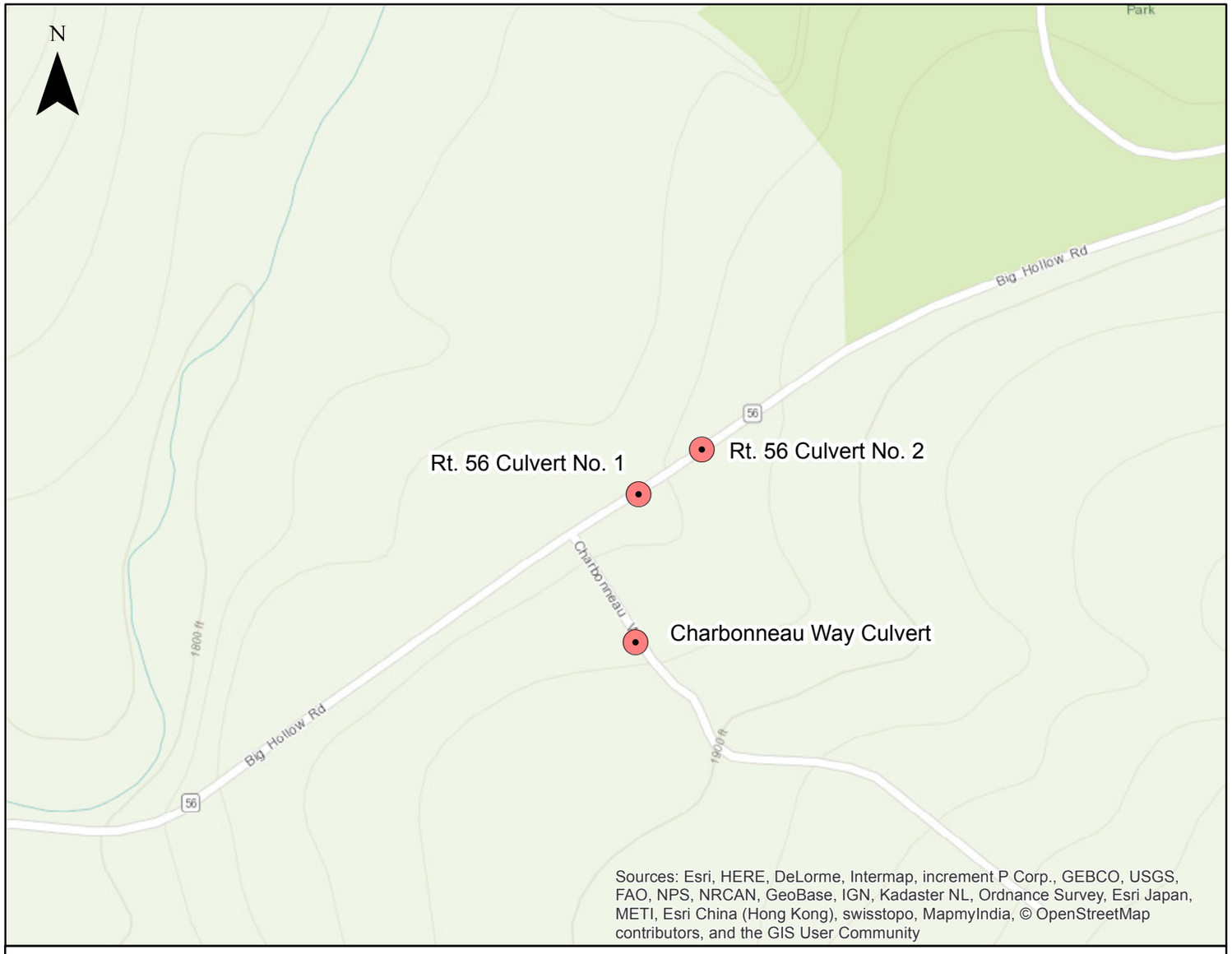
Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,

Amanda Bailey

Amanda Bailey
Division of Fish and Wildlife
Amanda.bailey@dec.ny.gov
518-402-8859

Cc: Alicia Shultz, Governor's Office of Storm Recovery
Paul Novak, NYSDEC Regional Wildlife Biologist, Region 4
Martha Bellinger, NYSDEC Deputy Regional Permit Administrator, Region 4
May O'Malley, NYSDEC Division of Environmental Permits



NEW YORK STATE OF OPPORTUNITY

Department of Environmental Conservation

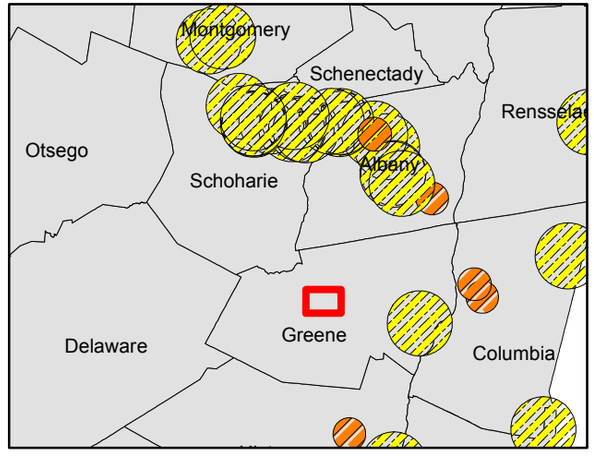
0 0.02 0.04 0.08 0.12 0.16 Miles

1 inch = 333 feet

NYS Resources Map

Route 56 Culvert Projects
Town of Windham, Greene County

Prepared by AMB on 7/18/2017



Route 56 Culvert Project Sites

Bat Occurrences

Indiana Bat

Northern Long-eared Bat

Disclaimer: this map was prepared by the NYSDEC using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited.

Appendix D SHPO Correspondence

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

Via Electronic Mail

July 20, 2017

Mr. Larry Moss
Historic Preservation Technical Specialist
New York State Office of Parks, Recreation and Historic Preservation
Division of Historic Preservation
Peebles Island
P.O. Box 189
Waterford, New York 12188-0189

Re: Section 106 Compliance for the Windham Drainage Improvement Route 56 Project, Town of Windham, Greene County, New York

Dear Mr. Moss,

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. §5301 et seq.), the Governor's Office of Storm Recovery (GOSR), an office of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD"), is serving as the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and request for consultation.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis. A consultation request for the project described herein will also be sent to the Tribal Historic Preservation Offices for the Delaware Nation, Delaware Tribe of Indians, Oneida Indian Nation, Onondaga Nation, Stockbridge-Munsee Community Band of Mohicans, and Tuscarora Nation of New York. In accordance with Section 106 of the National Historic Preservation Act ("NHPA") of 1966, as amended (54 U.S.C. §306108), and its implementing regulations, 36 Code of Federal Regulations ("CFR") Part 800, this letter serves as notification of the proposed action.

Proposed Project Description: The proposed project involves series of drainage improvements on and adjacent to Greene County Route 56 (C.R. 56) within the Greene County right-of-way, previously disturbed areas and private property, in the Hamlet of Maplecrest, Greene County, New York. Easements will be obtained for improvements made on private property. The project does not include acquisition.

This proposed project includes the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the relocation of a 235-foot section of an existing unnamed intermittent tributary of Batavia Kill; surface grading and clearing of a drainage channel along the east side of C.R. 56 to better serve the culverts; and the installation of stone rip-rap armoring along the tributary. The realigned tributary will more efficiently convey flow downstream and contain 100-year flood. Construction details are illustrated on the attached plans. Plate EX-01 illustrates the existing conditions and Plate PL-01 illustrates the proposed channel plan overlaying the existing conditions.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along

the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

Potential Project Effects: The existing conditions are shown on the Plate EX-01 in the attached set of proposed plans. The proposed changes are shown on Plate PL-01 and include:

- Replacement of one 18-inch pipe that runs parallel to C.R. 56 with a 5-foot-wide by 2-foot-high culvert
- Replacement of one 18-inch pipe that runs under C.R. 56 with a 5-foot-wide by 2-foot-high culvert
- Replacement one 48-inch pipe that runs under C.R. 59 with a 10-foot by 5-foot concrete box culvert
- Excavation to accommodate the increased size of the culverts
- Surface grading and clearing of a drainage ditch adjacent and running parallel of C.R. 56
- Realignment of approximately 235 linear feet of an unnamed intermittent tributary that flows under C.R. 56 and will flow into the proposed 10-foot by 5-foot concrete box culvert. The realigned tributary will be approximately approximate 5 feet wide and with excavation depths of 1 to 10 feet, with the deepest excavation under C.R. 56 to accommodate the 10-foot by 5-foot concrete box culvert. The attached plans, Plate PRO-02 shows the extent of excavation to accommodate the tributary. Stone rip-rap armoring will be placed on a slope of 2:1, at a 30-inch depth along the new tributary channel to aid in erosion control.

The deepest point of the excavation is 10 feet under C.R. 56 with average depth of approximately 6 to 7 feet on the east side of C.R. 56 and few feet on the west side of C.R. 56.

Area of Potential Effects: The Area of Potential Effects (APE) includes 235 feet long by 5 feet wide by 7 feet deep (average) area encompassing the realigned tributary and surface grading of associated drainage channels. The APE is shown on the attached plans, Plate PL-01. Additionally, temporary surface traffic diversion controls will be construction (see attached plans Plat MPT-01).

Assessment of Effects: The assessment of effects on cultural resources resulting from the drainage improvements in the town of Windham, Greene County, NY is based primarily on cultural resources in or near the APE recorded in the New York State Cultural Resource Information System (NY-CRIS). According the NY-CRIS, the project area is not in an archaeologically sensitive area and no historic structures are in the immediate vicinity. Due to disturbance caused by previous roads, utilities and culvert construction within the APE it is unlikely that the proposed improvements will impact any cultural resources. Based on the nature of the work, archaeological investigation does not appear warranted. The Project is unlikely to affect NRHP-eligible resources at this location.

Request for Comment: The purpose of this letter is to initiate consultation pursuant to Section 106 of the NHPA per the implementing regulations at 36 Code of Federal Regulations (CFR) Part 800. GOSR respectfully requests your review of the proposed Project described herein. If you have any questions or require additional information regarding this request, please feel free to contact me at (518) 474-0647 or via email at Alicia.Shultz@nyshcr.org. Thank you for your time and consideration.

Sincerely,

Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery
NYS Homes and Community Renewal
38-40 State Street, Hampton Plaza, Albany NY 12207

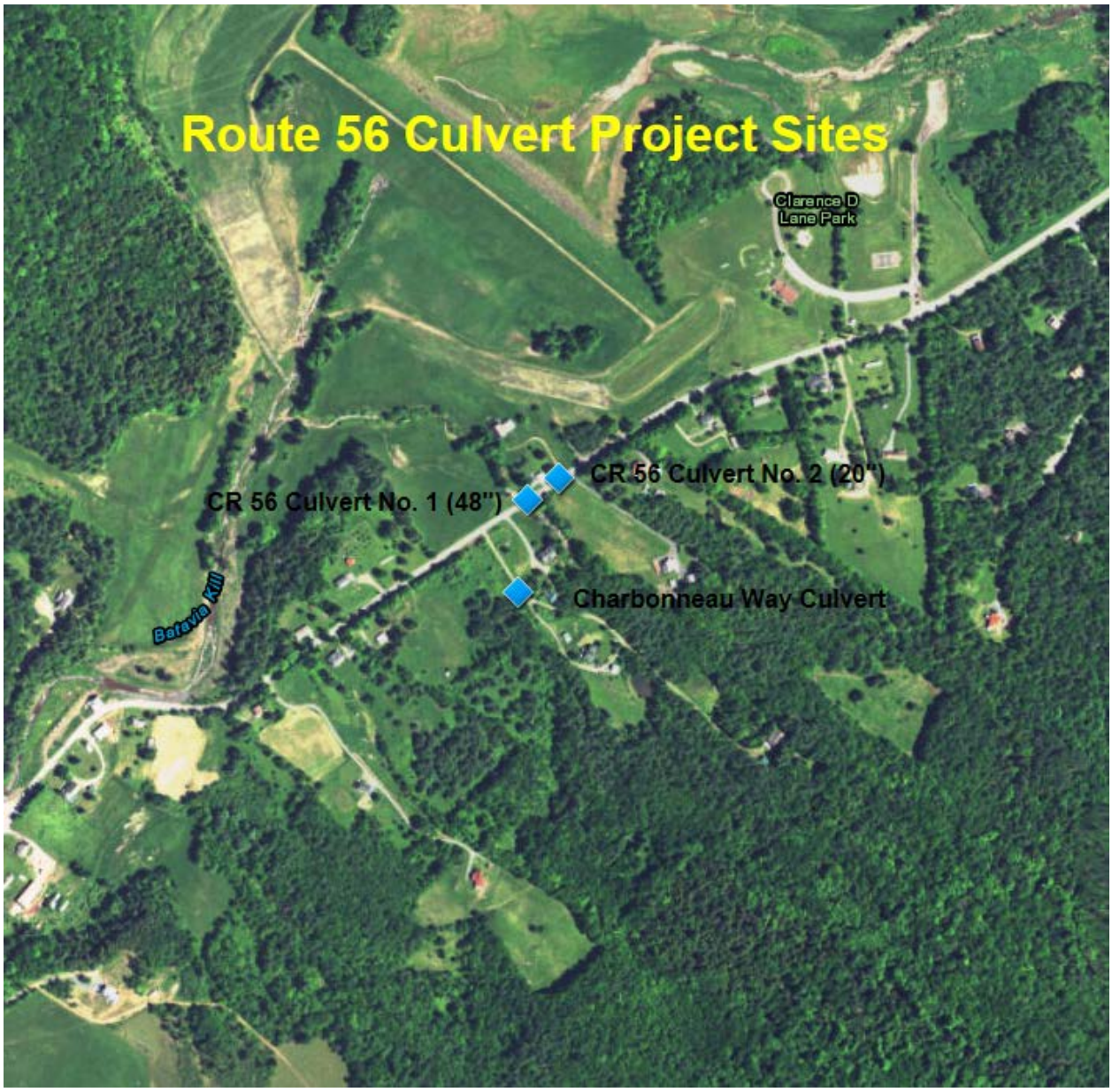
Enclosures:

Project Location Map
Proposed Plans

Project Location Map

PROJECT SITE MAPS

ROUTE 56 CULVERT IMPROVEMENTS



Proposed Plans

See Appendix A of this environmental review document, plans excluded to limit size of the document.

NEW YORK STATE OF OPPORTUNITY. | Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

July 25, 2017

Mary Barthelme
Governor's Office of Storm Recovery
99 Washington Ave, Suite 1224
Albany, NY 12231

Re: HTF/ GOSR/ HUD CDBG-DR/
Windham Drainage Improvement, Route 56,
Town of Windham/ Greene County
17PR05026

Dear Ms. Barthelme:

Thank you for requesting the comments of the New York State Historic Preservation Office (SHPO). We have reviewed the submitted materials in accordance with Section 106 (Title 54, Section 306108) of the National Historic Preservation Act of 1966. These comments relate only to Historic/ Cultural resources. They do not include other environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the National Environmental Policy Act and/or the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8).

Based on this review, it is the opinion of SHPO that there will be No Historic Properties Affected by the proposed undertaking.

If I can be of further assistance, contact me at (518) 268-2187 or Larry.moss@parks.ny.gov
Sincerely,

LMoss

Larry K Moss, Historic Preservation Technical Specialist

CC: Lori Shirley, NYDHCR

Appendix E Tribal Correspondence

From:	Bonney Hartley
To:	Barthelme, Mary (STORMRECOVERY)
Subject:	RE: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York
Date:	Thursday, July 27, 2017 10:39:23 AM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi Mary,
I confirm on behalf of Stockbridge-Munsee Community that we do not have significant concerns with the project as revised.
Best,
Bonney

From: Barthelme, Mary (STORMRECOVERY) [mailto:Mary.Barthelme@stormrecovery.ny.gov]
Sent: Thursday, July 20, 2017 2:31 PM
To: Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>
Cc: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Subject: RE: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York

Dear Bonney,

Please see the updated consultation for this project that includes a new area of disturbance. This part of the project and the previous area consulted upon will be part of the same project. If possible, GOSR is requesting that this review be high priority and your response at the earliest convince is requested. A hard copy is being sent today by mail.

Thank you,

Mary Barthelme

From: Barthelme, Mary (STORMRECOVERY)
Sent: Monday, May 01, 2017 12:10 PM
To: Bonney Hartley <Bonney.Hartley@mohican-nsn.gov>
Cc: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>
Subject: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York

Dear Bonney,

Please see the attached consultation for the above-mentioned project.

A hard copy is being sent today by mail. Please let me know if you have any questions.

Thank you,

Mary Barthelme

Mary Barthelme
Environmental and Historic Preservation Specialist
Governor's Office of Storm Recovery
99 Washington Avenue, Suite 1224, Albany NY 12260
O: (518) 473-0154 I C: (646) 706-6748 I F: (518) 474-6102 I
Mary.Barthelme@stormrecovery.ny.gov
www.stormrecovery.ny.gov

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From:	Kimberly Penrod
To:	Barthelme, Mary (STORMRECOVERY)
Subject:	RE: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York
Date:	Thursday, July 27, 2017 1:51:34 PM

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Mary,

The protection of our tribal cultural resources and tribal trust resources will take all of us working together.
We look forward to working with you and your agency.
With the information you have submitted we can concur at present with this proposed plan.

Our main concerns at the Delaware Nation on these types of projects are as follows:

1. Keeping a 50-100 ft (at least) area of protection around known sites.
2. Maintaining the buffer area and not allowing heavy equipment to impact these areas. Compression is an issue of concern for us.
3. Protection of indigenous plants and/or re-introduction of the indigenous plants to the area is important to the Delaware Nation. Many of these are considered Traditional Cultural Properties for our people.
4. And if something is found, halting all work, contacting us within 48 hours and when work resumes discussion of a monitor if needed.

As with any new project, we never know what may come to light until work begins.
The Delaware Nation asks that you keep us up to date on the progress of this project and if any discoveries arise please contact us immediately.

If you need anything additional from me please do not hesitate to contact me.

Respectfully,

Kim Penrod
Delaware Nation
Director, Cultural Resources/106
Archives, Library and Museum
31064 State Highway 281
PO Box 825
Anadarko, OK 73005
(405)-247-2448 Ext. 1403 Office
(405)-924-9485 Cell
kpenrod@delawarenation.com

From: Barthelme, Mary (STORMRECOVERY) [mailto:Mary.Barthelme@stormrecovery.ny.gov]
Sent: Thursday, July 20, 2017 1:28 PM
To: Kimberly Penrod <kpenrod@delawarenation.com>
Cc: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>; Jason Ross <JRoss@delawarenation.com>; Corey Smith <CSmith@delawarenation.com>
Subject: RE: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York

Dear Kim,

Please see the updated consultation for this project that includes a new area of disturbance. This part of the project and the previous area consulted upon will be part of the same project. If possible, GOSR is requesting that this review be high priority and your response at the earliest convince is requested.

Thank you,

Mary Barthelme

From: Barthelme, Mary (STORMRECOVERY)
Sent: Monday, May 01, 2017 12:12 PM
To: Kimberly Penrod <kpenrod@delawarenation.com>
Cc: Shultz, Alicia (NYSHCR) <Alicia.Shultz@nyshcr.org>; jross@delawarenation.com; csmith@delawarenation.com
Subject: Section 106 Compliance for the Windham Drainage Improvement Project, Town of Windham, Greene County, New York

Dear Kim,

Please find attached to this email a Section 106 consultation request for the above-mentioned project in New York State, Greene County.

Please let me know if you have any questions.

Thank you,

Mary Barthelme

Mary Barthelme
Environmental and Historic Preservation Specialist

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

July 20, 2017

Kerry Holton, President
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Re: Section 106 Compliance for the Windham Drainage Improvement Route 56 Project, Town of Windham, Greene County, New York

Dear President Kerry Holton:

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR), an office of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD"), is serving as the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis. In accordance with Section 101(d)(6)(B) of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470a), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action. This consultation is being sent to the Delaware Nation, the Delaware Tribe of Indians, the Stockbridge-Munsee Community Band of Mohicans, the Mohawk Nation, and the St. Regis Mohawk Tribe.

Proposed Project Description: The proposed project involves series of drainage improvements on and adjacent to Greene County Route 56 (C.R. 56) within the Greene County right-of-way, previously disturbed areas and private property, in the Hamlet of Maplecrest, Greene County, New York. Easements will be obtained for improvements made on private property. The project does not include acquisition.

This proposed project includes the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the relocation of a 235-foot section of an existing unnamed intermittent tributary of Batavia Kill; surface grading and clearing of a drainage channel along the east side of C.R. 56 to better serve the culverts; and the installation of stone rip-rap armoring along

the tributary. The realigned tributary will more efficiently convey flow downstream and contain 100-year flood. Construction details are illustrated on the attached plans. Plate EX-01 illustrates the existing conditions and Plate PL-01 illustrates the proposed channel plan overlaying the existing conditions.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

Potential Project Effects: The existing conditions are shown on the Plate EX-01 in the attached set of proposed plans. The proposed changes are shown on Plate PL-01 and include:

- Replacement of one 18-inch pipe that runs parallel to C.R. 56 with a 5-foot-wide by 2-foot-high culvert
- Replacement of one 18-inch pipe that runs under C.R. 56 with a 5-foot-wide by 2-foot-high culvert
- Replacement one 48-inch pipe that runs under C.R. 59 with a 10-foot by 5-foot concrete box culvert
- Excavation to accommodate the increased size of the culverts
- Surface grading and clearing of a drainage ditch adjacent and running parallel of C.R. 56
- Realignment of approximately 235 linear feet of an unnamed intermittent tributary that flows under C.R. 56 and will flow into the proposed 10-foot by 5-foot concrete box culvert. The realigned tributary will be approximately approximate 5 feet wide and with excavation depths of 1 to 10 feet, with the deepest excavation under C.R. 56 to accommodate the 10-foot by 5-foot concrete box culvert. The attached plans, Plate PRO-02 shows the extent of excavation to accommodate the tributary. Stone rip-rap armoring will be placed on a slope of 2:1, at a 30-inch depth along the new tributary channel to aid in erosion control.

The deepest point of the excavation is 10 feet under C.R. 56 with average depth of approximately 6 to 7 feet on the east side of C.R. 56 and few feet on the west side of C.R. 56.

Area of Potential Effects: The Area of Potential Effects (APE) includes 235 feet long by 5 feet wide by 7 feet deep (average) area encompassing the realigned tributary and surface grading of associated drainage channels. The APE is shown on the attached plans, Plate PL-01. Additionally, temporary surface traffic diversion controls will be construction (see attached plans Plat MPT-01).

Assessment of Effects: The assessment of effects on cultural resources resulting from the drainage improvements in the town of Windham, Greene County, NY is based primarily on cultural resources in or near the APE recorded in the New York State Cultural Resource Information System (NY-CRIS). According the NY-CRIS, the project area is not in an archaeologically

sensitive area and no historic structures are in the immediate vicinity. Due to disturbance caused by previous roads, utilities and culvert construction within the APE it is unlikely that the proposed improvements will impact any cultural resources. Based on the nature of the work, archaeological investigation does not appear warranted. The Project is unlikely to affect NRHP-eligible resources at this location.

With this letter, GOSR respectfully submits for your review the attached documentation for the proposed project(s) described herein. GOSR initiated consultation with the New York State Historic Preservation Office and no comments have been received to date. If the Area of Potential Effect encompasses historic properties of religious or cultural significance to your Nation, please respond within 30 days or sooner. Additionally, please indicate if there are other sources of information or other parties, Nations, Tribes, or members of the public you believe should be included in the consultation process. Please respond by email or in writing to the address listed below.

Ms. Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery
New York State Homes & Community Renewal
38-40 State St.,408N, Hampton Plaza
Albany, NY 12207

I am available to answer any questions that you may have regarding this action. If you have any questions, please feel free to contact me at (518) 474-0647 or via email at Alicia.Shultz@nyshcr.org.

Sincerely,

Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery

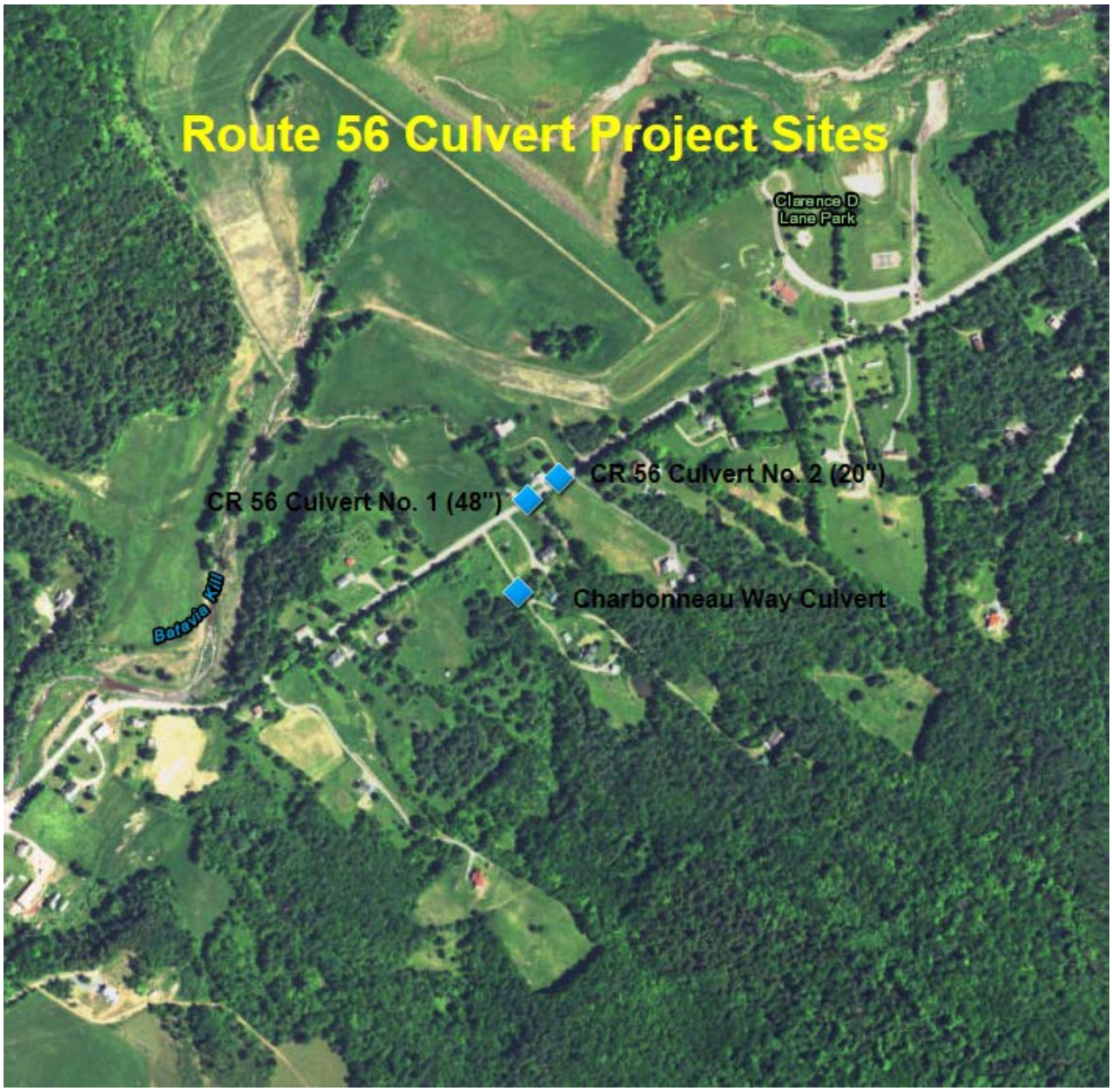
Enclosures:
Project Location Map
Proposed Plans

Electronic letter sent to:
Kim Penrod, Director of Cultural Resources/Section 106
Delaware Nation
P.O. Box 825
Anadarko, OK 73005

Project Location Map

PROJECT SITE MAPS

ROUTE 56 CULVERT IMPROVEMENTS



Proposed Plans

See Appendix A of the EA

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

July 20, 2017

Chet Brooks, Chief
Delaware Tribe of Indians, Delaware Tribal Headquarters
5100 Tuxedo Blvd
Bartlesville, OK 74006

Re: Section 106 Compliance for the Windham Drainage Improvement Route 56 Project, Town of Windham, Greene County, New York

Dear Chief Chet Brooks:

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR), an office of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD"), is serving as the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and inviting this discussion with your Tribe to respond with any concerns or comments.

GOSR processes environmental reviews for projects funded with HUD CDBG-DR on a case-by-case basis. In accordance with Section 101(d)(6)(B) of the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. 470a), and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action. This consultation is being sent to the Delaware Nation, the Delaware Tribe of Indians, the Stockbridge-Munsee Community Band of Mohicans, the Mohawk Nation, and the St. Regis Mohawk Tribe.

Proposed Project Description: The proposed project involves series of drainage improvements on and adjacent to Greene County Route 56 (C.R. 56) within the Greene County right-of-way, previously disturbed areas and private property, in the Hamlet of Maplecrest, Greene County, New York. Easements will be obtained for improvements made on private property. The project does not include acquisition.

This proposed project includes the removal and replacement of existing undersized culverts with larger-sized culverts crossing C.R. 56; the relocation of a 235-foot section of an existing unnamed intermittent tributary of Batavia Kill; surface grading and clearing of a drainage channel along the east side of C.R. 56 to better serve the culverts; and the installation of stone rip-rap armoring along

the tributary. The realigned tributary will more efficiently convey flow downstream and contain 100-year flood. Construction details are illustrated on the attached plans. Plate EX-01 illustrates the existing conditions and Plate PL-01 illustrates the proposed channel plan overlaying the existing conditions.

The project includes roadway improvements at each of the three culvert replacement locations and grading and localized storm drainage improvements at the immediate crossing approaches (if necessary), identification of possible temporary or permanent utility relocations/protection (if necessary), sediment and erosion controls, and treatment of properties along the right-of-way, including anticipated easements. Plans will be developed to handle water and/or cofferdam plans for each of the three culvert locations and the construction of a sequence for temporary flow diversion during construction as necessary.

Potential Project Effects: The existing conditions are shown on the Plate EX-01 in the attached set of proposed plans. The proposed changes are shown on Plate PL-01 and include:

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Ms. Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery
New York State Homes & Community Renewal
38-40 State St.,408N, Hampton Plaza
Albany, NY 12207

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Sincerely,

Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery

See first letter in Appendix A of the EA for the enclosures

Enclosures:
Project Location Map
Proposed Plans

Electronic letter sent to:
Susan Bachor
Delaware Tribe of Indians Historic Preservation Representative
P.O. Box 64
Pocono Lake, PA 73005

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

July 20, 2017

Ron LaFrance, Jr.; Paul Thompson; and Beverly Cook, Chiefs
St. Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Re: Section 106 Compliance for the Windham Drainage Improvement Route 56 Project, Town of Windham, Greene County, New York

Dear Chiefs of the St. Regis Mohawk Tribe:

Pursuant to the Disaster Relief Appropriations Act, 2013 (Public Law 113-2) and the Housing and Community Development Act (42 U.S.C. § 5301 et seq.), the Governor's Office of Storm Recovery (GOSR), an office of New York State Homes and Community Renewal's Housing Trust Fund Corporation as a recipient of Community Development Block Grant – Disaster Recovery ("CDBG-DR") funds from the United States Department of Housing and Urban Development ("HUD"), is serving as the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting on behalf of HUD in providing the enclosed project information and inviting this discussion with your Tribe to respond with any concerns or comments.

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Ms. Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery
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38-40 State St.,408N, Hampton Plaza
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Governor's Office of Storm Recovery

Enclosures: See Appendix A of the EA for the enclosures
Project Location Map
Proposed Plans

Electronic letter sent to:
Arnold Printup
Saint Regis Mohawk Tribe, THPO
412 State Route 37
Akwesasne, NY 13655

Governor's Office of
Storm Recovery

ANDREW M. CUOMO
Governor

LISA BOVA-HIATT
Executive Director

July 20, 2017

Shannon Holsey, President
Stockbridge-Munsee Community, Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, WI 54416

Re: Section 106 Compliance for the Windham Drainage Improvement Route 56 Project, Town of Windham, Greene County, New York

Dear President Shannon Holsey:

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Ms. Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery
New York State Homes & Community Renewal
38-40 State St.,408N, Hampton Plaza
Albany, NY 12207

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Sincerely,

Alicia Shultz
Senior Environmental Scientist
Governor's Office of Storm Recovery

Enclosures: See Appendix A of the EA for the enclosures
Project Location Map
Proposed Plans

Electronic letter sent to:
Bonney Hartley
THPO, New York Office
Stockbridge-Munsee Community, Band of the Mohicans
65 1st Street
Troy, NY 12180

Affidavit of Mailing

STATE OF NEW YORK)
: SS. :
COUNTY OF ALBANY)

MARY BARTHELME, being duly sworn, deposes and says:

1. I am over the age of eighteen years.
2. On July 20, 2017, I mailed true and correct copies of the annexed Windham Drainage Improvements Route 56 Tribal Consultations dated July 20, 2017 by placing the same in first class post-paid envelopes addressed: SEE ATTACHED LIST.
3. On said day, I deposited said envelopes in a mailbox at 99 Washington Avenue, Albany, New York 12210.

State of New York
County of Albany

Mary Barthelme

Sworn to before me this
26 day of July, 2017

Jaselle Christina Pillot
Notary Public

Jaselle Christine Pillot
Notary Public, State of New York
Qualified in Albany County
No. 01PI6278850
Commission Expires April 01, 2021

Ron LaFrance, Jr.; Paul Thompson;
and Beverly Cook, Chiefs
St. Regis Mohawk Tribe
412 State Route 37
Akwesasne, NY 13655

Shannon Holsey, President
Stockbridge-Munsee Community,
Band of the Mohicans
N8476 Moh He Con Nuck Road
Bowler, WI 54416

Chet Brooks, Chief
Delaware Tribe of Indians, Delaware
Tribal Headquarters
5100 Tuxedo Blvd
Bartlesville, OK 74006

Mohawk Nation Council of Chiefs
Of Haudenosaunee Six Nations
Confederacy
Akwesasne Territory Box 336
Via Rooseveltown, NY 13683-0366

Appendix F NYDEC Jurisdictional Permit Review

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits & Pollution Prevention
625 Broadway, 4th Floor, Albany, New York 12233-1750
P: (518) 402-9167 | F: (518) 402-9168 | deppermitting@dec.ny.gov
www.dec.ny.gov

September 9, 2016

Mr. Thomas J. King
Governor's Office of Storm Recovery
99 Washington Avenue
Suite 1224
Albany, NY 12260

RE: Windham Drainage Improvements--Route 56 culvert upgrade
Town of Windam, Greene County

Dear Mr. King:

We received your jurisdictional inquiry request for Route 56 Culvert Upgrade located at Route 56 East of Spruce Drive in the Town of Windham, Greene County. It is our understanding that the project is to replace an undersized culvert under Route 56 where it crosses the Batavia Kill in the hamlet of Maplecrest. The project will upgrade a four foot corrugated metal pipe culvert with a larger six foot by six box culvert. Based on our understanding of the project and review of the NY Rising Pre-Application dated September 2015, we have the following comments on the project:

WATER

Protection of Waters: A *stream/pond* is located within your project/site. The following provides a summary of the *stream(s)/pond(s)* within the project/site:

Name	Class	Waters Index Number
Tributary of Batavia Kill	C	H-240-82-117-22A

An Article 15, Protection of Waters Permit is not required to physically disturb the bed or banks of *this/these stream(s)/pond(s)* or to dredge or fill within the waterway.

Even if an Article 15 Permit is not required, please note that **any project undertaken shall not result in the degradation or contravening of water quality standards of the stream**. Activities resulting in sedimentation and/or turbid waters may constitute a violation of water quality standards and the Environmental Conservation Law (ECL). Care needs to be taken to stabilize the disturbed areas promptly after construction, and all necessary precautions be taken to prevent contamination of the stream by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

Due to the proximity of your project to the stream located downstream of the project classified as a A(TS) please refer to DEC region for guidance for in stream work time periods, generally work should not be done between October 1 and ending May 31st. The region may have different dates due to weather related conditions.

Stormwater Permit: If your project will disturb more than one acre of land, you must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the Department's website at: http://www.dec.ny.gov/chemical/8468.html.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. This site is in close proximity to known occurrences of the following state-protected species:

Name Status

Common Name	Scientific Name	State Status	Federal Status
Bald Eagle	Haliaeetus leucocephalus	Threatened	

All threatened or endangered species are subject to regulation under Article 11, Title 5 of the Environmental Conservation Law and a permit is required for a taking of that species pursuant to 6 NYCRR Part 182. Besides death of individuals, taking includes harassment, interference with essential behaviors, and adverse modification of habitat. Additional information on the proposal will be required for a determination on the need for a permit. If work is proposed to disturb the bed of either waters, concerns would arise for this species.

Bald Eagle:
Impacts from loud noises or the use of cranes could be of concern. If cranes will be used, bird perch deterrents should be located at the apex. If loud noises are anticipated, they should take place outside of the nesting season which is January 1st to September 30th. Please refer to the National Bald Eagle Management Guidelines document, available at https://www.fws.gov/southdakotafieldoffice/NationalBaldEagleManagementGuidelines.pdf.

The absence of data does not necessarily mean that any other rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and

the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

OTHER

Water Quality Certification: Work in certain wetlands and other waters of the United States may require a permit from the U.S. Army Corps of Engineers (USACOE). If a USACOE permit is required, the Department may need to make a determination that discharges from the proposed activities will comply with the applicable effluent limitations, water quality standards, and any other applicable conditions of the State Law. A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from this Department for impacts to federally regulated wetlands. Please contact the Department for further details. It is recommended that you contact the Corps at (518) 266-6350 to discuss their permitting requirements.

NYC Watershed: This project is located in the New York City Watershed area. You are advised to contact the New York City DEP at the Kingston office at 845-340-7700 for a determination of what approvals or permits may be required from that agency.

Please note that this letter only addresses the requirements for the following permits from the Department:

State-listed Species

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under “Programs” then “Division of Environmental Permits.”

Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,

May O'Malley

May O’Malley
Division of Environmental Permits
may.omalley@dec.ny.gov
518-402-9154

Cc: NYSDEC Region 4 Environmental Permits