

# JOHNSON CITY WATER TREATMENT PLANT RESILIENCY IMPROVEMENTS

Environmental Assessment



**Responsible Entity:**  
New York State Homes and Community Renewal

**November 18, 2015**

Johnson City Water Treatment Plant Resiliency Improvements  
Environmental Assessment  
November 18, 2015

**Project Name:** Johnson City Water Treatment Plant Resiliency Improvements

**Project Location:** 44 Camden Street, Johnson City, Broome County, NY

**HTFC SHARS #:** N/A

**Federal Agency:  
Responsible Entity:** U.S. Department of Housing and Urban Development  
New York State Homes and Community Renewal

**Responsible Agency's  
Certifying Officer:** Thomas J. King, Assistant General Counsel and Certifying Officer

**Project Sponsor:** Village of Johnson City

**Primary Contact:** Robert Bennett, Director of Public Services  
243 Main Street, Johnson City, NY 13790  
Phone: (607) 798-7861  
Email: jcdops@stny.rr.com

**Project NEPA Classification:** 24 CFR 58.36 (Environmental Assessment)

**Environmental Finding:**

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**

  
\_\_\_\_\_  
Thomas J. King, Assistant General Counsel and Certifying Officer

**Environmental Review Prepared By:** Philip Habib & Associates  
102 Madison Avenue  
New York, NY 10016

## 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, Johnson City Water Treatment Plant Resiliency Improvements

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 statutes 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 statutes 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.



\_\_\_\_\_  
**Signature of Certifying Officer**

Thomas J. King

\_\_\_\_\_  
**Print Name**

November 18, 2015

\_\_\_\_\_  
**Date**

Assistant General Counsel

\_\_\_\_\_  
**Title**

## CERTIFICATION OF SEQRA 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, Johnson City Water Treatment Plant Resiliency Improvements

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



\_\_\_\_\_  
**Signature of Certifying Officer**

Thomas J. King

\_\_\_\_\_  
**Print Name**

November 18, 2015

\_\_\_\_\_  
**Date**

Assistant General Counsel

\_\_\_\_\_  
**Title**

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

The Village of Johnson City (“Johnson City”) is requesting \$980,000 in Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to demolish an existing storage building, construct a new administration & operations building at higher elevation, and flood-proof individual well houses at the existing water treatment plant site located in Johnson City, New York (see **Figure 1**). The proposed project would consist of:

1. Demolition of an existing storage building;
2. Construction of a new approximately 2,800 square foot administration and operations building at higher elevation;
3. Flood-proofing of existing well houses.

Construction of a new administration & operations building for the existing water treatment plant and flood-proofing of the existing well houses above the 2011 flood level at an elevation of NAV 88 – 842.5 would provide crucial administration and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure continuous water operational reliability during future floods, protecting Johnson City’s assets and the safety of its citizens.

As discussed above, Johnson City is proposing development of a new approximately 2,800 square foot administration and operations building for the existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building in its place. The new building would be located at a higher elevation than the current administration and operations building. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing of the existing well houses.

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

During Tropical Storm Lee in 2011, the levee system surrounding Johnson City’s water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. Immediately following the disaster, all water wells, including back-up wells, were out of service for approximately four days, and the water treatment facility was out of service for approximately six weeks. During the storm, the location of the current administration and operations building resulted in the loss of essential documents. It is the expectation of Johnson City that improvements to this critical public facility will increase community resiliency for future storms and flooding.

The proposed project will enable Johnson City to rebuild the community in a more resilient way by locating the development above the floodplain. Construction of a new administration and operations building for the existing water treatment plant above the 2011 flood level would provide crucial administrative and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of Johnson City’s assets and the safety of its citizens, as well as ensure continuous water operational reliability during future flood events.



— Project Area

The Governor's Office of Storm Recovery (GOSR), operating under the auspices of New York State's Office of Homes and Community Renewal's Housing Trust Fund Corporation, is the responsible entity for direct administration of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) program. GOSR's decision whether to provide CDBG-DR funding for the application is a discretionary action which requires review under the National Environmental Policy Act of 1969 (NEPA) pursuant to 24 CFR Part 58 and the State Environmental Quality Review Act (SEQRA). This Environmental Assessment (EA) is being prepared to assist GOSR in its determination whether to grant funding to Johnson City for the proposed project.

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

The existing administration and operations building was built circa 1970. The existing water treatment plant building, built in 1999, was developed to treat water for leached chemicals from neighboring industrial uses. The treatment process involves aerating the water, pumping it into a wet well, then adding sodium hypochlorite and polyphosphate to treat the water. The well houses feed the Village of Johnson City potable water system, which includes the following areas: the Village of Johnson City, portions of the Village of Endicott, the Town of Union (Westover, Fairmont Park, Choconut Center Water District), the Town of Dickinson (Prospect Terrace), the Reynolds Road Area, and the Broome Airport and Landfill. During Tropical Storm Lee in 2011, power to the main plant was lost and the emergency generator was submerged when a levee was overtopped.

The project site, located at 44 Camden Street in Johnson City, NY, currently accommodates the existing water treatment plant. The site is located along the Susquehanna River (see **Figure 1**). The existing water treatment plant is comprised of several structures including, the treatment plant building, main building, the administration and operations building, three well houses, and a generator (see **Figure 2**). It should be noted that the project site is located within a Special Flood Hazard Area, with portions located within the 100-year floodplain and the remainder of the site within the 500-year floodplain (see **Figure 3**). The project site is not located within a state-regulated wetland or adjacent wetland area (see **Figure 4**) or a designated federal wetland (see **Figure 5**).

The area surrounding the project site includes a mix of residential, open space, and industrial uses. William Hill Park, which includes several baseball diamonds and large grassy areas, is located directly to the west of the project site. Residential uses are located directly to the north of the project site, across Elbon Street. A large industrial building is located to the east of the project site. The Westover Power Station is located to the south of the project site, across Little Choconut Creek.

### **Funding Information**

**Estimated Total HUD Funded Amount:** \$980,000

**Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:** \$980,000



Existing Administration and Operations Building



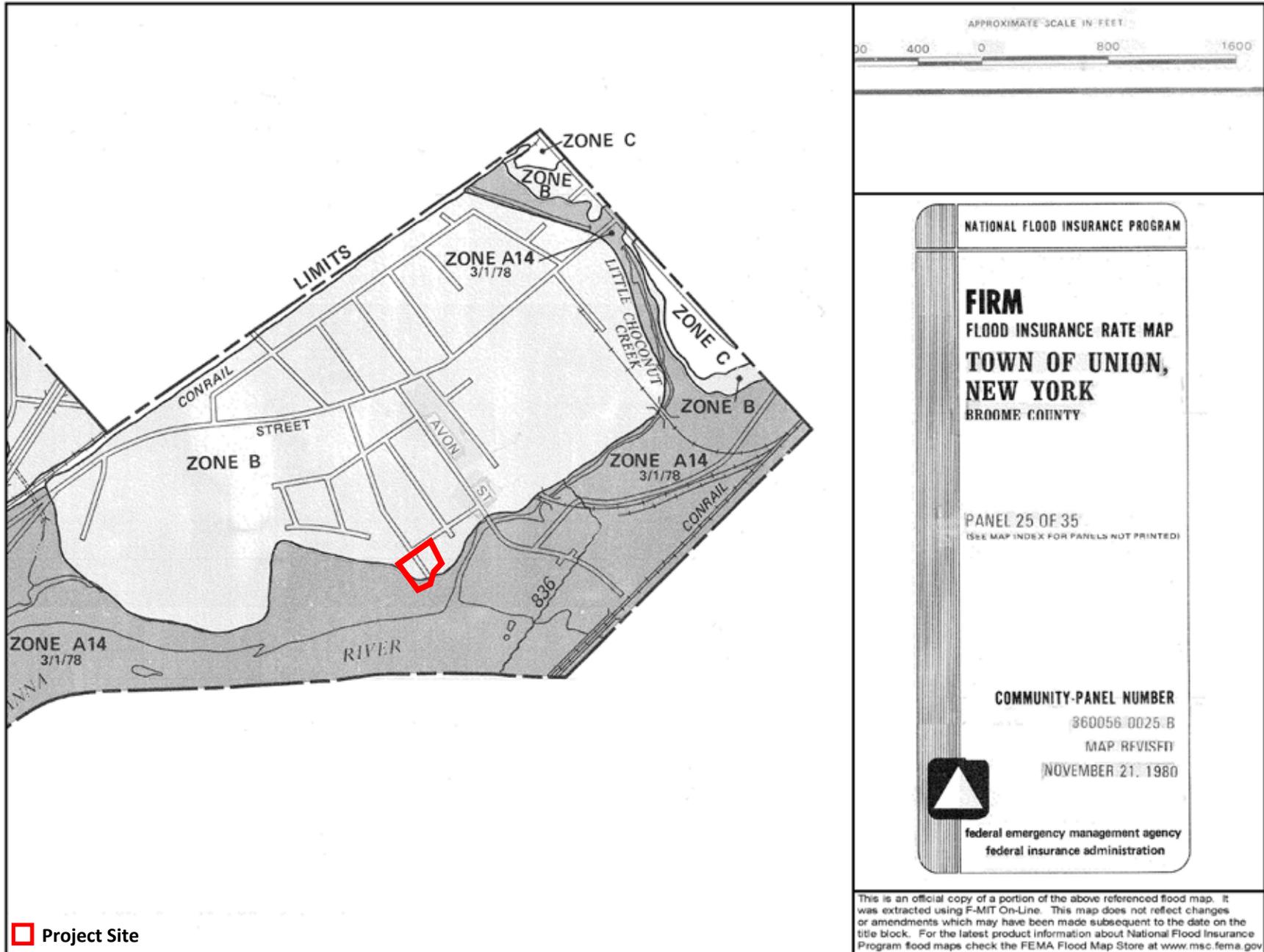
Existing Storage Building



Water Treatment Building

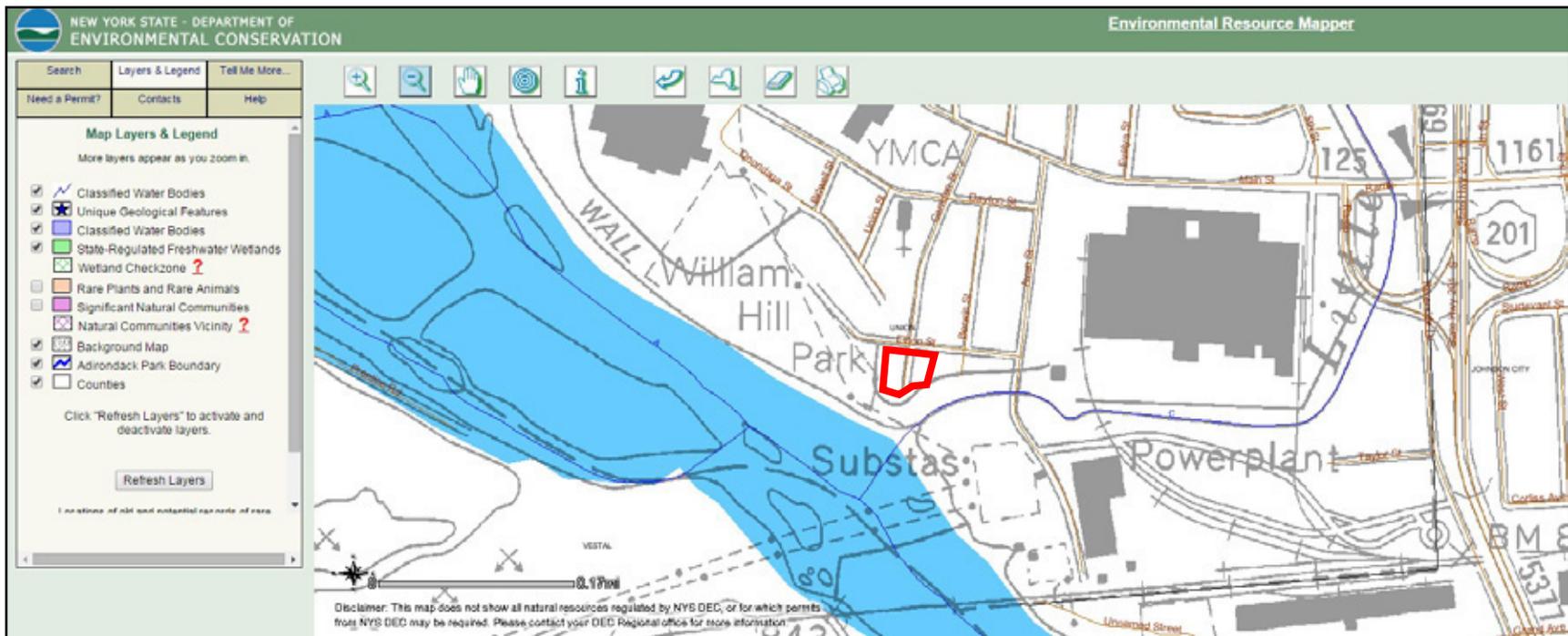


Water Well No. 2



Johnson City Water Treatment Resiliency Improvements

Figure 3  
FEMA Flood Map



— Project Area



— Project Area

## **Compliance with 24 CFR 58.5 and 58.6 Laws and Authorities**

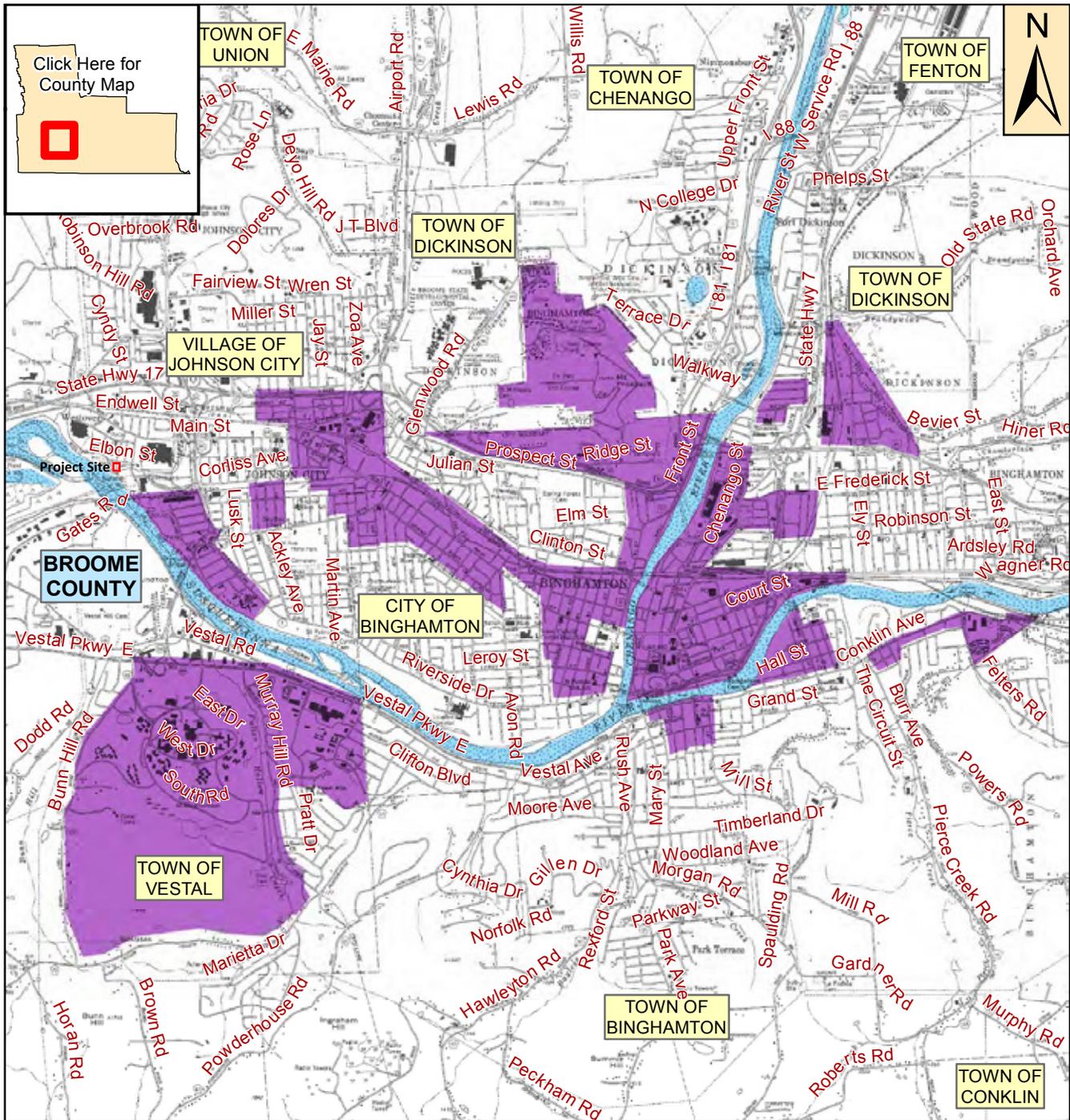
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals.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

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b> 24 CFR Part 51 Subpart D	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project site is not located within 1 mile of a military airport or within 2,500 feet of a civil airport. No impacts would result.
<b>Coastal Barrier Resources</b> Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project area is not located within a coastal barrier resource area; therefore, this standard is not applicable.
<b>Flood Insurance</b> Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	The project site is located within a Special Flood Hazard Area, with a portion of the site located within the 100-year floodplain and rest of the site located within the 500-year floodplain. See attached FEMA floodplain map (panel #3600560025B) (See <b>Figure 3 – FEMA Floodplain Map</b> ). Proof of National Flood Insurance Program (NFIP) insurance is required.

**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5**

<p><b>Clean Air</b> Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Broome County is in attainment status for all criteria pollutants. While construction activities may result in temporary increases in emissions from on-site equipment, construction-related vehicles and non-road engines, and fugitive dust, all activities resulting from the proposed project would comply with applicable federal, state, and local laws and regulations regarding construction emissions. Air quality impacts resulting from construction will be short-term and localized. New boiler/HVAC systems for the proposed project would be energy efficient and installed per applicable building codes and federal, state, and local ordinances. Therefore, the proposed project would be in compliance with the Clean Air Act and the State Implementation Plan (SIP). No significant impacts on air quality would result and further assessment is not required.</p>
<p><b>Coastal Zone Management</b> Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The project site is not located within the boundaries of the New York State Coastal Zone (See NYS DOS Coastal Map, <a href="http://appext20.dos.ny.gov/coastal_map_public/map.aspx">http://appext20.dos.ny.gov/coastal_map_public/map.aspx</a>). Therefore, the proposed project would be in compliance with the Coastal Zone Management Act.</p>
<p><b>Contamination and Toxic Substances</b> 24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The New York State Department of Environmental Conservation (NYSDEC) spill database does not identify any open chemical or petroleum spill incidents in areas where construction would take place. Therefore, no construction activity would occur in an area with known on-site or nearby toxic, hazardous, or radioactive substances that could affect health and safety.</p>
<p><b>Endangered Species</b> Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>A review of the USFWS website indicates that one threatened species, the Northern Long Eared Bat, may lie within the vicinity of the project site. There are no endangered species within the vicinity of the project site. The USFWS was consulted. Based on the attached letter dated 11/9/2015, USFWS has determined that the action will have "No Effect" on threatened or endangered species (See <b>Appendix A</b> for correspondence).</p>
<p><b>Explosive and Flammable Hazards</b> 24 CFR Part 51 Subpart C</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The proposed project involves minor construction and does not result in an increased number of people being exposed to hazardous operations by increasing residential densities, converting the type of use of a building to habitation, or making a vacant building habitable. Therefore, the provisions of 24 CFR Part 51 Subpart C do not apply.</p>
<p><b>Farmlands Protection</b> Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The proposed project would not cause disturbance of Prime, Unique, or Statewide Important Farmland and would not involve the conversion of farmland to non-agricultural use. Therefore, the proposed project would not violate the Farmland Protection Policy Act.</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The project site is located within a Special Flood Hazard Area, with a portion of the site located within the 100-year floodplain and rest of the site located within the 500-year floodplain (See <b>Figure 3 – FEMA Floodplain Map</b>). In accordance with Executive Order 11988, the Floodplain Management 8 Step Decision Making Process was followed (See <b>Appendix B</b>).</p>
<p><b>Historic Preservation</b> National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The New York State Historic Preservation Office (SHPO) was consulted. Based on the attached letter dated 11/5/2015, SHPO has determined that the proposed project has no potential to affect archaeological or historic resources, including those listed on or eligible for the New York State and National Registers of Historic Places (See <b>Appendix C</b> for correspondence). Potentially affected tribal nations were also consulted. The proposed project</p>

		was found to be outside the area of interest for all tribes (See <b>Appendix C</b> for correspondence).
<b>Noise Abatement and Control</b> Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The proposed project would not result in a new facility that would generate noise on the project site, nor would it introduce any new or rehabilitate any existing noise sensitive uses. While construction of the proposed project would cause temporary increases in noise levels, all construction activities would comply with local noise ordinances. Therefore, no significant noise impacts would occur as a result of the proposed project.
<b>Sole Source Aquifers</b> Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is located over the Clinton Street-Ballpark Valley Aquifer System Sole Source Aquifer. The U.S. Environmental Protection Agency (USEPA) was consulted. Based on the attached letter dated 11/10/2015, USEPA has determined that the proposed project would not pose a significant threat to public health or groundwater resources and complies with Section 1424(e) of the Safe Drinking Water Act (See <b>Appendix D</b> for correspondence).
<b>Wetlands Protection</b> Executive Order 11990, particularly sections 2 and 5	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	No portion of the project site is located within a state-regulated wetland or wetland adjacent area (See <b>Figure 4</b> – NYSDEC Wetlands Map) or a federal wetland (See <b>Figure 5</b> – USFWS Wetlands Map). Therefore, the proposed project would not violate Executive Order 11990.
<b>Wild and Scenic Rivers</b> Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project site is not located within the vicinity of any designated wild, scenic, or recreational rivers. Therefore, the proposed project would not violate the Wild and Scenic Rivers Act.
<b>ENVIRONMENTAL JUSTICE</b>		
<b>Environmental Justice</b> Executive Order 12898	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	The proposed site is not located in or adjacent to potential environmental justice areas identified by the New York State Department of Environmental Conservation (See <b>Figure 6</b> – NYSDEC Environmental Justice Map). Therefore, the proposed project would not violate Executive Order 12898.



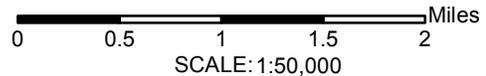
This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas: U.S. Census Bureau, 2000 U.S. Census

**Legend**

- Potential EJ Area
- County Boundary
- Waterbodies



For questions about this map contact:  
New York State Department of  
Environmental Conservation  
Office of Environmental Justice  
625 Broadway, 14th Floor  
Albany, New York 12233-1500  
(518) 402-8556  
ej@gw.dec.state.ny.us



**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
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	While Johnson City does have a zoning ordinance, the project site is not located in an area with zoning. However, site plan review is applicable to the proposed project and the proposed project would comply with all site plan regulations. Therefore, no impacts are anticipated.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	2	The proposed project includes the construction of a new administration and operations building at the existing water treatment plant. The new building would be constructed at a higher elevation outside of the 2011 flood of record area. In order to minimize erosion, storm water runoff from the new building would drain into a retention pond before being discharged into the Susquehanna River. Therefore, no impacts are anticipated.
Hazards and Nuisances including Site Safety and Noise	2	The development of the proposed project would consist of standard construction practices associated with a new administration and operations building for an existing water treatment plant. Typical effects of construction may include sidewalk closures and fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York State, Broome County, and Johnson City. Measures would be implemented to minimize the exposure of workers and the public to any hazardous materials present on-site. No impacts are anticipated.
Energy Consumption	2	The proposed project would not significantly increase energy generation or distribution and would meet New York State energy requirements. The proposed project would connect to existing energy utilities serving the area. No impacts are anticipated.
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	2	The actions comprising the proposed project are limited to the construction of a new administration and operations building and flood-proofing of existing well houses for an existing water treatment plant. The proposed project has no potential to affect employment opportunities or income patterns. Therefore, no impacts are anticipated.

Demographic Character Changes, Displacement	2	The proposed project is being undertaken to construct a new administration and operations building for an existing water treatment plant. The project is not expected to induce any change in the demographic character of the water treatment plant service area. In addition, the proposed project would not result in any new residential units and would therefore not change the demographic character of the area. Therefore, no impacts are anticipated.
Environmental Assessment Factor	<b>Impact Code</b>	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	The proposed project would not result in any new residential units. Therefore, the proposed project would not result in impacts to educational facilities. SHPO has concurred that the proposed project would have no effect on historic/cultural resources (See <b>Appendix C</b> ). Therefore, no impacts are anticipated.
Commercial Facilities	2	The proposed project is limited to the construction of a new administration and operations building for an existing water treatment plant and would not introduce any new development that would require retail services or other commercial facilities. Therefore, no impacts are anticipated.
Health Care and Social Services	2	The proposed project is limited to the construction of a new administration and operations building for an existing water treatment plant and would not introduce any new development that would require the availability of routine or emergency health services. The proposed project would not significantly impact health care or social services. Therefore, no impacts are anticipated.
Solid Waste Disposal / Recycling	2	The proposed project is limited to the construction of an approximately 2,800 sf administration and operations building for an existing water treatment plant and would not introduce any new development that would generate significant levels solid waste. Therefore, no impacts are anticipated.
Waste Water / Sanitary Sewers	2	The proposed project is the construction of a new approximately 2,800 sf administration and operations building for an existing water treatment plant and would not introduce any new development that would generate significant levels of waste water. Additionally, the project would enhance the ability to safely discharge existing flows of treated waste water during severe weather events. Therefore, no impacts are anticipated.
Water Supply	2	The proposed project is the construction of a new approximately 2,800 sf administration and operations building for an existing water treatment plant and would not introduce any new development that would generate significant demand for water. Therefore, no impacts are anticipated.
Public Safety - Police, Fire and Emergency Medical	2	The proposed project would result in the construction of an approximately 2,800 sf administration and operations building for an existing water treatment plant and would not introduce any new development that would generate significant levels of demand for fire services. Therefore, no impacts are anticipated.
Parks, Open Space and Recreation	2	The proposed project would result in a new administration and operations building for an existing water treatment plant. It would not result in the creation of any open space or recreation resources nor would it directly impact any existing publicly accessible open space or recreation resources. As such, the proposed project would not result in negative impacts to open space or recreation resources. Therefore, no impacts are anticipated.
Transportation and Accessibility	2	The proposed project would not introduce any new development that would require new or improved transportation connections and would not add any new demand on transportation services. Therefore, no impacts are anticipated.
<b>NATURAL FEATURES</b>		
Unique Natural Features,	2	The Environmental Review Guide for Community Development Block Grant Programs defines unique natural features as "primarily geological features which are unique in the sense that their occurrence is infrequent or they are

Water Resources		of special social, cultural, economic, educational, aesthetic or scientific value. Development on or near those features may render them inaccessible to investigators or visitors, or otherwise limit potential future use and appreciation of these resources. Examples of unique natural features include: sand dunes, waterfalls, unique rock outcroppings, caves, canyons, and petrified forests. Also included are unique stands of trees, such as Redwoods, or unique colonies of animals, such as Prairie Dog Town. The NYSDEC does not list any designated Critical Environmental Areas (CEA) within Broome County. In addition, the proposed site does not contain any agricultural lands and is not suited for agricultural uses. Therefore, no impacts are anticipated.
Vegetation, Wildlife	2	Information has been received from the U.S. Fish and Wildlife Service New York Field Office (USFWS) and NYSDEC New York Natural Heritage Program. USFWS has confirmed that the action will have “No Effect” on threatened or endangered species (See <b>Appendix A</b> for correspondence). NYSDEC identified one animal of endangered, threatened, or special concern: the bald eagle ( <i>haliaeetus leucocephalus</i> ). As the project site is at least 2,000 feet from the bald eagle nesting location, construction activities would fall well outside of USFWS and NYSDEC recommended buffers (See <b>Appendix E</b> for correspondence and a full assessment of the proposed project’s potential effects on the bald eagle population). Therefore, no impacts are anticipated.
Other Factors		

## **Additional Studies Performed:**

N.A.

## **Field Inspection (Date and completed by):**

September, 2015 – survey of asbestos and lead-based paint by LiRo Engineers, Inc.

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

- New York State Historic Preservation Office  
Letter dated November 5, 2015
- National Wild and Scenic Rivers – New York  
<http://www.dec.ny.gov/permits/32739.html>  
Last accessed September 10, 2015
- Federal Emergency Management Agency – Map Service Center  
<https://msc.fema.gov/portal>  
Last accessed September 10, 2015
- United States Fish and Wildlife Service – Wetland Mapper  
<http://www.fws.gov/wetlands/Data/Mapper.html>  
Last accessed on September 10, 2015
- New York State Department of State – NYS Coastal Zone Boundary  
[http://appext20.dos.ny.gov/coastal\\_map\\_public/map.aspx](http://appext20.dos.ny.gov/coastal_map_public/map.aspx)  
Last accessed November 9, 2015
- New York State Department of Environmental Conservation – Environmental Justice  
<http://www.dec.ny.gov/public/899.html>  
Last accessed November 9, 2015
- New York State Department of Environmental Conservation – Sole Source Aquifer  
<http://www.epa.gov/region2/water/aquifer/>  
Last accessed September 10, 2015
- United States Fish and Wildlife Service – New York Field Office  
Letter dated November 9, 2015
- New York State Department of Environmental Conservation – Natural Heritage Program  
Letter dated November 3, 2015
- New York State Department of Environmental Conservation – Chemical/Petrol Spills Incidents  
<http://www.dec.ny.gov/cfm/xtapps/derexternal/index.cfm?pageid=2>  
Last accessed November 9, 2015

- United States Environmental Protection Agency – Nonattainment Areas for Criteria Pollutants  
<http://www.epa.gov/airquality/greenbook/ancl.html>  
Last accessed November 9, 2015
- United States Environmental Protection Agency  
Letter dated November 10, 2015
- United States Fish and Wildlife Service – Endangered Species  
<http://ecos.fws.gov/ipac/>  
Last accessed September 28, 2015
- Oneida Indian Nation  
Letter dated October 26, 2015
- Tuscarora Nation of New York  
Letter dated October 26, 2015
- Delaware Nation  
Letter dated October 26, 2015
- Onondaga Nation  
Letters dated October 26, 2015
- Stockbridge-Munsee Community Band of Mohicans  
Letters dated October 26, 2015

**List of Permits Obtained or Required:**

- State Environmental Quality Review Act (SEQRA)
- New York State Department of Environmental Conservation (NYSDEC)
- New York State Office of Parks Recreation and Historic Preservation (SHPO)
- United States Fish and Wildlife Service (USFWS)
- United States Environmental Protection Agency (USEPA)

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

The Village of Johnson City Village Board holds public meetings twice per month. Typically, new development projects must be approved by the Village Board during a public meeting. The public is encouraged to attend these meetings to discuss any potential issues with new projects. In addition, the City frequently posts important information on its website, and issues press releases for publication in the Village's official newspapers.

Both hard copies and digital copies of this report will be made available to the public by request. Public

Notice of the Intent to Request Release of Funds (NOI-RROF) will be given in the Binghamton Press & Sun-Bulletin on 11/18/2015. Any individual, group, or agency will be allowed to submit written comments that will be considered prior to authorizing submission of a request for release of funds.

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

N.A.

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

The approach for the construction of the new administration and operations building for the existing Johnson City water treatment plant included consideration of several alternatives for rehabilitation and replacement.

The Village of Johnson City considered several off-site locations for the proposed new administration and operations building. Selection of alternative site locations was based on proximity to existing well houses, as operations are most efficient when all uses are located adjacent to one another. A site adjacent to the Village's three backup wells was considered but was determined to not be of adequate size to accommodate the proposed operations and maintenance building. A number of other locations were also considered but were not selected for various reasons including: size constraints, location beneath an existing bridge, and location beneath overhead power lines.

Alternatives involving construction of new well houses have also been evaluated, but are considered less feasible given the high financial costs. Therefore, the existing water treatment plant site is considered the most appropriate location for the proposed new administration and operations building.

**No Action Alternative [24 CFR 58.40(e)]:**

Without the proposed project, the project site would remain in its current condition, utilizing an outdated administration and operations building for an existing water treatment plant within the same elevation of the 2011 storm of record. Under the No-Action alternative, the construction of the new administration and operations building for the water treatment plant and the flood-proofing of the existing well houses would not occur. Under the No-Action alternative, flooding and structural damage may occur again during a storm event causing the water treatment plant to close.

**Summary of Findings and Conclusions:**

During Tropical Storm Lee in 2011, the levee system surrounding the Village of Johnson City's water plant overtopped for the first time, leading to structural damage to the water plant and inundation of individual well houses. Immediately following the disaster, all water wells, including back-up wells, were out of service for approximately four days, and the water treatment facility was out of service for approximately six weeks. It is the expectation of Johnson City that improvements to this critical public facility will increase community resiliency for future storms and flooding.

The proposed project will enable Johnson City to rebuild the community in a more resilient way by locating the development above the floodplain. Construction of a new administration and operations building for the existing water treatment plant above the 2011 flood level would provide crucial

administrative and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of Johnson City's assets and the safety of its citizens, as well as ensure continuous water operational reliability during future flood events.

As shown above in the Environmental Assessment Checklist, no significant land development, neighborhood, socioeconomic, natural resources, community facility or other direct, indirect or cumulative impacts would result from the proposed project. As shown in the accompanying Statutory Checklists, the proposed project would comply with all relevant regulations listed in 24 CFR subparts 58.5 and 58.6.

**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**  
Michael Curley, Planner, Philip Habib & Associates

November 18, 2015  
\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Name/Title/Organization**

  
\_\_\_\_\_  
**Signature of Certifying Officer**  
Thomas J. King

November 18, 2015  
\_\_\_\_\_  
**Date**  
Assistant General Counsel

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Title**

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**  
**ENDANGERED SPECIES ACT DETERMINATION**



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: Thomas King Date: Nov 9, 2015

USFWS File No: 160177

Regarding your: X Letter Fax Email Dated: Oct 22, 2015

For project: Johnson City Water Treatment Plant Resiliency Improvements

Located: at current water treatment plant

In Town/County: Village of Johnson City, Broome 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): [Signature]

Supervisor: [Signature] Date: 11/9



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

September 28, 2015

Robyn A. Niver  
Endangered Species Biologist  
USFWS  
New York Field Office  
Cortland, NY 13045

Re: Early Coordination for the Section 7 Review for the Johnson City Water Treatment Plant Resiliency Improvements, Village of Johnson City, Broome County, NY

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 preparing an Environmental Assessment (EA) for the construction of a new 2,800 sf administration and operations building for the existing water treatment plant in the Village of Johnson City, 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 proposed project also includes elevating the project site above the 2011 flood of record and flood-proofing of existing well houses.

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 Endangered Species Act Section 7 compliance.

## **Program Overview**

During Tropical Storm Lee in 2011, the levee system surrounding Johnson City's water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. Immediately following the disaster, all water wells, including back-up wells, were out of service for approximately four days, and the water treatment facility was out of service for approximately six weeks. During the storm, the location of the administration and operations building resulted in the loss of essential documents. It is the expectation of Johnson City that

improvements to this critical public facility will increase community resiliency for future storms and flooding.

As discussed above, Johnson City is proposing development of a new approximately 2,800 square foot administration and operations building for the existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new office building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses.

Construction of a new administration & operations building for the existing water treatment plant above the 2011 flood level and flood-proofing of the existing well houses would provide crucial administration and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of the Johnson City's assets and the safety of its citizens, as well as ensure the continuous water operational reliability during future floods.

### **Compliance**

According to the USFWS, there is one threatened species that is potentially associated with the project site – the Northern Long Eared bat (see attached list). In addition, there are several migratory birds of concern that could potentially be affected by the proposed project (see attached list). GOSR respectfully requests USFWS review of the proposed project and location to determine if there are known hibernacula or maternity roosts.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or [thomas.king@stormrecovery.ny.gov](mailto:thomas.king@stormrecovery.ny.gov). Thank you for your time and consideration.

Sincerely,



Thomas J. King, Esq.  
Certifying Officer  
Governor's Office of Storm Recovery  
NYS Homes and Community Renewal



Village of Johnson City Water Plant Resiliency – Project Location Map



Village of Johnson City Water Plant Resiliency – Aerial Map

# Johnson City Water Treatment Plant

## *IPaC Trust Resource Report*

Generated September 25, 2015 01:11 PM MDT

This report is for informational purposes only and should not be used for planning or analyzing project-level impacts. For projects that require FWS review, please return to this project on the IPaC website and request an official species list from the Regulatory Documents page.



US Fish &amp; Wildlife Service

# IPaC Trust Resource Report



## Project Description

**NAME**

Johnson City Water Treatment Plant

**PROJECT CODE**

SPERT-DSGNB-EPLOI-U7V2F-CDIFIM

**LOCATION**

Broome County, New York

**DESCRIPTION**

No description provided



## U.S. Fish & Wildlife Contact Information

Species in this report are managed by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9349

(607) 753-9334

# Endangered Species

Proposed, candidate, threatened, and endangered species that are managed by the [Endangered Species Program](#) and should be considered as part of an effect analysis for this project.

This unofficial species list is for informational purposes only and does not fulfill the requirements under [Section 7](#) of the Endangered Species Act, which states that Federal agencies are required to "request of the Secretary of Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action." This requirement applies to projects which are conducted, permitted or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can be obtained by returning to this project on the IPaC website and requesting an official species list on the Regulatory Documents page.

## Mammals

**Northern Long-eared Bat** *Myotis septentrionalis*

Threatened

### CRITICAL HABITAT

**No critical habitat** has been designated for this species.

<https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?sPCODE=A0JE>

## Critical Habitats

Potential effects to critical habitat(s) within the project area must be analyzed along with the endangered species themselves.

There is no critical habitat within this project area

# Migratory Birds

Birds are protected by the [Migratory Bird Treaty Act](#) and the Bald and Golden Eagle Protection Act.

Any activity which results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish and Wildlife Service (1). There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

You are responsible for complying with the appropriate regulations for the protection of birds as part of this project. This involves analyzing potential impacts and implementing appropriate conservation measures for all project activities.

<p><b>American Bittern</b> <i>Botaurus lentiginosus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0F3</a></p>	<b>Bird of conservation concern</b>
<p><b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i>            Year-round  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B008</a></p>	<b>Bird of conservation concern</b>
<p><b>Black-billed Cuckoo</b> <i>Coccyzus erythrophthalmus</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HI">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HI</a></p>	<b>Bird of conservation concern</b>
<p><b>Blue-winged Warbler</b> <i>Vermivora pinus</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Canada Warbler</b> <i>Wilsonia canadensis</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Golden-winged Warbler</b> <i>Vermivora chrysoptera</i>            Season: Breeding  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G4">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0G4</a></p>	<b>Bird of conservation concern</b>
<p><b>Kentucky Warbler</b> <i>Oporornis formosus</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Least Bittern</b> <i>Ixobrychus exilis</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Louisiana Waterthrush</b> <i>Parkesia motacilla</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Pied-billed Grebe</b> <i>Podilymbus podiceps</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Prairie Warbler</b> <i>Dendroica discolor</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Red-headed Woodpecker</b> <i>Melanerpes erythrocephalus</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>
<p><b>Short-eared Owl</b> <i>Asio flammeus</i>            Season: Wintering  <a href="https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HD">https://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=B0HD</a></p>	<b>Bird of conservation concern</b>
<p><b>Wood Thrush</b> <i>Hylocichla mustelina</i>            Season: Breeding</p>	<b>Bird of conservation concern</b>

**Worm Eating Warbler** *Helmitheros vermivorum*

Season: Breeding

**Bird of conservation concern**

## Refuges

Any activity proposed on [National Wildlife Refuge](#) lands must undergo a 'Compatibility Determination' conducted by the Refuge. If your project overlaps or otherwise impacts a Refuge, please contact that Refuge to discuss the authorization process.

There are no refuges within this project area

# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes.

Project proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate [U.S. Army Corps of Engineers District](#).

## 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 tubercid 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.

There are no wetlands identified in this project area

**APPENDIX B**  
**FLOODPLAIN 8-STEP PROCESS**

**FLOODPLAIN 8-STEP PROCESS IN ACCORDANCE WITH  
EXECUTIVE ORDER 11988: FLOODPLAIN MANAGEMENT**

New York State Governor's Office of Storm Recovery  
Johnson City Water Treatment Plant Resiliency Improvements

Johnson City, Broome County, NY

Thomas J. King, Certifying Environmental Officer

November 9, 2015

The Village of Johnson City is requesting funding from the New York State Governor's Office of Storm Recovery (GOSR) for the "Johnson City Water Treatment Plant Resiliency Improvements" project ("Proposed Action"), located in Johnson City, Broome County, New York (see **Figure 1**). GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the recipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g) and 79 Fed. Reg. 62,182 (Oct. 16, 2014).

The Proposed Action involves the construction of a new administration and operations building for an existing water treatment plant. The Proposed Action would include the demolition of an existing storage building and the slab on grade construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new building would contain office space, administrative space, an operations room, a meter room, an employee locker room, and a mechanical and electrical room. The new building will have storage capacity to replace what will be lost in the building to be torn down. Flood-proofing is also proposed for the three existing well houses by way of sealing existing wall penetrations and masonry and flood proofing of the well house doors.

During Tropical Storm Lee, the levee system surrounding the Village of Johnson City's water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. The Village of Johnson City's water treatment plant administrative offices and potable water well houses are at risk of repeated flooding unless relocated or provided with additional resiliency measures. The Proposed Action would protect the water supply and administration and operations buildings for the Village of Johnson City and three other adjacent areas. It would reduce the risk of the Village's service district losing access to water for general consumption and firefighting purposes. Improvements to public infrastructure would increase community resilience in the face of future storms and flooding, thereby ensuring protection of the Village of Johnson City's assets and the safety of its citizens. Based on available information and preliminary plans, upgrading the Village's water treatment plant and flood proofing well houses would enhance their resiliency and ensure the continuous operational reliability during floods.

**Step ONE: Determine whether the action is located in a 100-year floodplain (or a 500-year floodplain for critical actions) or wetland.**

The Proposed Action is located within a FEMA Special Flood Hazard Area, with a portion of the site located within the 100-year floodplain and remainder of the site located within the 500-year floodplain, as indicated in FIRM panel 3600560025B, effective on 11/21/1980 (see **Figure 2**). The project site is approximately 1.2 acres in size. GOSR considers the Proposed Action a critical action, as it would reduce the risk of the Village's service district losing access to water for general consumption and firefighting purposes.

This project is (a) new construction and (b) does not meet any of the exemptions in 24 CFR 55.12, therefore, E.O. 19988 applies. An evaluation of direct and indirect impacts associated with construction within a floodplain is required. This analysis considers impacts to flood levels, flood risk, or the flow of flood waters in the project area or to surrounding areas.

**Step TWO: Notify the public for early review of the proposal and involve the affected and interested public in the decision making process.**

A public notice describing the project was published in the Binghamton Press & Sun-Bulletin, the local and regional paper, on October 23, 2015. The notice targeted citizens who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment. As required by regulation, the notice also included the name, proposed location and description of the activity, and the HUD official or responsible entity contact for information as well as the location and hours of the office at which a full description of the proposed action can be viewed. A copy of the published notification is attached hereto. The required 15 calendar days were allowed for public comment. No comments were received during the 15 calendar days following publication.

**Step THREE: Identify and evaluate practicable alternatives.**

After consideration of the following alternatives, GOSR has determined the best practicable alternative is the Proposed Action. The alternative actions considered are as follows: (1) No Action, (2) Utilization of existing sites with backup wells and (3) The purchase of property offsite to locate the project outside of the Floodplain.

***No Action Alternative***

Under the No Action alternative, conditions of the environment would remain unchanged and the utilization of an outdated administration and operations building for an existing water treatment plant within the same elevation as the 2011 storm of record would continue. Under the No-Action alternative, the construction of the new administration and operations building for the water treatment plant and the flood-proofing of the existing well houses would not occur. Under the No-Action alternative, the water treatment plant administrative offices and potable water well houses would be at risk of repeated flooding. There would be continued risk of the Village's service district losing access to water for general consumption and firefighting purposes that protect the safety of Johnson City's assets and its citizens.

### ***Alternative***

There are currently three backup wells by which an administration and operations building would ideally be placed, but there is not sufficient area for the operations and maintenance to be located at those sites due to space constraints. Thus, situating the building here would prove to be insufficient.

### ***Locate the Project Offsite, Outside of the Floodplain***

Alternatives involving locating the project outside of the floodplain were considered and rejected because this would not meet the project purpose of protecting the water supply and protection of the water treatment plant facilities. The offsite locations that were considered did not have sufficient space to accommodate the proposed project, or proximity to existing water treatment plant operations. The administration and operations building and well operations need to be located within the same site for the water treatment plant to function efficiently. Therefore, the site for the proposed new administration and operations building at the existing water treatment plant site is the most appropriate location. Further, the new administration and operations building will be constructed above the 2011 flood of record which will increase resiliency for future storms and flooding.

### **Step FOUR: Identify Potential Direct and Indirect Impacts of Associated with Floodplain Development.**

The Proposed Action would not result in significant adverse impacts to floodplains and seeks to provide flood mitigation benefits to critical infrastructure. The Proposed Action would allow for the decommissioning of the current water treatment facilities and the rebuilding of a facility in a more resilient way by locating the development of a new administration and operations building above the floodplain, which would provide crucial administrative and operational functions necessary to maintain effective water supply service.

The development footprint of the Proposed Action would not result in an increase in impervious cover, as all structures would be located within the existing development footprint. No significant land development, neighborhood, socioeconomic, natural resources, or other direct, indirect or cumulative impacts would result from the proposed project. As discussed above, the Proposed Action seeks to mitigate this risk of repeated flooding of the water treatment plant administrative offices and potable water well houses during extreme weather events. The Proposed Action also seeks to mitigate the risk of the Village's service district losing access to water for general consumption and firefighting purposes by improving resiliency with flood proofing measures and the elevation of a newly constructed facility. Therefore, the Proposed Action would not result in a net increase of flood levels, flood risk, or the flow of flood waters on the project site or surrounding areas. Per the existing NYSDEC bulk storage permit for the site, the facility includes a 550-galon, above-ground storage tank with secondary containment sufficient to hold the full contents of the tank plus additional contents in the event of present rainwater.

**Step FIVE: Where practicable, design or modify the proposed action to minimize the potential adverse impacts to lives, property, and natural values within the floodplain and to restore, and preserve the values of the floodplain.**

During the design process, the Project engineer would be asked to support measures that protect the improvements from future storms and accommodate resilience into infrastructure design. The new administration and operations building would be constructed at a more elevated location within the existing water treatment plant site and flood-proofing of the three existing well houses is also proposed. The proposed improvements to public infrastructure would increase community resilience in the face of future storms and flooding, thereby ensuring protection of the Village of Johnson City's assets and the safety of its citizens.

**Step SIX: Re-evaluate the Proposed Action.**

Despite being located in a 500-year floodplain, the Proposed Action would be designed to minimize effects on floodplain values and seeks to provide resiliency and flood mitigation benefits by improving the health and safety associated with a protected water supply in the community.

GOSR has reevaluated the proposed action and determined that the Proposed Action is still practicable in light of its potential exposure to flood hazards in the floodplain. There is no practicable alternative to the Proposed Action. The No Action alternative is not practicable because it would provide no additional resiliency or flood mitigation benefit to meet the project purpose and need and the water treatment plant administrative offices and potable water well houses would remain at risk of repeated flooding. The onsite alternative is not considered practicable because there is not enough area for the building to operate sufficiently. Finally, an alternative to purchase property offsite to locate the project outside of the floodplain was considered and rejected because it would not remedy the problem of inefficient functionality of the administration and operations building and well operations as they need to be located within the same site for the water treatment plant to properly function. The offsite locations that were considered also did not have sufficient space to accommodate the proposed project.

**Step SEVEN: Issue Findings and a Public Explanation.**

It is the determination by GOSR that there is no practicable alternative to locating the Proposed Action in the flood zone and the proposed Village of Johnson City's Water Treatment Plant Resiliency Improvements project is the preferred alternative. This is due to: 1) the need to prevent repeated flooding of the administration and operations building and well operations; 2) the project purpose of protecting water supply and the associated flood proofing resiliency benefits that would improve the safety of Johnson City's citizens and assets; 3) the need to construct an economically feasible and efficient project; and 4) the ability to mitigate risk and minimize impacts on public safety, water quality, and floodplain values.

Among the numerous benefits of the Proposed Action, these include protection of water supply by constructing a new water treatment plant at a more elevated location within the existing water treatment plant site, which would ensure protection of the Village's assets and the safety of its citizens by reducing the risk of the Village's service district losing access to water for general consumption and firefighting purposes and increase community resilience in the face of future

storms and flooding. Resulting flood mitigation and resiliency benefits include increasing the function of well houses against flooding with the implementation of flood proofing measures.

A 7-day “Notice for Final Public Review of a Proposed Activity in a 500-Year Floodplain” was published in the Binghamton Press & Sun-Bulletin, the local and regional paper, on November 11, 2015. The 7-day period expires on November 18, 2015. The notice targeted citizens who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment. The notice was also sent to the following federal and state agencies on November 11, 2015: The US Federal Emergency Management Agency (FEMA) -Region 2, US Environmental Protection Agency (EPA) - Region 2, US Fish & Wildlife Service – New York Field Office, US Army Corps of Engineers (USACE) NY District Office, US Department of Housing and Urban Development (HUD) - Region 2, New York State Department of Environmental Conservation (NYS DEC) - Region 7, New York State Office of Parks, Recreation & Historic Preservation (OPRHP), State Office of Historic Preservation (SHPO), New York State Environmental Facilities Corporation, New York State Division of Homeland Security and Emergency Services (DSHES), and State Office of Emergency Management. The notice was also sent to the following local agencies on November 11, 2015: Broome County Health Department, Broome County Department of Public Works, and Broome County Department of Planning and Economic Development. A copy of the published notification is attached hereto.

**Step EIGHT: Implement the Proposed Action.**

GOSR will ensure that this plan, as modified and described above, is executed and necessary language will be included in all agreements with participating parties. Further, GOSR will see that all mitigation measures as prescribed in the following reviews are completed: National Environmental Policy Act (NEPA) review in accordance with 24 CFR Part 58 and a New York State Environmental Quality Review Act (SEQR) review in accordance with 6 NYCRR Part 617. Lastly, GOSR will take an active role in monitoring the construction process to ensure no unnecessary impacts occur nor unnecessary risks are taken.

**Final Notice and Public Explanation of Proposed Activity in a 500-year Floodplain**  
**Johnson City Water Treatment Plant Resiliency Improvements**  
**Johnson City, Broome County, NY**

**DATE OF PUBLICATION:** November 11, 2015

**TO:** All interested Agencies, Groups and Individuals

This is to give notice that the New York State Governor’s Office of Storm Recovery (“GOSR”) under 24 CFR Part 58 has determined that the following proposed action in the Village of Johnson City, Broome County, New York (“Proposed Action”) is located in the 500-year floodplain. GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the recipient of Community Development Block Grant - Disaster Recovery (“CDBG-DR”) funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g) and 79 Fed. Reg. 62,182 (Oct. 16, 2014).<sup>1</sup> As required by Executive Orders 11988, in accordance with HUD regulations 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, GOSR will be identifying and evaluating practicable alternatives to locating the action in the floodplain, as well as the potential impacts on the floodplain.

The Proposed Action is a federally funded undertaking involving federal, state and local regulatory approvals and discretionary permits associated with water treatment plant resiliency improvements in the Village of Johnson City (“Proposed Project”). During Tropical Storm Lee, the levee system surrounding the Village of Johnson City’s water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. The proposed project involves the construction of a new administration and operations building for an existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new building would contain office space, administrative space, an operations room, a meter room, an employee locker room, and a mechanical and electrical room. Flood-proofing of the three existing well houses is also proposed as part of the project. The proposed building would be approximately 2,800 square feet in size on a project site that is approximately 1.2 acres and is located within a Special Flood Hazard Area. A portion of the site is located within the 100-year floodplain and the remaining portion of the site is located within the 500-year floodplain.

The purpose of the proposed project is to protect the water supply for the Village of Johnson City and three other adjacent areas. The Village of Johnson City’s water treatment plant and potable water well houses are at risk of repeated flooding unless relocated or provided with additional resiliency measures. The proposed project would reduce the risk of the Village’s service district losing access to water for general consumption and firefighting purposes. Improvements to public infrastructure would increase community resilience in the face of future storms and flooding, thereby ensuring protection of the Village of Johnson City’s assets and the safety of its citizens. Based on available information and

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<sup>1</sup> The Governor’s Office of Storm Recovery, operating under the auspices of New York State Homes and Community Renewal’s Housing Trust Fund Corporation, is the responsible entity for the administration of the CDBG-DR grants to the State of New York.

AFFIDAVIT OF PUBLICATION

State of New York  
City of Binghamton  
County of Broome, ss.:

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

A notice of which the annexed is a printed copy, was published on the following dates:  
11/11/2015

*Stacie Heath*  
Stacie Heath

Sworn to before me this 11<sup>th</sup> day of November, 2015

*Patricia L Devault*  
Notary Public

PATRICIA L DEVAULT  
Notary Public, State of New York  
No. 01DE6312246  
Qualified in Broome County  
Commission Expires September 29, 2018

Final Notice and Public Explanation of Proposed Activity in a 500-year Floodplain Johnson City Water Treatment Plant Resiliency Improvements Johnson City, Broome County, N Y  
DATE OF PUBLICATION: November 11, 2015  
TO: All Interested Agencies, Groups and Individuals

This is to give notice that the New York State Governor's Office of Storm Recovery ("GOSR") under 24 CFR Part 58 has determined that the following proposed action in the Village of Johnson City, Broome County, New York ("Proposed Action") is located in the 500-year floodplain. GOSR is conducting an environmental review of the Proposed Action on behalf of the State of New York as the re-

ipient of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds from the U.S. Department of Housing and Urban Development under 42 U.S.C. § 5304(g) and 79 Fed. Reg. 62,182 (Oct. 16, 2014). As required by Executive Orders 11988, in accordance with HUD regulations 24 CFR 55.20 Subpart C Procedures for Making Determinations on Floodplain Management, GOSR will be identifying and evaluating practicable alternatives to locating the action in the floodplain, as well as the potential impacts on the floodplain. The Proposed Action is a federally funded undertaking involving federal, state and local regulatory approvals and discretionary permits associated with water treatment plant resiliency improvements in the Village of Johnson City ("Proposed Project"). During Tropical Storm Lee, the levee system surrounding the Village of Johnson City's water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. The proposed project involves the construction of a new administration and operations building for an existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new building would contain office space, administrative space, an operations room, a meter room, an employee locker room, and a mechanical and electrical room. Flood-proofing of the three existing well houses is also proposed as part of the project. The proposed building would be approximately 2,800 square feet in size on a project site that is approximately 1.2 acres and is located within a Special Flood Hazard Area. A portion of the site is located within the 100-year floodplain and the remaining portion of the site is located within the 500-year floodplain. The purpose of the proposed project is to protect the water supply for the Village of Johnson City and three other adjacent areas. The Village of Johnson City's water treatment plant and potable water well houses are at risk of repeated flooding unless relocated or provided with additional resiliency measures. The proposed project would reduce the risk of the Village's service district losing access to water for general consumption and firefighting purposes. Improvements to public infrastructure would increase community resilience in the face of future storms and flooding, thereby ensuring protection of the Village of Johnson City's assets and the safety of its citizens. Based on available information and preliminary plans, upgrading the Village's water treatment plant and flood proofing well houses would enhance their resiliency and ensure the continuous operational reliability during floods. Citizens who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. An adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk. This serves to give notice that GOSR has conducted evaluations of the Proposed Project as required by Executive Orders 11988, in accordance with HUD regulations at 24 CFR § 55.20 Subpart C Procedures for Making Determinations on Floodplain Management. COMMENTS: Written comments are requested and will be accepted by the person noted in FOR FURTHER INFORMATION CONTACT, on or before November 18, 2015. FOR FURTHER INFORMATION CONTACT: New York State Governor's Office of Storm Recovery (GOSR) 99 Washington Avenue Suite 1224 Albany, New York 12260 Attn: Thomas J. King, Director - Bureau of Environmental Review and Assessment Interim, Assistant General Counsel (518) 473-0015 Thomas.King@StormRecovery.NY.Gov Comments may also be submitted or further information

can be requested via email at nyscdbg\_dr\_er@nysocr.org. A full description of the project may also be reviewed from 9:00 AM - 5:00 PM, Mondays through Fridays, at the GOSR office address listed above. 11/11/2015

preliminary plans, upgrading the Village's water treatment plant and flood proofing well houses would enhance their resiliency and ensure the continuous operational reliability during floods.

Citizens who may be affected by activities in floodplains and those who have an interest in the protection of the natural environment should be given an opportunity to express their concerns and provide information about these areas. An adequate public notice program can be an important public educational tool. The dissemination of information about floodplains can facilitate and enhance Federal efforts to reduce the risks associated with the occupancy and modification of these special areas. As a matter of fairness, when the Federal government determines it will participate in actions taking place in floodplains, it must inform those who may be put at greater or continued risk. This serves to give notice that GOSR has conducted evaluations of the Proposed Project as required by Executive Orders 11988, in accordance with HUD regulations at 24 CFR § 55.20 Subpart C Procedures for Making Determinations on Floodplain Management.

**COMMENTS:**

Written comments are requested and will be accepted by the person noted in FOR FURTHER INFORMATION CONTACT, on or before **November 18, 2015**.

**FOR FURTHER INFORMATION CONTACT:**

New York State Governor's Office of Storm Recovery (GOSR)

99 Washington Avenue Suite 1224

Albany, New York 12260

Attn: Thomas J. King, Director – Bureau of Environmental Review and Assessment *Interim*, Assistant General Counsel

(518) 473-0015

[Thomas.King@StormRecovery.NY.Gov](mailto:Thomas.King@StormRecovery.NY.Gov)

Comments may also be submitted or further information can be requested via email at [nyscdbg\\_dr\\_er@nyshcr.org](mailto:nyscdbg_dr_er@nyshcr.org). A full description of the project may also be reviewed from 9:00 AM – 5:00 PM, Mondays through Fridays, at the GOSR office address listed above.

**APPENDIX C**  
**HISTORIC/CULTURAL RESOURCES DETERMINATION**



## Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO  
Governor

ROSE HARVEY  
Commissioner

November 5, 2015

Thomas King, Certifying Officer  
Governor's Office of Storm Recovery (GOSR)  
99 Washington Ave, Suite 1224  
Albany, NY 12231

Re: GOSR/ HUD/ CDBG Disaster Recovery Program  
Johnson City Water Treatment Plant Resiliency Improvements  
44 Camden Street, Johnson City/ Broome County

15PR05828

Dear Mr. King:

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 of the National Historic Preservation Act of 1966. These comments are those of the SHPO and 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, please contact me at (518) 268-2187 or [Larry.moss@parks.ny.gov](mailto:Larry.moss@parks.ny.gov).

Sincerely,

Larry K Moss, Historic Preservation Technical Specialist

CC: Camilla Deiber



## The Historic Preservation Review Process in New York State

In order to insure that historic preservation is carefully considered in publicly-funded or permitted undertakings\*, there are laws at each level of government that require projects to be reviewed for their potential impact/effect on historic properties. At the federal level, Section 106 of the National Historic Preservation Act of 1966 (NHPA) directs the review of federally funded, licensed or permitted projects. At the state level, Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law of 1980 performs a comparable function. Local environmental review for municipalities is carried out under the State Environmental Quality Review Act (SEQRA) of 1978.

regulations on line at:

<http://nysparks.state.ny.us> then select **HISTORIC PRESERVATION** then select **Environmental Review**

Project review is conducted in two stages. First, the Field Services Bureau assesses affected properties to determine whether or not they are listed or eligible for listing in the New York State or National Registers of Historic Places. If so, it is deemed "historic" and worthy of protection and the second stage of review is undertaken. The project is reviewed to evaluate its impact on the properties significant materials and character. Where adverse effects are identified, alternatives are explored to avoid, or reduce project impacts; where this is unsuccessful, mitigation measures are developed and formal agreement documents are prepared stipulating these measures.

### ALL PROJECTS SUBMITTED FOR REVIEW SHOULD INCLUDE THE FOLLOWING MATERIAL(S).



#### Project Description

Attach a full description of the nature and extent of the work to be undertaken as part of this project. Relevant portions of the project applications or environmental statements may be submitted.



#### Maps Locating Project

Include a map locating the project in the community. The map must clearly show street and road names surrounding the project area as well as the location of all portions of the project. Appropriate maps include tax maps, Sanborn Insurance maps, and/or USGS quadrangle maps.



#### Photographs

Photographs may be black and white prints, color prints, or color laser/photo copies; standard (black and white) photocopies are NOT acceptable.

*-If the project involves rehabilitation, include photographs of the building(s) involved. Label each exterior view to a site map and label all interior views.*

*-If the project involves new construction, include photographs of the surrounding area looking out from the project site. Include photographs of any buildings (more than 50 years old) that are located on the project property or on adjoining property.*

**NOTE: Projects submissions will not be accepted via facsimile or e-mail.**

\***Undertaking** is defined as an agency's purchase, lease or sale of a property, assistance through grants, loans or guarantees, issuing of licenses, permits or approvals, and work performed pursuant to delegation or mandate.

## **Project Description**

The Village of Johnson City (“Johnson City”) is requesting Community Development Block Grant – Disaster Recovery (CDBG-DR) funding to demolish an existing storage building, construct a new administration & operations building at a more-elevated location, and flood-proof individual well houses at the existing water treatment plant site, in Johnson City, New York (see attached figures). The proposed project would consist of:

1. Demolition of an existing storage building;
2. Elevate the project site above the 2011 flood of record and construct a new approximately 2,800 square foot administration & operations building for the existing water treatment plant;
3. Flood-proofing of existing well houses.

Construction of a new administration & operations building for the existing water treatment plant above the 2011 flood level and flood-proofing of the existing well houses would provide crucial administration and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of the Johnson City’s assets and the safety of its citizens, as well as ensure the continuous water operational reliability during future floods.

As discussed above, Johnson City is proposing development of a new approximately 2,800 square foot administration and operations building for the existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses.

## **Purpose and Need for the Proposed Project**

During Tropical Storm Lee in 2011, the levee system surrounding Johnson City’s water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. Immediately following the disaster, all water wells, including back-up wells, were out of service for approximately four days, and the water treatment facility was out of service for approximately six weeks. During the storm, the location of the current administration and operations building resulted in the loss of essential documents. It is the expectation of Johnson City that improvements to this critical public facility will increase community resiliency for future storms and flooding.

The proposed project will enable Johnson City to rebuild the community in a more resilient way by locating the development above the floodplain. Construction of a new administration and operations building for the existing water treatment plant above the 2011 flood level would provide crucial administrative and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of Johnson City’s assets and the safety of its citizens, as well as ensure continuous water operational reliability during future flood events.



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

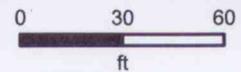
Air Strippers

Storage Bldg

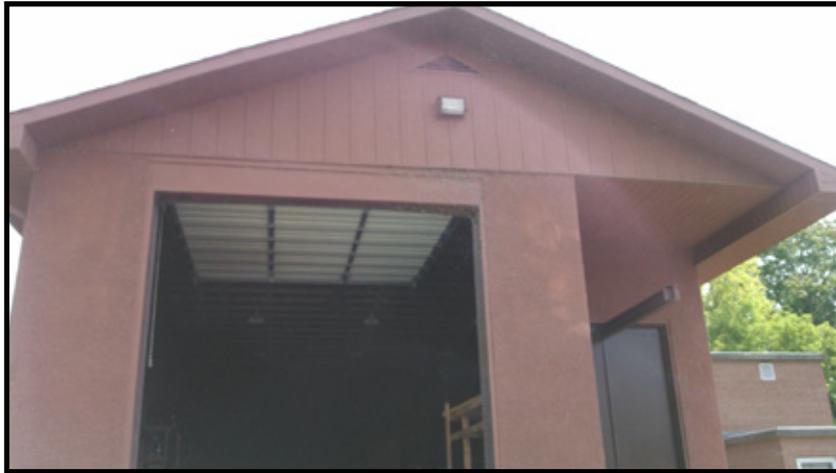
Well #1

Berwin St

1 inch = 56 feet



N



**Storage Building Exterior**



**Storage Building Ceiling (Interior)**



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

Mr. Ray Halbritter  
Oneida Nation  
5218 Patrick Road  
Verona, NY 13478

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Ray Halbritter:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1 and 2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

The Proposed Actions will include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses. The Proposed Actions are currently under review by the New York State Office of Parks, Recreation, and Historic Preservation (SHPO).

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) is acting under the auspices 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"). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting as lead agency on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments pursuant to Section 106.

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 has also been sent to the State Historic Preservation Office (SHPO). In accordance with Section 101(d)(6)(B) of the National Historic



# Governor's Office of Storm Recovery



**Andrew M. Cuomo**  
Governor

**Lisa Bova-Hiatt**  
Interim Executive Director

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. Due to the CDBG-DR funding, the Proposed Actions will undergo review pursuant to Section 106 of the NHPA. Review of the Proposed Actions under Section 106 of the NHPA satisfies the requirements of Section 14.09 of the New York State Historic Preservation Act (SHPA). GOSR is serving as lead agency under the National Environmental Policy Act ("NEPA") and the State Environmental Quality Review Act ("SEQRA"), and related laws, for the environmental review of the Proposed Actions.

At this time, GOSR is seeking comments from the Oneida Nation on the enclosed documents and invites you to provide any views about the project and its potential to affect properties of religious and cultural significance to the Oneida Nation Community. We would appreciate your response within 15 days of the date of this letter. Please respond by email to [Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov) or in writing to the address listed below.

Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1224  
Albany, New York 12260

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 (646) 417-4660 or via email at the address listed above.

Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

Figure 1: Aerial Photograph of Location

Figure 2: Aerial Photograph of Complex

**Electronic Letter Sent to:**

Jesse Bergevin, Historic Resources Specialist, Oneida Nation ([jbergevin@oneida-nation.org](mailto:jbergevin@oneida-nation.org))



— Project Area

# Johnson City Water Treatment Facility

Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

Air Strippers

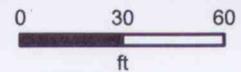
Storage Bldg

Well #1

Berwin St

Detailed description: This is an aerial photograph of the Johnson City Water Treatment Facility. The facility is situated in a residential area, bounded by Elbon St to the north, Berwin St to the east, and Camden St to the west. The facility's layout includes several key components: Well #3 is located at the northern end of the site; Vehicle Garages are situated on the western side; Admin & Ops is a central building; Well #2 is located south of the Admin & Ops building; a Generator is positioned at the southern end of the western side; the Treatment Bldg and Air Strippers are located in the central-eastern part of the site; the Storage Bldg is situated south of the Treatment Bldg; and Well #1 is located south of the Storage Bldg. The surrounding area includes residential houses and trees.

1 inch = 56 feet



DISCLAIMER: Broome County does not guarantee the accuracy of the data presented. Information should be used for illustrative purposes only.

# ONEIDA INDIAN NATION



JESSE J. BERGEVIN  
HISTORIC RESOURCES SPECIALIST

DIRECT DIAL: (315) 829-8463  
FACSIMILE: (315) 829-8473  
E-MAIL: [jbergevin@oneida-nation.org](mailto:jbergevin@oneida-nation.org)

## ONEIDA NATION HOMELANDS

November 5, 2015

Tom King  
Director – Bureau of Environmental Review and Assessment  
Assistant General Counsel  
Governor's Office of Storm Recovery  
99 Washington Avenue Suite 1224  
Albany, New York 12231  
*(Transmitted by email)*

Re: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment  
Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. King,

On October 26, 2015, the Oneida Indian Nation (the "Nation") received an email with documentation from the Governor's Office of Storm Recovery regarding the proposal to fund, through the Community Development Block Grant Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site (the "Project") in the Village of Johnson City, New York.

I have reviewed the information provided and it appears the Project lies outside of the Oneida's aboriginal territory.

Please feel free to contact me at (315) 829-8463 with any questions.

Very truly yours,

ONEIDA INDIAN NATION

Jesse J. Bergevin



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

Mr. Wallace Miller  
Stockbridge-Munsee Community Band of Mohicans  
N8476 Moh He Con Nuck Road  
Bowler, WI 54416

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Wallace Miller:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1 and 2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

The Proposed Actions will include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses. The Proposed Actions are currently under review by the New York State Office of Parks, Recreation, and Historic Preservation (SHPO).

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) is acting under the auspices 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"). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting as lead agency on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments pursuant to Section 106.

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 has also been sent to the State Historic Preservation Office (SHPO). In accordance with Section 101(d)(6)(B) of the National Historic



# Governor's Office of Storm Recovery



**Andrew M. Cuomo**  
Governor

**Lisa Bova-Hiatt**  
Interim Executive Director

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. Due to the CDBG-DR funding, the Proposed Actions will undergo review pursuant to Section 106 of the NHPA. Review of the Proposed Actions under Section 106 of the NHPA satisfies the requirements of Section 14.09 of the New York State Historic Preservation Act (SHPA). GOSR is serving as lead agency under the National Environmental Policy Act ("NEPA") and the State Environmental Quality Review Act ("SEQRA"), and related laws, for the environmental review of the Proposed Actions.

At this time, GOSR is seeking comments from the Stockbridge-Munsee Community Band of Mohicans on the enclosed documents and invites you to provide any views about the project and its potential to affect properties of religious and cultural significance to the Stockbridge-Munsee Community Band of Mohicans Community. We would appreciate your response within 15 days of the date of this letter. Please respond by email to [Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov) or in writing to the address listed below.

Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1224  
Albany, New York 12260

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 (646) 417-4660 or via email at the address listed above.

Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

Figure 1: Aerial Photograph of Location

Figure 2: Aerial Photograph of Complex

**Electronic Letter Sent to:**

Bonney Hartley, Tribal Historic Preservation Officer, Stockbridge-Munsee Community Band of Mohicans  
([Bonney.hartley@mohican-nsn.gov](mailto:Bonney.hartley@mohican-nsn.gov))



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

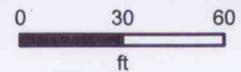
Air Strippers

Storage Bldg

Well #1

Berwin St

1 inch = 56 feet



N

**From:** Bonney Hartley <[Bonney.Hartley@mohican-nsn.gov](mailto:Bonney.Hartley@mohican-nsn.gov)>  
**Date:** November 18, 2015 at 1:18:11 PM EST  
**To:** "King, Thomas J (STORMRECOVERY)" <[Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov)>  
**Cc:** "Barthelme, Mary (STORMRECOVERY)" <[Mary.Barthelme@stormrecovery.ny.gov](mailto:Mary.Barthelme@stormrecovery.ny.gov)>  
**Subject:** RE: Section 106 Tribal Consultation - Johnson City Water Treatment Plant Resiliency Improvements

Dear Tom,

Thank you for inviting Stockbridge-Munsee Mohican Tribe to consult on this project, Johnson City Water Treatment Plan in Johnson City, NY. I've reviewed the location from the mapping you provided and determined it is out of our cultural area of interest so we do not need to consult.

Thanks!

Bonney

*Bonney Hartley*  
Tribal Historic Preservation Officer  
Stockbridge-Munsee Mohican Tribal Historic Preservation  
New York Office  
65 1st Street  
Troy, NY 12180  
(518) 244-3164  
[Bonney.Hartley@mohican-nsn.gov](mailto:Bonney.Hartley@mohican-nsn.gov)  
[www.mohican-nsn.gov](http://www.mohican-nsn.gov)  
*Physical Address: 37 1<sup>st</sup> Street*

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**From:** King, Thomas J (STORMRECOVERY) [<mailto:Thomas.King@stormrecovery.ny.gov>]  
**Sent:** Monday, October 26, 2015 6:44 PM  
**To:** Bonney Hartley  
**Cc:** Barthelme, Mary (STORMRECOVERY)  
**Subject:** Section 106 Tribal Consultation - Johnson City Water Treatment Plant Resiliency Improvements

Good Evening,

Please see the attached information regarding the above-mentioned project. Should you have any questions or comments, please feel free to call or email me at any time. A paper copy of this request is being sent by mail.

Sincerely,  
Thomas King

Director – Bureau of Environmental Review and Assessment  
Assistant General Counsel  
Governor's Office of Storm Recovery  
99 Washington Avenue Suite 1224  
Albany, New York 12260  
Office: (518) 473-0015  
Mobile: (646) 417-4660  
[Thomas.King@StormRecovery.NY.Gov](mailto:Thomas.King@StormRecovery.NY.Gov)



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

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

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Kerry Holton:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1** and **2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

The Proposed Actions will include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses. The Proposed Actions are currently under review by the New York State Office of Parks, Recreation, and Historic Preservation (SHPO).

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) is acting under the auspices 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"). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting as lead agency on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments pursuant to Section 106.

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 has also been sent to the State Historic Preservation Office (SHPO). 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



# Governor's Office of Storm Recovery



**Andrew M. Cuomo**  
Governor

**Lisa Bova-Hiatt**  
Interim Executive Director

Code of Federal Regulations (CFR) Part 800, this letter serves as notification of the proposed action. Due to the CDBG-DR funding, the Proposed Actions will undergo review pursuant to Section 106 of the NHPA. Review of the Proposed Actions under Section 106 of the NHPA satisfies the requirements of Section 14.09 of the New York State Historic Preservation Act (SHPA). GOSR is serving as lead agency under the National Environmental Policy Act ("NEPA") and the State Environmental Quality Review Act ("SEQRA"), and related laws, for the environmental review of the Proposed Actions.

At this time, GOSR is seeking comments from the Delaware Nation on the enclosed documents and invites you to provide any views about the project and its potential to affect properties of religious and cultural significance to the Delaware Nation Community. We would appreciate your response within 15 days of the date of this letter. Please respond by email to [Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov) or in writing to the address listed below.

Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1224  
Albany, New York 12260

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 (646) 417-4660 or via email at the address listed above.

Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

Figure 1: Aerial Photograph of Location  
Figure 2: Aerial Photograph of Complex

**Electronic Letter Sent to:**

Nekole Alligood, Cultural Preservation Director, Delaware Nation ([nalligood@delawarenation.com](mailto:nalligood@delawarenation.com))  
Corey Smith, Cultural Preservation Assistant Director, Delaware Nation ([csmith@delawarenation.com](mailto:csmith@delawarenation.com))  
Jason Ross, Section 106 Manager, Delaware Nation ([jross@delawarenation.com](mailto:jross@delawarenation.com))



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

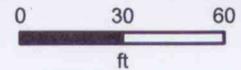
Air Strippers

Storage Bldg

Well #1

Berwin St

1 inch = 56 feet



N



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

Mr. Anthony Gonyea  
Onondaga Nation  
P.O. Box 245  
Onondaga Nation via Nedrow, NY 13120

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Anthony Gonyea:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1 and 2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

The Proposed Actions will include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses. The Proposed Actions are currently under review by the New York State Office of Parks, Recreation, and Historic Preservation (SHPO).

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) is acting under the auspices 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"). GOSR is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58. GOSR is acting as lead agency on behalf of HUD in providing the enclosed project information and inviting this discussion with your Nation to respond with any concerns or comments pursuant to Section 106.

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 has also been sent to the State Historic Preservation Office (SHPO). In accordance with Section 101(d)(6)(B) of the National Historic



# Governor's Office of Storm Recovery



**Andrew M. Cuomo**  
Governor

**Lisa Bova-Hiatt**  
Interim Executive Director

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At this time, GOSR is seeking comments from the Onondaga Nation on the enclosed documents and invites you to provide any views about the project and its potential to affect properties of religious and cultural significance to the Onondaga Nation Community. We would appreciate your response within 15 days of the date of this letter. Please respond by email to [Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov) or in writing to the address listed below.

Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1224  
Albany, New York 12260

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 (646) 417-4660 or via email at the address listed above.

Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

Figure 1: Aerial Photograph of Location

Figure 2: Aerial Photograph of Complex

**Electronic Letter Sent to:**

Anthony Gonyea, Faithkeeper, Beaver Clan, Onondaga Nation (ononationhispres@aol.com)



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

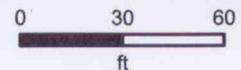
Air Strippers

Storage Bldg

Well #1

Berwin St

1 inch = 56 feet



N



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

Mr. Irving Powless  
Onondaga Nation  
P.O. Box 319-B  
Onondaga Nation via Nedrow, NY 13120

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Irving Powless:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1** and **2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

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# Governor's Office of Storm Recovery



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Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
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Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

- Figure 1: Aerial Photograph of Location
- Figure 2: Aerial Photograph of Complex



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

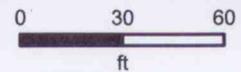
Air Strippers

Storage Bldg

Well #1

Berwin St

1 inch = 56 feet



N



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

October 26, 2015

Mr. Leo Henry  
Tuscarora Nation of New York  
2006 Mt. Hope Road, Tuscarora Nation  
Lewiston, NY 14092

RE: New York State CDBG Disaster Recovery Program: Johnson City Water Treatment Plant Resiliency Improvements, 44 Camden Street, Johnson City NY 13790

Dear Mr. Leo Henry:

The Governor's Office of Storm Recovery (GOSR) proposes to fund, through the CDBG Disaster Recovery Program, the demolition of an existing storage building, construction of a new administration and operations building at a more-elevated location, and flood-proofing of individual well houses at the existing water treatment plant site in Johnson City, New York (see **Figures 1 and 2**). This letter invites you to participate as a consulting party for review of the proposed Water Treatment Plant Resiliency Improvements at 44 Camden Street (collectively, the "Proposed Actions") pursuant to Section 106 of the National Historic Preservation Act (NHPA; 36 CFR § 800).

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# Governor's Office of Storm Recovery



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Governor

**Lisa Bova-Hiatt**  
Interim Executive Director

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At this time, GOSR is seeking comments from the Tuscarora Nation of New York on the enclosed documents and invites you to provide any views about the project and its potential to affect properties of religious and cultural significance to the Tuscarora Nation of New York Community. We would appreciate your response within 15 days of the date of this letter. Please respond by email to [Thomas.King@stormrecovery.ny.gov](mailto:Thomas.King@stormrecovery.ny.gov) or in writing to the address listed below.

Mr. Thomas King  
Certifying Environmental Officer  
Governor's Office of Storm Recovery  
99 Washington Avenue, Suite 1224  
Albany, New York 12260

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Thank you for your consideration and cooperation.

Sincerely,

Thomas J. King  
Assistant General Counsel

**Enclosures:**

Figure 1: Aerial Photograph of Location  
Figure 2: Aerial Photograph of Complex

**Electronic Letter Sent to:**

Bryan Printup, Nation Rep For Section 106, Tuscarora Nation of New York ([bprintup@hetf.org](mailto:bprintup@hetf.org))



— Project Area

# Johnson City Water Treatment Facility



Well #3

Vehicle Garages

Admin & Ops

Well #2

Generator

Camden St

Elbon St

Treatment Bldg

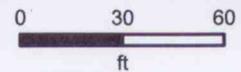
Air Strippers

Storage Bldg

Well #1

Berwin St

1 inch = 56 feet



N

**APPENDIX D**  
**SOLE SOURCE AQUIFER REVIEW**



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**NOV 10 2015**

Mr. Thomas J. King  
Director – Bureau of Environmental Review  
and Assessment Interim  
Assistant General Counsel  
Governor’s Office of Storm Recovery  
25 Beaver Street  
New York, NY 10004

Dear Mr. King:

This is in response to your October 30, 2015 letter requesting a Sole Source Aquifer review of the proposed “Johnson City Water Treatment Plant Resiliency Improvements” project. The project is to receive funding from the U.S. Department of Housing and Urban Development’s Community Development Block Grant - Disaster Relief program (CDBG-DR). The project site is located in the Clinton Street Ballpark Aquifer System, designated by the U.S. Environmental Protection Agency (EPA) as a Sole Source Aquifer on January 14, 1985 (citation 50 CFR 2025). Therefore, our review has been conducted in accordance with Section 1424(e) of the Safe Drinking Water Act (SDWA).

An existing storage building, which is partially in the 100-year floodplain will be demolished. The building currently stores vehicles, pipes, fittings, hydrants and valves, but no chemicals that would have to be transferred. A new building that will house operations and administration personnel will be built on the site of the former storage building, but at a higher elevation, achieved by re-grading the site. Wastewater removal and water supply will be provided by the existing utilities. Stormwater will drain to the southwest corner of the site, into a small retention pond, and then discharge into the Susquehanna River, via a culvert passing through a berm that surrounds the water facility.

Natural gas will provide heat and hot water. The concrete floor will have embedded pipes that circulate hot water and provide radiant heat. There currently is not and there will be no fuel storage tank on site. There is an existing diesel generator on site that was replaced after a 2011 flood and has now been significantly elevated. The diesel fuel is stored within the generator and the unit has its own secondary containment.

The site’s two well houses will be flood-proofed by sealing existing wall penetrations and masonry and by installing an aluminum “stop log” unit which provides a flood proof doorway. There is an existing 550-gallon, above-ground storage tank containing sodium hypochlorite that meets the New York State Department of Environmental Conservation permitting requirements regarding secondary containment.

Based on the information provided, it is anticipated that this project will not pose a significant threat to public health or groundwater resources and complies with Section 1424(e) of the SDWA. Please be advised that meeting the requirements of 1424(e) does not preclude the need to meet National Environmental Policy Act (NEPA) requirements to address direct, indirect, and cumulative impacts. This review does not constitute a review under Section 309 of the Clean Air Act; EPA therefore reserves the right to review additional environmental documents on this project.

At this time, EPA offers the following additional comments to minimize environmental impacts and create a more sustainable project.

*Construction and Demolition:*

In light of the possibility that the project involves demolition work, we recommend that, to the maximum extent possible, the applicant is encouraged to utilize local and recycled materials in the construction process and to recycle materials generated onsite (i.e., demolition debris/materials). For more information, please see the following websites:

<http://www.epa.gov/wastes/nonhaz/industrial/cd/index.htm>

<http://www.epa.gov/osw/conserves/imr/index.htm>

Typical bid specifications do not address opportunities for recycling, salvage, and building disassembly and materials reuse. Working with recycling facilities and deconstruction operations can lead to improved environmental outcomes and material sales may offset some project costs. Although this is not a residential demolition project, you may still find useful EPA's report and tool, "On the Road to Reuse: Residential Demolition Bid Specification Development Tool" (EPA Report 560K13002). The tool allows the user to anticipate the environmental issues and concerns such that they can be factored into the planning and procurement process. The user is aided in developing contract language for a bid package that instructs contractors on specific technical requirements to achieve improved environmental results in a demolition project. Please refer to: <http://www2.epa.gov/large-scale-residential-demolition/road-reuse-residential-demolition-bid-specification-development>

*Clean Diesel:*

Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including:

- Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and
- Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment.

For more information on diesel emission controls in construction projects, please see:

<http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf>

*Stormwater:*

We emphasize the importance of Low Impact Development (LID) principles such as minimizing effective imperviousness to create site drainage, and the planting of native and non-invasive vegetation on the project site for stormwater management purposes. Other LID practices can

include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. For further information, please see the following website:

<http://water.epa.gov/polwaste/green/>

*Encourage cost-efficient, environmentally friendly landscaping:*

EPA's GreenScapes program provides cost-efficient and environmentally friendly solutions for landscaping. For additional information, please see:

<http://www.epa.gov/wastes/conserve/tools/greenscapes/index.htm>

*Energy-Efficiency:*

Energy-efficient technologies should be incorporated when possible. Please see the following website: <http://www.energystar.gov>

*Water conservation and efficiency:*

Promote water conservation and efficiency through the use of water efficient products and practices. We recommend considering the use of products with the WaterSense label where appropriate. Please refer to the WaterSense website for tips on water efficiency, a WaterSense labeled product search tool, a list of WaterSense Partners, and access to the Water Budget Tool at: <http://www.epa.gov/watersense/>

In addition to using WaterSense labeled products and certified professionals, there are many water conservation strategies and best management practices that can be used in new construction. Here are some useful links to water conservation information:

[http://www.wbdg.org/resources/water\\_conservation.php](http://www.wbdg.org/resources/water_conservation.php)

<http://www.allianceforwaterefficiency.org/>

<http://www.wateruseitwisely.com/100-ways-to-conserve/index.php>

If you have any questions concerning this matter or would like additional information, please feel free to contact Rajini Ramakrishnan of my staff at (212) 637-3731.

Sincerely yours,



Grace Musumeci, Chief  
Environmental Review Section



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

November 10, 2015

Ms. Grace Musemeci  
Chief of the Environmental Review Section  
U.S. Environmental Protection Agency  
Region 2 Main Regional Office  
290 Broadway  
New York, NY 10007-1866

**Re: Sole Source Aquifer Analysis – CDBG-DR Funding Application  
Johnson City Water Treatment Plant Resiliency Improvements (Johnson City, Broome County, NY)**

Dear Ms. Musemeci:

The New York State Governor's Office of Storm Recovery ("GOSR") received a funding application for the proposed "Johnson City Water Treatment Plant Resiliency Improvements" project, located in Johnson City, Broome County, New York (see **Figure 1**). The proposed project involves the construction of a new administration and operations building for an existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building outside of the floodplain within the existing water treatment plant site. Flood-proofing of the three existing well houses is also proposed as part of the project.

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.), GOSR is acting under the auspices 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") and is the entity responsible for compliance with the HUD NEPA environmental review procedures set forth in 24 C.F.R. Part 58. 24 C.F.R. Part 58 requires GOSR to review projects for conformance with the Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300(f) et seq., and 21 U.S.C. 349) as amended, and Environmental Protection Agency ("EPA") regulations pertaining to Sole Source Aquifers found at 40 C.F.R. Part 149.

In accordance with the Memorandum of Understanding ("MOU") between EPA and HUD dated August 24, 1990, GOSR hereby requests an Initial Screen/Preliminary Review for the Johnson City Water Treatment Plant Resiliency Improvements project. Please review the attached documentation, including Attachment 2.A and 3 to the MOU. Responses can be sent to me via email at [Thomas.King@StormRecovery.NY.gov](mailto:Thomas.King@StormRecovery.NY.gov). In accordance with the MOU, a non-response within fifteen days shall constitute a favorable review of the project/activity. If you have any questions, please feel free to contact me at (518) 473-0015. Thank you for your consideration and cooperation.

Sincerely,

Director – Bureau of Environmental Review and Assessment Interim  
Assistant General Counsel

Encl .

**Attachment 2.A**  
**Non-Housing/Project Activity Initial Screen Criteria**  
**Sole Source Aquifer Checklist**

New York Governor's Office of Storm Recovery  
 Johnson City Water Treatment Plant Resiliency Improvements  
 Daniel Greene, Certifying Environmental Officer  
 November 10, 2015

The following list of criteria questions are to be used as an initial screen to determine which **nonhousing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. If any of the questions are answered affirmatively, Attachment 3, SSA Preliminary Review Requirements, should also be completed. The application/final statement, this Attachment, Attachment 3, and any other pertinent information should than be forwarded to EPA at the address below. Any project/activity not meeting the criteria in this Attachment, but suspected of having a potential adverse effect on the Sole Source Aquifer should also be forwarded.

Chief, Environmental Impacts Branch  
 USEPA Region II  
 26 Federal Plaza, Room 500  
 New York, New York 10278  
 (212) 264-1840

<b>CRITERIA QUESTIONS</b>	<b>Yes</b>	<b>No</b>	<b>Maybe</b>
Is the project/activity located within a currently designated or proposed groundwater sensitive area such as a special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.? [This information can be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency] (See <b>Figure 2</b> ).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the project/activity located within a one half mile radius (2,640 feet) of a current or proposed public water supply well or wellfield? [This information can be obtained from the local health department, the State health department or the State environmental agency.] (See <b>Figure 3</b> ).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Will the project/activity include or directly cause: (check appropriate items)			
- construction or expansion of solid waste disposal, recycling or conversion facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- construction or expansion or closure of landfills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- construction or expansion of water supply facilities [define]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
- construction or expansion of on-site wastewater treatment plants or sewage trunk lines [define]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- construction or expansion of gas or petroleum trunk lines greater than 1320 feet
  - construction or expansion of railroad spurs or similar extensions
  - construction or expansion of municipal sewage treatment plants
- Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents?
- Will the project/activity include bulk storage of petroleum in underground or above ground tanks in excess of 1100 gallons? (Please give what assurance they are done in a proper manner)
- Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit?

This attachment was completed by:

Name: Thomas J. King

Title: Director – Bureau of Environmental Review and Assessment Interim Assistant General Counsel

Address: 99 Washington Avenue Suite 1224  
Albany, New York 12260

Telephone: (518) 473-0015

Date: November 10, 2015

  
\_\_\_\_\_  
Signature of Certifying Officer

### Attachment 3

#### SSA PRELIMINARY REVIEW INFORMATION REQUIREMENTS

Where currently available, the information in this Attachment should be provided to the Environmental Protection Agency (see address below) along with the application/final statement; Attachment 2.A, Non-Housing Initial Screen Criteria or Attachment 2.B, Housing Initial Screen Criteria; and any other information which may be pertinent to a Sole Source Aquifer review. Where applicable, indicate the source of your information.

Chief, Environmental Impacts Branch  
USEPA Region II  
26 Federal Plaza, Room 500  
New York, New York 10278  
(212) 264-1840

Enclosed  
Yes No

#### I. Project/Activity Location

1. Provide the geographic location and total acreage of the project/activity site. Include a site location map which identifies the site in relation to the surrounding area. [Examples of maps which can be used include: 1:24,000 or 1:25,000 U.S. Geological Survey quadrangle sheet, Hagstroms Street Map.]
2. If applicable, identify which groundwater sensitive areas (Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.) the project/activity is located within or adjacent to. [This information may be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]

#### II. Nature of Project Activity

3. Provide a general narrative describing the project/activity including but not limited to: type of facility; type of activities to be conducted; number and type of units; number of residents etc. Provide the general layout of the project/activity site and a site-plan if available.

#### III. Public Water Supply

4. Provide a description of plans to provide water supply.
5. Provide the location of nearby existing or proposed public water supply wells or wellfields within a one half mile radius (2640 feet) of the project/activity. Provide the name of the supplier(s) of those wells or wellfields. This information should be available from the local health department, State health department or the State environmental agency.

#### IV. Wastewater and Sewage Disposal

- |  | <u>Enclosed</u>                     |                                     |
|--|-------------------------------------|-------------------------------------|
|  | Yes                                 | No                                  |
| 6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 7. Provide a description of plans to handle storm water runoff.  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 8. Identify the location, design, size of any on-site recharge basins, dry wells, leaching fields, retention ponds etc.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

V. Use, Storage, Transport of Hazardous or Toxic Materials

**(Applies only to non-housing projects/activities)**

- |   |                                     |                                     |
|---|-------------------------------------|-------------------------------------|
| 9. Identify any products listed in Attachment 4, Hazardous Constituents, of the Housing and Urban Development-Environmental Protection Agency Memorandum of Understanding which may be used, stored, transported, or released as a result of the project not related to construction. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 10. Identify the number and capacity of underground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 11. Identify the number and capacity of above ground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

This form was completed by:

Name: Thomas J. King

Title: Director – Bureau of Environmental Review and Assessment Interim  
Assistant General Counsel

Address: 99 Washington Avenue Suite 1224  
Albany, New York 12260

Telephone: (518) 473-0015

Date: November 10, 2015



\_\_\_\_\_  
Signature of Certifying Officer

**I. Project/Activity Location**

- 1. Provide the geographic location and total acreage of the project/activity site. Include a site location map which identifies the site in relation to the surrounding area. [Examples of maps which can be used include: 1:24,000 or 1:25,000 U.S. Geological Survey quadrangle sheet, Hagstrom Street Map.]**

The existing water treatment plant is located at 44 Camden Street in Johnson City, NY. The site has frontage along the Susquehanna River and Little Choconut Creek and has an area of approximately one acre. The project site is located approximately 3.5 miles northwest of downtown Binghamton. An aerial location map is provided in **Figure 1**.

- 2. If applicable, identify which groundwater sensitive areas (Special Ground Water Protection Area, Critical Supply Area, Wellhead Protection Area etc.) the project/activity is located within or adjacent to. [This information may be obtained from the County or Regional planning board, the local health department, the State health department or the State environmental agency.]**

The project site is located within the boundaries of two overlapping groundwater sensitive areas identified as Source Water Assessment Program (SWAP) 2549839 and 2549838. SWAPs are designated in areas that provide public drinking water where potential sources of contamination may exist. A map illustrating "SWAP Polygons" in the surrounding area is provided in **Figure 3**.

**II. Nature of Project Activity**

- 3. Provide a general narrative describing the project/activity including but not limited to: type of facility; type of activities to be conducted; number and type of units; number of residents etc. Provide the general layout of the project/activity site and a site-plan if available.**

The proposed project involves the construction of a new administration and operations building for an existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new administration and operations building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. Flood-proofing of the three existing well houses is also proposed as part of the project. The project site layout is provided in **Figure 4**. The proposed administration and operations building would be constructed at the site of the existing storage building.

**III. Public Water Supply**

- 4. Provide a description of plans to provide water supply.**

The proposed project is anticipated to draw from existing water supplies and would not require or provide a new water supply.

- 5. Provide the location of nearby existing or proposed public water supply wells or wellfields within a one half mile radius (2640 feet) of the project/activity. Provide the name of the supplier(s) of those wells or wellfields. This information should be available from the local health department, State health department or the State environmental agency.**

Two public water supply wells are located on the project site. These public water supply wells are known as “Johnson City Water Works Facility 2549838” and “Johnson City Water Works Facility 2549839.” One additional public water supply well, “Johnson City Water Works Facility 2549836”, is located within a ½-mile radius. A map of public water supply wells within a ½-mile of the project site is provided in **Figure 2**.

#### **IV. Public Water Supply**

- 6. Provide a description of plans to handle wastewater and sewage disposal. If the project/activity is to be served by existing public sanitary sewers provide the name of the sewer district.**

The proposed project is not anticipated to result in significant increases to wastewater and sewage disposal. The project site would continue to be served by existing public sanitary sewers within the Town of Union sewer district.

- 7. Provide a description of plans to handle storm water runoff.**

The project is not anticipated to result in a significant increase in stormwater runoff as the development footprint of the proposed administration/operations building would be of approximately similar size to the existing storage building planned to be demolished. Stormwater runoff from the proposed new building is anticipated to drain to Choconut Creek adjacent to the site. During construction, best management practices including soil and erosion control measures, would be employed to minimize potential, temporary soil erosion effects.

- 8. Identify the location, design, size of any on-site recharge basins, dry wells, leaching fields, retention ponds etc.**

There are no existing on-site recharge basins, dry wells, leaching fields, or retention ponds. None of these elements are planned as part of the proposed project.

#### **V. Use, Storage, Transport of Hazardous or Toxic Materials (Applies only to non-housing projects/activities)**

- 9. Identify any products listed in Attachment 4, Hazardous Constituents, of the Housing and Urban Development-Environmental Protection Agency Memorandum of Understanding which may be used, stored, transported, or released as a result of the project not related to construction.**

There are no known hazardous constituents as identified in Attachment 4 which may be used, stored, transported, or released as a result of the project not related to construction.

- 10. Identify the number and capacity of underground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.**

There are no existing underground storage tanks located at the project site. No underground storage tanks are planned as part of the proposed project.

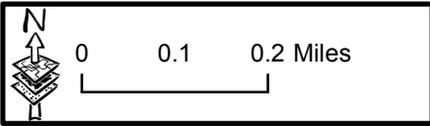
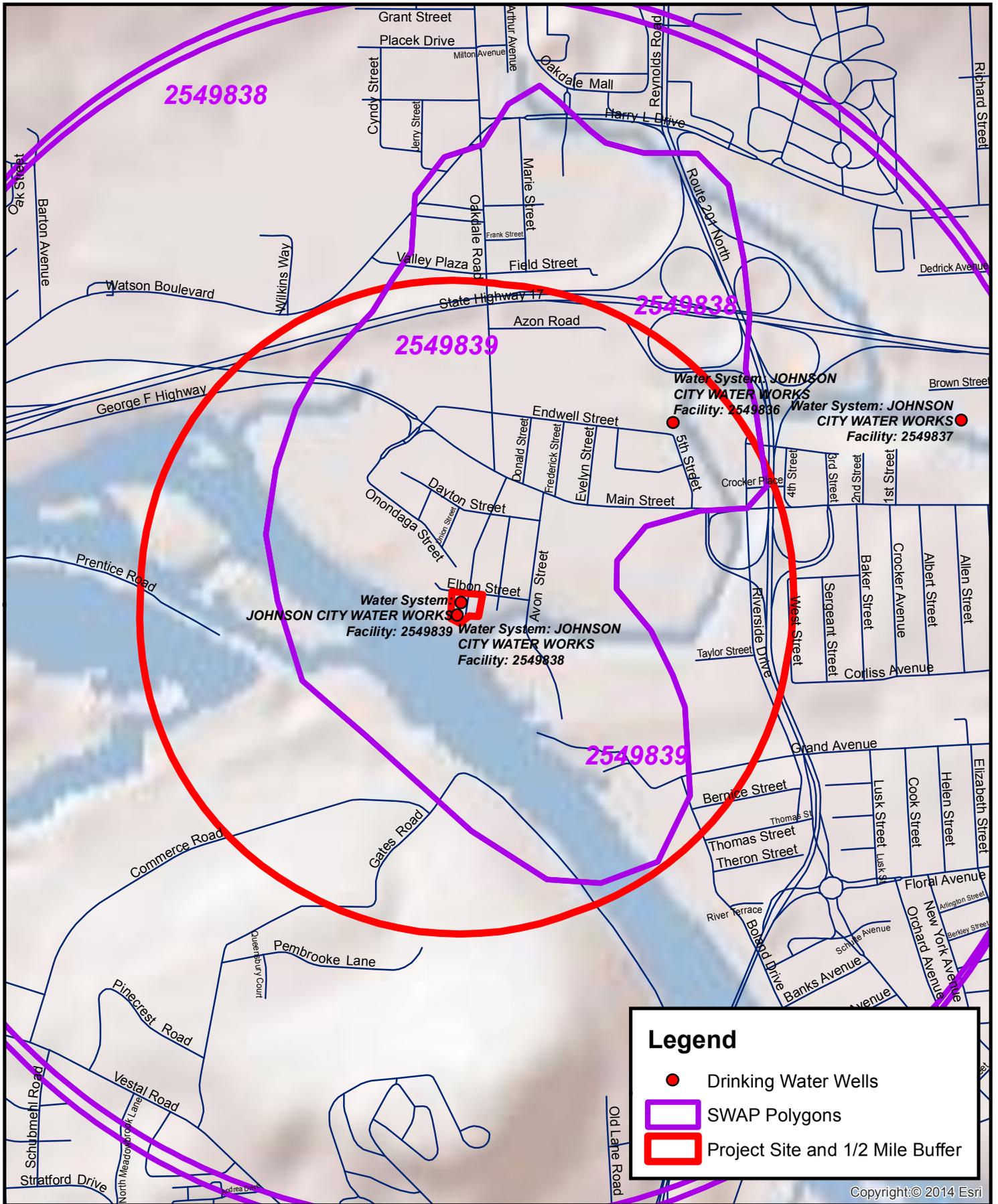
- 11. Identify the number and capacity of above ground storage tanks at the project/activity site. Identify the products and volume to be stored, and the location on the site.**

There is one existing above ground storage tank housed within the Water Plant Treatment Building (see **Figure 4**). The above ground tank has a capacity of 550 gallons and contains sodium hypochlorite. The proposed project does not include any alterations to the existing storage tank and no new above ground storage tanks are planned as part of the proposed project.



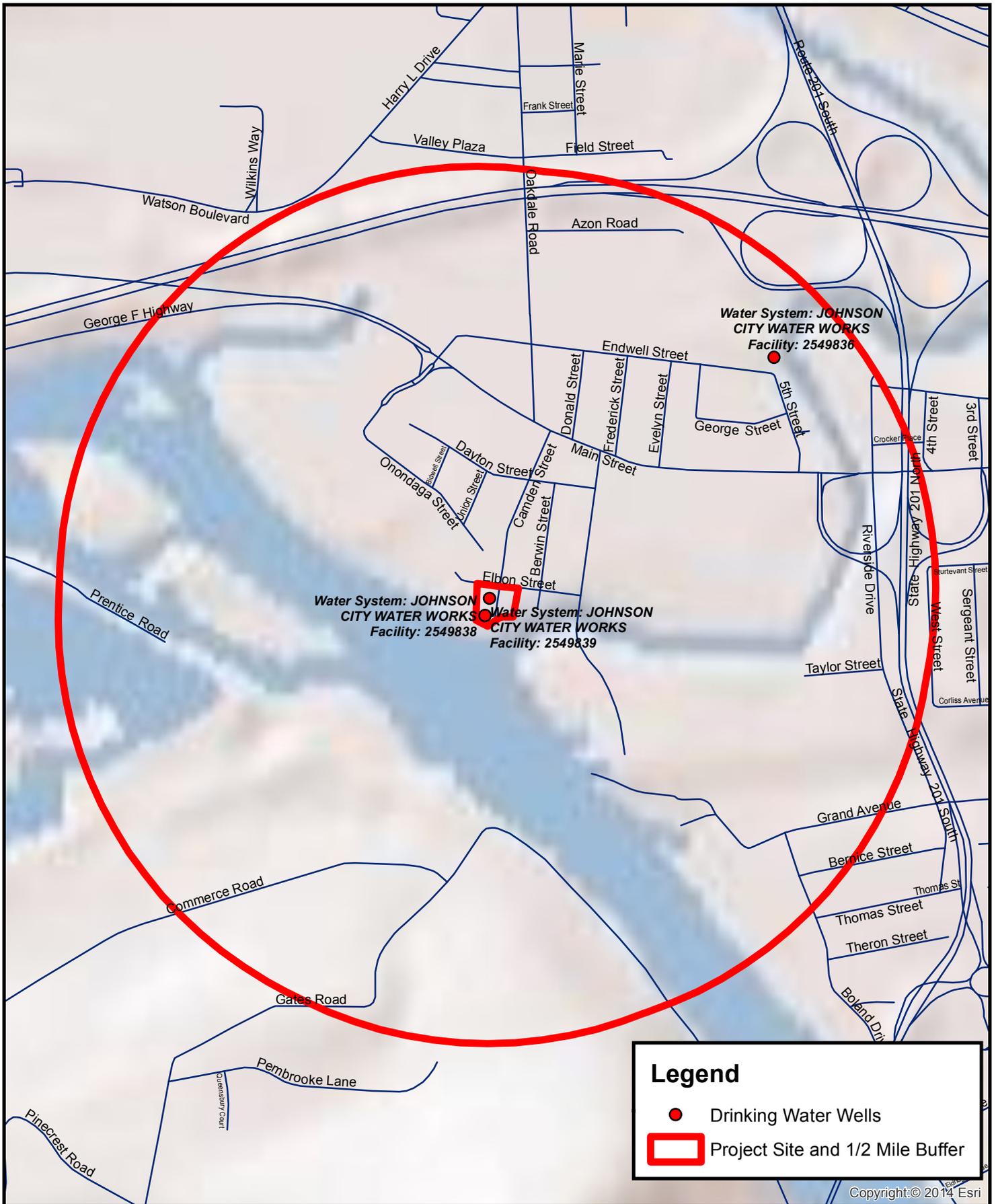
— Project Area

SSA and Floodplain Management Plan - SWAP Polygons and Drinking Wells



GOSR - Johnson City SSA and Floodplain Management Plan - 1/2 Mile Buffer  
 DRAFT - INTERNAL REVIEW ONLY  
Source: New York State GIS Clearinghouse - NYS GIS Program Office - ESRI Corporation, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri, Japan, METI, Esri, China (Hong Kong), Swis (Thailand), TomTom, Mapbox, and OpenStreetMap contributors, and the GIS User Community. Draft copy. For Internal Use only. Not to be used for any planning or policy analysis or decisions by others.

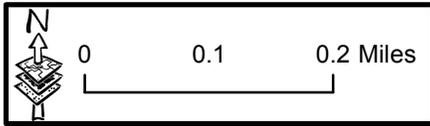
Date:	Version:	Drawn By:
10/19/2015	1.0	Dave Genaway



**Legend**

- Drinking Water Wells
- Project Site and 1/2 Mile Buffer

Copyright © 2014 Esri



GOSR - Johnson City SSA and Floodplain Management Plan - 1/2 Mile Buffer  
 DRAFT - INTERNAL REVIEW ONLY

Source: New York State GIS Clearinghouse - NYS GIS Program Office - ESRI Corporation, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri, Japan, METI, Esri China (Hong Kong), Swis (Thailand), TomTom, Mapbox, and OpenStreetMap contributors, and the GIS User Community. Draft copy - For Internal Use only. Not to be used for any planning or policy analysis or decisions by others.

 <b>GOVERNOR'S OFFICE OF STORM RECOVERY</b> <small>Where we're going to build better, we're going to build it better. Because we believe in "Stronger Than Ever."</small>		
Date:	Version:	Drawn By:
10/19/2015	1.0	Dave Genaway



Johnson City Water Treatment Plant Resiliency Improvements

Figure 4  
Site Plan

**APPENDIX E**  
**RARE ANIMALS/PLANTS AND SIGNIFICANT NATURAL COMMUNITIES REVIEW**

## Introduction

Correspondence from the NYSDEC Natural Heritage Program (NHP)<sup>1</sup> indicates that a breeding bald eagle had been documented within one-half mile of the project site. Further correspondence with the NYSDEC Region 7 Wildlife Office provided the approximate location of the bald eagle nest, which is located on an island in the Susquehanna River, northwest of the project site (see Figure 1). Nesting activity was documented at this location in 2015. While the exact location of the nest on the island is not available, the closest point of the island to the project site is 0.37 mile (approximately 2,000 feet).

Bald eagles occur in North America, and currently are found in every state except Hawaii, as well as throughout Canada. Bald eagles stand about 30 inches high, have a wingspan of 7 to 8 feet, and weigh between 8 and 14 pounds. Bald eagles are distinguished by a dark brown body with white head and white tail and bright yellow bill. The bald eagle is a long-lived bird, with a life span in the wild of more than 30 years. They prefer undisturbed forested areas near large lakes and reservoirs, marshes and swamps, or stretches along rivers where they can find open water and their primary food, fish. Bald eagles prefer to nest, perch, and roost in old-growth and mature forest stands of conifers and hardwoods. Foraging habitat for bald eagles consists of large perch trees near a body of water. Bald eagles produce only one or two offspring per year, rarely three. A bald eagle nest is a large structure; the nest is reused and added to each year, often becoming eight or more feet deep, six feet across, and weighing hundreds of pounds. eagles mate for life, returning to nest in the general area (within 250 miles) from which they fledged. In New York, the young fledge by mid to late summer at about 12 weeks of age.

## Federal Protection of Bald Eagles

*Haliaeetus leucocephalus* (bald eagles) were removed from the federal list of threatened and endangered species on August 9, 2007, and are no longer protected under the Endangered Species Act. Bald eagles are still federally protected under the Bald and Golden Eagle Protection Act (BGEPA), the Migratory Bird Treaty Act (MBTA), and the Lacey Act. The BGEPA, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22). The MBTA (16 USC §§703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986, and 1989), implements the U.S. commitment to four bilateral treaties (between the U.S. and Canada, Japan, Mexico, and the former Soviet Union) for the protection of a shared migratory bird resource. The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase or barter, any migratory bird, or the parts, nests, or eggs of such a bird, except under the terms of a valid permit issued pursuant to federal regulations. The Lacey Act (16 U.S.C. §§ 3371–3378) was passed in 1900 and protects bald eagles by making it a federal offense to take, possess, transport, sell, import, or export their nests, eggs, and parts that are taken in violation of any state, tribal, or U.S. law. A permit from the USFWS Migratory Bird Program is required if an activity will cause a disturbance to feeding, breeding, or sheltering sites, for physical removal of an eagle nest, or for a lethal take.

### *Project Considerations*

The USFWS developed the National Bald Eagle Management Guidelines<sup>ii</sup> to avoid disturbing eagles and encourage beneficial conservation practices. The project involves a Category A activity as defined by USFWS, which includes building construction of a one or two story building, with a project footprint of ½ acre or less. For Category A activities, USFWS recommends maintaining a buffer of at least 660 between project activities and the nest if the nest is visible from the project site. If the activity is closer than 660 feet, then all clearing, external construction and landscaping activities within 660 feet of the nest should be restricted to outside the nesting season. The nesting season in New York is generally January through July, so if necessary, work would be restricted to occurring in August through January. If the project activity will not be visible from the nest, USFWS recommends maintaining a buffer of at least 330 feet, and any clearing, external construction, and landscaping between 330 feet and 660 feet should be done outside breeding season. Regardless of visibility, any established landscape buffers that screen the project activities from the nest should be maintained. Also included in the federal guidance is recommendations pertaining to blasting or other loud noises (e.g., fireworks, explosives, outdoor concerts) when a nest is located within one mile of the proposed activity. For activities involving blasting or other loud noises, a minimum buffer of 0.5 mile in forested areas or 1 mile in open areas is recommended around nests, as well as communal roosts and foraging sites when eagles are present.

### **State Protection of Bald Eagles**

The bald eagle is currently listed as threatened by New York State Department of Environmental Conservation (NYSDEC) since being down-listed from endangered in 1999. Bald eagles are protected by the Environmental Conservation Law (ECL) of New York. Section 11-0103 defines eagles as wild birds and protected wildlife; Section 11-0535 affords protection to eagles as a threatened species; and 11-0537 protects bald and golden eagles and their nests and eggs. New York Code of Rules and Regulations (6NYCRR) Part 182.8 prohibits the take of any species listed as endangered or threatened, and their habitat, except as authorized by permit. Articles 15, 24, and 25 of the ECL provide additional habitat protections, as certain activities trigger review under these sections of law, providing opportunities for staff to evaluate proposed projects and avoid negative impacts to bald eagles and their habitats.

### *Project Considerations*

The NYSDEC Conservation Plan for Bald Eagles in New York State<sup>iii</sup> provides guidelines for conservation and management of the bald eagle in New York State. NYSDEC guidance for new construction recommends that construction of new buildings should not occur within 0.25 mile (1320 feet) of an eagle nest if there is no visual buffer. If a visual buffer exists and the activity/feature is not visible from the nest, such activities should not occur within 660 feet of the nest site. Additionally, landowners are encouraged to enhance, not diminish, existing visual buffers between the site and the nest. Following the USFWS National Bald Eagle Management Guidelines, a minimum buffer of 0.5 mile in forested areas or 1.0 mile in open areas is

recommended around nests for loud noises (e.g., fireworks, explosives, outdoor concerts), when eagles are present.

## **Conclusion**

Proposed project activities consists of the demolition of an existing storage building and the construction of a new one story, approximately 2,800 square foot (0.06 acre) administration and operations building. The project site is at least 2,000 feet from the bald eagle nesting location; therefore, construction activities fall well outside of the recommended USFWS and NYSDEC buffers. While the project includes the construction of a new building, a building currently exists at the project site, so an existing feature is present in the landscape. No blasting will occur during construction activities. While there are no developed areas between the project site and the nesting location, there are numerous mature trees along the shoreline of the Susquehanna River and on a separate island within the river south of the nesting location that provide visual landscape buffers that will screen the construction activity from the nest. Therefore no adverse impacts to breeding bald eagles are expected and no seasonal restrictions apply. The project is in compliance with federal and state bald eagle regulations.

---

<sup>i</sup> NYSDEC NHP. Letter dated November 3, 2015.

<sup>ii</sup> USFWS. 2007. National Bald Eagle Management Guidelines. Accessed at:

<http://www.fws.gov/northeast/ecologicalservices/pdf/NationalBaldEagleManagementGuidelines.pdf>

<sup>iii</sup> NYSDEC. 2015. Conservation Plan for Bald Eagles in New York State. January 2015. Accessed at:

[http://www.dec.ny.gov/docs/wildlife\\_pdf/baeaplan1214draft.pdf](http://www.dec.ny.gov/docs/wildlife_pdf/baeaplan1214draft.pdf)

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife and Marine Resources**  
**New York Natural Heritage Program**  
**625 Broadway, 5th Floor, Albany, New York 12233-4757**  
**Phone: (518) 402-8935 • Fax: (518) 402-8925**  
**Website: [www.dec.ny.gov](http://www.dec.ny.gov)**



November 03, 2015

Thomas J. King, Esq.  
Governor's Office of Storm Recovery  
25 Beaver Street  
New York, NY 10004

Re: Johnson City Water Treatment Plant Resiliency Improvements  
Town/City: Union. County: Broome.

Dear Thomas J. King, Esq.:

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

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur in the immediate vicinity of your project site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to 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.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Sincerely,

A handwritten signature in black ink that reads "Nick Conrad".

Nicholas Conrad  
Information Resources Coordinator  
New York Natural Heritage Program



**The following state-listed animals have been documented  
in the vicinity of your project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

**For information about any permit considerations for your project, contact the Permits staff at the NYSDEC Region 7 Office. For information about potential impacts of your project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Wildlife Manager.**

**A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.**

**The following species have been documented within .5 mile of the project site. Individual animals may travel 1 mile from documented locations.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Birds</b>			
<b>Bald Eagle</b> <i>Breeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	14236

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at [www.dec.ny.gov/animals/7494.html](http://www.dec.ny.gov/animals/7494.html).



# Governor's Office of Storm Recovery



Andrew M. Cuomo  
Governor

Lisa Bova-Hiatt  
Interim Executive Director

September 28, 2015

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 Request for the Johnson City Water Treatment Plant Resiliency Improvements, Broome County, NY

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 preparing an Environmental Assessment (EA) for the construction of a new 2,800 sf administration and operations building for the existing water treatment plant in the Village of Johnson City, 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 proposed project also includes elevating the project site above the 2011 flood of record and flood-proofing of existing well houses.

The purpose of this letter is to provide the New York State Department of Environmental Conservation notice of the proposed project and to document Endangered Species Act Section 7 compliance.

## **Program Overview**

During Tropical Storm Lee in 2011, the levee system surrounding Johnson City's water treatment plant overtopped for the first time, leading to structural damage to the water treatment plant and inundation of individual well houses. Immediately following the disaster, all water wells, including back-up wells, were out of service for approximately four days, and the water treatment facility was out of service for approximately six weeks. During the storm, the location of the current administration and operations building resulted in the loss of essential documents. It is the expectation of Johnson City that improvements to this critical public facility will increase community resiliency for future storms and flooding.

As discussed above, Johnson City is proposing development of a new approximately 2,800 square

foot administration and operations building for the existing water treatment plant. The proposed project would include the demolition of an existing storage building and the construction of a new administration and operations building at a more elevated location within the existing water treatment plant site. The new office building will include office space, administrative space, an operations room, a meter room, an employee locker room and a mechanical and electrical room. The proposed project would also include flood-proofing the three individual well houses.

Construction of a new administration & operations building for the existing water treatment plant above the 2011 flood level and flood-proofing of the existing well houses would provide crucial administration and operational functions necessary to maintain effective water supply service. Implementation of the proposed project will ensure protection of the Johnson City's assets and the safety of its citizens, as well as ensure the continuous water operational reliability during future floods.

### **Compliance**

According to the USFWS, there is one threatened species that is potentially associated with the project site – the Northern Long Eared bat (see attached list). In addition, there are several migratory birds of concern that could potentially be affected by the proposed project (see attached list).

According to information reviewed from the New York State Environmental Resource Mapper, there are no significant natural communities, however, there is the possibility of rare plants or animals that existing within the vicinity of the site. Therefore, GOSR respectfully requests NYNHP 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.

If you have questions or require additional information regarding this request, please contact me at (646) 417-4660 or [thomas.king@stormrecovery.ny.gov](mailto:thomas.king@stormrecovery.ny.gov). Thank you for your time and consideration.

Sincerely,



Thomas J. King, Esq.  
Certifying Officer  
Governor's Office of Storm Recovery  
NYS Homes and Community Renewal



Village of Johnson City Water Plant Resiliency – Project Location Map



Village of Johnson City Water Plant Resiliency – Aerial Map