

FRONT STREET STORMWATER SEPARATION PROJECT

Environmental Assessment



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

February 18, 2016

Front Street Stormwater Separation Project
Environmental Assessment

February 18, 2016

Project Name: Front Street Stormwater Separation Project

Project Location: Main Street to Prospect Street, City of Binghamton, New York

HTFC SHARS #: N/A

Federal Agency: US Department of Housing and Urban Development
Responsible Entity: New York State Homes and Community Renewal

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

Project Sponsor: City of Binghamton

Primary Contact: Philip T. Krey, P.E., City Engineer
38 Hawley Street, Binghamton, NY 13901
Phone: (607) 772-7007
Email: ptkrey@cityofbinghamton.com

Project NEPA Classification: 24 CFR 58.36 (Environmental Assessment)

Environmental Finding:	<input checked="" type="checkbox"/> Finding of No Significant Impact - The project will not result in a significant impact on the quality of the human environment.
	<input type="checkbox"/> 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 2016 NYS CDBG-DR project, Front Street Stormwater Separation Project are:

Check the applicable classification.

- Exempt as defined in 24 CFR 58.34 (a).
- Categorically Excluded as defined in 24 CFR 58.35(b).
- Categorically Excluded as defined in 24 CFR 58.35(a) and no activities are affected by federal environmental statues and executive orders [i.e., exempt under 58.34(a)(12)].
- Categorically Excluded as defined in 24 CFR 58.35(a) and some activities are affected by federal environmental statues and executive orders.
- "Other" neither exempt (24 CFR 58.34(a)) nor categorically excluded (24 CFR 58.35).
- Part or all of the project is located in an area identified as a floodplain or wetland. For projects located in a floodplain or wetland, evidence of compliance with Executive Orders 11988 and/or 11990 is required.

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



Signature of Certifying Officer

Thomas J. King

Print Name

February 18, 2016

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 2016 NYS CDBG-DR project, Front Street Stormwater Separation Project constitute a:

Check the applicable classification:

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

Check if applicable:

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



Signature of Certifying Officer

Thomas J. King

Print Name

February 18, 2016

Date

Assistant General Counsel

Title

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

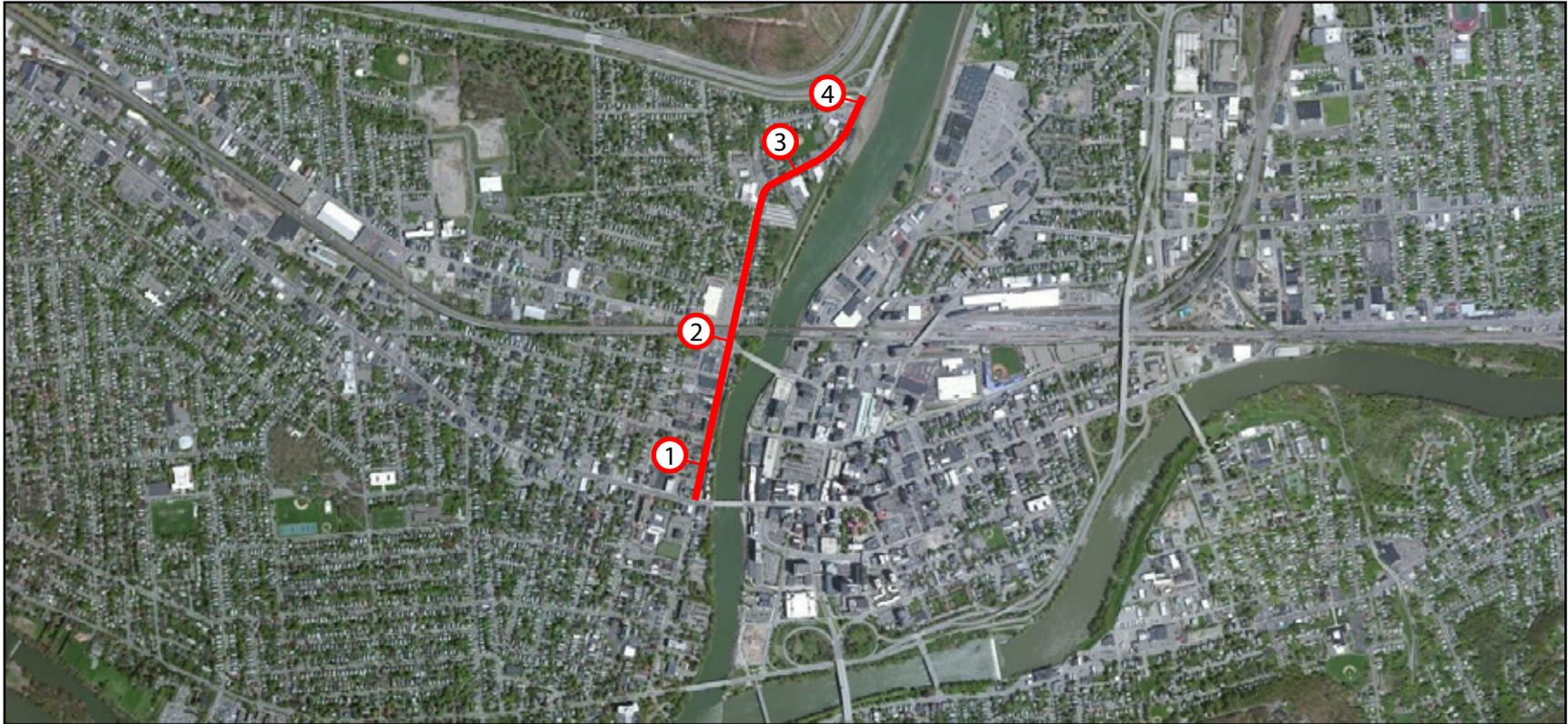
The City of Binghamton is requesting \$1,082,182 in CDBG-DR funding to construct the Front Street Stormwater Separation project. The project area is limited to Front Street (Route 11) between Main Street and Prospect Street (the “Front Street Corridor”), an approximately 1-mile stretch of road in the West Side neighborhood of Binghamton, NY (See **Figure 1**). The Front Street Corridor runs north-south, parallel to the Chenango River. The proposed project involves the replacement of approximately 1,600 linear feet of combined sewers and the separation of approximately 2,560 linear feet of storm and sanitary sewers along the Front Street Corridor. Storm sewers along Front Street would connect to an existing outfall on the Chenango River and all storm water would be filtered through an inline vortex chamber to improve quality before discharge. Construction would involve digging, pipe installation/removal, and replacement of storm drains. No work would be conducted along the river edge, river bed, or within the Chenango River and the proposed project is not expected to result in changes to the overall surface water drainage patterns.

The proposed project is part of a larger project being undertaken by the U.S. Federal Highway Administration (FHWA). The FHWA project proposes the full reconstruction of the Front Street Corridor by narrowing pavement width, installing new curb lines, incorporating shared use travel lanes and parking lanes, installing new street lighting and signage, installing new bus shelters, and replacing existing water mains. The FHWA project is intended to improve overall safety for pedestrians, bikers, and drivers while also providing better riverfront recreational access, improving neighborhood aesthetics, and creating a new gateway to the City. The proposed project and its associated improvements are proposed in conjunction with the FHWA project, in part so that no disruption of new pavement is needed at a later date. Thus, the proposed stormwater separation project, while not dependent on the FHWA project, is an integral part of the FHWA project.

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

The City of Binghamton has identified portions of the existing combined sewer system that are in poor condition with partially blocked or deteriorated areas that are impacting the capacity of the sewer. During storm events, the amount of storm water entering the city’s combined system overwhelms the regional sewage treatment system and causes the release of untreated or minimally treated effluent into adjacent waterbodies, including the Susquehanna River. The proposed infrastructure improvements would reduce the risk of localized flooding, mitigate damage from future flooding events, improve water quality, and improve public health and safety.

On August 28, 2011, Hurricane Irene hit the City of Binghamton with 3.4 inches of rain and a peak wind gust of 45 mph. Hurricane Irene’s rainfall saturated the soil and caused a moderate rise in the Susquehanna River. Ten days later, Tropical Storm Lee made landfall in New York, affecting the Southern Tier communities located along the Susquehanna River, including the City of Binghamton, with 6 to 12 inches of rain which led to massive flooding of small streams, creeks, the Susquehanna River, and its larger tributaries. During these storm events, the amount of stormwater entering the city’s combined sewer and stormwater system overwhelmed the regional sewage treatment system and caused the release of untreated or minimally treated effluent into the Susquehanna River. Implementation of the proposed project would foster the city’s recovery from these disasters by enhancing public infrastructure by increasing the ability to mitigate damage during and after future storm events.



— Project Area ① Photo Location (Keyed to Figure 2)



1. Looking north along Front Street from Main Street



2. Looking north along Front Street at Clinton Street



3. Looking south along Front Street between Valley Street and Franklin Street



4. Looking north along Front Street at Prospect Street

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

The Front Street Corridor runs parallel to the Chenango River and is located in Binghamton's West Side neighborhood, just to the west and across the river from downtown Binghamton (see **Figure 1**). Front Street serves as a gateway into the City of Binghamton, providing access to/from points northwest of the Chenango River and NYS Routes 17, I-86, I-81 and I-88. The Front Street Corridor is generally characterized by two- to three-story single-family homes with some low-rise commercial uses (see **Figure 2**). The areas surrounding the corridor include a mix of residential, open space, transportation, and commercial uses. Below-grade, Front Street has several problem areas where combined sewers are in poor condition with partially blocked or deteriorated areas.

It should be noted that portions of the Front Street Corridor are located in Zone AE and Zone X (shaded) and are within the 100-year and 500-year floodplain, respectively (see **Figure 3**). The project area is not located within a state-regulated wetland or adjacent wetland area (see **Figure 4**) or a designated federal wetland (see **Figure 5**).

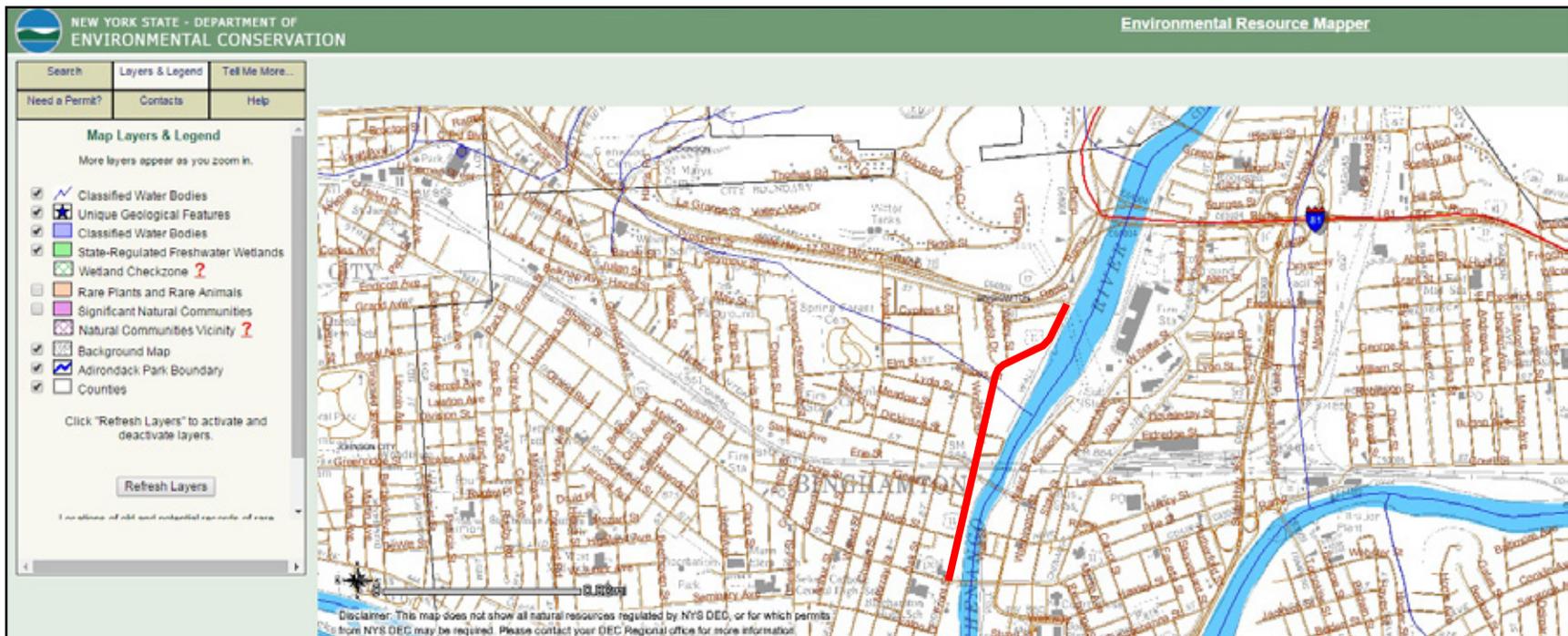
Funding Information

Estimated Total HUD Funded Amount:

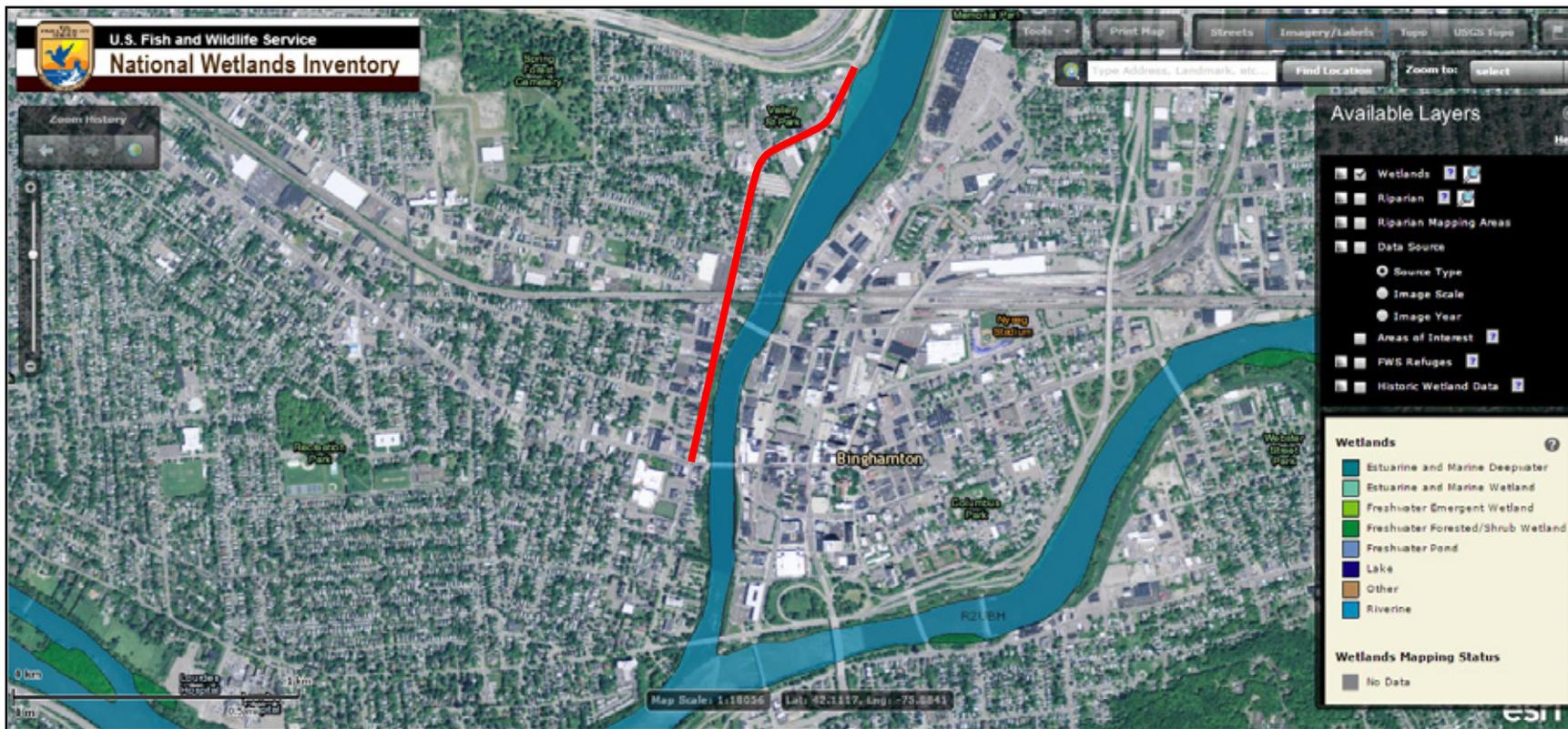
The proposed project is requesting HUD funding for the replacement of approximately 1,600 linear feet of combined sewers and the separation of approximately 2,560 linear feet of storm and sanitary sewers. The proposed work is anticipated to be completed in a single construction phase. The estimated HUD-funded cost of this work is approximately \$1,082,182.

Estimated Total Project Cost (HUD and non-HUD funds) [24 CFR 58.32(d)]:

In addition to the requested HUD funding described above, approximately \$3,736,051 in non-HUD funding has been approved for the related FHWA project, which is taking place in conjunction with the proposed project. These non-HUD funds will be used in the design, acquisition, and construction of the other aspects of the proposed project including narrowing pavement width, installing new curb lines, incorporating shared use travel lanes and parking lanes, installing new street lighting and signage, installing new bus shelters, and replacing existing water mains. Therefore, the estimated total project cost is approximately \$4,818,233.



— Project Area



— Project Area

Front Street Stormwater Separation Project

Figure 5
USFWS Wetlands Map

Compliance with 24 CFR 58.5, and 58.6 Laws and Authorities

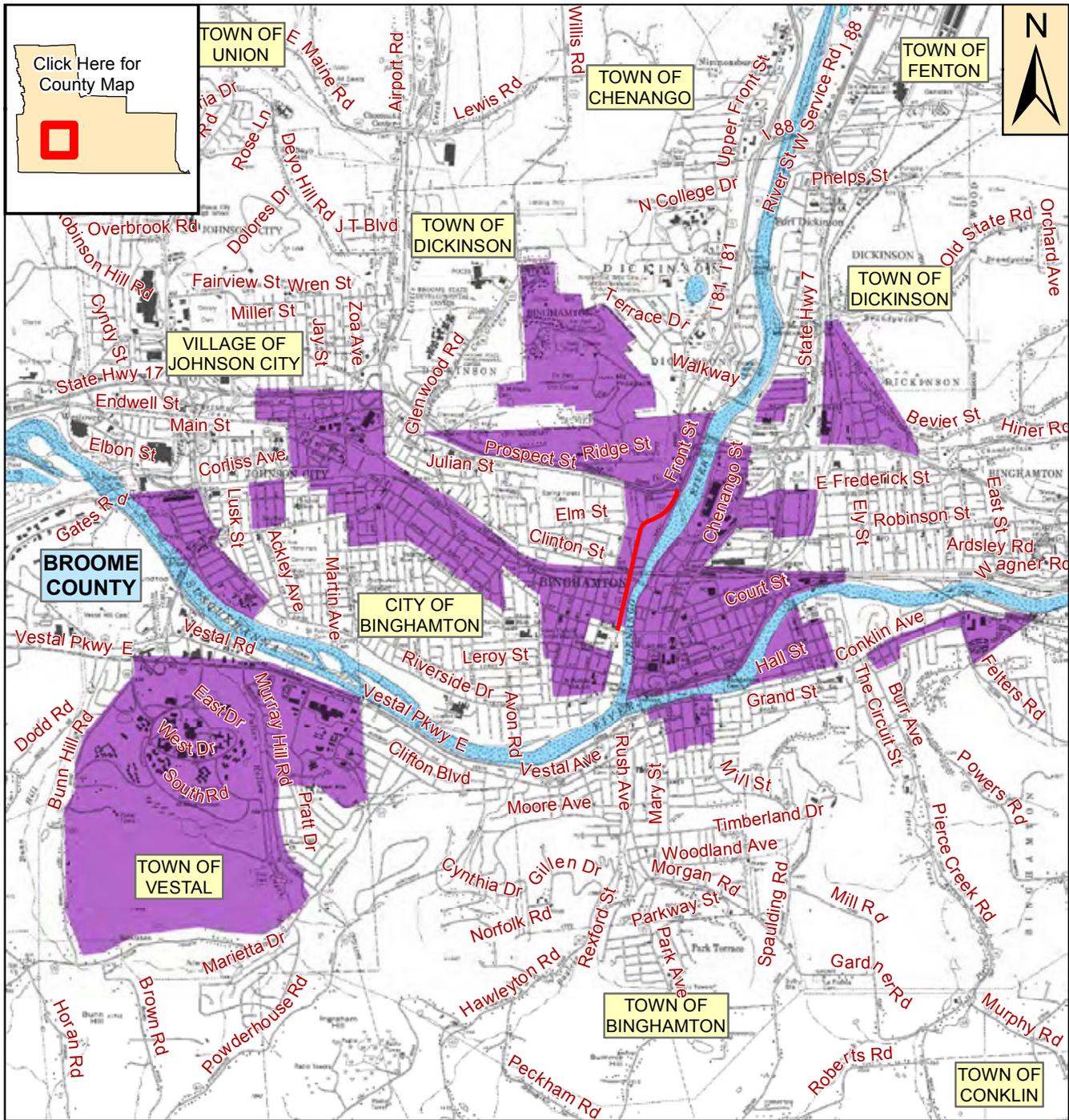
Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals.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

Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6		
Airport Hazards 24 CFR Part 51 Subpart D	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located within 1 mile of a military airport or within 2,500 feet of a civil airport. No impacts would result.
Coastal Barrier Resources Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located within a coastal barrier resource area; therefore, this standard is not applicable.
Flood Insurance Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is located within a Special Flood Hazard Area, with portions of the corridor located within the 100-year floodplain and within the 500-year floodplain. See attached FEMA floodplain map (preliminary FIRM #36007C0356F) (See Figure 3 – FEMA Floodplain Map). Proof of National Flood Insurance Program (NFIP) insurance is not required for these project activities.
STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5		
Clean Air Clean Air Act, as amended, particularly section 176(c) & (d); 40 CFR Parts 6, 51, 93	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	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 would be short-term and localized. 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.
Coastal Zone Management Coastal Zone Management Act, sections 307(c) & (d)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is not located within the boundaries of the New York State Coastal Zone. Therefore, the proposed project would be in compliance with the Coastal Zone Management Act. However, the project area is located within the boundaries of the City of Binghamton Local Waterfront Revitalization Program. The proposed project

		would not conflict with any of the City of Binghamton's waterfront revitalization objectives (See Appendix A).
Contamination and Toxic Substances 24 CFR Part 50.3(i) & 58.5(i)(2)	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	As part of the Final Design Report (2014), a hazardous materials screening was conducted. A review of local, state, and Federal environmental databases indicated 16 sites in the surrounding area with the potential for environmental concern due to the proximity of the project corridor, depth of excavation and direction of groundwater flow to the Chenango River (See Appendix B). A sub-surface investigation was completed in 2015 for nine of these sites. The investigation identified petroleum related contamination at three sites and the potential for the presence of an underground storage tank at one site. (See Appendix C for detailed summary). A soil management plan will be prepared to identify and manage any contaminated soil that may be encountered during construction. If any contaminated soil is encountered during construction, DEC would be notified through the Spill Hotline.
Endangered Species Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	A review of the United States Fish and Wildlife Service (USFWS) website indicates that one threatened species, the Northern Long Eared Bat, may lie within the vicinity of the project area. Because the proposed project would not impact the habitat of the Northern Long Eared Bat, the New York State Department of Transportation (NYSDOT) in coordination with USFWS has determined that the action would have "No Effect" on threatened or endangered species. FHWA concurred with this determination in a letter dated 4/17/2014 (See Appendix D for correspondence).
Explosive and Flammable Hazards 24 CFR Part 51 Subpart C	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The proposed project involves the replacement and separation of sewers and would 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.
Farmlands Protection Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	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.
Floodplain Management Executive Order 11988, particularly section 2(a); 24 CFR Part 55	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	The project area is located within a Special Flood Hazard Area, with portions of the corridor located within the 100-year floodplain and within the 500-year floodplain (See Figure 3 – FEMA Floodplain Map). In accordance with Executive Order 11988, a 5-step Floodplain Management Decision Making Process was followed (See Appendix E).
Historic Preservation National Historic Preservation Act of 1966, particularly	Yes No <input type="checkbox"/> <input checked="" type="checkbox"/>	A revised Phase 1A Cultural Resource Survey was completed in March, 2014. The report identified the potential presence of two historic resources, the Binghamton City Railway and the Binghamton to Chenango Forks Plank Road, beneath the pavement of Front Street

<p>sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.</p>		<p>and recommended that a Monitoring and Data Recovery Plan be prepared. The Phase IA recommended that no further archaeological work was required as long as the project area maintained the proposed horizontal and vertical limits, and did not reach below fill soils (See Appendix F). The New York State Historic Preservation Office (SHPO) and New York State Parks, Recreation, and Historic Preservation (OPRHP) were consulted in accordance with Section 106 of the National Historic Preservation Act. In a letter dated 5/13/2014, OPRHP concurred with the recommendations of the 2014 Phase IA and recommended that a geomorphological investigation be undertaken (See Appendix F for correspondence).</p> <p>Soil borings and geomorphological investigation were completed in February, 2015. Results of the study were included in a revised Phase IA completed in May, 2015. The 2015 Phase IA recommended that a Monitoring and Data Recovery Plan be prepared for potential remains of the Binghamton City Railway and Binghamton to Chenango Forks Plank Road and any other prehistoric/historic deposits encountered during construction. No further archaeological work was recommended as long as the project area maintained the proposed horizontal and vertical limits, and did not reach below fill soils (See Appendix F). In a letter dated 7/7/2015, SHPO determined that the proposed project would have an Adverse Effect on historic properties listed or eligible for listing on the National Register of Historic Places. SHPO recommended that a Memorandum of Agreement (MOA) be developed that addresses the adverse effects (See Appendix F for correspondence).</p> <p>An MOA between SHPO, FHWA, GOSR, and a number of other involved agencies and tribal nations was executed in late 2015. The MOA identified partial mitigation options and outlined the implementation of terms (See Appendix F for correspondence). The findings of the MOA have been incorporated within this document and serve as the basis for all evaluations and determinations presented herein. The execution of the MOA satisfies GOSR's requirements for compliance with Section 106 of the National Historic Preservation Act.</p>
<p>Noise Abatement and Control</p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The proposed project would not result in a new facility that would generate noise within the project area, 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.</p>
<p>Sole Source Aquifers</p> <p>Safe Drinking Water Act of 1974, as amended,</p>	<p>Yes No</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project area is located over the Clinton Street-Ballpark Valley Aquifer System Sole Source Aquifer. The U.S. Environmental Protection Agency (USEPA) was consulted. USEPA identified nine sites along Front Street as potential sources of groundwater contamination. These sites would need to be investigated prior to the start of construction.</p>

<p>particularly section 1424(e); 40 CFR Part 149</p>		<p>Any excavation conducted in the area of these potential sources would be completed in accordance with a soil management plan designed to manage soil potentially impacted by petroleum. A Storm Water Pollution Prevention (SWPP) plan would be developed and enforced according to the New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. Therefore, the proposed project would comply with Section 1424(e) of the Safe Drinking Water Act (See Appendix G for correspondence).</p>
<p>Wetlands Protection Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>No portion of the project area is located within a state-regulated wetland or wetland adjacent area (See Figure 4 – NYSDEC Wetlands Map) or a federal wetland (See Figure 5 – USFWS Wetlands Map). Therefore, the proposed project would not violate Executive Order 11990.</p>
<p>Wild and Scenic Rivers Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project area 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.</p>
<p>ENVIRONMENTAL JUSTICE</p>		
<p>Environmental Justice Executive Order 12898</p>	<p>Yes No <input type="checkbox"/> <input checked="" type="checkbox"/></p>	<p>The project area is located within a potential environmental justice area identified by the New York State Department of Environmental Conservation (See Figure 6 – Environmental Justice Map); however, the project would not create an adverse or disproportionate environmental impact or aggravate an existing impact to minority or low-income populations as it would improve existing sewer conditions, thus providing a benefit to the residents of Binghamton.</p>



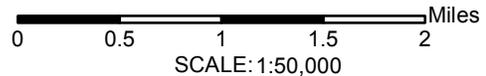
This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data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



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
LAND DEVELOPMENT		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	Allowable land uses in the City of Binghamton are determined by Chapter 410 of the City of Binghamton Code of Ordinances. City land use policies are determined by long-range planning documents such as the City of Binghamton Comprehensive Plan (2003). The zoning designation of the project area is mixed commercial and residential. The proposed project will be referred to the City's Department of Planning, Housing, and Community Development (PHCD) and City Council for determination of compliance with the zoning ordinance provisions and land use designations for the site. As the proposed project involves replacement and separation of sewers, no impacts are anticipated.
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	1	The proposed project is intended to improve drainage and stormwater collection in the surrounding area by replacing and separating existing sewers. This would reduce the potential for flooding and overflows into nearby waterbodies during future storm events. The Front Street Corridor is characterized by silt and gravelly soils that have been disturbed by previous development. No increases in surface water runoff rates and volumes are expected as a result of the proposed project. Stormwater runoff from Front Street enters an existing combined sewer via storm inlets along the curb. In the future with the proposed project, storm sewers along Front Street would connect to an existing outfall on the Chenango River and all storm water would be filtered through an inline vortex chamber to improve quality before discharge. During construction, stormwater runoff from exposed soil surfaces may flow into the existing surface conveyance system and subsequently into adjacent surface water streams. A sediment and erosion control plan will be implemented pursuant to state guidelines in order to manage these flows. A SWPP plan will be developed and enforced by the NYSDEC/SPDES stormwater regulations (See Appendix G).

Hazards and Nuisances including Site Safety and Noise	2	As part of the Final Design Report (2014), a hazardous materials screening was conducted. A review of local, state, and Federal environmental databases indicated 16 sites in the surrounding area with the potential for environmental concern due to the proximity of the project corridor, depth of excavation, and direction of groundwater flow to the Chenango River (See Appendix B). A detailed site investigation of hazardous waste and contaminated materials was completed in 2015 for nine of these sites. The investigation identified petroleum related contamination at three sites and the potential for the presence of an underground storage tank at one site. (See Appendix B for detailed summary). Measures would be implemented to minimize the exposure of workers and the public to any hazardous materials present on-site, including the preparation of a soil management plan to manage any contaminated soil that may be encountered during construction. If any contaminated soil is uncovered during construction, DEC would be notified through the Spill Hotline. Other typical effects of construction may include sidewalk and road closures and fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York State, Broome County, and Binghamton. 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. No impacts are anticipated.

Environmental Assessment Factor	Impact Code	Impact Evaluation
SOCIOECONOMIC		
Employment and Income Patterns	2	The actions comprising the proposed project are limited to the replacement and separation of existing sewers. The proposed project has no potential to affect employment opportunities or income patterns. Therefore, no impacts are anticipated.
Demographic Character Changes, Displacement	2	The actions comprising the proposed project are limited to the replacement and separation of existing sewers. The project is not expected to induce any change in the demographic character of the surrounding 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	Impact Code	Impact Evaluation
COMMUNITY FACILITIES AND SERVICES		
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 determined that the proposed project would have an Adverse Effect on historic properties listed or eligible for listing on the National Register of Historic Places. SHPO recommended that a MOA be developed that addresses the adverse effects (See Appendix F). An MOA between SHPO, FHWA, GOSR, and other involved agencies and tribal nations was executed in late 2015. The MOA identified partial mitigation options and outlined the implementation of terms (See Appendix F for correspondence). The findings of the MOA have been incorporated within this document and serve as the basis for all evaluations and determinations presented herein. The execution of the MOA satisfies GOSR's requirements for compliance with Section 106 of the National Historic Preservation Act.

Commercial Facilities	2	The proposed project is limited to the replacement and separation of existing sewers 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 replacement and separation of existing sewers 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 replacement and separation of existing sewers and would not introduce any new development that would generate significant levels of solid waste. Therefore, no impacts are anticipated.
Waste Water / Sanitary Sewers	1	The proposed project is limited to the replacement and separation of existing sewers and would not introduce any new development that would generate waste water. The storm sewer would connect to an existing outfall and all storm water would be filtered to improve quality before discharge. By repairing and separating storm and sanitary sewers, the proposed project would reduce demand on sewer utilities, reduce the risk of localized flooding, and reduce the risk of untreated discharges into adjacent waterbodies. According to the federal law commonly known as Stormwater Phase II, permits are required for stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s) in urbanized areas and those additionally designated by the Department. Owners or operators of such MS4s must be authorized in accordance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems. A SPDES permit will be completed for the project
Water Supply	2	Water supply is provided by the City of Binghamton. The proposed project is limited to the replacement and separation of existing sewers 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 is limited to the replacement and separation of existing sewers and would not introduce any new development that would generate demand for police, fire, or emergency medical services.
Parks, Open Space and Recreation	2	The proposed project is limited to the replacement and separation of existing sewers. 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 is limited to the replacement and separation of existing sewers. 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.

Environmental Assessment Factor	Impact Code	Impact Evaluation
NATURAL FEATURES		
Unique Natural Features, Water Resources	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 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 project area does not contain any agricultural lands and is not suited for agricultural uses. Therefore, no impacts are anticipated.
Vegetation, Wildlife	2	A review of the USFWS website indicates that one threatened species, the Northern Long Eared Bat, may lie within the vicinity of the project area. Because the proposed project would not impact the habitat of the Northern Long Eared Bat, the New York State Department of Transportation (NYSDOT) in coordination with USFWS has determined that the action would have “No Effect” on threatened or endangered species. FHWA concurred with this determination in a letter dated 4/17/2014 (See Appendix D for correspondence). Information has also been received from NYSDEC New York Natural Heritage Program. The NYSDEC reviewed the New York Natural Heritage Database and found that the project vicinity is potential habitat for the brook floater and yellow lampmussel; however, these are freshwater aquatic species found in local rivers and are unlikely to be affected by the proposed project (See Appendix D for correspondence).
Other Factors		N/A

Additional Studies Performed:

- February, 2008 – Front Street Gateway Plan, Binghamton Metropolitan Transportation Study, completed by FHWA
- March, 2014 – Phase IA Cultural Resource Reconnaissance Survey completed by Morton Archaeological Research Services
- July, 2014 – Front Street Gateway Highway Project, Final Design Report completed by FHWA
- May, 2015 – Phase IA Cultural Resource Reconnaissance Survey completed by Morton Archaeological Research Services

Field Inspection (Date and completed by):

- December, 2009 – Detailed site investigation of hazardous materials completed by NYSDOT
- April, 2010 – Subsurface investigation completed by SJB Services Inc.
- June, 2015 – Detailed site investigation of hazardous waste/contaminated materials completed by Ravi Engineering & Land Surveying, P.C.

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

- City of Binghamton – Local Waterfront Revitalization Program (2005)
- City of Binghamton – Blueprint Binghamton Comprehensive Plan (2014)
<http://www.binghamton-ny.gov/blueprint-binghamton-comprehensive-plan>
- Federal Emergency Management Agency – Map Service Center
<https://msc.fema.gov/portal/search?AddressQuery=binghamton%2Cny>
Last accessed December 3, 2015
- New York State Department of Environmental Conservation – Wild and Scenic Rivers
<http://www.dec.ny.gov/permits/32739.html>
Last accessed December 4, 2015
- New York State Department of Environmental Conservation – Environmental Resource Mapper
<http://www.dec.ny.gov/animals/38801.html>
Last accessed January 18, 2016
- New York State Department of Environmental Conservation – Natural Heritage Program
Letter dated January 22, 2016
- New York State Department of Environmental Conservation – Chemical/Petrol Spills Incidents
<http://www.dec.ny.gov/cfm/externalapps/derexternal/index.cfm?pageid=2>
Last accessed December 2, 2015
- New York State Department of Environmental Conservation – Environmental Justice
<http://www.dec.ny.gov/public/899.html>
Last accessed January 18, 2016
- New York State Department of Environmental Conservation – Sole Source Aquifer
<http://www.epa.gov/region2/water/aquifer>
Last accessed December 4, 2015
- New York State Department of State – NYS Coastal Zone Map
http://appext20.dos.ny.gov/coastal_map_public/map.aspx
Last accessed December 4, 2015
- New York State Department of Transportation
Letter dated January 14, 2016
- New York State Historic Preservation Office
Letter dated July 7, 2015
- The Saratoga Associates – Draft Comprehensive Plan (2002)

- United States Department of Agriculture
<http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
Last accessed December 4, 2015
- United States Environmental Protection Agency – Nonattainment Areas for Criteria Pollutants
<http://www.epa.gov/airquality/greenbook/ancl.html>
Last accessed December 2, 2015
- United States Environmental Protection Agency
Letter dated June 23, 2015
- United States Federal Highway Administration
Letter dated April 17, 2014
- United States Fish and Wildlife Service – Endangered Species
<http://ecos.fws.gov/ipac/>
Last accessed May 7, 2015
- United States Fish and Wildlife Service – Wetland Mapper
<http://www.fws.gov/wetlands/Data/Mapper.html>
Last accessed January 18, 2016

List of Permits Obtained or Required:

- NYSDEC – State Pollution Discharge Elimination System (SPDES) General Permit

Public Outreach [24 CFR 50.23 & 58.43]:

The New York Rising Community Reconstruction (NYRCR) Program sets a new standard for community participation in recovery and resiliency planning, with community members leading the planning process. Across the State, more than 500 New Yorkers represent their communities by serving on Planning Committees. More than 400 Planning Committee Meetings have been held, during which Planning Committee members worked with the State’s NYRCR Program team to develop community reconstruction plans and identify opportunities to make their communities more resilient. All meetings were open to the public. An additional 125-plus public engagement events attracted thousands of community members, who provided feedback on the NYRCR planning process and proposal. The NYRCR Program’s outreach has included communities that are traditionally underrepresented, such as immigrant populations and students.

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 2/20/2016. 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]:

The proposed project is not expected to trigger cumulative impacts that would degrade important natural resources, socioeconomic resources, human health, recreation, quality of life issues, and cultural and historic resources. The proposed project, combined with other rehabilitation projects in the vicinity, would result in positive cumulative impacts to the West Side neighborhood that would align with the redevelopment goals of the City of Binghamton.

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

Only one alternative, the No-Action alternative, has been identified for the proposed project. The No-Action alternative is discussed in detail below.

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

Under the No-Action alternative, the replacement and separation of existing sewer lines would not occur. Without the proposed project, the existing combined sewer system along the Front Street Corridor would remain in poor condition with partially blocked and deteriorated areas. The sewer system in this area of Binghamton would continue to operate at a reduced capacity, remaining susceptible to not only local flooding incidents but also system-wide overflows and backups during future periods of heavy rainfall and storms.

Summary of Findings and Conclusions:

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. Therefore, no environmental impacts would occur as a result of the proposed project.

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

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

Law, Authority, or Factor	Mitigation Measure
National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800; Tribal notification for new ground disturbance.	An MOA between SHPO, FHWA, GOSR, and a number of other involved agencies and tribal nations was executed in late 2015. The MOA identified partial mitigation options and outlined the implementation of terms (See Appendix F for correspondence). The findings of the MOA have been incorporated within this document and serve as the basis for all evaluations and determinations presented herein. The execution of the MOA satisfies GOSR's requirements for compliance with Section 106 of the National Historic Preservation Act.
Hazards and Nuisances including Site Safety and Noise	Measures would be implemented by the City of Binghamton to minimize the exposure of workers and the public to any hazardous materials present on-site, including the preparation of a soil management plan to manage any contaminated soil that may be encountered during construction. If any contaminated soil is uncovered during construction, DEC would be notified through the Spill Hotline. Other typical effects of construction may include sidewalk and road closures and fugitive dust and noise, which would be addressed under existing regulations governing construction activity in New York State, Broome County, and Binghamton.
Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149	A Storm Water Pollution Prevention (SWPP) plan would be developed and enforced according to the New York State Department of Environmental Conservation (NYSDEC) and SPDES stormwater regulations. Therefore, the proposed project would comply with Section 1424(e) of the Safe Drinking Water Act (See Appendix G for correspondence).
Soil Suitability/ Slope/ Erosion/ Drainage/ Storm Water Runoff	Under existing conditions, stormwater runoff from Front Street enters a combined sewer via storm inlets along the curb. In the future with the proposed project, storm sewers along Front Street would connect to an existing outfall on the Chenango River and all storm water would be filtered through an inline vortex chamber to improve quality before discharge. These measures would be implemented by the City of Binghamton.

Standard Conditions for All Projects

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

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

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

Name/Title/Organization

February 18, 2016

Date



Signature of Certifying Officer
Thomas J. King

Print Name

February 18, 2016

Date
Assistant General Counsel

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
CITY OF BINGHAMTON LOCAL WATERFRONT REVITALIZATION PROGRAM

1.0 Waterfront Revitalization Policies

An integral part of the Local Waterfront Revitalization Program is the adaptation of the State-established waterfront policies by the local communities. This allows communities, like Binghamton, to identify their own waterfront issues and utilize local approaches to address them. Once the LWRP is accepted by the Department of State, the local policies possess the legal authority for any activity occurring within the designated LWRP boundary.

The policies identified below for the City of Binghamton are consistent with those established by the New York Department of State, yet they are specifically tailored to meet the specific needs and characteristics of the City. The policies have been developed in accordance with input obtained through meetings with local officials, the LWRP Steering Committee and interested citizens and organizations. Background documents, including the recently completed City of Binghamton Comprehensive Plan and Future Zoning map were also reviewed and considered in the development of the LWRP policies.

Policy standards are provided for each Department of State designated policy to further explain the general policy. They provide standards by which the local, state and federal government can better determine if the overall LWRP policies are being adequately addressed and met within the community.

General Policy

Policy 1 Foster a pattern of development in the riverfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a coastal location, and minimizes adverse effects of development.

The dominance of waterfront features in the City of Binghamton and the rivers' vitality is a critical component of the future character and development of the area. The character of the waterfront revitalization area is currently defined by commercial and residential development, interspersed with open and green spaces. The City's commercial enclaves, as well as the traditional central business district, are included in the waterfront revitalization area boundaries. New development in the City has been limited, as a large portion of new commercial and residential growth has taken place in adjoining "suburban" communities. Infrastructure (roads, water, sewer) has made this outlying development easy to accommodate.

The revitalization of waterfront areas is one of the most effective means of encouraging economic growth and rejuvenating residential and commercial districts in the City. The longstanding planning goals of the City of Binghamton are to increase the utilization of the waterfront and promote economic development in order to improve the overall quality of life for Binghamton residents and visitors. The future zoning map, as proposed in the City of Binghamton's Comprehensive Plan, identifies specific areas of the City, namely along Main Street, in the existing CBD and along portions of both rivers for future commercial development and economic growth, with residential development focused to the more outlying areas. Inherent in these goals is the preservation of the region's abundant natural resources, while allowing for additional commercial and residential growth.

The City of Binghamton LWRP policies seek to advance these longstanding planning goals and to further the shared vision of the areas future. The policies are designed to foster a development pattern that provides for:

- the beneficial use of waterfront areas:
- enhances existing recreation, open space and natural areas;
- encourages water dependent uses; minimizes potential adverse impacts associated with further development; and
- protects stable residential areas.

Development that does not reinforce the traditional land use pattern within the City would result in the loss of their landscape and overall community character.

Policy Standards

Policy 1.1 Ensure that development or uses make beneficial use of their waterfront location and concentrate future developments to appropriate waterfront sites in order to revitalize deteriorated and underutilized waterfront sites and strengthen the overall waterfront focus of the City of Binghamton.

Although the City of Binghamton is situated directly on two rivers, it has limited potential for future development and redevelopment directly along the water's edge. Due to the fact that water-based uses are limited, it is important that the City encourage development and redevelopment that is appropriate for a waterfront location and is properly sited, designed and oriented towards the water. If the development is not directly adjacent to the water, it should have strong pedestrian connections that expand upon the current pedestrian circulation system and easily link residents and visitors to the various activities and facilities located on the waterfront.

Existing water-dependent and water-enhanced uses that are currently situated along the water's edge will be protected and allowed to fully continue functioning as access to the water is an integral part of these uses. New development directly at the water's edge which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided. Any new development, particularly large-scale projects and activities, should be located where infrastructure is adequate to support the proposed development or could be easily upgraded to service the new development. New development, and particularly redevelopment efforts, should be focused in the Central Business District where the necessary public infrastructure is already in place. The revitalization of the downtown should be viewed as integral to the sustainability of future waterfront development.

Uses should be avoided that would result in a loss of waterfront resources, ignore the waterfront setting as indicated in design and orientation or that do not derive economic benefit from a waterfront location. A development pattern that avoids environmentally sensitive areas exhibiting poor drainage, high erosion hazard, extreme flood hazards, sensitive riverbank features and a high scenic and aesthetic quality should be promoted.

To accommodate new waterfront development in an orderly manner and foster a safe, convenient atmosphere, the issue of access and parking should be addressed for a variety of vehicle types, including bicycles. The City of Binghamton will review their local land use regulations to ensure that provisions for parking within close proximity to the waterfront are made.

Regulations should be determined regarding the specific number of spaces that are required for various new uses that may begin to emerge in the waterfront revitalization area, such as a community gathering area, mixed-use development nodes and expanded recreation and open space facilities. Specific parking requirements are outlined in the City of Binghamton Zoning Code, Section 1005, and should be reviewed for their applicability to the waterfront revitalization area when the City of Binghamton undertakes the process of updating their Zoning Code. For uses proposed within the waterfront revitalization area, parking requirements are currently determined to be as follows:

Dwelling, one-unit	2 spaces
Dwelling, two-unit	4 spaces
Dwelling, multiple unit	2 spaces
Hotel and motel	1.5 spaces per room
Recreation facility	1 space for each three occupants based on maximum capacity
Theater	1 space for each four seats
General Retail	1 space for each 250 s/f of gross floor area
Restaurant	1 space for each 100 s/f
Professional Office	1 space per 300 s/f

Parking requirements and standards should be revised and reviewed based on the implementation of proposed projects within the waterfront revitalization area.

Incentives should be offered to develop shared parking facilities to ensure minimal impact to the aesthetic quality of the waterfront and to promote efficient use of land and resources. Bicycle parking facilities for both long-term (bike lockers) and short-term (bike racks) should be considered at appropriate locations. The City should provide a reduction in the number of required off-street parking spaces for uses that provide bicycle parking or that make special provisions to accommodate bicyclists. Consideration of the seasonal nature of bicycle use should be given in approving this reduction.

Policy 1.2 Protect stable residential areas from deterioration and incompatible uses, while providing additional housing options.

Residential areas along the Chenango and Susquehanna Rivers are generally stable and range from older housing to renovated housing and new construction, and are generally located within specific, concentrated areas. One fully developed residential area within the waterfront revitalization area boundaries is located on the south side of Riverside Drive between the northern banks of the Susquehanna River. This residential area consists of larger scale homes, with construction dates ranging from the late 1800's to present. This is one of the most stable, successful residential neighborhoods within the City.

A second residential neighborhood within the LWRP waterfront revitalization area is located directly east of the Central Business District, bordered by Carroll Street to the west, Henry Street to the north and the Susquehanna River to the east and south. Additional residential pockets are located in northern Binghamton along Chenango Street and on the east side of the City between Conklin Avenue and the Susquehanna River. The predominant type of housing in all of these neighborhoods is single-family residential and are not subject to any foreseeable changes in market conditions or factors which would significantly alter the existing character. In protecting viable residential areas, the existing housing stock should be preserved and opportunities provided for the development of a variety of housing types to meet the needs of a variety of people. New development located in or adjacent to existing residential areas should be compatible with existing neighborhood characters. Whenever practical, infill techniques should be used to integrate affordable housing in existing neighborhoods, on existing lots.

Binghamton, in a joint effort with Cornell University – College of Environmental Science and Forestry and local neighborhood groups working on behalf of neighborhoods in the northern area of the City, are currently involved in a planning endeavor aimed at improving various elements of the north side neighborhoods. Today the north side neighborhoods are characterized by deteriorating residential properties, under-utilized commercial properties and conflicting highway patterns. The planning process currently being undertaken is focused on creating programming and development scenarios that would re-establish the residential quality and conditions in the area, redevelop Binghamton Plaza as a commercial destination and enhance amenities at Cheri A. Lindsey Park for residents and visitors. The focus rests primarily on strengthening the existing stable residential neighborhoods, with the expectation that improvements in the commercial base would be a logical and natural, market-driven outcome.

New large-scale uses that have a large amount of parking, noise and garbage associated with them should be avoided in stable residential areas. Where appropriately scaled, commercial development is allowed to occur only if provisions are made to reduce impacts on adjacent neighborhoods, including screening, light and noise reduction.

Policy 1.3 Ensure that development or land uses take appropriate advantage of their riverfront location.

There is only a limited amount of waterfront land in the City of Binghamton suitable for further development purposes. Allowing only market forces to determine the future, long-term use of these lands will not be enough to ensure an attractive, publicly accessible waterfront in the City. This policy seeks to provide a measure of control to future waterfront uses in the region by devoting these lands to uses that are water-dependent or water-enhanced. It is important that the City

encourage development and redevelopment that is appropriate for a waterfront location and is properly sited, designed and oriented towards the water. If the development is not directly adjacent to the water, it should have strong pedestrian connections that expand upon the current pedestrian circulation system and easily link residents and visitors to the various activities and facilities located on the waterfront.

Water-dependent uses are defined by the Department of State as those "activities that require a location, in, on, over or adjacent to the water because the activities require direct access to water, and the use of water is an integral part of the activity". Water-enhanced uses are also defined by the State as those "activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge, if properly designed and sited. Water-enhanced uses are generally of a recreational, cultural, commercial, or retail nature".

There are currently a limited variety of opportunities available for residents and visitors to enjoy the Chenango and Susquehanna Rivers and water-enhanced uses, as opposed to water-dependent uses, account for the majority of current land uses along the river's edges. The role the rivers played in the history of the area and their current potentials could fuel future tourism efforts throughout the City, and the region. Maintaining and enhancing the water-dependent and water-enhanced uses along the riverbanks is recognized as integral to the future vision of the City. Existing water-dependent and water-enhanced uses that are currently situated along the water's edge should be protected and allowed to fully continue functioning as access to the water is an integral part of these uses. New development directly at the water's edge which is not dependent on a waterfront location or which cannot make beneficial use of a waterfront location should be avoided.

The lands along the Chenango River should be developed as an "urban waterfront" with urban characteristics, such as defined boardwalks, railings, benches, lighting and hard-edge amenities which are consistent with the existing character of the Chenango riverfront. Lands along the Susquehanna riverfront should be developed as a "natural waterfront", consistent with existing conditions. Amenities would include natural trails, wooded lots and naturalized open space areas. Cheri A. Lindsey Park, Sandy Beach Park, Confluence Park and existing boat launch areas should be further promoted as the most suitable locations for water-dependent uses within the City of Binghamton.

Policy 1.4 Maintain and enhance natural areas and open space land.

Natural areas and open space lands in the City of Binghamton produce immeasurable public benefits. In addition to the aesthetic and recreational contributions that these lands supply, they also support wildlife, providing habitats for birds, fish and other wild animals. In addition, the rivers provide a water source for the region and contribute to the overall economy of the area.

The loss of economic, environmental and aesthetic values of important natural and open space lands within the City of Binghamton should be avoided. Protect and maintain the natural resource values of the City of Binghamton, including open water, creeks, woodlands, beaches and the diversity of wildlife and fish resources to the maximum extent possible. Whenever possible, avoid expanding infrastructure and services which would promote conversion of these lands to other uses. The natural areas and open spaces that should be maintained to the greatest extent possible include all public park and recreation areas within the waterfront revitalization area and the natural riverbank characteristics along both banks of the Susquehanna River. Trail development in this area should preserve, to the greatest extent possible, the natural character of the riverbanks and not encroach on the habitats of any natural resources or wildlife.

Policy 1.5 Maintain and enhance park and recreation lands in the City.

Parks and recreation lands in the City of Binghamton produce immeasurable public benefits. These lands supply residents and visitors with active and passive recreation opportunities and improve the overall quality-of life experience. The City should promote park and recreation lands for the purpose of supplying residents and visitors with active and passive recreation opportunities that improve the overall quality-of life experience and provide additional recreation oriented activities within the City. Apart from minimal shoreline trails, park and recreation use of the waterfront is currently quite limited in the City due to flood control features and walls.

Policy 1.6 Minimize potential adverse land use, environmental and economic impacts that would result from proposed developments.

To enhance community character and maintain and improve the quality of the natural and man-made environments of the community, any potential adverse impacts on existing development, the natural environment and the economy must be addressed and mitigated. All local (zoning and site plan review), state and federal review processes should be strictly administered and enforced in an effort to ensure the protection of the City of Binghamton community, including the adherence of all requirements of the State Environmental Quality Review Act (SEQRA).

All new uses within the City of Binghamton LWRP boundaries should relate to the unique qualities associated with a waterfront location and match existing site characteristics, limit disturbance to land and water and foster visual compatibility with surrounding areas. All potential projects shall be reviewed and this review shall take into account the economic, social and environmental interests of the City. All development shall take place in a manner that preserves community character, environmental quality, open space, natural resources and existing water-dependent uses. Existing developments should consider alterations that promote the redesign and configuration of these uses to make better use of their waterfront location, with façade openings on the waterside.

Economic Development Policies

Policy 2 Protect Binghamton’s water-dependent uses and promote siting of new water-dependent uses in suitable locations.

As described in further detail in Section 2.6 of Chapter 2.0 – Inventory and Analysis, the Chenango and Susquehanna Rivers are generally not navigable, due to the shallow depth of the water in both rivers. As such, water uses are confined to small watercraft, such as paddleboats, canoes and rowboats, resulting in a limited amount of activity within the waterways. In addition, public access to the rivers is further constrained by a system of flood control walls and features that have been constructed along the shorelines. Due to the restricted amount of water use activity that exists in the Chenango and Susquehanna Rivers, a Harbor Management element of the Local Waterfront Revitalization Program is not necessary.

Existing water-dependent uses in the City of Binghamton include a number of small, underutilized boat launches and recreational fishing facilities. The continued enhancement of these limited uses is desirable to preserve and promote the City’s character and economic well being. Actions that would adversely impact or interfere with these and other water-dependent uses should be avoided.

Many water-dependent uses are often supported by, and integrated with, non-water-dependent uses that are complementary and supportive to the water-dependent use and do not impair the functioning of the water-dependent use. In many cases, these support uses are considered water-enhanced uses. The water-enhanced uses often provide beneficial support to the primary use, as well as an additional convenience to waterfront users.

Sub-policies and policy standards for the siting of water-dependent and non-water-dependent uses are established below.

Policy Standards

Policy 2.1 Protect existing water-dependent uses located near or adjacent to the Chenango and Susquehanna Rivers.

As new developments are considered along the Chenango and Susquehanna Rivers, the impacts of the development on existing water-dependent uses should be considered. Actions that would adversely impact or interfere with these existing uses should be avoided. Existing uses within the City of Binghamton include all identified boat launches and recreational fishing facilities.

In specific cases, non-water dependent uses on waterfront lands may be allowed provided that one or more of the following criteria are met: the use is an accessory use to a water-dependent use and contributes to the sustainment of the water-dependent use, the use accentuates the water-dependent use and is accompanied by a demonstrable commitment to continue operation of a water-dependent use, the use is sited and operated so as not to interfere with the principal operation of the site of a water-dependent use or the use does not preclude future expansion of a water-dependent use.

Policy 2.2 Promote the siting of new water-dependent uses at suitable locations along the Chenango and Susquehanna riverfronts.

New water-dependent uses proposed for the City’s riverfront areas have a varied choice of possible sites due to the large expanse of waterfront in the area. Careful review of each individual project is required to ensure the development does not adversely impact the natural environment, existing community character or scenic or aesthetic resources.

The City should seek to attract a mix of unique, water-based businesses and attractions that increase the activity at appropriate sites along the waterfront while not harming the existing natural riverfront character. Uses that are not directly water-dependent or water-enhanced should be avoided in these locations but relocated in an area near these waterfront lands.

The development and redevelopment of new and existing waterfront parks, such as Sandy Beach, Confluence Park and Cheri A. Lindsey Park, should include public open space, such as green space, recreation facilities or water-dependent uses, such as a boat launch or marina. The preservation and enhancement of the City of Binghamton’s waterfront as an anchor for regional wide resident and visitor amenities should be encouraged. The City could build upon existing waterfront tourism measures, such as the New York State Heritage Trail – Revolutionary War program, to promote its history, amenities and to further City wide economic development.

Policy 2.3 Allow water-enhanced uses that complement or improve the viability of water-dependent uses.

Water-enhanced uses are those activities that do not require a location on the water to function, but whose location on the waterfront could add to public enjoyment and use of the water’s edge, if properly designed and sited. Acceptable water-enhanced uses are generally of a recreational, cultural, commercial or retail nature. Along the City of Binghamton waterfront, acceptable water-enhanced uses may include waterfront trails, open space areas for passive recreation activities, commercial uses oriented to the water, restaurants which make use of their waterfront views and active recreation facilities. The waterfront should be both visibly and physically connected to the City’s central business district in order to promote the economic development of both areas.

The following criteria shall be considered when determining if a water-enhanced use is appropriate along the waterfront:

- the use would provide an economic incentive to prevent the loss of a water-dependent use,
- the use would be sited and operated so that it does not interfere with water-dependent uses, or
- the use would be sited in a manner that, as far as can be determined, does not preclude future expansion of a water-dependent use.

Policy 2.4 Promote the efficient management of surface waters and underwater lands within the City of Binghamton.

To effectively administer this policy, the City of Binghamton shall adopt suitable planning techniques for water uses, as outlined in Chapter 6.0: Techniques for Local Implementation. A number of techniques, known as water surface laws, could be implemented to reduce any potential conflicts between activities and uses in the rivers, such as water use zones. Due to limited use of the rivers for navigation and recreational purposes, potential conflicts are minimal, but should still be addressed.

Policy 3 Protect agricultural lands.

The intent of this policy, as stated by the Department of State, is to conserve and protect agricultural land by preventing the conversion of farmland to other uses and protect existing and potential agricultural production.

For the purposes of this policy, agricultural lands are lands included in agricultural districts as created under Article 25 – AA of the Agricultural and Markets Law; lands comprised of soils classified in soil groups 1,2,3 or 4 according to the NYS Department of Agriculture and Markets Land Classification System; or lands used in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law.

This policy does not directly apply to the City of Binghamton, as there are no agricultural lands within the LWRP waterfront revitalization area boundaries, or within the City limits.

Policy 4 Promote sustainable use of fish and wildlife resources.

Continued use of the City's living marine resources depends on maintaining the long-term health and abundance of fisheries resources and their habitats, and on ensuring that the resources are sustained in usable abundance and diversity for future generations. This requires the active management of fisheries, protection and conservation of habitats and maintenance of water quality at a level that will foster occurrence and abundance of living marine resources. Allocation and use of the available resources must be consistent with the restoration and maintenance of healthy stocks and habitats. They must also maximize the benefits of resource use so as to provide valuable recreational experiences and viable business opportunities for recreational fishing.

Activities that might have a significant adverse impact on fish or wildlife populations should not be undertaken. The sub-policies and policy standards below expand upon these objectives.

Policy Standards

Policy 4.1 Ensure the long-term maintenance and health of the living marine resources in the waters of the City of Binghamton.

Any project that permanently or significantly creates increased sedimentation, erosion or toxic discharge into the river should not be undertaken in order to ensure the long-term maintenance of living resources in the Chenango and Susquehanna Rivers.

The City of Binghamton, in an effort to ensure the recreational use of living marine resources, should manage these resources in a manner that places primary importance on maintaining the long-term health and abundance of fisheries, results in sustained usable abundance and diversity of marine resources, does not interfere with population and habitat maintenance and restoration efforts and takes advantage of the best available scientific information in managing the resources.

Policy 4.2 Provide for recreational fishing use of the City of Binghamton's waters.

Recreational fishing opportunities should be protected and expanded within the City of Binghamton. Direct public use of marine resources provides recreational experiences and economic benefits that could play an integral role in the future identity of the City. The City should expand existing infrastructure needed to meet these recreational needs, including additional boat launches, fishing piers and docks. There is currently no commercial fishing activity occurring in the Chenango or Susquehanna Rivers within the City limits of Binghamton.

Recreational uses of fish and wildlife resources include not only consumptive uses, such as fishing and hunting, but also such non-consumptive uses as wildlife photography, bird watching and nature study. Walkways and trails along the riverbanks support these types of activities. The City may also consider designating specific locations that would educate visitors as to the common types of wildlife found in these portions of the Chenango and Susquehanna Rivers. This would be an important tool in educating the general public of the importance of the natural world and diversity of the natural environment in their own community.

The City should also work to protect and manage native stocks and restore sustainable populations of indigenous fish and wildlife species and other living marine resources. The protection of native stocks includes protecting the genetic integrity of recognizable native populations that can be placed at risk by inappropriate stocking. Native stocks also need to be protected from adverse impacts due to introduction of non-indigenous species.

Waterfront Natural Resources Policies

Policy 5 Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.

Significant Fish and Wildlife Habitats, identified by the State Department of Environmental Conservation as critical to the maintenance or re-establishment of species of fish and wildlife in the waterfront area and designated by the Secretary of State, must be protected for the habitat values they provide and to avoid permanent adverse changes to the local ecosystem.

Policy Standards

Policy 5.1 Protect and restore significant fish and wildlife habitats in the City of Binghamton.

As stated under Policy 4, all projects that take place along the riverfronts must be developed in a manner that ensures the protection of fish and wildlife resources. When individual projects are reviewed, potential impacts on fish and wildlife habitats should be considered. No significant fish and wildlife habitats have been designated within the City of Binghamton LWRP waterfront revitalization area boundaries. Should any significant habitats be identified and designated, the City should take every necessary step to ensure their long-term protection and promote their restoration. Identified or designated.

In the review process for future development, the following should be considered as appropriate: avoidance of activities that would destroy or impair the value of habitats through direct physical alteration, disturbance or pollution, or indirectly affect the loss of habitat, avoidance of ecologically sensitive areas when siting new development, schedule development or other activities to avoid vulnerable periods in life cycles of habitats and encouragement of project designs that will result in the least amount of potential adverse impact on habitats.

Policy 5.2 Ensure land use or development does not harm freshwater wetlands or wooded areas.

Wetlands in the City of Binghamton provide benefits to the natural environment as well as to the people living there: habitats for fish and wildlife, erosion and flood control, natural pollution treatment, groundwater protection and aesthetic open space. There are no significant wetlands in the City of Binghamton identified by criteria set forth in the Freshwater Wetlands Act. However, as determined by criteria set forth by the US Army Corps of Engineers, wetlands in the City include the entire length of the Chenango and Susquehanna Rivers, as well as all land bodies located within the Susquehanna River. When new developments are considered, State and federal wetland maps should be consulted to ensure these areas are not adversely affected. This information should be made available, for public review, to the communities for display in local government offices.

New developments affecting, or potentially affecting wetland areas within the waterfront revitalization area would be subject to all federal regulations under Section 404 of the Clean Water Act. Section 404 of the Clean Water Act establishes a program to regulate the discharge of dredged or filled material into wetlands within the United States. When applying for a permit for a development, Section 404 requires that steps be taken to avoid wetland impacts where practicable, potential impacts to wetlands must be minimized and compensation must be provided for any remaining, unavoidable impacts through activities to restore or create wetlands. The Army Corps of Engineers is the primary agency responsible for administering Section 404, with assistance from the Environmental Protection Agency.

Wooded tracts of land make up a considerable portion of land within the LWRP waterfront revitalization area, most notable along the southern riverbanks of the Susquehanna River. These areas are important to maintain, as they contribute to the natural ecosystem of the region, function in the role of habitat preservation and provide beauty to the overall landscape of the City.

Policy 6 Protect and improve water resources.

The purpose of this policy is to protect the quality and quantity of water resources in the City of Binghamton. Factors that affect water quality include both point and non-point source pollution. The quantity of water resources in the region is measured by the maintenance of an adequate supply of potable water for private and public use.

The entire LWRP waterfront revitalization area is part of the Susquehanna River watershed. Activities that take place within the LWRP waterfront revitalization area of Binghamton can directly impact the entire watershed area. Taking this into consideration, the City proposes the following sub-policies and policy standards as related to Policy 6.

Policy Standards

Policy 6.1 Prohibit discharges in the City of Binghamton that would harm water quality.

This sub-policy focuses on discharges into the Susquehanna and Chenango Rivers that have an identifiable source, known as a point-source discharge. In order to minimize discharges from point-source uses, the City should undertake periodic monitoring of the Chenango and Susquehanna Rivers to identify unwanted discharges at the earliest possible stage.

For all future waterfront developments that may act as a point-source discharge use, the city should assess the method of pollutant discharge for each proposed projects and make project approval contingent on satisfactorily meeting local standards.

Policy 6.2 Minimize non-point pollution of waters within the City of Binghamton and manage activities causing non-point pollution.

Non-point pollution is pollution that originates from sources that are not localized or easily identifiable. Non-point source pollution is created when rain, snowmelt and other water sources run over the land, picking up pollutants and transporting them to local water bodies. The City of Binghamton's water quality is most affected by non-point pollutants, including storm water runoff. The City should identify non-point pollution sources and focus on reducing and removing these sources.

Non-point pollution includes run-off from urban areas, where every individual contributes to the problem simply by performing everyday activities. This is one source of non-point pollution in the City of Binghamton. The City should inform residents of the repercussions of their careless behavior on the environment and inform them of how they may be able to change their behavior. Simple lifestyle changes can help prevent and minimize non-point source pollution in the environment. The following habits, if adopted by local residents and visitors, would aid in the reduction of non-point pollution in the City of Binghamton:

- Proper disposal of household products containing toxic ingredients
- Regular maintenance of household septic systems
- Return of used car oil to local service stations or recycling centers
- Use of fertilizers and pesticides sparingly
- Avoid littering

Limiting non-point sources of pollution is the best way to avoid any future non-point pollution. In addition to the efforts defined above, this can be done in the community by:

- Reducing pollutant loads to water sources by managing unavoidable non-point sources of pollution and use appropriate best management practices as defined in federal non-point source control programs
- Ensuring the total suspended solids in runoff at development sites remain at predevelopment levels
- Prevent increased erosion or velocity of storm water runoff
- Minimizing the runoff of contaminants from roads into waterfront areas
- Prohibiting direct and indirect discharges of refuse into the Rivers
- Removing and disposing of litter from surface waters and riverbanks

Development projects and any activity located near the water may also be responsible for non-point pollution. At the federal level, non-point source pollution is controlled by amendments to the 1987 Clean Water Act and the Coastal Non-Point Pollution Program. The City should consult these documents to integrate pollution prevention and pollution reduction initiatives into local planning documents and strategies.

Policy 7 Minimize loss of life, structures, and natural resources from flooding and erosion.

In response to existing erosion and flood hazards, the City of Binghamton has constructed flood control features, including flood control walls and dikes, along a majority of the City's riverfront. The City has experienced flooding of the Chenango and Susquehanna Rivers at various times throughout history and a number of these floods have been severe, causing extensive property damage and hardships for residents and business owners.

Flood control features may contribute to increased erosion, aesthetic impairments, the loss of public recreational resources, loss of natural habitats and water quality degradation. The cumulative impact of these structures can be large and must be considered in the future design and programming for waterfront areas within the City. Although the majority of Binghamton's riverbanks have some form of flood control feature, there are stretches that remain in their natural state. The natural shoreline has an inherent natural, social and economic value that should be respected to ensure continuing benefits to the City, region and state.

Sub-policies and policy standards pertaining to Policy 7 are outlined below.

Policy Standards

Policy 7.1 Minimize losses of human life and structures from flooding and erosion hazards through appropriate management measures.

This policy is applicable to all flood hazard areas identified by the Federal Emergency Management Agency. A significant portion of the LWRP boundary area is located in the City's 100 and 500-year Flood Hazard Boundary. In order to minimize the potential adverse effects of flooding, the City should, to the greatest extent possible, locate development and structures away from areas of known flooding and erosion hazards and avoid development other than water-dependent uses in flood hazard areas. In addition, non-water related uses should be located as far inland as practicable from identified flood hazard areas.

In locations that do not currently have flood control features in place, vegetative, non-structural measures should, to the greatest extent possible, be utilized to manage flooding and erosion hazards. Vegetative, non-structural measures that have a reasonable probability of managing flooding and erosion, based on riverbank characteristics including exposure, geometry and sediment composition should be constructed in order to increase the protective capabilities of natural protective features. Hard structural erosion protection measures for erosion control should be used only where other means will not be effective.

Policy 7.2 Ensure that development is not permitted in areas where site conditions or location may pose a danger to public safety, public health or result in property damage and encourage a coordinated approach to the use of land and the management of water in areas subject to flooding.

Due to the history-based potential for flooding in Binghamton, the City should discourage all development from the 100-year floodplain, in order that the 100-year flood can be carried without substantial increases in flood heights. The boundaries of the 100-year and 500-year floodplains are described in detail in Section 2.0 – Inventory and Analysis. All development within the 100-year floodplain should be discouraged and guidelines within the City’s Zoning Ordinance for Floodplain Management (Chapter 503) should be amended to ensure that development is strictly controlled in these areas. When development is permitted within the 100-year floodplain, hazards from flooding should be minimized through the advancement of suitable regulations that define acceptable construction techniques and materials, siting and maintenance of drainage areas.

Policy 7.3 Protect public lands and use of these lands when undertaking all erosion or flood control projects.

Avoid losses or likely losses of public lands or use of these lands, including public access along the banks, which can be reasonably attributed to or anticipated to result from flood control or erosion protection structures.

Policy 7.4 Ensure the expenditure of public funds for flooding and erosion control projects results in a public benefit.

The City should give priority in expenditure of public funds to actions which protect public health and safety, mitigate flooding and erosion problems caused by previous human intervention, protect areas of intensive development and protect substantial public investment in land, infrastructure and facilities. The expenditure of public funds for flooding or erosion control projects is limited to those circumstances where public benefits exceed public costs and is prohibited for the exclusive purpose of protection for private development. The City should consider the use of lands in Binghamton that are susceptible to flooding or erosion for the development of trails.

Factors to be used in determining public benefit attributable to the proposed flood or erosion control measure include: economic benefits derived from protection of public infrastructure and investment and protection of water-dependent commerce; protection of significant natural resources and maintenance or restoration of waterfront processes; integrity of natural protective features; extent of public infrastructure investment; or extent of existing or potential public use.

General Environmental Policies

Policy 8 Protect and improve air quality.

This policy provides for protection of the City of Binghamton from air pollution generated within the waterfront revitalization area boundaries or from outside the area which adversely affects the air quality in the waterfront revitalization area.

Policy Standards

Policy 8.1 Minimize existing air pollution and prevent new air pollution in the City of Binghamton.

The City should ensure that developments proposed for the riverfront areas of Binghamton do not exceed thresholds established by the federal Clean Air Act and State air quality laws, including restricting emissions or air contaminants to the outdoor atmosphere that are potentially injurious or unreasonably interfere with enjoyment of life or property.

The City should strive to limit pollution resulting from vehicle movement or operation, including actions that directly or indirectly change transportation uses or operation resulting in increased pollution. Promoting their existing public transportation network for residents and increasing participation in carpooling programs through an incentive program would help to achieve this goal within the City.

Policy 8.2 Assist the State whenever possible in the administration of its air quality statutes pertaining to chloro-flouorocarbon compounds.

Policy 8.3 Assist the State whenever possible in the administration of its air quality statutes pertaining to the atmospheric deposition of pollutants in the region.

Policy 9 Promote appropriate use and development of energy and mineral resources.

The intent of this policy is to foster the conservation of energy resources in the City of Binghamton by seeking alternative energy sources, providing for standards to ensure maximum efficiency and minimum environmental impacts when siting energy facilities, minimizing the impact of fuel storage facilities.

Sub-policies and policy standards applicable to Policy 9 include the following:

Policy Standards

Policy 9.1 Foster the conservation of energy resources.

The conservation of energy should be an important part of future planning initiatives within the City of Binghamton. Energy efficiency can be achieved through several means that fall into the jurisdiction of local governments, including: promoting the increased use of public transportation within, and around, the City of Binghamton and surrounding communities, increasing energy efficiency of transportation by integrating various modes of transportation (boat, pedestrian, bicycle, auto, rail, air and public) and coordinating with larger regional entities, promoting energy efficient design in new developments, including the use of solar energy, protection from wind and landscaping for thermal control and promoting energy efficiency through design upgrades of existing facilities.

In addition, improvements need to be made to the existing pedestrian and bicycle circulation system within the City that would allow people to move more effectively from location to location in an environment that is comfortable and safe. This includes improving connections between residential neighborhoods, parks and playgrounds, the waterfront, neighborhood commercial areas and the central business district.

Policy 9.2 Promote alternative energy sources that are self-sustaining, including solar and wind powered energy generation.

While promoting the use of alternative energy sources in the City, interference with waterfront resources, including migratory birds and waterfront processes should be simultaneously avoided.

Policy 9.3 Ensure maximum efficiency and minimum adverse environmental impact when siting major energy-generating facilities.

Major energy generating facilities may not be sited on a waterfront location due to their potential adverse environmental impacts.

Policy 10 Minimize environmental degradation from solid waste and hazardous substances and wastes.

The intent of this policy is to protect people from sources of contamination and to protect the water resources in the City of Binghamton from degradation through proper control and management of wastes and hazardous materials.

Solid wastes are those materials defined under ECL 27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL 27-0901 and 6 NYCRR Part 371. Substances hazardous to the environment are defined under ECL 37-0101. Toxic pollutants are defined under ECL 17-0105.

Sub-policies and policy standards related to Policy 10, include:

Policy 10.1 Manage solid waste to protect public health and control pollution.

The disposal of solid wastes should be properly and effectively planned for prior to undertaking major development or activities generating solid wastes. The city should promote methods of effectively reusing or recycling solid waste materials. Such methods could include the development and marketing of products manufactured with recovered materials. All efforts should be made to prevent the discharge of solid wastes into the environment by using proper handling, management and transportation practices.

Policy 10.2 Manage hazardous wastes to protect public health and control pollution.

Hazardous wastes should be managed in accordance with the following priorities:

- Eliminating or reducing the generations of hazardous wastes to the greatest extent feasible;
-
- Recovering, reusing or recycling remaining hazardous wastes to the greatest extent feasible; and
- Using treatment, detoxification or destruction technologies to dispose of hazardous wastes that cannot be reduced, recovered, reused or recycled.

Policy 10.3 Protect the environment from degradation due to toxic pollutants and substances hazardous to the environment and public health.

In the city of Binghamton, the release of toxic pollutants or substances hazardous to the environment that would have a deleterious effect on fish and wildlife resources should be prevented to the greatest extent possible. All unregulated releases of hazardous substances in the City of Binghamton should be reported to the appropriate county or state agency.

Policy 10.4 Encourage the safe transportation of hazardous substances and wastes through the City of Binghamton.

Solid wastes, particularly hazardous wastes, shall not be transported, stored, treated or disposed of in any manner that would adversely affect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas or scenic resources within the City of Binghamton.

Policy 10.5 Site solid waste and hazardous waste facilities to avoid potential degradation of water resources.

Solid and hazardous waste facilities should not be sited within the waterfront revitalization area boundaries unless there is a demonstrated need to do so. If the need for a waterfront location is demonstrated, minimize impairment of resources by siting these facilities so that they are not located in or would not adversely affect: natural protective feature areas, surface waters or primary water supplies, habitats critical to fish and wildlife species, vulnerable plant species and rare ecological communities and/or wetlands.

Recreation and Cultural Policies

Policy 11 Improve public access to and use of public lands and waters.

Along many stretches of the City of Binghamton waterfront, physical and visual access to the water and shoreline is limited for the general public. With the exception of community parks and open space areas along the waterfront, a significant portion of the waterfront is privately owned or in the hand of a semi-public entity such as the Roberson Museum complex. The main objective of the City is to improve facilities, providing increased public access, waterfront recreation and to link existing and new access and recreation sites in the City. The City of Binghamton will take the necessary steps to maximize the appropriate use of the waterfront to ensure public access in a manner that will not adversely impact sensitive natural areas. Steps are already being undertaken to improve access along the waterfront. The Chenango River Promenade is a major project, to be completed in phases, which will create a continuous multi-use trail along the eastern side of the Chenango River from Confluence Park north to Cheri A. Lindsey Park. The project is a key initiative being undertaken by the City to improve physical and visual access to the waters edge.

The development of flood control features is responsible for limiting recreational opportunities and public access to much of the waterfront. Problems in accessing the water are further heightened by limiting access and recreational opportunities to local residents. Reduced visual accessibility has resulted from the loss of vantage points or outright blockage of views. Binghamton's riverbanks have the potential to offer a continuous right of access along its edge.

Sub-policies and policy standards related to Policy 11 include:

Policy Standards

Policy 11.1 Promote appropriate and adequate physical access and recreation to waterfront resources throughout the City of Binghamton.

Improving public access to the Binghamton waterfront is integral to the development of the community, as public access and associated recreation facilities can attract tourists, improve the quality of life for residents and generate revenues for the community. A variety of measures should be made in an effort to promote the waterfront within the City of Binghamton as an anchor for tourism and recreation development throughout the region. These efforts may include one or more of the following:

City of Binghamton Local Waterfront Revitalization Program
“Two Rivers, One Future”

- Complete the Chenango River Promenade in its entirety, creating continuous waterfront access from Confluence Park to Cheri A. Lindsey Park;
- Promote and foster improved linkages between the Chenango River Promenade and downtown Binghamton through enhanced and strengthened pedestrian connections;
- Provide a transportation network that unites the waterfront by developing New York Route 363 as a “parkway” that includes points of interest for accessibility to the water and surrounding areas;
- Reconstruct Route 434 in a manner that accommodates pedestrian and bicycle connections to Pennsylvania Avenue;
- Promote the conversion of existing cloverleaf’s on the north side of the Susquehanna River (intersections of NY 363 and NY 434) for future community use and development as open space, a community gathering area or recreational facilities;
- Strengthen connections from the north and western areas of the City to the southern side of the Susquehanna River and out to Binghamton University;
- Create interpretive nodes, picnic areas, multi-use trails and active recreation nodes along the entire waterfront;
- Promote the acquisition of lands for public use and parklands to meet existing and projected needs;
- If private, and non-water-related uses do locate in this area, visual and physical public access to the waterfront should be included in the development and enforced through site plan review;
- Access points should be developed in addition to waterfront trails, providing movement from parallel streets and outlying areas;
- Protect and maintain existing public access and recreation facilities along the Chenango and Susquehanna Rivers;
- Provide amenities on the road network for non-motorized modes of transportation, such as improved sidewalks, pedestrian crosswalks and bike lanes to ensure maximum access to the waterfront;

- Promote the development of a regional multi-use recreation trail along the riverbanks that services both residents and visitors of the City of Binghamton; and
- Link existing and future trails within the City with regional and local trails in surrounding communities.

Policy 11.2 Provide public visual access to waterfront lands and the water in the City of Binghamton.

To the greatest extent possible, views of the Chenango and Susquehanna Rivers from roads, facilities and public access locations should be expanded upon to allow for the maximum appreciation of the beauty of these resources, as well as to increase the attractiveness of the waterfront for residents and tourists.

The following standards should be applied within the City with respect to the desired objective of maintaining and increasing visual access to waterfront lands and the water:

- Preventing the loss of existing visual access by limiting the scale, design, location or structures of development or activities;
- Protecting view corridors provided by streets and other public areas leading to the waterfront.
- Requiring that all roads that run perpendicular to the rivers should terminate at the river with, at a minimum, visual access.
- Creating visual access to the waterfront at 250-foot intervals along the entire lengths of the Chenango and Susquehanna Rivers within the City of Binghamton, promoting an increased level of visual access to the waterfront.
- Allowing vegetative or structural screening of an industrial or commercial waterfront site if the resulting overall visual quality outweighs the loss of visual access.

Policy 11.3 Increase opportunities for public access at appropriate sites within the City of Binghamton waterfront areas.

The creation of additional access to trails and facilities in areas where there is currently limited or no public access should be developed as a key priority within the City.

Specific constraints should be considered for all developments along the waterfront, in order to ensure that public access is maximized and adequately planned for. Constraints for buildings along both waterfronts should adhere to the following:

- A building setback from the water's edge of 20 feet along the banks of the Chenango River (urban waterfront) should be required to allow for the development of public walkways, boardwalks and amenities.
- A building setback from the water's edge of 100 feet along the Susquehanna River (natural waterfront) should be required to allow for the maintenance of natural conditions along the waterfront and the development of naturalized trails and amenities.

Policy 11.4 Provide access and recreation opportunities which are compatible with the City of Binghamton's natural resources.

Existing access and recreational opportunities along the riverfronts should be expanded upon in the City, while simultaneously considering the natural resources found in these areas. Contiguous trails along the banks of the Chenango and Susquehanna Rivers for the recreational use of fish and wildlife resources should be promoted and developed to foster public appreciation of these resources.

Policy 12 Enhance visual quality and protect outstanding scenic resources.

The inherent scenic qualities of the City of Binghamton's rivers and surrounding landscape contribute significantly to the area's beauty and character. Many water views can be appreciated from Vestal Parkway, Front Street, various bridges and waterfront parks and open space areas. While not a tangible attribute, the region's scenic qualities are nonetheless important to maintaining its identity as a waterfront community. Areas of visual opportunity should be protected and additional sites enhanced for enjoyment by the general public.

Policy Standards

Policy 12.1 Protect and improve the visual quality of resources within the City of Binghamton's waterfront areas.

The Chenango and Susquehanna Rivers are two of the most valuable assets that Binghamton currently has to build upon and enhance. The protection of the scenic and aesthetic qualities of these assets, in addition to its recreational role, is a main priority for the City. In this regard the City proposes to encourage developments and activities along the rivers that will add visual interest to the waterfront and to consider the impact of new developments on existing visual resources. The City should strive to avoid structures or activities along the waterfront that introduce visual interruptions to landscapes such as intrusive artificial lighting, intrusion into open space areas and changes to the continuity of natural riverbanks and vegetation.

Policy 12.2 Identify and develop parcels that have potential to enhance the public's appreciation of the visual resources in the City.

Although there are numerous locations within the City that offer spectacular views of the water, in many areas views are limited and hindered by flood control features, waterfront access and natural barriers. To this end, the City proposes to promote the development of additional overlooks and viewing areas at appropriate locations along the banks of both the Chenango and Susquehanna Rivers. Viewing areas should be established approximately every 1,000 feet on both sides of the Chenango River to allow for maximum viewing opportunities.

Policy 13 Preserve historic resources located in the waterfront area.

The intent of this policy is to preserve the historic and archaeological resources of the City of Binghamton, within the LWRP waterfront revitalization area. These resources not only provide points of interest for residents and tourists, they become valuable links with the region's past. This policy recognizes the importance of preserving such treasures, as well as the overall quality of the adjacent areas.

For purposes of this policy, historic resources are those structures, landscapes, districts, areas or sites that are:

- in a federal or state park established in order to protect the resource
- on, nominated, or deemed eligible to be on the National or State Register of Historic Places
- managed by the State Nature and Historic Preserve Trust or the State Natural Heritage Trust
- on the inventories of archaeological sites maintained by the State Education Department of the State Office of Parks, Recreation and Historic Preservation
- locally designated as a historic or archaeological resource protected by a local law or ordinance

Policy Standards

Policy 13.1 Maximize preservation and retention of historic resources.

The provisions of this policy are applicable to the following resources, which are listed on the National Register of Historic Places and further described in Section 2.0 – Inventory and Analysis:

- Christ Church, 191 Washington Street
- County Courthouse, Exchange Street
- Dunk House, 4 Pine Street
- Fair Store / Cigar Company, 10 – 24 Wall Street
- First National Bank, 49 Court Street
- Old City Hall, 79 – 99 Collier Street
- Perry Block, 89 – 91 Court Street
- Phelps Mansion, 191 Court Street
- Press Building, 19 – 21 Chenango Street
- Public Library, Exchange Street
- Roberson Mansion, 30 Front Street
- Security Mutual, Court / Exchange Street
- Stephen’s Square, 81 – 87 State Street
- Stephen’s Market, 56 – 58 Court Street

The City of Binghamton has a strong architectural history with many historical buildings and structures located within the LWRP waterfront revitalization area boundaries. The City recognizes that public investment in historical development is important to illustrate a commitment to the business community who may later invest in the City, and the waterfront. The City should promote the designation of historic landmarks that reflect elements of the region’s culture, social, economic, political and architectural history as “landmarks” to be protected. These landmarks should be renovated, when possible, and promoted in the community. All possible efforts should be undertaken to minimize the loss of historic resources or the historic character of the resources when it is not possible to completely preserve the resource. The City of Binghamton protects local landmarks and significant historical buildings through their Landmarks Ordinance. All regulations and procedures outlined in the ordinance apply to all applicable historical buildings within the LWRP waterfront revitalization area boundaries. The current City of Binghamton Landmarks Ordinance guidelines and regulations are consistent with the policies stated herein.

In order to take full advantage of the city’s historical assets, appropriate public improvements should be completed. Funds, in the form of existing grants or low interest loans, are available and should be sought for these types of improvements and enhancements. The City should continue to work with the State of New York

to promote the area's history through the Heritage New York Trails program and apply for designation as a trail site / gateway.

In order to avoid potential adverse impacts of development on adjacent or nearby historic resources, land use controls should be implemented which control the development size, scale, proportion, materials and features in order to ensure compatibility with nearby historic resources.

Policy 13.2 Protect and preserve archaeological resources in the LWRP waterfront revitalization area.

The City of Binghamton has a long and important history. The area served as a site of the Revolutionary War, as a stop on the Underground Railroad and its location along the Chenango Canal was instrumental in the areas development. To ensure archeological remains of the historical aspects of the City are protected, the location of archaeological resources in the review of proposed actions should be considered by the City of Binghamton by consulting any archaeological resources inventory mapping prepared by the State Department of Environment or private consultants when reviewing proposed actions. If impacts are anticipated on a significant archeological resource, potential adverse impacts should be minimized by redesigning the project, reducing direct impacts on the resource and/or documenting and recovering data and artifacts prior to construction.

APPENDIX B
FINAL DESIGN REPORT (2014) ENVIRONMENTAL SCREENING

CHAPTER 4 – SOCIAL, ECONOMIC and ENVIRONMENTAL CONDITIONS and CONSEQUENCES

4.1 INTRODUCTION

This chapter discusses the environmental issues associated with the Front Street Gateway Project in Binghamton, New York. The project corridor limits are from the intersection of Front Street and Prospect Street (north) and Front Street with Main Street (south) in the City of Binghamton, Broome County, New York.

4.1.1 Environmental Classification and Lead Agencies

NEPA Classification

This Federal-Aid project is being progressed as a Class II action (Categorical Exclusion with Documentation) because it does not individually or cumulatively have a significant environmental impact, and is excluded from the requirement to prepare an Environmental Impact Statement (EIS) or an Environmental Assessment (EA). In accordance with the Federal Highway Administration's regulations 23 CFR 771.117(d) (the 'D List'), this project meets the project description of the 'D List' as "modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders or adding auxiliary lanes (e.g., parking, weaving, turning, climbing)." Additional project components meet the description of the 'C List' as "construction of bicycle and pedestrian lanes, paths and facilities," and "landscaping."

This will be verified after the completion of the NEPA Assessment Checklist that will be included with the Final Design Report.

The Lead Agency for NEPA is the Federal Highway Administration (FHWA).

SEQR Classification

This project is classified as a Type II action in accordance with 6 NYCRR Part 617, State Environmental Quality Review (SEQR) Act. In accordance with NYCRR 617.5(c)(2)- "Replacement, rehabilitation, or reconstruction of a structure or facility, in-kind, on the same site... unless such action meets or exceeds any of the listed Type I thresholds." The proposed project is identified as one which will not have a significant effect on the environmental, and therefore no further review under SEQR is required. A SEQR Environmental Assessment Form is not required. The lead agency for SEQR is the City of Binghamton.

4.2 ENVIRONMENTAL CONSIDERATIONS

4.2.1 Screenings and Preliminary Investigations

4.2.1.1 General Ecology and Endangered Species

The New York State Department of Environmental Conservation (NYSDEC), the U.S. Fish and Wildlife Service (USFWS), and the National Oceanic and Atmospheric Administration (NOAA) division of National Marine Fisheries Service (NWFS) were contacted for information regarding the presence of state and/or federally listed threatened, endangered or special concern species that may be impacted by the proposed project.

A response was received from the NYSDEC Natural Heritage Program on October 1, 2009 indicating that their database search yielded records of a freshwater mussel species. The New York Legal Status for this species is "unlisted;" unlisted species are not regulated by New York State and therefore requires no further action.

A response was received from the USFWS on September 22, 2009. The response suggested that the USFWS online county list of species be referenced to determine if there are any threatened and/or endangered species for Broome County. The subsequent online search for Broome County identified the Bald Eagle; which was delisted on August 8, 2007, and therefore requires no further action.

A letter from FHWA dated April 17, 2014 provided concurrence on NYSDOT's "No Effect" determination for the Northern Long-Eared Bat, applicable to 516 NYSDOT projects listed in the spreadsheet (NLEB Federal Aid Summary Table No Tree Cutting.xls). Receipt of this FHWA letter completes the federal Endangered Species Act coordination requirements for the Northern Long-Eared Bat for only those projects listed in the spreadsheet. See *Appendix B* of this report for a copy of the letter and spread sheet.

The NOAA-National Marine Fisheries Service (NMFS) has also been contacted; however, a direct reply is not expected. Copies of agency correspondence are included in *Appendix B* of this report.

4.2.1.2 Ground Water

Federal Sole Source Aquifer

A review of the EPA designated Sole Source Aquifer map for Region 2 indicated that Broome County (and Tioga County) is within the Clinton Street-Ballpark Valley Aquifer System. Due to the nature of proposed work, it is expected that there will be no impact to the aquifer.

State Aquifer

The NYSDOT Environmental Procedures Manual, Chapter 4.4, Table 1 entitled Sole Source and Primary Aquifers indicates that the proposed project is within a designated sole source aquifer area. NYSDEC aquifer GIS data files have been reviewed and it has been determined that the proposed project is within the vicinity of an unconfined aquifer. Due to the nature of proposed work, it is expected that there will be no impact to the aquifer.

4.2.1.3 Surface Water

The project corridor is located on the west side of the Chenango River; however, no work is intended for the river edge or bed. Therefore, there are no surface waters located within the proposed project limits.

It is not expected that the project will result in changes to the overall surface water drainage patterns. The preferred alternative will decrease the pavement surface area by approximately 6% due to the proposed pavement narrowing. Therefore, no increases in the surface water runoff rates and volumes are expected as a result of the proposed project.

It is expected that the proposed project will result in a total area disturbance that exceeds the 1-acre disturbance threshold. Therefore, a NYSDEC State Pollution Discharge Elimination System (SPDES) permit will be required.

During construction, storm water runoff from exposed soil surfaces may flow into the existing surface conveyance system and subsequently into adjacent surface water streams. These flows will be managed by the use of sediment and erosion control techniques. These techniques will be part of a sediment and erosion control plan to be implemented during construction and will conform with the requirements of the NYS Department of Transportation "Standard Specification for Temporary Soil Erosion and Water Pollution Control" and the "NYS Guidance for Urban Erosion and Sediment Control," which will be a part of the final contract documents.

No Wild, Scenic or Recreational Rivers exist within the project area. No adverse impact to surface water is expected as a result of this project.

4.2.1.4 State Wetlands

The NYSDEC wetland map was reviewed. No NYSDEC regulated wetlands exist within the project limits or immediate project vicinity.

4.2.1.5 Federal Jurisdictional Wetlands

The National Wetland Inventory Map (NWI) for the Binghamton West quadrangle was reviewed. The Chenango River (located east of Front Street) is categorized as an R2UBH federally regulated wetland. No work is intended for the river edge or bed, therefore, no impact to the wetland is expected.

4.2.1.6 Floodplains

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the City of Binghamton, Broome County was reviewed to determine the presence of floodplains within the project limits. The map dated June 1, 1977, community number 360038C, indicated that the area between Gerard Avenue and Prospect Street flood zone designation B. It is not expected that the proposed project will affect the floodplain.

If Sub-Alternative 1 (Hike/Bike Trail along the Chenango River) is accepted, portions of the proposed trail would be located within the floodplain along the river.

The NOAA-National Marine Fisheries Service (NMFS) has also been contacted; however, a direct reply is not expected. Copies of agency correspondence are included in *Appendix B* of this report.

4.2.1.2 Ground Water

Federal Sole Source Aquifer

A review of the EPA designated Sole Source Aquifer map for Region 2 indicated that Broome County (and Tioga County) is within the Clinton Street-Ballpark Valley Aquifer System. Due to the nature of proposed work, it is expected that there will be no impact to the aquifer.

State Aquifer

The NYSDOT Environmental Procedures Manual, Chapter 4.4, Table 1 entitled Sole Source and Primary Aquifers indicates that the proposed project is within a designated sole source aquifer area. NYSDEC aquifer GIS data files have been reviewed and it has been determined that the proposed project is within the vicinity of an unconfined aquifer. Due to the nature of proposed work, it is expected that there will be no impact to the aquifer.

4.2.1.3 Surface Water

The project corridor is located on the west side of the Chenango River; however, no work is intended for the river edge or bed. Therefore, there are no surface waters located within the proposed project limits.

It is not expected that the project will result in changes to the overall surface water drainage patterns. The preferred alternative will decrease the pavement surface area by approximately 6% due to the proposed pavement narrowing. Therefore, no increases in the surface water runoff rates and volumes are expected as a result of the proposed project.

It is expected that the proposed project will result in a total area disturbance that exceeds the 1-acre disturbance threshold. Therefore, a NYSDEC State Pollution Discharge Elimination System (SPDES) permit will be required.

During construction, storm water runoff from exposed soil surfaces may flow into the existing surface conveyance system and subsequently into adjacent surface water streams. These flows will be managed by the use of sediment and erosion control techniques. These techniques will be part of a sediment and erosion control plan to be implemented during construction and will conform with the requirements of the NYS Department of Transportation "Standard Specification for Temporary Soil Erosion and Water Pollution Control" and the "NYS Guidance for Urban Erosion and Sediment Control," which will be a part of the final contract documents.

No Wild, Scenic or Recreational Rivers exist within the project area. No adverse impact to surface water is expected as a result of this project.

4.2.1.4 State Wetlands

The NYSDEC wetland map was reviewed. No NYSDEC regulated wetlands exist within the project limits or immediate project vicinity.

4.2.1.5 Federal Jurisdictional Wetlands

The National Wetland Inventory Map (NWI) for the Binghamton West quadrangle was reviewed. The Chenango River (located east of Front Street) is categorized as an R2UBH federally regulated wetland. No work is intended for the river edge or bed, therefore, no impact to the wetland is expected.

4.2.1.6 Floodplains

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map for the City of Binghamton, Broome County was reviewed to determine the presence of floodplains within the project limits. The map dated June 1, 1977, community number 360038C, indicated that the area between Gerard Avenue and Prospect Street flood zone designation B. It is not expected that the proposed project will affect the floodplain.

If Sub-Alternative 1 (Hike/Bike Trail along the Chenango River) is accepted, portions of the proposed trail would be located within the floodplain along the river.

4.2.1.7 Coastal Zone Management

The project is not within a coastal zone and is not covered by either the Coastal Zone Management Act or the Waterfront Revitalization and Coastal Resources Act.

4.2.1.8 Navigable Waterways

Although the Chenango River is a state and federally regulated waterway, no project components will be located within the river. Therefore, permits regarding state or federally regulated navigable waterways are not required.

4.2.1.9 Historic Resources

A Phase 1A Cultural Resource Reconnaissance Survey report for archaeological and architectural resources was completed by Fisher Associates in 2012. Based on comments received from NYSDOT and OPRHP the archaeological sections of the report were revised by Morton Archaeological Research Services in March, 2014. *Appendix H* of this report contains the Executive Summary of the 2012 Phase 1A report and the Management Summary from the 2014 version of the report.

The architectural report identified 33 S/NR eligible buildings and 1 S/NR eligible Historic District within or adjacent to the project location. In addition, the report recommended 7 buildings on Front Street, between property numbers 113 and 171 as S/NR eligible. These buildings are all south of the project APE and will not be impacted by the project. The report recommended that the project will have No Effect on these properties.

The revised archaeological section of the report indicated that two historic resources; the Binghamton City Railway and the Binghamton to Chenango Forks Plank Road are potentially present beneath the pavement. The report recommended that a monitoring and data recovery plan be prepared to address these resources. The revised report also indicated that there is a possibility that undisturbed soils may exist within the project APE, along the roadside where sidewalks will be replaced or installed. The report recommended that no further archaeological work was required, as long as the project APE maintained the proposed horizontal and vertical limits, and did not reach below fill soils.

OPRHP reviewed the revised report in May, 2014, and concurred with the recommendations, with the following additions: OPRHP recommended that a geomorphological investigation be undertaken to ensure an adequate understanding of the geomorphological conditions in the project APE prior to disturbance, and OPRHP recommended that subsurface preparations for the replacement or installation of sidewalks should be archaeologically monitored for the presence of intact archaeological deposits.

Proposals for a geomorphological investigation have been received and the investigation will be undertaken and results will be available for review by OPRHP prior to construction. Morton Archaeological Research Services will be preparing a monitoring and data recovery plan for the identified historic resources and monitoring of sidewalk replacement and installation, for review and concurrence by all parties prior to construction.

The City of Binghamton will also present the Advanced Design documents to the City's Commission on Architecture and Urban Design (CAUD) for review and approval prior to completing the Final Design.

4.2.1.10 Parks

There are no parks located within the project limits or immediate project vicinity.

4.2.1.11 Hazardous Waste/Contaminated Materials

A Hazardous Material Screening was conducted for the project corridor. This screening included available record review and a project corridor walkover. The purpose of this screening is to identify potential areas of environmental concern that may be disturbed during construction of the proposed project. The following information indicates the findings of the Hazardous Waste Screening and consequent areas of potential environmental concern. A complete copy of The Hazardous Materials Screening Report is contained in *Appendix B* of this report.

Historical Sanborn Map Review

Sanborn Maps are utilized as part of the Hazardous Material Screening Report since they serve as an historical reference to prior land use. Available Sanborn Maps from various years were reviewed to indicate past land usage in and around the project corridor.

The process used for the Sanborn Map review is to highlight all addresses whose past use could be considered an environmental concern. Examples of how a past land usage could lead to an environmental concern is the presence of contaminated soils from a former filling station, automotive repair shop, large manufacturing plant, chemical plant, drycleaner, etc. Based on the location of such sites with respect to the project corridor and the specific past land use, further investigation may be eliminated or warranted.

Environmental Data Resources (EDR)

A review of local, State and Federal Environmental databases was conducted. Environmental Data Resources (EDR) Inc. was contracted to provide a comprehensive review of Federal, State and local listed data on potential hazardous waste sites in the project vicinity. A complete copy of the EDR report is available upon request. This data search was performed in accordance with ASTM E-1527-05 standards for minimum search distance. The use of the EDR resource allows for a comprehensive listing of sites of potential concern. *Table 4.4.1.11-1* summarizes the information available through the EDR report.

Table 4.2.1.11-1 Environmental Records Review

Standard Environmental Record Sources	Minimum Search Distance: (miles)	No. of Listed Properties ¹
Federal CERCLIS	0.5	1
Federal CERCLIS NFRAP	0.5	1
Federal RCRA Generator	0.25	1
RCRA-Small Quantity Generators (SQG)	0.25	2
RCRA-Conditionally Exempt Small Quantity Generators (CESQG)	0.25	2
State and Tribal Equivalent CERCLIS	1	4
Vapor Reopened	1	1
State & Tribal Landfill and/or Solid Waste Disposal (SWF/LF)	0.5	3
State & Tribal Leaking Storage Tanks (LTANKS)	0.5	34
Local list of Registered Storage Tanks	0.5	34
State & Tribal Registered Storage Tank List (UST)	0.25	18
Aboveground Storage Tank (AST)	0.25	8
State & Tribal Brownfield sites	0.5	3
Additional Environmental Records		
US Brownfield sites	0.5	1
Local List of Hazardous Waste/Contaminated Sites (DEL SHWS)	1	1
Local List of Registered Storage Tanks (HIST UST)	0.25	19
Records of Emergency Release Reports (NY SPILLS)	0.125	23
NY HIST Spills	0.125	19
RCRA-NonGen	0.25	18
Hazardous Substance Waste Disposal Sites (HSWDS)	0.5	1
Manifest Records	0.25	23
Drycleaners	0.25	2

Notes: ¹ several sites are in more than one database.

EDR Findings Overview

A review of local, State, and Federal environmental databases indicates that there are 126 listed properties located within a 1 mile radius of the proposed project site. Many sites were eliminated from further review due to their location in relation to the project corridor.

The EDR report was reviewed for sites located on Front Street (between Prospect Street and Main Street) and those sites situated within ¼ mile from the project corridor.

The process used for the Sanborn Map review is to highlight all addresses whose past use could be considered an environmental concern. Examples of how a past land usage could lead to an environmental concern is the presence of contaminated soils from a former filling station, automotive repair shop, large manufacturing plant, chemical plant, drycleaner, etc. Based on the location of such sites with respect to the project corridor and the specific past land use, further investigation may be eliminated or warranted.

Environmental Data Resources (EDR)

A review of local, State and Federal Environmental databases was conducted. Environmental Data Resources (EDR) Inc. was contracted to provide a comprehensive review of Federal, State and local listed data on potential hazardous waste sites in the project vicinity. A complete copy of the EDR report is available upon request. This data search was performed in accordance with ASTM E-1527-05 standards for minimum search distance. The use of the EDR resource allows for a comprehensive listing of sites of potential concern. *Table 4.4.1.11-1* summarizes the information available through the EDR report.

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RCRA-Conditionally Exempt Small Quantity Generators (CESQG)	0.25	2
State and Tribal Equivalent CERCLIS	1	4
Vapor Reopened	1	1
State & Tribal Landfill and/or Solid Waste Disposal (SWF/LF)	0.5	3
State & Tribal Leaking Storage Tanks (LTANKS)	0.5	34
Local list of Registered Storage Tanks	0.5	34
State & Tribal Registered Storage Tank List (UST)	0.25	18
Aboveground Storage Tank (AST)	0.25	8
State & Tribal Brownfield sites	0.5	3
Additional Environmental Records		
US Brownfield sites	0.5	1
Local List of Hazardous Waste/Contaminated Sites (DEL SHWS)	1	1
Local List of Registered Storage Tanks (HIST UST)	0.25	19
Records of Emergency Release Reports (NY SPILLS)	0.125	23
NY HIST Spills	0.125	19
RCRA-NonGen	0.25	18
Hazardous Substance Waste Disposal Sites (HSWDS)	0.5	1
Manifest Records	0.25	23
Drycleaners	0.25	2

Notes: ¹ several sites are in more than one database.

EDR Findings Overview

A review of local, State, and Federal environmental databases indicates that there are 126 listed properties located within a 1 mile radius of the proposed project site. Many sites were eliminated from further review due to their location in relation to the project corridor.

The EDR report was reviewed for sites located on Front Street (between Prospect Street and Main Street) and those sites situated within 1/8 mile from the project corridor.

Project Corridor Walkover

The Hazardous Waste Screening also included a walkover of the proposed project corridor. The objective of the walkover is to obtain familiarity with the project area and properties located adjacent to the project limits, to note observable environmental concerns, review the characteristics of the project corridor, and identify areas exhibiting signs of possible environmental degradation. A walkover was completed on November 13, 2009.

The following sites present the potential for environmental concern:

Site 1: Green painted fence

Project Corridor Walkover

This fence is located on the east side of Front Street, across the street from Botnick Chevrolet (179-183 Front Street) and continues south to the intersections of North Street connects to Front Street.

Conclusion and Recommendation

This site presents the potential for environmental concern. It is assumed that the fence paint contains some concentration of lead. It is recommended that a lead paint sample of the fence be taken and submitted to a laboratory to verify the current lead content (if any) as the presence of lead will require worker safety controls if the fence is to be removed and disposed of as part of the proposed project.

Site 2 (EDR Site 13): 351 Front Street

This property is located on the west side of Front Street, between Franklin Street and Prospect Street.

Project Corridor Walkover

The site is currently McCormick's paint, wallpaper and stain glass store.

Sanborn Maps

The Sanborn maps from 1970 and 1950 indicate that this site was a filling station.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as an unregulated PBS facility. There were three underground storage tanks which were reportedly closed and removed on May 1, 1991. The tanks were installed on May 1, 1972 and held a combined capacity of 24,000 gallons of unleaded gasoline; these were constructed of steel/ carbon steel.

USEPA RCRA Database

The RCRA file is labeled as Amerada Hess Station 32440, EPA ID# NYD986956829. The facility is identified as a Non-Generator and no violations were found as of January 1, 2007. There is one NY Manifest record reported at this site.

NYSDEC Leaking Storage Tank Incident Reports

One leaking storage tank report documented at this property is identified in the report as 351 Front Street. The incident is identified as Spill# 8601766 and occurred on June 13, 1986. There is limited information available in either the EDR report or the NYSDEC Spill Incidents Database on the NYSDEC website, however it is reported that tank failure at a gasoline station caused an unknown amount of gasoline to spill, affecting the groundwater.

According to the EDR report, the company was considering uncovering and retesting the tanks, however the outcome is not documented. The spill was closed on August 11, 1987.

The second leaking storage tank report documented at this property is identified as Hess Front Street. The incident is identified as Spill# 8907329 and occurred on October 24, 1989 when contaminated soil was found during the removal of additional underground tanks. Contaminated soil was removed during the tank removals and stockpiled on plastic; the soil was then removed to the landfill and the spill was closed on December 1, 1989.

The third leaking storage tank report documented at this property is identified as ARCO, Front Street. The incident is identified as Spill# 8900400 and occurred on April 12, 1989 when there was a line leak on an 8,000 gallon unleaded tank. There is no further information pertaining to this report. The spill was closed on October 30, 1989.

Conclusion and Recommendation

This site presents the potential for environmental concern because of the potential for contaminated soils due to the past use as a filling station. The presence of an underground storage tank(s) (UST's) is unknown. It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of UST's. It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 3 (EDR Site E17): AAMCO Transmissions, 339 Front Street

This property is located on the west side of Front Street adjacent to the south of Franklin Street. In the EDR report, this property is identified as site 1 of 4 in cluster E.

Project Corridor Walkover

This site is currently AAMCO Transmissions/ U-Save Auto Rental (same address for both).

Sanborn Maps

The property currently located at 339 Front Street was 335 Front Street in 1970 and earlier. The Sanborn map from 1970 indicates that 335 Front Street was an electrical supply warehouse. In 1950 this site was a warehouse affiliated with Cutler Ice Company. In 1918 this site was a feed mill.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as a PBS Waste Oil Storer. There are six aboveground storage tanks in service at this site. The tanks hold a combined capacity of 1,875 gallons of waste oil and are constructed of steel/ carbon steel/ iron. Five of the tanks were installed on September 1, 2003, while one was installed on July 1, 2004.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 4: 329 Front Street

This property is located on the west side of Front Street between Valley Street and Franklin Street.

Project Corridor Walkover

This site is currently a small, abandoned, boarded-up one story wood building.

Sanborn Maps

The 1970 Sanborn map indicates that this site was an office. The 1950 Sanborn map indicates that this site was a storage building. In addition, the 1950 map indicates the presence of a GT (gasoline tank) at 329 Front Street.

Conclusion and Recommendation

This site presents the potential for environmental concern based on the Sanborn map of 1950 which indicates the presence of a gasoline tank(s). It is unknown, based solely on the Sanborn map symbol, if the gasoline tank(s) was/were above ground or underground.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 5: 307 Front Street

This property is located on the west side of Front Street, north of Valley Street.

Project Corridor Walkover

This site is currently A&M auto shop.

This site presents the potential for environmental concern because of the potential for contaminated soils due to the past use as a filling station. The presence of an underground storage tank(s) (UST's) is unknown. It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of UST's. It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 3 (EDR Site E17): AAMCO Transmissions, 339 Front Street

This property is located on the west side of Front Street adjacent to the south of Franklin Street. In the EDR report, this property is identified as site 1 of 4 in cluster E.

Project Corridor Walkover

This site is currently AAMCO Transmissions/ U-Save Auto Rental (same address for both).

Sanborn Maps

The property currently located at 339 Front Street was 335 Front Street in 1970 and earlier. The Sanborn map from 1970 indicates that 335 Front Street was an electrical supply warehouse. In 1950 this site was a warehouse affiliated with Cutler Ice Company. In 1918 this site was a feed mill.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as a PBS Waste Oil Storer. There are six aboveground storage tanks in service at this site. The tanks hold a combined capacity of 1,875 gallons of waste oil and are constructed of steel/ carbon steel/ iron. Five of the tanks were installed on September 1, 2003, while one was installed on July 1, 2004.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 4: 329 Front Street

This property is located on the west side of Front Street between Valley Street and Franklin Street.

Project Corridor Walkover

This site is currently a small, abandoned, boarded-up one story wood building.

Sanborn Maps

The 1970 Sanborn map indicates that this site was an office. The 1950 Sanborn map indicates that this site was a storage building. In addition, the 1950 map indicates the presence of a GT (gasoline tank) at 329 Front Street.

Conclusion and Recommendation

This site presents the potential for environmental concern based on the Sanborn map of 1950 which indicates the presence of a gasoline tank(s). It is unknown, based solely on the Sanborn map symbol, if the gasoline tank(s) was/were above ground or underground.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 5: 307 Front Street

This property is located on the west side of Front Street, north of Valley Street.

Project Corridor Walkover

This site is currently A&M auto shop.

Sanborn Maps

The Sanborn map from 1970 indicates this site was an auto body works shop specializing in lacquer spraying. The Sanborn map from 1950 indicates that this site was a filling station.

Conclusion and Recommendation

This site presents the potential for environmental concern because it was an auto body shop and filling station in the past. There is no information in the EDR report for this site. There potentially may be contaminated soils due to the past use as a filling station. The presence of UST's is unknown. In addition, automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 6: 305 Front Street

This site is currently located on the west side of Front Street.

Project Corridor Walkover

This site is currently Red Oak Restaurant

Sanborn Maps

The Sanborn map from 1970 and 1950 indicates that this site was a truck garage and warehouse. It was affiliated with Rogers Trucking Company. The 1970 and 1950 Sanborn maps also indicate a GT (gasoline tank) located at the site location.

Conclusion and Recommendation

This site presents the potential for environmental concern based on the Sanborn maps of 1970 and 1950 which indicate the presence of a gasoline tank(s). It is unknown if the gasoline tank(s) was/were above ground or underground.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 7: 303 Front StreetProject Corridor Walkover

Currently, 303 Front Street does not exist. Its physical existence in the past would have been between the parking lots of Fritz Auto Garage and the Red Oak restaurant.

Sanborn Maps

The Sanborn map from 1950 indicates that this site was an auto repair shop. Available Sanborn Maps prior to 1950 indicate this site was a vacant lot.

Conclusion and Recommendation

The area between Fritz Auto Garage and the Red Oak Restaurant present the potential for environmental concern because it was an automotive shop in the past. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 8: 301 Front Street

This property is located on the west side of Front Street north of Valley Street.

Project Corridor Walkover

This site is currently Fritz Auto Garage and appeared vacant at the time of the Project Corridor Walkover on November 13, 2009.

Sanborn Maps

Sanborn map from 1970 and 1950 indicates that this site was an auto repair shop.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 9: 297 Front Street

This property is located on the west side of Front Street north of Valley Street.

Project Corridor Walkover

This site is currently K&L auto garage.

Sanborn Maps

The Sanborn map from 1970 indicates that this site was a welding shop. Available Sanborn maps prior to 1970 indicate this site was a vacant lot.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 10 (EDR Site C8): One Stop Groceries, Inc., 283-285 Front Street

This property is located on the west side of Front Street, between Karlada Drive and Valley Street. In the EDR report, this is site 2 of 5 in cluster C.

Project Corridor Walkover

This site is currently I-Stop filling station and convenience mart.

Sanborn Maps

The Sanborn maps from 1970 and 1950 indicate this site as a filling station.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as an active PBS facility. There were four registered underground storage tanks which were closed and removed on November 1, 1991. The installation date is not reported for three of these tanks; however, one was reportedly installed on June 1, 1982. The tanks were constructed of galvanized steel and held a combined capacity of 15,000 gallons of unleaded gasoline.

There are three underground storage tanks in service at this site. One of these tanks is used to store 2,000 gallons of diesel fuel and was installed on December 1, 1987. This tank is constructed of galvanized steel with interstitial manual monitoring for tank leak detection.

Two of the active storage tanks were installed on November 1, 1991 and store a combined total of 20,000 gallons of unleaded gasoline; these tanks are double-walled fiberglass reinforced plastic with interstitial electronic monitoring for piping leak detection and interstitial manual monitoring for tank leak detection.

Project Corridor Walkover

This site is currently Fritz Auto Garage and appeared vacant at the time of the Project Corridor Walkover on November 13, 2009.

Sanborn Maps

Sanborn map from 1970 and 1950 indicates that this site was an auto repair shop.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 9: 297 Front Street

This property is located on the west side of Front Street north of Valley Street.

Project Corridor Walkover

This site is currently K&L auto garage.

Sanborn Maps

The Sanborn map from 1970 indicates that this site was a welding shop. Available Sanborn maps prior to 1970 indicate this site was a vacant lot.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 10 (EDR Site C8): One Stop Groceries, Inc., 283-285 Front Street

This property is located on the west side of Front Street, between Karlada Drive and Valley Street. In the EDR report, this is site 2 of 5 in cluster C.

Project Corridor Walkover

This site is currently I-Stop filling station and convenience mart.

Sanborn Maps

The Sanborn maps from 1970 and 1950 indicate this site as a filling station.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as an active PBS facility. There were four registered underground storage tanks which were closed and removed on November 1, 1991. The installation date is not reported for three of these tanks; however, one was reportedly installed on June 1, 1982. The tanks were constructed of galvanized steel and held a combined capacity of 15,000 gallons of unleaded gasoline.

There are three underground storage tanks in service at this site. One of these tanks is used to store 2,000 gallons of diesel fuel and was installed on December 1, 1987. This tank is constructed of galvanized steel with interstitial manual monitoring for tank leak detection.

Two of the active storage tanks were installed on November 1, 1991 and store a combined total of 20,000 gallons of unleaded gasoline; these tanks are double-walled fiberglass reinforced plastic with interstitial electronic monitoring for piping leak detection and interstitial manual monitoring for tank leak detection.

NYSDEC Leaking Storage Tank Incident Reports

There is one leaking storage tank report documented at this property, identified in the report as One Stop Groceries, Inc. The incident is identified as Spill# 9104321 and occurred on July 22, 1991 when contaminated soil was noticed during excavation for the installation of new tanks (the excavation was near the existing tanks). Contaminated soil was removed and stockpiled; additional excavation was to take place after the tanks were removed. There is no further information regarding additional excavation. The spill was closed on February 17, 1993.

NYSDEC Spill Report Database

There is one reported spill at this address, identified as Spill# 9214502. This spill occurred on October 1, 1992 when a former employee of this business reported that 50 gallons of oil was spilled. No contamination was found after drilling and the record was closed on March 31, 1993.

There are two recent spills at this address; both of which are still open. The first spill is identified as Spill# 0903855 and occurred on July 1, 2009. The second spill is identified as Spill# 0904129 and occurred on July 9, 2009. The amount of gasoline is unknown for both spills. No other information was available.

Conclusion and Recommendation

This site presents the potential for environmental concern due to the current and past use as a filling station. Both spills that occurred in July of 2009 have not been closed. It is likely that there are contaminated soils at this site. It is recommended that a soil boring investigation be implemented to verify the existence and extent of contaminated soils adjacent to the project corridor.

The EDR report indicated that there are currently three active UST's at this site. It is recommended that ground penetrating radar be done at this site to verify that one or more UST's will not be impacted by the construction of the proposed project.

Site 11: 225 Front Street

This property is located on the west side of Front Street between Winding Way and Clinton Street.

Project Corridor Walkover

This site is currently part of the small strip mall located between Winding Way and Clinton Street.

Sanborn Maps

Sanborn maps from 1970 and 1950 indicate that this site was a filling station. The 1970 Sanborn map shows Dickinson Street connecting to Front Street. Currently, Dickinson Street terminates at the western edge of the strip mall property. The former 225 Front Street is the current location of the northern parking area for the strip mall.

Conclusion and Recommendation

This site presents the potential for environmental concern because it was a filling station in the past. There is no information contained within the EDR report regarding this site. There potentially may be contaminated soils due to the past use as a filling station. The presence of an UST's is unknown.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 12 (EDR Site B3): 216 Front Street

This property is located on the north-east corner of the intersection of Front Street and McDonald Avenue.

Project Corridor Walkover

This site is a registered motor vehicle retail dealership selling used automobiles.

Sanborn Maps

The Sanborn map from 1970 indicates this site as an auto sales and service shop. Prior to 1970 this site was a vacant lot.

NYSDEC Spill Report Database

There is one reported spill at this address, identified as Spill# 8907852. This spill occurred on November 7, 1989 when the garage owner pumped water and waste oil from the pit under a car lift onto the street. The spill was cleaned with Speedy Dry and contamination did enter the Chenango River. The spill was closed on October 12, 1990.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 13 (EDR Site B2, B5): The Garment Center, 215 Front Street

This property is located on the west side of Front Street, between Winding Way and Clinton Street. It is identified as FINDS Registry ID# 110004478244. In the EDR report, the property is reported as three sites within cluster B; however the address is only the same for two of these sites, (1 and 3 in B cluster). Reported names for this address include: The Garment Center and Former Gas Station.

Project Corridor Walkover

This site is currently part of the small strip mall located between Winding Way and Clinton Street.

Sanborn Maps

The 1950 Sanborn map indicates this site having an address of 207-209 Front Street and was a filling station located at the south end (parking lot) of what is now a small strip mall.

USEPA RCRA Database

The RCRA file is labeled as The Garment Center, EPA ID# NYD986974947. The facility is identified as a Non-Generator and no violations were found as of January 1, 2007. There are two NY Manifest records reported at this site.

NYSDEC Spill Report Database

There is one reported spill at this address, labeled as Former Gas Station, and identified as Spill# 9702449. This spill occurred on May 22, 1997 when gasoline contamination was found during a Phase II Environmental Site Assessment (ESA). There are no additional details concerning this spill in the EDR Report or on the NYSDEC online Spill Incidents Database. The spill was closed on September 4, 2001.

Conclusion and Recommendation

This site presents the potential for environmental concern because it was a filling station in the past. The EDR report does not indicate the closure or removal of UST's. There potentially may be contaminated soils due to the past use as a filling station. The presence of UST's is unknown.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 14: 208 Front Street

This property is located on the south-east corner of the intersection of Front Street and McDonald Avenue.

Project Corridor Walkover

This site is currently being used as a parking lot housing tow trucks and school buses.

Sanborn Maps

The Sanborn map from 1970 indicates this site as an auto shop. Prior to 1970 this site was a private dwelling.

NYSDEC Spill Report Database

There is one reported spill at this address, identified as Spill# 8907852. This spill occurred on November 7, 1989 when the garage owner pumped water and waste oil from the pit under a car lift onto the street. The spill was cleaned with Speedy Dry and contamination did enter the Chenango River. The spill was closed on October 12, 1990.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 13 (EDR Site B2, B5): The Garment Center, 215 Front Street

This property is located on the west side of Front Street, between Winding Way and Clinton Street. It is identified as FINDS Registry ID# 110004478244. In the EDR report, the property is reported as three sites within cluster B; however the address is only the same for two of these sites, (1 and 3 in B cluster). Reported names for this address include: The Garment Center and Former Gas Station.

Project Corridor Walkover

This site is currently part of the small strip mall located between Winding Way and Clinton Street.

Sanborn Maps

The 1950 Sanborn map indicates this site having an address of 207-209 Front Street and was a filling station located at the south end (parking lot) of what is now a small strip mall.

USEPA RCRA Database

The RCRA file is labeled as The Garment Center, EPA ID# NYD986974947. The facility is identified as a Non-Generator and no violations were found as of January 1, 2007. There are two NY Manifest records reported at this site.

NYSDEC Spill Report Database

There is one reported spill at this address, labeled as Former Gas Station, and identified as Spill# 9702449. This spill occurred on May 22, 1997 when gasoline contamination was found during a Phase II Environmental Site Assessment (ESA). There are no additional details concerning this spill in the EDR Report or on the NYSDEC online Spill Incidents Database. The spill was closed on September 4, 2001.

Conclusion and Recommendation

This site presents the potential for environmental concern because it was a filling station in the past. The EDR report does not indicate the closure or removal of UST's. There potentially may be contaminated soils due to the past use as a filling station. The presence of UST's is unknown.

It is recommended that ground penetrating radar be conducted at this location to verify the presence (or absence) of an underground storage tank(s). It is also recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 14: 208 Front Street

This property is located on the south-east corner of the intersection of Front Street and McDonald Avenue.

Project Corridor Walkover

This site is currently being used as a parking lot housing tow trucks and school buses.

Sanborn Maps

The Sanborn map from 1970 indicates this site as an auto shop. Prior to 1970 this site was a private dwelling.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 15 (EDR Site G21, G25): Gardner Motors, Inc., 191 Front Street

This property is located on the west side of Front Street between Gerard Avenue and Clinton Street. In the EDR report, this property is identified as two sites in cluster G, however the address is the same for both. Reported names for this address include: Gardner Motors, Inc. and Feduke Motor Co. The site is identified as FINDS Registry ID# 110004349928.

Project Corridor Walkover

This site is currently part of Empire Motor Car- Audi and Volkswagen car dealership.

Sanborn Maps

The Sanborn map from 1970 indicates this as an auto sales/service station. Sanborn maps from 1950 and 1918 indicate that this site was a restaurant.

NYSDEC Petroleum Bulk Storage Database

There was one underground storage tank which was closed and removed on January 1, 1994. The tank was installed on February 1, 1976 and held 2,000 gallons of unleaded gasoline; the UST was constructed of galvanized steel.

NYSDEC Spill Report Database

There is one reported spill at this address, identified as Spill# 0102304. This spill occurred on May 31, 2001 when a driver was pumping a water/ oil mix into his truck. When the driver went to change the hose line, the material blew out onto the pavement; a total of 20 gallons was spilled and recovered. The spill was contained and cleaned up and the record was closed on June 8, 2001.

USEPA RCRA Database

The RCRA file is labeled as Feduke Motor Co, EPA ID# NYD013672472. The facility is identified as a Conditionally Exempt Small Quantity Generator (CESQG) and no violations were found as of January 1, 2007. There are 139 NY Manifest records reported at this site.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Site 16 (EDR Site D10, D11): Botnick Chevrolet Motor Corp, 179 Front Street

This property is located on the west side of Front Street between Elizabeth Street and Gerard Avenue. In the EDR report, this property is identified as two sites in cluster D, however the address is the same for both. Reported names for this address include: Botnick Chevrolet Motor Corp and Botnick Chevrolet. The site is identified as FINDS Registry ID# 110004404500.

Project Corridor Walkover

This site is currently 179-183 Front Street and is the property of Botnick Chevrolet Motor Corporation.

Sanborn Maps

The Sanborn map from 1970 indicates this site as an auto sales/service shop. In 1950, the current site was two separate sites; 179 Front Street was a Disabled American Veteran Memorial Home and 183 Front Street was a Baptist Church. Prior to 1950, the buildings that encompass the current location were private dwellings.

USEPA RCRA Database

The RCRA file is labeled as Botnick Chevrolet Motor Corp, EPA ID# NYD981483662. The facility is identified as a Non-Generator and no violations were found as of January 1, 2007. There are 118 NY Manifest records reported at this site.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as a PBS Waste Oil Storer. There are three aboveground storage tanks in service at this site. Each of these tanks hold a capacity of 250 gallons of waste oil and are constructed of steel/ carbon steel/ iron. The tanks were installed on January 1, 1986.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Conclusions/Recommendations – Hazardous Waste

In conclusion, sixteen (16) sites were identified as having the potential to present an environmental concern to the proposed project due to the proximity to the project corridor, depth of excavation and direction of groundwater flow to the Chenango River. Each potentially contaminated site is listed with the corresponding recommendation for further work, in *Table 4.2.1.11-1*.

Table 4.2.1.11-2 indicates which sites are of potential concern for the various alternatives and sub-alternatives.

Table 4.2.1.11-2 - Summary of Recommendations

Site ID	Site address	Past/Current land use	Reason for concern	Recommendation(s)
Site 1	East side of Front St. between Botnick Chevrolet and North St.	NA	Unknown concentration of lead in paint on fence	Paint sample to verify lead content
Site 2 (EDR site 13)	351 Front St.	Past: Filling station Current: paint shop	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 3 (EDR site E17)	339 Front St.	Past: warehouse Current: AAMCO Trans., U-Save auto rental	Potential contaminated soils	Soil boring investigation
Site 4	329 Front St.	Past: office/storage Current: abandoned	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar ¹ Soil boring investigation
Site 5	307 Front St.	Past: filling station and auto body shop Current: A&M auto	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 6	305 Front St.	Past: truck garage and warehouse Current: Red Oak Restaurant	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar ¹ Soil boring investigation

Sanborn Maps

The Sanborn map from 1970 indicates this site as an auto sales/service shop. In 1950, the current site was two separate sites; 179 Front Street was a Disabled American Veteran Memorial Home and 183 Front Street was a Baptist Church. Prior to 1950, the buildings that encompass the current location were private dwellings.

USEPA RCRA Database

The RCRA file is labeled as Botnick Chevrolet Motor Corp, EPA ID# NYD981483662. The facility is identified as a Non-Generator and no violations were found as of January 1, 2007. There are 118 NY Manifest records reported at this site.

NYSDEC Petroleum Bulk Storage Database

The EDR report identifies this property as a PBS Waste Oil Storer. There are three aboveground storage tanks in service at this site. Each of these tanks hold a capacity of 250 gallons of waste oil and are constructed of steel/ carbon steel/ iron. The tanks were installed on January 1, 1986.

Conclusion and Recommendation

This site presents the potential for environmental concern. Automotive shops house hazardous materials and potentially generate hazardous waste. There is the potential for soils adjacent to automotive shops to be contaminated by hazardous wastes from spills; examples include but are not limited to: used oil, antifreeze, brake fluids, gasoline, etc.

It is recommended that a soil boring investigation be implemented to determine the existence of contaminated soils adjacent to the project corridor.

Conclusions/Recommendations – Hazardous Waste

In conclusion, sixteen (16) sites were identified as having the potential to present an environmental concern to the proposed project due to the proximity to the project corridor, depth of excavation and direction of groundwater flow to the Chenango River. Each potentially contaminated site is listed with the corresponding recommendation for further work, in *Table 4.2.1.11-1*.

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Site 4	329 Front St.	Past: office/storage Current: abandoned	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar ¹ Soil boring investigation
Site 5	307 Front St.	Past: filling station and auto body shop Current: A&M auto	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 6	305 Front St.	Past: truck garage and warehouse Current: Red Oak Restaurant	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar ¹ Soil boring investigation

Site ID	Site address	Past/Current land use	Reason for concern	Recommendation(s)
Site 7	303 Front St.	Past: auto repair shop Current: parking lot	Potential contaminated soils	Soil boring investigation
Site 8	301 Front St.	Past: auto repair shop Current: Fritz auto garage	Potential contaminated soils	Soil boring investigation
Site 9	297 Front St.	Past: welding shop Current: K&L auto garage	Potential contaminated soils	Soil boring investigation
Site 10 (EDR site C8)	283-285 Front St.	Past: filling station Current: I-Stop filling station/ corner store	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 11	225 Front St.	Past: filling station Current: parking lot at north end of strip mall	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 12 (EDR site B3)	216 Front St.	Past: auto sales/service Current: retail dealership	Potential contaminated soils	Soil boring investigation
Site 13 (EDR site B2, B5)	215 Front St.	Past: filling station Current: parking lot at north end of strip mall	Potential contaminated soils, unknown presence of UST's	Ground penetrating radar Soil boring investigation
Site 14	208 Front St.	Past: auto shop Current: parking lot	Potential contaminated soils	Soil boring investigation
Site 15 (EDR site G21, G25)	191 Front St.	Past: auto sales/service Current: Audi/VW car dealership	Potential contaminated soils	Soil boring investigation
Site 16 (EDR site D10, D11)	179 Front St.	Past: mixed use Current: Botnick Chevrolet/auto repair	Potential contaminated soils	Soil boring investigation

Notes: ¹ Sanborn map(s) from 1970/1950 indicates the presence of a GT (gasoline tank). It is unknown based solely on this information if the GT is/was above ground or underground. A ground penetrating radar investigation is recommended to verify the existence of a UST.

Table 4.2.1.11-3 indicates those sites of potential concern that may be impacted based on alternative selection.

Table 4.2.1.11-3 - Potential Sites Impacted Based on Alternative Selection

Alternatives	Sites of Impact
1	None
2	2, 3, 10, 11
3	2, 3, 10, 11
Sub-Alternative Only	Sites of Impact
1	1-16
2	310 Front St. - Magic City Ice Co. (see section 4.1.2.12 Asbestos)
3	1-16

As with any environmental assessment completed without subsurface environmental testing, the possibility of unknown subsurface contamination exists. Should suspect materials be encountered during the course of project execution, appropriate measures should be taken to report such contamination, determine the nature and extent of any possible hazardous materials, and for proper management of such materials.

4.1.2.12 Asbestos

A review of the project utility record plans was completed in an attempt to assess the plans for evidence of asbestos containing materials in the underground pipes and conduits along the project. The results of this utility review are shown in *Table 4.1.2.12-1*

Table 4.1.2.12-1-Asbestos Containing Material (ACM) in Underground Utilities

Utility	Asbestos Containing Material	Comments
Time Warner Cable	No/ Unknown	Unknown pipe material or no ACMs Specified
NYSEG - Gas	No	PE pipe or not specified as ACM
City Sewer	Yes	There are some tile pipes from 1909 which probably contain asbestos. Labels say VT which is Vitrified Tile
City Water	No	Cast Iron or Ductile Iron Pipes
Verizon	Yes	Most the pipes are labeled "multi tile duct" which likely contain asbestos
Fibertech	No	All of the piping appears to be PVC Schedule 40.

Sub-Alternative 2 is located on the property containing the Magic City Ice Co structure, (310 Front Street). If the proposed Sub-Alternative 2 is adopted, it is recommended that an Asbestos Pre-Demolition Survey be completed by a NYSDOL certified inspector.

4.2.1.13 Noise

No noise impact is expected due to project implementation. This project involves replacement of the existing roadway with no significant change in alignment and no increase in the number of through travel lanes. It is not a Type I project, and no noise study is required.

4.2.1.14 Air Quality

An Air Quality Analysis is not necessary since the project would not increase traffic volumes, reduce source-receptor distances, or change other existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards.

During construction, air quality is most affected by the increase of airborne particulates (dust). This increase is sporadic and temporary in nature and would be most noticeable in the area immediately adjacent to construction. The impacts can be minimized by the use of dust control provisions found in the NYSDOT Standard Specifications for Construction.

4.2.1.15 Energy

The proposed project will not have an impact on energy usage.

4.2.1.16 Farmlands

The proposed project is not located adjacent to an Agricultural District nor any active or inactive farmland. No impact to farmland will result from implementation of this project.

4.2.1.17 Visual Impacts

The implementation of this Gateway Improvement project will result in a positive visual impact to the corridor area.

4.2.1.18 Critical Environmental Areas

Per NYSDEC data, there are no critical environmental areas located within the project limits.

Anticipated Environmental Permits/Detailed Studies

- **Stormwater Management:** SPDES General Permit for Construction Activities
- **Stormwater Management:** SWPPP (Stormwater Pollution Prevention Plan)

4.1.2.12 Asbestos

A review of the project utility record plans was completed in an attempt to assess the plans for evidence of asbestos containing materials in the underground pipes and conduits along the project. The results of this utility review are shown in *Table 4.1.2.12-1*

Table 4.1.2.12-1-Asbestos Containing Material (ACM) in Underground Utilities

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Verizon	Yes	Most the pipes are labeled "multi tile duct" which likely contain asbestos
Fibertech	No	All of the piping appears to be PVC Schedule 40.

Sub-Alternative 2 is located on the property containing the Magic City Ice Co structure, (310 Front Street). If the proposed Sub-Alternative 2 is adopted, it is recommended that an Asbestos Pre-Demolition Survey be completed by a NYSDOL certified inspector.

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4.2.1.18 Critical Environmental Areas

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Anticipated Environmental Permits/Detailed Studies

- **Stormwater Management:** SPDES General Permit for Construction Activities
- **Stormwater Management:** SWPPP (Stormwater Pollution Prevention Plan)

APPENDIX C
DETAILED SITE INVESTIGATION REPORT (2015): HAZARDOUS MATERIALS

**Detailed Site Investigation Report:
Hazardous Waste/Contaminated Materials**

Front Street Gateway Improvement Project

P.I.N. 9753.16
Front Street/ NYS Route 11
City of Binghamton
Broome County, New York

Prepared For:

Clark Patterson Lee- Design Professionals
205 Saint Paul Street #500
Rochester, New York 14604

Prepared By:

Ravi Engineering & Land Surveying, P.C.
2110 S. Clinton Avenue, Suite 1
Rochester, New York 14618

June 2015

Project No. 20-09-066

EXECUTIVE SUMMARY

Ravi Engineering & Land Surveying, P.C. (RE&LS), as a sub-consultant to Clark Patterson Lee – Design Professionals, has been retained by City of Binghamton, to perform a Hazardous Waste / Contaminated Materials, Detailed Site Investigation (DSI) for the Front Street Gateway Improvement Project in the City of Binghamton, Broome County, New York. This DSI included a geophysical investigation and subsurface sampling at locations of concern identified during the Hazardous Waste / Contaminated Materials Screening.

Based on the findings of this DSI the following is recommended:

1. The results of this DSI should be given to the NYSDEC for their review and consideration.
2. A specification be added to the construction documents for the removal and disposal of an underground storage tank (UST) at Site 4 (329 Front Street). Payment for the UST removal should be a line item per tank fee, to be utilized only if an UST is encountered. Special notes should be added to plans identifying the location of the possible UST. The assumed capacity range for the suspected tank is between 2,500 and 5,000 gallons.
3. A specification be added to the construction documents for screening, segregating, sampling and disposal of petroleum contaminated soil. A special note should be added to the plans identifying the two areas where the petroleum contamination may be encountered (see Attachment A: Figure 3A, 3B and 3C).
4. A specification be added to the construction documents for screening, segregating, sampling and disposal of soil contaminated with arsenic. A special note should be added to the plans indicated that the soils at Site 10 (283 Front Street) may contain arsenic at hazardous waste levels in addition to non-hazardous waste levels of other metals (see Attachment A: Figure 3A).
5. A special note should be added to the plan indicating that any soil beyond the extent of the assumed petroleum and arsenic contamination may be reutilized as fill at this site. If the soil is to be removed from Site 6 (305 Front Street), Site 7&8 (301 Front Street) or Site 10 (283 Front Street) it should be disposed of properly and shall not be transported off site to be reutilized as fill (see Attachment A: Figure 3A, 3B and 3C).
6. In addition, a worker protection plan should be developed for identifying the soil as a concern due to the concentrations of lead, petroleum, and arsenic contamination detected.

APPENDIX D
RARE ANIMALS/PLANTS AND SIGNIFICANT NATURAL COMMUNITIES REVIEW

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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

January 22, 2016

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

RE: City of Binghamton Front Street Gateway
Town of Binghamton, Broome County

Dear Mr. King:

Based upon our review, we offer the following comments:

PROTECTION OF WATERS

The following waterbodies are located within or near the site you indicated:

<u>Name</u>	<u>Class</u>	<u>DEC Water Index Number</u>	<u>Status</u>
<input checked="" type="checkbox"/> <u>Chenango River</u>	<u>B</u>	<u>SR-44</u>	<u>Protected</u>

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A permit is not required to disturb the bed or banks of "non-protected" streams.

A Protection of Waters permit is required for any excavation or filling below the mean high water line of any waterbodies and contiguous wetlands identified above as "navigable."

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

WATER QUALITY CERTIFICATION

Please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (315) 255-8090 (Buffalo District, Auburn Field Office) for any additional permitting they might require.

STATE-LISTED SPECIES

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

Name		Status	
Common Name	Scientific Name	State Status	Federal Status
Yellow Lampmussel	Lampsilis cariosa	Unlisted	
Brook Floater	Alasmidonta varicosa	Threatened	

All threatened or endangered species are subject to regulation under Article 11, Title 5 of the Environmental Conservation Law and a permit is required for a taking of that species pursuant to 6 NYCRR Part 182. Besides death of individuals, taking includes harassment, interference with essential behaviors, and adverse modification of habitat. Additional information on the proposal will be required for a determination on the need for a permit. If work is proposed to disturb the bed of either waters, concerns would arise for both these species. No work or disturbance in the river or on its banks were identified in the project information. The work appears to be under/in the roadway and as such we would not have concerns about the natural resources.

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

CULTURAL RESOURCES

We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate the following:

- the project is located within an area considered to be sensitive with regard to archaeological resources.
- the Trinity Memorial Church (98NR01412) and the Emmanuel Church of the Evangelical Association (USN 007.40.001436) and located within the Court Street Historic District.

For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

OTHER

NYS Department of State – Office of Planning & Development:

This project is within a Significant Coastal Fish & Wildlife Habitat Area designated by the NYS DOS. If the project requires a permit from the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will also be required. Issuance of these certifications in NYS has been delegated to DEC. Although the DEC has a Blanket Water Quality Certification that covers many Army Corps Nationwide Permits, it is not applicable to this project as it does not cover any activities in NYSDOS Significant Coastal Fish & Wildlife Habitat Areas. Therefore an individual Water Quality Certification will be required.

This project is within a Local Waterfront Revitalization program (LWRP) which is pursuant to Title 19 of NYCRR Part 600, 601, 602, and 603 which provide the provisions of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act including but not limited to the required content of an LWRP, the processes of review and approval of an LRP, and LWRP amendments.

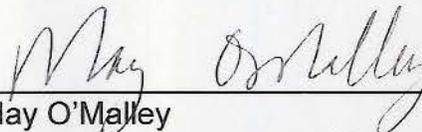
Please note that this letter only addresses the requirements for the following permits from the Department:

Protection of Waters State-listed Species

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

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

Sincerely,



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

Map attached

Cc:

USFWS

NYS Department of State – Office of Planning & Development

NOTE: Regarding erosion/sedimentation control requirements:

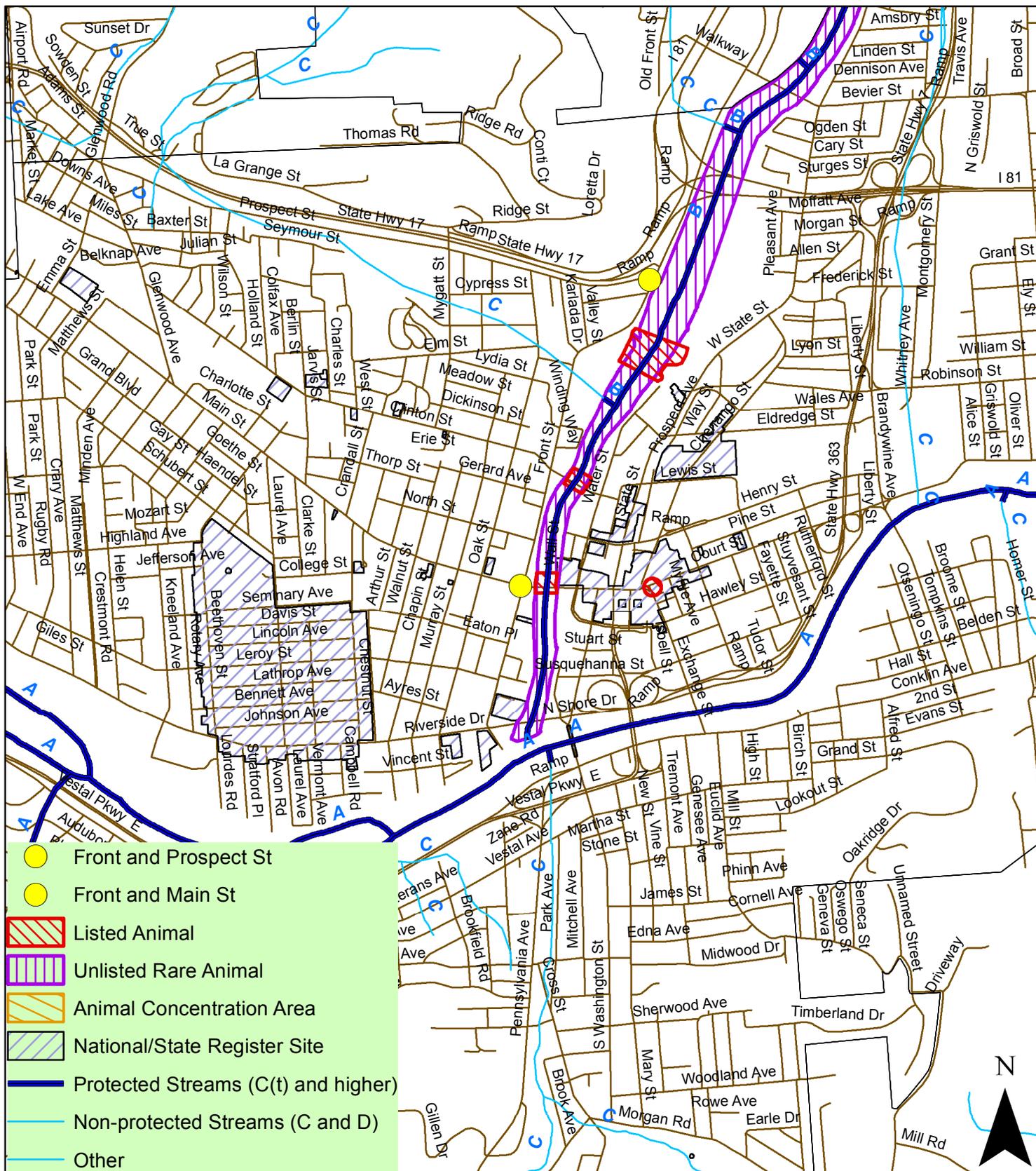
Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.

City of Binghamton Propsect St Gateway



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

Binghamtown, Broome County

Prepared by May O'Malley Date: 01/20/2016



**Department of
Environmental
Conservation**

1 inch equals 2,000 feet



U.S. Department
of Transportation
**Federal Highway
Administration**

New York Division

April 17, 2014

Leo W. O'Brien Federal Building
11A Clinton Avenue, Suite 719
Albany, NY 12207
518-431-4127
Fax: 518-431-4121
New York.FHWA@dot.gov

In Reply Refer To:
HPE-NY

Mr. Daniel Hitt, RLA
Chief, Office of Environment
New York State Department of Transportation
50 Wolf Road
Albany, NY

Subject: Federal Aid Program
Determination for ESA Section 7 Conference, Northern Long-eared Bat
No Effect Concurrence

Dear Mr. Hitt:

This letter is in regards to the Conference Process for projects under Section 7 of the Endangered Species Act (ESA), specifically regarding Northern Long-eared Bat (*Myotis septentrionalis*). This letter applies to the 516 projects within the Federal Aid Program that are listed in the attached spreadsheet: "NLEB Federal Aid Summary Table, No Trees Being Cut".

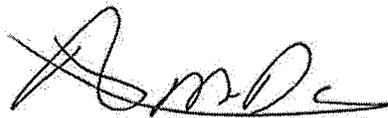
On October 2, 2013, the U.S. Fish and Wildlife Service (USFWS) proposed to list the Northern Long-eared Bat for protection under the ESA for its range. The range of the Northern Long-eared Bat encompasses the entire state of New York, with no known exclusion areas. FHWA is anticipating that the Northern Long-eared Bat will be formally listed under the ESA within approximately 12 months of the proposal date. During the period of time when a species is "proposed" to be listed under the ESA, FHWA is required to "conference" on the species.

FHWA has reviewed your letter and submission of April 15 requesting FHWA's concurrence with a determination that 516 projects within the Federal Aid Program will result in "No Effect" to the Northern Long-eared Bat based on the lack of tree cutting for each project, and based on the fact that all of the project sites are located greater than 5 miles from a known hibernaculum, greater than 3 miles from a mist net capture site, and greater than 1.5 miles from a known maternity roost site. These distances are cited in the January 6 Northern Long-eared Bat Interim Conference and Planning Guidance as distances to use for buffers around known locations of Northern Long-eared Bat.

Based on our review of the submitted documentation, FHWA concurs that the 516 projects as listed in the attached spreadsheet will have "No Effect" on the Northern Long-eared Bat, due to the fact that the projects have no potential to remove habitat because there is no tree cutting, and due to the fact that the projects are outside the distance buffers where noise and vibration could affect known hibernacula, maternity roost sites, or known capture areas. This letter concludes the

Conference Process for Section 7 of the ESA for the Northern Long-eared Bat. If you have any questions or concerns, please contact Melissa Toni at 518-431-8867.

Sincerely,

A handwritten signature in black ink, appearing to read 'RMD', written over a horizontal line.

Robert M. Davies
District Engineer

Attachment: Spreadsheet, NLEB Federal Aid Summary Table, No Trees Being Cut

cc: Melissa Toni, FHWA

region	PIN (see notes 2-3)	Project Description (see notes 2-3)	Local Project	PS&E Date	Let Date	Tree Removals (see notes 5-9)		Proximity of Cutting to Nearest Known NLEB (see note 9)			Funding	Federal Permit	Federal Lead Agency	Date NEPA Doc. Submitted to FHW A	Date NEPA Doc. Completed	Comments
						# Trees (if < 1 ac)	Acres (if ≥ 1 ac)	Cutting Schedule	Hibernaculum	Acoustic Detection/ Mist Net Capture						
9	9009.12	RITE 51, RTE 80 TO HERKIMER COUNTY LINE, OGS, QQ	N	4/24/2014	8/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	6/29/2007	N/A	
9	9009.19	VILLAGE OF MIDDLEBURGH DEPOT RESTORATION	Y	4/24/2014	4/19/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Unknown	N	FRWA	N/A	12/27/2012		
9	9009.22	CONKIN MULTILISE TRAIL CONSTRUCTION	Y	5/29/2014	5/14/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9009.24	CITY OF BINGHAMTON, SUSQUEHANNA RIVER TRAIL	Y	7/22/2014	6/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	2/1/2011	Project Let 10/2013	
9	9009.30	VESTAL RAIL TRAIL PHASE 2A	Y	4/3/2014	9/26/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9012.20	RITE 205, LAURENS TO MT. VISON, VPP	N			0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9018.69	RITE 28, LAURENS TO MT. VISON, VPP	N			0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9018.70	RITE 28, FEDERAL HILL ROAD TO DELHI, VPP	N	10/10/2013	4/15/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9021.33	RITE 52 OVER RTE 17, 5-7 REPAIRS	N	6/28/2013	7/19/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	4/4/2013		
9	9028.13	RITE 23 PINDARS CORNERS TO DAVENPORT, VPP	N			0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	12/10/2012		
9	9036.24	RITE 62, CHESTNUT STREET TO MAIN STREET, VPP	N	4/3/2014	7/30/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9038.20	RITE 434, TOGA COUNTY LINE TO BINGHAMTON CITY LINE, VESTAL	N	2/19/2014	5/22/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9043.47	RITE 11, RTE 79 TO CORTLAND COUNTY LINE, OGS, QQ	N	6/5/2014	6/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	Y	FRWA	N/A	1/17/2014		
9	9045.06	RITE 201, SUSQUEHANNA RIVER TO GRAND AVE., CPR	N	5/20/2014	6/14/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	N/A		
9	9047.08	SAFETY IMPROVEMENTS: ROUTE 98 UNDERPASS @ N&S RAILROAD XING	N	6/19/2014	6/19/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9047.09	RITE 96B, NORTH CANDOR VILLAGE LINE TO WILSEYVILLE ROAD	N	2/5/2014	4/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9067.41	RITE 17, APPROACH SLAB REPLACEMENT, TOGA COUNTY	N	1/15/2014	3/20/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9067.43	RITE 17, APPROACH SLAB REPLACEMENT, TOGA COUNTY	N	8/7/2014	11/6/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	FRWA	N/A	9/8/2013		
9	9095.93	RITE 10, DELHI TO BLOOMVILLE, VPP	N	4/9/2014	4/9/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9095.94	ITES 10 & 206, DELAWARE & BRIDGE ST. PAVING, VILLAGE OF WALTON	N	3/12/2014	6/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9111.27	RITE 20 EASTBOUND, SHARON TO SLOANVILLE, VPP	N	4/17/2014	4/17/2014	0	0.5 to 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	2/11/2014		
9	9120.58	RITE 23 SOUTH @ 88 EXIT 15, HIGH FRICTION SURFACE TREATMENT	N	6/6/2013	6/15/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	4/22/2013		
9	9120.59	RITE 23, HERRING ROAD TO MORRIS, VPP	N	7/3/2013	4/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9314.05	RITE 7, HITE RD TO MCARTHUR AVE, VPP OVERLAY	N	10/30/2013	10/30/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	12/10/2012		
9	9358.17	DECK OVERLAY, 188 OVER TUNNEL ROAD AND ROUTE 7, MBC	N	8/29/2013	11/21/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	6/31/2012		
9	9358.18	188, THIN BRIDGE OVERLAYS, 188	N	9/25/2013	12/5/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	9/23/2013		
9	9358.21	188, THIN POLYMER BRIDGE OVERLAYS	N	3/16/2014	6/19/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	10/18/2013		
9	9558.21	188, THIN POLYMER BRIDGE OVERLAYS	N	9/4/2014	12/4/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9501.11	181, BRIDGE JOINT REHAB, PA LINE TO TOWN OF KIRKWOOD	N	1/15/2012	2/7/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	6/23/2012		
9	9522.74	US11 FRONT ST. @ CLINTON ST. INTERSECTION RECONSTRUCTION	N	6/19/2013	12/5/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	4/30/2012		
9	9753.10	EXCHANGE ST. OVER SUSQUEHANNA RIVER (REHAB)	N	12/4/2013	2/26/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	11/1/2013	project being advertised now	
9	9753.16	FRONT ST GATEWAY, CITY OF BINGHAMTON	Y	9/16/2014	12/16/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.20	SULLIVAN CO. COMM. COLLEGE SITE IMPROVEMENTS	Y	2/11/2014	3/31/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	9/21/2013		
9	9753.39	BEAVERKILL CREEK BRIDGE REHABILITATION	Y	11/6/2014	2/5/2015	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	Y	FRWA	N/A	3/11/2014		
9	9753.60	BEAVERKILL DR. BEETHOVEN ST. SIGNAL UPGRADE	Y	9/23/2014	12/16/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.69	CR 33 (HOOVER RD) OVER NY'S RTE. 17C	Y	3/4/2014	4/21/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	2/14/2012	project is being advertised now	
9	9753.75	ARCH ST. OVER OLIVE ST/CHOCUNUT CWNRSR	Y	9/25/2014	12/10/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.78	BROOME COUNTY BRIDGE DECK PRESERVATION PROJECT	Y	5/14/2014	8/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.80	CATONK HILL ROAD OVER CATONK CREEK BRIDGE REHABILITATION	Y	3/4/2014	4/24/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	2/5/2014	project is being advertised now	
9	9753.83	TOGA COUNTY BRIDGE MAINTENANCE PROGRAM (FFY14)	Y	5/14/2014	8/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.85	EAST CLINTON STREET BRIDGE OVER THE CHERANGO RIVER	Y	7/30/2014	10/14/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.86	FRONT STREET PAVEMENT RESTORATION	Y	5/5/2014	7/18/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.88	EAST AND WEST SERVICE ROADS RESURFACING, TOWN OF FENTON	Y	4/12/2014	5/30/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.98	TWO RIVERS GREENWAY SIGN PROJECT	Y	5/27/2014	8/1/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9753.98	SOUTH WASHINGTON STREET BRIDGE OVER THE SUSQUEHANNA RIVER	Y	5/14/2014	8/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9805.83	PA SIGNAL REQUIREMENTS (CHENANGO & SULLIVAN CO.'S)	Y	12/26/2013	3/20/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	11/28/2013		
9	9806.17	LOCAL BRIDGE MAINTENANCE BLOCK FFY 14	Y	3/21/2014	5/1/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	Unknown	FRWA	N/A	TBD		
9	9806.47	RITE 999V, RTE. 30 TO CR49, OVERLAY	Y	6/4/2014	6/4/2014	0	5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.50	RITE 17 AND RTE 220, JOINT REPAIRS	N	12/24/2013	3/20/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	12/4/2013		
9	9806.52	TRAFFIC SIGNAL IMPROVEMENTS, VILLAGE OF ENDICOTT (2 SITES)	Y	9/4/2013	2/13/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	4/15/2013		
9	9806.60	JOC HWY MAINT. BROOME, CHEMANGO, TOGA	N	11/1/2012	5/22/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	FRWA	N/A	TBD		
9	9806.61	JOC HIGHWAY MAINTENANCE DELAWARE, OTSEGO, SCHOHARIE, SULLIVAN	N	3/14/2013	5/16/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	FRWA	N/A	TBD		
9	9806.67	SAFETAP FOLLOW-UP, RTE 17 EXIT 101 TO EXIT 102	N	10/21/2013	1/9/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	9/4/2013		
9	9806.71	GENERAL MAINTENANCE BRIDGE WASHING 2014	N	8/18/2013	12/16/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	9/25/2013		
9	9806.72	BRIDGE PAINTING, BROOME AND TOGA COUNTIES	N	10/12/2013	12/19/2013	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	10/7/2013		
9	9806.73	BRIDGE PAINTING, CHEM, DEL, OTSEGO, SCH AND SULL. COUNTIES	N	10/16/2013	10/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	N/A	N/A	TBD		
9	9806.82	SUPERSTRUCTURE REPLACEMENT 2014/15	N	12/24/2013	3/20/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	12/4/2013		
9	9806.83	CONTRACT CRACK SEALING 14/15 BROOME AND TOGA COUNTIES	N	4/17/2014	4/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.84	CONTRACT CRACK SEALING 14/15 SCHOHARIE AND DELAWARE COUNTIES	N	4/17/2014	4/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.85	CONTRACT CRACK SEALING 14/15 SULLIVAN COUNTY	N	4/17/2014	4/17/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.86	GENERAL MAINTENANCE BRIDGE WASHING 2015, BROOME AND TOGA	N	8/29/2014	12/4/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.87	BRIDGE PAINTING 2014/15, BROOME AND CHEMANGO COUNTIES	N	9/2/2014	12/4/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9806.88	BRIDGE PAINTING 2015, DELAWARE, OTSEGO, & SCHOHARIE COUNTIES	N	8/5/2014	11/6/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9808.90	ITES 8 & 23, PAVING COUNTY ROADS 18,20 & 25	Y	6/5/2014	7/25/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9830.07	VILLAGE OF MORRIS, SAFE ROUTES TO SCHOOL PEDESTRIAN IMP.	Y	6/5/2014	7/25/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9830.09	VILLAGE OF SHARON SPRINGS, SRTS PEDESTRIAN IMPROVEMENTS	Y	6/12/2014	6/19/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9830.10	VILLAGE OF WINDSOR, SAFE ROUTES TO SCHOOL PEDESTRIAN IMP.	Y	6/5/2014	7/25/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9AD4.15	AMERICANS WITH DISABILITIES ACT ACCESSIBILITY BLOCK SFY14/15	N	3/26/2014	6/19/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	Federal	N	FRWA	N/A	TBD		
9	9AD4.15	JOC - BRIDGE MAINTENANCE 2014/15 (ROLLOVER #1)	N	6/5/2014	6/5/2014	0	> 5.0 mi	> 3 mi	> 1.5 mi	State Only	N	FRWA	N/A	1/2/2014		
9	9AD4.15	JOC - HIGHWAY 2014/15 (ROLLOVER #1)	N</													

APPENDIX E
FLOODPLAIN 5-STEP PROCESS

Floodplain 5-Step Process
in accordance with Executive Order 11988: Floodplain Management
New York Governor’s Office of Storm Recovery
Front Street Gateway Highway Project
Thomas J. King – Certifying Environmental Officer
February 2016

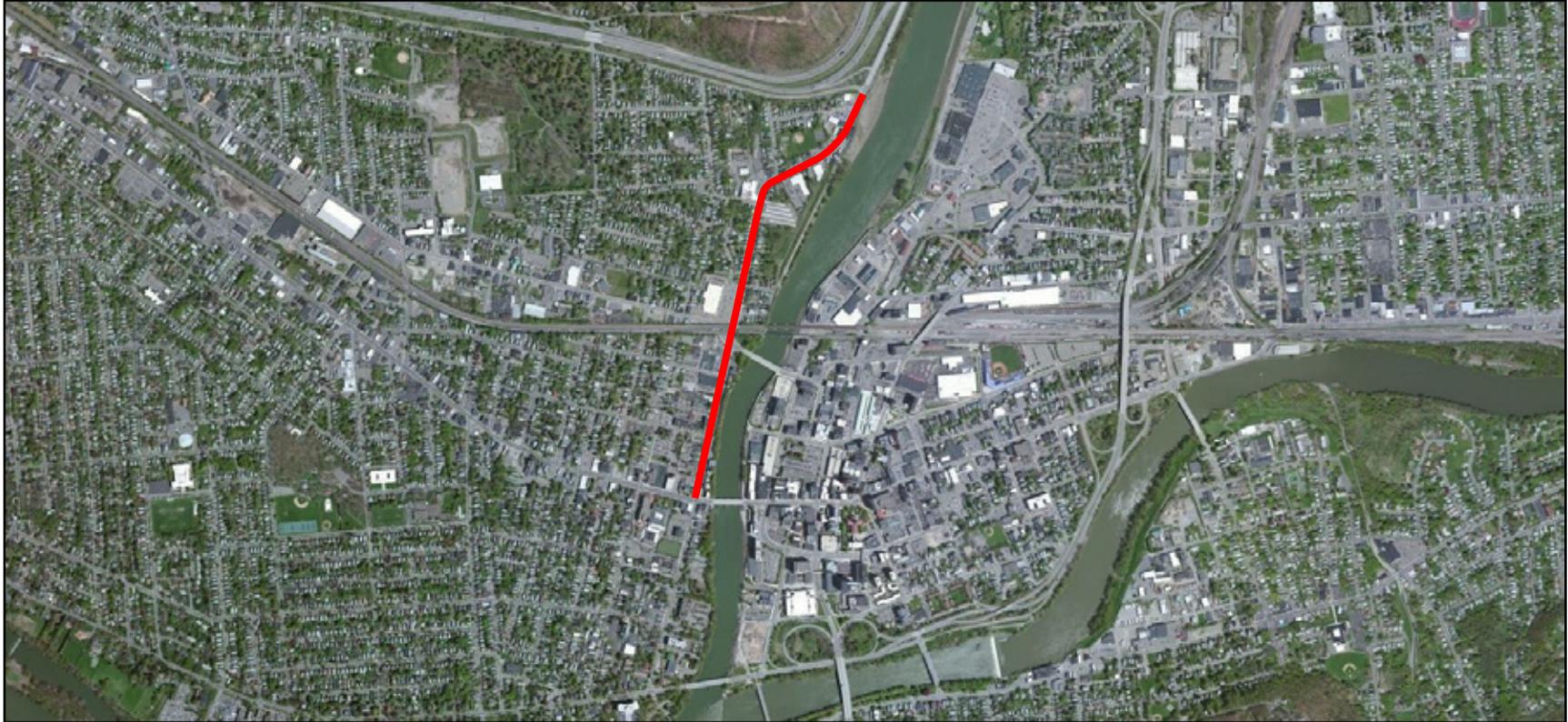
The City of Binghamton is requesting funding from the New York State Governor’s Office of Storm Recovery (GOSR) for the replacement and separation of storm and sanitary sewers along an approximately 1-mile stretch of Front Street (Route 11) from Main Street to Prospect Street (the “Front Street Corridor”) in the West Side neighborhood of Binghamton, NY (see **Figure 1**).

Improvements to be funded with up to approximately \$1,082,182 in funding from the Community Development Block Grant – Disaster Recovery (CDBG-DR) program would include the replacement of approximately 1,600 linear feet of combined sewers and the separation of approximately 2,560 linear feet of storm and sanitary sewers. The proposed project is part of a larger project being undertaken by the U.S. Federal Highway Administration (FHWA). The FHWA project proposes the full reconstruction of the Front Street Corridor by narrowing pavement width, installing new curb lines, incorporating shared use travel lanes and parking lanes, installing new street lighting and signage, installing new bus shelters, and replacing existing water mains. The FHWA project is intended to improve overall safety for pedestrians, bikers, and drivers while also providing better riverfront recreational access, improving neighborhood aesthetics, and creating a new gateway to the City. The proposed project and its associated improvements are proposed in conjunction with the FHWA project, in part so that no disruption of new pavement is needed at a later date. Thus, the proposed stormwater separation project, while not dependent on the FHWA project, is an integral part of the FHWA project.

Pursuant to 24 CFR §55.12(a)(4), steps 2, 3, and 7 of the 8-step process for floodplain management do not apply to projects involving the improvement of existing nonresidential buildings and structures, in communities that are in the Regular Program of the National Flood Insurance Program (NFIP) and are in good standing, provided that the action does not meet the thresholds for “substantial improvement” under §55.2(b)(10) and that the footprint of the structure and paved areas is not significantly increased. The City of Binghamton is in the NFIP (CID 360038#) and in good standing and the proposed project does not constitute a substantial improvement. Therefore, the abbreviate 5-step process for floodplain management is herein followed.

Step ONE: Determine if a Proposed Action is potentially in a wetland or a floodplain

GOSR is proposing to fund the proposed action within the 100-year and 500-year Floodplain, as indicated by preliminary Digital Flood Insurance Rate Map (DFIRM) 36007C0356F (see **Figure 2**). Wetlands are not located within the proposed project area.



— Project Area

Step TWO: Identify and evaluate the direct and indirect impacts of the Proposed Action

The proposed project involves the in-kind replacement of approximately 1,600 linear feet of combined sewers and the separation of approximately 2,560 linear feet of storm and sanitary sewers along the Front Street Corridor. Construction would involve digging, pipe installation/removal, and replacement of storm drains. No work would be conducted along the river edge, river bed, or within the Chenango River and the proposed project would not change the flooding characteristics of the project area. Therefore, no direct or indirect adverse impacts to the floodplain are anticipated as a result of this project. At a minimum, the project would result in positive impacts to the floodplain by replacing and separating storm and sanitary sewers, reducing the potential for overflows during a flood event.

Step THREE: Where practicable, design or modify the Proposed Action to minimize the potential adverse impacts to and from the 100-year Floodplain and to restore and preserve its natural and beneficial functions and values

The proposed project involves the in-kind replacement of approximately 1,600 linear feet of combined sewers and the separation of approximately 2,560 linear feet of storm and sanitary sewers along the Front Street Corridor. These improvements would help protect the Binghamton sewer system from sewage back-ups, which may detrimentally affect the quality of surrounding water bodies such as the Susquehanna River, and minimize adverse impacts on the floodplain. The proposed project would not include any additional adverse impacts to and from the 100-year Floodplain. The project would improve the Front Street roadway.

Step FOUR: Re-evaluate the Proposed Action

The only identified alternative to the proposed project is the No Action Alternative. Under the No Action alternative, the replacement and separation of existing sewer lines would not occur. Without the proposed project, the existing combined sewer system along the Front Street Corridor would remain in poor condition with partially blocked and deteriorated areas. The sewer system in this area of Binghamton would continue to operate at a reduced capacity, remaining susceptible to not only local flooding incidents but also system-wide overflows and backups during future periods of heavy rainfall and storms.

Step FIVE: Implement the Action

GOSR has determined that the proposed project will have no direct or indirect adverse impacts to the Floodplain and has evaluated and eliminated project alternatives in favor of proceeding with the proposed project.

APPENDIX F
HISTORIC/CULTURAL RESOURCES REVIEW



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION NINE
44 HAWLEY STREET
BINGHAMTON, NEW YORK 13901-3200
WWW.DOT.NY.GOV

JOHN R. WILLIAMS, P.E.
REGIONAL DIRECTOR

JOAN McDONALD
COMMISSIONER

March 28, 2014

Mr. Jonathan McDade
Division Administrator
Federal Highway Administration
Leo O'Brien Federal Building, Suite 719
Clinton Avenue and North Pearl Street
Albany, NY 12207

ATTN: Michael Kowalczyk

Locally Administered Project
RE: PIN 9753.16
FRONT STREET GATEWAY PROJECT
US Rte 11 / Front Street
City of Binghamton, Broome County

Dear Mr. McDade:

Enclosed is the Revised Phase I-A Cultural Resource Survey Report (CRSR) prepared for the above referenced Locally-Administered Federal-Aid project. The project objective is the reconstruction of a section of Front Street involving full depth reconstruction, improvements to the roadside by narrowing the pavement width, installation of new curb line, and incorporating shared use travel lanes and parking lanes.

Copies of this CRSR have been sent by the New York State Department of Transportation (NYSDOT) to the New York State Historic Preservation Officer (NYSHPO), the Delaware Nation, the Delaware Tribe, the Oneida Indian Nation, the Onondaga Nation, and the Tuscarora Nation respectfully requesting that the document be reviewed. If the NYSHPO, the Delaware Nation, the Delaware Tribe, the Oneida Indian Nation, the Onondaga Nation, or the Tuscarora Nation do not respond within the 45 day review period, the NYSDOT will assume concurrence. After this review period has expired with no comment, the NYSDOT requests, by copy of this letter, that the Federal Highway Administration (FHWA) confirm that the requirements of 36 CFR Part 800 have been met.

If you have any questions or need additional information, please contact me at (607) 721-8246 or James.Darlington@dot.ny.gov.

Sincerely,



James W. Darlington, Ph.D.
Regional Cultural Resource Coordinator

Enclosures:

cc: Ruth Pierpont, NYSHPO
Tamara Francis, THPO, Delaware Nation
Brice Obermeyer, THPO, Delaware Tribe
Jesse Bergevin, Historical Researcher, Oneida Indian Nation
Tony Gonyea, Onondaga Nation
Bryon Printup, Environmental Office, Tuscarora Nation
Ronald Coleman, Regional Local Project Liaison, Region 9 (Transmittal Letter Only)
Mary Santangelo, Office of the Environment, POD 4-1 (Transmittal Letter Only)
Philip Krey, P.E., City of Binghamton (Transmittal Letter Only)
File

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FHWA
APR 02 2014
NEW YORK DIVISION
ALBANY, NY

Revised Phase IA Cultural Resource Reconnaissance
Survey (Archaeology)

PIN 9753.16
Front Street Gateway Project
Route 11
City of Binghamton
Broome County

OPRHP 11PR06413

Prepared For:

Clark Patterson Lee
205 St. Paul Street, Suite 500
Rochester, NY 14604

Authors:



MORTON ARCHAEOLOGICAL RESEARCH SERVICES
A New York State Certified Women Business Enterprise (WBE)
1215 Macedon Center Road
Macedon, NY 14502

Date: March 5, 2014

Sponsor(s): NYSDOT and FHWA

MDS Address or No.	First Known Identification (Map)	Approximate Dates	Building Name or Use	Inside Project APE?	Current conditions/Comments
City Railway (Binghamton Street Railroad, Binghamton Railroad)	1901 Bird's Eye	1884-1932	Trolley Line	Y	Under current street Channelized about 1855, appears to run completely below ground by c. 1918
Dickinson Creek	Tower 1838		also called Trout Creek	Y	

Historic Site Sensitivity

There are approximately 40 map-documented buildings or structures in or adjacent to the Front Street Gateway Project area, between Clinton Street and Prospect Street. Previous archaeological surveys have identified at least 7 additional historic sites or groups of sites. In addition there several former streets, including the east end of Clinton Street, Dickinson Street, and the original alignment of Prospect Street (west of Front Street) that are no longer present. Also documented on historic maps is Dickinson Creek, parallel to and north of Winding Way, and crossing Front Street at about #237-240 Front Street. Below the present asphalt of Front Street, the City Railway (trolley) line once ran as far as Gains Street and the remains of the Binghamton to Chenango Forks plank road (c. 1855) may be present. Monitoring and data recovery at other sites in Upstate New York has shown that historic remains can be surprisingly intact, despite substantial later development. Historic site sensitivity is considered to be high.

5. Phase IA Archaeological Recommendations

Archaeological recommendations for the Front Street Gateway Projects include:

1. Historic resources potentially present within fill soils below the pavement
2. Prehistoric and historic resources potentially present in undisturbed soils below the pavement and along the roadside where sidewalks will be replaced or installed

Previous archaeological surveys have shown that both prehistoric and historic resources have the potential to be present and largely intact where undisturbed soils exist below later fill. Numerous important sites have been identified in areas along the Chenango and Susquehanna Rivers, particularly near the confluence of the rivers, and along the banks on the first terrace above the rivers, where later filling and leveling for construction have protected them. The Front Street Gateway Project area is considered to be highly sensitive for the possible presence of both prehistoric and historic sites in undisturbed soils below fill soils.

In addition, historic maps indicate the possible presence of two resources under the existing pavement: the City Railway Trolley line and the Binghamton to Chenango Forks Plank Road. Archaeological monitoring in the City of Utica identified the largely intact of the Utica Beltline Trolley lines directly below the modern asphalt. Evidence of the map-documents plank road was not recovered. The potential for portions of the Binghamton City Railway to remain below the modern pavement is considered to be high.

The Front Street Gateway Project proposes a full depth roadway reconstruction including sidewalks and curbing, from McDonald Avenue and Winding Way to Prospect Street. Review of the Project Maps (plans and sections) in Appendix C indicates that the horizontal limits will be held at the outside (building side) or back of the existing sidewalks in most cases. Sections indicate that the average vertical depth of

impact in the roadway would be less than 2 ft. (60cm). Soil borings (2010, 2014) showed the depth of pavement and subbase to average about 45-50cm (18-20 inches). Impacts below the existing subbase in the pavement section should generally be less than 15cm (6 inches). Vertical impacts for sidewalks (installation or replacement) will be about 30cm (12 inches). Sections indicate that cuts for sidewalks will generally be less than 15cm (6 inches) although a few areas near Franklin Street may have cuts of about 30cm (12 inches). Total vertical impacts for sidewalks should be 45cm (18 inches) or less.

Soil borings (2014) indicate that between 76cm (2.5 ft.) and 4.4m (14.5 ft.) of fill soils are present below the surfaces on either side of Front Street. These soils are likely the result of dumping and leveling for building activities, and similar profiles were identified in previous archaeological surveys (see 1. Site File Search, page24). Below the fill, an undisturbed soil profile appears to be present. The proposed limits of the vertical APE for the pavement and sidewalks should not reach below fill soils at any point. No further archaeological work is recommended for possible prehistoric or historic deposits that may be present in undisturbed soils below the pavement or in the ROW where the sidewalks will be installed or replaced as long as the proposed horizontal and vertical limits are maintained, and excavations do not reach below fill soil levels. Should those limits be altered, a plan for deep testing to evaluate the soils below the fill level is recommended.

Soil borings (2010, 2014) include the presence of brick and concrete and some wood fragments immediately below the existing asphalt. Similarities with the stratigraphy and materials recovered in the City of Utica monitoring (Morton, 2012) suggest that the trolley lines may still be present below Front Street. Trolleys were a common and important element in the development of city infrastructure during the 19th and early 20th centuries, but have been infrequently documented archaeologically. Additionally, potential for the plank road also exists. It is recommended that a Monitoring and Data Recovery Plan for the Binghamton City Railway and Binghamton to Chenango Forks Plank Road be prepared for review and concurrence for the Office of Parks, Recreation and Historic Preservation prior to completion of final project design.



Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189
518-237-8643
www.nysparks.com

May 13, 2014

Dr. James W. Darlington
NYS DOT Region 9
44 Hawley Street
Binghamton, New York 13901

Re: FHWA
Revised Phase IA Cultural Resource Reconnaissance Survey (Archaeology): PIN 9753.16 Front Street Gateway Project, Route 11 City of Binghamton, Broome County, OPRHP 11PR06413
11PR06413

Dear Dr. Darlington:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the submitted report *Revised Phase IA Cultural Resource Reconnaissance Survey (Archaeology): PIN 9753.16 Front Street Gateway Project, Route 11 City of Binghamton, Broome County, OPRHP 11PR06413* and reviewed the project 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.

Results of the Phase IA Cultural Resources Survey provide the following summary of archaeological recommendations for the Front Street Gateway Project:

- The report indicates that historic resources are potentially present within fill soils below pavement.
- Prehistoric and historic resources potentially present in undisturbed soils below the pavement and along the roadside where sidewalks will be placed or installed.

As the Front Street Gateway Project area is considered to be highly sensitive for the possible presence of both prehistoric and historic sites in undisturbed soils below fill soils, our office makes the additional following recommendations:

- Due to the lack of deep testing and core sampling in potentially intact archaeologically sensitive areas, geomorphological analyses should be conducted prior to project construction. These analyses should be coordinated with the project archaeologist to ensure an adequate understanding of geomorphological conditions of the project area prior to disturbance of potentially intact archaeological deposits.

BASED SEVERAL STUDIES
- RECOMMEND ADDING TO CONSTR. MONITORING PROGRAM

Phase IA Cultural Resource Reconnaissance Survey
(Archaeology, 2nd Revised)

PIN 9753.16
Front Street Gateway Project
Route 11
City of Binghamton
Broome County

OPRHP 11PR06413

Prepared For:

Clark Patterson Lee
205 St. Paul Street, Suite 500
Rochester, NY 14604

Authors:



MORTON ARCHAEOLOGICAL RESEARCH SERVICES
A New York State Certified Women Business Enterprise (WBE)
1215 Macedon Center Road
Macedon, NY 14502

Date: May 6, 2015

Sponsor(s): NYSDOT and FHWA

MDS Address or No.	First Known Identification (Map)	Approximate Dates	Building Name or Use	Inside Project APE?	Current conditions/Comments
City Railway (Binghamton Street Railroad, Binghamton Railroad	1901 Bird's Eye	1884-1932	Trolley Line	Y	Under current street Channelized about 1855, appears to run completely below ground by c. 1918
Dickinson Creek	Tower 1838		also called Trout Creek	Y	

Historic Site Sensitivity

There are approximately 40 map-documented buildings or structures in or adjacent to the Front Street Gateway Project area, between Clinton Street and Prospect Street. Previous archaeological surveys have identified at least 7 additional historic sites or groups of sites. In addition there several former streets, including the east end of Clinton Street, Dickinson Street, and the original alignment of Prospect Street (west of Front Street) that are no longer present. Also documented on historic maps is Dickinson Creek, parallel to and north of Winding Way, and crossing Front Street at about #237-240 Front Street. Below the present asphalt of Front Street, the City Railway (trolley) line once ran as far as Gains Street and the remains of the Binghamton to Chenango Forks plank road (c. 1855) may be present. Monitoring and data recovery at other sites in Upstate New York has shown that historic remains can be surprisingly intact, despite substantial later development. Historic site sensitivity is considered to be high.

5. Phase IA Archaeological Recommendations

Archaeological recommendations for the Front Street Gateway Projects address the following:

1. Historic resources potentially present within fill soils below the pavement
2. Prehistoric and historic resources potentially present in undisturbed soils along the roadside where sidewalks will be replaced or installed
3. Prehistoric and historic resources potentially present in undisturbed soils below the pavement where utilities will be replaced or installed

Previous archaeological surveys have shown that both prehistoric and historic resources have the potential to be present and largely intact where undisturbed soils exist below later fill. Numerous important sites have been identified in areas along the Chenango and Susquehanna Rivers, particularly near the confluence of the rivers, and along the banks on the first terrace above the rivers, where later filling and leveling for construction have protected them. The Front Street Gateway Project area is considered to be highly sensitive for the possible presence of both prehistoric and historic sites in undisturbed soils below fill soils.

In addition, historic maps indicate the possible presence of two resources under the existing pavement: the City Railway Trolley line and the Binghamton to Chenango Forks Plank Road. Archaeological monitoring in the City of Utica identified the largely intact of the Utica Beltline Trolley lines directly below the modern asphalt. Evidence of the map-documents plank road was not recovered. The potential for portions of the Binghamton City Railway to remain below the modern pavement is considered to be high.

The Front Street Gateway Project proposes a full depth roadway reconstruction including sidewalks and curbing, from McDonald Avenue and Winding Way to Prospect Street. Review of the Project Maps

(plans and sections) in Appendix C indicates that the horizontal limits will be held at the outside (building side) or back of the existing sidewalks in most cases. Sections indicate that the average vertical depth of impact in the roadway would be less than 2 ft. (60cm). Soil borings (2010, 2014) showed the depth of pavement and subbase to average about 45-50cm (18-20 inches). Impacts below the existing subbase in the pavement section should generally be less than 15cm (6 inches). Vertical impacts for sidewalks (installation or replacement) will be about 30cm (12 inches). Sections indicate that cuts for sidewalks will generally be less than 15cm (6 inches) although a few areas near Franklin Street may have cuts of about 30cm (12 inches). Total vertical impacts for sidewalks should be 45cm (18 inches) or less.

Utility Plans for the infrastructure improvements indicate that the existing 18, 15 and 10 inch sanitary main is located along the centerline of Front Street at depths between 10 and 18 feet. This sanitary line will be replaced in kind on the same footprint, at depths from 14 to 18 feet. A new 8 inch water line will be installed on the west side of the pavement at a depth of approximately 6 feet. All of the associated water services will be replaced up to the proposed curb stops located just beyond the proposed curb lines. Water services will be installed approximately 6 feet below existing pavement. A new 24 and 36 inch storm sewer will be installed on the east side of the pavement. The depth of the trench for the new storm main will vary from 7 feet to 11 feet deep. All of the associated storm water receiving basins and laterals will also be replaced. The trenches for the receiving basins and the associated laterals will be approximately 5 feet deep.

Recommendation 1.

1. Historic resources potentially present within fill soils below the pavement

Soil borings (2010, 2014) include the presence of brick and concrete and some wood fragments immediately below the existing asphalt. Similarities with the stratigraphy and materials recovered in the City of Utica monitoring (Morton, 2012) suggest that the trolley lines may still be present below Front Street. Trolleys were a common and important element in the development of city infrastructure during the 19th and early 20th centuries, but have been infrequently documented archaeologically. Additionally, potential for the plank road also exists. It is recommended that a Monitoring and Data Recovery Plan for the Binghamton City Railway and Binghamton to Chenango Forks Plank Road be prepared for review and concurrence by the Agencies prior to completion of final project design.

Recommendation 2.

1. Prehistoric and historic resources potentially present in undisturbed soils along the roadside where sidewalks will be replaced or installed

Soil borings (2014, 2015) indicate that between 76cm (2.5 ft.) and 4.4m (14.5 ft.) of fill soils are present below the surfaces on either side of Front Street. These soils are likely the result of dumping and leveling for building activities, and similar profiles were identified in previous archaeological surveys. Below the fill, an undisturbed soil profile appears to be present. Total vertical impacts for sidewalks should be 45cm (18 inches) or less. The proposed limits of the vertical APE for the pavement and sidewalks should not reach below fill soils at any point. No further archaeological work is recommended for possible prehistoric or historic deposits that may be present in undisturbed soils below the pavement or in the ROW where the sidewalks will be installed or replaced as long as the proposed horizontal and vertical limits are maintained, and excavations do not reach below fill soil levels. Should those limits be altered, a plan for deep testing to evaluate the soils below the fill level is recommended.

Recommendation 3.

1. Prehistoric and historic resources potentially present in undisturbed soils below the pavement where utilities will be replaced or installed

Soil borings (2014, 2015) indicate that between 76cm (2.5 ft.) and 4.4m (14.5 ft.) of fill soils are present below the surfaces on either side of Front Street. Below the fill, an undisturbed soil profile appears to be present. Interpolation of the results from the 2015 geomorphology study suggests that intact buried A and B horizons have some potential to be present, discontinuously, below the fill. These deposits have some potential to contain historic or prehistoric deposits, although that potential is considered limited, because of frequent flooding that could have removed deposits, and/or made the area less desirable for settlement.

Profile plans indicate that the storm sewer installation, waterline installation and sanitary sewer replacement will reach below the anticipated depth of fill into potentially intact soils below. Since there is some potential for historic and prehistoric deposits to be present, monitoring of the utility work during construction is recommended. It is recommended that a Monitoring and Data Recovery Plan for potential prehistoric and historic resources be prepared for review and concurrence by the Agencies prior to completion of final project design.



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

July 7, 2015

Mr. James Darlington
Cultural Resource Coordinator
NYS DOT Region 9
44 Hawley Street
Binghamton, NY 13901

Re: FHWA
Front St Gateway Project PIN 9753.16
Front St north of Main St
11PR06413

Dear Mr. Darlington:

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).

SHPO has reviewed the latest submissions for this project – *Phase IA Cultural Resource Reconnaissance Survey (Archaeology, 2nd Revised) PIN 9753.16, Front Street Gateway Project, Route 11, City of Binghamton, Broome County* (Morton Archaeological Research Services, 19 May 2015), and *Finding Documentation, PIN 9753.16, Front Street Gateway Project, Route 11, City of Binghamton, Broome County* (DOT, 4 June 2015). SHPO has the following comments.

1. There appear to be discrepancies regarding depiction of the APE's southern terminus in written and graphical representations. Please revise these documents for consistency.
2. Based on the information provided, SHPO concurs that the project will have an **Adverse Effect** on historic properties listed or eligible for listing on the National Register of Historic Places. Therefore, we recommend that an MOA be developed that addresses the adverse effects.

If you have any questions please don't hesitate to contact me.

Sincerely,

Philip A. Perazio, Historic Preservation Program Analyst - Archaeology Unit
Phone: 518-268-2175
e-mail: philip.perazio@parks.ny.gov

via e-mail only

cc: Tom King, GOSR

Division for Historic Preservation

P.O. Box 189, Waterford, New York 12188-0189 • (518) 237-8643 • www.nysparks.com



**Department of
Transportation**

ANDREW M. CUOMO
Governor

MATTHEW J. DRISCOLL
Commissioner

JOHN R. WILLIAMS, P.E.
Regional Director

January 14, 2016

Lisa Bova-Hiatt
Executive Director, Interim
Governor's Office of Storm Recovery
25 Beaver Street, 5th Floor
New York, New York 10004

Dear Ms. Bova-Hiatt:

**RE: PIN 9753
Front Street Gateway Improvement Project
US Rte 11
City of Binghamton, Broome County**

Enclosed please find for your records a signed copy of the Memorandum of Agreement for the above referenced, federally funded local project.

Should you have any questions or need further clarification, please contact me at (607) 721-8246, or at James.Darlington@dot.ny.gov or at the State Office Building, 44 Hawley Street, Binghamton, NY 13901-3200. Thank you for your time and consideration on this project.

Sincerely,

A handwritten signature in blue ink that reads "James W. Darlington".

James W. Darlington, Ph.D.
Regional Cultural Resource Coordinator

JWD/kc

Enclosure

cc: R. Coleman, NYSDOT – LPL
CRS File

MEMORANDUM OF AGREEMENT

BETWEEN

**The Federal Highway Administration,
The New York State Housing Trust Fund Corporation as responsible entity for the United States
Department of Housing and Urban Development,
The New York State Historic Preservation Office,
The New York State Department of Transportation,
The Delaware Nation,
The Delaware Tribe,
The Oneida Indian Nation,
The Onondaga Nation,
The Saint Regis Mohawk Tribe,
The Seneca Cayuga Tribe of Oklahoma,
The Tuscarora Nation,**

And

The City of Binghamton, New York

**PERSUANT TO
36 CFR 800**

**FOR THE
RECOVERY OF SIGNIFICANT ARCHAEOLOGICAL INFORMATION**

IN CONNECTION WITH

**The Front Street Gateway Improvement Project
PIN 9753.16
Route 11, City of Binghamton,
Broome County, New York
PR # 11PR06413**

WHEREAS, the **Federal Highway Administration (FHWA)**, in coordination with the **New York State Department of Transportation (NYSDOT)** and **City of Binghamton** propose a federally-funded project on Route 11 (Front Street) in the City of Binghamton to undertake a full-depth reconstruction of Front Street from Winding Way and McDonald Avenue to Franklin Street including sidewalk and curb replacement and installation, water main installation and replacement, and separation of combined sewers (the "Undertaking"); and

WHEREAS, the **City of Binghamton** is the sponsor of the locally-administered Federal-aid transportation project, will be responsible for implementation of the project, has participated in consultation and has been invited by **FHWA** to be a signatory to the Agreement; and

WHEREAS, the **City of Binghamton**, in coordination with **NYSDOT** has established the Area of Potential Effect (APE) for the Undertaking, as the term is defined in 36 CFR 800.16(d), as an estimated 2650 ft. in total project length and an estimated 60 ft. in total project width, and approximately 2 ft. to 18 ft. total depth, beginning at the intersection of Front Street with Winding Way and McDonald Avenue and ending approximately 65 ft. north of the intersection of Front Street and Franklin Street; and

WHEREAS, the **City of Binghamton** in coordination with **NYS DOT** and **FHWA** have conducted cultural resource studies and determined pursuant to 36 CFR 800.4(c) in consultation with the **New York State Historic Preservation Office (SHPO)**; and

WHEREAS the **City of Binghamton** in coordination with **NYS DOT** and **FHWA** and in consultation with the **State Historic Preservation Office (SHPO)**, have determined that physical constraints (impervious surfaces and depth of fill soils) within the Undertaking APE preclude field investigations prior to construction; and

WHEREAS, the **City of Binghamton** in coordination with **NYS DOT** and **FHWA** and in consultation with the **State Historic Preservation Office (SHPO)**, have determined based on alternative evidence presented that the following historic properties are or are highly likely to be contained within the Undertaking APE (as illustrated in Appendix 3);

- the **Binghamton City Railway** street car line (c. 1868-1932)
- the **Binghamton to Chenango Forks plank** road (c. 1855)
- site(s) that may be identified that are part of **prehistoric site NYSM 5334**; and

WHEREAS, the **City of Binghamton** in coordination with **NYS DOT** and **FHWA** in consultation with the **State Historic Preservation Office (SHPO)**, has determined that these historic properties within the APE are listed or eligible for listing the National Register of Historic Places; and

WHEREAS, **FHWA** and **NYS DOT**, and the **City of Binghamton** in consultation with the **State Historic Preservation Office (SHPO)**, have applied the Criteria of Adverse Effect, as defined by 800.5(a)(1), and determined the project will have an adverse effect on the **Binghamton City Railway** street car line, the **Binghamton to Chenango Forks plank** road and **site(s)** that may be identified that **are part of prehistoric site NYSM 5334** whose limits lie within the APE; and

WHEREAS, in accordance with Section 101 (d)(6)(B) of the National Historic Preservation Act, the **FHWA** and the **NYS DOT** have contacted the following federally-recognized tribal nations in New York State that have identified interest in Broome County, and ensured a reasonable opportunity for consultation in the Section 106 process

- The Delaware Nation,
- The Delaware Tribe,
- The Oneida Indian Nation,
- The Onondaga Nation,
- The Saint Regis Mohawk Tribe,
- The Seneca Cayuga Tribe of Oklahoma,
- The Tuscarora Nation; and

WHEREAS, 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")** and is the entity responsible for compliance with the HUD environmental review procedures set forth in 24 CFR Part 58 and Section 106 of the National Historic Preservation Act ("NHPA" 16 USC § 470f);

WHEREAS, The **City of Binghamton** has applied to **GOSR** for funding associated with the Undertaking;

WHEREAS, **GOSR** has concurred that funding the Undertaking would have an Adverse Effect on the **Binghamton City Railway street car line, the Binghamton to Chenango Forks plank road and site(s) that may be identified that are part of prehistoric site NYSM 5334** within the APE and be subject to NHPA and its implementing regulations; and

WHEREAS, after public notice and response thereto, the public has been made aware of the proposed Undertaking; and

WHEREAS, in accordance with 36 CFR Part 800, the **FHWA** and the **NYSDOT** ensure that Conditions 1 through 12 outlined in the Advisory Council on Historic Preservation's (Council) "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites," and attached as Appendix 1 to this document shall be satisfied; and

WHEREAS, in accordance with Section 101 (d)(6)(B) of the National Historic Preservation Act, **FHWA** and **NYSDOT** have contacted **The Delaware Nation, The Delaware Tribe, The Oneida Indian Nation, The Onondaga Nation, The Saint Regis Mohawk Tribe, The Seneca Cayuga Tribe of Oklahoma, and The Tuscarora Nation**, federally-recognized tribal nations in New York State that have identified aboriginal territory in Broome County, and engaged the tribal nations in consultation to evaluate archaeological properties and to consider measures that would avoid, minimize, or mitigate effects on **site(s) that may be identified that are part of prehistoric site NYSM 5334** within the APE; and

WHEREAS, **FHWA**, in consultation with **The Delaware Nation, The Delaware Tribe, The Oneida Indian Nation, The Onondaga Nation, The Saint Regis Mohawk Tribe, The Seneca Cayuga Tribe of Oklahoma, and The Tuscarora Nation**, has determined that **the site(s) that may be identified that are part of prehistoric site NYSM 5334** within the APE have religious and cultural significance to the Tribal Nations, and

WHEREAS the **FHWA**, the **NYSDOT**, the **SHPO**, and **GOSR** agree that the **Binghamton City Railway street car line, the Binghamton to Chenango Forks Plank road** and **site(s) that may be identified that are part of prehistoric site NYSM 5334** are significant and of value also for the information on prehistory or history that they are likely to yield through archaeological, historical, and scientific methods of information recovery, including archaeological excavation; and

WHEREAS, the **FHWA**, the **NYSDOT**, the **SHPO**, **The Delaware Nation, The Delaware Tribe, The Oneida Indian Nation, The Onondaga Nation, The Saint Regis Mohawk Tribe, The Seneca Cayuga Tribe of Oklahoma, The Tuscarora Nation** and **GOSR** agree that recovery of significant information from the archaeological sites listed above may be done in accordance with the published guidance; and

WHEREAS, the **FHWA**, the **NYSDOT**, the **SHPO**, **The Delaware Nation, The Delaware Tribe, The Oneida Indian Nation, The Onondaga Nation, The Saint Regis Mohawk Tribe, The Seneca Cayuga Tribe of Oklahoma, The Tuscarora Nation** and **GOSR** agree that it is in the public interest to expend funds to implement this project through the recovery of significant information from the **Binghamton City Railway street car line, the Binghamton to Chenango Forks plank road and site(s) that may be identified that are part of prehistoric site NYSM 5334** and mitigate the adverse effects of the project; and

WHEREAS, based on available information, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archaeological work;

NOW, THEREFORE, the **FHWA**, the **NYSDOT**, the **SHPO**, **The City of Binghamton**, **The Delaware Nation**, **The Delaware Tribe**, **The Oneida Indian Nation**, **The Onondaga Nation**, **The Saint Regis Mohawk Tribe**, **The Seneca Cayuga Tribe of Oklahoma**, **The Tuscarora Nation** and **GOSR** agree that execution of this agreement evidences that the **FHWA** has taken into account the effects of this undertaking on significant archeological properties and fulfilled its responsibilities under Section 106 of the 1966 National Historic Preservation Act (as amended).

STIPULATIONS:

FHWA, in coordination with **NYSDOT** and the **City of Binghamton**, shall ensure the following stipulations are carried out:

GOSR Authorization. GOSR shall condition any grant of funding issued regarding the Undertaking to ensure implementation of the stipulations of this Agreement.

I. RECORDATION

A. Monitoring and Data Recovery investigations shall be implemented in accordance with the approved *Archaeological Monitoring and Data Recovery Plan* attached as Appendix 2, including Policies and Procedures for human remains discovery, accepted by the **NYSDOT**, **FHWA** and **SHPO**.

B. Investigation and documentation shall be conducted in accordance with the Standards in the current New York State Education Department's (SED) *Cultural Resource Survey Program Work Scope Specifications for Cultural Resource Investigations for NYSDOT Projects*, which incorporates the New York Archaeological Council's [NYAC's] "Standards for Cultural Resource Investigations and the Curation of Archaeological Collections in New York State", 1994 (NYAC Standards).

II. MITIGATION

As partial mitigation for disturbance of the **site(s)** may be identified that **that are part of prehistoric site NYSM 5334**:

A. The Delaware Nation, Delaware Tribe, Oneida Indian Nation, Onondaga Nation, Saint Regis Mohawk Tribe, Seneca Cayuga Tribe of Oklahoma, and Tuscarora Nation Tribal Historic Preservation Officer(s), Tribal Historic Preservation Representatives, Historic Resource Specialists, Directors of Cultural Preservation, or other representative designated by the Nations or Tribes will be afforded the opportunity to visit the Front Street Gateway project during the fieldwork portion of the monitoring and data recovery process.

B. The Delaware Nation, The Delaware Tribe, The Oneida Indian Nation, The Onondaga Nation, The Saint Regis Mohawk Tribe, The Seneca Cayuga Tribe of Oklahoma, The Tuscarora Nation will be provided copies of any and all academic and professional presentations and publications

that arise from information gathered in full or in part from the **site(s) that** may be identified that **are part of prehistoric site NYSM 5334.**

III. DURATION

This MOA will be null and void if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Undertaking, NYSDOT shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, NYSDOT may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V below. FHWA shall notify the signatories as to the course of action it will pursue.

IV. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FHWA shall consult with such party to resolve the objection. If the FHWA determines that such objection cannot be resolved, the FHWA will:

A. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide the FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FHWA will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. The FHWA and NYSDOT's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

V. AMENDMENTS

This Memorandum of Agreement (MOA) may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VI. TERMINATION

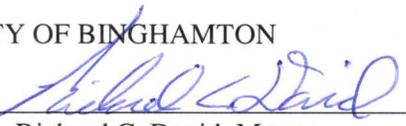
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The FHWA shall notify the signatories as to the course of action it will pursue.

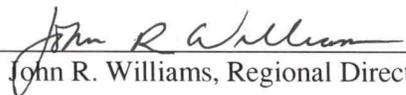
GOSR and HUD Compliance. The signatories agree that by execution and implementation of this Agreement, GOSR, and therefore by operation of law HUD, have satisfied their requirements for compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470f), with regard to funding the Undertaking.

EXECUTION of this MOA by the **FHWA** and the **NYSHPO** and implementation of its terms evidence that **FHWA**, with cooperation from **NYSDOT**, has taken into account the effects of this Undertaking on historic properties and afforded the **ACHP** an opportunity to comment.

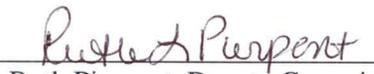
CITY OF BINGHAMTON

By  Date _____
Richard C. David, Mayor

NEW YORK STATE DEPARTMENT OF TRANSPORTATION

By  Date 10/2/15
John R. Williams, Regional Director, Region 9

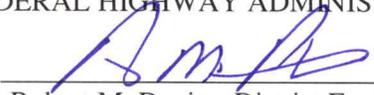
NEW YORK STATE HISTORIC PRESERVATION OFFICE

By  Date 10/23/15
Ruth Pierpont, Deputy Commissioner / Deputy SHPO

HOUSING TRUST FUND CORPORATION

By  Date 11/4/15
Lisa Bova-Hiatt, Executive Director of Storm Recovery

FEDERAL HIGHWAY ADMINISTRATION

By  Date 11/19/15
Robert M. Davies, District Engineer

Attachments:

Appendix 1: Advisory Council on Historic Preservation Conditions: Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites.

Appendix 2: Archaeological Monitoring and Data Recovery Plan (Morton Archaeological Research Services, 7/23/2015)

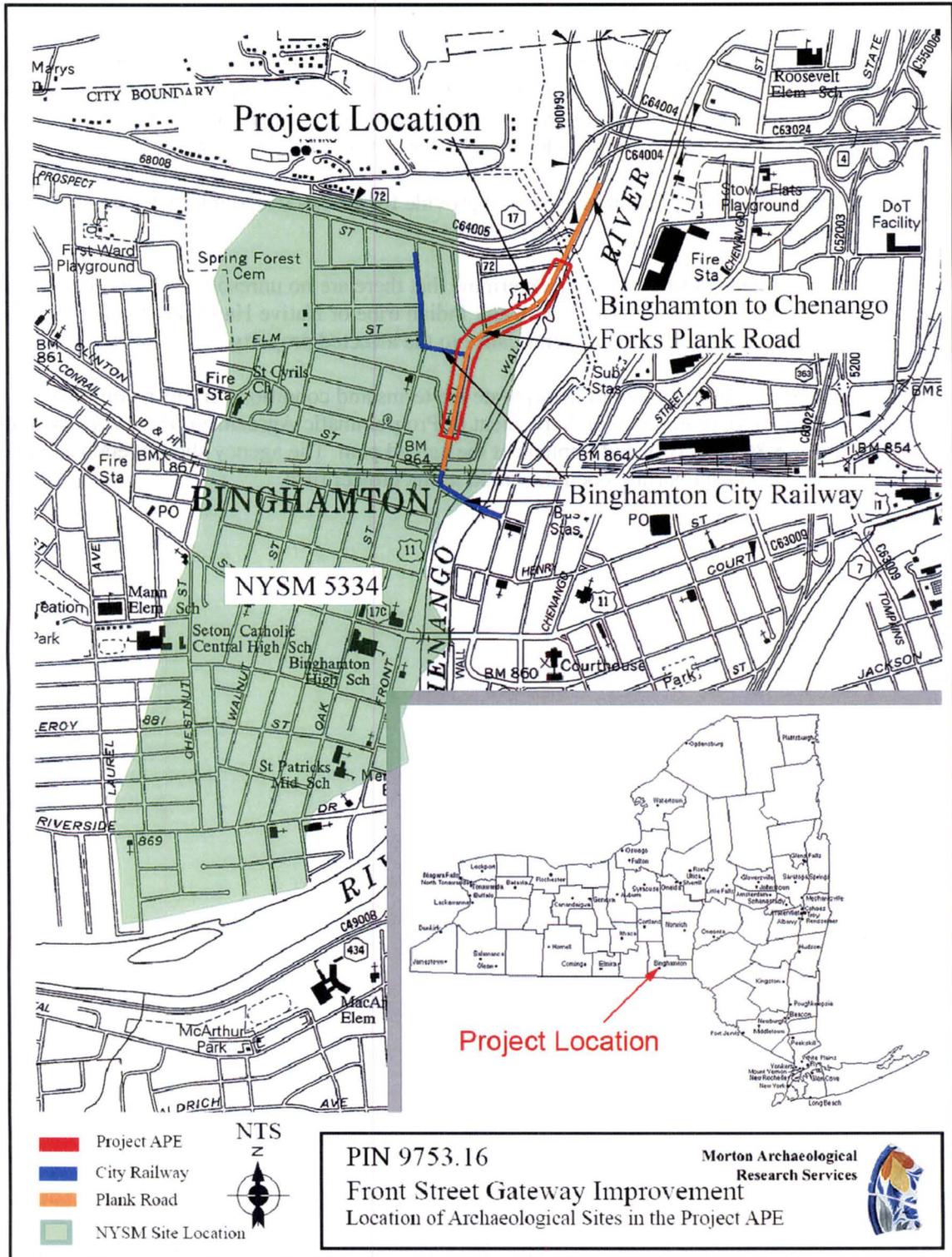
Appendix 3: Location of Archaeological Sites contained in the Memorandum of Agreement.

Appendix 1

1. The archaeological site(s) should be significant and of value chiefly for the information on prehistory or history they are likely to yield through archaeological, historical, and scientific methods of information recovery, including archaeological excavation.
2. The archaeological site should not contain or be likely to contain human remains, associated or unassociated funerary objects, sacred objects, or items of cultural patrimony as those terms are defined by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).
3. The archaeological site should not have long-term preservation value, such as traditional cultural and religious importance to an Indian tribe or a Native Hawaiian organization.
4. The archaeological site should not possess special significance to another ethnic group or community that historically ascribes cultural or symbolic value to the site and would object to the site's excavation and removal of its contents.
5. The archaeological site should not be valuable for potential permanent in-situ display or public interpretation, although temporary public display and interpretation during the course of any excavations may be highly appropriate.
6. The Federal Agency Official should have prepared a data recovery plan with a research design in consultation with the SHPO and other stakeholders that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook. The Plan should specify:
 - (a) The results of previous research relevant to the project;
 - (b) research problems or questions to be addressed with an explanation of their relevance and importance;
 - (c) the field and laboratory analysis methods to be used with a justification of their cost-effectiveness and how they apply to this particular property and these research needs;
 - (d) the methods to be used in artifact, data and other records management;
 - (e) explicit provisions for disseminating the research findings to professional peers in a timely manner;
 - (f) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results;
 - (g) the curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to NAGPRA); and
 - (h) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties.
7. The Federal Agency Official should ensure that the data recovery plan is developed and will be implemented by or under the direct supervision of a person, or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739).

8. The Federal Agency Official should ensure that adequate time and money to carry out all aspects of the plan are provided, and should ensure that all parties consulted in the development of the plan are kept informed of the status of its implementation.
9. The Federal Agency Official should ensure that a final archaeological report resulting from the data recovery will be provided to the SHPO. The Federal Agency Official should ensure that the final report is responsive to professional standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (41 FR 5377-79).
10. Large, unusual, or complex projects should provide for special oversight, including professional peer review.
11. The Federal Agency Official should determine that there are no unresolved issues concerning the recovery of significant information with any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to the affected property.
12. Federal Agency Officials should incorporate the terms and conditions of this recommended approach into a Memorandum of Agreement or Programmatic Agreement, file a copy with the Council per § 800.6(b)(iv), and implement the agreed plan. The agency should retain a copy of the agreement and supporting documentation in the project files.

Appendix 3



APPENDIX G
SOLE SOURCE AQUIFER REVIEW

June 23, 2015

Mr. Thomas J. King
Assistance General Counsel
Governor's Office of Storm Recovery
25 Beaver Street
New York, NY 10004

Dear Mr. King:

This is in response to your letter dated May 29, 2015 requesting a Sole Source Aquifer review of the proposed "Front Street Gateway" project located in Binghamton, Broome County, New York. The project is to receive funding from the U.S. Department of Housing and Urban Development's Community Development Block Grant-Disaster Recovery program. The proposed project is located in the Clinton Street Ballpark Aquifer System, designated by the Environmental Protection Agency (EPA) as a Sole Source Aquifer on January 14, 1985 (citation 50 FR 2025). Therefore, our review has been conducted in accordance with Section 1424(e) of the Safe Drinking Water Act (SDWA).

The proposed project involves the reconstruction of a one-mile stretch of Front Street (Route 11) between Main and Prospect Streets, and the replacement of a sanitary sewer line and a water main along the same stretch. Front Street runs north-south, along the Chenango River in the project area. Our review indicates that there are potential sources of groundwater contamination (e.g., from leaky underground storage tanks). Our records show that the following sites should be looked at for possible underground fuel storage:

- 341 Front Street – Hess Gas Station
- 339 Front Street – Aamco Transmissions
- 307 Front Street – A&M Auto Service and Repair
- 301 Front Street – Auto service and repair, Michael Kapogiannatos
- 297 Front Street – Auto service and repair, Kaden & Michael Pratt
- 283-5 Front Street – One-stop groceries, convenience store
- 216 Front Street – Auto service, Raymond Weiss
- 191 Front Street – Gardiner Motors
- 179 Front Street – Botnick Chevrolet

We understand that the aforementioned sources will be investigated prior to the start of the project. In addition, we note that A Storm Water Pollution Prevention plan will be developed and enforced according to the New York State Department of Environmental Conservation (NYSDEC) stormwater regulations. With respect to construction equipment and vehicles, we

expect that the appropriate precautions will be taken both to avoid and to address leaks and spills should they occur, and that a Spill Prevention, Control and Countermeasure Plan (SPCC) will be in place for this project. We recommend the planting of native vegetation to the extent feasible upon project completion. Please see our recommendations below on environmentally-friendly landscaping. We also recommend the use of porous paving material if feasible in order to minimize effective imperviousness and create additional drainage.

Based on the information provided, the project satisfies the requirements of 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.

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>

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

Seth Diamond
Director

James Rubin
Director



May 29, 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 for the Front Street Gateway

Dear Ms. Musemeci:

The New York State Governor's Office of Storm Recovery (GOSR) received a funding application for the Front Street Gateway project, located in the Binghamton, Broome County, New York. The project area includes Front Street (Route 11) from Main Street to Prospect Street (Front Street Corridor). Front Street parallels the Chenango River. The project proposes a full-depth roadway reconstruction, improvements to roadside delineation by narrowing pavement width, installing new curb lines, incorporating shared use travel lanes and parking lanes, and replacement of water main and sanitary sewers. For additional information please see enclosed submission.

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 Front Street Gateway project. Please review the attached documentation, including Attachment 2.B and 3 to the MOU. Responses can be sent to me via email at 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 call me at (518) 473-0015.

Sincerely,

Thomas J. King
Assistant General Counsel

Attachments



Region 2 Water

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Sole Source Aquifers

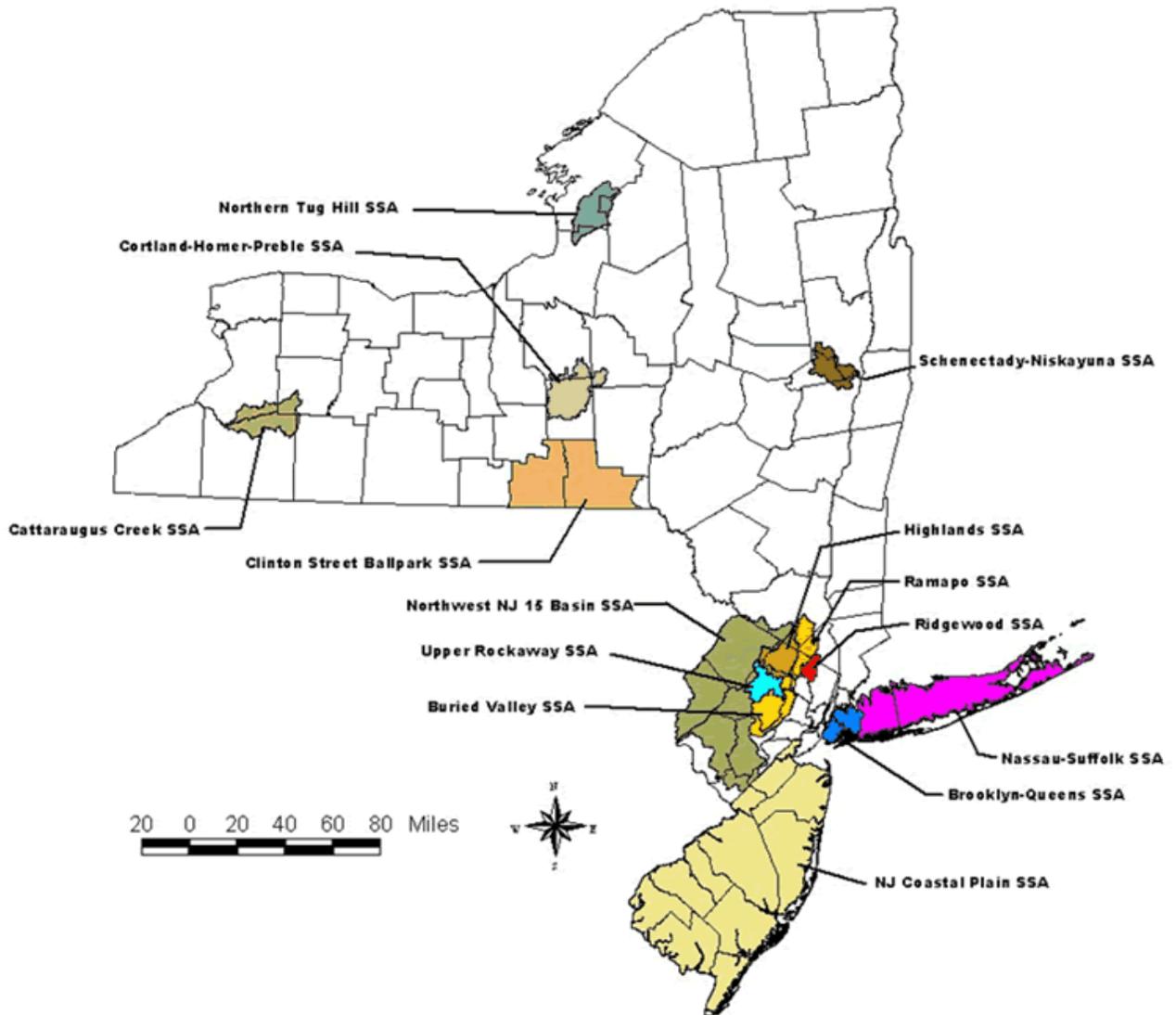
Sole Source Aquifer designation is one tool to protect drinking water supplies in areas with few or no alternative sources to the ground water resource, and where if contamination occurred, using an alternative source would be extremely expensive. The designation protects an area's ground water resource by requiring EPA to review all proposed projects within the designated area that will receive federal financial assistance. All proposed projects receiving federal funds are subject to review to ensure they do not endanger the ground water source.

Related Information

- [Sole Source Aquifer Program](#)
- [Petitioner Guidance](#)
- [FAQs \[PDF 14 KB, 2 pp\]](#)
- [40 CFR 149](#)

EPA defines a sole or principal source aquifer as one which supplies at least fifty percent (50%) of the drinking water consumed in the area overlying the aquifer. These areas can have no alternative drinking water source(s) which could physically, legally, and economically supply all those who depend upon the aquifer for drinking water. For convenience, all designated sole or principal source aquifers are referred to as "sole source aquifers" (SSA).

If you are interested in petitioning the EPA to make a designation, please consult the [Sole Source Aquifer Program Petitioner's Guidance](#) or contact EPA for assistance.



DESIGNATED SOLE SOURCE AQUIFERS

State	Name	Federal Register	Date	GIS Map	Information

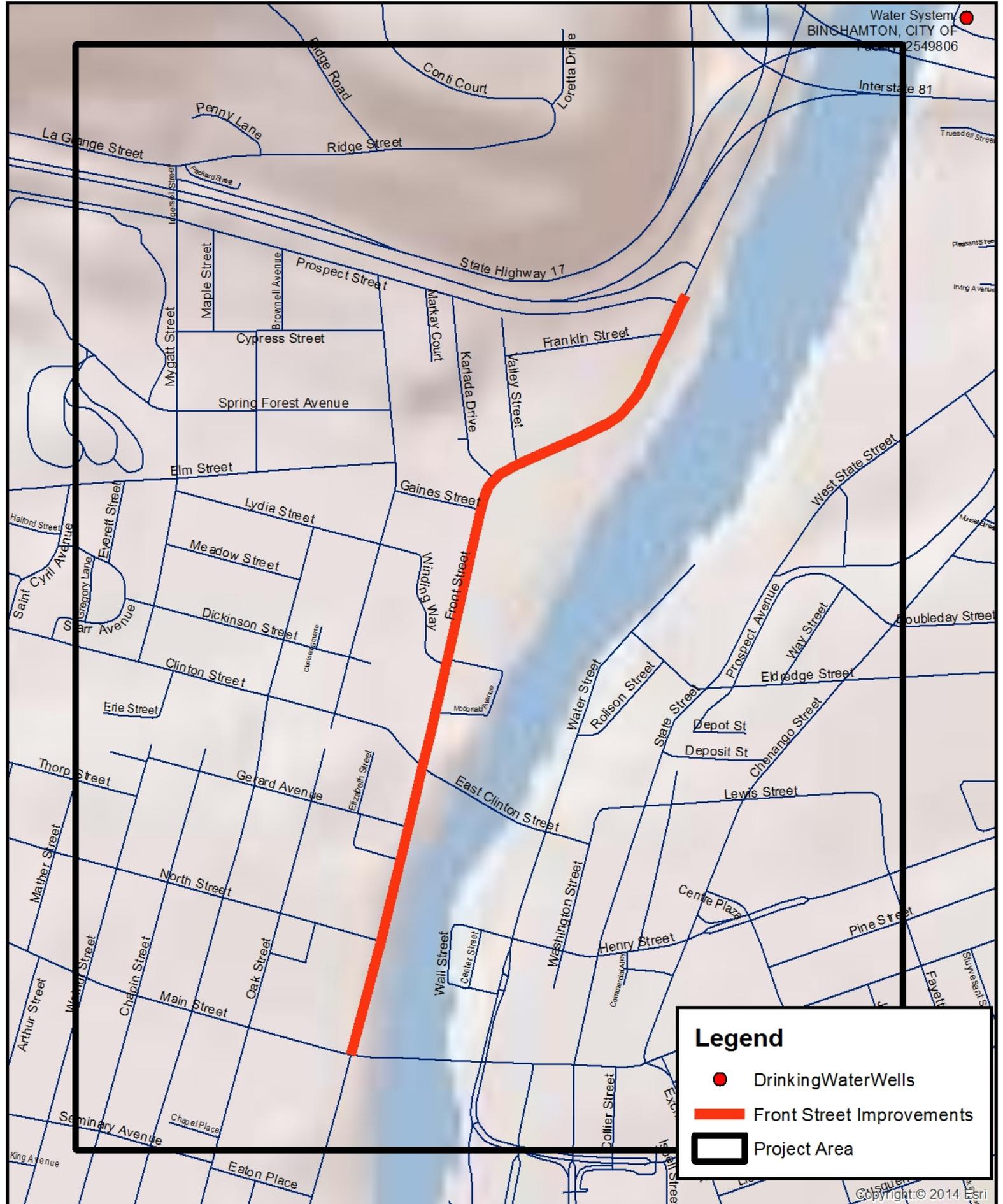
- Region 2 Home
- A to Z Index
- Recursos en Español
- 中文: 繁體版
- 中文: 简体版
- Media Center
- News
- Wastewater Treatment
- Watershed Protection
- Water Bodies
- No Discharge Areas

NJ	Buried Valley Aquifers, Central Basin, Essex and Morris Counties	45 FR 30537	05/08/80	Yes	Yes
NJ	Upper Rockaway River Basin	49 FR 2946	01/24/84	Yes	Yes
NJ	Ridgewood Area Aquifers	49 FR 2943	01/24/84	Yes	Yes
NJ/NY	Highlands Aquifer System Passaic, Morris & Essex Co's NJ; Orange Co. NY	52 FR 37213	10/05/87	Yes	Yes
NJ/DE/PA	New Jersey Coastal Plain Aquifer System	53 FR 23791	06/24/88	Yes	Yes
NJ/NY	New Jersey Fifteen Basin Aquifers	53 FR 23685	06/23/88	Yes	Yes
NJ/NY	Ramapo River Basin Aquifer Systems	57 FR 39201	08/28/92	Yes	Yes
NY	Nassau/Suffolk Co., Long Island	43 FR 26611	06/21/78	Yes	Yes
NY	Kings/Queens Counties	49 FR 2950	01/24/84	Yes	Yes
NY	Schenectady/Niskayuna	50 FR 2022	01/14/85	Yes	Yes
NY	Clinton Street-Ballpark Valley Aquifer System, Broome and Tioga Co's	50 FR 2025	01/14/85	Yes	Yes
NY	Cattaraugus Creek Basin Aquifer, WY & Allegany Cos.	52 FR 36100	09/25/87	Yes	Yes
NY	Cortland-Homer-Preble Aquifer System	53 FR 22045	06/13/88	Yes	Yes
NY	Northern Tug Hill Glacial Aquifer	71 FR 64524	11/02/06	Yes	Yes

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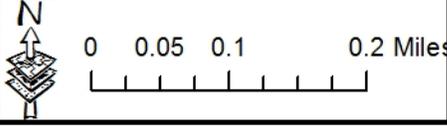
<http://www.epa.gov/region02/water/aquifer/>
[Print As-Is](#)

Last updated on Tuesday, July 29, 2014



Legend

- DrinkingWaterWells
- Front Street Improvements
- Project Area



**GOSR - City of Binghamton
Front Street Improvement Project Area**

DRAFT - INTERNAL REVIEW ONLY



GOVERNOR'S OFFICE OF STORM RECOVERY
"We're not just going to build back our infrastructure, we're going to build it even better than ever before."
-Governor Cuomo

Date: 05/14/2015	Version: 1.0	Drawn By: Dave Genaway
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Measure

Streets

Imagery/Labels

Topo

USGS Topo

binghamton ny Find Location

CBRS Enter CBRS unit number (e.g. Q01P) Find CBRS

Zoom History

Available Layers

- CBRS Buffer Zones ?
- CBRS Units ?

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

- CBRS Buffer Zone

Prospect Street

Front Street

Main Street

0.5 km

0.5 mi

Map Scale: 1:18056

Lat: 42.1117, Lng: -75.9343



U.S. Fish and Wildlife Service

Coastal Barrier Resources System Mapper - Beta

Measure Streets Imagery/Labels Topo **USGS Topo**

binghamton ny Find Location

CBRS Enter CBRS unit number(e.g. Q01P) Find CBRS

Available Layers

- CBRS Buffer Zones ?
- CBRS Units ?

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

- CBRS Buffer Zone

Prospect Street

Front Steet

Main Street

Zoom History

← → 🌐

Vertical zoom slider

3 km
2 mi

Map Scale: 1:72224 Lat: 42.0987, Lng: -76.0096



Measure

Streets

Imagery/Labels

Topo

USGS Topo

binghamton ny

Find Location

CBRS Enter CBRS unit number (e.g. Q01P)

Find CBRS

Zoom History



Available Layers

- CBRS Buffer Zones ?
- CBRS Units ?

CBRS Units

- Otherwise Protected Area
- System Unit

CBRS Buffer Zone

- CBRS Buffer Zone

Prospect Steet

Main Street

Front Street

3 km
2 mi

Map Scale: 1:72224

Lat: 42.1368, Lng: -76.0072



U.S. Fish and Wildlife Service Coastal Barrier Resources System Mapper - Beta

[Measure](#)
[Streets](#)
[Imagery/Labels](#)
[Topo](#)
[USGS Topo](#)

[Find Location](#)

CBRS

[Find CBRS](#)

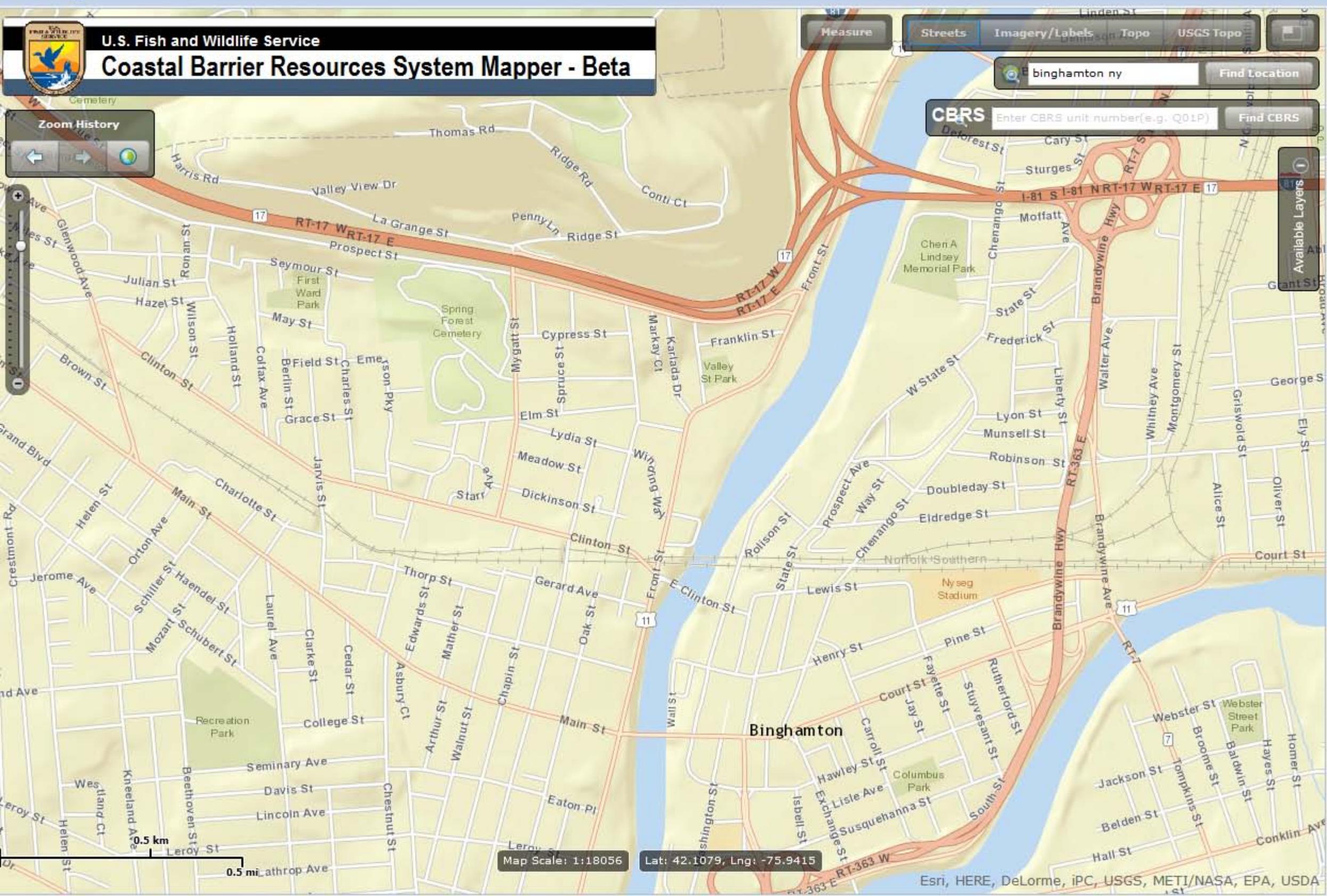
Zoom History

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Available Layers

- Imagery/Labels
- Topo
- USGS Topo

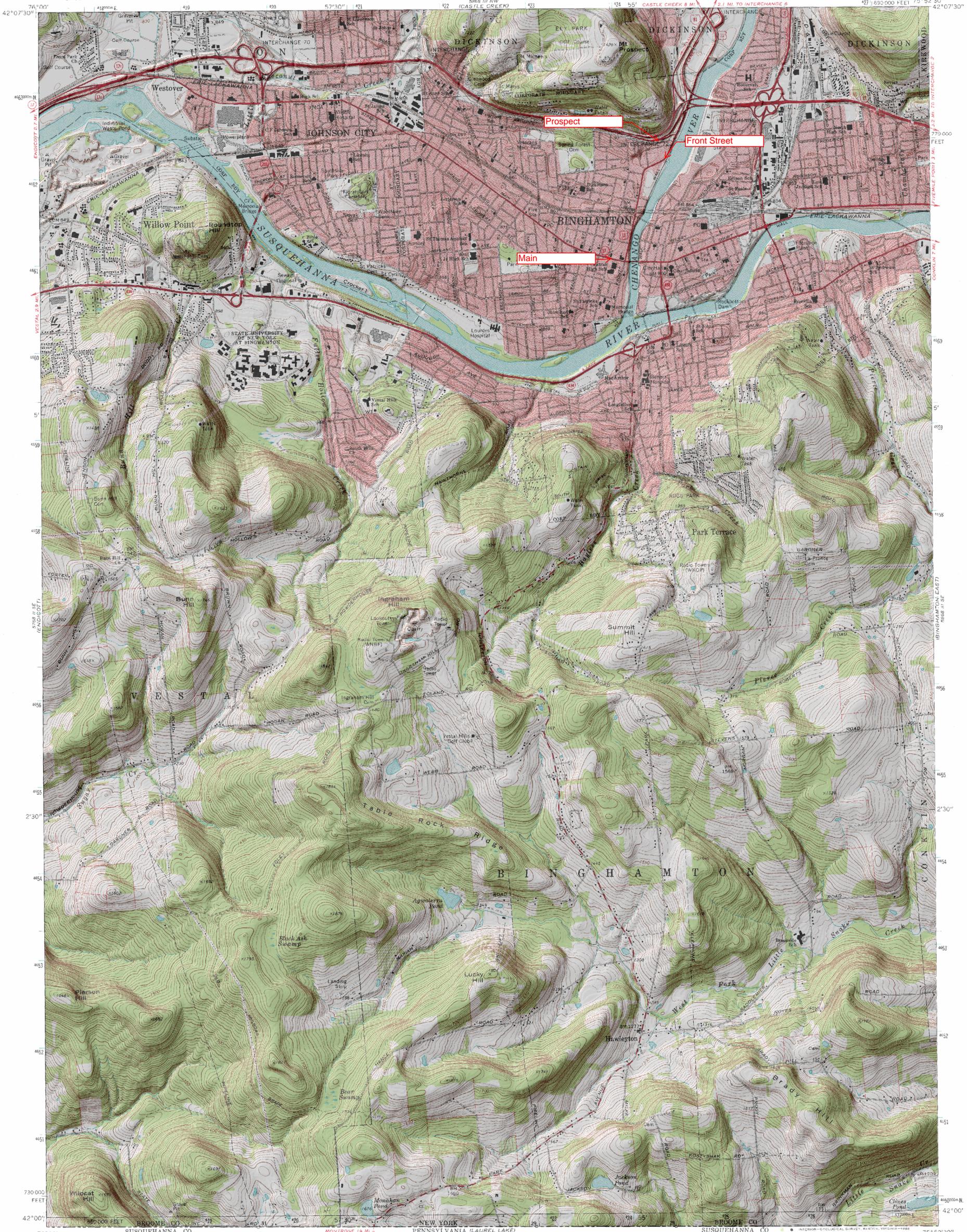


0.5 km

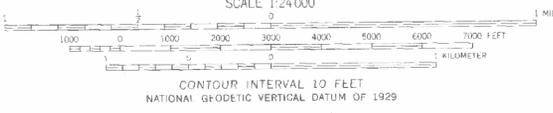
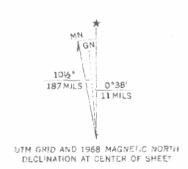
0.5 mi

Map Scale: 1:18056

Lat: 42.1079, Lng: -75.9415



Mapped, edited, and published by the Geological Survey
Control by USGS, USC&GS, and New York Department of Public Works
Topography by photogrammetric methods from aerial photographs
taken 1967. Field checked 1968. Supersedes map dated 1961
Polyconic projection. 1927 North American datum
10,000-foot grid based on New York coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks, zone 18,
shown in blue
Fine red dashed lines indicate selected fence and field lines where
generally visible on aerial photographs. This information is unchecked
Red tint indicates areas in which only landmark buildings are shown
Map photoinspected 1976
No major culture or drainage changes observed



ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface
Secondary highway, hard surface	Unimproved road
Interstate Route	U.S. Route
	State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY
DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

To place on the predicted North American Datum 1983
move the projection lines 4 meters south and
23 meters west as shown by dashed corner ticks

BINGHAMTON WEST, N. Y.
42075-A8-1F-024
1968
PHOTOINSPECTED 1976
DMA 5688 III SW—SERIES V821

ATTACHMENT 2.A

**NON-HOUSING/PROJECT ACTIVITY INITIAL SCREEN CRITERIA
FRONT STREET GATEWAY PROJECT**

The following list of criteria questions are to be used as an initial screen to determine which **non-housing** projects/activities should be forwarded to the Environmental Protection Agency (EPA) for Preliminary Sole Source Aquifer (SSA) Review. (For housing projects/activities see Attachment 2.B) 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 then 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. Contact EPA if you have any questions.

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

CRITERIA QUESTIONS

- | | <u>YES NO N/A</u> |
|---|-------------------|
| 1. 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.] No, but it is located – Sole Source Aquifer – Cortland-Homer-Preble – Binghamton NY (Attachment A) | |
| 2. Is the project/activity located within a one half mile radius (2640 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.] | No |

3. Will the project/activity include or directly cause: (check appropriate items)

- construction or expansion of solid waste disposal, recycling or conversion facilities No
- construction or expansion or closure of landfills No
- construction or expansion of water supply facilities [define] No
- construction or expansion of on-site wastewater treatment plants or sewage trunk lines [define] No
- construction or expansion of gas or petroleum trunk lines greater than 1320 feet No
- construction or expansion of railroad spurs or similar extensions No
- construction or expansion of municipal sewage treatment plants No

4. Will the project/activity include storage or handling of any hazardous constituents as listed in Attachment 4, Hazardous Constituents? No

5. 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) No

6. Will the project/activity require a federal or state discharge elimination permit or modification of an existing permit? No

This attachment was completed by:

Name: Thomas J King
Title: Assistant General Counsel
Address: Governor's Office of Storm Recovery
99 Washington Avenue Suite 1224
Albany, New York 12260
Telephone number: 518 473 0015
Date: 05/11/2015

ATTACHMENT 3

SSA PRELIMINARY REVIEW INFORMATION REQUIREMENTS
FRONT STREET GATEWAY PROJECT

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.] Yes ___

The project area includes roadway safety improvements and water main and sanitary sewer replacement along Front Street (Route 11) from Main Street to Prospect Street (Front Street Corridor) in Binghamton, NY (see Attachment B). A review of the EPA designated Sole Source Aquifer map for Region 2 shows that Broome County is within the Clinton Street-Ballpark Valley Aquifer System. The project is approximately 1 mile along Front Street between Main Street and Prospect Street, encompassing approximately 6 acres. This assumes 1 mile length and a 50 foot road width including the sidewalks.

The Front Street Gateway project is located near the east edge Binghamton's West Side Riverside District which is principally defined as the neighborhoods bounded by Main Street, the Chenango River, the Susquehanna River and the western municipal boundary.

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.] ___ ___

A review of the EPA designated Sole Source Aquifer map for Region 2 shows that Broome County is within the Clinton Street-Ballpark Valley Aquifer System, Sole Source Aquifer.

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 project area includes Front Street (Route 11) from Main Street to Prospect Street (Front Street Corridor). The project proposes a full-depth roadway reconstruction, improvements to roadside delineation by narrowing pavement width, installing new curb lines, incorporating shared use travel lanes and parking lanes, and replacement of water main and sanitary sewers.

III. Public Water Supply

4. Provide a description of plans to provide water supply. _____

Not applicable. The project is located in the City of Binghamton. The City of Binghamton obtains drinking water from Susquehanna River and provides the city with water supplies. The project is a road and sewer system rehabilitation

4. 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. _____

The project is located in the City of Binghamton. The City of Binghamton obtains drinking water from Susquehanna River and provides the city with water supplies. No drinking water supply wells are known to be located in the area of the project. A search for wells using the NY DEC well search database identified wells in Broome County, none are located within 2640 feet of the project area
<http://www.dec.ny.gov/cfm/xtapps/WaterWell/index.cfm>.

V. Wastewater and Sewage Disposal

5. 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 project is served by an existing public sanitary sewer (City of Binghamton's Water & Sewer Department). Storm water runoff from Front Street enters an existing combined sewer via storm inlets along the curb. A storm sewer along Front Street currently flows to an outlet to the Chenango River. A Storm Water Pollution Prevent (SWPP) plan will be developed and enforced by the NYSDEC/SPDES storm water regulations.

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

A SWPP plan will be developed and enforced by the NYSDEC/SPDES storm water regulations.

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

None.

VI. 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. _____

None. No hazardous waste sites have been identified within the project area. Several gas stations and auto repair shops are located nearby. These possible sources of ground water contamination will be investigated prior to initiation of activities. Any possible ground water plumes will not be disturbed by the project. This consultation will be revised if sources of ground water contamination are identified in the project area or may be impacted by the project.

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

None. No USTs have been identified within the project area. Several gas stations and auto repair shops are located nearby. These possible sources of ground water contamination will be investigated prior to initiation of activities. Any possible ground water plumes will not be disturbed by the project. This consultation will be revised if sources of ground water contamination are identified in the project area or may be impacted by the 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. _____

None. No above ground storage tanks have been identified within the project area. Several gas stations and auto repair shops are located nearby. These possible sources of ground water contamination will be investigated prior to initiation of activities. Any possible ground water plumes will not be disturbed by the project. This consultation will be revised if sources of ground water contamination are identified in the project area or may be impacted by the project.

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Date: 05/11/2015