Environmental Assessment
Neversink Ball Fields Replacement Project

Town of Neversink, Sullivan County, New York
FEMA-4020-DR-NY

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U.S. Department of Homeland Security
Federal Emergency Management Agency
Region II, 26 Federal Plaza, NY, NY 10278

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LIST OF ACRONYMS

amsl	Above Mean Sea Level
ACHP	Advisory Council on Historic Preservation
AD	Area of Disturbance
APE	Area of Potential Effect
AST	Aboveground Storage Tank
ASTM	American Society for Testing and Materials
BFE	Base Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CWA	Clean Water Act
DRP	Data Recovery Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
EO	Executive Order
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
FPPA	Farmland Protection Policy Act

NAAQS	National Ambient Air Quality Standards
NASS	National Agricultural Statistics Service
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHP	Natural Heritage Program
NLEB	Northern Long-Eared Bat
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRE	National Register Eligible
NRHP	National Register of Historic Places
NRL	National Register Listed
NRCS	Natural Resources Conservation Service
NYCDEP	New York City Department of Environmental Preservation
NYS	New York State
NYSBC	New York State Building Code
NYSDEC	New York State Department of Environmental Conservation
NYSDHSES	New York State Division of Homeland Security and Emergency Services
NYSECL	New York State Environmental Conservation Law
NYSOPRHP	New York State Office of Parks, Recreation, and Historic Preservation
OSHA	Occupational Safety and Health Administration
PAF	Public Archaeology Facility
PM	Particulate Matter
RCRA	Resource Conservation and Recovery Act
SCO	Soil Cleanup Objectives
SF	Square Foot
SEQRA	State Environmental Quality Review Act
SFHA	Special Flood Hazard Area
SHPO	State Historic Preservation Office
SPDES	State Pollutant Discharge Elimination System
SVOC	Semi-Volatile Organic Compounds
SWPPP	Stormwater Pollution Prevention Plan
THPO	Tribal Historic Preservation Office
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VOC	Volatile Organic Compounds

1.0 Introduction

The Town of Neversink, herein referred to as the "Subgrantee", has requested financial assistance from the U.S. Department of Homeland Security-Federal Emergency Management Agency (FEMA) Public Assistance Program to construct new ball fields and a town park at 7752 NYS Route 42, Grahamsville (Town of Neversink), Sullivan County, New York. The new facility would replace the function lost due to storm damage experienced during Hurricane Irene. The storm incident that occurred August 25 to September 5, 2011, was declared a major disaster by President Barack H. Obama on August 31, 2011 and subsequently amended (FEMA 4020-DR-NY). Federal public assistance was made available to affected communities and certain non-profit organizations in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5172 *et seq.*), as amended. The New York State Division of Homeland Security and Emergency Services (NYSDHSES) is the Grantee partner for the Proposed Action. The work covered by this Environmental Assessment is described in six Public Assistance Subgrant Applications; their reference numbers are PW-6866, PW-6871, PW-7139, PW-7154, PW-7525 and PW-9156.

The Subgrantee's original ballfields and park (also known as City Field) were located in the 100-year floodplain adjacent to the Rondout Creek on Sundown Road (also known as County Route 153), in the Town of Neversink, Sullivan County, New York (*See Appendix A Figure 1*). The site had been leased by the Subgrantee from the New York City Department of Environmental Protection (NYCDEP) since the 1980s. Flooding from Hurricane Irene damaged all but one of the four fields located at the NYCDEP property when Rondout Creek's banks eroded and most of the original site was flooded. In accordance with FEMA Policy 9524.4 Repair vs. Replacement of a Facility and 44 CFR § 206.226(f), the cost to repair the facility does not exceed 50 percent of the replacement cost for the project; therefore the facility is eligible for federal cost-share funding up to the cost to repair the facility with floodproofing and other code compliance measures. The Subgrantee is pursuing an improved project to relocate the facility outside of the 100-year floodplain and reduce the risk of future flood-related damage. An improved project allows the Subgrantee to make improvements to a facility while still restoring its pre-disaster function and capacity. The Grantee/Subgrantee would be responsible for 100 percent of project costs that exceed the FEMA Public Assistance grant cost-shared limit. The proposed action would create a new recreational facility for use by the community at a centrally located site on NYS Route 42, approximately 0.6 miles from the hamlet of Grahamsville. The facility would include four baseball fields, amenities including a pavilion, restrooms and a concession stand and storage and maintenance buildings, and it would provide opportunities for both programmed and passive recreation.

As a federal agency, FEMA is required to evaluate the potential environmental impacts of its proposed actions and alternatives to proposed actions, in order to make an informed decision in defining a proposed project for implementation. FEMA must consider and incorporate, to the extent practicable, measures to avoid, minimize or mitigate adverse impacts to the human environment. The environmental analysis is conducted in compliance with the National Environmental Policy Act (NEPA) of 1969, the President's Council on Environmental Quality (CEQ) regulations implementing NEPA at 40 Code of Federal Regulation (CFR) Parts 1500-1508, and FEMA's regulations at 44 CFR Part 10. FEMA evaluates financial assistance projects prior to grant approval.

This Environmental Assessment (EA) serves as documentation of FEMA's analysis of the potential environmental impacts of the proposed facility replacement, including analysis of project alternatives and identification of impact minimization measures. The document serves as written communication of the environmental evaluation for public and interested party comment. Public involvement is a component of NEPA to inform an agency's determination of whether to prepare an Environmental Impact Statement (EIS) or issue a Finding of No Significant Impact (FONSI).

2.0 Purpose and Need

The objective of the Public Assistance Grant Program is to provide assistance to State, Tribal and local governments and certain types of private nonprofit organizations so that communities can quickly respond to and recover from major disasters or emergencies. The purpose of this project is to reestablish and restore the ball fields and community recreational facility to the Town of Neversink. The need arose due to the flood damage sustained at the original site as a result of Hurricane Irene and the repetitive flooding of the facility that had occurred in the past. The Town is temporarily using softball fields on Town-owned property at the Grahamsville Fairgrounds and the single remaining baseball field at the former site, but scheduling problems and lack of amenities prevent this from being a long-term solution.

3.0 Background

The flood-damaged ball fields and park were located along Rondout Creek, approximately three miles northeast of the hamlet of Grahamsville, on Sundown Road in the Town of Neversink. The original site consisted of four baseball fields and amenities including restrooms, a concession stand, storage buildings, a garage and picnic areas. The land is owned by NYCDEP as open space/buffer for watershed protection and it had been leased by the Subgrantee for recreational purposes since the 1980s. Under the terms of the lease, the Subgrantee is responsible for improvements at the site. When this lease expires, the Subgrantee and NYCDEP will determine whether to demolish the buildings and return the site to its natural condition or whether NYCDEP will keep the buildings for their own use. The former facility, also known as City Field, had been used by the Tri-Valley Little League, which has 24 teams and over 300 participants from Neversink and surrounding communities. Games are typically played weekday evenings, Monday through Friday, between 4:00 and 8:00 pm. There are typically three or four games per night (approximately 15 to 20 games per week). The Little League had used the City Field site for baseball games during the spring and early summer (typically, mid-April through late June). At other times of the year, the site was used recreationally by the community for organized activities such as a Youth Soccer Program, as well as for passive recreation.

Damage included the loss of most of the site's recreational improvements, including fences, dugouts and scorekeeper booths, as well as washout of the baseball fields and water damage to the associated buildings. Additionally, Rondout Creek adjacent to City Field changed its course following the flooding, moving approximately 230 feet to the north and completely washing away the outfield of one of the former baseball fields. One baseball field near the road remained relatively undamaged and is being used temporarily until the Subgrantee's lease with NYCDEP

expires. Similar, although less severe, damage had occurred to the baseball fields following flooding in 2002, which was not a declared event.

In early 2012, the Subgrantee's Town Council determined not to pursue rebuilding at the original site that is in the 100-year floodplain and is therefore subject to repetitive damage. Following a two-month long process to locate a new site, the Subgrantee identified 16.7 acres of land on two adjoining parcels within the Town of Neversink that was suitable for development and available for purchase. The Subgrantee has purchased this land on NYS Route 42 and intends to use this site as a Town Park that will accommodate the uses previously located at City Field.

4.0 Alternatives

NEPA requires the analysis of practicable alternatives as part of the environmental review process for the proposed project. Inclusion of a No Action Alternative in the environmental analysis and documentation is required under NEPA. The No Action Alternative is used to evaluate the effects of not providing federal financial assistance for the project, thus providing a "without project" benchmark against which "action alternatives" may be evaluated. FEMA has reviewed all applicable Federal, State and local laws and Executive Orders for each alternative considered.

4.1 Site Alternatives Considered and Dismissed from Further Analysis in this EA

The Subgrantee rejected as a practicable alternative the repair of the facility at the existing site (within the 100 year floodplain) based largely on its history of repetitive damage. Some of these same fields and structures were rebuilt and repaired after a flood in 2002 destroyed them. Shortly after flooding took place in 2011, the Neversink Town Council voted unanimously not to rebuild at the City Field facility following repeated losses at that site. Furthermore, the adjacent brook had changed course as a result of floods, significantly reducing the amount of land available for construction. The Subgrantee and NYCDEP (as owner of the City Field site) acknowledged that aligning the brook to its former course would be a costly and impermanent undertaking that might cause adverse impacts to the floodplain and the natural and environmental values of the site, including its function as watershed protection land. The Subgrantee was determined to find a location that would not be damaged by flooding and, through an evaluation process that lasted several months, determined that a practicable alternative to rebuilding at the City Field location exists.

Factoring in those current and future costs and risk considerations, the Subgrantee's preferred alternative is to relocate the facility outside of the 100-year floodplain to minimize damages during future disaster events. Thus, the Subgrantee widened its analysis of practicable alternatives to utilize the eligible federal funding for a project that would restore the pre-disaster function of the facility in a location outside the floodplain.[1]

Initially, the Subgrantee considered using two pieces of land it already owned at the

[1] Reference 44 CFR §206.203(d).

Grahamsville Fairgrounds and at the closed landfill at Rocky Hill Road near NYS Route 55A to locate and rebuild ball fields. Two of the fields at the Fairgrounds site are presently being used as the temporary facility; however, the Fairgrounds property was ruled out due to scheduling problems with other users of the site. The closed landfill was also ruled out following discussions with legal and engineering professionals who cited potential environmental concerns associated with conversion to a recreational use.

The Subgrantee hired a planner to develop a map delineating all the land in town with a 20% slope or less, and then proceeded to evaluate pieces of vacant land that would be able to accommodate four baseball fields (approximately 15 to 25 acres in size). With this map in hand, the Little League, Town Board and the public identified parcels with certain criteria (i.e. impact on the neighborhood, proximity to the center of town, wooded or open fields, availability and size). This phase of the evaluation process took approximately two months. An official list of potential sites was not developed but several suitable sites were identified based on these criteria. A limited number of sites met the criteria because Neversink and its surroundings are mountainous and contain numerous waterbodies, including NYCDEP reservoirs. Most of the open space properties in the town are owned by NYCDEP, and the Subgrantee identified three NYCDEP-owned parcels. The Subgrantee approached the land owner privately, as is required by law, to determine if any of these sites would be available for sale or lease. NYCDEP turned down each of these proposals. Refer to *Appendix A, Site Figures, Maps and Plans*, for the sketch map developed by the Subgrantee, and *Appendix D, Environmental Evaluation,* for details pertaining to the evaluation of project site locations conducted by the Subgrantee.

4.2 Alternatives considered in this EA

4.2.1 No Action Alternative

The No-Action Alternative would not provide federal funding to construct a new facility. It is anticipated that absent federal financial assistance, the Subgrantee would not construct the new facility as described below in Section 4.2.2. The Subgrantee would not be able to continue use at the temporary facility at the Fairgrounds because of scheduling conflicts with other organizations. The status of the original City Field site would remain unchanged – the current lease between the Subgrantee and NYCDEP would expire and the Subgrantee would not be able to continue use of the single baseball field that remains relatively undamaged. This alternative would not address the project's purpose and need.

4.2.2 Proposed Action Alternative

During the search for a new site, the Subgrantee identified a larger parcel than they needed (approximately 89 acres in total), located adjacent to 7752 State Route 42, that was under contract to be sold to NYCDEP by a private landowner. The Subgrantee asked NYCDEP if it would be willing to allow the purchase of the land for recreational purposes. NYCDEP temporarily backed out of the agreement with the private landowner so the Subgrantee could make the smaller purchase of 16.7 acres of land with relatively mild topography and no forest to clear, thus allowing the Subgrantee to purchase a suitable piece of land that met its criteria for a new facility.

The Subgrantee purchased the 16.7–acre project site, consisting of approximately 15 acres of hayfield (subdivided from Parcel 32.-1-11.3) and a single-family residential lot on approximately

1 acre of land, (Parcel 32.-1-11.1, also known as 7752 State Route 42) within the Town of Neversink. The Subgrantee proposes to construct a new facility on this property, which is approximately 0.6 miles south of the Hamlet of Grahamsville. The proposed site for the new facility is located outside the 100-year floodplain, thus, risk of flood damage would be minimized. The proposed project site was selected for the following reasons: it has state highway frontage; it is located within the municipal sewer district; there is a water well drilled onsite; land use was open fields eliminating the need for tree clearing; the site is within a low density area and it is centrally located, making it convenient for community use.

The new facility would include four new little league baseball fields, associated parking with 102 spaces, a concession stand, restrooms and maintenance and storage buildings. Proposed buildings on site total 4,136 square feet (SF) and include: 28' x 74' Picnic Pavilion (with restrooms), 24' x 36' Maintenance Garage, 20' x 20' Storage Building and a 20' x 40' Pole Barn. A 480 SF garage located on the one-acre house lot purchased by the Town would remain and be used as storage for the proposed project. Additional work associated with development of the new facility would include a pump to convey wastewater to the existing 8" sewage main that is adjacent to the site, possible upgrades to the onsite water well to meet NYSDOH Part 5 drinking water standards, installation of lighting on building walls and in the parking lot, a stormwater management system with catchbasins and bioretention beds, backstops and 4' to 5' fencing around each field.

As noted above in Section 3.0, the Subgrantee continues to lease the site of the former City Field from NYCDEP. Under the Proposed Action Alternative, the former site would remain in NYCDEP ownership and as their mission states, may be used by NYCDEP for passive recreation or other uses that require minimal site improvement and investment. Remaining on-site improvements, including the cluster of buildings adjacent to Sundown Road, would be the responsibility of the Subgrantee until the current lease expires, at which time NYCDEP may request they be demolished or may request that they remain. Final decision regarding the disposition of the property and improvements at the end of the lease is exclusively that of NYCDEP and the Subgrantee.

5.0 Affected Environment and Environmental Consequences

Potential environmental impacts and proposed mitigation measures associated with the No Action Alternative and the Proposed Action are presented in the following sections and are summarized in Table 1 on Page 6.

Table 1 Summary of Potential Environmental Impacts and Mitigation

Resource	Potential Impacts		Agency/ Permits	Mitigation
	No Action Alternative	Proposed Action		
Topography, Geology and Soils	No impact.	No significant impact. Only shallow cut/fill throughout most of the site and some deeper filling at a single location in the northeast corner of the 16.7-acre site. Cut and fill will be balanced, and use of stormwater BMPs will minimize off-site impacts.	NYSDEC SPDES General Permit/USDA	Best management practices for erosion and sediment control.
Land Use and Zoning	No impact.	Farmland will be converted to recreational fields; however, the impact to prime and protected farmland was determined not to exceed threshold of significance and the proposed action would be consistent with FPPA.	USDA-NRCS	
Water Resources and Water Quality	No impact.	No impact	NYSDEC SPDES General Permit NYCDEP	Compliance with SWPPP and SPDES.
Wetlands	No impact.	No impact.		
Floodplains	No impact/potentially beneficial impact.	Positive impact as a result of relocation of facility out of the 100-year floodplain.		
Vegetation	No impact.	No significant impact. Site is previously disturbed vacant farm fields with almost no trees within in the 14.3-acre AD. All vegetation would be disturbed during construction.		Native plant species would be selected for e landscape plantings to the extent practicable in accordance with EO13112.
Wildlife and Fisheries Habitat	No impact.	No impact.		
Threatened and Endangered Species and Critical Habitat	No impact.	No impact. Any tree removal must take place between October 1st and March	USFWS/NYSDEC/NHP	
Cultural Resources	No impact.	No impact.	NYSHPO/THPO	
Aesthetic and Visual Resources	Adverse impact may result if vacant facility left on original site.	No significant impact.		
Socioeconomic Resources	Potential adverse impact associated with total loss of the original facility	Short-term positive impact with construction, long-term net-return to pre-disaster conditions to the Town of Neversink.		
Environmental Justice	No impact.	No impact.		
Air Quality	No impact.	Temporary dust and emissions due to construction; no long-term impact to air quality.		Best management practices.
Contaminated Materials	No impact.	No impact.	NYSDEC	Best management practices.
Noise	No impact.	Temporary construction noise; no long-term impact.		Compliance with local ordinances and best management practices.
Traffic	No impact.	Short-term impact, no long-term impact expected.		Compliance with local ordinances related to operations on the construction site.
Infrastructure	No impact.	No impact. Project will require water well improvements/Sewer line hookup and system improvements	NYSDEC/DOH	Compliance with state and local regulations.
Public Health and Safety	Adverse impact to Town and community with total facility loss.	Positive impact to the Town and community from the construction of a new facility.	NYSDOH	Compliance with Federal, State, and local safety standards and codes.
Climate Change	No impact.	No impact.		
Cumulative Impacts	No cumulative adverse impact concerns.	No adverse cumulative impacts. Positive cumulative benefit to the community with the Proposed Action		

5.1 Topography, Soils, and Geology

5.1.1 Existing Conditions

Topography

The Proposed Site is located in the upper Rondout River valley, upstream of the Rondout Reservoir. It is approximately 200 to 250 feet west of Red Brook, a tributary to Chestnut Creek that flows to the Rondout Reservoir. The Area of Disturbance (AD) is approximately 14.3 acres of the 16.7 acres (or 86 percent) of the property. The western and central portions of the Proposed Site, along NYS Route 42, are generally flat to gently sloping to the east. The northern, eastern and southern perimeters of the site generally follow along the top of the slope before sloping steeply to the banks of the offsite stream, Red Brook. Within the AD, the existing ground elevations range from approximately 1,000 feet above mean sea level (amsl) to approximately 1,040 feet amsl, based on USGS topographic mapping of the area. According to local sources, this site was used as a source of fill material during construction of nearby drinking water reservoirs (Rondout and Neversink) in the 1940s and 1950s.

Soils

The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) operates the Web Soil Survey (websoilsurvey.nrcs.usda.gov/app), which includes the soils of Sullivan County (USDA, 2012). Based on soil survey findings, approximately 82% of the Proposed Site is listed as having less than a 0-10 percent slope. An almost equal percentage of the Proposed Site is listed as being well drained. The depth to water table is greater than 10 feet and the depth to bedrock is greater than 15 feet. The soil types of the proposed site include Riverhead sandy loam, 8% to 15% slopes (RhC, slightly greater than 50% of the site); Wellsboro gravelly loam, 3% to 8% and 8% to 15% slopes (WeB and WeC); Morris loam, 8% to 15% slopes (MrC) and Tunkhannock gravelly loam, 8% to 15% slopes (TkC). All of the soils found on site are considered Farmland of Statewide Significance. The Farmland Protection Policy Act (FPPA) requires federal agencies to minimize the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural use and to assess potential conversion of farmland to developed property.

Geology

Executive Order (EO) 12699 requires federal agencies assisting in the financing, through federal grants or loans, or guaranteeing the financing, through loan or mortgage insurance programs, of newly constructed buildings to initiate measures to assure appropriate consideration of seismic safety (WBDG, 1990). The United States Geological Survey Percent Peak Ground Acceleration Seismic Hazard Maps (USGS, 2008) adopted by the New York State Building Code (NYSBC) indicate that the Proposed Site is located within a moderate seismic hazard area, as is most of New York State. Bedrock in the area of the site is greater than 80 inches below grade according to the above-referenced Soil Survey. The site is mapped on the Geologic Map of New York (Hudson Mohawk Sheet, 1970) as Undifferentiated Silurian Rocks I of the Rondout Formation consisting of dolostone and limestone.

5.1.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would have no impacts to topography, geology or soils.

Proposed Action

Disturbance to soils and topography (ground disturbance) during construction activities would involve grading of the majority (14.3 acres) of the entire 16.7 acre site. The contractor would strip and stockpile the top 4" of the site's topsoil. Small areas of the site will require as much as 14 feet to 15 feet of cut or fill, with significant cutting occurring at the center of the site, and significant fill occurring at the northern end of the site. Project grading would balance cut and fill so that no soil material would need to be removed or brought into the site (NYSDEC letter, August 16, 2013 in *Appendix C, Correspondence*). The Proposed Site would be graded to prepare it for the construction of four ball fields, parking areas, access driveways, buildings and stormwater control devices. There would be no excavation deeper than three to four feet for stormwater management facilities, footings and foundations for the 28' x 74' pavilion, the 20' x 20' storage building and the 24' x 36' maintenance building. These impacts are unavoidable and are not expected to adversely impact the soils and topography of the Proposed Site.

The duration of construction would be as short as 5 months but could take up to 12 months, depending on start date and weather conditions. Erosion and sedimentation impacts would be minimized through the implementation of an approved erosion and sediment control plan for construction activities. This stormwater plan would be developed as part of the required NYS Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities (GP-0-10-001), effective January 29, 2010 through January 28, 2015. A Notice of Intent (NOI) would be submitted to the New York State Department of Environmental Conservation (NYSDEC) prior to project construction. Best Management Practices (BMP) for soil erosion and sediment control would be established, such as the installation of perimeter silt fences, to control the migration of silt off the Proposed Site. All construction activities would be subject to the requirements of this stormwater SPDES General Permit.

The property is within Sullivan County Agricultural District 4. According to the NRCS letter dated April 21, 2014, completion of the Farmland Conversion Impact Rating form AD-1006 was required for this project (*Appendix C, Correspondence*). Upon completion of the form, and in compliance with FPPA review criteria and with guidance from NRCS, FEMA determined that the conversion of farmland associated with the project is consistent with the FPPA.

Due to the depth of bedrock, no impact to the bedrock or geology would be expected from site grading and construction of this facility.

5.2 Land Use and Zoning

5.2.1 Existing Conditions

The flood-damaged former site (City Field) of the ballfields and town park is zoned RR-3, which allows a maximum of one single-family house per three acres, as well as complementary rural and commercial land uses such as agriculture, bed-and-breakfasts, timbering and forestry, sawmills, campgrounds, recreational facilities, cemeteries and veterinary clinics/kennels. The more intensive commercial uses listed above require special use permits, while the less intensive uses are allowed by right. Its surroundings are hilly and sparsely developed. The City Field site is in the NYCDEP watershed for the Rondout Reservoir.

The proposed site is also zoned RR-3. The surrounding land uses of the proposed project site consist of small farms, undeveloped wooded areas and single-family homes. The proposed site lies outside the Town's floodplain overlay zone.

The entire 16.7-acre proposed site, as well as the rest of the Red Brook stream valley, is within the NYCDEP watershed for New York City's drinking water supply in the Rondout Reservoir. NYCDEP owns a large percentage of the land in this stream valley in order to protect the Reservoir from pollutants related to development. Previously, the land had been used as a single-family residence and hayfield. The land acquired by the Subgrantee was under contract by the NYCDEP for purchase to protect the quality of the water entering the NYCDEP's nearby Rondout Reservoir watershed by preventing development. However, NYCDEP reached an agreement that allowed the Subgrantee to purchase the property for recreational use only, which would continue to provide protection of its drinking water reservoir.

The Proposed Site is also located in Sullivan County Agricultural District #4. As noted above, a portion of the site was used agriculturally as a hayfield as recently as 2012. According to local sources, the site had previously been used for poultry farming and other agricultural uses.

5.2.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact land use or local zoning.

Proposed Action Alternative

The Proposed Action would not impact land use or local zoning. Implementation of the Proposed Action would be consistent with the site's planned land use and recreational uses that are permitted in Zone RR-3. While originally intended for purchase by NYCDEP for watershed protection, its proposed use by the Subgrantee for low-impact recreational use precludes this land from being converted to residential, commercial or industrial development and protects the water bodies from the pollutants that such development might generate. Furthermore, a conservation easement has been placed on the property and NYCDEP has retained the right of first refusal if the Subgrantee wishes to sell or otherwise abandon the property in the future, insuring continued protection as open space.

5.3 Water Resources and Water Quality

Congress enacted the Federal Water Pollution Control Act in 1948, which was reorganized and expanded in 1972 and became known as the Clean Water Act (CWA) in 1977, as amended. The CWA regulates discharge of pollutants into water with sections falling under the jurisdiction of the U.S Army Corps of Engineers (USACE) and the Environmental Protection Agency (EPA). Section 404 of the CWA establishes the USACE permit requirements for discharging dredged or fill materials into Waters of the United States and traditional navigable waterways. Under National Pollutant Discharge Elimination System (NPDES), the EPA regulates both point and non-point pollutant sources, including stormwater. Activities that disturb one (1) acre of ground or more are required to apply for a SPDES permit, administered in New York State through the NYSDEC. For areas located within New York City watershed areas, NYCDEP requires an Application for Review and Approval of Stormwater Pollution Prevention Plan and a sanitary sewer line connection permit.

5.3.1 Existing Conditions

The Proposed Site is located within the Rondout Reservoir Watershed, on the floor of the small stream valley of Red Brook. The site is approximately 0.6 miles upstream from Red Brook's confluence with Chestnut Brook, which continues another mile before entering the Rondout Reservoir. Red Brook flows south-to-north and is located 200 to 250 feet east and approximately 60 to 100 feet below the property. It is classified as a Class B (TS) stream. The TS standard means that the highest and best use of this stream is as a trout spawning stream. In accordance with New York State Environmental Conservation Law, any disturbance to the bed or banks of a stream with trout standards would be prohibited without a permit from the NYSDEC (NYSDEC-Mapper, 2013). No designated Sole Source Aquifers are located in or near the proposed or original sites.

According to the NRCS soil survey and on-site deep test pits observed by a NYCDEP representative on August 22, 2013, the depth to the high water table is at least ten feet below the surface level of the site and the depth to bedrock is at least 15 feet. The Proposed Site is located adjacent to an existing sewer collection main under NYS Route 42, which would accept sewage generated by the use of the proposed recreation fields.

During construction, stormwater discharges from the project site would be regulated and controlled by NYS's Stormwater SPDES General Permit for Construction Activities. These regulations prohibit or strictly limit the volume and quality of stormwater discharges to protect water quality in surface waters on and off the Proposed Site.

5.3.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact water resources and water quality.

Proposed Action

The Proposed Action would have no impact to surface water quality of Red Brook, the downstream surface waters of Chestnut Creek or the Rondout Reservoir. Disturbances to Red Brook's bed or banks are not proposed. There are no proposed discharges to these surface waters. Stormwater discharges would be regulated by the NYS Stormwater SPDES General Permit. Stormwater would be controlled to prevent pollutants from entering the off-site surface water. A Stormwater Pollution Prevention Plan (SWPPP) is required prior to construction, in accordance with the NYS Stormwater SPDES General Permit for Construction Activities (GP-0-10-001). Furthermore, the site is within the purview of NYCDEP, which also reviews and must approve stormwater pollution prevention plans before development would take place.

There would be no impact to surface waters. The nearest stream (Red Brook) is located beyond the Proposed Site's boundaries and none of the proposed grading or construction activities occur on or near the banks of this stream. There are no other streams on or near the project site.

No impacts to groundwater quality are anticipated from the excavation for the footings and foundation of the maintenance and storage buildings proposed since such excavations would not extend below the high water table. Because the site has access to municipal sewer lines, no onsite surface or subsurface sewage disposal is needed.

Water and sewer services would be provided by an existing on-site well and by connecting to an existing sanitary sewer line along NYS Route 42 on the west side of the Proposed Site. Sanitary wastes would not be treated on the site but would be piped to the sewer main running along NYS Route 42 for transport to the Wastewater Treatment Plant, located less than one mile north of the site on NYS Route 42. To meet the demands of the recreational facility, upgrades to the existing system would be needed and would consist of a sewage pump station with duplex submersible grinder pumps (approximately ½ to 1 HP) in a 5' diameter concrete wetwell with automatic float controls and high level alarm. Discharge would be through a 2"-3" diameter forcemain pipe that would connect to the existing 4" diameter service pipe lateral that served the former house on the property. This service pipe lateral is connected to an 8" diameter sewer line in NYS Route 42.

5.4 Wetlands

EO 11990 "Wetlands Protection" requires that federal agencies take actions to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the beneficial effects of wetlands. Compliance with this EO is insured through the process of identifying whether the action would be located within or would potentially affect federally-regulated wetlands (USFWS, 2013). Federal regulation of wetlands is under the jurisdiction of the USACE. Federal actions within wetlands require the federal agency to conduct an Eight-Step Review Process. This process, like NEPA, requires the evaluation of alternatives prior to funding the action. FEMA's regulations for conducting the Eight-Step Review process are contained in 44 CFR Part 9.5. NYSDEC also regulates and protects freshwater wetlands as defined by NYS Environmental Conservation Law (NYSECL) Article 24. The Eight-Step Review Process for this project can be found in *Appendix F*.

5.4.1 Existing Conditions

Based on a review of the Proposed Site on NYSDEC's "Environmental Resource Mapper" website (*http://www.dec.ny.gov/imsmaps/ERM/viewer.htm*), there are no state regulated wetlands mapped at the site. The U.S. Fish and Wildlife Services' (USFWS) National Wetland Inventory (NWI) website does not identify any wetlands within the AD (*Appendix A*). However, the NWI depicts a 0.4-acre federally regulated freshwater wetland located nearby, approximately 100' southeast of the property boundaries. Site visits conducted in July 2013 by the Subgrantee's consultant confirmed the absence of wetlands on the project site.

Furthermore, there are no state- or federally-mapped wetlands at the former site, although federally mapped wetlands exist adjacent to the site, within the river banks.

5.4.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact state or federal wetlands.

Proposed Action

The Proposed Action would not impact state or federal wetlands. The offsite federally-regulated wetland would not be disturbed by grading and construction on the site.

5.5 Floodplains

EO 11988 "Floodplain Management" requires that federal agencies avoid funding activities that directly or indirectly support occupancy, modification or development of the 100-year floodplain whenever there are practicable alternatives. FEMA uses Flood Insurance Rate Maps (FIRM) to identify floodplains and flood risks for the NFIP. Federal actions within the 100-year floodplain, or 500-year floodplain for critical actions, require the federal agency to conduct an Eight-Step Review process. This process, like NEPA, requires the evaluation of alternatives prior to funding the action. FEMA's regulations for conducting the Eight-Step Review process are contained in 44 CFR Part 9.5. The Eight-Step Review Process conducted for this project can be found in *Appendix F*.

5.5.1 Existing Conditions

According to the FIRM, identified as Community Panel Number 36105C0335F, effective February 18, 2011, the Proposed Site is located entirely outside and almost 0.6 miles upstream of Zone A, a special flood hazard area (SFHA), also referred to as the 100-year floodplain. Furthermore, the proposed site is located outside the Town's floodplain overlay district. No federal, state or local floodplain approvals are needed for construction of the Proposed Action.

The original City Field location is mapped as a Zone A, SFHA on FIRM Community Panel 36105C0335F, effective February 18, 2011. It is also mapped within the Town's floodplain overlay district.

5.5.2 Potential Impacts and Proposed Mitigation

No Action Alternative

Although the Town's original City Field was destroyed by flooding, the No Action alternative would not have any negative impacts on floodplains. By reducing occupancy and investment in the floodplain and by increasing opportunities for natural floodplain processes to take place, some beneficial impacts may be achieved. Typically, passive recreational uses such as those that would replace programmed activities at the former ball field site are considered good use of floodplain areas.

Proposed Action

The Proposed Site is located well outside and upstream of the 100-year floodplain. Grading and construction of the proposed ball fields would not have any adverse impact on floodplains or floodwaters. The Proposed Action would reduce risk of future flood damage to the new facility. Refer to *Appendix F* for Eight-Step Review Process summary.

5.6 Vegetation

5.6.1 Existing Conditions

Native vegetation on the proposed site has been previously disturbed by excavation and for agricultural and residential uses. The Proposed Site contains mainly vacant fields, recently used for hay production. The one-acre single family lot has a lawn with several shade trees and isolated clumps of ornamental shrubs. There are no significant hedgerows or stands of brush or trees on the site.

5.6.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact vegetation. Some natural vegetation may return to the damaged site.

Proposed Action

All vegetation within the 14.3-acre AD of the Proposed Site would be disturbed as a result of the Proposed Action. The existing hayfield groundcover would be removed and replaced by 1.45 acres of gravel parking lots, walks and driveways and less than one tenth of an acre of buildings, while the remainder of development would replace hayfield with mown baseball fields and lawn. Wherever possible, native plant species would be selected for site landscape seeding and plantings. While the character of vegetation would change as a result of the Proposed Action with a conversion from hayfields to mown grass, there will be no change to surrounding (offsite) wooded areas and impacts are not expected to be significant because the majority of the site would still be vegetated. Refer to *Appendix F, Environmental Site Assessments*, for the history of the Proposed Site.

5.7 Wildlife and Fisheries Habitat

5.7.1 Existing Conditions

The site of the Proposed Action does not support any sensitive landscape features such as wetlands, streams or water bodies. The site currently consists of hayfields and a single-family residential lot. These conditions provide little or no suitable nesting or breeding habitat for wildlife and birds. In addition, federal agencies must evaluate potential impacts to migratory bird habitat per the Migratory Bird Treaty Act. There is no sensitive migratory bird habitat at the site.

Red Brook, which is classified as a Class B (TS) stream lies approximately 200 to 250 feet to the east of the site. A Class B (TS) designation means that the highest and best use is its potential to support trout spawning.

5.7.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not impact wildlife, birds (including sensitive migratory bird habitat) or fisheries habitat.

Proposed Action

The Proposed Action would have no impact on wildlife, birds, and fisheries habitat. As noted, the site consists of croplands, with no wildlife habitat. Once completed, there would be no impacts to Red Brook as a result of the Proposed Action, because it is sufficiently separated from the site. Stormwater BMPs will be employed during and after construction to ensure that stormwater runoff would not contaminate the stream.

In accordance with Migratory Bird Treaty Act, FEMA has determined that there would be no significant adverse impact to migratory bird habitat and no take of migratory bird species associated with the proposed project.

5.8 Threatened and Endangered Species and Critical Habitat

The Federal Endangered Species Act (ESA) of 1973 provides a program for the conservation of threatened and endangered plants and animals and the habitats in which they are found. The lead federal agencies for implementing ESA are the USFWS and US National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service. The law requires federal agencies to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat of such species. The law also prohibits any action that causes a "taking" of any listed species of endangered fish or wildlife.

5.8.1 Existing Conditions

The New York State's Natural Heritage Program (NHP) online database was reviewed for potential federal or State threatened and endangered species or their habitat on or near the Proposed Site. NYSDEC's online Environmental Resource Mapper shows that the Proposed Site is at the edge of a 1-mile radius circle centered near the western end of the Rondout Reservoir that encompasses the primary Bald Eagle habitat on the Roundout Reservoir.

The USFWS website provides a list of federally-listed species by county; as of May 2014, the Indiana bat (*Myotis sodalis*), the Bog turtle (*Glyptemys muhlenbergii*), the Dwarf wedgemussel (*Alasmidonta heterodon*) and Northern Wild Monkshood (*Aconitum noveboracense*) are listed as an endangered species in Sullivan County. The Northern Long-eared bat (*Myotis septentrionalis*), is proposed to be listed in Sullivan County as endangered on the federal threatened and endangered species list. The Bald Eagle (*Haliaeetus leucocephalus*) is a delisted species identified in Sullivan County, yet it continues to receive protection under the Bald and Golden Eagle Protection Act amendment of 1972 (16 USC Part 668), the Migratory Bird Treaty Act of 1918 and the Migratory Bird Treaty Reform Act of 1998, which were enacted to prohibit the taking or attempt to take migratory game birds for the protection of the species.

5.8.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action alternative would not affect endangered, threatened, or rare species or any critical habitat.

Proposed Action

Based upon the review of federal and state sources, FEMA has found that the proposed action would not affect endangered, threatened or rare species, including the Indiana bat, Bog turtle, Northern Wild Monkshood and Dwarf wedgemussel or any critical habitat. Red Brook, located east of the site, does not provide primary foraging habitat for the Bald Eagle and it is not habitat for endangered invertebrates found in the County. Based on the proximity of Bald Eagle habitat to the site, on September 11, 2013, the Subgrantee's consultant made a request to NYSDEC for an onsite review of the proposed site. In a letter dated September 25, 2013, the NYSDEC responded that there were no Bald Eagles or Bald Eagle habitat on or adjacent to the site. Please refer to *Appendix C* of this document for a copy of that letter from NYSDEC.

The proposed project is not expected to include the removal of mature trees that would provide roosting habitat for the Bald Eagle; however, site development may require incidental removal

of two or three trees located on the former residential site. FEMA consulted with USFWS regarding the proposed action and determined that the project may affect but is not likely to adversely affect the endangered Indiana bat and the Northern Long-Eared bat, which is proposed to be listed as endangered. USFWS concurred with FEMA's findings (May 15, 2014, *Appendix C*). In order to comply with this finding, tree removal can only be conducted between October 1 and March 31st to avoid the roosting periods of the Indiana bat and the Northern Long-Eared bat.

5.9 Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA), as amended, and implemented by 36 Code of Federal Regulations (CFR) Part 800 requires federal agencies to consider the effects of their actions on historic properties and provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on federal projects that would have an effect on historic properties. These actions must take place prior to the expenditure of federal funds. Historic properties include districts, buildings, structures, objects, landscapes, archaeological sites and traditional cultural properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP).

5.9.1 Existing Conditions

The Area of Potential Effects (APE) for the proposed project includes the 16.7-acre property proposed for the construction of the new facility. The community demolished the early twentieth-century dwelling on the property in August 2013 in anticipation of the recreational field development. The dwelling had been significantly altered over time and was not of a notable style or method of construction and was therefore found to be not eligible for listing in the NRHP. The area is not mapped as being archaeologically sensitive on the NYSHPO website. The property was used as a soil borrow site in the mid-twentieth century and was therefore previously disturbed.

5.9.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact cultural resources.

Proposed Action

FEMA consulted with the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) regarding the demolition of the early-nineteenth-century dwelling on the property in a letter dated May 5, 2014; SHPO concurred with FEMA's finding of No Historic Properties Affected on May 6, 2014 (13PR00070). The Subgrantee had previously consulted with SHPO regarding the potential for archaeological resources on this property. SHPO concluded in a letter dated May 3, 2013 (13PR00070) that the project would have no effect upon cultural resources listed in or eligible for inclusion in the NRHP. As there are no buildings within the APE that are listed in or eligible for listing in the NRHP and the project site has been previously disturbed, FEMA has found that no historic properties would be affected by the proposed project. Please refer to *Appendix C, Correspondence*, for documentation of SHPO concurrence. Tribal Historic Preservation Officers (THPOs) were also consulted on the project and asked to provide any information they may have on archeological resources that may be affected by the project. THPOs and/or other tribal representatives for the St. Regis Mohawk Tribe, Delaware

Tribe of Indians, Delaware Nation and the Stockbridge-Munsee Community Band of Mohicans were contacted (*Appendix C*). The St. Regis Mohawk Tribe responded that the project would not affect cultural properties of concern to the Tribe. The Delaware Tribe responded, concurring with the SHPO finding and noting that no religious or culturally significant sites are located in the project area. Both tribes requested to be contacted regarding any inadvertent discoveries.

5.10 Aesthetics and Visual Resources

5.10.1 Existing Conditions

Since the 1960s, the project site was open fields and woodlands leading up to its current use for field crops. The one-acre lot purchased by the Subgrantee (Town of Neversink) included a single family home, detached garage, shed and surrounding property. The home was demolished on August 31, 2013 as previously mentioned. The garage (480 SF) remains and would be utilized as storage for the facility. The seller kept the shed and removed it from the site.

5.10.2 Potential Impacts and Proposed Mitigation

No Action Alternative

Under the No Action Alternative, the existing City Field would not be used and the site would not be kept up for programmed activities; therefore, the deteriorating recreational facility could have a minor adverse impact on aesthetic and/or visual resources.

Proposed Action

Minor impact on aesthetic and/or visual resources would be expected; however, the proposed action would not be out of character with typical rural-residential uses that would include recreational facilities for use by community members. The current open, crop fields would be converted to four baseball fields with associated amenities including a pavilion and two parking areas. Four- to five-foot fencing is proposed around each of the four fields, and safety lighting is proposed for the pavilion and parking lots. All lighting would include shielded luminaires to protect neighboring properties from light trespass. Night games would not be played at this proposed location. For public safety, wall lighting would be provided on the buildings, and pole lighting would be provided in parking areas.

5.11 Socioeconomic Resources

5.11.1 Existing Conditions

The U.S. Census Bureau indicates the population within the Town of Neversink was 3,557 persons in 2010, up slightly from 3,553 in 2000. In comparison, the population within Sullivan County was 77,547 in 2010 and dropped to 73,966 in 2000.

The total number of households located within the Town was approximately 1,464 in 2010. At that time, 990 (or about 2/3) of households in the Town were classified as family households, meaning those living together are related. The remaining 474 households are classified as non-family households or those with individuals who cohabitate but are unrelated, such as roommates. The average household size in the Town was 2.43 persons in 2010, while family size was 2.93.

The 2012 median household income for the Town of Neversink was estimated to be $44,950,

and that of Sullivan County was estimated to be $48,303. (US Census Bureau American Community Survey, 2012). Approximately 9.6% of individuals in the Town are estimated to be below the poverty level, compared to 11.3% in 2000. Of individuals within Sullivan County, 17.2% are estimated to be below the poverty level, compared to 16.3% in 2000 (American Community Survey data, 2008-2012 five-year estimates; US Census, 2010).

5.11.2 Potential Impacts and Proposed Mitigation

No Action Alternative

This alternative would likely have an adverse impact on the socioeconomic resources of the Town of Neversink. As the existing City Field would remain vacant and unusable, employee and community activity at and around the site would be diminished as compared to prior to Hurricane Irene. Permanent loss of recreational facilities and activities would be an adverse impact on services provided by the Town of Neversink for its residents.

Proposed Action

Short-term positive impact to socioeconomic resources would be anticipated as a result of construction jobs and activity in the area that may support shopping/restaurants/gasoline/ hardware and supplies/other retail. Restoration of recreational facilities would provide a socioeconomic benefit with long-term positive impacts because of the improved services and amenities provided by the town to its residents as compared to pre-storm socioeconomic resources condition within the Town of Neversink. Long-term, many former staff (maintenance and little league) would return to the new facility once it is completed.

5.12 Environmental Justice

Executive Order 12898, entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," guides federal agencies to "make environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations" (EPA, 1994).

5.12.1 Existing Conditions

According to 2012 US Census American Community Survey estimates, the population of the Town of Neversink and Sullivan County is predominantly Caucasian (estimated 99% in the Town and 82% in the County). About 8.3% of Town of Neversink residents and 10.7% of Sullivan County residents live below the poverty level. The project location is not identified as an Environmental Justice community.

5.12.2 Potential Impacts and Proposed Mitigation

Neither of the project alternatives would have disproportionately high or adverse impacts on human health and human environment of minority or low-income populations. There are no low income or minority populations identified for the project area.

5.13 Air Quality

The Clean Air Act (CAA) of 1963 (amended 1970, 1977 and 1990) requires each state to attain and maintain specified air quality standards. National Ambient Air Quality Standards (NAAQS) have been promulgated by the federal government and by NYS for carbon monoxide (CO),

nitrogen dioxide (NO2), total suspended particulate (TSP), sulfur dioxide (SO2) and lead (Pb). The New York standards are generally the same as the federal standards for these pollutants. Primary air quality standards are set to protect human health and secondary standards are set to protect human welfare. The EPA is presently implementing the 2008 ozone standards as required by the Clean Air Act and meeting these standards would provide important public and environmental health benefits.

5.13.1 Existing Conditions

The project site is located in Sullivan County, which is attainment area for Ozone 8-Hour, Lead 2008 Standard, Particulate Matter (PM) 2.5 Annual, and PM 2.5 24-Hour Standard. (EPA, 2008).

5.13.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not affect air quality.

Proposed Action

The proposed action would result in a temporary minor impact (12 months) to air quality due to construction activities; no long-term impacts are anticipated. Construction activities on the project site may have a potential impact on the local air quality through the generation of fugitive dust or airborne dust. Fugitive dust is generated during ground breaking and excavation activities. Emissions from diesel construction vehicles are also a potential source of air pollution. The use of best management practices (BMPs) would help minimize dust and vehicle emissions. Occupational Safety and Health Administration (OSHA) standards would be followed to preserve public health of construction workers and future occupants of the facility.

5.14 Contaminated Materials

5.14.1 Existing Conditions

Two Phase I Environmental Site Assessments (ESAs) were conducted on the project site in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Standard Practice E 1527-05. See *Appendix E* for these two documents.

The ESA conducted by GEI Consultants included a total of 89.65 acres near 7752 NYS Route 42, east and southwest of its intersections with Big Hollow Road and south of its intersection with South Hill Road. The approximate 15.0 acres of the project site (purchased from the NYCDEP) was included within the 89.65-acre parcel evaluated. The one-acre residential lot was not included within this assessment. Based on the scope outline in the ESA, no recognized environmental conditions were identified.

A second ESA, conducted by Ecological Analysis, LLC, consisted of the 0.92 acre residential lot associated with the project site. As noted, the lot was purchased by the Subgrantee from a private land owner along with the 15 plus acres purchased from the NYCDEP. This 0.92 acre site is located at 7752 NYS Route 42 and is bordered to the north and northeast by South Hill Road, Coombe Road to the southeast and NYS Route 42 to the west. At the time of the assessment, the site encompassed a residence, garage, shed and surrounding grounds. Based on the scope of the Phase I ESA (*Appendix E*), the following recognized environmental conditions were identified:

asbestos, lead-based paint, mercury and on-site hazardous substances and petroleum products. These were evaluated with respect to "business environmental risk."

While the results of the ESA conducted by Ecological Analysis, LLC concluded that the residential lot contained environmental concerns associated with asbestos, lead based paints, mercury, hazardous substances and petroleum products, these concerns were associated only with the existing house located on site. Prior to demolition, a certified asbestos inspector conducted an inspection survey for the house located at 7752 NYS Route 42 and, in a report dated August 30, 2013, concluded that the "house was sampled per NYS Code Rule 56… The asbestos found during the inspection has been abated and the house is now free of asbestos." On August 31, 2013, the house located on this lot was demolished and removed and all debris was disposed of at a licensed construction and demolition landfill. Therefore, no environmental conditions currently exist on the project site. Please see asbestos report and disposal documentation provided in *Appendix C, Correspondence.*

5.14.2 Potential Impacts and Proposed Mitigation

The No Action Alternative and Proposed Action would not impact or be impacted by contaminated materials; however, during construction activities, hazardous materials may be present on-site. BMPs would be used in the event of petroleum or other hazardous material leak. Any spills are required to be reported to NYSDEC. Contractors are responsible for ensuring responsible action on the part of construction personnel. As described in Section 4.13.2, OSHA standards would be adhered to during construction to avoid impacts to public health.

5.15 Noise

Sound pressure level (SPL) is used to measure the magnitude of sound and is expressed in decibels (dB or dBA), with the threshold of human hearing defined as 0 dBA. The SPL increases logarithmically, so that when the intensity of a sound is increased by a factor of 10, its SPL rises by 10 dB, while a 100-fold increase in the intensity of a sound increases the SPL by 20 dB.

Equivalent noise level (Leq) is the average of sound energy over time, so that one sound occurring for two minutes would have the same Leq of a sound twice as loud occurring for one minute. The day night noise level (Ldn) is based on the Leq, and is used to measure the average sound impacts for the purpose of guidance for compatible land use. It weights the impact of sound as it is perceived at night against the impact of the same sound heard during the day. This is done by adding 10 dBA to all noise levels measured between 10:00 pm and 7:00 am. For instance, the sound of a car on a rural highway may have an SPL of 50 dBA when measured from the front porch of a house. If the measurement were taken at night, a value of 60 dBA would be recorded and incorporated into the 24-hour Ldn.

Leq and Ldn are useful measures when they are used to determine levels of constant or regular sounds (such as road traffic or noise from a ventilation system). However, neither represents the sound level as it is perceived during a discrete event, such as a fire siren or other impulse noise. They are averages that express the equivalent SPL over a given period of time. Because the decibel scale is logarithmic, louder sounds (higher SPL) are weighted more heavily; however,

loud infrequent noises (such as fire sirens) with short durations do not significantly increase Leq or Ldn over the course of a day.

The Noise Control Act of 1972 required the EPA to create a set of noise criteria. In response, the EPA published *Information On Levels Of Environmental Noise Requisite To Protect Public Health and Welfare With An Adequate Margin Of Safety* in 1974 which explains the impact of noise on humans. The EPA report found that keeping the maximum 24-hour Ldn value below 70 dBA will protect the majority of people from hearing loss. The EPA recommends an outdoor Ldn of 55 dBA. According to published lists of noise sources, sound levels and their effects, sound causes pain starting at approximately 120 to 125 dBA (depending on the individual) and can cause immediate irreparable damage at 140 dBA. OSHA has adopted a standard of 140 dBA for maximum impulse noise exposure.

5.15.1 Existing Conditions

The ambient noise level in the vicinity of the project site is typical for a rural area. Most of the land in the vicinity of the project site is farmland or forested areas with pockets of residential development. North of the project site, along NYS Routes 42 and 55, there is some commercial and institutional development. Vehicle noise is also generated from nearby Big Hollow Road, NYS Route 42, South Hill Road and Coombe Road. The Ldn is typically about 45 dBA for rural agricultural areas and 55 dBA for small-town and suburban residential areas. (References: NYSDEC program policy memorandum "Assessing and Mitigating Noise Impacts," http://www.dec.ny.gov/docs/permits_ej_operations_pdf/noise2000.pdf and "Environmental Noise: The Invisible Pollutant," http://www.nonoise.org/library/envarticle/).

5.15.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The No Action Alternative would not impact ambient noise levels.

Proposed Action

Temporary impact (5-12 months) to ambient noise levels would be anticipated during construction; no long-term impacts would be expected. Local ordinances would be adhered to during construction activities and during operation. Avoidance of construction related noise impacts can be mitigated by implementing a typical work-day schedule, such as limiting heavy machinery use to between the hours of 7:00 a.m. and 5:00 p.m. Monday through Friday. While some elevated noise levels would be expected to occur in the vicinity of the proposed site, the overall impact on community noise levels is expected to be small, given that night games would not be played at this location and there are few sensitive receptors in the project's vicinity.

5.16 Traffic

5.16.1 Existing Conditions

The Subject Site is located in the Town of Neversink and is bordered by South Hill Road to the north and northeast, Coombe Road to the southeast and south and NYS Route 42 to the west. The speed limit at this location is 45 mph.

5.16.2 Potential Environmental Impacts

No Action Alternative

The No Action Alternative would not impact traffic volume.

Proposed Action
Short-term impact (5-12 months) to traffic would be anticipated during construction. The presence of construction and delivery vehicles is unavoidable; however, this impact would be short lived and all site construction activities would comply with Town ordinances that relate to operations on a construction site.

Access to the new facility and associated 102-space parking lot would be from a 24-foot wide access road off NYS Route 42, located at the southern end of the site. A stop sign would be installed to control traffic exiting the site. A 20-car parking lot with a separate entrance is proposed for later phases of development at the north end of the property. However, it may not be built due to limited sight distance at the exit onto NYS Route 42. Post-construction, the traffic volume would increase on roadways leading to the new facility during scheduled recreational games. During peak use (on weekday afternoon and evenings during April, May and June, before 8:00 pm), the Subgrantee anticipates no more than 75 added vehicle trips per hour. However, this increase is not expected to impact NYS Route 42 or other local roadways long term.

5.17 Infrastructure

5.17.1 Existing Conditions
The site is located east of the intersection of NYS Route 42 and Big Hollow Road in the Town of Neversink. All major utilities would be available to the project site location. The new facility would be expected to use existing infrastructure located on, to and from the project site. The site is served by a municipal waste water system with an 8" diameter sewer line along NYS Route 42 and has an on-site well for drinking water purposes.

5.17.2 Potential Impacts and Proposed Mitigation
No Action Alternative
The No Action Alternative would not impact existing infrastructure.

Proposed Action
The Proposed Action would have no significant impact on existing infrastructure. In order to tap into the existing municipal sewer, the Subgrantee would need to upgrade the existing sewage connection with a pump station. The sewage pump station would include duplex submersible grinder pumps, approx. ½ to 1 HP, in a 5' diameter concrete wetwell with automatic float controls and a high-level alarm. Discharge would be through a 2"-3" diameter force main pipe that would connect to the existing 4" diameter service pipe lateral that served former house on the property. This service pipe lateral is connected to an 8" diameter sewer line in Route 42. In addition, NYCDEP requires a permit for new sewer connections.

The drinking water well's current capacity is expected to meet the demands of the new use. The NYSDOH would likely require a Part 5 Drinking Water quality analysis on the well, which would include testing for organic and inorganic chemicals, microbiological organisms, vinyl chloride, MTBE's, turbidity, metals, etc.

5.18 Public Health and Safety

5.18.1 Existing Conditions

The Town of Neversink's public health and safety was negatively impacted by Hurricane Irene. The original City Field site experienced extensive flood damage and was rendered as unfit for its intended purpose.

5.18.2 Potential Impacts and Proposed Mitigation

No Action Alternative

The no-action alternative would have an adverse impact to the community's public health and safety because parts of the site were rendered unsafe, and the overall health benefits of recreational open space are diminished because of the loss of the athletic fields at the site.

Proposed Action

The overall public health and safety of the Town of Neversink would be positively impacted by providing a new facility that is outside of the floodplain and by providing the Town with its own recreational facility for use by the entire community. A community park would promote exercise and community activity for the Town's residents. Compliance with Federal, State and local safety standards and codes would be adhered to during construction activities and operation.

5.19 Climate Change

According to the EPA, climate change "…refers to any significant change in the measures of climate lasting for an extended period of time" (EPA, no date). This includes major variations in precipitation, sea surface temperatures and levels, atmospheric temperature, wind patterns and other variables resulting over several decades or longer. However, EPA identifies and regulates anthropogenic or human actions that may affect climate change. This is dubbed "abrupt climate change" which occurs over decades and distinguishes it from natural variability that occurs gradually over centuries or millennia. Embodied energy measures sustainability to account for the energy used by structures or to create materials. Another measure of sustainability is life-cycle or cradle-to-grave analysis which accounts for the extraction, manufacture, distribution, use, and disposal of materials. While resources exist to quantify embodied energy and life cycle analysis, the calculations were not prepared by the Subgrantee for the options presented in this EA.

5.19.1 Existing Conditions

Climate change could potentially increase temperatures in the northeast United States; could potentially cause more severe weather incidents to occur; and could potentially cause sea levels to rise.

5.19.2 Potential Impacts and Proposed Mitigation

None of the alternatives would impact or be significantly or uniquely impacted by climate change. The new facility would be constructed in accordance with the New York State Energy Code. The code specifies basic mandatory requirements for newly constructed buildings. Requirements apply to heating and cooling systems, hot water systems, electrical systems, construction materials, equipment specifications and building sealing and insulation. The New York State Energy Research and Development Authority and the Public Service Commission

promote compliance with Energy Star® and New York Energy Smart[sm] programs by construction firms, building management firms and homeowners that encourage the use of energy conserving appliances, materials, technologies and building techniques. The Subgrantee could consider design and material options to reduce future energy demand, as well as reduce use of non-renewable resources in accordance with the principles of Leadership in Energy and Environmental Design. For more information, visit the following websites:

- www.usgbc.org/leed/rating-systems/core-shell
- www.usgbc.org/resources/core-and-shell-v2009-checklist-xls
- www.nyserda.ny.gov/Energy-Efficiency-and-Renewable-Programs.aspx
- www.energystar.gov/index.cfm?c=pt_univ.eeps_sites_nyserda

5.20 Cumulative Impacts

Cumulative effects are defined by the Council on Environmental Quality (CEQ) as the impact on the environment resulting from the incremental impacts of the evaluated actions when combined with other past, present, and reasonably foreseeable future actions, regardless of the source, such as federal or non-federal. Cumulative impacts can result from individually minor but collectively significant actions taken over time. Table 1 summarized the potential environmental impacts of the No Action and Proposed Action alternatives. None of these alternatives would significantly adversely impact the environment due to the cumulative assessment of potential impacts. There are no known past or reasonably foreseeable future actions in the Project vicinity that would change the cumulative impact determination for the Proposed Action or that would be anticipated to cause a threshold to be exceeded in terms of cumulative impacts on the human environment.

6.0 Permits and Project Conditions

The Subgrantee is responsible to obtain all applicable federal, state and local permits for project implementation prior to construction, and to adhere to all permit conditions. The Subgrantee has already completed a New York State Environmental Quality Review Act (SEQRA) documentation process with forms provided in *Appendix B*. Any substantive change to the approved scope of work will require re-evaluation by FEMA for compliance with NEPA and other laws and executive orders. The Subgrantee must also adhere to the following conditions during project implementation. Failure to comply with these conditions may jeopardize federal funds:

1. The Subgrantee shall be responsible to complete the SEQR process and local land-use reviews in accordance with state and local regulations.
2. Excavated soil and waste materials will be managed and disposed of in accordance with applicable federal, state and local regulations.
3. The Subgrantee shall be responsible to comply with the NYSDEC State Pollutant Discharge Elimination System (SPDES) permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with NYSECL. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the Subgrantee shall provide NYSDHSES/FEMA a copy of the Stormwater Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent Form at grant project close-out or other time identified by NYSDHSES/FEMA per grant administrative documentation guidance

requirements. If an individual SPDES permit is determined to be required, the Subgrantee shall provide a copy of the obtained permit, as well as supporting SWPPP to NYSDHSES/FEMA at grant project close-out or other times identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements. For more information regarding SPDES, visit the following website: http://www.dec.ny.gov/chemical/43133.html. It is expected that the Subgrantee and its construction contractor(s) will conduct construction utilizing best management practices to limit noise, dust and sedimentation, and erosion during construction.

4. In the event that unmarked graves, burials, human remains or archaeological deposits are uncovered, the Subgrantee and its contractors will immediately halt construction activities in the vicinity of the discovery, secure the site and take reasonable measures to avoid or minimize harm to the finds. The Subgrantee will inform the NYSDHSES, SHPO and FEMA immediately. The Subgrantee must secure all archaeological findings and shall restrict access to the area. Work in sensitive areas may not resume until consultations are completed or until an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards determines the extent and historical significance of the discovery. Work may not resume at or around the delineated archaeological deposit until the Subgrantee is notified by NYSDHSES.
5. The construction, installation or development of any water supply shall be coordinated with the Sullivan County Health Department and/or the New York State Department of Health.
6. The construction and installation of the sanitary sewer connection will need to be coordinated with the NYCDEP and Town of Neversink.
7. The project area serves as potential summer roosting habitat for the listed endangered Indiana bat (*Myotis sodalis*) and the proposed to be listed Northern long-eared bat (*Myotis septentrionalis*). As a required conservation measure, the Subgrantee shall schedule the removal of trees that are greater than 3" diameter-at-breast-height during the following construction window: October 1st – March 31st.
8. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
9. Sullivan County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). Since this is an EAB quarantine county, any woody tree and shrub material to be removed for the proposed action is required to be chipped on site to chips of less than one inch in two dimensions or must not be transported whole outside the community in order to adhere with EO 13112 Invasive Species, Federal regulations at 7 CFR Parts 301.53-1 through 301.53-9 and state regulations at 1 NYCRR Part 141. Invasive insects can devastate the forests of the northeast and it is recommended that communities in the northeast treat or handle wood materials in place to minimize the spread of these non-native insects. For more information concerning this environmental stewardship requirement, visit USDA-APHIS, New York State Department of Agriculture and Markets, and other websites concerning EAB:
    - www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/
    - www.agriculture.ny.gov/PI/eab.html
    - www.nyis.info/?action=news_detail&event_id=306
10. It is recommended that the Subgrantee restore disturbed construction areas of the site with native seed and/or plant species to minimize soil erosion and sedimentation, as well as enhance environmental habitat quality of project area. It is recommended that disturbed soil

areas be planted with native plant material, as soon as practicable after exposure, to avoid or minimize growth of undesired and potentially invasive plant species that can potentially take hold without competition of native plant materials. Local landscape plant nurseries and soil conservation offices can assist with identification of suitable native plants for site location type. The following websites may also be useful to identification of native plant material for the proposed project site:

- http://plants.usda.gov/java/
- www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/
- www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml

7.0 Public Involvement

In accordance with NEPA, this Environmental Assessment (EA) will be released for a 30-day public review and comment period. Availability of the document for comment will be advertised in the *Tri-Valley Townsman*. A hard copy of the EA will be available for review at the Town of Neversink Town Hall at 273 Main Street, Grahamsville, NY 12740. An electronic copy of the EA is available for download from the FEMA website at http://www.fema.gov/resource-document-library. This EA reflects the evaluation and assessment of the federal government, the decision-maker for the federal action; however, FEMA will take into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation. The public is invited to submit written comments by mail to FEMA, Office of Environmental Planning & Historic Preservation, Leo O'Brien Federal Building, 11A Clinton Avenue, Suite 742, Albany, New York 12207, or E-mail to: *FEMA4020-4031Comment@fema.dhs.gov.*

The EA evaluation resulted in the identification of no unmitigated significant impacts to the human environment. Obtaining and implementing permit requirements along with appropriate best management practices would avoid or minimize potential adverse effects associated with the proposed alternative considered in this EA to below the level of a significant impact. If no substantive comments are received as a result of the public review and comment period, FEMA will adopt the EA as Final and issue the Finding of No Significant Impact (FONSI). If substantive comments are received, FEMA will evaluate and address comments as part of the FONSI or prepare a Final Environmental Assessment to document comments and responses and any changes to the proposed action in response to public involvement.

Copies of the EA will be sent to:

NYSDHSES
1220 Washington Avenue, Suite 101, Building 22
Albany, NY 12226-2251

NYSDEC Region 3
21 South Putt Corners Road,
New Paltz, NY 12561

The following parties will receive notice of the EA's availability for comment:

Mr. John Bonafide
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Jacob K. Javits Federal Building
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Chief Paula Pechonick
Delaware Tribe of Indians
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Bowler, WI 54416

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

NYCDEP
Attn: Watershed Protection
59-17 Junction Boulevard
13th Floor
Flushing, NY 11373

8.0 Conclusion

FEMA through NEPA, and the Subgrantee through the State Environmental Quality Review Act (SEQRA) process, have found that the Proposed Action to construct the Town of Neversink ball fields and town park at 7752 NYS Route 42, Grahamsville, which is the Subgrantee's preferred alternative, is a practicable alternative that would not significantly adversely impact the human environment. During the construction period, short-term impacts to transportation, air quality and noise are anticipated. Short-term impacts would be mitigated utilizing best management practices, such as silt fences, proper equipment maintenance, and appropriate signage. Environmental impacts of construction would also be minimized per adherence to any required Stormwater Pollution Prevention Plan (SWPPP) and compliance with building development requirements. The long-term environmental impacts to soils, topography and vegetation as a result of the new facility construction are outweighed by the positive impacts that the new recreational facility would have for the Town of Neversink and its community.

9.0 List of Preparers

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FEMA Region II, 26 Federal Plaza, New York, New York 10278

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