

FINDING OF NO SIGNIFICANT IMPACT

**Department of Homeland Security-Federal Emergency Management Agency
Fire Station Facility Construction Engine Company No. 7
City of Paterson, Passaic County, New York
EMW-2009-FC-01866**

BACKGROUND

The Department of Homeland Security-Federal Emergency Management Agency (DHS-FEMA) plans to provide federal funding to the City of Paterson for the construction of a new fire station at 290-296 McBride Avenue in Paterson, NJ. The proposed project would be funded through the American Recovery and Reinvestment Act (ARRA) and Assistance to Firefighters Station Construction Grant program (AFGSCG). The purpose of the program and project is to enhance response capabilities and protect the community from fire and fire-related hazards.

An Environmental Assessment (EA) was prepared by FEMA and the City of Paterson, to assess the proposed project's impacts on the human environment in accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations for implementing NEPA (44 CFR Parts 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance (44 CFR Part 10). Pursuant to the National Environmental Policy Act and 44 CFR Part 9, DHS-FEMA and the Paterson Fire Department (Grantee) evaluated alternatives to achieve enhanced response capabilities of the City of Paterson's Fire Department. Portions of the project site are within the 500-year flood zone of the Passaic River, as shown on the Passaic County Flood Insurance Rate Map (Panel Numbers 34031C0212F and 34031C0216F).

The described action will not result in any known significant adverse impacts to geology, hydrology, air quality, floodplains, wetlands, water quality, wildlife and fisheries habitat, vegetation, socioeconomics, public safety or transportation. The proposed alternatives have been reviewed, and to the best of our knowledge, do not have the potential for significant cumulative effects when combined with past, present or reasonably foreseeable future actions in the project area. The proposed project is anticipated to adversely affect Green Acres parkland and historic properties. Mitigation and site resource protection measures have been incorporated into project plans to avoid, minimize or mitigate adverse impacts. The facility, and its above ground utilities, will be elevated or floodproofed to at or above the Base Flood Elevation for the 500-Year flood zone to minimize future risk of flood damage.

A public notice was issued in the Herald News newspaper on May 22, 2012. The public comment period for the federal agency's EA was from May 22, 2012 to June 6, 2011. Public comment was received from the U.S. Fish and Wildlife Service-New Jersey Field Office recommending no tree or scrub/shrub removal between March 15th and July 31st, for the protection of nesting migratory bird species in accordance with the Migratory Bird Treaty Act.

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CONDITIONS

The City of Paterson Fire Department must meet these conditions as part of the project. Failure to comply with these conditions may jeopardize Federal funds:

1. The proposed new building must be elevated or flood-proofed to at or above the Base Flood Elevation for the 500-Year floodplain to comply with EO 11988, 44CFRPart 9 and to be consistent with the National Flood Insurance Program.
2. The Green Acres land to be converted from parkland to development must be mitigated through the NJDEP Diversion process. The grant applicant must accomplish the mitigation prior to grant close-out and provide FEMA with documentation of the completed mitigation.
3. The grant applicant must fulfill mitigation measures and site protection measures identified in the Memorandum of Agreement, dated June 7, 2012, to comply with Section 106 of the National Historic Preservation Act.
4. The grant applicant shall be responsible to obtain and comply with all applicable local, state and federal permits and other approvals.
5. Excavated soil and waste materials shall be managed and disposed of in accordance with applicable local, state and federal regulations. If contaminated materials are discovered during construction activities, the work will cease until the appropriate procedures and permits are implemented.
6. The grant applicant will follow applicable mitigation measures as identified in Section 7 of the Programmatic Environmental Assessment (PEA) for Grant Programs Directorate Project, dated July 2010, to the maximum extent possible.
7. In the event that unmarked graves, burials, human remains, or archaeological deposits are uncovered, the grant applicant 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 finding. The Grantee will inform FEMA immediately of the findings and FEMA will consult with the New Jersey State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) or appropriate Tribal official. Construction work cannot resume until FEMA completes consultation and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act and other applicable Federal and State regulations.”
8. It is recommended that removal of trees or shrubs from the site occur outside the window of March 15th to July 31st to protect nesting migratory bird species.

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FINDINGS

In accordance with NEPA and 44CFRPart10, based upon the findings of the EA and adherence to project conditions, FEMA has determined that the proposed action will have no significant adverse impact on the quality of the human environment. As a result of this Finding of No Significant Impact (FONSI), an Environmental Impact Statement will not be prepared and the proposed project as described in the EA may proceed. This FONSI serves as the final public notice for the proposed project.

APPROVED:



Megan Jadosich, PMP, CFM
Regional Environmental Officer
Federal Emergency Management Agency, Region II



Date