

FEMA
FINDING OF NO SIGNIFICANT IMPACT
NIAGARA ENGINE COMPANY NO. 6, INC. – FACILITY DIRECTED RELOCATION
PROJECT
VILLAGE OF SCHOHARIE, SCHOHARIE COUNTY, NEW YORK
4020-DR-NY

BACKGROUND

The Niagara Engine Company No. 6 (i.e., Subgrantee) has requested Federal financial assistance from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) to relocate its fire station operations from 133 Grand Street in the Village of Schoharie, Schoharie County, New York to the reconstructed new facility proposed location at 114 and 118 Fort Road in the Village of Schoharie. As a result of damages from high winds, rains, and flooding associated with Hurricane Irene during the incident period from August 26 to September 5, 2011, the President issued a major disaster declaration 4020-DR-NY that enabled FEMA to provide Public Assistance grant funds to assist the Grantee (New York State Division of Homeland Security and Emergency Services (NYSDHSES)) and eligible Subgrantees in their recovery from the disaster. The Subgrantee’s proposed project has been determined to be an eligible grant project in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Public Law 93-288, as amended, 42 U.S.C. 5121 et seq.).

The Subgrantee’s facility was destroyed during the disaster. The Subgrantee has been operating from a temporary facility at 114 Fort Road. The temporary facility is inadequate and unsafe for long-term occupancy. The temporary facility does not provide adequate space to house the fire trucks, equipment, and provide space for community functions such as dinners and other activities that are typically held at a fire station and were held at the prior fire station.

The Subgrantee considered two alternatives to restoration of a permanent facility to provide necessary fire services for the affected community, which are evaluated in the Environmental Assessment (EA): 1) No Action: no federal funding provided and continued operation out of the temporary facility; 2) Proposed Action: federal funding provided to demolish damaged facility, relocate and construct the new facility outside the 500-year floodplain. The No Action alternative was dismissed as the fire emergency services and community meeting space functions supported using the temporary facility would not fully restore pre-storm functions.

The Proposed Action would restore full emergency and community services. Additionally, the alternative incorporates flood damage risk reduction through relocation of the facility outside the 500-year floodplain. Initially, the Subgrantee sought an available site in the Village of Schoharie that was not located in the floodplain and contained a commercial building capable of allowing a 14-foot high overhead door. Based on a real estate search, no properties met these criteria. Furthermore, the Subgrantee was not able to locate vacant land suitable to construct a building that was not located in the floodplain. The property selected for the proposed new fire station is the only available property suitable for construction of a new fire station in the Village of Schoharie that is not within the 500-year floodplain.

An EA was prepared with the Subgrantee’s participation 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 § 1500 through 1508), and FEMA regulations for environmental consideration pertaining to NEPA

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compliance at 44 CFR Part 10. EO 11988 and 44 CFR Part 9 Eight-Step Decision-Making Process was incorporated into the EA to inform alternative analysis and determination of the practicable alternative to relocate the facility.

A public notice was issued in *The Times Journal* newspaper on March 19, 2014. During the 30-day public comment period, comments were received from the U.S. Army Corps of Engineers (USACE) and the New York State Historic Preservation Office (NYSHPO). The correspondence from each agency has been incorporated into the Final Environmental Assessment (FEA) and conditions of the proposed grant. USACE provided permit guidance (*See Condition #5*) and NYSHPO provided recommendations for construction and post-construction preservation measures (*See Condition #7*). No comments were received from the general public. The FEA will be made available on the FEMA website.

PROJECT DESCRIPTION & IMPACT SUMMARY

The Subgrantee proposes to purchase the tractor supply parcel at 114 Fort Road and the adjacent parcel at 118 Fort Road that contains a vacant single family residence, demolish the damaged facility and vacant home, and construct the 13,918 square foot new Niagara Engine No. 6 Fire Station on the 3.61 acre site with associated paved parking. The Proposed Action Alternative consists of continued use of the existing building at 114 Fort Road as a temporary facility until construction of new facility is completed. Proposed project elements also involve site grading, installation of a stormwater management system, installation of water and sewer service connections and landscaping.

FEMA undertook an independent review under Section 106 of the National Historic Preservation Act to clarify the location of the project site and identify potential adverse effects resulting from excavation in an archeologically sensitive area and demolition of structures that are 50 years old or older. FEMA has obtained concurrence from the New York State Historic Preservation Office (NYSHPO) that the project will have no adverse effects to historic properties with the condition that the area surrounding the one known archeological site in the project area be avoided and protected. During construction of the proposed facility, short-term impacts to soils, surface water, 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 the required Stormwater Pollution Prevention Plan (SWPPP) and conditions of issued permits.

CONDITIONS

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

1. The new facility must either be elevated to at/above the 500-year floodplain elevation, be floodproofed to at/above the 500-year floodplain elevation, or be located outside the 500-

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- year floodplain utilizing the Best Available Data for 500-year floodplain determination in accordance with the National Flood Insurance Program (NFIP) and 44 CFR Part 9. Reference Flood Insurance Rate Maps for Schoharie County effective April 2, 2004.
2. The Subgrantee shall be responsible to complete the State Environmental Quality Review (SEQR) process and local land-use reviews in accordance with state and local regulations.
 3. Excavated soil and waste materials will be managed and disposed of in accordance with applicable Federal, state, and local regulations.
 4. The Subgrantee shall be responsible to comply with the New York State Department of Environmental Conservation (NYSDEC) State Pollutant Discharge Elimination System (SPDES) permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with NYS Environmental Conservation Law. 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.
 5. The USACE may require a permit for the subject work that would place fill in a wetland. The work may be authorized by nationwide permit 39. The Subgrantee is responsible for obtaining all necessary permits and complying with all conditions of the permit including but not limited to notification and signature requirements to insure validation of permits. The project will likely qualify for a NYSDEC blanket Section 401 Water Quality Certification from the NYSDEC; a Joint Permit Application will be submitted to both agencies.
 6. The construction and installation of any sanitary sewer and/or septic tank and leach field would need to be coordinated with the Schoharie County Health Department.
 7. The National Register-eligible Niagara Prehistoric Site, Locus 1, is located in the southeast portion of the property and must be avoided and protected from any impact of the construction activities. NYSHPO recommended via correspondence dated April 10, 2014 that, during project construction, the Niagara Prehistoric Site Locus 1 be delineated and protected by appropriate construction fencing. This fencing should be installed by the project archaeologists with a minimum 25' buffer to ensure that the site is not damaged. NYSHPO further recommended that the site be placed into a state of permanent protection through the establishment of a protective easement or covenant.
 8. In the event that unmarked graves, burials, human remains, or archaeological deposits are

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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 NYSDHSES, NYSHPO 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 has been notified by NYSDHSES.

9. Schoharie County is currently identified as a quarantine zone for the invasive insect Emerald Ash Borer (EAB). Since this is a 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 not 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. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
11. 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

FINDINGS

In accordance with NEPA and 44 CFR § 10, 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

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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 BY:

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

April 25, 2014