

**FEMA**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**TOWN OF TICONDEROGA, CHILSON WATER TRANSMISSION MAIN**  
**FACILITY HAZARD MITIGATION RELOCATION PROJECT**  
**TOWN OF TICONDEROGA, ESSEX COUNTY, NEW YORK**  
**4020-DR-NY**

**BACKGROUND**

The Town of Ticonderoga (Subgrantee) has requested Federal financial assistance from the U.S. Department of Homeland Security – Federal Emergency Management Agency (FEMA) to relocate the Ticonderoga Chilson Water Transmission Main from its route within Chilson Brook in the Town of Ticonderoga, Essex County, New York, to a new route that largely follows the right-of-way of NYS Route 74 in the Town of Ticonderoga. As a result of damages from heavy 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 and Hazard Mitigation 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 FEMA Public Assistance Subgrant Application reference number is 4020-DR-NY-06009.

The Subgrantee’s facility was damaged during the disaster and had sustained repetitive damage in previous events. The Subgrantee completed temporary repairs to the water main to return service immediately after the storm; however, these temporary repairs are not intended to be a permanent solution and the water main would likely be damaged again in a future flood event.

The Subgrantee considered three alternatives to restoration of a permanent facility to provide safe and reliable water service to the affected community, which are evaluated in the Environmental Assessment (EA): 1) No Action: no federal funding provided and continued operation of the existing water main with temporary repairs; 2) Alternative Action I: federal funding provided to construct a new water main located predominantly within the right-of-way of NYS Route 74, abandoning the existing facility in place; and 3) Alternative Action II: federal funding provided to construct a new water main located predominantly along the right-of-way of Old Chilson Road, abandoning the existing facility in place. The No Action alternative was dismissed as it would leave the facility within Chilson Brook, where it is susceptible to future damage that would subject the town to risk of water delivery disruptions and potential adverse public health and safety impacts. Alternative II was dismissed although it was a viable alternative, because the additional 2,458 linear feet of pipe would result in increased construction, operation, and maintenance costs in comparison to the Alternative I. Alternative I, the Proposed Action, would fully restore water service to the community and provide a permanent solution for safe and reliable water supply. Additionally, this alternative incorporates flood damage risk reduction through relocation of the facility predominantly outside the 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 (40 CFR Parts 1500-

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1508), and FEMA regulations for environmental consideration pertaining to NEPA compliance at 44 CFR Part 10. An Eight-Step Decision-Making Process in accordance with Executive Order (EO) 11988 Floodplain Management and 44 CFR Part 9 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 of Ti* newspaper on July 5, 2014 to notify the public of the thirty-day public review and comment period. The EA was posted to the FEMA website and a hard copy of the EA was made available for public review at the Town of Ticonderoga, Community Center Building, Office of Sue Huestis, Water/Sewer Clerk at 132 Montcalm Street, Ticonderoga, New York 12883. No comments were received during the 30-day public comment period.

**PROJECT DESCRIPTION & IMPACT SUMMARY**

The Subgrantee proposes to reroute the Chilson Water Transmission Main out of Chilson Brook, relocating it predominantly along the NYS Route 74 right-of-way. The existing water main will be capped and abandoned in place; although sections may be removed if they conflict with the new construction. The Proposed Action consists of 5,533 linear feet of 12" diameter ductile iron pipe installed through traditional trenching methods. The western terminus would be at the Chilson Reservoir site at 253 Old Chilson Road. The line would travel north from the reservoir and cross the Chilson Brook Valley on town-owned property, paralleling an existing overhead power line corridor, before proceeding in a northerly direction and continuing to the south side of Chilson Middle Road. From that point it would continue eastward, following the south side of the NYS Route 74 shoulder and right-of-way, until reaching the eastern terminus at the existing main where it crosses the highway near the intersection of Race Track Road. Areas disturbed for trenching activities will be regraded and seeded to match previous conditions.

As the project is located in an archeologically sensitive area, a Phase I Cultural Resources Survey was completed for the proposed project to determine the potential for the presence of intact, in-situ cultural material within the Area of Potential Effects (APE). Much of the APE was found to be previously disturbed, and no archaeological deposits were identified through the survey. FEMA has obtained concurrence from the New York State Historic Preservation Office (NYSHPO) that the project will not affect historic properties and has concluded consultation under Section 106 of the National Historic Preservation Act. During construction of the proposed facility, short-term impacts to soils, vegetation, water resources, wetlands, floodplain, traffic, air quality, aesthetics, and noise are anticipated. Short-term impacts would be mitigated utilizing best management practices, such as silt fences, site restoration, 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.

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**CONDITIONS**

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

1. 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.
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 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.
4. Construction plans must be coordinated with the NYS Department of Health and should follow the “10 States Standards” for public water supply (2012). The Subgrantee is responsible for obtaining any applicable permits.
5. The United States Army Corps of Engineers (USACE) may require a permit for the subject work that would involve stream and wetland disturbance. The work may be authorized by a nationwide permit 12. The project will likely require an Article 15 permit from NYSDEC for stream disturbance, excavation and fill in navigable waters, and freshwater wetlands. A Joint Permit Application has been submitted to both agencies. In addition, a general permit may be required from the NYS Adirondack Park Agency (APA) for regulated activities in freshwater wetlands. The Subgrantee is responsible for obtaining all necessary permits and complying with all conditions of the permits including but not limited to notification and signature requirements to ensure validation of permits. The Subgrantee must provide copies of applicable permits, permit notices and/or authorizations to NYSDHSES/FEMA at grant project close-out or at other times identified by NYSDHSES/FEMA per grant administrative documentation guidance requirements.

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6. 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 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.
7. Occupational Safety and Health Administration (OSHA) standards shall be followed during construction to avoid adverse impacts to worker health and safety.
8. Tree removal can only be conducted between November 1 and March 31 to avoid the roosting period of the Indiana bat and the Northern long-eared bat. In addition, the removal of standing trees (live or dead) greater than or equal to 4 inches diameter at breast height with loose bark should be avoided as much as possible and bright colored flagging or fencing should designate the trees to be removed prior to construction activities to differentiate them from protected trees. NYSDEC also suggests limiting tree clearing and any disturbance of rocky outcrops and talus piles with solar exposure to the period between late October and mid-March in order to minimize potential impacts to the Eastern small-footed bat.
9. 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/](http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/plantsanimals/plants/)
  - [www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml](http://www.fs.fed.us/wildflowers/nativeplantmaterials/rightmaterials.shtml)
10. The Subgrantee must not initiate construction activities until fifteen (15) days after the date that the Finding of No Significant Impact (FONSI) has been signed as "APPROVED." The FONSI serves as the final project notice and per 44 CFR 9.12, the public has an opportunity to provide comment for a period of fifteen days from the date of the final notice and prior to construction implementation.

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**FINDINGS**

In accordance with NEPA and 44 CFR Part 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 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

August 5, 2014