

**FEMA**  
**FINDING OF NO SIGNIFICANT IMPACT**  
**Cobleskill Water Supply Protection**  
**Schoharie County**  
**FEMA-4085-DR-NY**

**BACKGROUND**

On October 29, 2012, Hurricane Sandy caused storm damage to several areas across the state of New York. President Barack Obama declared Hurricane Sandy a major disaster on October 30, 2012. The declaration authorized the Federal Emergency Management Agency (FEMA) to provide assistance to the state per federal disaster declaration DR-4085-NY and in accordance with Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 United States Code [USC] 5170c), as amended; the Sandy Recovery Improvement Act of 2013; and the accompanying Disaster Relief Appropriations Act of 2013. The Village of Cobleskill, the subrecipient, has applied to FEMA's Hazard Mitigation Grant Program (HMGP) for financial assistance to construct repairs and improvements to the Village water supply reservoirs that serve the Village of Cobleskill and portions of the Towns of Richmondville and Cobleskill, and which are located in the Town of Cobleskill, Schoharie County, New York. The New York State (NYS) Division of Homeland Security and Emergency Services (DHSES) is the recipient partner for the proposed action.

This Environmental Assessment (EA) has been prepared in accordance with Section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended; and the Council on Environmental Quality (CEQ) Regulations for Implementation of NEPA (40 Code of Federal Regulations [CFR] Parts 1500 to 1508). The purpose of the EA is to analyze the potential environmental impacts of the proposed project and alternatives, including a no action alternative, and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). In accordance with above referenced regulations and FEMA's regulations for NEPA compliance found at 44 CFR Part 10, FEMA is required, during decision making, to fully evaluate and consider the environmental consequences of major federal actions it funds or undertakes.

**PROJECT DESCRIPTION**

The Proposed Alternative consists of the rehabilitation of both the Dow and Smith Reservoirs and is wholly contained within lands owned by the subrecipient. The rehabilitation work would entail improvements to bring the two dams into compliance with current NYSDEC regulations and would be designed to provide spillway capacity capable of passing the design flood, which is 50 percent of the Probable Maximum Flood (PMF), without over-topping the dam embankments. PMF is the largest flood that could conceivably occur at a particular location. Generally, it is not physically or economically possible to provide complete protection against this event; therefore, dams are designed to handle 50 percent of the PMF. Accumulated sediments would be removed to restore reservoir capacity.

**SUMMARY OF POTENTIAL IMPACTS AND MITIGATION**

There would be a minor effect on soils and topography due to construction, and there would be no effect on geology. Construction would result in minor, short-term, adverse impacts related to noise and traffic, but these would be minimized through adherence to local regulations. During construction, excavation and

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ground disturbance could encounter hazardous materials resulting in negligible, short-term, adverse impacts. Construction activity would result in emissions of air pollutants and greenhouse gases, but emissions would be temporary and, by implementing best management practices (BMP), impacts on air quality and climate change would be negligible and there would be no long-term effects on air quality.

Water quality, floodplains, and wetlands would be affected through sedimentation and erosion resulting from ground disturbing activities during construction that would be minimized with the use of BMPs. There would be no construction-related effects on wetlands. There would be a long term beneficial impact on water quality from flood and storm protection. There would be no effect on the sole source aquifers that underlie Schoharie County.

There would be minor, short-term, adverse impacts on vegetation, fish, and wildlife, from construction activity and noise and the potential removal of some vegetation. Construction would have no effect on threatened or endangered species or designated critical habitats and migratory birds. Long-term improvements in mitigation of flooding would result in minor, beneficial effects on vegetation, fish, and wildlife.

There would be a no impact on archaeologically sensitive resources due to ground disturbance associated with construction because the area is not located near these resources. There would also be no adverse impact on architectural resources due to no historic properties or structures in the project site.

The project area contains low income and minority populations and although there would be minor, short-term, adverse, construction-related impacts, there would be no potential for disproportionately high impacts on environmental justice communities. The project would result in long term beneficial effects for entire project area, including minority and low-income populations, through flood mitigation. Operation could result in a temporary negligible short-term impact on water utilities from construction but would have a long-term moderate impact through water supply protection. Overall, there would be long-term beneficial effects on public services and public health and safety through reduction of potential flooding.

## **PUBLIC INVOLVEMENT**

An electronic copy of the EA was made available by email request and for download at <http://www.schohariecounty-ny.gov/CountyWebSite/villcob/>. The public was invited to submit written comments by mail to: FEMA Region II – DR-4085-NY, 26 Federal Plaza, New York, NY 10278 Attn: EHP – Cobleskill Water Supply Project EA Comments, or: [FEMA-4085-Comment@fema.dhs.gov](mailto:FEMA-4085-Comment@fema.dhs.gov).

This EA reflects the evaluation and assessment of the federal government, the decision maker for the federal action; however, FEMA has taken into consideration any substantive comments received during the public review period to inform the final decision regarding grant approval and project implementation.

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**PERMITS & PROJECT CONDITIONS**

The subrecipient is responsible for obtaining all applicable federal, state, and local permits and other authorizations for project implementation prior to construction and for adherence to all permit conditions. Any substantive change to the approved scope of work would require re-evaluations by FEMA for compliance with NEPA and other laws and EOs. The subrecipient must also adhere to the following conditions during project implementation. Failure to comply with grant conditions may jeopardize federal funding:

1. The subrecipient shall be responsible to comply with the NYSDEC SPDES permit for stormwater discharge from construction activity or other applicable SPDES permit, in accordance with NYSDEC regulations. If the NYSDEC General Permit for Stormwater Discharges is determined to cover the proposed action, the subrecipient shall provide DHSES/FEMA a copy of the SWPPP and a copy of the Notice of Intent Form at grant project close-out or other time identified by DHSES/FEMA per grant administrative documentation guidance requirements. If an individual SPDES permit is determined to be required, the subrecipient shall provide a copy of the obtained permit, as well as supporting SWPPP to DHSES/FEMA at grant project close-out or other times identified by DHSES/FEMA per grant administrative documentation guidance requirements. For more information regarding SPDES, visit the following website: <http://www.dec.ny.gov/chemical/43133.html>.
2. Construction vehicles and non-road construction equipment will comply with applicable standards and use ultra-low sulfur diesel fuel, as required by EPA regulations. The use of BMPs, including dust control, will be applied during construction to help minimize air quality impacts.
3. The work may be authorized by a general CWA permit or a nationwide CWA permit; however, USACE and NYSDEC may require an individual CWA permit(s) for the subject work if general and nationwide permits do not cover the work. The subrecipient 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 would likely qualify for a NYSDEC blanket Section 401 Water Quality Certification for USACE and Article 15 from the NYSDEC; a Joint Permit Application will be submitted to both agencies.
4. Disposal of dredged sediments on uplands within the project area shall employ best management practices to remove excess water from the dredge spoils and to prevent such water from carrying suspended fine sediments and other contaminants to wetlands and streams downstream of the disposal site. The subrecipient will submit an application for a BUD for the disposal of the material. Additional testing and monitoring of the material will likely be required in order to ensure contamination levels meet the requirements for the selected disposal site. BMPs might include measures such as filter fabric barriers, construction of infiltration swales, or the use of dewatering tanks to remove excess water from the dredge spoils before disposal on the adjacent land.
5. The subrecipient will 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

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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)
6. Fish habitat protection, including possible fish relocation, will comply with all NYSDEC permitting requirements.
  7. Schoharie 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 and 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. 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/](http://www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/)
    - [www.agriculture.ny.gov/PI/eab.html](http://www.agriculture.ny.gov/PI/eab.html)
    - [www.nyis.info/?action=news\\_detail&event\\_id=306](http://www.nyis.info/?action=news_detail&event_id=306)
  8. Threatened or endangered species and bald eagles are not likely to be found in the area of the proposed project site. There will be no effect on Northern long-eared bats. No trees suitable for roosting long-eared bats or for perching bald eagles will be disturbed. As a result, pursuant to Section 7(a)(4) of the ESA, Bald and Golden Eagle Protection Act, and implementing regulations at 50 CFR §402.02 and 50CFR §402.10, FEMA has determined that the proposed action would have no effect on endangered or threatened species or Bald eagles, or destroy or adversely modify designated critical habitat. If any threatened or endangered species or Bald eagles are found in the project area, work will cease and consultation with USFWS and other appropriate agencies will be conducted.
  9. Removal of trees and shrubs will occur outside of the bird breeding season between April 1 and August 15.
  10. BMPs would be used to minimize noise levels by ensuring that construction equipment uses the manufacturer's standard noise control devices to comply with EPA and OSHA requirements. If noise levels exceed typical levels described above on a permanent or prolonged basis, outreach to EPA and OSHA would be required to assess noise.
  11. Any previously unidentified hazardous waste, shall be managed and disposed of in accordance with applicable federal, state, and local regulations. Solid waste haulers shall be required to have an NYSDEC hazardous waste hauler permit and all waste shall be disposed of or processed at an NYSDEC permitted facility.

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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 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:**

John Dawson

\_\_\_\_\_, 2016

FEMA Region II Regional Environmental Officer Representative

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